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PROJECT PROPOSAL

ON A

AFGHANISTAN RECONSTRUCTION TRUST FUND

IN THE AMOUNT OF
US\$27.75 MILLION (EQUIVALENT)

AND A

PROPOSED GRANT IN THE AMOUNT OF SDR 1.03 MILLION
(US\$1.3 MILLION EQUIVALENT)

TO

THE ISLAMIC REPUBLIC OF AFGHANISTAN

FOR A

JUSTICE SECTOR REFORM PROJECT (PHASE I)

May 28, 2008

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Afghanistan Reconstruction Trust Fund Project Proposal

Afghanistan Justice Sector Reform Project (Phase 1)

Applicant	The Islamic Republic of Afghanistan
Brief Description	A project to enhance the capacity of the Afghan justice institutions to deliver legal services. Investment and technical assistance provided under the project are intended to strengthen human capital and physical infrastructure management, augment the skills of justice sector professionals, and enhance the physical infrastructure used to deliver legal services. The project is also intended to empower the Afghan people through legal aid and education on legal rights and obligations. This is the first ARTF-funded project proposal intended to support the implementation of the National Justice Sector Strategy (NJSS) and the National Justice Program (NJP). The aim of this first project (Phase 1) is to implement a set of quick impact sub-projects, visible to the Afghan people, while also preparing a foundation for a subsequent more robust and longer term ARTF-supported project (Phase 2).
Project Development Objective	To strengthen the centralized state justice system in Afghanistan and increase access to justice for the Afghan people.
Performance Indicators	<ol style="list-style-type: none"> 1. The number of improved justice facilities. 2. The number of people who receive legal services. 3. The number of qualified and properly trained justice professionals. 4. The number of legal professionals with increased access to adequate legal reference materials. 5. The extent of legal advice and representation provided by the state's legal aid program. 6. The number of community leaders and other Afghan people reached through the legal awareness initiatives. 7. Improved capacity of legal institutions to manage their human resources and assets. 8. Progress in human resource reforms to lay the foundations for increasing salaries.
Sector	Justice (BG)
Location	Kabul City, provinces and districts in Afghanistan, to be identified
Total Project Cost	\$27.75 million ARTF financing
Amount Requested for ARTF MC Approval	\$27.75 million
Implementing Agencies	The Supreme Court of Afghanistan The Afghan Ministry of Justice The Afghan Attorney General's Office
Implementing Period	Two years
Implementation Arrangements	The project will be implemented by a Program Oversight Committee, Program Support Unit, and a Project Unit in each implementing agency.
Contact for further information	Dr. Abdul Kamawi, The Supreme Court of Afghanistan Mr. Mohammed Hashemi, The Afghan Ministry of Justice Dr. Samaadi, The Afghan Attorney General's Office
Reviewed and Cleared by the Administrator	Loan Department; Legal Department; Country Management

TABLE OF SELECTED ACRONYMS & ABBREVIATIONS

AGO	Attorney General’s Office of Afghanistan
ANDS	Afghanistan National Development Strategy
ARTF	Afghanistan Reconstruction Trust Found
ARDS-PU	Afghanistan Reconstruction and Development Services- Procurement Unit
CNTF	Counter Narcotics Trust Fund
DA	Designated Account
DAB	Da Afghanistan Bank (Central Bank)
ESMF	Environmental and Safeguards Management Framework
FDD	Focused District Development
FM	Financial Management
FMA	Financial Management Agent
GoA	Government of Afghanistan
HRM	Human Resource Management
IBRD	International Bank for Reconstruction and Development
ICGJR	International Coordination Group for Justice Reform
ICT	Information and Communication Technology
IDA	International Development Association (or the Association)
INLTC	Independent National Legal Training Center
LOTFA	Law and Order Trust Fund
M&E	Monitoring and Evaluation
MoE	Ministry of Economy of Afghanistan
MoJ	Ministry of Justice of Afghanistan
NJP	National Justice Program
NJSS	National Justice Sector Strategy
NSP	National Solidarity Program
PACBP	Public Administration Capacity Building Project
PAR	Public Administration Reforms
PFM	Public Finance Management
PEFA	Public Expenditure and Financial Accountability
PJCM	Provincial Justice Coordination Mechanism (UNAMA)
PRR	Priority Reform and Restructuring program
POC	Program Oversight Committee
PSU	Program Support Unit
PU	Project Unit
QER	Quality Enhancement Review
SDU	Special Disbursement Unit
SOE	Statement of Expenses
SC	Supreme Court of Afghanistan
SDU	Special Disbursement Unit
TA	Technical Assistance
UNAMA	United Nations Assistance Mission in Afghanistan

Table of Contents

I.	STRATEGIC CONTEXT AND RATIONALE	4
	A. Key Development Issues.....	4
	B. Rationale for ARTF Involvement	6
II.	PROJECT DESCRIPTION	6
	A. Project Development Objectives.....	6
	B. Strategic Choices.....	7
	C. Project Components	8
	D. Project Cost by Components.....	10
	E. Relationship to Other Programs	10
III.	IMPLEMENTATION	12
	A. Institutional Arrangements.....	12
	B. Procurement	13
	C. Financial Management.....	13
	D. Monitoring and Reporting.....	15
	E. Sustainability and Risks	16
	F. Social and Environmental Issues.....	18
IV.	Annex 1 Sector Background.....	19
V.	Annex 2 Detailed Project Description	23
VI.	Annex 3 Project Cost by Component for ARTF Proposed Funding	29
VII.	Annex 4 Implementation Arrangements.....	32
VIII.	Annex 5 Financial Management.....	35
IX.	Annex 6 Procurement Arrangements.....	46
X.	Annex 7 Monitoring and Evaluation	63
XI.	Annex 8 Summary of Donor Engagements.....	66
XII.	Annex 9 Social and Environmental Safeguards.....	75
XIII.	Annex 10 Letters of Endorsement	80

I. STRATEGIC CONTEXT AND RATIONALE

A. Key Development Issues

1. Afghanistan continues to struggle to overcome the legacy of almost three decades of war and civil strife. Its political context remains complex and dominated by the cross-border Taliban insurgency, increasing narcotics production, and weak governance and rule of law.

2. Its economy has continued to recover strongly in recent years, marked by strong fiscal discipline and declining inflation, but the political and economic situation remains very fragile, especially in view of the tense, and in some areas deteriorating, security situation. By the time the Taliban government fell in 2001, the Afghan political system had largely collapsed. While many of the formal structures and some of the traditional practices of public administration remained in place, they lack human, financial and physical resources, as well as up to date know how. Since then, the Government of Afghanistan (GoA) has faced enormous challenges in restoring security, taking charge of running the country, building consensus across various political factions and rebuilding the capacity of the state. In this challenging context, significant progress has been made in restoring institutions of governance, but more is urgently needed. Corruption continues to threaten the initial gains in government capacity and effectiveness, and encourages a culture of patronage and involvement in illegal activities, damaging the credibility of the state.

Justice Sector

3. In recent years, the GoA has taken bold steps, assisted by the international community, to rehabilitate the justice system and improve the delivery of legal services. Pursuant to initiatives supported by the international donor community, hundreds of judges, prosecutors, *Huqquq* officers and other officials have received substantive legal training; new courts and office facilities have been built; a new manual case management system has been tested for the courts; business operations, especially in the central justice institutions – the Supreme Court (SC), Ministry of Justice (MoJ) and Attorney General’s Office (AGO) – continue to be more closely aligned with current needs; and a number of NGOs have worked to provide legal assistance to the poor and disadvantaged to deal with their day-to-day challenges.

4. Given its direct relationship to GoA priority interests such as security and economic development, justice sector initiatives initially focused on criminal justice, including the corrections system. In recent years, the focus of government and donor efforts has widened considerably to include work on other aspects of the justice system. Donors such as US AID, for example, have provided significant support for court administration and for legislative drafting capacity. Italy, the United States and Germany, among others, have supported legal education and training for legislative drafters, judges, prosecutors, public defenders, law professors and law students. Further examples include the provision of training by the UN Office on Drugs and Crime (UNODC) on juvenile justice, and the European Commission (EC)’s support for implementation of the Priority Reform and Restructuring (PRR) program, and other Human Resource Management (HRM) reforms, at each of the justice institutions. There has also been research and training on aspects of Afghan law such as human rights, women’s rights and matrimonial law. There is much ongoing work on the development of professional standards in the justice sector, on building a national legal aid system and on the promotion of legal

awareness. Technical support, including office management, computer and database training, and the rehabilitation and construction of infrastructure has been provided to the justice institutions. Legal libraries have been established and new reference materials produced. There have also been a range of justice sector conferences, seminars, studies and assessments (see Annex 8 for a full list of justice sector project supported by donors).

5. One of the particular challenges in the Afghan legal system is the need to reconcile and connect state law, sharia law and customary law so as to establish a unified legal system that is consistent with Islamic standards, human rights standards and Afghan legal traditions. Currently, the state courts and the traditional community-based *jirgas* and *shuras* work largely in isolation of each other. The GoA aims to build a unified justice system that will rely on formal institutions, while integrating the functions of the traditional mechanisms of dispute resolution. At this early stage, the priority is to strengthen the state justice institutions. At the same time, the GoA is, and the permanent justice institutions in particular are, developing policies toward embracing the potential of traditional justice systems.

6. Much work remains to be done in relation to the formal justice sector. Working conditions for those in the sector remain very poor. Judges, prosecutors, and civil servants working in the justice sector are paid less than a third of what is considered to be a living wage; they often do not have sufficient training or access to laws and other legal materials to advise on, apply or enforce state laws; and they often feel isolated from the central government and lacking the personal security necessary to reach independent decisions in local communities. All of these factors make them more susceptible to corruption, which according to popular perception is widespread in the justice sector. Court houses and offices are frequently either non-existent or badly dilapidated. Where they do exist, they often lack basic equipment such as desks, chairs, and often, even pens and paper. Many legal professionals also lack access to transportation to attend courts and offices in remote areas, of which there are many in Afghanistan. All these things undermine their efforts to deliver legal services to Afghan citizens.

7. Citizens themselves lack confidence in the formal justice institutions and regard them as slow, ineffective and often corrupt. Access to courts and legal assistance are rights enshrined in the Afghan constitution, but they are rights that are very difficult for the majority of Afghans, particularly women, to realize. Public awareness of legal rights is very low, legal information is very difficult to access, and the majority of people cannot afford court fees or the transportation costs for attending court. It follows that one of the biggest challenges of building the Afghan state is to establish the legitimacy of the formal justice system.

National Justice Sector Development Program

8. In January 2006, the GoA and the international community agreed on specific development goals and deadlines for their achievement, including in the justice sector, in the *Afghanistan Compact*. These goals, along with others based on the strategies produced by the Supreme Court (SC), Ministry of Justice (MoJ) and Attorney General's Office (AGO) in April 2007, have now been incorporated into a *National Justice Sector Strategy* (NJSS). The NJSS is intended to be a statement of high level objectives, and is accompanied by a *National Justice Program* (NJP). The NJP is an implementation plan designed to achieve the objectives set out in the NJSS. Drafts of the NJSS and NJP are currently at an advanced stage, and once finalized, will form part of the GoA's *Afghanistan National Development Strategy* (ANDS).

9. According to the NJSS, GoA's vision is "*an Islamic society in which an impartial and independent justice system delivers safety and security for life, religion, property, family and reputation, with respect for liberty, equality before the law and access to justice for all.*" The NJSS aims to realize this vision by undertaking a range of activities unified under three goals: (i) improved quality of justice; (ii) improved integrity, performance and infrastructure; and (iii) improved coordination and integration within the justice system, with other government institutions and civil society.

10. The proposed project is fully consistent with the NJSS and the NJP objectives and priorities, and is designed to coordinate with and build on past and ongoing projects implemented by the GoA and international donors (see Annex 1 for more details).

B. Rationale for ARTF Involvement

11. As GoA and the international donor community agreed at the *2007 Rome Conference on the Rule of Law in Afghanistan* (convened by Afghanistan and Italy and jointly chaired by the United Nations) there is an urgent need to improve the coordination, integration and funding of investments in the Afghan justice sector. As part of their Joint Recommendations, the Rome Conference participants agreed to elaborate a comprehensive National Justice Program and establish a pooled funding mechanism to support it. The Conference invited the World Bank to assist in the design of the pooled funding mechanism and noted that the ARTF showed the most potential as a funding mechanism.

12. The implementation of the NJSS and the NJP is a long term process which will require continuing support through a number of programs and projects, only some of which will be financed by the ARTF. It is hoped that the use of the ARTF, as a significant source of pooled funding, will facilitate a coordinated approach among international donors in the justice sector, reduce duplication, minimize transaction costs, and so significantly increase the development impact of donor contributions in this sector.

13. At the same time, some justice sector programs and projects will continue to be supported by bilateral donors or other multilateral trust funds, e.g. the Counter Narcotics Trust Fund and the Law and Order Trust Fund. The various programs and projects are drawn together under the objectives and priorities of the NJSS, and the NJP.

II. PROJECT DESCRIPTION

A. Project Development Objectives

14. In line with the ANDS and NJSS, the project's development objective is to strengthen a centralized state justice system and to increase access to justice for the Afghan people. The project's immediate objective is to enhance the capacity of the justice sector institutions to

deliver legal services. This will be achieved primarily through more strategic human capital and physical infrastructure management, increasing the skills of justice sector professionals, and enhancing the physical infrastructure used to deliver legal services.

15. The guiding principles which underlie this project are: (i) to facilitate a shift from *ad hoc* initiatives to more systemic, structural reforms owned by the Afghan justice sector institutions; (ii) to establish justice sector centers of excellence (strategically located justice sector facilities, serving as models for replication and enabling measurement of the cumulative effects of reforms); (iii) to meet infrastructure needs as part of a comprehensive program of institutional reform; (iv) to strengthen self-governing structures in the justice sector to promote professional competence and integrity and fight corruption; (v) to build sustainable institutional capacity and (vi) to promote the design and implementation of measures that recognize the additional challenges faced by the most vulnerable sections of the Afghan population including women, children and those with disabilities, including the promotion of gender equality and human rights.

16. The project's progress will be measured against: (i) the number of improved facilities; (ii) the number of people who receive legal services in these facilities; (iii) the number of qualified and properly trained justice professionals; (iv) the number of legal professionals with increased access to adequate legal reference materials; (v) the extent of legal advice and representation provided by the state's legal aid program; (vi) the number of community leaders and ordinary Afghan people reached through the public awareness initiatives; (vii) the increase in the capacity of legal institutions to manage their human resources and assets; and (viii) progress in human resource reforms to lay the foundations for increasing salaries. See also the Monitoring & Evaluation Framework proposed in Annex 7.

17. The baseline data to measure project progress against the above indicators, and the project monitoring and evaluation arrangements, will be agreed upon at the beginning of project implementation. Measures to enhance the capacity of the justice institutions, and the project implementation structure, to establish baseline data and to conduct monitoring and evaluation will also be considered.

B. Strategic Choices

18. This is the first ARTF-funded project proposal intended to form part of the NJP. The aim of this first project (Phase 1) is to implement a set of quick impact sub-projects, visible to the Afghan people, while also preparing a foundation for a subsequent more robust and longer term ARTF-supported project (Phase 2). The scope of activities in Phase 1 is deliberately limited, in view of the need to establish the implementation structure, to build procurement capacity in the institutions, to assimilate baseline data and to operate in an uncertain security environment. Phase 2 activities will address more complex challenges under the same development objectives. This incremental approach is intended to enable the swift delivery of tangible benefits that will work to build trust and confidence in the GoA and the justice institutions, and capitalize on the political momentum, both domestically and internationally, for justice sector reform.

19. Preparation of Phase 2 will begin during or immediately after the implementation of Phase 1. Phase 2 will be designed to be consistent with, and where appropriate, to continue, Phase 1 activities. It is anticipated that Phase 2 will: continue to support initiatives instigated in

Phase 1 such as HRM reforms and training; implement the construction of infrastructure, the designs of which will be reviewed and procurement undertaken as part of the Phase 1 project; continue to provide information and communication technology (ICT) support; continue to support legal aid and legal awareness initiatives and their roll out to additional provinces; and, additionally, address some more complex issues such as possibilities for integration of the informal justice system, the establishment of agreed standards for the recruitment, training and performance evaluation of justice sector professionals and the standardization of legal education. The GoA will prepare Phase 2 in close consultation with international donors, and the Bank will appraise the project design. Preparation work may start as early as September 2008.

C. Project Components

20. The project will have three components: (i) Enhancing Capacity of Justice Sector Institutions; (ii) Empowering the People; and (iii) Strengthening Implementation Capacity.

(i) Enhancing Capacity of Justice Sector Institutions (US\$23.6 million)

21. The objective of this component is to enhance the basic operations of the justice institutions. The target group comprises judges, prosecutors and other justice sector officials, some of whom, by the end of the project, should be able to work under substantially better conditions and possess greater skills related to the resolution of legal disputes. The eventual beneficiaries of this component will be the people of Afghanistan who receive better services in form of legal dispute resolution.

22. The component has three subcomponents: (a) human capital; (b) physical infrastructure; and (c) information and communication technology.

(a) *Human Capital*. This subcomponent will finance technical assistance (TA) for the first stages of Human Resource Management (HRM) reforms for judges and prosecutors as well as the continuation of civil service reforms for support staff. These reforms are intended to form the basis for salary increases in the justice sector¹ and to be consistent with the steps taken under the Priority Reform and Restructuring (PRR) program in other ministries. The specific reforms required as a basis for pay increases will be discussed and agreed with the justice institutions--and in consultation with the donor community--early on in the project implementation period. This subcomponent will also support the development of legal libraries, a review of HRM procedures, legal forms, training courses and professional gatherings. A conference of international legal professionals, including those from countries with Islamic legal systems, and their Afghan counterparts will be organized to encourage an open discussion of the development of Afghanistan's domestic law.

HRM reforms and training initiatives will continue to be supported in follow up phases/projects (see Section II.E below). The reforms will target increased productivity (through increased workforce specialization and skill development), and more strategic and integrated court management. Follow up projects will also continue supporting the

¹ Salary increases are not funded under this project. They will be funded by donor contributions to the ARTF recurrent window, on successful implementation of the HRM and associated reforms under this and/or follow up projects.

development of legal documents, publications and other materials. They will aim to capitalize on the results of professional gatherings and strengthen self-governing elements (e.g. professional associations) of the justice sector. This should contribute to the independence of judges and legal professionals.

(b) *Physical Infrastructure.* With the investment and TA provided under this subcomponent, the GoA will establish a Capital Investment Plan, other investment plans and facility design standards, including standards for model justice centers; prepare for and begin to implement construction and repair of court and office facilities and judges' residences; equip new and existing courts and offices; and provide transportation for justice sector officials. Capacity to manage physical assets will also be supported to sustain the progress achieved under this subcomponent.

The new facilities (with the exception of the AGO Headquarters) will be constructed during a second follow up project (see Section II.E below). Follow up projects will support the rehabilitation, construction and equipping of other facilities according to the plans and standards developed during the initial phase. An overriding objective will be to align assets, buildings and management to the business needs of the sector including, for example, geographical caseload and demand for services.

(c) *Information and Communication Technology.* The third subcomponent will finance an assessment of the need for ICT in the central legal and provincial justice institutions and provide for the networks and hardware needs identified. ICT support will continue under the follow up projects, in line with the assessments and plans developed during this first project.

(ii) Empowering People (US\$2.4 million)

22. The objective of this component is to empower the Afghan people through legal aid and education. The target group for this component is community leaders as well as the wider population, especially those in the most economically vulnerable sections of the Afghan population, together with legal aid providers. Policy makers will also benefit from activities forming part of this component. The component is divided into two subcomponents: (a) legal aid; and (b) legal awareness.

(a) *Legal Aid.* By financing investment (under sub-component (i)(b)) and TA for the operation of some five to ten legal aid offices around the country, this component will support basic legal aid (in the form of information, counseling and representation) for eligible individuals, with a focus on women and children. In addition to providing services to eligible clients, the legal aid offices will collect and analyze data about the demand for and supply of legal services. Using these analyses, the legal offices will assist the MoJ and the Legal Aid Council² in developing national legal aid policy and the associated regulations. If successful, the project will be rolled out to additional provinces under follow up projects in coordination with other legal aid initiatives implemented under bilateral and other projects. (see Section II.E below).

² The MOJ and Legal Aid Council, as well as creation of additional legal aid offices, are supported by bilateral projects.

(b) *Legal Awareness*. This subcomponent will support public confidence in the state justice system, as well as knowledge and understanding of legal rights and obligations under civil (including family), commercial and criminal laws. TA undertaken by a Legal Awareness unit, within the MoJ, will focus on awareness raising, first, among community leaders, and then, with the help of legal professionals, among the general public. Nanganhar Province, comprising 21 districts, has been selected by the MoJ to pilot this activity. The legal awareness campaign will, to the extent possible and appropriate, be coordinated with related programs, such as the Ministry of Interior’s Focused District Development program, bilateral projects and with the legal aid subcomponent of this project. If successful, the project will be rolled out to other provinces as part of a follow up project (see Section II.E below).

(iii) Strengthening Implementation Capacity (US\$1.75 million)

23. The ultimate objective of this component is to build implementation capacity within the justice institutions so that they will, in time, be able to implement reforms and other activities without significant additional assistance. The immediate objective of this component is to facilitate effective implementation of the NJSS, NJP and the project. With TA provided under this component, the government will establish and operate NJP management infrastructure which will also be responsible for the management of the ARTF project. The management functions will be shared among: a Program Oversight Committee (POC), a Program Support Unit (PSU), and a project unit (PU) in each of the implementing agencies. The POC will work closely with the Board of Donors (BoD) which will advise the POC on strategic direction and reform challenges. The project will finance local and international consultants to assist the PSU and PU. It will also finance the costs associated with operating the implementation units (see also Annex 2).

D. Project Costs by Component

		US\$ million
A	Strengthening Capacity of Legal Institutions to Deliver Legal Services	23.60
1	<i>Human Capital</i>	5.25
2	<i>Physical Infrastructure</i>	16.9
3	<i>Information and Communication Technology</i>	1.45
B	Empowering the People	2.40
1	<i>Legal Aid</i>	1.80
2	<i>Legal Awareness Campaign</i>	0.60
C	Strengthening Implementation Capacity	1.75
Total Project Cost*		27.75

* total including physical and price contingencies

E. Relationship to Other Programs

24. As a rule, even before comprehensive data is available on existing and proposed bilateral and other projects in the justice sector, the PSU will undertake a stock-taking and bench-marking exercise before launching new activities. This will ensure that activities proposed under this project will not duplicate work already done in the sector and will benefit from lessons learned and best practice information.

25. Activities under this project relate to the wider public administration reforms (PAR) being supported by international donors and the Bank. The PAR's objectives are to: build an effective civil service; improve local governance and service delivery; and make government accountable to the people. The PRR has been the principal vehicle for restructuring and rationalizing government agencies. The key elements of PRR are functional reviews, merit-based appointments, and pay and grading reforms that include significantly increased salaries.

26. Within the PAR, the MoJ and seven of its regional offices underwent a functional review and redesign of job descriptions. In March 2007, the MoJ reached PRR stage two with 1,815 job positions approved and 850 merit-based appointments. The SC and AGO have not, until recently, sought to participate in PRR. In December 2007, the SC and one court in Kabul launched their version of PRR for court staff. Early in 2008, the AGO decided to take a similar approach. Both the SC and AGO have expressed their commitment to initiate similar reforms for judges and prosecutors. The special case of judges and to a similar extent, prosecutors, whose independence from executive influence must be guaranteed, justifies a special reform track such as the SC and the AGO has proposed. Close coordination between these HRM reform processes in the justice institutions and with the Civil Service Commission is essential.

27. Justice sector reforms in Afghanistan have been supported by a wide range of programs and projects funded and implemented by various bilateral donors and multilateral trust funds, e.g. the Counter Narcotics Trust Fund (CNTF) and the Law and Order Trust Fund (LOTFA). The various projects are increasingly being drawn together under the objectives and priorities of the NJSS, and the NJP envisions that this multi-strand funding structure will continue in the future. Such an approach is required in the justice sector because significant funding sources are restricted in the scope of the activities they are authorized to support. The ARTF, given the restrictions in the Bank's Articles of Agreement, is not authorized to fund activities related to security and therefore, cannot fund activities directly related to prisons. LOTFA funds, on the other hand, are intended for activities directly related to police and other law enforcement agencies, and the CNTF is authorized to support activities directly related to the reduction of illegal drug production.

28. This project has been designed to capitalize on and complement the full range of projects that are active in the areas of HRM, education and training, physical infrastructure, ICT and legal aid and legal awareness. Examples include the Independent National Legal Training Centre (INLTC) project, whose major donors include Italy and the US; the development of legal libraries and training materials supported, for example, by USAID and UNODC; the Focused District Development program, run by the Afghan Ministry of the Interior with the support of the US military (CSTC) and the US Department of State; the legal aid projects being pursued by Canadian International Development Agency (CIDA) and the EC; and the regional training programs for community leaders and prosecutors run under the auspices of the JSSP (supported by the US State Department) (see Annex 5 for further details of donor activities in the justice sector).

29. The project will also explore possible collaboration with the National Solidarity Program (NSP), supported by the Bank and other donors and implemented by the Ministry of Rural Rehabilitation and Development. The aim would be to build links between legal empowerment and common needs of poor communities, including access to resources, markets and services.

Legal awareness and legal aid initiatives have the potential to build on the effectiveness of the NSP by opening vertical pathways for the poor to effectively claim and protect their rights, and to resolve disputes both in terms of NSP-related disputes and broader local tensions. Possible linkages with other projects will also be explored early on in the project implementation period.

III. IMPLEMENTATION

A. Institutional Arrangements

30. The NJP implementation structure will assist the GoA to manage this project and will over time, as the implementing institutions further develop their capacity, work to transition implementation functions to the institutions themselves. The structure includes a Program Oversight Committee (POC); Board of Donors (BoD); Program Support Unit (PSU); and Project Units (PU) in the implementing institutions – the SC, the MOJ, and the AGO. The POC is composed of the Afghan Chief Justice, Minister of Justice, Attorney General and Minister of Finance. The GoA³ may select and appoint additional members of the POC and its chairman.

31. The POC is responsible for the overall policy, strategic planning and management of this project, and the coordination of the implementation of the project within the National Justice Program and other development programs. Responsibilities of the POC other than those directly related to this project are as set out in the NJP.⁴ Specific responsibilities of the POC, which relate to this project, also include establishment of the PSU. From the time of project effectiveness until the PSU is created (by end July 2008), the POC will be responsible for project management. The POC will work closely with a Board of Donors and other stakeholders, supporting the justice sector reforms. The POC and the Board of Donors will meet on a quarterly basis to discuss project progress.

32. The PSU will be responsible for effective execution of the project in compliance with the ARTF Grant Agreement. It will serve as POC secretariat and will be responsible for the day-to-day management and implementation of this project including financial management, procurement, progress reporting and monitoring, and technical oversight of the implementation of activities under the Project. The PSU will also coordinate and monitor the implementation of the NJSS and NJP.

33. The PSU will include: (i) a director, appointed by and reporting to the POC; (ii) a program coordinator, responsible for the coordination and monitoring and evaluation of NJSS and NJP; and (iii) a staff of about four senior local and/or regional experts in fields such as construction and facilities management, HRM, education and training, ICT, legal aid and informal justice; and (iv) two or three junior assistants. Two regional and/or international experts in procurement and financial management will further assist the director and the team. The program coordinator and other staff will be hired on a competitive basis by the POC, in accordance with the World Bank's guidelines for the hiring consultants. These staff will report to

³ The authority in charge of appointing the chair of the POC will be determined by the time of project effectiveness.

⁴ The form and responsibilities of the implementation structure is set out in Chapter 4 C of NJP.

the Project Director. The operating costs of the PSU, as well as the costs of the salaries of the PSU team, will be financed by the ARTF Grant.

34. The PSU will work closely with PUs established in the SC, the MOJ, and the AGO. Each PU will be led by each institution's head of administration, who will be supported by an assistant. The assistant will be funded by the ARTF. Each PU will further include a staff responsible for the tasks to be supported by the project such as physical infrastructure, HRM and training, legal aid and ICT. The PU will be a key vehicle for the transfer of the know-how generated through the project from the PSU to the institutions. The role of each PU will be to facilitate smooth cooperation between its respective institution and the PSU. The PUs will meet on a regular basis with the PSU director to identify and resolve issues arising from the implementation of the program and the project. Specific responsibilities of each PU will include cooperation on organizing procurement (e.g. assisting in setting technical specifications, terms of reference and qualification requirements of prospective contractors) and securing provision of timely inputs to implement project activities (e.g. selection of pilot locations and construction sites). A detailed description of the implementation structure and operational procedures will be included in the project operational manual, which will be issued within four months of the appointment of the project director (see also Annex 4).

B. Procurement

35. Procurement for the proposed project will be carried out in accordance with the Bank's Guidelines: *Procurement under IBRD Loans and IDA Credits* May 2004, , Guidelines: *Selection and Employment of Consultants by World Bank Borrowers* May 2004, and the provisions stipulated in the Grant Agreement. For contracts to be financed by the Grant, the different procurement methods or consultant selection methods, the need for pre-qualification, estimated costs, prior review requirements, and time frame are agreed between the Recipient and the Bank team and reflected in the Procurement Plan. The Procurement Plan will be updated at least every six months or based on actual project implementation needs and improvements in institutional capacity. The International Development Association-led procurement team has found that procurement capacity in the implementing agencies is weak and that they have not implemented any donor-assisted project. Therefore, it is recommended to seek the assistance of the Afghanistan Reconstruction and Development Services (ARDS) – PU in the Ministry of Economy (MoE) as mandated by GoA. In addition the PSU will be supported by a procurement specialist. The detailed procurement plan is attached as Annex 6.

C. Financial Management

Financial Management, Disbursement and Audit Arrangements

36. A Public Finance Management (PFM) performance rating system has been recently developed for Afghanistan by the Public Expenditure and Financial Accountability (PEFA) multi-agency partnership program, which includes the Bank, International Monetary Fund, European Commission, and other agencies. Afghanistan's ratings against the PFM performance indicators portray a public sector where financial resources are, by and large, being used for their intended purposes as authorized by a budget that is processed with transparency and has contributed to aggregate fiscal discipline.

37. Financial management and audit functions for the proposed project will be undertaken through the agents contracted under the Public Administration Capacity Building project. This is the primary instrument for continuing to strengthen the fiduciary measures put in place for ensuring transparency and accountability of funds provided by the Bank and other donors. Under these contracts, two advisers—Financial Management and Audit—are responsible for working with the government and line ministries to carry out these core functions. The Financial Management Agent (FMA) is responsible for helping the MoF maintain the accounts for all public expenditures, including IDA-financed projects and for building capacity within the government offices for these functions.

38. At the project level, the PSU will perform the key financial management functions for the implementing entities – SC MoJ, and AGO. As an interim measure until the time the PSU is fully established and staffed, the project will use the services of ARDS – PU in MoE to handle the initial activities for the project. The financial management capacity of MoE has been assessed for this purpose and found satisfactory by IDA. IDA will carry out an assessment subsequently of the PSU and its financial management arrangements once it is established.

39. The PSU will utilize an accounting system to maintain relevant accounting records and generate required periodic reports on the project activities. Quarterly Financial Monitoring Reports will be prepared by the PSU. Consolidated project reports will be prepared, reviewed, and approved by the MoF, supported by the FMA.

40. A Designated Account (DA) will be opened at Da Afghanistan Bank (DAB, the Central Bank) or in a local commercial bank in the name of the project on terms and conditions satisfactory to IDA. The DA will be maintained by the MoF. Withdrawal applications for replenishment will be submitted monthly. Financial management arrangements for the project are detailed in Annex 5.

Fund Flows

41. Fund management for the Project will follow existing procedures. As with all public expenditure, all payments under the project will be routed through MoF. The FMA will assist the MoF in executing and recording project payments. In keeping with current practices for other projects in Afghanistan, the DA will be operated by the Special Disbursement Unit (SDU) in the Treasury Department MoF. Requests for payments from DA funds will be made to the SDU by PSU. In addition to payments from DA funds, the PSU can also request the SDU to make direct payments to consultants, consulting firms or suppliers, and special commitments for contracts covered by letters of credit. Such requests will follow Bank procedures. All withdrawal applications to IDA, including replenishment, reimbursement, and direct payment applications, will be prepared and submitted by MoF.

Accounting and Reporting

42. A Financial Management Manual will be prepared by the PSU, within three months of its establishment, documenting the financial management arrangements for the project. The manual will outline guidelines for project activities and establish a project financial management system

in accordance with standard Afghan government policies and procedures. This will include use of the Chart of Accounts developed by the FMA to record project expenditures. Project accounts will be consolidated centrally in MoF, through the SDU and supported by the FMA. Consolidated Project Financial Statements will be prepared for all sources and uses of project expenditures.

Disbursement Method

43. Disbursements from the grant will be transaction-based, with replenishment, reimbursement, direct payment, and payments under Special Commitments including full documentation or against statements of expenditures, as appropriate.

Audit of Project Funds

44. The Auditor General, supported by the Audit Agent, is responsible for auditing the accounts of all IDA-financed projects, it will also be responsible for this project's audit. Annual audited project financial statements will be submitted within six months of the close of GoA's fiscal year.

E. Monitoring and Reporting

45. The POC will report on the NJP to the Cabinet of Ministers, and to the ANDS Oversight Committee in accordance with the ANDS and NJP requirements. On a quarterly basis, the POC will discuss the NJP and project progress with the Board of Donors. Project progress will also be reported to the ARTF Management Committee at six monthly intervals.

46. The quarterly reports, including Financial Monitoring Reports, will form the basis of the project monitoring and supervision by the Bank. The reports will include sources and uses of funds, physical progress and the status of procurement activities. The compilation of the reports will be the responsibility of the PSU and PUs. The project will also be monitored through studies/surveys, expert assessment, and collection of empirical data.

47. The PSU under the POC, supported by the consultants, will be responsible for overall monitoring and reporting to ARTF (at six monthly intervals). The project will also be monitored through supervision, progress reports, studies/surveys, expert assessment, and empirical data. In addition, each of the components aims at improving the GoA's capacity to manage particular functions based on empirical data. For instance, the Project will assist the GoA in establishing a performance monitoring and evaluation system that will enhance the human resources, asset management and legal aid program. These systems will become an integral part of the project's monitoring and evaluation arrangements.

48. The Monitoring and Evaluation (M&E) frameworks have been developed to guide the progress assessments. The frameworks are annexed to the main program and project documents (see also Annex 7). Following the guidance of the NJP and the Grant Agreement, the PSU and PU will update the frameworks within four months of the appointment of the Project Director.

F. Sustainability and Risks

49. The factors that are critical to the sustainability (and/or attainability) of the project objectives are: (i) security; (ii) institutional capacity; (iii) commitment and support for HRM reforms; (iv) coordination; (v) the availability of empirical data to support the reform design and monitor its progress; and (vi) corruption. The overall implementation risk rating is “Substantial”.

Risks and Risk-mitigation Measures

Risks	Mitigation measures	Risk Rating with Mitigation
Security		
The political and security situation in Afghanistan remains volatile. This may interfere with development and reconstruction efforts.	The project design is flexible enough to be able to react and adjust to realities.	Substantial
Institutional Capacity		
1) Weak capacity of the implementing agencies (SC, MOJ, AGO) and their regional offices; 2) Weak capacity of the private sector to execute construction and ICT projects	The project will fill capacity gaps by using experienced international/regional/national consultants. In addition, the project supports capacity building in the implementing institutions. Close cooperation and coordination with other donors who rely heavily on international assistance should also help to address this weakness. Finally, with respect to procurement, the justice sector institutions, at least at the initial stage of the project will work closely with the Ministry of Economy.	Substantial
Commitment to Reforms		
Some of the reforms, e.g. HR reforms for judges and prosecutors, may disturb political alliances (in the long term) and might thus be perceived as a political threat. Recent withdrawal of two laws on civil service reform from the Parliament illustrates importance of the commitment to this reform.	Improved competence of workforce in justice sector is <i>conditio sine qua non</i> for strengthening the rule of law. A combination of “hard reforms” with reforms which have strong support from the leadership and its constituencies (such as building physical infrastructure and increase of salaries at the end of the reform process) should help to gain the support for and ownership of the full range of reforms.	High
Coordination		
(i) Justice Sector		
The justice sector is composed of three separate institutions whose interests sometimes compete. The need to preserve institutional independence of judicial and prosecutorial systems translates into a tendency to seek separation from mainstream sector reforms (e.g. seeking a separate facility, institution, and process from that used in the rest of the public and or justice sector). These trends reduce returns on the reform investments.	Through TA the project will increase the understanding of the concepts of independence and accountability. The TA provided under the project should result in more transparent and better informed managerial decisions.	Medium

(ii) Donors		
Justice sector reform has been supported by a large number of development partners with different priorities and approaches. Although donor coordination has improved in recent years, the legacy of patchy and inconsistent reform interventions will be hard to overcome.	The NJSS and NJP represent a consensus on the key reform directions and priorities. The implementation structure, mainly the PSU which will have dual responsibilities to implement this project and to coordinate all other reform efforts, will reduce the risks of overlaps and reform inconsistencies. In addition, there are other donors' coordinating mechanisms (e.g. ICGJR, PJCM) in place to address the issue of insufficient coordination.	Medium
Design & Lack of Empirical Data		
By any standard, existing information metrics about the Afghanistan JS are not yet sufficient to inform the management about decision-making, designing the project, and/or monitoring its progress during the execution phase. This may reflect on the adequacy of the project design.	The challenge will be addressed through the relative flexibility of the design which should allow for necessary adjustments. The project component includes collection of necessary data and analytical work which should help to make informed decisions about the project.	Substantial
Implementation Arrangement & Capacity		
Implementing agencies have very limited capacity for the procurement and financial management that will be necessary to implement the project activities. They do not have experience implementing the World Bank Procurement Guidelines and associated procedures.	The PSU will assist the implementing agencies with the procurement and financial management, and other aspects, involved in implementing the project. In the interim period before the PSU is established, MoE will assist the implementing agencies with procurement and financial management.	High
Corruption		
<p>1) <i>Judicial Corruption.</i> Reportedly corruption is wide spread in the justice sector. Corruption erodes confidence in the system and undermines its already fragile legitimacy. A corrupt justice sector cannot deliver service (including its oversight over other branches of the government); nor can it prosecute corruption committed by others.</p> <p>2) <i>Corruption at the project level.</i> The project management responsibilities will assist the institutions' implementation capacity. A lack of understanding of existing procurement and FM practices impose the risk. Corruption is inherent especially in construction component. Here, a lack of an overall framework for quality assurance, e.g., local municipality inspections and permitting requirements</p>	<p>1) Through its activities, the project will increase transparency and accountability in the justice sector. For instance, by HRM management reform, the project will reduce corruption associated with hiring of judges, prosecutors and others. This reform is also a precondition for salary increases, which are themselves seen as one of the most important anticorruption measures. The project's legal empowerment component should also increase the ability of people to execute public control over officials, including judges and prosecutors.</p> <p>2) Strong management structure, transparent procedures, information sharing, and close cooperation with larger constituencies (especially with donors), and intensive supervision of the project should mitigate the risk. Additional financial controls and audits can help with the corruption issue. Further, onsite inspections by the PSU or government staff will be necessary.</p>	High

increase the risk of corruption.		
Overall		S

Risk rating: H=high risk; S=substantial risk; M=modest risk; L=low risk

G. SOCIAL AND ENVIRONMENTAL ISSUES

50. The physical infrastructure component of the project will trigger OP/BP 4.12, although the planned rehabilitation and construction activities of court and office facilities and judges' residences primarily will be on existing government land, and no major land acquisition is expected. The Environmental and Safeguards Management Framework, followed by other ongoing/planned projects in Afghanistan, specifies the procedures to be followed in case of Land Acquisition and will be adapted to the present project, where all sub-projects may not be identified at appraisal

Sector Background

1. Afghanistan has undergone a political transformation since 2001, but notwithstanding a wide range of important achievements, the normalization of political culture still has a long way to go. The need for long-term engagement in Afghanistan has been recognized by the international community and was endorsed at a high-level conference held in London in January 2006 which provided a forum to launch the “post-Bonn” agenda. A significant feature of this agenda is the *Afghanistan Compact* which provides twenty-seven benchmarks to be achieved within the next five years. The benchmarks for the Compact were drawn from the Government’s Interim Afghan National Development Strategy (IANDS). The IANDS, completed in January 2006, is built around three pillars: (i) security; (ii) governance, rule of law and human rights; and, (iii) economic and social development. The strategy provides a vision of development based on private-sector-led growth supported by a lean state, which uses the budget as its key policy instrument and aid coordination tool. The development of the full ANDS is now at an advanced stage, and advanced drafts of the strategy are currently being reviewed by the GoA and the donor community.
2. Building institutions that can provide security and services to the Afghan people, while protecting their rights, has been at the heart of the reconstruction effort since 2001. The links between effective justice institutions – capable of delivering a range of legal services to the Afghan people – and economic growth, private sector development, poverty reduction, reduced dependence on the drug economy and the delivery of public services, are widely recognized. In recent years, there have been several high profile achievements related to governance. In January 2004, Afghanistan adopted a new Constitution. Afghans participated in elections for the first democratically elected president in December of the same year. Elections for the *Wolesi Jirga* (the lower house of the National Assembly) and for provincial councils took place in September 2005.
3. Over the same period, Afghanistan's economy continued to recover strongly, marked by strong fiscal discipline and declining inflation. Despite these achievements, however, the situation remains very fragile, especially in view of the tense, and in some areas deteriorating, security situation. The country has not emerged fully from its state of conflict. At this point, there are great pressures on the justice institutions to deliver services requiring significant increases in their management and implementation capacity. In the context of enormous needs, weak capacity and increasing insecurity in many areas, a sense of frustration is emerging at the ability of the government to make these institutions relevant, and capable of delivering tangible benefits, to the Afghan people.
4. Currently, Afghanistan does not have a uniform legal system. In practice, justice institutions apply and enforce sharia law and customary rules irrespective of relevant state law. Informal institutions, such as *jirgas* or *shuras*, continue to play an important role in resolving disputes, prosecuting crimes, and enforcing contracts, but often without regard to the constitution or the internationally accepted human rights standards to which Afghanistan is bound. Women and children, in particular, are often unable to access appropriate protection within the informal justice enforcement system. The formal justice sector principally operates under the authority of three institutions: the Supreme Court, the Ministry of Justice and the Attorney General Office.

Legal education, currently provided by state universities, in law and sharia faculties respectively, and in *madrasas*, is also an important influence on the operation of the justice sector.

The Supreme Court

5. The jurisdiction (criminal, civil, commercial and administrative) of the Afghan courts is governed by the 2004 Constitution and the 2005 Law of the Organization and Authority of the Courts of the Islamic Republic of Afghanistan. The Supreme Court (*Stera Mahkama*) is Afghanistan's highest judicial organ, and the judicial branch as a whole is, according to the constitution, "an independent organ of the state". The Supreme Court is the final court of appeal and has the authority to interpret the Constitution and review the constitutionality of legal instruments. It is also charged with the administration and oversight of the lower courts, the Appeal Courts and the Primary Courts (Urban and District Primary Courts). It is thus responsible for the administration of a court system which comprises 34 Appeal Courts (one in each Afghan province) and some 408 Primary Courts. In total, it employs over 6,100 people, including around 1,700 judges (some of whom are administrators and do not hear cases), judicial advisors and court clerks.

6. The Supreme Court itself is comprised of the Chief Justice and eight associate justices who serve ten-year non renewable terms of office. By statute, the Supreme Court High Council is vested with the responsibility for judicial administrative policy development and dissemination, and for "taking appropriate measures for enhancing the knowledge and experiences of judges." The General Administrative Office of the Judiciary is responsible for the implementation of Supreme Court High Council policies and all other judicial administrative matters.

The Ministry of Justice

7. The MoJ has a broad mandate. Among the important functions it incorporates are: drafting and publication of legislation (the *Taqnin*), mediation and enforcement of judgments (the *Huqquq*); legal protection of government assets (the Government Cases Department); overseeing the prisons (the Central Prisons Department); and the Juvenile Rehabilitation Department. It is also responsible for raising legal awareness and legal aid; providing legal advice to the government; registering political parties and social organizations; and licensing lawyers. Recently, the MOJ has become a focal point for promoting the enforcement of human rights. The MoJ has around 1,400 professional civilian staff, and offices and facilities in provincial centers and in all 365 districts. The Central Prisons Department, responsibility for which was transferred to the MoJ from the Ministry of the Interior in 2003, has about 3,600 personnel (95% military personnel) and is the largest department of the MoJ. The Advocates Law requires the MoJ to assist with the establishment of an independent bar association and ensure the availability of legal aid to indigent defendants in criminal cases. Key challenges for the MoJ include human resource management reforms; instigating institutionalized and structured training; raising legal awareness and providing effective legal aid for indigent litigants, in particular defendants in criminal cases; and constructing or rehabilitating the office and transportation necessary for effective operations around the country.

The Attorney General's Office

8. The Attorney General's Office is part of the executive branch but is "independent" in its functions (Article 134, 2004 Constitution). It is charged with the investigation and prosecution of crime. The AGO comprises approximately 4,500 staff in total, including over 2,500 prosecutors. Prosecutors investigate crimes, and direct the police work involved in the investigation. The AGO's Judiciary Department is responsible for determining whether an indictment should be filed with the court so as to instigate a prosecution. The Attorney General is responsible for the administration of the AGO, which has offices in the 34 provinces and in more than 300 districts. The AGO has special divisions to investigate and prosecute particular crimes including national security, corruption and financial offences.

Key Challenges

9. The real challenge for the justice sector as a whole will be to build legitimacy and relevance in the eyes of the Afghan people. As described above, historically, the centralized justice system has been no more than peripherally relevant to the lives of most Afghans. The GoA and donors agree that, to be successful, the reconstruction of the Afghanistan legal system has to proceed in an integrated and an all embracing manner. It is a reform necessity to bring the key justice institutions under the control of the state, and equip them so they can effectively function in their prescribed roles. This project therefore focuses on building the capacity of the centralized state justice institutions. The particular challenges in this regard are described below.

Human Capital

10. There remains a dearth of human capacity in the justice sector institutions. By GoA's own estimation, only 40% of judges and, in the provinces, only 20% of prosecutors, have a university education. Legal professionals often have neither sufficient training nor access to the basic reference materials required to apply state law or shariah law. Some 36% of judges report that they have no access to statutes; 55% say that they have no access to textbooks; and around 80% say that they have no access to Supreme Court decisions or to professional support from mentors. Judges, prosecutors and other justice officials earn an average of around \$80/month. This is less than a living wage and quite insufficient to attract, retain and motivate skilled professionals. Justice professionals also often feel isolated from the central government and lacking the personal security necessary to reach independent decisions in local communities. Independence and impartiality of legal professionals – judges, prosecutors and court personnel – is essential to the proper functioning of justice institutions, but as yet, the justice sector lacks a mechanism for ensuring the accountability, and the ethical conduct, of legal professionals. There is little sense of professional status or pride among Afghan legal professionals, and their individual loyalties are often based on patronage rather than a commitment to uphold the law or the integrity of their profession. Furthermore, HR management in the justice institutions fails to ensure merit-based recruitment, merit-based advancement, the promotion of ethical standards or the provision of training to judges and prosecutors necessary to address the system wide lack of fundamental legal competencies.

Physical Infrastructure and Information and Communication Technology

11. Lack of appropriate infrastructure and ICT continues to be a significant problem. In many parts of the country, court houses and prosecutors offices are either non-existent or badly dilapidated. Where they do exist, they often lack basic equipment such as desks and chairs, and often, even pens and paper. This should be considered against research studies which suggest that good physical working conditions are among the most powerful performance incentives for legal professionals. Proximity to court facilities is also one factor in assessing the public's access to justice. Many legal professionals lack access to transportation to attend courts and offices in remote areas, of which there are many in Afghanistan. All these things undermine the justice institutions' efforts to deliver legal services to citizens, and must be addressed in order to set the justice system on its feet.

Access to Justice and Legal Awareness

12. Citizens themselves lack confidence in the formal justice institutions and regard them as slow, ineffective and often corrupt. Public awareness of legal rights is very low, legal information is very difficult to access, and the majority of people cannot afford court fees or the transportation costs for attending court. This should be set against a background of research which suggests the vast majority of civil disputes can normally be resolved simply by the provision of legal advice, long before they come before a court. Access to courts and legal assistance is a right protected by the Afghan constitution, but it is a right that is very difficult for the majority of Afghans, and particularly for women, to realize. This is particularly critical in criminal matters, where the availability of representation makes it more likely that an individual's detention will be swiftly reviewed and his case heard before he or she has had to spend months on remand. Thus, the ability of Afghan people to help themselves by accessing legal advice and representation must be addressed.

National Justice Sector Strategy and Program

13. While donors and partners have been active in the justice sector, assistance has been characterized by poor coordination and inadequate funding. Greater coordination of development initiatives in the justice sector is thus sorely needed. In late 2006, donors established the International Coordination Group for Justice Reform (ICGJR) in Kabul. Currently, as agreed at the Rome Conference, the UNAMA Provincial Justice Coordination Mechanism (PJCM) is also being set up to rationalize internationally funded justice sector projects, but more needs to be done.

14. This project is designed to directly support the achievement of a range of the outcomes stated in Section VII of the NJP, the most prominent of which include: (i) the organizational restructuring and design of the justice institutions; (ii) pay and grading reforms leading to improved salaries, benefits and work conditions; (iii) recruitment standards, including standards related to the academic and vocational qualifications of new staff; (iv) a functioning legal aid system; (v) the dissemination of laws to justice sector institutions and to the public; (vi) effective public awareness campaigns to improve victims', witnesses', defendants' and the public's knowledge of their rights and responsibilities, and access to justice; (vii) professional development opportunities for justice sector professionals; (viii) a prioritized and sequenced infrastructure development plan with standardized designs; and (ix) functioning institutions of justice in provinces, including the construction or rehabilitation of certain offices and courts.

Detailed Project Description

1. The project has two main components. First, “Enhancing Capacity of Legal Institutions” and second, “Empowering the People”. The project also has a third Implementation Capacity component, which is designed to ensure smooth implementation of the project.

(i) Enhancing Capacity of Justice Institutions (\$23.6 million)

2. The objective of this component is to enhance and/or enable the basic operations of justice institutions by investing in the skills of justice sector professionals and officials, and improving their working conditions. The component has three subcomponents: (a) human capital; (b) physical infrastructure; and (c) information and communication technology. These will, to a large extent, build on, complement and/or expand on ongoing GoA and donor activities.

(a) Human Capital (\$5.25 million)

3. The reforms under this subcomponent seek to: (i) increase strategic alignment of human resource management (HRM) functions, capacity, and processes with justice sector business needs; (ii) intensify learning and training of the workforce; (iii) encourage professional affiliations; and (iv) provide the decision-makers (legal professionals) with opportunities to exchange experiences and views on subjects relevant to the development of a legal system in Afghanistan. These reforms will also seek to increase the employment of, and/or the equal treatment of, women and those with physical disabilities.

Human Resource Management Reform (\$1.75 million)

4. This subcomponent will finance technical assistance (TA) in the form of consultant services; study tours; and training to the SC and AGO to carry out HRM reforms for judges, prosecutors and civil servants.⁵ Specific project activities include:

- Creation of independent decision-making bodies responsible for personnel management in the Supreme Court (SC) and Attorney General Office (AGO). (Judicial and Prosecutorial Councils).⁶
- Review of the selection and appointment policies and regulations for judges and prosecutors. The objective of the review is to develop recommendations for:

⁵ This project activity does not include the MOJ which implements its civil service reform under the umbrella of PRR.

⁶ This model is common in many countries in Europe, Latin America; but also in countries with Islamic Law such as Algeria; Egypt; Jordan; and Morocco.

strengthening competitive and merit-based elements of the process; improve quality of the induction training and learning for the candidates for judgeship and prosecutorship; and to improve transparency of the allocation of judges and prosecutors to the courts and prosecutors' offices.

- Evaluation of the skills of “sitting” judges and prosecutors. The purpose of the evaluation is to design and implement a requalification program.
- Implementation of the second phase of the Priority Reform and Restructuring (PRR) program which the SC and the AGO began in 2008. Support will be provided for two activities: (i) completion of the functional reviews and job descriptions for civil servants in the SC and AGO and pilot regional offices; and (ii) rolling out the program to around ten regional courts and offices. The pilot offices will be selected by the SC and AGO at the commencement of project implementation.

Learning and Training (\$3.5 million)

5. This subcomponent will finance TA in the form of consultant services, training, and goods to enhance the skills of the justice sector workforce, with a particular focus on female staff, and to improve their access to legal information. Specific project activities include:

- *Strengthening training management capacity* in the SC, Ministry of Justice (MoJ) and AGO. The activity aims to build the capacity of the training units in the Human Resources (HR) departments at the SC, MoJ, and AGO to develop, organize and coordinate education, learning and training programs for their staff. A stock-taking study of previous and ongoing training programs will form part of this activity.
- *Providing training* to judges, prosecutors, their support staff and MoJ officials and its regional staff. Under this activity, some 1,000 judges, prosecutors, and their support staff and MoJ officials will receive training. Whenever possible the project will continue with training programs which have been developed and implemented by the justice sector and involved donors. Programs to enhance new skills such as legal analysis, computer proficiency, library management, court administration, and financial management will also be added. When project implementation begins the SC, MoJ, and AGO will prepare the precise portfolio and timetable of training activities per each justice sub-sector (2 year-training plan).
- *Creating legal libraries.* Three types of libraries will be supported through this activity. First, the project will finance the completion of the Central Legal Library in the MoJ, which the *Taqnin* has started to assemble.⁷ In addition, mid-sized libraries will be created in four provincial MoJ offices. These libraries will be accessible to the staff of the provincial MoJ office of the MoJ, and to the regional and local administration, and if feasible, to the general public. The project will also finance the creation of a number of small libraries containing core legal materials in courts and prosecutor's offices. The list of courts and offices where the libraries will be established will be prepared by the SC, MoJ, and AGO (against specific criteria) at the commencement of project implementation.

⁷ This will be coordinated with the INLTC law library management system. Possible additional support for the MoJ Translation and Publication Unit will also be considered.

- *Dissemination of Laws.* This activity will support continued publication of the State Gazette and a collection of statutes, and their distribution to all state agencies, including all courts, all prosecution agencies, all state university law schools, all law schools in Afghanistan and the *Wolesi Jirga*. It will also support development of an index to the legislation published in the State Gazette, and distribution thereof to the same agencies. Finally the MOJ, under this component, will carry out a feasibility study for the creation of an internal print-shop to be used for the publication of laws and regulations. USAID is has been undertaking important work in this area for some time and the precise specifications of this project activity will be developed in close coordination with ongoing initiatives.

(b) Physical Infrastructure (\$16.9 million)

6. With the investment and technical assistance provided under the subcomponent, the GoA will prepare and partially implement construction and repair of court and office facilities and judges' residences; equip new and existing courts and offices; and provide transportation for justice sector officials. Capacity to manage physical assets will also be supported to sustain the progress achieved under this subcomponent. Specific activities to be implemented under this component include:

- Design (or design review) of about 28 court and rehabilitation of about five buildings; design of about six regional offices of the MOJ; and design of and rehabilitation of three AGO offices. The specific (regional) facilities will be selected by the SC, MoJ, and AGO at the commencement of project implementation based on a set of indicators such as workload, size of population served, security, potential as a center of excellence and other factors which determine the ability to complete construction in the given timeframe. Design (or design review) will take account of the needs of female and disabled staff and clients. In most of these cases the actual construction of the new facilities will take place during the second phase of the reform. However, the implementation process will be organized such that (re)construction work on courts and other facilities can proceed as soon as appropriate conditions exist.
- Design and extension of training facilities, administrative offices, and housing (dorm space) for trainees in the Independent National Legal Training Center.
- Design of a new headquarters facility for the SC, the MoJ, and the AGO (in case of AGO the project will also finance (re)construction work).
- Creation of operating investment funds in the SC, MoJ, and AGO to finance maintenance costs associated with the existing facilities.
- Preparation of an Investment Plan and Facility Standards. The Capital Investment Plan will be based on a assessment of the current condition of the facilities (part of which is being conducted by another donor), and will produce an inventory of necessary new construction and rehabilitation works; criteria for prioritizing the necessary works taking into account building conditions and staffing and workload estimates; and an estimate of

costs for the necessary works, including maintenance and operations. The activity also includes funding to develop standards for model justice facilities, incorporating best international practices, lessons learned from bilateral work already undertaken by donors, and designs for new model provincial centers, to be built in the next phase of the ARTF project.

- Purchase of 220 vehicles and their operating and maintenance costs for use by judges, prosecutors and their staff, and MoJ officials, throughout the country on a prioritized basis. In addition to permitting staff to travel outside provincial cities, new vehicles will contribute to the security of the staff. Selection criteria will be agreed upon commencement of the project.
- Purchase of office equipment (including copiers, fax machines) and furniture for current and to-be-constructed facilities. The lack of such equipment, even in current facilities, is repeatedly cited as a major detriment to the functioning of staff of the Justice institutions throughout the country. It is anticipated that additional furniture and equipment will be purchased in the future phase of the ARTF project.

(iv) *Information and Communication Technology (\$1.45 million)*

7. The subcomponent will finance an evaluation of the ICT needs and limited implementation of the ICT reform. The project focus will be on *case management, HRM, and performance monitoring and evaluation system*. First, an overall ICT plan for the justice sector and/or its sub-sectors (e.g. courts) with the basic data will be prepared by MoJ, and AGO with help from international experts.⁸ The plan will be the road map for the overall design. Second, a software solution will be modularized and implemented in a sequenced manner. For each subsequent module it will be ensured that it will be compatible with previously developed modules. To reduce operation and maintenance costs, any systems should be prepared as web-based systems which initially “run” locally without a network connection. With progress in the country and a more stable and affordable ICT infrastructure, such a system could be operated from a central server. This will help to reduce the overall operation and maintenance costs.

8. The specific interventions include:

- Purchasing a minimal amount of hardware to meet emergency needs of the SC, MoJ and AGO
- “*Rapid Assessment*” for the offices of the MoJ, and the AGO will be prepared. This rapid assessment will provide information on the current situation on the ground, possible interventions for the institutions and most of all an outline of the recurrent cost to make any intervention in the long run sustainable
- Under the project, MOJ and AGO will prepare a detailed network design for their respective buildings. These designs will be implemented during the 24-month project period. Hardware for the network will be purchased through the project.

⁸ The SC will prepare its ICT plan under the USAID funded bilateral project

(ii) Empowering the People (\$2.4 million)

9. The objective of this component is to empower the Afghan people through legal aid and legal education. There will be two subcomponents: (i) legal aid and (ii) legal awareness.

(a) Legal Aid (\$1.80 million)

10. This subcomponent will provide TA assistance in the form of consultant services, and training, and investment (under the physical infrastructure subcomponent) to implement the first phase of a national legal aid program. The MoJ has been working with international donors to draft a comprehensive set of policies for the legal aid system. The proposed system includes a Legal Aid Department in the MoJ, the National Legal Aid Council, liaison officers and legal aid offices, and identified service providers, in the regions. The proposed system of service providers includes employed lawyers and paralegals in legal aid offices, NGOs and legal clinics in law schools. The legal aid system will require the cooperation of these institutions with the police, prosecutors, and judges.

11. This subcomponent will finance the creation and operation of five to ten legal aid offices in the regions selected by the MOJ against criteria such as size of population served; specific problems posed; security; potential as a center of excellence; and presence of related projects. The support will include hiring and training staff, drafting operational manuals, and covering the operating costs of the offices. In addition to day-to-day service provision, with a focus on services related to women and children, and coordinating service provision with other service providers, the office will be responsible for close monitoring and evaluation of demand for and supply of services. This will include not only service provided by the offices, but also service provided by other service providers. The data collected through the project will be used to prepare a report on legal aid provision which will serve to make recommendations for modifications of the system design and to prepare a plan for its roll out into other provinces and districts.

(b) Legal Awareness (\$0.60 million)

12. This subcomponent will finance technical assistance in the form of consultant services and training to pilot a trust-building and legal awareness campaign in the Nanganhar province and its 21 districts. The MOJ will supervise the project. The specific activities to be financed include: (i) creation and staffing of a small office of two to four people which will be supported by local consultants (legal professionals); (ii) organizing initial consultations with the local community leaders and legal professionals to identify existing legal awareness initiatives and accordingly, define the priority themes for the trust-building and training activities; (iii) developing trust-building and training materials (the package will contain material which has been developed under existing projects, as well as new materials); (iv) conducting training sessions with male and female community and civil society leaders (about 500 people); and (iv) reaching out, to the population in close cooperation with the community leaders. The office will work in close cooperation with legal aid office and its experience will feed into the assessment of legal demand. The MOJ will, to the extent possible and appropriate, coordinate with related programs, such as the Ministry of Interior's Focused District Development program, the National Solidarity Program and the Provincial Justice Coordination Mechanism.

(iii) Strengthening Implementation Capacity (\$1.75 million)

13. The objective of this component is to ensure efficient implementation of the project. (see Annex 4 on Implementation Arrangement)

Table A.1: Project Cost by Component for ARTF Proposed Funding**Table 1:** Summary Cost by Component

		US\$ million
A	Strengthening Capacity of Justice Sector Institutions	23.60
1	<i>Human Capital</i>	5.25
2	<i>Physical Infrastructure</i>	16.9
3	<i>Information and Communication Technology</i>	1.45
B	Empowering People	2.40
1	<i>Legal Aid</i>	1.80
2	<i>Legal Awareness Campaign</i>	0.60
C	Strengthening Implementation Capacity	1.75
Total Project Cost*		27.75

* total including physical and price contingencies

Table 2: Project Cost for Component 1 by Expenditure Category

Component 1:		Amount in million USD	Expenditure Category
Strengthening Capacity of Justice Institutions		23.600	
<i>Human Capital</i>		<i>5.250</i>	
<i>Infrastructure</i>		<i>16.900</i>	
<i>Information and Communication Technology</i>		<i>1.450</i>	
A	Human Capital	5.250	
1	<u>Supreme Court</u>	2.050	
	Human Resource Management	1.450	CS
	Legal Education - Training	0.600	CS
2	<u>Ministry of Justice</u>	1.800	
	Legal Education and Training	1.050	CS
	Dissemination of Laws	0.750	CS/Goods
3	<u>Attorney General's Office (AGO)</u>	1.400	
	Human Resource Management	0.300	CS
	Legal Education and Training	1.100	CS
B	<i>Physical Infrastructure (Facilities and Vehicles)</i>	16.90	
1	<i>Design, and Rehabilitation</i>	2.95	CS/Works
	SC (buildings under the SC in provinces)	1.30	CS/Works

	MOJ (buildings under MOJ in provinces)	0.15	CS/Works
	AGO (buildings under AGO in provinces)	1.50	
2	<i>Operating Investment Fund</i>	1.50	
	Buildings SC	0.50	O&M Fund
	Buildings MOJ	0.50	O&M Fund
	Buildings AGO	0.50	O&M Fund
3	<i>Design and Construction in Kabul</i>	4.40	
	Design of complementary housing and training facility	0.30	CS
	Design of MOJ Headquarters	0.40	CS
	Design and Construction of AGO Building	3.00	CS/Works
	Design of SC Building	0.70	CS
4	<i>Vehicles</i>	5.80	Goods
	Vehicles SC	2.00	
	Vehicles MOJ	0.70	
	Vehicles AGO	2.00	
	Operating Cost of new vehicles	1.10	O&M
5	<i>Equipment and Furniture</i>	1.30	Goods
6	<i>Investment Plan and Facility Standards</i>	0.95	
	Staff and support cost	0.15	CS
	Design standards for Courts	0.20	CS
	Design Provincial Centers	0.20	CS
	Infra Investment Sector Plan	0.40	CS
A	ICT Technology	1.450	CS / Goods

Table 3: Project Cost for Component 2 by Expenditure Category

Component 2:		Amount in million USD	Expenditure Category
Empowering the People		2.400	
1	Legal Aid	1.800	
	Establishing/Equipping MOJ & regional offices	0.685	CS/Goods/Work
	Designing Policies and Regulations	0.200	CS
	Training	0.015	CS
	Legal Fund	1.000	Fund
2	Legal Awareness Campaign	0.600	TA/Goods

Table 4: Project Cost for Component 3 by Expenditure Category

Component 3:		Amount in million	Expenditure Category
Strengthening Implementation Capacity		1.750	
<i>Program Oversight Committee</i>		0.050	
<i>Program Support Unit (PSU)</i>		1.298	
	Director	0.070	CS
	Coordinator and M& Expert	0.060	
	Senior Staff (4)	0.272	CS
	Junior Staff (3)	0.097	CS

International/regional Consultants (2)	0.800	CS
<i>Project Unit (PU) in SC, MOJ and AGO</i>	<i>0.130</i>	
Project Assistants/Coordinators	0.130	CS
<i>Project Support Facility</i>	<i>0.272</i>	
Car (2)	0.060	GOODS
Office Rent for project duration	0.094	O & M
Operating cost	0.048	O & M
Equipment	0.050	GOODS
Furniture and supplies	0.020	GOODS

Implementation Arrangements

1. The project is estimated to require 30 months for implementation, including the estimated six months needed for closing the contracts.

Institutional Arrangements

Figure 1: Implementation Arrangements

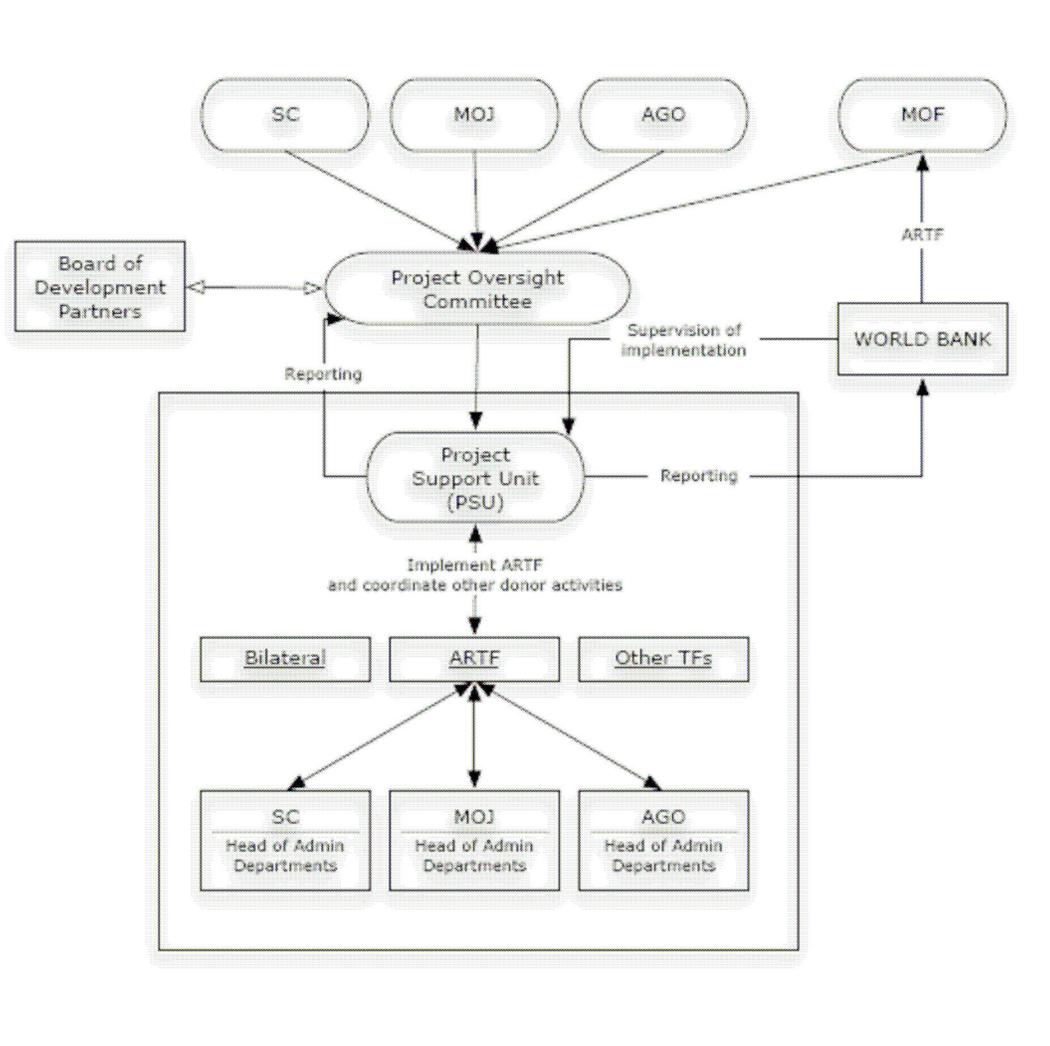
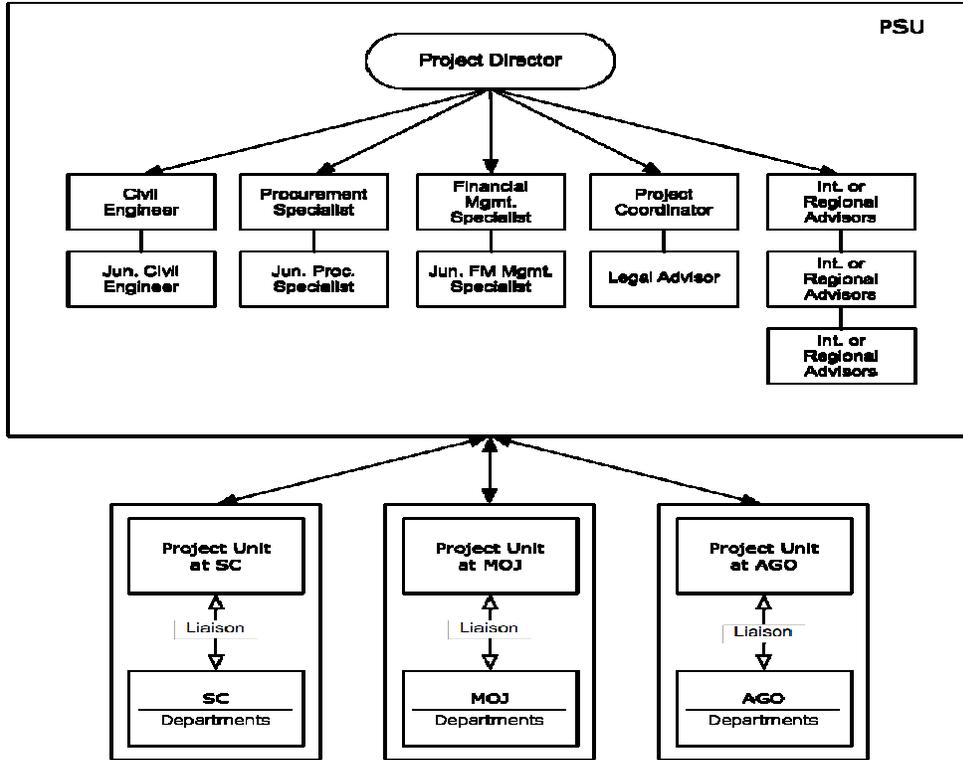


Figure 2: PSU Interaction with PUs



Timeline for Initial Implementation Steps

Component A - Strengthening Capacity of Legal Institutions to Deliver Legal Services

Milestone	Date (timeframe)
Purchase Emergency ICT Packages	June 15, 2008
Process small works procurement packages for SC and AGO	August 1, 2008
Process small works procurement packages for SC and AGO	September 1, 2008
Procure Equipment for SC, MOJ and AGO (multiple packages)	June 1, 2008
Purchase Vehicles through authorized agency	July 15, 2008
Assessment “Printing in-house vs outsourcing of print work”	August 15, 2008
ICT Assessments procured (for MOJ, SC and AGO)	September 15, 2008
Procurement of larger CS contracts (management and HR issues)	September to December, 2008
Updating procurement plan	October 2008
Closing of contracts	30 months after effectiveness

Component B - Empowering the Poor

Milestone	Date (timeframe)
Establishment of MOJ and regional offices	August 1 2008
Purchase Equipment for Offices	September 2008
Designing Policies and regulations	October 1, 2008
Staff training	October 1, 2008

Component C - Strengthening Implementation Capacity

Milestone	Date (or timeframe)
Establishment of Oversight Committee	June 2008
Hiring of Project Director for PSU	June 2008
Establish PSU Office	June 2008
Hiring of Project Support Staff	July 2008
Hiring of Int. Consultant(s)	July 2008
PSU fully operational	July 31, 2008
Start procurement process for project implementation (see procurement plan; first three months)	June 1, 2008
Procurement of larger CS contracts	September 15, 2008
Updating procurement plan	October 2008
Closing of contracts	30 months after effectiveness

*For further details see the initial procurement plan

Financial Management

Country Issues

1. The World Bank (Bank) has gained substantial experience and understanding of the financial management environment in Afghanistan through the large number of projects under implementation over the past four years. The Public Administration Capacity Building Project (PACBP) is the primary instrument to continue and enhance the fiduciary measures put in place during the past years to help ensure transparency and accountability for the funding provided by the Bank and other donors.
2. A Public Finance Management (PFM) performance rating system using 28 high-level indicators that was developed by the Public Expenditure and Financial Accountability (PEFA) multi-agency partnership program was applied in Afghanistan in June 2005. PEFA is comprised of the Bank, IMF, EC, and several other agencies. The system is structured around six core dimensions of PFM performance: i) budget credibility, ii) comprehensiveness and transparency, iii) policy-based budgeting, iv) predictability and control in budget execution, v) accounting, recording, and reporting, and vi) external scrutiny and audit. Afghanistan's ratings against the PFM performance indicators generally portray a public sector where financial resources are, by and large, being used for their intended purposes. This has been accomplished with very high levels of support from international firms; this assistance will continue to be needed over the medium term if these ratings are to be maintained. There is also much room for improvement.
3. In spite of undeniable progress the policy framework benchmarks have not yet been fully costed so various priorities are funded through the annual budgeting process. The rising costs of the security sector constitute the major constraint on attainment of fiscal sustainability. With regard to executive oversight, the national assembly will play an increasingly active role. All in all, the new national strategy has created high expectations of the executive which could prove to be quite difficult to meet.
4. The public sector, in spite of considerable efforts to reform its core functions, remains extremely weak outside of Kabul. The lack of qualified staff in the civil service and the absence of qualified counterparts in the government after 30 years of war and conflicts is a binding constraint. Delays in reforming the pay structure and grading of civil servants have crippled the public administration of the country. Domestic revenues lag behind expenditures by a factor of ten to one. Large-scale corruption could emerge to undermine the government's efforts to enhance aid flows through national accounts. Capacities to track expenditures and monitor expenditure outcomes have improved, but they need rapid and substantial strengthening if progress toward the attainment of national development targets is to be monitored. Currently, 75% of external revenues bypass government appropriation systems.
5. The Bank is financing a Financial Management Advisor to assist the Ministry of Finance (MoF), an Audit Advisor to assist the Control and Audit Office, and a Procurement Advisor to assist in Procurement-related activities. Also an Internal Audit function is being developed within the MoF with Bank financing. USAID, and earlier the Indian Aid Assistance Program, is financing a team of consultants and advisors to assist the Da Afghanistan Bank in local as well as

foreign currency operations. The activities carried out under the existing Public Administration projects have helped the GoA to ensure that appropriate fiduciary standards are maintained for public expenditures, including those supported by the Bank and the donor community.

6. Progress has been slower than expected in shifting from operations support provided by the three Advisors to capacity development and knowledge transfer to the civil servants. Given that, is expected that the Advisors will continue to be required for the medium term. Challenges still remain in attaining the agreed upon fiduciary standards and also to further enhance them. And to make matters more complex, the regulatory environment in Afghanistan has advanced significantly in the past three years. Unfortunately, even mastery of basic skills in the early environment does not fully qualify the civil servants to work effectively in the new emerging environment.

Risk Assessment and Mitigation

7. The table below identifies the key risks that the project may face and indicates how these risks are to be addressed. The overall financial management risk rating is “**High**” but the residual risk rating after application of the mitigating measures is “**Substantial**”.

<i>Risk</i>	<i>Risk Rating</i>	<i>Risk Mitigation Measures</i>	<i>Residual Risk</i>	<i>Condition of negotiations, Board or Effectiveness (Y/N)</i>
Inherent Risk				
Country Inherent Risk	M	Source - PFM study	M	N
Project Financial Management Risk	H	Minimize use of Designated Account and maximize direct payments to consultants, and contractors. Financial management and procurement functions to be performed by PSU with qualified staff	S	N
Perceived Corruption	H	Government commitment, internal controls and new internal audit will help to reduce the high level of perceived corruption	S	N
<i>Overall Inherent Risk</i>	H		S	
Control Risk				
1. Weak Implementing Entity	S	Oversight functions to be performed by a POC comprised of the Chief Justice,, Minister of Justice, Attorney General, and Minister of Finance. The PSU will handle financial management functions in addition to other relevant functions. This unit will be staffed by international and national consultants. PSU will also be responsible for overall	M	N

		<p>control and coordination with the implementing entities.</p> <p>As an interim measure until the PSU is established and staffed, MoE will assist by handling the initial project activities. To facilitate this, there will be a MoU between MoE, MoF and the implementing entities. MoE's FM arrangements were assessed by the Bank for this purpose and were found to be satisfactory.</p>		
2. Funds Flow	S	<p>Payments will be made to contractors, consultants, and suppliers from the DA by SDU-MoF. In addition to payments out of DA funds, the implementing entities can also request the SDU to make i) direct payments from the Grant Account to contractors, consultants or consulting firms, and ii) special commitments for contracts covered by letters of credit. These payments would only be made by SDU after due processes and proper authorization from the respective component implementing entities.</p>	M	N
3. Budgeting	S	<p>Ensure that project funds are allocated in the annual government development budget.</p> <p>The implementing entities are responsible for the preparation of annual work plans and the derivation of annual budget there from for the specific components to be implemented by them. The PSU will coordinate with the focal points in the implementing entities to facilitate this process and to consolidate the overall budget for the project. A Budget Committee comprised of representatives from the PSU and the implementing entities will coordinate the budget process. This Committee will report to the POC. The composition of the Budget Committee will be detailed in the FM Manual.</p>	M	N
4. Accounting Policies and Procedures	S	<p>Will follow international standards. Project accounting procedures and details of the FM arrangements will be documented in an FM Manual to be prepared by the PSU and approved by the Bank</p>	M	N
5. Internal Audit	H	<p>The internal audit units of the respective implementing entities and</p>	S	N

		the MoF internal audit department will review project internal control systems		
6. External Audit	H	Will be audited by CAO with support from Audit Advisor	S	N
7. Reporting and Monitoring	H	Strengthening the SDU is a priority under the FM Advisor contract, to provide information that will comply with agreed format of financial reports. This will be facilitated by the excel-based accounting system that will be utilized by the PSU to maintain records and generate required reports.	S	N
<u>Overall Control Risk</u>	H		S	
<u>Detection Risk</u>	S	Adequate accounting, recording, and oversight will be provided in project procedures. Accounting/Recording/oversight by SDU – MoF of all advances/M-16 supported by Financial Management Advisor.	M	N
<u>Overall Fm Risk Rating</u>	H		S	

Risk rating: H=high risk; S=substantial risk; M=modest risk; L=low risk

Strengths and Weaknesses

Strengths

8. The GoA provides assurance to the Bank and other donors that the measures in place to ensure appropriate utilization of funds will not be circumvented. The GoA strongly supports reforms through the Public Administration Capacity Building Project to enhance financial management in Treasury operations, public procurement, internal audit in the public sector, and external audit by the Auditor General. Suitable interim arrangements have been put into place to fast track this project and to enable a smooth transition to the PSU.

Weaknesses and Action Plan

9. The main weakness in this project, as in many others in Afghanistan, is the ability to attract suitably qualified and experienced counterpart staff especially for Financial Management. The establishment of the PSU and the staffing of the PSU with consultants to be funded by the project are expected to strengthen the fiduciary arrangements.

Action Plan – To be reviewed at ‘Initial Supervision’

Significant Weaknesses	Action	Responsible Agent	Completion Date
Shortage of qualified and experienced FM staff	MoE to handle the initial project activities till the establishment of the PSU. To facilitate this arrangement, there will be an MoU between MoE, MoF and the implementing entities	MoF, MoE, MoJ, SC and AGO	Within three months of project effectiveness

Significant Weaknesses	Action	Responsible Agent	Completion Date
	Establishment of PSU and staffing of the unit with consultants	MoJ, SC and AGO	
Project internal controls and procedures need to be defined	Financial Management Manual developed, reviewed, and approved by the Bank	PSU	Within three months after the establishment of PSU
Interim reports need to include required information	Sample pro forma report formats will be provided at negotiations	IDA/MOF/PSU	Negotiations
	Un-audited interim financial report formats for the project confirmed		After PSU is established

Implementing Entities

10. The project will be implemented by three entities: the SC, MoJ, and AGO. A Project Support Unit (PSU) will be established to coordinate and supervise the implementation of the project and perform the key financial management and procurement functions. There will be a Project Unit (PU) in each of the three implementing entities; the PSU and three PUs will work closely with each other to carry out the project activities. The respective PUs will coordinate with the relevant departments within the implementing entities as necessary to facilitate the day-to-day operations between the PSU and the entities.

11. The PSU will be staffed with qualified and experienced financial management staff to carry out day-to-day financial management operations of the project including preparation of: M-16 forms (payment orders), project coding sheets, and B27 allotment forms as well as overall contract and project management. Detailed working relationships between the PSU, the PUs, and implementing entities, FM reporting requirements, staffing, systems, internal control procedures, and other financial management arrangements will be included in the Financial Management Manual (FMM).

12. Until the PSU is established and appropriately staffed, the project will use the services of the Ministry of Economy (MoE) to carry out the initial activities under an interim arrangement. The Bank has assessed the financial management capacity of MoE for this purpose and found it to be satisfactory. To formalize this arrangement, there will be an MoU between MoE, MoF, SC, MoJ., and AGO. A financial management assessment of the updated implementation arrangements will be carried out after the PSU is fully established. Additional financial management procedures and controls may be warranted at that time.

Project oversight

13. A Project Oversight Committee (POC) chaired by the Chief Justice, and including the Minister of Justice, the Attorney General, and the Minister of Finance will be responsible for overall policy, strategic planning and project oversight and also for integration with other justice sector programs. Observers such as local authorities, donors, financing agencies representatives,

and other experts would be invited to attend the POC meetings as required. The POC will meet regularly, at least once per quarter and on an *ad hoc* basis when required.

Project coordination and monitoring

14. The PSU has the responsibility for overall project implementation, coordination, and monitoring. The PSU will work closely with the PUs in the respective implementing entities to facilitate this function. The PSU will report to the Project Oversight Committee on the consolidated progress of the project. The PSU is also responsible for: (a) assuring steady progress of execution in accordance to an implementation schedule reviewed and approved by the World Bank, (b) reporting regularly to the POC, (c) ensuring adequate and smooth transfer of skills to the national staff, and (d) ensuring that transparency and high ethical standards are maintained throughout the process.

Budgeting

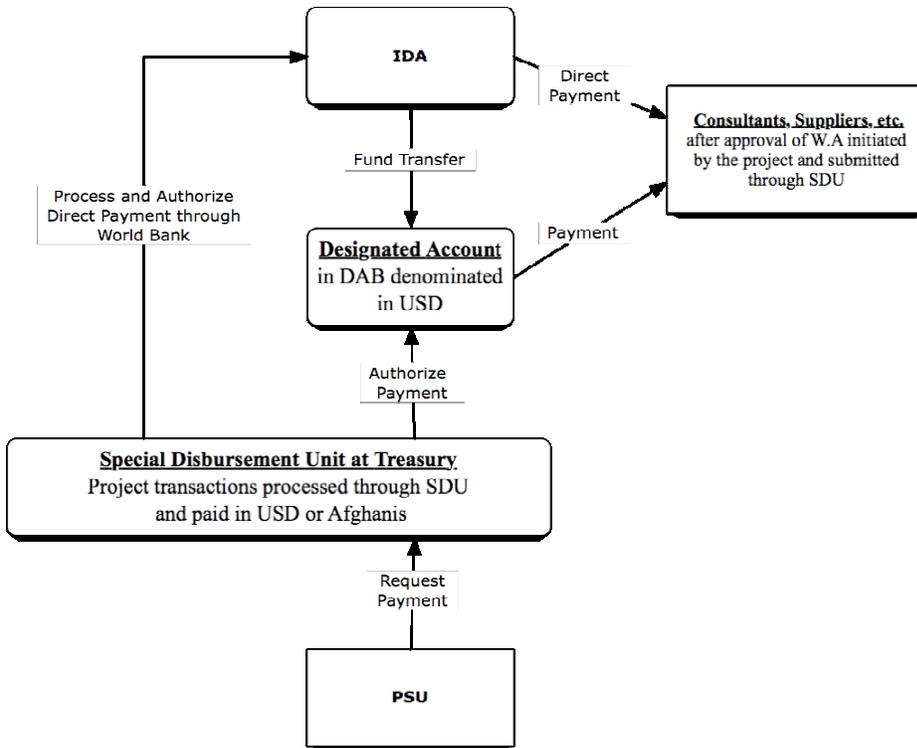
15. A budget committee will be appointed to coordinate preparation of the annual work plan and formulation of the annual project budget. This committee will be comprised of representatives from the PSU and the implementing entities, and shall report to the POC. The Budget Committee shall also coordinate quarterly budget reviews to ensure adequate budget discipline and control. The committee will be responsible for ensuring that project expenditures for each fiscal year are captured in the Governmental Development budget of that fiscal year. The budgeting process and the key role of periodic budget reviews will also be detailed in the FMM.

Funds Flow

16. The standard funds flow mechanism in Afghanistan will be followed in this project. Project funds will be deposited in the Designated Account (DA) to be opened and maintained at the Da Afghanistan Bank (DaB) or in a local commercial bank, if approved. The DA, in keeping with current practices for other projects in Afghanistan, will be operated by the Special Disbursement Unit (SDU) in the Treasury Department of MoF. Requests for payments from the DA will be made to the SDU by the project when needed, and after due approval from the head of the respective component implementing entity.

17. In addition to payments out of DA funds, the project can also request the SDU to make i) direct payments from the Grant Account to consultants, consulting firms or suppliers, and ii) special commitments for contracts covered by letters of credit. These payments will follow World Bank procedures. All project payments will be made to either international firms or local firms that have bank accounts in DAB, a local commercial bank, or an overseas bank. All payments will be made either through bank transfers into the account of such firms or by check. Expenditures for each component will be paid after relevant approvals from the component implementing entity and in accordance with the approval mechanisms documented in the project FMM.

Funds Flow Chart



Legal requirements for authorized signature

18. MoF has authorization to disburse funds from the Grant. Specimen signatures of authorized signatories in MoF will be submitted to the Bank prior to commencing disbursements.

Accounting

19. The SDU will maintain a proper accounting system of all expenditures incurred along with supporting documents to enable IDA to verify these expenditures. The FM staff of the PSU will: i) supervise preparation of supporting documents for expenditures, ii) prepare payment orders (Form M16), iii) obtain approval for M-16s from the relevant authority depending on the payment amount, and iv) submit them to the Treasury Department in MoF for verification and payment. Whilst original copies of required supporting documents are attached to the Form M16, the project is required to make and keep photocopies of these documents for records retention purposes. The FM Advisor in the MoF/SDU will use the government's computerized accounting system, AFMIS, for reporting, generating relevant financial statements, and exercising controls.

20. The PSU FM staff will maintain essential project transaction records using accounting system/Excel spreadsheets and generate required monthly, quarterly, and annual reports.

The FM Manual, to be prepared by the PSU within three months of establishment, and to be approved by the Bank, will include: i) roles and responsibilities for all FM staff, ii) documentation and approval procedures for payments, iii) project reporting requirements, and iv) quality assurance measures to help ensure that adequate internal controls and procedures are in place and are being followed.

21. The FM Manual will also establish project financial management in accordance with standard Afghan government policies and procedures including use of the government Chart of Accounts to record project expenditures. The use of these procedures will enable adequate and timely recording and reporting of project expenditures. Overall project accounts will be maintained centrally in SDU, which will be ultimately responsible for recording all project expenditures and receipts in the Government’s accounting system. Reconciliation of project expenditure records with MoF records will be carried out monthly by the PSU.

Internal Control & Internal Auditing

22. The PSU will be responsible for coordinating FM activities for the project with the SDU. Project-specific internal control procedures for requests and approval of funds will be described in the FM Manual including segregation of duties, documentation reviews, physical asset control, asset verification, and cash handling and management.

23. Annual project financial statements will be prepared by SDU/MoF detailing activities pertaining to the project as separate line items with adequate details to reflect the details of expenditures within each component. The project financial management systems will be subject to review by the internal audit departments of the three implementing entities and the internal audit directorate of the MoF, according to programs to be determined by the Director of Internal Audit using a risk-based approach. The Bank also reserves the right to conduct an external review of the project activities and financial flows.

External Audit

24. The project accounts will be audited by the Auditor General, with the support of the Audit Advisor, with terms of reference satisfactory to the Association. The audit of project accounts will include an assessment of the: (a) adequacy of the accounting and internal control systems; (b) ability to maintain adequate documentation for transactions; and (c) eligibility of incurred expenditures for Association financing. The audited annual project financial statements will be submitted within six months of the close of fiscal year. All agencies involved in implementation and maintaining records of expenditures would need to retain these as per the IDA records retention policy.

25. The following audit reports will be monitored each year in the Audit Reports Compliance System (ARCS):

Responsible Agency	Audit	Auditors	Date
MoF, supported by Special Disbursement Unit	SOE, Project Accounts and Designated Account	Auditor General	Sep 22

Financial Reporting

26. Financial Statements and Project Reports will be used for project monitoring and supervision. Based upon the financial management arrangements of this project, Financial Statements and Project Reports will be prepared monthly, quarterly, and annually by the PSU. These reports will be produced based on records from three sources: i) PSU's accounting system ii) expenditure statements from SDU (as recorded in AFMIS) and reconciled with the PSU, and iii) bank statements from DAB.

27. The quarterly Project Reports will show: (i) sources and uses of funds by project component, and (ii) expenditures consolidated and compared to governmental budget heads of accounts. The project will forward the relevant details to SDU/DBER with a copy to IDA within 45 days of the end of each quarter. The government and IDA have agreed on a pro forma report format for all Bank projects; a final customized format for JSRP reports will be provided after project effectiveness.

28. The annual project accounts to be prepared by SDU from AFMIS after due reconciliation to records maintained at the PSU, will form part of the consolidated Afghanistan Government Accounts for all development projects. This is done centrally in the MoF Treasury Department, supported by the Financial Management Advisor.

Disbursement Arrangements

29. Disbursements procedures will follow the Bank procedures described in the *World Bank Disbursement Guidelines and the Disbursement Handbook for World Bank Clients (May 2006)* and allow for use of advances, reimbursements, direct payments and Special Commitments. Table 1 shows the allocation of IDA proceeds in a single, simplified expenditure category and Table 2 presents the expected co-financing. The single category for "goods, works, consultancy services, training and operating costs" is defined in the financing agreement to facilitate preparation of withdrawal applications and record-keeping. The final disbursement deadline will be four months after the closing date.

30. During this additional 4-month grace period, project-related expenditures incurred prior to the closing date are eligible for disbursement.

31. There are no disbursement conditions. There is no provision for retroactive financing.

Table 1: IDA Financing by Category of Expenditure (US\$ million)

Expenditure Category	Amount of the Grant Allocations	the Financing Percentage
(1) Goods, works, consultants' services, training, and Incremental Operating Costs ⁹		100 %

⁹ Incremental Operating Costs refers to project-related incremental expenses incurred on account of project implementation support and management including the rental of office space; the operation, maintenance, rental and insurance of vehicles; fuel; communications supplies and charges; advertisements; books and periodicals; office administration and maintenance costs; bank transaction charges; utility charges; domestic travel and per diem but excluding salaries of officials and staff of the Recipient's civil service.

Total	-
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Table 2: Estimated Co-financing (US\$ million)

<i>IDA</i>	<i>ARTF</i>	<i>JSDF</i>	<i>Beneficiaries</i>	<i>Total</i>
<i>XX</i>				

32. **Summary Reports.** Summary reports in the form of Statements of Expenditure will be used for expenditures on contracts above US\$20,000; all training programs and operating costs.

33. **Designated Account.** A single designated account will be opened at DAB in US dollars for a maximum amount of US\$ 400,000 . The SDU in MOF will manage payments from and new advances/replenishments to this account. The designated account will be replenished on a monthly basis.

34. **Direct Payments.** Third-party payments (direct) and Special Commitments will be permitted for amounts exceeding US\$ 80,000. All such payments require supporting documentation in the form of records (copies of invoices, bills, purchase orders, etc.).

35. **Preparation of Withdrawal Applications.** PSU will prepare Summary Reports and forward those reports to the SDU for further processing as a reimbursement application. The SDU will review withdrawal applications for quality and conformity to Treasury procedures, and then obtain signature. Selected PSU and SDU finance staff will be registered as users of the World Bank Web-based Client Connection system, and take an active hand in managing the flow of disbursements.

36. **Financial Management Covenants**

- MoF shall submit audited financial statements for the project within six months of the end of each fiscal year. The Project’s audit report will cover the financial statements, the Designated Account, and SOEs, in accordance with terms of reference agreed with the Association.
- Un-audited project interim financial reports will be submitted by PSU on a quarterly basis to the World Bank and a copy to SDU-MoF within 45 days after the end of each quarter.

37. **Special Financial Management Covenant**

- The implementing entities will ensure that key FM staff of the PSU is retained throughout the duration of the project in order to ensure smooth project implementation.

38. **Regular Supervision Plan.** During project implementation, the Bank will supervise the project’s financial management arrangements. The team will:

- Review the project's quarterly un-audited interim financial reports as well as the project's annual audited financial statements and auditor's management letter.
- Review the project's financial management and disbursement arrangements (including a review of a sample of SOEs and movements on the Designated Account and bank reconciliations) to ensure compliance with the Bank's minimum requirements.
- Review agencies' performance in managing project funds to ensure that it is timely, accurate, and accountable. Review Internal Audit reports. Particular supervision emphasis will be placed on asset management and supplies.
- Review of financial management risk rating, compliance with all covenants, and follow up on the action plan.

Conclusion

39. The interim financial arrangements, including the systems, processes, procedures, and staffing are adequate to support this project. The updated implementation arrangements will be assessed after they are in place.

**Procurement Arrangements
(Including Procurement Plan)****Country Context**

1. The Bank has gained substantial experience and understanding of the procurement environment in Afghanistan through its involvement in the interim procurement arrangements put in place through Emergency Public Administration Project (EPAP) as well as with the institutions such as Afghanistan Reconstruction and Development Services (ARDS) that is holding the current responsibility for government's procurement administration. As part of the broader review of Afghanistan's Public Finance Management (PFM) system, the Bank recently carried out an assessment of the procurement environment in the country based on the baseline and performance indicators developed by a group of institutions led by the Bank and Organization for Economic Co-operation and Development (OECD)/Development Assistance Committee (DAC).

2. The first key issue identified through the procurement assessment was the need for ownership and a champion in the GoA for procurement reform, deepening of capacity, ensuring integrity in the operation of procurement systems, and promoting sound procurement among ministries. A new Procurement Law has been adopted in November 2005 which radically transforms the legal and regulatory framework for the procurement administration of Afghanistan. While it provides a very modern legal framework for procurement, effective implementation of the law encounters difficulties in the current weak institutional structure and capacity of the Government. A Procurement Policy Unit (PPU) has now been established under Ministry of Finance (MoF) to ensure the implementation through the creation of secondary legislation, standard bidding documents, provision of advice and creation of the necessary information systems for advertising and data collection. "Rules of Procedure for Public Procurement" which details the better implementation of the Procurement Law has been issued by MOF as circular number PPU/C005/1386 dated April, 12 2007. The Procurement Appeal and Review mechanism is in place and the Manual of Procedures for "Procurement Appeal and Review" has been issued by MoF as circular number PPU/N001/1385 on March 18, 2007.

3. In the absence of adequate capacity to manage procurement activities effectively, some interim arrangements have been put in place to improve the procurement management of the country. A central procurement facilitation service, ARDS-PU has been established under the supervision of Ministry of Economy (MoE). The Bank and the GoA has agreed on a program for country wide procurement reform and capacity building, leading to the transition from centralized to decentralized procurement services. The Bank funded Public Administration Capacity Building project (PACBP) and Public Financial Management Reform Project (PFMRP) are the primary instruments for implementing the program to strengthen capacity of the line ministries to manage public procurement in an effective, transparent and accountable manner. However, the implementation of the procurement capacity building strategy has not made any significant progress yet due to lack of coordination and delays in decision making within the Government. The envisaged radical changes to the procurement management environment

expected from the new Law also require the urgent implementation of a comprehensive human resources and capacity development program. The implementation of the procurement reform component of the PACBP and PFMRP should be considered with due priority to ensure that fiduciary standards are further enhanced and that capacity is developed in the Government to maintain these standards.

4. The Consultant has now been mobilized under the PPU/MOF to carryout the capacity Building which focuses on systematic training of staff of ministries in public procurement. The assignment includes conduct of training programs to private sector. The consultant has completed the training needs assessment and the program for training of trainers has begun. The first training program is planed to commence on December 1, 2007

General

5. The proposed program covers assistance to three key agencies Supreme Court (SC), Ministry of Justice (MOJ) and Attorney General Office (AGO). The proposed implementation structure will include a Program Oversight Committee (POC) composed of the Afghan Chief Justice, Minister of Justice, Attorney General and Minister of Finance. Day to day management will be the responsibility of the Program Support Unit (PSU) which will closely work with the directors of administration at the Supreme Court, the MOJ and AGO. PSU will be staffed by procurement and financial specialists to assist the implementing agencies

6. Procurement administration of the project would be carried out in accordance with *the World Bank's "Guidelines: Procurement under IBRD Loans and IDA Credits"* dated May 2004, *"Guidelines: Selection and Employment of Consultants by World Bank Borrowers"* dated May 2004, and the provisions stipulated in the Grant Agreement. The general description of various procurements under different expenditure categories are described below. For each contract to be financed by the Grant the different procurement methods or consultant selection methods, the need for prequalification, estimated costs, prior review requirements, and time frame are agreed between the Grant Recipient and the Bank project team are described in the Procurement Plan agreed with the Government at appraisal. This Procurement Plan will be updated at least annually or at lesser time intervals as required to reflect the actual project implementation needs and improvements in the institutional capacity.

Procurement of Works

7. Works procured under this project, would include: (i) rehabilitation of court houses, and office facilities; (ii) extension of training facilities, including administrative offices and dorm space; and (iii) construction/rehabilitation/refurbishment of AGO office in Kabul. The procurement will be done using the Bank's Standard Bidding Documents (SBD) for all ICB and Afghanistan specific SBD agreed with (or satisfactory to) the Bank. Threshold for ICB civil works will be equivalent or more than USD 5,000,000 per contract; threshold for NCB works will be less than USD5,000,000 per contract and threshold for Procurement through shopping will be equivalent or less than USD 100,000 per contract.

Procurement of Goods

8. Goods procured under this project would include: cars, office furniture and office and IT equipment. The procurement will be done using Bank's SBD for all ICB and Afghanistan specific SBD agreed with (or satisfactory to) the Bank. Threshold for ICB will be equivalent or more than USD 200,000 per contract and threshold for NCB goods will be equivalent or less than USD 200,000 per contract and shopping threshold per contract will be USD 100,000.

Selection of Consultants

9. Under the project both, firms & individual consultants will be hired to provide consultancy services.

Technical Assistance to be provided by Consultancy firms

10. The Grant will finance: (i) HR reform for judges and prosecutors (creation of Councils, review of HR policies, and evaluation of skills; (ii) PRR for administration staff of the SC and AGO and pilot regional courts and offices;(iii) building training management capacity in the SC, MoJ, and AGO; (iv) training for judges, prosecutors and civil servants (v) support for publication and dissemination of laws ; (vi) creation of libraries (in the courts, AGO offices, the MOJ and its regional offices); (viii) design of legal forms (AGO) ; (viii) international conference; (ix) review of designs, designs and/or construction supervision for rehabilitation and construction of courthouses (including houses for judges) and office facilities; for the MoJ and AGO regional offices (x) design of new headquarters for SC; and MoJ (x) design, and construction supervision of AGO's headquarters in Kabul; (xi) ICT assessments for MoJ, and AGO; (xii) network design and implementation fro MoJ, SC, and AGO offices;; (xiii) creation of legal aid offices; and legal awareness campaign in one province.

Technical Assistance to be provided by individual consultants

11. The Grant will finance: (i) Project Director, (ii) Procurement Specialist, (iii) Financial Management Specialist, (iv) Program Coordinator and M&E Specialist, (v) Architect & Engineer, (vi) ICT Specialist; (vii) HRM and Training Specialist; (vii) two Junior Assistants; (viii) 3 Project Coordinators for SC, AGO and MOJ

12. Short lists of consultants for services estimated to cost less than \$100,000 equivalent per contract may be composed entirely of national consultants in accordance with the provisions of paragraph 2.7 of the Consultant Guidelines.

13. The grant will finance several training activities in country and outside the country for judges, MOJ staff and AGO staff. These will include study visits and participation at seminars etc.

14. *Operational Costs:* which would be financed by the project would be procured using the implementing agency's administrative procedures which were reviewed and found acceptable to the Bank.

Assessment of the Agency's Capacity to Implement Procurement

15. The Supreme SC, MOJ, and AGO will implement the project with support of the PSU which will be staffed by procurement and financial management specialists to assist the implementing agencies. The PSU will be staffed by June 2008, including one procurement and one financial management specialist. Until the PSU is established and appropriately staffed, the project will use the services of the Ministry of Economy (MoE) to carry out the initial activities under an interim arrangement. To formalize this arrangement, there will be an MoU between MoE, MoF, SC, MoJ, and AGO.

16. An assessment of the capacity of the implementing agencies to implement procurement actions for the project has been carried out by Deepal Fernando Senior Procurement Specialist and Rahimullah Wardak Procurement Analyst in February, 2008. Below are the findings of the assessments.

(a) Procurement Capacity of Supreme Court

17. The assessment reviewed the organizational structure of the implementing agency and the interaction between the project's staff responsible for procurement and the SC relevant central unit for administration and finance. The assessment reveals that the SC procurement staff is familiar and involved in small procurement of goods following shopping procedure. The procurement staff has limited experience in the procurement of the high value goods, and civil works following open tendering. The procurement staff is not familiar with Bank procurement Guidelines and has no experience hiring consultant services. The staff does not have English skill as well to understand the bidding document and RFP to be used for procurement of high value of goods, civil works, and consultant contracts under the project.

(b) Procurement Capacity of Ministry of Justice

18. The assessment reviewed the organizational structure of the implementing agency and the interaction between the project's staff responsible for procurement and the SC relevant central unit for administration and finance. The assessment reveals that the MoJ procurement staff is familiar and involved in small procurement of goods following shopping procedure. The procurement staff has limited experience in the procurement of the high value goods, and civil works following open tendering. The procurement staff is not familiar with Bank procurement Guidelines and has no experience hiring consultant services. The staff does not have English skill as well to understand the bidding document and RFP to be used for procurement of high value of goods, civil works, and consultant contracts under the project.

(c) Procurement Capacity of Attorney General Office

19. The assessment reviewed the organizational structure of the implementing agency and the interaction between the project's staff responsible for procurement and the AGO relevant central unit for administration and finance. The assessment reveals that the AGO procurement staff is familiar and involved in small procurement of goods following shopping procedure. The procurement staff has limited experience in the procurement of the high value goods, and civil works following open tendering. The procurement staff is not familiar with Bank procurement Guidelines and has no experience hiring consultant services. The staff does not have English skill as well to understand the bidding document and RFP to be used for procurement of high value of goods, civil works, and consultant contracts under the project.

20. As indicated above the procurement officers working under the three implementing agencies has a very limited experience in procurement of high values of goods and works and does not have any experience in hiring consultant services. The staff is not familiar with the Bank procurement guidelines. Therefore, the overall project risk for procurement is high.

21. To mitigate the risk the following measure has been agreed with implementing agencies.

- To ensure compliance with the Bank policy and procedure, procurement documentation for complex and large value of goods, works and consultancy contracts will be carried out with consultation of the ARDS.
- One Procurement Specialist will be hired to do the day-to-day management of procurement action and be contact person among the three implementing agencies and ARDS for procurement of high value contracts and do small procurement of goods, works and consultant.
- The Bank procurement specialists will provide short term training to the procurement staff of the three implementing agencies to explain World Bank procurement and consultant guidelines. Also the procurement staff will be trained how to procure goods, works under Bank finance project following shopping procedure.
- In the long run the procurement specialist to be hired under the project will also train the procurement staff of the three implementing agencies in procurement of goods, works and consultancy services following World Bank procurement and consultant guidelines.

Procurement Plan

22. The Borrower, at appraisal, developed a Procurement Plan for project implementation which provides the basis for the procurement methods. This plan has been agreed between the Borrower and the Project Team on [date....] and is available at [provide the office name and location] It will also be available in the Project's database and in the Bank's external website. The Procurement Plan will be updated in agreement with the Project Team annually or as required to reflect the actual project implementation needs and improvements in institutional capacity.

Frequency of Procurement Supervision

23. In addition to the prior review supervision to be carried out from Bank offices, the capacity assessment of the Implementing Agency has recommended one supervision missions to visit the field to carry out post review of procurement actions. As the overall project risk for procurement is high, therefore, the percentage of contracts to be post reviewed will be 10%.

Procurement Audit

24. In addition to the prior review and post review supervisions to be carried out from Bank offices, an independent procurement audit will also take place during the project life.

Details of the Procurement Arrangement Involving International Competition

Goods and Works and non consulting services.

List of contract Packages which will be procured following ICB and Direct contracting:

List of contract Packages which will be procured following ICB and Direct Contracting:

1	2	3	4	5	6	7	8	9
Ref. No.	Contract (Description)	Estimated Cost	Procurement Method	P-Q	Domestic Preference (yes/no)	Review by Bank (Prior / Post)	Expected Bid-Opening Date	Comments
G20/08	Vehicles for SC, MOJ and AGO	4,700,000	ICB/DC	yes	Yes	Prior	Jul 1, 2008	
G 21/08	Books and Journals	95,000	DC	no	no	Prior	Jul 1, 2008	SC
G 26/08	Books and Journals	80,000	DC	no	no	prior	Sep 1, 2008	Technical literature
G 27/08	Books and Journals	80,000	DC	no	no	prior	Nov 1, 2008	Technical literature
G 28/08	Books and Journals	85,000	DC	no	no	prior	Jan 1, 2008	Technical literature

Works contracts estimated to cost equivalent USD 300,000 or more per contract, Goods contracts estimated to cost equivalent USD 200,000 or more per contract and all Direct contracting will be subject to prior review by the Bank.

Consulting Services.

List of Consulting Assignments with short-list of international firms:

Ref. No.	Description of Assignment	Estimated Cost in USD	Selection Method	Review by Bank (Prior / Post)	Expected Proposals Submission Date	Comments
CS 14/08	ICT assessment for Ministry of Justice	190,000	CQS	Prior	June 15, 2008	Firm specialized in preparation of assessments and functional specifications
CS 16/08	ICT assessment	190,000	CQS	Prior	September 15,	Firm specialized in

Ref. No.	Description of Assignment	Estimated Cost in USD	Selection Method	Review by Bank (Prior / Post)	Expected Proposals Submission Date	Comments
	for AGO office				2008	preparation of assessments and functional specifications
CS 17/08	Building design work for SC	1,000,000	QCBS	Prior	August 1, 2008	Design of complementary housing for training facility and design of new SC building
CS 19/08	Design and supervision of construction for AGO building	380,000	QCBS	Prior	August 1, 2008	AGO Building and design review of existing building (USD 80,000)
CS 20/08	Human Resource Management for Judges and development of HR framework	600,000	QCBS	Prior	Jun 1, 08	SC
CS 21/08	PPR for Admin staff in Supreme Court	300,000	QCBS	Prior	June 15, 08	SC
CS 22/08	Training for Judges	450,000	QCBS	Prior	Aug 1, 08	SC
CS 23/08	Training for MOJ staff	150,000	CQS	Prior	Jun 15, 08	MOJ
CS 25/08	Preparation of Law Index	180,000	CQS	Prior	Nov 1, 08	Preparation of law index
CS 26/08	Standardization of legal forms	190,000	CQS	Prior	Sep 15, 2008	AGO – preparation of standardized legal forms for AGO's operations
CS 27/08	Training contract for AGO staff	180,000	CQS	Prior	Oct 1, 08	AGO
CS 28/08	Design and supervision of construction for building for Ministry of Justice	550,000	QCBS	Prior	Dec 15, 2008	Building and design /review of existing building

Short lists composed entirely of national consultants: Short lists of consultants for services estimated to cost less than \$100,000 equivalent per contract may be composed entirely of national consultants in accordance with the provisions of paragraph 2.7 of the Consultant Guidelines.

Procurement Plan

Project Information

Country: Afghanistan
Borrower: Islamic Republic of Afghanistan

Project Name: Justice Sector Reform Project
 Grant No.: TF 92160-AF
 Project Implementing Agency: (i) Supreme Court, (ii) Ministry of Justice, and (iii) Attorney General's Office

Bank's Approval Date of the Procurement Plan Original

Date of General Procurement Notice: March 2, 2008

Period Covered by this Procurement Plan: March 08 – February 2009 (12 months)

Goods and Works and Non-Consulting Services

Prior Review Threshold: Procurement Decisions subject to Prior Review by the Bank as stated in Appendix 1 to the Guidelines for Procurement: [Thresholds for applicable procurement methods (not limited to the list below) will be determined by the Procurement Specialist /Procurement Accredited Staff based on the assessment of the implementing agency's capacity.]

	Procurement Method	Prior Review Threshold	Comment
1.	Civil Works	USD 300,000	First three contracts following NCB
2.	Goods	USD 200,000	First three contracts following NCB
3.	Direct Contracting	All	Regardless of value

	Procurement Method	Threshold for Methods	Comment
1.	ICB Civil Works	USD5,000,000	Equivalent or more
2.	NCB Civil Works	USD5,000,000	Equivalent or less
3.	ICB Goods	USD200,000	Equivalent or more
4.	NCB Goods	USD200,000	Equivalent or less
5.	Shopping Goods	USD100,000	Equivalent or less

Prequalification. Bidders for NIL shall be pre-qualified in accordance with the provisions of paragraphs 2.9 and 2.10 of the Guidelines.

Reference to (if any) Project Operational Manual

Any Other Special Procurement Arrangements

Procurement Packages with Methods and Time Schedule

4. Procurement Packages with Methods and Time Schedule

[List the Packages which require Bank's prior review first and then the other packages]

1	2	3	4	5	6	7	8	9
Ref. No.	Contract (Description)	Estimated Cost	Procurement Method	Prequalification (yes/no)	Domestic Preference (yes/no)	Review by Bank (Prior / Post)	Expected Bid-Opening Date	Comments
<u>WORKS</u>								
W 1/08	Rehabilitation of facility with small extension	100,000	NCB	no	no	Post	August 1, 2008	Comp 1: Site selection based on priority needs tbd -- SC
W 2/08	Rehabilitation of facility with small extension	100,000	NCB	no	no	Post	August 1, 2008	Comp 1: Site selection based on priority needs tbd -- SC
W 3/08	Rehabilitation of facility with small extension	100,000	NCB	no	no	Post	August 1, 2008	Comp 1: Site selection based on priority needs tbd -- SC
W 4/08	Rehabilitation of facility with small extension	50,000	NCB	no	no	Post	Sept 1, 2008	Comp 1: Site selection based on priority needs tbd -- SC
W 5/08	Rehabilitation of facility with small extension	50,000	NCB	no	no	Post	Sept 1, 2008	Comp 1: Site selection based on priority needs tbd -- SC
W 6/08	Rehabilitation of facility with small extension	100,000	NCB	no	no	Post	August 1, 2008	Comp 1: Site selection based on priority needs tbd -- AGO
W 7/08	Rehabilitation of	100,000	NCB	no	no	Post	August 1,	Comp 1: site

1	2	3	4	5	6	7	8	9
Ref. No.	Contract (Description)	Estimated Cost	Procurement Method	Prequalification (yes/no)	Domestic Preference (yes/no)	Review by Bank (Prior / Post)	Expected Bid-Opening Date	Comments
	facility with small extension						2008	selection based on priority needs tbd – AGO
W 8/08	Rehabilitation of facility with small extension	100,000	NCB	no	no	Post	August 1, 2008	Comp 1: Site selection based on priority needs tbd -- AGO
GOODS								
G 1/08	Equipment for PSU Office	50,000	Shopping	no	no	no	June 1, 2008	Comp 3
G 2/08	Furniture for PSU	15,000	Shopping	no	no	no	June 1, 2008	Comp 3
G 3/08	Equipment for SC	95,000	Shopping	no	no	no	June 1, 2008	Comp 1
G 4/08	Equipment for SC	20,000	Shopping	no	no	no	September 1, 2008	Comp 1
G 5/08	Equipment for SC	90,000	Shopping	no	no	no	Dec 1, 2008	Comp 1
G 6/08	Equipment for SC	90,000	Shopping	no	no	no	Feb 1, 2009	Comp 1
G7/08	Computer Equipment for SC	95,000	Shopping	no	no	no	Aug 1, 2009	Comp 1 – emergency hardware
G8/08	Equipment for SC	80,000	Shopping	no	no	no	May 1, 2008	Comp 1
G 9/08	Equipment and Furniture for MOJ	95,000	Shopping	no	no	no	June 1, 2008	Comp 1
G10/08	Equipment and Furniture for MOJ	80,000	Shopping	no	no	no	Aug, 2008	Comp 1

1	2	3	4	5	6	7	8	9
Ref. No.	Contract (Description)	Estimated Cost	Procurement Method	Prequalification (yes/no)	Domestic Preference (yes/no)	Review by Bank (Prior / Post)	Expected Bid-Opening Date	Comments
G 11/08	Equipment for MOJ	90,000	Shopping	no	no	no	Nov 1, 2008	Comp 1
G 12/08	Equipment for MOJ	80,000	Shopping	no	no	no	Feb 1, 2009	Comp 1
G 13/08	Computer Equipment for MOJ	95,000	Shopping	no	no	no	Jun 1, 2009	Comp 1 – emergency hardware
G14/08	Network Equipment for MOJ	70,000	Shopping	no	no	no	Nov 1, 2009	Equipment list based on network design for MOJ
G15/08	Equipment and Furniture for AGO	80,000	Shopping	no	no	no	Aug, 2008	Comp 1
G 16/08	Equipment for AGO	90,000	Shopping	no	no	no	Nov 1, 2008	Comp 1
G 17/08	Equipment for AGO	90,000	Shopping	no	no	no	Feb 1, 2009	Comp 1
G 18/08	Computer Equipment for AGO	90,000	Shopping	no	no	no	Jun 1, 2009	Comp 1 – emergency hardware
G19/08	Network Equipment for AGO	65,000	Shopping	no	no	no	Nov 1, 2009	Equipment list based on network design for MOJ
G20/08	Vehicles for SC, MOJ and AGO	4,700,000	ICB/DC	yes	no	yes	Jul 1, 2008	Comp 1 –procurement through IAPSO (if double cab vehicles included contract will be split and these double cabs will be

1	2	3	4	5	6	7	8	9
Ref. No.	Contract (Description)	Estimated Cost	Procurement Method	Prequalification (yes/no)	Domestic Preference (yes/no)	Review by Bank (Prior / Post)	Expected Bid-Opening Date	Comments
								procured through ICB)
G 21/08	Books and Journals	95,000	DC	no	no	no	Jul 1, 2008	SC
G 22/08	Library furniture	50,000	Shopping	no	no	no	Jul 1, 08	SC
G 23/08	Library equipment	90,000	Shopping	no	no	post	Jul 15, 08	MOJ
G 24/08	Library furniture	90,000	Shopping	no	no	post	Jul 15, 08	MOJ, central lib
G25/08	Library furniture	85,000	Shopping	no	no	post	Nov 15, 2008	4 small libraries
G 26/08	Books and Journals	80,000	DC	no	no	post	Sep 1, 2008	Technical literature
G 27/08	Books and Journals	80,000	DC	no	no	post	Nov 1, 2008	Technical literature
G 28/08	Books and Journals	85,000	DC	no	no	post	Jan 1, 2008	Technical literature
G29/08	Printing of State Gazette	500,000	NCB/Shopping	no	no	post	Oct 15, 08	Printing of state Gazette incl. proof reading

III. Selection of Consultants

- 1. Prior Review Threshold:** Selection decisions subject to Prior Review by Bank as stated in Appendix 1 to the Guidelines Selection and Employment of Consultants:

	Selection Method	Prior Review Threshold	Comment
1.	Competitive Methods (Firms)	USD 100,000	Equivalent or more
2.	Individual Consultant	USD 50,000	Equivalent or more
3.	Single Source (Firms and Individual)	All	Regardless of value

	Selection Method	Threshold for Methods USD	Comment
1.	CQS	200,000 equivalent or less	

- 2. Short List Composed Entirely of National Consultants:** Short list of consultants for services, estimated to cost less than **\$100,000** equivalent per contract, may be composed entirely of national consultants in accordance with the provisions of paragraph 2.7 of the Consultant Guidelines.
- 3. Any Other Special Selection Arrangements:** [including advance procurement and retroactive financing, if applicable] NA

4. Consultancy Assignments with Selection Methods and Time Schedule

1	2	3	4	5	6	7
Ref. No.	Description of Assignment	Estimated Cost in USD	Selection Method	Review by Bank (Prior /Post)	Expected Proposals Submission Date	Comments
Individual Consultants						
CS 1/08	Project Director	70,000	IC	Post	April 15, 08	for two years
CS 2/08	Project Coordinator	60,000	IC	Post	April 15, 08	for two years
CS 3/08	Procurement Specialist	48,000	IC	Post	April 15, 08	for two years
CS 4/08	Financial Mgmt Specialist	48,000	IC	Post	May 1, 2008	for two years
CS 5/08	International Expert	100,000	IC	Prior	May 15, 2008	for two years
CS 6/08	Legal Advisor	48,000	IC	Post	June 1, 2008	for two years
CS 7/08	Junior Expert for PSU	32,300	IC	Post	June 1, 2008	for two years
CS 8/08	Junior Expert for PSU	32,000	IC	Post	June 1, 2008	for two years
CS 9/08	Junior Expert for PSU	32,000	IC	Post	June 1, 2008	for two years
CS 10/08	PU Coordinator (MOJ	25,000	IC	Post	Jun15, 2008	Liaison between MOJ, SC, AGO and the PSU office
CS 11/08	PU Coordinator SC	25,000	IC	Post	Jun 15, 2008	Liaison between MOJ, SC, AGO and the PSU office

1	2	3	4	5	6	7
Ref. No.	Description of Assignment	Estimated Cost in USD	Selection Method	Review by Bank (Prior /Post)	Expected Proposals Submission Date	Comments
CS 12/08	PU Coordinator AGO	25,000	IC	Post	June 15, 2008	Liaison between MOJ, SC, AGO and the PSU office
CS 13/08	Assessment "Printing in-house vs. outsourcing of print work"	50,000	IC	Prior	Aug 15, 08	Rapid assessment to determine the best solution for printing the state gazette
Consulting Firm						
CS 14/08	ICT assessment for Ministry of Justice	190,000	CQS	Prior	June 15, 2008	Firm specialized in preparation of assessments and functional specifications
CS 15/08	Network design and implementation services for MOJ and AGO office	170,000	CQS	Prior	August 20, 2008	Local firm for network design and physical installation of cables in MOJ and AGO building
CS 16/08	ICT assessment for AGO office	190,000	CQS	Prior	September 15, 2008	Firm specialized in preparation of assessments and functional specifications
CS 17/08	ICT assessment for SC	190,000	CQS	Prior	September 15, 2008	Firm specialized in preparation of assessments and functional specifications
CS 18/08	Building design work for SC	1,000,000	QCBS	Prior	August 1, 2008	Design of complementary housing for training facility and design of new SC building
CS 19/08	Review of court building design for 8 buildings and limited supervision	90,000	CQS	Post	June 15, 08	SC and AGO
CS 20/08	Design and supervision of construction for AGO building	380,000	QCBS	Prior	August 1, 2008	AGO Building and design review of existing building (USD 80,000)
CS 21/08	Human Resource Management for	600,000	QCBS	Prior	Jun 1, 08	SC

1	2	3	4	5	6	7
Ref. No.	Description of Assignment	Estimated Cost in USD	Selection Method	Review by Bank (Prior /Post)	Expected Proposals Submission Date	Comments
	Judges and development of HR framework					
CS 22/08	PPR for Admin staff in Supreme Court	300,000	QCBS	Prior	June 15, 08	SC
CS 23/08	Training for Judges	450,000	QCBS	Prior	Aug 1, 08	SC
CS 24/08	Training for MOJ staff	150,000	CQS	Prior	Jun 15, 08	MOJ
CS 25/08	Library staff training	70,000	CQS	Post	Sept 15, 08	MOJ and AGO -- Training for librarians 30
CS 26/08	Preparation of Law Index	180,000	CQS	Prior	Nov 1, 08	Preparation of law index
CS 27/08	Standardization of legal forms	190,000	CQS	Prior	Sep 15, 2008	AGO – preparation of standardized legal forms for AGO’s operations
CS 28/08	Training contract for AGO staff	180,000	CQS	Prior	Oct 1, 08	AGO
CS 29/08	Design and supervision of construction for building for Ministry of Justice	550,000	QCBS	Prior	Dec 15, 2008	Building and design /review of existing building

IV. Implementing Agency Capacity Building Activities with Time Schedule

- In this section the agreed Capacity Building Activities (some items could be from CPAR recommendation)**

No.	Expected outcome / Activity Description	Estimated Cost	Estimated Duration	Start Date	Comments
1	Training of the procurement staff of SC, MOJ and AGO in procurement of small value goods and works under shopping procedure.		One days	As soon as the project is approved	

*National Competitive bidding procedures shall be subject to the following additional Procedures:

- Standard bidding documents approved by IDA shall be used.

- (ii) Invitations to bid shall be advertised in at least one (1) widely circulated national daily newspaper and bidding documents shall be made available to prospective bidders, at least twenty-eight (28) days prior to the deadline for the submission of bids.
- (iii) Bids shall not be invited on the basis of percentage premium or discount over the estimated cost.
- (iv) Bidding documents shall be made available, by mail or in person, to all who are willing to pay the required fee.
- (v) Foreign bidders shall not be precluded from bidding.
- (vi) Qualification criteria (in case pre-qualifications were not carried out) shall be stated on the bidding documents, and if a registration process is required, a foreign firm determined to be the lowest evaluated bidder shall be given reasonable opportunity of registering, without any hindrance.
- (vii) Bidders may deliver bids, at their option, either in person or by courier service or by mail.
- (viii) All bidders shall provide bid security or a bid security declaration form as indicated in the bidding documents. A bidder's bid security or the declaration form shall apply only to a specific bid.
- (ix) Bids shall be opened in public in one place preferably immediately, but no later than one (1) hour, after the deadline for submission of bids.
- (x) Evaluation of bids shall be made in strict adherence to the criteria disclosed in the bidding documents, in a format, and within the specified period, agreed with the IDA.
- (xi) Bids shall not be rejected merely on the basis of a comparison with an official estimate without the prior concurrence of the Association.
- (xii) Split award or lottery in award of contracts shall not be carried out. When two (2) or more bidders quote the same price, an investigation shall be made to determine any evidence of collusion, following which: (A) if collusion is determined, the parties involved shall be disqualified and the award shall then be made to the next lowest evaluated and qualified bidder; and (B) if no evidence of collusion can be confirmed, then fresh bids shall be invited after receiving the concurrence of the IDA;
- (xiii) Contracts shall be awarded to the lowest evaluated bidders within the initial period of bid validity so that extensions are not necessary. Extension of bid validity may be sought only under exceptional circumstances.
- (xiv) Extension of bid validity shall not be allowed without the prior concurrence of the IDA: (A) for the first request for extension if it is longer than eight (4) weeks; and (B) for all subsequent requests for extensions irrespective of the period.
- (xv) Negotiations shall not be allowed with the lowest evaluated or any other bidders.
- (xvi) Re-bidding shall not be carried out without the IDA's prior concurrence; and

- (xvii) All contractors or suppliers shall provide performance security as indicated in the contract documents. A contractor's or a supplier's performance security shall apply to a specific contract under which it was furnished.

Monitoring and Evaluation

1. At the level of the NJP, monitoring and evaluation will be the responsibility of the POC and PSU. At the level of the project, monitoring and evaluation will be the joint responsibility of the PSU, PU and the Bank. This annex comprises a draft framework for M&E of the project using key outcome and result indicators. A similar framework forms part of the NJP. The NJP, in addition describes the institutional structure and the principles according to which its progress will be monitored and assessed.

2. The PSU will update both M&E systems within four months from the appointment of the Project Director following the guidance of the NJP and the Grant Agreement. The future M&E system will include a more detailed description of indicators for final and intermediate outcomes and outputs that contribute to their achievement; as well as strategies for (baseline) data existing inventories and their collection.

Monitoring and Evaluation Framework

Project Objective	Key Outcome Indicators	Use of Outcome Information
Enhance the capacity of the justice sector institutions to deliver legal services	Increased number of men and women who receive legal service of better quality (dispute resolution, prosecution, counseling, representation)	Review of capacity of justice institutions Feed into the design of follow up reforms
Results per (sub)components	Results indicators	Use of Results Monitoring
Judges, prosecutors and other JS officials have better skill to deliver justice services	1) Councils for HRM of judges and prosecutor operational 2) Merit-based selection and allocation system for judges and prosecutors operational 3) New judges and prosecutors sufficiently trained and allocated to courts and offices based on the results 4) Functional review and redesign of key job description in the SC and AGO and their six offices completed 5) Skill of sitting judges and prosecutors reviewed and gaps partially filled 6) Judges, prosecutors, their support staff and other civil servants trained 7) Training policies and	(1) Failure to create councils may flag a lack of commitment to the HR reform (1-4) Feeds into design of a follow up M&E system for performance and policies on allocation of HR (Feeds into the review & redesign of existing reforms and their roll out to the rest of the systems) (1-4) Feeds into the increase of the salaries of JS personnel (5-7) Feeds into reforms which will support higher productivity through specialization and better organization (8) Supports the follow up awareness reforms and reforms aimed at access to legal information (9) Feeds into long term reform of substantive laws and change in legal culture

¹⁰ Exact number will be determined upon commencement of the project

	<p>management capacity improved</p> <p>8) Legal Libraries in MOJ, SC, AGO and about 20¹⁰ of court and office facilities operational</p> <p>9) International Conference organized</p> <p>10) Local gathering of judges and prosecutors organized</p>	<p>(10) Feeds into reform which aims to strengthen professional identity and independence</p>
<p>Physical Infrastructure (facilitates, transportation) is improved and contributes to better legal service</p>	<p>(1) review of design of 28 courts (and associated judges' residences) completed; design of six MOJ regional offices and three AGO regional offices completed</p> <p>(2) Five courts; five MOJ and five AGO regional offices repaired for use¹⁰</p> <p>(3) Investment Fund for covering maintenance costs of facilities and cars operation</p> <p>(4) 220 vehicles delivered to the users and used</p> <p>(5) 40 courts and offices equipped and furnished¹⁰</p> <p>(6) Investment plan and facilities standards completed</p> <p>(7) asset management capacity in the SC, MOJ, and AGO strengthened</p>	<p>1) Feeds into more massive construction of the facilities to be implemented during the next stages of the reform</p> <p>(1-7) Feeds into design of follow up projects</p> <p>(1-7) Feeds into the policies addressing geographical access to justice services by population</p> <p>(3,7) Improves planning for expenditure</p>
<p>ICT in place in the central agencies and contributing to better performance (management and service delivery)</p>	<p>(1) ICT assessments in the SC, MOJ, and AGO prepared</p> <p>(2) Emergency hardware installed in the HQs</p> <p>(3) Network in MOJ and AGO installed</p>	<p>(1-2) Feeds into the plans for increasing productivity of justice institutions through technological advancements</p>
<p>Legal Aid</p>	<p>(1) Baseline assessment for legal aid completed</p> <p>(2) Methodology for monitoring and evaluation of legal aid</p>	<p>(1-3,6) Feeds into review and redesign of legal "welfare" policies</p> <p>(1-3) Improves planning for</p>

	<p>developed</p> <p>(3) Legal Aid Fund created</p> <p>(4) Legal aid offices operational in at least five provinces</p> <p>(5) Lawyers and paralegals trained</p> <p>(6) Number of cases received/resolved through the legal aid offices increasing.</p>	<p>expenditure</p> <p>(4-6) Feeds into the longer term policy on empowerment of rural population</p> <p>(4,6) Addresses immediate needs of population</p> <p>(5) Contributes to strengthening legal profession</p>
Legal Awareness	<p>(1) Legal information (publications, advertisements, shows etc) disseminated/broadcast</p> <p>(2) Communities and their leaders educated in substance and in accessing legal information</p>	<p>Contributes to narrowing gap between formal and informal justice system</p> <p>Promotes relevance of formal laws</p> <p>Helps to resolve day-to day problems of common people</p>

Summary of Donor Engagement in the Justice Sector in Afghanistan

This matrix has been prepared by the UNAMA Rule of Law Unit. It is the latest version currently available, but it is expected that it will be updated in due course. An updated version of this matrix will be included as Attachment 1 of the NJP.

DONOR ACTIVITY MATRIX

National Level

[UNAMA Rule of Law Unit](#)

Update: March 05, 2008

Int. Agency/ Donor	Title of project/ category*	Description and purpose (specify: activities/beneficiaries)	Institutional Counterpart /partners	Date of project	Name/email of contact person	Remarks
Italy						
Italy - OIM	A Brighter Childhood: Tackling Child Trafficking in Afghanistan	Study tour, judges and prosecutors trainings, support to the civil society on the fight against trafficking of minors. Support to the victims of trafficking.	MoL, MoI, MoF, MoW, AGO, SC, MoE, NGOs	12/2006 - 04/2008	maurizio.dicalisto@esteri.it	
Italy - IDLO	Interim training for the afghan judiciary	Training of 250 prosecutors, training of 50 head of jurisdiction and officials from MoJ. 2 Study tour for 20 participants in Egypt and Italy	MoJ, SC, AGO	7/2003 - 12/2004	maurizio.dicalisto@esteri.it	
Italy - ISISC	Training the trainers: Course on the Interim Criminal Procedure Code	Training of 120 judges, prosecutors, police officers, lawyers and MoJ officials	MoJ, SC, AGO	5/2004 - 6/2004	maurizio.dicalisto@esteri.it	
Italy - ISISC	Provincial justice Initiative	Courses on the interim Procedure Criminal Code, training of central authorities, support to the establishment of a network to monitor judicial system	MoJ, SC, AGO	8/2005 - 9/2007	maurizio.dicalisto@esteri.it	
Italy - ISISC	Rehabilitation and support of the Afghan judicial and penitentiary system	Secondment of a ISISC legal expert to the Italian embassy	Italian Embassy	8/2007 - 12/2007	maurizio.dicalisto@esteri.it	
Italy - UNOPS	National Legal Training Centre	Building of the NLTC centre	NLTC - MoJ	2005 - 05/2007	maurizio.dicalisto@esteri.it	
Italy	Higher education programme in judicial disciplines	Development of curricula for training of judges, prosecutors and lawyers	MoE, Kabul University	Dec-06	maurizio.dicalisto@esteri.it	
Italy - LAOA - UNICEF	Legal Assistance to minors and indigents	Survey on detained children in conflict with the law. Implement an assistance program on indigent detainees	MoJ	3/2007 - 12/2007	maurizio.dicalisto@esteri.it	
Italy - NBCC	National Security Court	Provide infrastructures to the National Security Court	NSC	09/2005 - 02/2006	maurizio.dicalisto@esteri.it	
Italy - IDLO	Afghanistan Justice System Trust Fund contribution	Capacity building and training activities to prosecutors, judges and lawyers in Kabul and in the provinces	MoJ, SC, AGO	2002 - 2008	maurizio.dicalisto@esteri.it	

Italy - IDLO	Enhancing the capacity of legal professionals in Afghanistan - first phase	Training of judiciary officials; training on legal drafting, capacity building activities within the National Legal Training Centre	MoJ, SC, AGO, INLC	2005 - 2007	maurizio.dicalisto@esteri.it	
Italy - IDLO	Increasing Afghanistan capacity for sustainable legal reform	Technical assistance in the development of the Independent National Legal Training Centre. Training for officials in government ministers. Support to the Faculty of Sharia at Kabul University	MoJ, SC, AGO, INLC, Kabul University	3/2007 - 8/2008	maurizio.dicalisto@esteri.it	
Italy - UNIFEM	Gender justice programme	Support to the implementation of CEDAW within the Afghan legal system	Gov. of Afgh.	2003 - 2005	maurizio.dicalisto@esteri.it	
Italy - UNIFM	Violence against women	Legal services for women, Training, Provision of shelter, Organisation of referral centres	Afghan Women	2007 - 2008	maurizio.dicalisto@esteri.it	
Italy - UNDP	Rebuilding the justice sector of Afghanistan	Provide infrastructures and training to the justice institutions	MoJ, SC, AGO	2003 - 2005	maurizio.dicalisto@esteri.it	
Italy - UNDP	Afghan Interim Authority Fund	Contribution of the reconstruction of afghan judicial system	MoJ, SC, AGO	2002 - 2007	maurizio.dicalisto@esteri.it	
Italy - UNDP - ISISC	Access to justice at district level	Contribution of the reconstruction of afghan judicial system in the provinces	MoJ, SC, AGO, Ministry of Women	2006 - 2009	maurizio.dicalisto@esteri.it	
Italy - UNODC	Reform of the juvenile justice system	construction of a department of minor affairs within the MoJ. Construction of court of minors, in Kabul. Construction of detention centre for minors.	MoJ, Juvenile Justice of Kabul	2003	maurizio.dicalisto@esteri.it	
Italy - UNODC	Reform of the penitentiary system in Afghanistan	Revision of penitentiary legislation. Construction of the Central Prison Department. Construction of detention centres for women and children	MoJ, Central Prison department	2003 - on going	maurizio.dicalisto@esteri.it	
Italy - UNODC	Criminal law and criminal justice capacity building in Afghanistan	Revision of legislation on drug trafficking, terrorism, extradition. Start up of Justice Support centres in selected provinces	MoJ, AGO	2003 - on going	maurizio.dicalisto@esteri.it	
Italy - UNODC	Prison system reform - extension to the provinces	Revision of the penitentiary regulations. Enhance of professionalism of the penitentiary staff. Enhance detention infrastructures	MoJ	2004 - on going	maurizio.dicalisto@esteri.it	
Italy - UNICEF	Support the Reform of the Juvenile Justice sector and the development of a child-right based legislative framework in Afghanistan	Establishment of a rehabilitation centre for minors in Kabul	MoJ	2003 - 2007	maurizio.dicalisto@esteri.it	
Italy - IMG	Infrastructures and equipment for Justice Institutions	Construction of provincial facilities and procurement of vehicles for judicial institutions in Afghanistan	Gov. of Afg.	2007 - 2008	maurizio.dicalisto@esteri.it	

US

US/US/INL-DOD	Senior Federal Prosecutors Program	Reform key criminal justice laws; Train and mentor the CNTF and CNT; Develop security for facilities and personnel. Mentor and train Anti-Corruption Prosecutors at the Attorney General's Office.	MOJ, SC, AGO, MOI, CNTF		Rob Lunnan, lunnanrc@state.gov	
US/INL	JSSP Legal Education and Training	Legal education, training, mentoring in criminal law. Develop professional standards.	MOJ, AGO, Kabul University, NLTC		Karen Hall, hallk2@state.gov	
US/INL	JSSP AGO Support	Build capacity of the Attorney General's Office and prosecutors	AGO		Karen Hall, hallk2@state.gov	
US/INL	JSSP Police/Prosecutor Coordination	Police-prosecutor coordination and criminal justice integration	AGO, MOI		Karen Hall, hallk2@state.gov	
US/Treasury	Anti-Money Laundering Assessment	Assess Interfaces Between FIU and Law Enforcement	AGO, MOI, Central Bank		Gretchen Biery, bierygm@stat.gov	
US/CSTC-A	ANA Criminal Investigative Division	Provide training, mentoring and equipment to military criminal investigators.	MOD		Col. Rick Fay, fayr@cfc-a.centcom.mil	

US/CSTC-A	Operational Law	Provide mentoring and training on Law of Armed Conflict and ROE (Nationwide)	MOD		Col. Rick Fay, fayr@cfc-a.centcom.mil
US/CSTC-A	ANA Mentoring of Basic Court-Level Judiciary	Provide mentoring, training, equipment to prosecutors, defense counsel and judges.	MOD		Col. Rick Fay, fayr@cfc-a.centcom.mil
US/CSTC-A	ANA International Military Legal Training	Provide training in military justice, utilizing international experts.	MOD		Col. Rick Fay, fayr@cfc-a.centcom.mil
US/Treasury	Anti-Money Laundering Advisor to DAB	Improve anti-money laundering capacity and financial intel.	Central Bank		Gretchen Biery, bierygm@stat.gov
US/INL	JSSP Provincial Justice Assessment	Comprehensive provincial criminal justice system assessment including customary law	MOJ, SC, AGO, MOI		Karen Hall, hallk2@state.gov
US/USAID	Court Administration	Improve overall admin and case management	MOJ, SC		Ray Johansen, RJohansen@usaid.gov
US/USAID	Commercial Court Reform	Develop capacity, training programs, advisory support	MOJ, SC		Ray Johansen, RJohansen@usaid.gov
US/INL	Afghan women judges judicial education program	Study tour for 4 judges (2006), distribution of legal texts, legal awareness training, capacity-building of Afghan Women Judges Association (2007)	SC, AWJA		Karen Hall, hallk2@state.gov
US/INL	JSSP Legal Aid and Defense	Improve legal aid and criminal defense capacities	SC, MOJ		Karen Hall, hallk2@state.gov
US/USAID	Women's Rights Under Islam	National dialogs, provincial dialogs	MoWA, Cultural Centers		Ray Johansen, RJohansen@usaid.gov
US/CFC-A	CERP-Public Defense Development	Provide access to criminal defense services for indigents	Defense Lawyers		Col. Rick Fay, fayr@cfc-a.centcom.mil
US/INL	CSSP MOJ/Corrections Police Department Advisor	Improve Capacity and Reforms to Corrections System	MOJ		Karen Hall, hallk2@state.gov
US/INL	JSSP MOJ Support	Strengthen MOJ planning, coordination, policy capacity	MOJ		Karen Hall, hallk2@state.gov
US/CFC-A	Justice Sector Assessment	Evaluation & Assessment of Justice sector(nationwide) through civilian mentors, PRTs civil affairs personnel	MOJ, AGO, MOI, SC,		Col. Rick Fay, fayr@cfc-a.centcom.mil
US/CSTC-A	Afghan National Army--General Staff Legal Mentors	Provide mentoring, training, equipment to ANA justice officials (Nationwide)	MOD		Col. Rick Fay, fayr@cfc-a.centcom.mil
US/CFC-A	Support to ANDS Consultative Groups	Provide support/coordination, as appropriate, to CG process	ANDS, MOJ, AGO, MOI, SC		Col. Rick Fay, fayr@cfc-a.centcom.mil
US/CSTC-A	KMTC Legal Advisors	Provide mentoring and training at the ANA's recruit and training commands.	MOD		Col. Rick Fay, fayr@cfc-a.centcom.mil
US/CSTC-A	Corps-Level ANA Legal Advisors	Provide embedded mentoring and training to Corps-level Staff Judge Advocates	MOD		Col. Rick Fay, fayr@cfc-a.centcom.mil
US/CSTC-A	ANA Court of Military Appeals	Provide mentoring and training to ANA's appellate court.	MOD		Col. Rick Fay, fayr@cfc-a.centcom.mil
US/CFC-A	Coordination of US military ROL initiatives	Provide coordination of US military ROL initiatives as directed by US Embassy ROL Coordinator	MOJ, MOI, SC, AGO,		Col. Rick Fay, fayr@cfc-a.centcom.mil
US/CSTC-A	Ethics	Provide mentoring and training on ethics laws and regulations.	MOD, MOI		Col. Rick Fay, fayr@cfc-a.centcom.mil
US/CSTC-A	Ministry of Interior & Afghan National Police Mentoring	Mentor ANP Legal Affairs Chief and his staff; assist other MOI and ANP directorate heads with anti-corruption initiatives, written policies and draft legislation; advise on major cases.	MOI		Col. Rick Fay, fayr@cfc-a.centcom.mil
US/CSTC-A	ANP Legal Monitoring and Evaluation	Evaluate quality of Afghan legal support rendered within MOI and ANP. Monitor and evaluate observance by MOI and ANP leadership to Rule of Law.	MOI		Col. Rick Fay, fayr@cfc-a.centcom.mil
US/CSTC-A	ANP Internal Monitoring Mentoring	Provide advice to ANP Internal Affairs, Human Rights and Inspections staff on probes of matters under their cognizance.	MOI		Col. Rick Fay, fayr@cfc-a.centcom.mil
US/USAID	Infrastructure	Court, Administration, Prison, and Other Construction	MOJ, SC, AGO, MOI		Ray Johansen, RJohansen@usaid.gov
US/CFC-A	CFC-A Prison Survey	Survey of all CPD prison facilities (Nationwide)	MOJ		Col. Rick Fay, fayr@cfc-a.centcom.mil

US/INL	JSSP AGO Logistic Support	Provide equipment, supplies, security support for AG	AGO		Karen Hall, halkk2@state.gov	
US/CSTC-A;	Afghan National Police (ANP) Legal Mentoring	Assist ANP Legal Affairs Chief with resource needs such as equipment and manning ("tashkil" process for additional billets)	MOI		Col. Rick Fay, fayr@cfc-a.centcom.mil	
US/CSTC-A	ANP Procurement Law Mentoring	Advise on contact and procurement law and policy.	MOI		Col. Rick Fay, fayr@cfc-a.centcom.mil	
US/CFC-A	CERP-Other Infrastructure (New Construction & Rehabilitation)	Courthouses, justice administration buildings, other related construction	MOJ, SC, AGO		Col. Rick Fay, fayr@cfc-a.centcom.mil	
US/CSTC-A	ANA Military Court Houses (New Construction)	Build court houses at each Corps/Basic Court location.	MOD		Col. Rick Fay, fayr@cfc-a.centcom.mil	
US/CSTC-A	ANA Legislative Drafting Assistance	Assist in Drafting Laws and Regulations Affecting Military Justice	MOD		Col. Rick Fay, fayr@cfc-a.centcom.mil	
US/USAID	Legal Education	Overseas Travel, Law Journal, Computer Training, Curriculum	MOJ, SC, Kabul University, NLTC		Ray Johansen, RJohansen@usaid.gov	
US/USAID	Law Reform and Legal Drafting	Compiled Laws, Translation, Legislative Drafting Training	MOJ, SC		Ray Johansen, RJohansen@usaid.gov	
US/INL	CSSP Corrections Officer Training	Curriculum Development, Training, Nation Training Center	MOJ, NCTC		Karen Hall, halkk2@state.gov	
US/INL	CSSP Prison Engineering Development	Supports and develops capacity from design to renovation	MOJ		Karen Hall, halkk2@state.gov	
US/USAID	Judicial Training	Curriculum Development, Training, Training Infrastructure	SC		Ray Johansen, RJohansen@usaid.gov	
US/CSTC-A	ANP Legal Training	Arrange legal training for ANP members by use of ANP staff and international mentors	MOI		Col. Rick Fay, fayr@cfc-a.centcom.mil	
US/INL	LLM (Master's in Law) Program	ESL training for 17 law professors in Kabul and Seattle, LLM and certificate degrees in 2007	Kabul University		Karen Hall, halkk2@state.gov	
US/USAID	Informal Justice Sector and Access to Justice	Educational Materials, Cultural Centers, Women's Rights	MoWA, Cultural Centers		Ray Johansen, RJohansen@usaid.gov	

NL

**Last update
27/Sep/2007**

NL	Promoting Transitional Justice	Promote Transitional Justice support the Action Plan in all its facets provide support staff for GoA focal point on Transitional Justice	ICTJ (in partnership with AIHRC and UNAMA)	2006-2007	Guillaume Teerling, guillaume.teerling@minbuza.nl	
NL	Transitional Justice - support staff	Provide support staff for GoA focal point on Transitional Justice	Presidential Palace, MoFA, AIHRC	2006-2007	Guillaume Teerling, guillaume.teerling@minbuza.nl	
NL	Open up archives on war crimes	Open up archives on Dutch investigations and sources on Afghan war crimes	Afghanistan Center Kabul University	2006-2007	Paul van de Logt, paul-vande.logt@minbuza.nl	
NL	Strengthening the Justice System of Afghanistan	capacity building and reform of justice institutions, provide technical assistance and training	UNDP	2006-2007	Guillaume Teerling, guillaume.teerling@minbuza.nl	
NL	Training members of parliament	Exchange and training programme of members of parliament	Netherlands Institute for Multiparty Democracy	2006-2007	Yvonne Stassen, yvonne.stassen@minbuza.nl	

Egyptian Embassy/ EFTC

**Last update
27/Sep/2007**

Egyptian Embassy/ EFTC	Law enforcement	Advanced field training seminar for Anti-Narcotics Officers	Egyptian Police Academy, MOCN	current year	karimsharaf@hotmail.com	
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Egyptian Embassy/ EFTC	Building Capacity	500 fellowships for Afghan students to study Sharia and Law at Al-Azhar University for for years, with an average of 80 scholarship per year	Al-Azhar university,	current year	karimsharaf@hotmail.com
Egyptian Embassy/ EFTC	Building Capacity	Visiting Scholars Program:30 Egyptian Professors specialized in Sharia, Islamic Jurisprudence, Gender issues, Criminal Law and Human Rights	Al-Azhar university	current year	karimsharaf@hotmail.com
Canada					
Canada	Corrections Advisor to UNAMA	Deploying Corrections Advisor to UNAMA to help establish professional correctional service that respects rule of law and international human rights standards and practices. Duties include advising UNAMA and Ministry of Justice and liaising with donors.	UNAMA	2003-2009	Catherine Bloodworth (catherine.bloodworth@international.gc.ca)
Canada	Counter Narcotics Trust Fund	Contributed to CNTF to assist GoA in fighting illicit drug production and implementing National Drug Control Strategy. Contribution was earmarked for Alternative Livelihoods	UNDP	2006-2008	Catherine Bloodworth (catherine.bloodworth@international.gc.ca)
Canada	Canada-UNODC Afghanistan Counter Narcotics Program	Supporting various UNODC programs targeting counter narcotics.	United Nations Office on Drugs and Crime	2005-2009	Catherine Bloodworth (catherine.bloodworth@international.gc.ca)
Canada	Gender Advisor to the Ministry of the Interior	Supporting gender advisor within MOI to foster more gender-balanced police organisation that operates under rule of law and human rights principles and actively protects women and girls. Activities include training and mentoring Afghan policewomen	CANADEM	2005-2008 (2007-2008 funding awaiting final approval)	Georgina Wogley (georgina.wigley@international.gc.ca)
Canada	Strengthening the Rule of Law	Supporting IDLO to improve access to justice through legal aid, training of prosecutors, judges, and public defenders, and enhancing court administration.	International Development and Law Organization	2004-2007	Nadir Habib (nadir.habib@international.gc.ca)
Canada	DELETE -- Women's Rights Fund	DELETE -- This project has finished and has now been replaced by the Rights in Practice Project (see below)	International Centre for Human Rights and Democratic Development	2003-2006 (follow-up project under review)	
Canada	Support to Legal Aid Afghanistan (LAA) Project	Supporting International Legal Foundation (ILF) and International Criminal Defence Attorneys Associate (ICDAA) to build infrastructure for public defence system (legal aid) throughout Afghanistan through International Legal Foundation-Afghanistan. Activities include setting up offices, training and mentoring lawyers delivering defence services to the poor and conducting workshops for all stakeholders. Now supporting ICDAA and ILF to consolidate institutional capacity of their five legal aid offices under ILF-A as a single national service provider. These legal aid offices will be overseen by new Afghan Board of Directors, that will also engage Afghan Government in formulating viable national legal aid policy framework.	CANADEM, International Legal Foundation (ILF, and International Criminal Defence Attorneys Association (ICDAA)	2005-2010	Nadir Habib (nadir.habib@international.gc.ca)
Canada	DELETE --Alternative Livelihoods Program in North-eastern Afghanistan	DELETE -- focuses on rural development and income generating activities rather than Rule of Law or justice			
Canada	Disbandment of Illegal Armed Groups	Assisting GoA to disband and disarm illegal armed groups to set conditions for good governance and rule-of-law	UNDP/Afghanistan New Beginnings Program (ANBP)	2005-2009	Nasir Ebrahimkhail (nasir.ebrahimkhail@international.gc.ca)
Canada	Translation and Publication Unit in the Supreme Court	Supporting priority project identified by the Afghanistan Supreme Court at the Rome Rule of Law Conference for the creation of a translation and publication unit at the Court.	UNDP	2008-2009	Catherine Bloodworth (catherine.bloodworth@international.gc.ca)

Canada	Public Legal Awareness Project in the Ministry of Justice	Supporting priority project identified by the Afghanistan Ministry of Justice at the Rome Rule of Law Conference to address the need for public legal awareness via (a) delivering a nation-wide public legal awareness campaign; and (b) strengthening the capacity of the Ministry of Justice to conduct on-going public legal awareness initiatives.	UNDP	2008-2009	Catherine Bloodworth (catherine.bloodworth@international.gc.c	
Canada	Capacity Building Project in the Ministry of Justice Legislative Drafting Unit	Supporting deployment of Justice Canada lawyer and reach-back capacity of Department of Justice, to help standardise legislative drafting process and improve legislative drafting capacity within the MoJ. Some emphasis will also be placed on improving access to legislative and policy development. Legal texts, information technology and other resources will be provided to Ministry as required.	DFAIT/Justice Canada	2008-2009	Catherine Bloodworth (catherine.bloodworth@international.gc.c	
Canada	Rights in Practice: Women's Rights and Family Law Reform	Supporting Rights and Democracy to launch debate and activities around women's rights and family law reform in Afghanistan. Activities include working with Afghan civil society to conduct research and design advocacy strategies in favour of family law reform, including engaging mullahs and community leaders on more progressive forms of family law in which women's rights are protected.	International Centre for Human Rights and Democratic Development (Rights and Democracy)	2007-2011	Caroline Delany (caroline.delany@international.gc.ca)	
Canada	Broadening the Constituency of Transitional Justice in Afghanistan	Supporting broadcast radio programs aimed at providing forum for: (1) victims of human rights abuses to tell their stories; and (2) transitional justice experts to educate public with regard to transitional justice action plan.	Afghanistan National Participation Association	2007-2008	Catherine Bloodworth (catherine.bloodworth@international.gc.c	
Canada	Towards a Just Peace: Transitional Justice Programs in Afghanistan	Supporting victim networks, local civil society initiatives, and the Afghansitan Independent Human Rights Commission (AIHRC) in documenting and addressing human rights violations.	International Centre for Transitional Justice	2007-2008	Catherine Bloodworth (catherine.bloodworth@international.gc.c	
Canada	Afghanistan Independent Human Rights Commission (AIHRC)	Providign core budget support to AIHRC. This builds on 2002-2003 funding to AIHRC to advance women's rights, human rights education and transitional justice.	AIHRC	2007	Nadir Habib (nadir.habib@international.g	
CIDA				Last update 27/Sep/2007		
CIDA	Counter Narcotics Trust Fund	Contributed to CNTF to assist GoA in fighting illicit drug production and implementing National Drug Control Strategy. Contribution was earmarked for Alternative Livelihoods	UNDP	2006	Rory O'Connor (rory.o'connor@internati onal.gc.ca)	CIDA is a Can Government Department
CIDA	Counter-Narcotics Capacity Building Project	Working with UK and Belgium to support UNODC to increase capacity of justice professionals to prosecute high-profile drug traffickers. Project objectives include: building capacity of judges, prosecutors and investigation unit officers; improving physica	United Nations Office on Drugs and Crime	2005-2007	Linda Libront (linda.libront@international	
CIDA	Gender Advisor to the Ministry of the Interior	Supporting gender advisor within MOI to foster more gender-balanced police organisation that operates under rule of law and human rights principles and actively protects women and girls. Activities include training and mentoring Afghan policewomen	CANADEM	2005-2008 (2007-2008 funding awaiting final approval)	Linda Libront (linda.libront@international	
CIDA	Strengthening the Rule of Law	Supporting IDLO to improve access to justice through legal aid, training of prosecutors, judges, and public defenders, and enhancing court administration.	International Development and Law Organization	2004-2007	Linda Libront (linda.libront@international	

CIDA	Women's Rights Fund	Supporting Rights and Democracy to promote human rights for women among Afghan women, to help build space for women's voices in political, judicial and civil processes, and to promote capacity-building among local Afghan women's groups. Activities include	International Centre for Human Rights and Democratic Development	2003-2006 (follow-up project under review)	Rory O'Connor (rory.o'connor@international.gc.ca)
CIDA	Support to Legal Aid Afghanistan (LAA) Project	Supporting International Legal Foundation (ILF) to build infrastructure for public defence system (legal aid) throughout Afghanistan through International Legal Foundation-Afghanistan. Activities include setting up offices, training and mentoring lawyers	International Criminal Defence Attorneys Association & International Legal Foundation	2005-2006 (new funding under review)	Linda Libront (linda.libront@international.gc.ca)
CIDA	Alternative Livelihoods Program in North-eastern Afghanistan	Supporting Aga Khan Foundation Canada to provide effective alternative livelihood options through community-based, integrated rural development in Bamyan, Baghlan, Parwan, and Samangan. Project supports increased range of licit income generating opportunities	Aga Khan Foundation Canada	2005-2009	Linda Libront (linda.libront@international.gc.ca)
CIDA	Disbandment of Illegal Armed Groups	Assisting GoA to disband and disarm illegal armed groups to set conditions for good governance and rule-of-law	UNDP/Afghanistan New Beginnings Program (ANBP)	2005-2009	Nasir Ebrahimkhail (nasir.ebrahimkhail@international.gc.ca)

Germany

Max-Planck-Institute for Comparative and Private International Law, Hamburg/Germany	The matrimonial laws of Afghanistan	survey of current legal situation as regards matrimonial law, experts workshop on matrimonial law, publication of a family law textbook	legal community in Afghanistan	2006 - 2007	Nadjma Yassari, yassari@mpipriv.de
GTZ- Rule of Law Project	National Justice Monitoring and Evaluation System	GTZ works with the Afghan government to support efforts of key reforms within the judicial system. Activities in this area include supporting the development and implementation of the national justice monitoring and evaluation system, and training key justice personnel at the supreme court	Supreme Court and Ministry of Justice	2006-2008	Dr. Hirbod Aminlari, hirbod.aminlari@gtz.de
GTZ- Rule of Law Project	Police Training	In close consultation with MoI, GPPT and EUPOL policemen and women are being instructed to better observe the principles of rule of law and to apply them in their daily work. As one part of this cooperation, the police academy is being advised on the shaping of its curriculum, and GTZ has produced Dari and Pashto legal materials on principles of Afghan law, including the constitution, police law, criminal procedures, penal code, juvenile law, human rights. GTZ is undertaking this work through a ToT with instruction being carried out in both the capital and the provinces. GTZ is doing a training in Mazar for 25 Police Officers of the Police Manual and going to do the same training in 5 zones in Afghanistan	MoI, GPPT, EUPOL	2006-2008	Dr. Hirbod Aminlari, hirbod.aminlari@gtz.de
GTZ- Rule of Law Project	Civil society	Social dialogue, public information and education through promotion of the local NGOs working at the provincial and district levels. GTZ supports Afghanistan's efforts to spur social dialogue and organizational development so that local partners are enabled to develop their own independent positions on the basic themes of democracy and rule of law and to open their views to discussion.	different NGOs such as AHRO, AWJA, LCSAWC, WHSRO and Radio Zohra	2006-2008	Dr. Hirbod Aminlari, hirbod.aminlari@gtz.de

GTZ- Rule of Law Project	Access to Justice	Assistance to the Training Commission of the Supreme Court in the education of judicial candidates and advisory services and financing for national NGOs that seek to improve the quality and range of the legal advice they provide to vulnerable population groups such as poor women, persons in custody pending trial, and prison inmates. GTZ also supports the Ministry of Justice as it assumes its legal aid responsibilities, especially at the provincial level. GTZ also is also exploring ways to improve relationships between police and society in Afghanistan through trust building/confidence building initiatives. The results of these activities will form the basis for best practices in confidence building.	different NGOs such as AHRO, AWJA, LCSAWC, WHSRO	2006-2008	Dr. Hirbod Aminlari, hirbod.aminlari@gtz.
Max-Planck-Institute for for Comparative Public Law and International Law, Heidelberg/G ermany	Assistance to the Training Commission of the Supreme Court in the education of judicial candidates	Assistance to the SC-Trainings Commission in the education of judicial candidates ("stage"), teaching Constitutional Law, Human Rights, Court Organization Law, General Criminal Law, Judicial Ethics and Fair Trial Principles	SC, IPLD (France), (coordination of the training modules with USAID and IDLO)	2006-2007	Tilman Röder, troeder@mpil.de, Aziz Ahmad ahmadzada10@hotmail.com
EC					
Medica Mondiale/EC	Family Violence	Legal Support for Women and Girls affected by family violence in Kabul, Herat, Mazar-i-Sharif and Kandahar: The legal situation of women and girls affected by family violence is improved through direct legal services for survivors, awareness raising and education on their legal rights and by building capacity of different key actors providing effective prevention and response mechanisms. This will be achieved for example through: providing fair access to justice in Kabul, Herat, Mazar-i-Sharif, and Kandahar; skills and capacity building for direct service providers like defence lawyers, prison wardens, police and through legal education on women's rights as human rights is provided with particular emphasis on amending, implementing and enforcing legislation to protect women and girls against family violence.	Penitentiary Institutions	12/05 -- 01/2008	erwan.marteil@ec.europa.eu
UNDP/EC	A2J at the District Level	This project aims to support access to justice at the district level. The action is taken around four main activities: reassessment of districts within the national strategy framework on strengthening the justice system; refurbishment of judicial centres	District Courts	01/05-01/09	erwan.marteil@ec.europa.eu
UNDP/EC	A2J at the District Level	In terms of substance, to improve access at justice at the district level through the human rights based trainings and consultations of the representatives of the justice systems (duty barriers) and the public awareness raising campaign among the community members (claim holders), specially focusing on disadvantaged categories.	District Courts	01/05-01/09	erwan.marteil@ec.europa.eu

UNDP/EC	A2J at the District Level	In terms of process, to strengthen social cohesion through seeking consensus with participatory processes, and focusing assistance on the most vulnerable strata of the society- women, children, elderly, minorities. The human rights-based approach will facilitate the codification of the social and political consensus on accountabilities for results into laws, policies and programmes aligned with international conventions	District Courts	01/05-01/09	erwan.marteil@ec.europa.eu	
UNODC						Last updated 27/Sep
UNODC	Reform of the juvenile justice system - Extension to the provinces (AFG/S51)	<ul style="list-style-type: none"> • Training for professionals dealing with juveniles in contact and in conflict with the law trained on the new Afghan Juvenile Code and on Juvenile Justice and implementation of non-judicial measures and non-custodial sanctions; • Training on management, 	MoJ	Planned	Ms. Carla Ciavarella (carla.ciavarella@unodc.org)	
UNODC	Counter Terrorism (CT)	<ul style="list-style-type: none"> • National workshop, June 2004, on necessary legislative measures for fighting terrorism and translational organized crime. 53 officials of the Government representing various Ministries were trained. • Legislative drafting workshop for Afghan experts in 	MoJ	Planned	Mr. Matteo Pasquali (matteo.pasquali@unodc.org)	
UNODC	Measures to prevent and combat trafficking in human beings in Afghanistan (AFAFG/S54)	<ul style="list-style-type: none"> • Assessment report including trends and recommendations on anti-trafficking strategies; • Assessment report prepared on existing legislation and legislative drafting assistance; • Training programme designed for law enforcement and the judiciary; • An a 	MoJ	Planned	Mr. Matteo Pasquali (matteo.pasquali@unodc.org)	
UNODC	Crime Assessment in Afghanistan	<ul style="list-style-type: none"> • To engage national institutional counterparts into the research and the collection of information available in concerned authorities and institutions; • To establish an inventory of data and information (secondary data) available at institutional level 	MoJ	Planned	Mr. Matteo Pasquali (matteo.pasquali@unodc.org)	
UNODC	Strengthening the capacity of the judiciary to prevent and combat corruption in Afghanistan	<ul style="list-style-type: none"> • To build the awareness and capacity of the National Assembly to ratify the UNCAC and to work on the implementation of its principles and provisions at central and provincial level; • Provision of legislative assistance in order to amend national legisla 	MoJ	Planned	Mr. Matteo Pasquali (matteo.pasquali@unodc.org)	
UNDP						Last updated 27/Sep
UNDP/SJSA	Access to Justice; Element: 1. Enhance rights awareness	Public Legal Awareness Campaign (focus on HR, women rights and children) - one of 5 Quick Impact projects as outlined for Rome Conference.	UNDP with MoJ, national service providers for media,	Dec 2007 - Nov 2008 (1 year)	nasrat.aslam@undp.org	

Environmental and Social Safeguards Management Framework

Background

In January 2006, the GoA and the international community agreed on specific development goals and deadlines for their achievement, including in the justice sector, in the *Afghanistan Compact*. These goals, along with others based on the strategies produced by the Supreme Court (SC), Ministry of Justice (MoJ) and Attorney General's Office (AGO) in April 2007, have now been incorporated into a *National Justice Sector Strategy* (NJSS). The NJSS is intended to be a statement of high level objectives, and is accompanied by a *National Justice Program* (NJP). The NJP is an implementation plan designed to achieve the objectives set out in the NJSS. The draft NJSS and NJP are currently at an advanced stage, and once finalized, will form part of the GoA's *Afghanistan National Development Strategy* (ANDS).

According to the NJSS, GoA's vision is "*an Islamic society in which an impartial and independent justice system delivers safety and security for life, religion, property, family and reputation, with respect for liberty, equality before the law and access to justice for all.*" The NJSS aims to realize this vision by undertaking a range of activities unified under three goals: (i) improved quality of justice; (ii) improved integrity, performance and infrastructure; and (iii) improved coordination and integration within the justice system, with other government institutions and civil society.

Objectives

In line with the ANDS and NJSS, the project's development objective is to strengthen a centralized state justice system and to increase access to justice for the Afghan people. The project's immediate objective is to enhance the capacity of the justice sector institutions to deliver legal services. This will be achieved primarily through more strategic human capital and physical infrastructure management, increasing the skills of justice sector professionals, and enhancing the physical infrastructure used to deliver legal services.

Potential Impacts of Various Components

The project will enhance the capacity of the Afghan justice institutions to deliver legal services. Investment and technical assistance provided under the project are intended to strengthen human capital and physical infrastructure management, augment the skills of justice sector professionals, and enhance the physical infrastructure used to deliver legal services. The project is also intended to empower the Afghan people through legal aid and education on legal rights and obligations. This is the first ARTF-funded project proposal intended to support the implementation of the National Justice Sector Strategy (NJSS) and the National Justice Program (NJP). The aim of this first project (Phase 1) is to implement a set of quick impact sub-projects, visible to the Afghan people, while also preparing a foundation for a subsequent more robust and longer term ARTF-supported project (Phase 2).

The project will have three components: (i) Enhancing Capacity of Justice Institutions; (ii) Empowering the People; and (iii) Strengthening Implementation Capacity.

Component (i) Enhancing Capacity of Justice Institutions includes a *Physical Infrastructure sub-component*, comprising i.e. investment plans and facility design standards, including standards for model justice centers, preparation for and implementation of construction and repair of court and office facilities and judges' residences; equip new and existing courts and offices; and provide transportation for justice sector officials. Capacity to manage physical assets will also be supported to sustain the progress achieved under this subcomponent. New facilities (with the exception of the AGO HQ) will be constructed during a second follow up project (see Section II.E below). Follow up projects will support the rehabilitation, construction and equipping of other facilities according to the plans and standards developed during the initial phase.

Activities under the project should not entail significant and negative environmental and social impacts, provided they are designed and implemented with due consideration of environmental and social issues. Construction activities may cause limited, temporary, and localized negative impacts due to depletion or degradation of natural resources such as stone, earth, water etc. used for school construction if proper environmental management is not carried out at design, construction and operation stages. This can be mitigated through the implementation of an appropriate social and environmental management plan.

OP/BP 4.01 is triggered because of rehabilitation and construction activities under the *Infrastructure* sub-component. The project will apply the Environmental and Social Safeguards Management Framework (ESSMF) developed for the proposed operation. The ESSMF provides guidance on the approach to be taken during implementation for the selection and design of subprojects/proposed investments and the planning of mitigation measures, guidelines and codes of practice for an environmental mitigation measures to be incorporated in the design, contracting and monitoring of sub-projects. Guidelines for consultation and disclosure requirements are also included, to ensure due diligence and facilitate consistent treatment of environmental and social issues by all participating development partners.

If land acquisition is required, it will be undertaken in accordance with the provisions of Afghanistan's current Land Expropriation Law, enacted in 2000 and the Land Policy 2007 approved by the cabinet in 2007 plus OP/BP 4.12 on Involuntary Resettlement. In terms of social impacts, the project provides an Abbreviated Resettlement Framework (Attachment 2).

The project is of national scope and will thus in principle have equal outreach to all ethnic and religious minority groups. The project could potentially have significant positive impact on gender equity, and will incorporate gender disaggregated indicators across all relevant subcomponents in the Results Framework. Wherever community consultations, separate consultations shall be carried out with women in order to ensure that women's views are elicited at par with men's.

Chance finds of cultural property (archaeological artifacts) during implementation of sub-projects involving civil works will be handled according to provisions in the "Law on Preservation of Afghanistan's Historical and Cultural Heritage (2004)" and be reported to the provincial or district governors, who then will inform the Archaeological Committee.

Compliance with the safeguard provisions and the negative list will be ensured through an environmental, social and risk screening procedure (check lists) required for sub-project proposals, and by internal input, process, and output monitoring, independent external monitoring by consultants, and by Bank supervision missions.

Purpose of the Environmental and Social Management Framework

Currently social and environmental management in Afghanistan is suffering from critical capacity constraints. Since there is potential for adverse environmental impacts, albeit limited, from the proposed activities under the AJSRP, their mitigation and management is key to the wholesome rehabilitation and development within the vocational educational sector. Hence, keeping in view the existing management capacity, as well as the flexibility required with investments still to be finalized, a framework approach is adopted for AJSRP. It allows for early identification of potential adverse impacts, without the requirement of rigorous analysis through quantification, and also provides general policies and broad guidance for their effective mitigation, along with codes of practice and procedures to be integrated into project implementation. Consistent with existing national legislation, the objective of the Framework is to help ensure that activities under the proposed reconstruction operations will:

- Protect human health;
- Prevent or compensate any loss of livelihood;
- Prevent environmental degradation as a result of either individual subprojects or their cumulative effects;
- Enhance positive environmental and social outcomes; and,
- Ensure compliance with World Bank safeguard policies.

General Principles

Recognizing the emergency nature of the proposed relief and reconstruction operations, and the related need for providing immediate assistance, while at the same time ensuring due diligence in managing potential environmental and social risks, this Framework is based on the following principles:

1. The project will support multiple subprojects, the detailed designs of which may not be known at appraisal. To ensure the effective application of the World Bank's safeguard policies, the Framework provides guidance on the approach to be taken during implementation for the selection and design of subprojects, and the planning of mitigation measures;
2. All proposed subprojects will be screened to ensure that the environmental and social risks can be adequately addressed through the application of standardized guidelines;
3. Project design and subproject selection will aim to maintain regional balance, and equity between ethnic and religious groups, considering variations in population density. Employment opportunities within the projects will be available on an equal basis to all, on the basis of professional competence, irrespective of gender, or ethnic or religious group
4. Consultation and disclosure requirements will be simplified to meet the special needs of these operations. Prior to approval by the World Bank Board, this Environmental and Social

Safeguards Framework will be disclosed in Afghanistan in Dari and Pashto, and in the World Bank Infoshop.

Safeguard Screening and Mitigation

The selection, design, contracting, monitoring and evaluation of subprojects will be consistent with the following guidelines, codes of practice and requirements:

- A negative list of characteristics that would make a proposed subproject ineligible for support, as indicated in Attachment 1;
- An abbreviated Resettlement Framework to be followed in case land acquisition affecting less than 200 Project Affected People, provided in Attachment 2;
- Procedures for the chance discovery of archaeological artifacts, and unrecorded graveyards and burial sites, provided in Attachment 3;

Responsibilities for Safeguard Screening and Mitigation

The overall responsibility of project implementation rests with the Supreme Court (SC), Ministry of Justice (MoJ) and the Attorney General's Office (AGO). A designated Safeguards Nodal Officer will be identified with responsibility for overseeing the implementation of the Environment and Social Safeguards Framework and Management Plan within the Project Units in the implementing institutions, the SC, MoJ and the AOG.

Capacity Building and Monitoring of Safeguard Framework Implementation

As part of the social and environmental capacity building that will be provided for implementation of IDA-financed operations in Afghanistan, the Safeguards Focal Officer and relevant staff of the implementing institutions/Consultants will receive training in the application of the Safeguard Framework. Specialist training modules may be considered after an acceptable level of base knowledge has been established. During supervision of the project, the World Bank will assess the implementation of the Framework, and if required, will recommend additional strengthening.

Consultation and Disclosure

This Environmental and Social Safeguards Framework was developed on the basis of an overall Framework for World Bank-funded reconstruction operations which was prepared in consultation with the principal NGOs and development partners participating in reconstruction activities in Afghanistan. Prior to approval of the project by the World Bank, it will be disclosed by the Government in both in both Dari and Pashto, as well as English, and it will also be made available at the World Bank's Infoshop. Since no other separate environmental or social assessments will be prepared for activities under the proposed reconstruction operations, no additional disclosure requirements will apply.

Attachment 1

Negative List of Subproject Attributes

Subprojects with any of the attributes listed below will be ineligible for support under the proposed emergency reconstruction operations.

Attributes of Ineligible Subprojects
GENERAL CHARACTERISTICS
Involves the significant conversion or degradation of critical natural habitats. Including, but not limited to, any activity within: <ul style="list-style-type: none">• Ab-i-Estada Waterfowl Sanctuary;• Ajar Valley (Proposed) Wildlife Reserve;• Dashte-Nawar Waterfowl Sanctuary;• Pamir-Buzurg (Proposed) Wildlife Sanctuary;• Bande Amir National Park;• Kole Hashmat Khan (Proposed) Waterfowl Sanctuary.
Will significantly damage non-replicable cultural property, including but not limited to any activities that affect the following sites: <ul style="list-style-type: none">• monuments of Herat (including the Friday Mosque, ceramic tile workshop, Musallah complex, Fifth Minaret, Gawhar Shah mausoleum, mausoleum of Ali Sher Navaii, and the Shah Zadehah mausoleum complex);• monuments of Bamiyan Valley (including Fuladi, Kakrak, Shar-i Ghulghular and Shahr-i Zuhak);• archaeological site of Ai Khanum;• site and monuments of Ghazni;• minaret of Jam;• mosque of Haji Piyada/Nu Gunbad, Balkh province;• stupa and monastery of Guldarra;• site and monuments of Lashkar-i Bazar, Bost;• archaeological site of Surkh Kotal.
Requires involuntary acquisition of land, or any resettlement of people affecting more than 200 persons.
Involves the use of unsustainably harvested timber or fuelwood.
Involves the use of hazardous substances.

Attachment 2

Abbreviated Resettlement Framework,

In compliance of the Bank's Operational Policy 4.12, in case of less than 200 Project Affected People (PAPs), the following abbreviated Resettlement Framework shall be followed in order to restore housing and issue economic compensation for loss of land and livelihood through a consultative and mutually agreeable process.

Principles

- all land should be surveyed and mapped and agreement reached with government on explicit eligibility cut-off date.
- where land is disputed or land ownership is not clear, the land will be surveyed and a map hereof issued to the affected families. In case of land disputes, attempts should be made to settle disputes prior to project start.
- customary and collective rights, e.g. to grazing land and commons, should be verified and documented through community-level consultations and local authorities. Customary and collective rights are also subject to compensation.
- compensation for land, housing and assets are based on principles of replacement cost and mutually agreeable solutions based on consultative approach with PAPs.
- where affected land provide income, the equivalent to the value of the crop lost will be given in compensation, based on the value of the harvests lost until the replacement crop (e.g. fruit trees) come into full production.
- if land forms basis for other income, the value of the income hereof will be subject to third party assessment
- if PAPs are squatters/informal settlers on the land, they will receive economic/material compensation to re-establish themselves elsewhere (e.g. on government land) without suffering damage to their livelihood or living standard.

Process

1. Survey of land and assets & census of Project Affected Peoples, including squatters and informal settlers:

- the surveyed land and assets should be identified, marked and photographed, and by the defined eligibility cut-off date the areas should be secured against encroachers.
- the Project Affected People should be identified and registered with full data and photographs
- a compensation package should be developed (categories of impacts and appropriate entitlements to formal and informal settlers landholders and squatters), and
- initial consultations should be conducted to identify any salient issues or concerns impacting on affected people. Gender separate consultations should be conducted in order to properly ascertain the views of the women.

2. Calculation of individual entitlements. There should be continued consultations with the affected people regarding the project, land acquisition and compensation package in order to reach mutually agreeable solution to land/asset acquisition and/or shifting of house. In case any PAP refuses to shift, an abbreviated Resettlement Plan, compliant to OP 4.12, should be developed.

Attachment 3

Protection of Cultural Property

Physical culture includes monuments, structures, works of art, or sites of "outstanding universal value" from the historical, aesthetic, scientific, ethnological, or anthropological point of view, including unrecorded graveyards and burial sites. Within this broader definition, cultural property is defined as sites and structures having archaeological, paleontological, historical, architectural, or religious significance, and natural sites with cultural values.

The proposed emergency project is unlikely to pose a risk of damaging cultural property, as the sub-projects will largely consist of small investments in community infrastructure and income generating activities, reconstruction of existing structures, and minor urban public works. Further, the negative list of attributes, which would make a subproject ineligible for support (Attachment 1), includes any activity that would significantly damage non-replicable cultural property. Nevertheless, the following procedures for identification, protection from theft, and treatment of chance finds should be followed and included in standard bid documents.

Chance Find Procedures

Chance find procedures are defined in the law on the Preservation of Afghanistan's Historical and Cultural Heritages (decree no. 19, Official Gazette, no. 828, 1383/02/31 – 2004/05/20), specifying the authorities and responsibilities of cultural heritage agencies if sites or materials are discovered in the course of project implementation. This law establishes that all moveable and immovable historical and cultural artifacts are state property, and further:

1. All humanitarian artifacts (Moveable and Immoveable) which have historical, scientific, artistic or cultural value and are at least one hundred (100) years old.(art. 3, 1)
2. All artifacts which are less than 100 years old but have cultural, scientific and artistic value and are determined to be preserve able and valuable artifacts (art. 3, 2).
3. The Archaeology Institute and the Historical Artifacts Preservation and Repair Department are both responsible to survey, evaluate, determine and record all cultural and historical sites and collect and organize all historical documents related to each specific site. No one can build or perform construction on the recorded historical and cultural site unless approved or granted permission or agreement is issued from the Archaeology Institute (art. 7)
4. Whenever municipalities, construction, irrigation or other companies (whether they are governmental or private) find or discover valuable historical and cultural artifacts during the conduct of their projects, they are responsible to stop their project and report any findings to the Archaeology Institute about the discovery. (art. 10). If a construction project harms a historical or cultural artifact, the project will be stopped until proper measures are taken to preclude such harm. (art. 11)
5. Any finder or discoverer of historical and cultural sites is obligated to report a find or discovery to the Archeology Institute immediately but not later than one week if it is in the city and not later than 2 weeks if it is in a province. All discovered artifacts are considered public properties and the Government of Afghanistan will pay for all lands and sites which are considered to be of historical or cultural value.(art. 19, 1)

6. Whenever there is an immovable historical and cultural site discovered which includes some movable historical and cultural artifacts, all such movable artifacts are considered public property and the owner of that property will be rewarded according to Article 13 of this Decree (art. 19, 2).

7. A person who finds or discovers a movable historical and cultural artifact is obligated to report the discovery to the Archaeology Department no later than seven (7) days if he/she lives in the capital city of Kabul, and in the provinces they should report the discovery to the Historical and Cultural Artifacts Preservation Department or Information and Culture Department or to the nearest governmental Department no later than fourteen (14) days. Mentioned Departments in this article are responsible to report the issue to the Archaeology Department as soon as possible and the discoverer of the artifact will be rewarded according to Article 13 of this Decree.(art. 26)

8. Whenever individuals who discover historical and cultural artifacts do not report such discoveries to the related Departments within the specified period according to Articles 19 and 26 of this Decree, they will be incarcerated for a minimum of one (1) month but not more than a maximum of three (3) months.(art. 75)

9. Individuals who deliberately destroy historical and cultural artifacts will be fined and according to the level and kind of destruction, they shall be incarcerated from one (1) month minimum to a maximum of ten (10) years. (art. 74)

In case of a chance find of moveable or immovable historical or cultural artifact, the implementing agency is responsible for securing the artifact from theft, pilferage and damage until the responsibility has been taken over by the relevant authorities as specified above.

These procedures must be referred to as standard provisions in construction contracts, when applicable. During project supervision, the Site Engineer shall monitor that the above regulations relating to the treatment of any chance find encountered are observed.

Relevant findings will be recorded in World Bank Project Supervision Reports (PSRs), and Implementation Completion Reports (ICRs) will assess the overall effectiveness of the project's cultural resources mitigation, management, and capacity building activities, as appropriate.

Annex 10

Letters of Endorsement by Sector Ministries and Ministry of Finance