



Iraq - Support to the Rule of Law and Justice Project Final Project Evaluation

Delegation of the European Union to Iraq
United Nations Development Programme
United Nations Office of Project Services

August 2012

Submitted by
Dr. Jim Freedman
and
Dr. Abbas Balasem

Acknowledgements

We extend our appreciation first to Omar Awabdeh, an evaluation specialist in UNDP–Iraq’s Monitoring and Evaluation unit who has been a guide, a colleague and for all intents and purposes, a member of the evaluation team. He has been ever ready with solutions and insights for us at a time when he himself was confronting other, particularly pressing concerns. We thank him the more.

UNDP’s Rule of Law and Justice programme manager, Marc-Antoine Morel, along with the project officer in Erbil, Shawqi Younis extended to us the freedom and facilities to research as we saw fit never hesitating to meet our requests even when they themselves were pressed with their own commitments.

We must also acknowledge those who gave their time in interviews and did so eagerly. It was an indication of the commitment of partners and beneficiaries and government counterparts to the ideals of this project and it goes without saying that this report belongs first and foremost to them.

Table of Contents

Acknowledgements.....	ii
Table of Contents.....	iii
Acronyms.....	iv
Section One: Executive Summary	1
Lessons and Observations.....	2
Recommendations.....	5
Section Two: Introduction	7
Purpose of the Evaluation.....	7
Rule of Law Programmes – A Cautionary Note.....	8
Methodology.....	10
Section Three: Development Effectiveness and Sustainability	12
Introduction.....	12
UNDP Implemented Component – An Overview	13
Legal Training.....	14
Case Management System	17
Public Awareness Campaign	18
Legal Research Units	20
Legal Services for the Disadvantaged.....	21
Prison Monitoring.....	26
Rehabilitation of Victims of Torture.....	28
Section Four: Relevance, Design and Efficiency	31
Relevance and Strategic Fit	31
Validity of Design.....	32
Management Effectiveness and Efficiency of Resource Use	35
Section Five: Perspectives of the National Entities	38
Section Six: Lessons and Recommendations.....	40
Lessons and Observations.....	40
Recommendations.....	43
Annex 1: Persons Interviewed	45

Acronyms

ACLRI	Arab Centre for Development of Rule of Law and Integrity
AIHR	Arab Institute for Human Rights
FSJS	Family Security and Justice Support Project
ICI	International Compact with Iraq
JDI	Judicial Development Institute
JNP	Justice Network for Prisoners
JTI	Judicial Training Institute
KJI	Kurdistan Judicial Institute
KRG	Kurdistan Regional Government
LDC	Legal Defense Centres
NGO	Non-Government Organization
PAO	Public Aid Organization
PPDT	Programme for the Protection of Detainees and Torture Victims
UNAMI	United Nations Assistance Mission for Iraq
UNDP	United Nations Development Programme
UNOPS	United Nations Office for Project Services
UPP	Un Ponte Per

Section One: Executive Summary

This report is an end-of-project evaluation of the IRAQ - Support to the Rule of Law and Justice Project. It has been implemented in a partnership between the Government of Iraq and two United Nations agencies, UNDP and UNOPS, with funding from the European Commission. Its principal interventions were in two parts. A first part provided training, research, public awareness, legal assistance and material inputs to two model courts and Iraq's Higher Judicial Council which administers the courts nationally, as well as the Ministry of Justice. This part was implemented by the UNDP. A second part supported a network of NGOs to collaborate with the Ministry of Human Rights in two endeavors: the monitoring of prisons and the provision of legal aid services to detainees in prison awaiting trial. Support was also given to two centres offering rehabilitation to victims and their families subjected to torture or domestic violence. This part was implemented by UNOPS.

The original project was scheduled for implementation over a three-year period beginning in 2008 and terminating in 2010 with a budget of US\$ 18.3 million. After a one year extension the project closed on 31 December 2011. These years, 2008 to 2011, have been difficult years in Iraq. The governments that have resulted from democratic elections have not had a firm mandate and inter-ethnic tensions have contributed to a climate of extreme insecurity in central and south Iraq. These conditions have plagued the delivery of project inputs in the south and central governorates and must be taken into consideration when assessing the performance of the project. For this and other reasons that are examined in this report, some of the project elements have been delayed so that certain elements of the project have not been completed. Others were cancelled; some of the cancelled elements were never done while some, for which funding was withdrawn, have nevertheless been taken up and financed by UNDP's own (TRAC) funds. While not funded by the European Commission, these are included in this evaluation.

For the purposes of this evaluation, those elements of the project which have not been cancelled have been divided into eight discrete sets of activities as indicated in Table 1.1.

Table 1.1. Project Activities and Locations

Activity	Location
Legal Training	Basra, Baghdad and Erbil
Installation and Operationalization of a Case Management System	Basra and Erbil Model Courts
Public Awareness Campaign	Baghdad, Basra and Erbil with nationwide television and radio coverage
Legal Research Units	Baghdad, Basra and Erbil
Establishment of Legal Assistance Offices & Establishment of Legal Helpdesk	Dohuk and Suleimaniyah Erbil
Establishment of Legal Defense Centres	Select Locations Nationwide
Training for Prison Monitoring and Monitoring of Prisons	Select Locations Nationwide
Rehabilitation of Torture Victims	Basra and Kirkuk

Out of these eight discrete sets of activities four have not been completed as planned. Beneficiaries have expressed satisfaction with four of the activities, while in four others, satisfaction among beneficiaries has only been partial or not at all. In two instances, there is a possibility that the project's inputs will have a lasting impact on how justice is delivered, either nationally or in their respective locales while in six others there seems little or no impact on how justice is delivered. In four of the activities there is a strong possibility for sustained support; in four others, this seems rather unlikely. A systematic review of these criteria applied to these eight activities is provided in Table 3.1, Section Three.

The project has had a few significant results. The legal training programme has reached substantial numbers of judges with intensive sessions on topics pertinent to their work in the courtroom. The case management system in Erbil is near to completion and may be operational in the near future. The difficulties it has experienced have also been significant with the consequence that in certain areas of the project, the results are less than hoped for. No one agency or organization can be held responsible; nor is there a single explanation. It would be too facile to attribute the difficulties, as some do, to the failure of the UNDP to mobilize in a timely fashion at the start though certainly the UNDP is responsible for delayed implementation of a major portion of the project. Nor can the UNDP alone be faulted for not bringing about a better coordination between UNDP and UNOPS since the project's overall lack of coherence rendered it particularly difficult for UNDP, UNOPS and their respective partners to work closely together. It would also be too facile to attribute the project's partial realization to a lack of genuine buy-in among government counterparts even though this is clearly evident in aspects of the project with obvious consequences. There were other factors as well including the persistent insecurity in Iraq and the limitations on stakeholders and contractors' access to project sites. Multiple factors have contributed to a performance that has been less than what either of the UN agency implementers or the European Commission would have wished.

This should not discount its value. On the contrary, the project is of considerable value to those who learn from its trials in bringing about real change to a judiciary under the circumstances that one finds in Iraq. The task is now to make the most of the experience. The following are some lessons and observations.

Lessons and Observations

A stocktaking period

One conclusion of this report is that now is probably not the moment for a second phase. It is better for there to be a stocktaking by both agencies to learn from the experiences which this project offers. There are aspects of this project that can be built upon meanwhile. Important lessons can be applied regarding legal empowerment schemes and how they can be managed for best results. Targeted contributions can and should be made to the judicial training institutes, but only after a more careful assessment is completed than was done by the project. These can provide limited support while negotiations on broader issues are on-going.

Building a relationship of trust

Partnerships with government counterparts over the project's tenure have not been consistently positive. The objective now must be to build a relationship of trust and to this end, one must avoid any sign of opportunism. It serves little purpose to introduce a project simply for the sake of getting something on the books. It will serve the interests of the UNDP and UNOPS better to engage in a dialogue using interlocutors who are well-informed, senior and available for the long term. The introduction of new projects at this juncture may serve the immediate interests of the judicial authorities for material acquisition or perhaps the immediate interests of the UN Agencies, but in order for projects to serve the broader interests of equity and fairness, agencies need to invest in building a common ground of convictions about legal reform that serve the interests of all parties, the international community, Iraqi authorities and their constituencies.

Substantive reforms and material inputs

Iraqi authorities are prone to request material support for equipment, computers, crime labs and other facilities. Donors have provided these in the past and doing so has provided an entry for them to encourage more substantive reforms. These material contributions have not always yielded expected results. The question has been rightly asked regarding the provision of computers for automating record-keeping: "If the system has significant unfairness built into it, such as political bias or control, does increasing the speed of cases through the system actually represent a gain for the rule of law?"¹ Providing further material support to courts and other legal institutions is recommended only on the condition that the material support not be an end in itself and that it be clearly linked to an opening of dialogue on substantive reform.

Training of judges

In the interim, smaller exploratory investments may be made to demonstrate good faith and to serve as a basis of on-going discussion. There appears to be considerable scope for providing two Judicial Training Institutes – one in Baghdad and one in Erbil (in the planning stage) - with pedagogical resources, research initiatives and twinning arrangements with legal faculties abroad. Instead of offering courses that last two or three days,² a small and manageable investment could provide judges-in-training with in-depth international coverage of topics that are emerging issues in Iraq: human trafficking, legal empowerment mechanisms, money laundering, treatment of juvenile offenders, among others.

Legal empowerment

Continued support to legal empowerment schemes - some combination of helpdesks and legal aid programmes - could build on the lessons learned in the Rule of Law and Justice Project, especially on the experience at the Erbil model court. The introduction of a helpdesk in the Erbil model court was a breakthrough in that it demonstrated the value, not only to the disadvantaged but also to the justice system generally of making the system more accessible. The Erbil experiment showed that legal helpdesks can increase the confidence of potential users in the justice system and will do so most effectively when they operate inside the court facilities as an integral part of the justice system, not outside of it.

¹ Thomas Carrothers, Promoting the Rule of Law Abroad, The Problem of Knowledge, Carnegie Endowment for International Peace, Rule of Law Series, No. 34, January 2003, p. 10

² Interviewees frequently complained that courses of such short duration were of little value.

Rendering account: monitoring and evaluation

Initially, quarterly reports gave only brief, perfunctory accounts of activities. Beginning in mid-2009, UNDP's new project manager at the time insisted on more complete accounts and under her tenure quarterly reports reached 100 pages. They gave considerably more information. While the reports increased in volume, they did not increase in depth; there were lists of meetings and consultations, outreach visits and case studies of beneficiaries with occasional reference to events that seemed important. Analysis was at a premium. What was missing was a systematic assessment of results, impacts and outcomes. There were neither indications of these difficulties, their impacts on the project, or a deeper assessment of the causes and ultimate consequences.

Rarely do these reports address the question of whether or not the government has read the reports, approved the innovations, accepted new ideas about legal empowerment, reduced the number of detainees awaiting trial or made courts more efficient. In each report, challenges are occasionally identified; these generally reiterate the concerns about security and staff mobility. They rarely explore in any depth core difficulties and how to address them. Projects that do not reflect, at least occasionally and in a more or less formal fashion, on their performance can easily lose sight of their ultimate rationales.

Remote management

Problems posed by managing a project remotely, where access to partners is difficult and where direct contact is severely limited, have been repeated in numerous reports; they nevertheless merit being repeated once again since they bear directly on project performance: they make essential consultations more complex, they lead easily to misunderstandings and retard decision making. The issues confronted by the Rule of Law project are politically delicate ones and where dialogue with partners is difficult, risk is significantly magnified.

Opportunities and risks in partnering with civil society

The project has relied on civil society organizations both international and national. These organizations have served valuable functions, in part, because for security reasons, donors and implementers are limited in their movement within south and central Iraq. The greater mobility of international and national NGOs allows them to serve as intermediaries. At the same time they play a role in giving voice to concerned citizens who would otherwise not be heard and to that extent bring a greater measure of democracy to Iraqi society. They have received considerable international support over the past decade and, not surprisingly, their numbers have increased.

This largely unregulated increase has meant that inevitably a portion of these organizations have motivations that may not be wholeheartedly in the public interest. Some have been accused of being mercenary, others of being a front for political activists. Ministries in the Government of Iraq have grown suspicious of them, particularly after questions have surfaced about their quality and reputation. The lesson is that NGOs should be closely scrutinized before being considered for partnership.

There is a tendency to assume that well-reputed international NGOs are reliable partners and where there is a choice, are generally preferred over national NGOs. The experience of UNOPS and UNDP in this project has shown this is not always the case. International NGOs do not have local affiliations which national NGOs can provide, particularly in the regions where they

operate; international NGOs find it difficult to establish relations of trust in an area where trust is required. The international NGO, Heartland Alliance, which UNDP contracted to establish a legal aid programme in Dohuk and Suleimaniyah, has struggled to gain the confidence of the local bar associations and legal authorities. There are local NGOs with solid reputations that could possibly have done better because of the trust they have with local authorities.

Project coherence

It is difficult to understand the rationale for assembling a project out of disparate pieces linked only by an association among the pieces with the broad topic of rule of law. This would be a questionable model for any enterprise.

The intention in the project's design may have been to cover as many bases as possible; but the liability was an unwieldy programme in which the various components and elements had only tenuous connections with each other. It made it difficult to maintain quality assurance, to achieve a collective commitment among project participants and to prevent dissipating resources and energies in too many directions.

There were two model courts, three legal aid centres, three ministries, a training institute, two torture rehabilitation centres, a network of NGOs and the network's two programmes for monitoring a number of prisons and providing defendants with representation in 20 locations. The project was split in two administrative halves, one implemented by UNDP and the other by UNOPS. The administration of the two halves separately meant that the project was, for all intents and purposes, two separate projects. A coherent project with components that reinforce each other and a limited number of linked objectives would have been preferable.

Keeping responsibilities of programme and project managers distinct

Delays in programme implementation have resulted in part from the absence of a project manager. Not uncommonly, in these cases, the responsibilities of the project manager were assumed by a programme manager. This may be necessary in certain exceptional circumstances, but as a general rule, the roles of the programme and project managers should not be conflated.

Recommendations

- In lieu of preparing a second phase of the Rule of Law and Justice Project, it is recommended that the stakeholders take stock of the experience afforded by the project while completing those elements of the project which are not yet completed.
- As part of this stocktaking process and in order to identify common ground for future collaboration, it is recommended that the UN agencies deliberately and strategically embark on a campaign to build a greater level of trust than exists at present with judiciary partners in Iraq, identifying areas of common concern that will address shared priorities for increasing the efficiency and fairness of the justice system.
- As part of this campaign, it is recommended that the emphasis be placed on ways of achieving substantive reforms (as opposed to providing material resources) giving gender equity

and human rights greater attention and addressing ways for the disadvantaged to have greater access to legal services. The acquisition of material resources and equipment is perhaps better left to the Government of Iraq.

- In the medium term, while a greater level of trust is being established, it is recommended that possibilities be explored for support to the judiciary in two areas:
 1. Targeted funding for pedagogical resources, specific research endeavors, and development of course syllabi within the Judicial Training Institutes – one in Baghdad and another in the planning stage in Erbil;
 2. Replication of the helpdesk established in Erbil in two other court premises, one in KRG and the other in south and central Iraq.

- Contracting with international NGOs should be carefully scrutinized and, where possible, national NGOs should be contracted instead, especially where national NGOs are able to more effectively facilitate implementation regionally or locally.

- The elements of this project have focused largely on the judiciary, specifically on training and facilitating the work of judges in specific courts. Further engagement with the justice sector would benefit by placing an increased emphasis on prosecutors and civil society elements of the justice sector.

- In the design of future projects, whether they be Rule of Law projects or otherwise, care should be taken to build objectives and activities around a singular focus with coherent and self-reinforcing components avoiding the temptation to cover as many bases as possible.

- Since projects tend to perform better where plans are made to keep systematic track of their achievements, it is recommended that an evaluation scheme, which is both compact and rigorous, be elaborated as an integral part of project design.

- In the event that a project manager post is vacant, which is a not unusual, responsibility of a project manager may be assumed by a programme manager over the interim and only in exceptional circumstances. As part of the assurance function undertaken by programme staff on behalf of the project board, this function should be kept separate from project management.

Section Two: Introduction

This report is an end-of-project evaluation of the IRAQ - Support to the Rule of Law and Justice Project. It has been implemented in a partnership between the Government of Iraq and two United Nations agencies, UNDP and UNOPS, with funding from the European Commission. Its principal interventions were in two parts. A first part provided training, research, public awareness, legal assistance and material inputs to two model courts and the Higher Judicial Council which administers the courts nationally, as well as the Ministry of Justice. This part was implemented by UNDP. A second part supported a network of NGOs to collaborate with the Ministry of Human Rights in two endeavors: the monitoring of prisons (accompanied by training for the JNP and prison staff) and the provision of legal aid services to detainees in prison awaiting trial. Support was also given to two centres offering rehabilitation to victims of torture or domestic violence. This part was implemented by UNOPS.

The project's budget was originally €14.0 million³ or US\$ 18.3 million. UNDP's Governance Pillar is divided into three sub-pillars. The one under which this project falls is 'Rule of Law, Human Rights and Corruption,' and this project constitutes slightly over 50 per cent of this sub-pillar. The budget for the entire governance pillar covering 2008 to 2012 has been approximately S\$112.2 million making this project nearly 18 per cent of all governance programming for these years. The project figures prominently in UNDP's portfolio.

The original project was scheduled for implementation over a three-year period beginning in 2008 and terminating in 2010 with a budget of US\$ 18.3 million. After a one year extension the project closed on 31 December 2011. For reasons that are examined in this report, some of the project elements have been delayed so that certain elements of the project have not been completed. Others were cancelled; some of the cancelled elements were never done while some, for which funding was withdrawn, have nevertheless been taken up and financed by UNDP's TRAC funds.

Purpose of the Evaluation

The purpose of the evaluation is to provide an independent assessment of a single rule of law project and, in doing so, to obtain a better understanding of the viability of rule of law projects in Iraq and in conflict-affected situations generally. The value of legal reform is above question in principle; the claim has been made that the rule of law is the "centrepiece of governmental legitimacy."⁴ But bringing about a rule of law with legal reform in actual practice, in a complex political environment, is more open to question. The aim here is to examine this project in detail, to indicate what it has been able to accomplish, what it has not been able to accomplish and what are the reasons for both. The further aim is to examine what are the key considerations when undertaking further legal reform initiatives. To this end, the evaluation aims to:

- Assess the achievement of objectives;

³ Following a project reformulation in 2011, the revised project budget was €12 million or US\$ 15.8 million.

⁴ European Commissions, *EC-UNDP Contribution Agreement regarding the Support to Rule of Law and Justice Project, Annex 1 Description of the Action*, April 2008, p. 1

- Review what results have been achieved at the output and outcome level and whether these results are sustainable;
- Suggest ways that might make these specific results more durable and, as well, what different approaches are likely to make development initiatives in Iraq generally more successful in the long term;
- Propose some lessons and good practices for the stakeholders/partners to consider in order to improve project performance by improving the partnerships, the design and the implementation.

Rule of Law Programmes – A Cautionary Note

Rule of law programming, for some, is accepted uncritically, as much a part of good governance programming as microenterprise is a part of poverty alleviation. It is thought to promote economic growth through providing regulatory assurances for commerce; to promote democracy by virtue of giving more people access to justice through accessible government services; and in post-conflict states, to reduce conflict by building public confidence in a mechanism of dispute resolution other than violence. Over the past decade donors have funded rule of law programmes with high expectations.

Others have been less sanguine. The argument has been made that rule of law programmes have rarely had substantial impact on economic regulation with the result that they have done little to attract investment, much less contribute to economic growth.⁵ Nor is there much evidence that rule of law programmes promote equity and one of the reasons, according to some commentators is their “heavy emphasis on judges, lawyers and courts. What is missing is an (adequate) emphasis on legal empowerment...which offers concrete mechanisms, involving legal services for advancing the rights of the poor.”⁶

As for rule of law’s promise of providing a more effective dispute mechanism, this depends, like other promises, on the willing collaboration of legal authorities. There are some instances where there has been the will to reform but there are just as many where endorsement is not forthcoming and where state authorities are too engaged in conflicts themselves to willingly give courts the real power to settle major sources of social discord. The judiciary may use prisons as much as an instrument of war as an instrument of rehabilitation.⁷

Rule of law programming, however promising in principle, has been less so in practice. The experience in Iraq has been illustrative and a recent review of the US experience in rule of law programming in Iraq offers a particularly unpromising picture.⁸

⁵ Richard Sannerholm, “Legal, Judicial and Administrative Reforms in Post-Conflict Societies: Beyond the Rule of Law Template” *Journal of Conflict and Security Law*, Oxford University Press 2007, p. 65

⁶ Stephen Golub, *Beyond Rule of Law Orthodoxy, The Legal Empowerment Alternative*, Carnegie Endowment for International Peace, Rule of Law Series, Number 41, October 2003, p. 6

⁷ See Thomas Carrothers, *Promoting the Rule of Law Abroad, The Problem of Knowledge*, Carnegie Endowment for International Peace, Rule of Law Series, No. 34, January 2003, p. 10

⁸ Cyndi Banks, “Reconstructing Justice in Iraq: Promoting the Rule of Law in a Post-conflict State,” *Hague Journal on the Rule of Law*, September 2010, pp. 155-170

This Rule of Law and Justice Project has struggled with some of the challenges observed in Iraq and elsewhere. One central focus of this project has been on judges, lawyers and courts and while these inputs have had some positive impacts and have apparently marginally improved court functioning, their impact on the public's confidence in the judiciary has probably been modest. Efforts have been made to broaden the court's clientele by providing disadvantaged defendants with decent counsel, but for reasons that are discussed later in the report (with one distinctive exception), most of these efforts have had minimal effect on making the judiciary more equitable. There have been efforts to expose ill-treatment of prisoners but these efforts have not been realized. Generally, on matters to do with the refurbishing of courts and the training of legal professionals, Iraqi legal authorities have been collaborative partners; on matters involving more substantive reform issues – providing quality defense representation and discouraging mistreatment of prisoners - the cooperation of the Iraqi legal authorities has been partial at best.

These difficulties have been compounded by specific management shortcomings some of which are aggravated by the complexity of the issue and the reluctance of judicial authorities to allocate even a modest degree of responsibility in legal reform to international actors.

UNDP's substantial obligations needed an energetic engagement from the start, but UNDP did not mobilize seriously until the project was nearly two-thirds over and this added to the Higher Judicial Council's misgivings regarding the project. UNDP made a remarkable attempt to catch up in the final two years but even with an extension, portions of the project remain incomplete to the displeasure of the judicial authorities. This should not obscure some uniquely successful accomplishments, but it is impossible to ignore the cost to the project of UNDP's lack of engagement at the start.

UNOPS, for its part, fell short of meeting its obligations for different reasons. UNOPS had partnered with an NGO that, for reasons still opaque to this inquiry, had been blacklisted by key ministries from operating in Iraq. How much the UNOPS project management knew about this or how much the UNOPS management chose to ignore the importance of the matter, is unclear. The incident compromised UNOPS' ability to meet its project obligations and though UNOPS did what it could to correct the situation, once the damage was done, there was hardly enough time to make up for the cost to the project and to restore the already shaken confidence of government counterparts.

The European Commission followed UNDP's slow progress from the beginning with justifiable concern and, mid-way through the project, took corrective action. Funds were withdrawn from UNDP's budget, specifically in the area of legal aid and support to the training institute and given to UNOPS. A decision was then taken to allocate UNDP funding to UNOPS and UNOPS was encouraged to come up with a scheme for spending the withdrawn funds. The proposal that came forward was rejected by the Iraqi judiciary.

Rule of law programmes have a record of being risky ventures. International organizations with attentive constituencies should be wary given the difficulties in achieving outcomes and the often hesitant inclinations of counterpart institutions. This is not true of all rule of law programmes certainly but the difficulties encountered by some of them, and this one in particular, are

common enough. The key role legal institutions play in a state's capacity to meet its obligations lures international organizations to reason in favour of reforming them. Logically, legal reform is a compelling investment. But practically such programmes are predicated on so many assumptions, many of which are open to question, that development implementers are well-advised to approach large-scale investments with caution.

Methodology

The evaluation's principal questions correspond to those proposed in the Terms of Reference. These include (1) questions of relevance, (2) the validity and appropriateness of the project design, (3) implementation and development effectiveness, (4) impact and sustainability, and (5) efficiency of resource use and management. These have provided the template for designing the evaluation. They have guided the allocation of effort and attention in conducting the evaluation research; and together they serve to organize the report. Section Three addresses development effectiveness and sustainability. Section Four addresses relevance, validity of design and management efficiency.

Each of these core questions has required different approaches. Some have required a review of project documents. Some have required a close examination of programming and strategic documents for both UNDP and UNOPS. Some have required the analysis of budgets. Interviews and discussions with project stakeholders and implementers have been essential and these have been supplemented with observations at project sites.

The evaluation exercise has proceeded in five stages:

1. *Review of documents.* Considerable documentation has been assembled and made available by UNDP's Evaluation Office. After an initial review, gaps were identified and these were solicited from UNDP and UNOPS project officers. In many cases, these gaps involved numerical summaries of project inputs and outputs and these supplementary documents have for the most part been provided and consulted throughout the course of the evaluation.
2. *Exploratory meetings with project team members.* Preparatory meetings have been arranged with UNDP and UNOPS project personnel during the initial phase of the evaluation in Amman.
3. *In depth discussions in Baghdad and Basra with visits, where possible, to project sites.* Conducting interviews in south-central Iraq occurred primarily at the UNDP offices in Baghdad and at project sites in Basra. In Baghdad, where it was impossible to visit project sites, the evaluation team interviewed participants from ministries and NGOs at UNDP offices. Every effort was made to meet at least one person from each of the participant and counterpart institutions or organizations.
4. *In depth discussions in Erbil with visits to project sites.* Less stringent security concerns in Erbil meant that more meetings could be held with fewer constraints in KRG ministries, at the offices of local NGOs or at project sites. Meetings were arranged in

Erbil as well as in Suleimaniyah; project partners in Dohuk traveled to UNDP's offices in Erbil to meet with the evaluation team.

5. *Follow-up meetings, analysis and drafting.* A final phase focused on analysis and report writing and, where clarifications have been needed, questions have been posed by phone or by email.

The evaluation team has been composed of three persons. An international team leader has directed the evaluation. Working in tandem with the team leader has been a national consultant who has conducted research, reviewed important documents and, in the case of Basra, conducted site visits. The national consultant also contributed to the drafting of the report. The evaluation team has furthermore benefited from the participation of a member of the UNDP-Iraq Monitoring and Evaluation section, an M & E specialist who has provided research services, accompanied the evaluation team in Erbil and offered valuable advice in arranging meetings, choosing interlocutors and interpreting informants' commentary.

Section Three: Development Effectiveness and Sustainability

Introduction

Formally, the project is divided into six objectives. These however bear less on the structure of project interventions than on its broad orientations. This evaluative exercise divides the project more pragmatically into eight discrete sets of activities that in some cases cut across the objectives or can be found together under a single objective.

This section is concerned with two of the five core evaluation questions: (1) implementation and development effectiveness; and (2) impact orientation and sustainability. They are assessed here with reference to the following benchmarks:

1. Completion of the work
2. Expressed satisfaction of the beneficiaries
3. Impact on the efficiency or fairness of the justice system
4. Sustainability of the inputs

The eight discrete sets of activity are assessed by assigning a score that represents the extent to which the activity has met each of these four benchmarks. These scores are based on a diverse and well-chosen but inevitably limited number of informants, documents and observations. The resulting score is an approximate measure of the performance of the individual elements of the project and, when summed, the result is a measure of the performance of the project as a whole. This is a shorthand exercise for coming to a succinct measure of performance; it usefully provides a simplified expression of project performance. For each of these criteria, the project is assigned one of the following levels of performance with a corresponding numerical score:

- The criterion is not met at all = 0
- The criterion is met to a minimal extent = 1
- The criterion is met to some extent = 2
- The criterion is met fully = 3

The numerical values are summed in each case and the total expressed as a percentage of a perfect score. This is done separately first for each of the eight discrete sets of activity and then for all activities under UNDP implementation as well as for all activities under UNOPS implementation. Table 3.1 summarizes the results for these two criteria. There is considerable variation in the performance of those sets of activities for which the UNDP is responsible. Some performances are exemplary, i.e. the legal assistance schemes, and particularly so given the short time in which they were realized. Some performances are poor and reflect the difficulty UNDP had in catching up after delaying the mobilization of personnel and resources at the start of the project.

The performance of three UNOPS implemented elements likewise vary greatly, in part because of the difficulties with partnerships and in part because of the impact of these difficulties on collaboration with counterparts.

Table 3.1. Project Performance – Implementation, Effectiveness and Sustainability

Project Element	Completion of the work	Satisfaction of beneficiaries	Efficiency / fairness impact	Sustainability	Sum	% of perfect score
UNDP Implementation						
1. Legal training: Basra, Baghdad and Erbil	3	2	2.5	2	9.5	79
2. Case Management System: Basra and Erbil	2	2	2	2	8	75
3. Public Awareness Campaign: Baghdad, Basra and Erbil	3	1.5	2	1	7.5	63
4. Legal Research Units: Baghdad, Basra and Erbil	1	1.5	0	1.5	4	33
5. Legal Assistance Office: Dohuk and Suleimaniyah Legal Help Desk: Erbil	3	3	3	2	11	92
Summary of UNDP Implementation	11	10	9.5	8.5	40	66
UNOPS Implemented						
6. Legal Defense Centres: Nationwide	2	3	2	1	8	66
7. Prison Monitoring: Nationwide	1.5	2.5	1.5	1.5	7	58
8. Rehabilitation of Torture Victims: Basra and Kirkuk	3	3	.5	3	9.5	79
Summary of UNOPS Implementation	6.5	8.5	4	5.5	24.5	68

UNDP Implemented Component – An Overview

Objective 1: Increase the efficiency of the justice system to provide greater court transparency, accessibility and accountability

Objective 2: Strengthen the capacity of key governmental rule of law institutions to promote a higher standard of justice.

The five discrete sets of activities implemented by UNDP focus primarily on providing training to Baghdad-based ministries and upgrading two model courts, one in Basra and the other in Erbil. The sections below each deal with a particular element of the project and four out of five of them have taken place within the model courts. Not all of them are completed and the assessment of them is not always positive as can be seen in the assessments that follow. The computerized case management systems, while nearly complete in Erbil are not yet in place in Basra;⁹ the research units are not fully operational; in Basra there is no legal helpdesk as originally planned and it is difficult to determine what effect the public awareness campaigns have had. Together, however, the attention given to these courts and the public's appreciation of this attention seems to have had an impact even though the individual components may not have

⁹ The Higher Judicial Council and UNDP are expected to engage Synergy in the near future to complete installation and training.

fully realized their original objectives. The results of this attention that both have received can be seen in the increasing capacity of the courts to process cases more efficiently and their capacity to reduce their case load.

Tables 3.2 and 3.3 show that in both courts, the number of cases on which decisions have been taken has increased from 2009 to 2011 in Basra and from 2010 to 2011 in Erbil. It also shows that, in each instance, the backlog of cases from previous years has gone down. These are small steps in the right direction.

Table 3.2. Cases Decided and Cases Pending in Erbil Investigative Court for 2010 and 2011

	Cases Processed – Decision taken	Cases Pending – Backlog
2010	1775	1303
2011	1974	872
Change (per cent)	+11.2%	-33.1%

Source: Erbil Investigative Court records for 2010 and 2011

Table 3.3. Cases Decided and Cases Pending in Basra First Instance Court for 2009 and 2011

	Cases Processed – Decision taken	Cases Pending – Backlog
2009	1390	82
2011	1719	76
Change (per cent)	+23.6%	-7.3%

Source: Tsamota Ltd, *Basra First Instance Civil Court, Baseline Assessment*, January 2010; Basra First Instance Civil Court records, 2011

UNDP's presence, however less than planned, has been beneficial to some degree. Had the project elements been completed with the results as planned, the impact on the courts would probably have been significantly greater.

Legal Training

Project Objective: Increase the efficiency of the justice system to provide greater court transparency, accessibility and accountability

Two different sets of training courses were delivered by the Arab Centre for the Development of the Rule of Law and Integrity (ACRLI) in three locations: Erbil, Baghdad and Basra. One set was for those associated with the two model courts, including judges and public prosecutors and Table 3.4 gives the breakdown for the ten courses delivered for personnel at the two courts disaggregated by gender. Since a number of trainees attended more than one course, the total number of participants shows only the sum of all attendees, not the actual number of distinct individuals participating.

Table 3.4. Course Participants for Model Courts in Basra and Erbil

Location	Women	Men	Total
Erbil Model Court	19	62	81
Basra Model Court	2	29	31
Total	91	91	112

Source: Regular Progress Reports from ACRLI to UNDP

The courses in Erbil included nearly three times more participants than in Basra and substantially more women.

Another set of courses was for judges, public prosecutors and others nominated by the Higher Judicial Council and the Ministry of Justice in Baghdad as well as the Kurdistan Judicial Council and the Kurdistan Ministry of Justice in Erbil. The number of courses delivered is not apparent from ACRLI reports though it seems they were essentially the same as those delivered for the model courts, perhaps with different emphases and Table 3.5 gives some idea of the attendance.

Table 3.5. Course Participants for Government Institutions in Baghdad and Erbil

Institution	Women	Men	Total
Higher Judicial Council	31	204	235
Ministry of Justice	2	31	33
Kurdistan Judicial Council	25	67	92
Kurdistan Ministry of Justice	4	38	42
Total	62	340	402

Source: Regular Progress Reports from ACRLI to UNDP

ACRLI conducted its own evaluations of the courses asking participants to assess the organization of the courses and answer whether the courses “provided useful and interesting information on a professional level.” When asked whether the courses were well-organized, 84 per cent said they were, while 15 per cent said they were average, and one per cent claiming they were not well organized. On the question of whether they were useful and interesting, 78 per cent said yes and 22 per cent said either “to some extent” or “no.”¹⁰

Key interviewees reported that in two cases the courses were hastily prepared and while the evaluation was not able to speak directly to judges and public prosecutors (the Higher Judicial Council indicated that it planned to deliver its own evaluation) other sources suggested that these two courses were inadequate. The view was also expressed that the courses, being of short

¹⁰ UNDP/UNOPS, *Quarterly Report for the project: Iraq – Support to the Rule of Law and Justice*, Quarter 1, 2011, p. 9

duration, were not sufficient to cover the necessary material; it was difficult to cover complex topics in the short time that most judges had available. In one case the UNDP asked the ACRLI to redo the course. This was done. It is difficult, otherwise to assess the quality of the courses fully. In addition to delivering the courses, specific individuals were trained (trainers of trainers) who were expected, themselves, to deliver the courses with the written course syllabi that were provided to the Judicial Training Institute.

The training courses address an indisputable need since the Judicial Training Institute, which trains judges in Iraq, has diminished capacity. It has a very restricted budget and, at present, the training period has been reduced from five to two years with only one year devoted to courses in specific legal subjects. Instructors are retired judges paid a paltry fee. There is widespread agreement, among officials, advisors and experts that the court system is in need of more judges, and especially more judges with specific expertise. While the Judicial Development Institute (JDI), recently constituted under the Higher Judicial Council, is expected to provide refresher courses, it does not have the facilities for doing so at present. Judges in the system have a need for exposure in many of the areas selected for training, i.e. juvenile justice, international law and standards, fair and just investigation, terrorism and humanitarian law, judicial ethics and judicial independence, human rights, gender based violence and arbitration.

ACRLI sought diligently to train trainers in order to ensure that the course materials would continue to be delivered following the conclusion of the project. ACRLI was also expected to conduct an assessment of the legal training initiatives in Iraq and a plan for the development of the Judicial Training Institute. One document, *Provision of Legal Training Components for Legal Institutions in Iraq*¹¹ provided an inventory of resources that might be accessed should the Judicial Training Institute so desire. An additional document, *Assessment Report on the Judicial Training Institute in Iraq-JTI*,¹² was likewise produced with a detailed review of the resources, courses offered and programme framework for training judges. The report identified shortcomings in the programme including the length of training, the inadequate coverage, the lack of practical instruction court administration, excessive class size and insufficient access to legal information along with the means for access this information. A lengthy list of recommendations was given along with an action plan for addressing them. According to an administrator from the Judicial Training Institute, the Assessment Report has had little impact on the management or the course structure of the Judicial Training Institute. The impact of the courses and the curricula resources used for the training sessions has been modest. Only three out of the 15 regular instructors attended one of the courses and while the course materials are available for students who wish to consult them, they have not been used extensively in courses. While ACRLI made a deliberate effort to prepare trainer of trainers to deliver courses, there is little evidence of their participation in delivering courses within the JTI.

¹¹ Arab Centre for the Rule of Law and Integrity, *Provision of Legal Training Components for Legal Institutions of Iraq Baghdad*, Project no. IRQ10/PAM231/09 for the, 2010

¹² Arab Centre for the Rule of Law and Integrity, *Assessment Report on the Judicial Training Institute in Iraq – JTI*, Project no. IRQ10/PAM231/09 for the Provision of Legal Training Components for Legal Institutions of Iraq Baghdad, 2010

Table 3.6. UNDP Implemented Legal Training Programme

Project Element	Completion of the work	Satisfaction of beneficiaries	Efficiency / fairness impact	Sustainability	Sum	% of perfect score
Legal training of judges and public prosecutors in Erbil, Basra and others selected by the Higher Judicial Council	3	2	2.5	2	9.5	79

Case Management System

Project Objective: Increase the efficiency of the justice system to provide greater court transparency, accessibility and accountability

The UNDP proposed to provide hardware, software and training, as well as instructions for designated individuals in the court capable of training others in the operation of a computerized system for tracking case files electronically. The system replaces the voluminous paper records that are now used to keep track of a case starting with the police records and initial investigations up to a court's final decision. Once operational, the system is expected to expedite the process of hearing cases, to reduce the considerable backlog of cases, reduce the number of detainees awaiting trial and ensure that the records are accessible to those who have a right to the information. Court officials have been known to request bribes for undertaking the laborious task of finding information on specific cases and a computerized system would keep this to a minimum. Case management systems are a standard feature of rule of law programmes globally because of the efficiency they are reputed to provide by replacing the traditional paper-based court records.

While beneficiaries in Erbil are eager to put the system in operation, there is a mildly dismissive attitude toward the case management system among senior judicial officials in Baghdad. This has been provoked partially by the frustrations among the beneficiaries at the slow pace of installation. The contract with Synergy was slow to get underway. Once underway, UNDP's slow procurement process further and quite substantially delayed the installation. The hardware and software for case management have been completely installed in the Basra model court but the system is not operating; the trained information technology employees are unable to determine the reasons, and the contractor Synergy is unable to address the problem from a distance. The optimistic view taken by the previous UNDP technical advisor is that it remains in the testing phase and should be fixed with a follow-up contract. A less optimistic view is held by court officials and IT personnel who have effectively written off the project. They are particularly frustrated given that a simpler system is functioning in neighboring courts while theirs, more sophisticated, does not.

A somewhat comparable situation is found in the Erbil model court. There were considerable delays. The hardware is in place and the software has been installed but the case management software has not been tested and it appears the operationalization of the programme may be some time off. The Erbil model court, as well as the most senior judicial officials in Kurdistan, are

fully behind the installation and eventual functioning of the computerization of court records while their counterparts in Baghdad and Basra seem to accord it less priority.¹³

It is difficult to determine, at this stage, the extent to which this element’s impact is likely to contribute eventually to either the efficiency or, most particularly, the fairness of the court. There has been a widespread belief that case management systems must be integral parts of a rule of law programme since they speed up the processing of cases by slow, inefficient courts such as those characteristic of present-day Iraq; however there is little evidence that this is the case. As one authority on the subject has observed:

”... even in this well-defined, circumscribed area there is a surprising amount of uncertainty. For example, it is possible that if the processing of cases speeds up in a country where justice has long been quite poorly served, the number of cases filed with the courts might skyrocket, clogging the courts anew and effectively negating the reforms achieved.”¹⁴

This may not be the case in Iraq. However, it remains to be seen whether the systems, once installed, will reduce the courts’ backlog of cases and reduce the number of detainees awaiting trial. The process may be more efficient; it is unlikely, however, that the case management system, in the absence of some form of legal empowerment (legal help/aid/defense centres), will increase the confidence people have in the court system’s capacity to respond to their needs fairly.

Table 3.7. UNDP Implemented Case Management System

Project Element	Completion of the work	Satisfaction of beneficiaries	Efficiency / fairness impact	Sustain-ability	Sum	% of perfect score
Installation of computer equipment and provision of training in Basra and Erbil to increase efficiency and transparency of processing cases	2	2	2	2	8	75

Public Awareness Campaign

Project Objective: Increase the efficiency of the justice system to provide greater court transparency, accessibility and accountability

Marketing consultants, Albany and Associates, were engaged to design and conduct a campaign that would inform populations in Basra, Baghdad and Erbil about accessing the court with the objective of making services more user-friendly and accessible. The campaign began with a

¹³ The evaluation team has learned that the Higher Judicial Council has indicated to UNDP an increased level of support recently for the case management system and its replication beyond the three courts where the hardware is waiting to be operationalized.

¹⁴ Thomas Carothers, *Promoting the Rule of Law Abroad, The Problem of Knowledge*, Carnegie Endowment for International Peace, Rule of Law Series, Number 34, January 2003, p. 10

survey to identify the main issues. There was, in addition, a workshop for judges and journalists with an interest in court reporting on the rights of the media and how to cover trials fairly and legally.

The initial survey yielded three major findings: (1) Large numbers – approximately a third of those interviewed – did not trust the courts for dispute resolution, preferring other authorities or informal mechanisms. (2) The majority of people found the court system too complicated or confusing. (3) When seeking help with the justice system, many people might call a hotline but the preferred and most credible media channel was the television. Clearly there was a need for engendering, in some manner, greater popular confidence in the justice system and a first step was to make it more user-friendly.

A marketing scheme was prepared with the message that accessing legal services is not as complicated as is often believed. The campaign relied on a diversity of instruments for disseminating this message, with an emphasis on television. In addition, Albany and Associates in collaboration with Tsamota Inc. conducted a workshop for journalists and judges.

After lengthy negotiations, the Higher Judicial Council insisted that the judges chosen to attend the workshops be provided with full security and full expenses. The budget did not permit this so no judges participated, leaving only the journalists. Fewer than the anticipated number of journalists attended as well. The workshops provided information on fundamental Iraqi laws, the rights and risks of journalists with particular attention to coverage of important cases involving defamation claims and corruption. A number of recommendations were provided following the workshop;¹⁵ it seems that with the exception of a suggestion regarding websites, none of them have attracted the interest of the judicial authorities.

Posters, brochures, a billboard design and ads for television and radio were prepared along with plans for kiosks inside the court. Project staff at the time observed that the designs were of inferior quality and in response, Albany and Associates engaged an international graphic designer. Messages needed to be re-formulated and the responsibility for doing this fell to UNDP personnel. The largest hurdle was obtaining approval from the Higher Judicial Council and, to a lesser extent, the Kurdish Judicial Council in Erbil. It is not clear the reason for their hesitation. The campaign was put off. A three month initiative was finally undertaken in August 2011 and by the end of 2011, the work was completed.

Using media to promote courts did not attract enthusiastic support from the principal judicial authorities in Kurdistan and Iraq; however, the campaign went ahead with thousands of brochures and hundreds of television and radio spots. If there is an impact, it may show up in the number of clients using the court in 2012. It is not clear, however, whether this media component has benefited from the full engagement and endorsement by the judicial authorities and, because of this, the sustainability of making a media strategy part of court reform is questionable.

¹⁵ Albany Associates and Tsamota, *Final Report: Provision of Training to Journalists and Judiciary Spokespersons on Court Reporting and Media Management*, July 2010, p. 5

Table 3.8. UNDP Implemented Public Awareness Campaign

Project Element	Completion of the work	Satisfaction of beneficiaries	Efficiency / fairness impact	Sustainability	Sum	% of perfect score
Public awareness campaign to increase popular confidence in courts in Baghdad, Basra and Erbil	3	1.5	2	1	7.5	63

Legal Research Units

Project Objective: Increase the efficiency of the justice system to provide greater court transparency, accessibility and accountability

The establishment of legal research units, one in each of the model courts and another within the Ministry of Justice in the Shura Council, generated the least interest among members of the judiciary, perhaps because it was an unfamiliar element. Its value, which has been strongly argued by the project technical advisor, is that it makes legal codes and interpretations from other jurisdictions available. It has never been received with any enthusiasm.

Computers have been delivered to three research unit sites, Basra model court, Erbil model Court and the Offices of the Ministry of Justice in Baghdad along with internet access to permit access to databases worldwide. Librarians or researchers have been designated in each location. A five-day training course was held in Erbil in June 2011 in order to familiarize the designated persons with research techniques using specific cases and showing how research can inform them. An initial training had 12 participants, 2 from each of the Erbil and Basra model courts, two from the Ministry of Justice, two from the Higher Judicial Council, and two each from courts in Dohuk and Suleimaniyah. None of the research unit computers are operational but there is an expectation that they will be soon. There was supposed to be another training course for the same participants. There was also the expectation that a significant library of legal reference books would be delivered to each of the three locations. Very little of this has transpired.

There was another training session in December 2011 but for reasons that are not clear, the Basra researchers did not attend. In Basra, no room has yet been designated for the books and the computers, leaving this component essentially inactive with little prospect for it to be operational in the near future. Since the contractor for this component, Tsamota Ltd. had no Iraq-based representatives, the UNDP was obliged to order the books which took a long time, and once the books were procured and shipped, they were held at the border for non-payment of taxes. UNDP cannot pay taxes and the books remain warehoused at customs. The Ministry of Justice legal research unit and the one at Basra have not received the books. About 400 reference books have arrived in Erbil. Legal research is not being undertaken in any of the research units.

Table 3.9. UNDP Implemented Legal Research Units in Model Courts

Project Element	Completion of the work	Satisfaction of beneficiaries	Efficiency / fairness impact	Sustain-ability	Sum	% of perfect score
Legal Research Units operating in the Erbil and Basra model courts and the Ministry of Justice/Shura Council	1	1.5	0	1.5	4	33

Legal Services for the Disadvantaged

Project Objective 1: Strengthen the capacity of key governmental rule of law institutions to promote a higher standard of justice

Project Objective 2: Enhance the protection of detainees' rights through better access to justice and advocacy

In a 2003 report, Human Rights Watch reviewed the failings of Iraq's Central Criminal Court, the country's flagship criminal justice institution. The court was established by the Coalition Provincial Authority and was intended to serve as a model for other courts setting the standard for adjudicating criminal cases under the framework of Iraqi law including the constitution and the penal code. The review noted a number of areas in which justice was far from being served, with the implication that if they were not served here, they were probably not served in other courts operating under its auspices. Prominent among the four areas treated in the report was the access of defendants to:

“an active, competent and prepared defense. While the court-appointed or private counsel was available for the majority of defendants, the defense was in nearly all instances perfunctory at best. In a majority of investigative hearings that Human Rights Watch witnessed, court-appointed counsel did not speak or otherwise intervene.”¹⁶

Vulnerable groups in the population have difficulty accessing legal assistance. The judiciary is reluctant to take on the responsibility claiming that a programme of legal aid is already in place and works well enough. The Support to the Rule of Law and Justice Project has shown, however, that it does not work well enough; there is a pressing need for providing legal assistance to the general public and most notably to women who, it appears, constitute a significant number of those seeking legal services in this way. The project has introduced a diversity of legal assistance approaches that meet this need for those who have no other recourse, but the challenge all face – and only one approach has met the challenge fully - is to function within a courthouse and work closely with the judicial authorities to provide the benefits and potential reforms that legal assistance services are capable of providing.

¹⁶ Human Rights Watch, *The Quality of Justice: Failings of Iraq's Central Criminal Court*, 2008, p. 33, www.hrw.org

Both components of the project – the UNDP and UNOPS portions –funded legal services for the disadvantaged. It is surprising that the one has operated parallel to the other with very little contact or synergy between them.¹⁷ An opportunity was missed for them to compare notes, compare strategies and reinforce the one with the other.

UNDP Component

The legal assistance services component intended to engage a civil society organization to support a legal helpdesk within the two model courts, one in Basra and the other in Erbil. When in October 2009, 20 months after the project began, the UNDP had met few of its promised commitments and showed little promise of doing so, the European Commission cancelled funding for portions of the legal assistance services element. The European Commission would continue to fund the model court in Erbil, of which the legal helpdesk was an integral part. But funding was cancelled for the legal helpdesk in Basra and for legal assistance services in Dohuk and Suleimaniyah. The UNDP has subsequently decided to fund the legal assistance services in Dohuk and Suleimaniyah with its own TRAC funds.

UNDP contracted a dynamic local NGO, the Women’s Empowerment Organization (WEO), to establish a legal helpdesk inside the Erbil model court. Originally, the chief judge of the court opposed the presence of lawyers under the auspices of an NGO dispensing free legal advice to socially vulnerable clients, many of whom were women; however, after a brief period, he changed his mind, and he is now convinced of the value of making a legal helpdesk an integral part of the court’s functioning. He has changed his mind in spite of prevailing apprehensions regarding any schemes in which socially-minded NGOs make specialized legal services more widely available. An article appeared recently in a popular Erbil newspaper claiming that the legal helpdesk in Erbil was in fact a spy cell serving as a mole for foreign interests inside the KRG government. It was a preposterous claim and it indicates the hurdles that legal assistance services must overcome.

In Suleimaniyah and Dohuk, UNDP contracted an international (American) NGO, Heartland Alliance; legal assistance services in these two locations have been less well received. Key players in the legal profession in both of these places have succeeded in keeping the services offered by the Heartland Alliance on the fringe of the justice system. Like the Erbil helpdesk, these two legal assistance programmes in Suleimaniyah and Dohuk have held information presentations in remote rural communities where legal services are unavailable; this has brought in clients and broadened their impact. Unlike the Erbil helpdesk, however, the Heartland Alliance programme has not succeeded in securing a presence inside the courts and has not succeeded in finding a niche for itself within the justice system.

The Erbil helpdesk and the two offices in Suleimaniyah and Dohuk have all received more than the anticipated number of clients; in Erbil it is because of its presence in the courthouse as well as its outreach programme. In the other two locations, it is primarily because of the outreach

¹⁷ The original project design recognized the possibility of overlap and encouraged UNDP and UNOPS to work together: “In area where there is a possibility of an overlap with UNOPS’ activities, the agencies will work together to ensure that there is no duplication of efforts” European Commissions, *EC-UNDP Contribution Agreement regarding the Support to Rule of Law and Justice Project, Annex 1 Description of the Action*, April 2008, p. 37

programmes. Table 3.10 summarizes the scope of the services and the number of beneficiaries for the UNDP implemented programmes in KRG.

Table 3.10. UNDP Implemented Legal Aid/Help Desk Programme – Erbil, Dohuk and Suleimaniyah

Programme	Consul- tations	Cases	No. of centres	No. of months	Consul- tations per month	Cases per month
WEO Erbil	837	170	1	10	83	17
Heartland Suleimaniyah	3379	577	1	10	338	58
Heartland Dohuk	1005	515	1	10	100	51
Totals	5221	1262	3	30	521	126

Source: Quarterly reports and interviews with key informants

UNOPS Component

Legal assistance services for the disadvantaged implemented by UNOPS are referred to as Legal Defense Centres. Originally, UNOPS' international NGO partner – Un Ponte Per (UPP) - with which it had worked in the past, proposed to draw on a network of NGO members, the Justice Network for Prisoners (JNP), to identify those who would be willing to establish Legal Defense Centres to provide legal services for prison detainees.¹⁸ UNOPS' original target was to establish twenty Legal Defense Centres (LDCs), provide funding to cover lawyers' expenses for defending detainees held in prison without a trial and bring their case to court. The lawyers were to work essentially without fees. The expectation was that over the lifetime of the project, 400 individuals would be given representation through the programme in these twenty centres and that the programme would continue, beginning in late 2009 for the entire duration of the project. This would have allowed the 20 Legal Defense Centres to carry on for a minimum of two years.

It is not clear how much UNOPS was aware that its international NGO partner had fallen out of favour with the Government of Iraq prior to the project. UNOPS' counterpart may not have read the project document fully but once UPP's involvement came to the attention of the Ministry of Human Rights in late 2008, the government expressed grave doubts about UPP's involvement. Some effort was made by UNOPS to address these concerns but the Ministry of Human Rights did not respond. Some months later in mid- 2010, the Ministry of Human Rights again expressed its displeasure and suspended the project because of the continued involvement of UPP. At that point, the Legal Defense Centres had been in operation for 11 months. All activity ceased. The relationship with UPP was ended. UNOPS renegotiated a new agreement with the Ministry of Human Rights that excluded the previous partner UPP and the project resumed 6 months later for a period of slightly over 3 months with only 11 Legal Defense Centres. The programme was much reduced and while quarterly reports report that it met its target, clearly it has not come close to its planned potential.

¹⁸ Very few of the clients were detainees, if any, since courts appoint lawyers to those detained in prison facilities; most of the clients came from the general population.

There were, therefore, two phases: the first for 11 months that included the participation of 20 NGOs/Legal Defense Centres in which 857 cases were given representation; the second for 3.5 months included the participation of 11 NGOs/Legal Defense Centres in which 109 cases were provided representation.

Some Legal Defense Centres committed themselves fully in spite of the fact that the project, in the first phase, asked them to defend clients free of charge. Asking lawyers to do the work on a voluntary basis was not well received. Some of the NGOs operating the Legal Defense Centres also expressed displeasure with the fact that a great deal was demanded of them with no return; they report being asked to only take simple cases that could be resolved within a short time. Little thought was given to how this kind of a programme could be sustainable with the result that the Legal Defense Centres, however valuable they may have been for a short period, are very unlikely to continue operating.

Table 3.11. UNOPS Implemented Legal Defense Centres Programme

Programme	Consul- tations	Cases	No. of Centres	No. of months	Cases per month	Hotline calls
Phase I	Not provided	857	20	11	77	2,631
Phase 2	Not provided	109	11	3.5	31	175

Both the UNDP and UNOPS implemented programmes exceeded the target number of beneficiaries set at the beginning of the project. Clearly the UNDP supported legal aid/legal helpdesks represented greater numbers in court than the UNOPS implemented Legal Defense Centres. When considering the number of cases taken to court per centre per month, the Legal Defense Centres averaged 4 to 5 per month each, while the UNDP implemented legal aid offices/helpdesks averaged between 10 and 30. One factor is that the UNDP programme engaged lawyers who worked, in principle, full time and with remuneration while those under the UNOPS programme who worked as volunteers, probably did not.

The UNDP centres furthermore seemed to have conscientiously sought to help the disadvantaged, and particularly women. Over the course of the UNDP implemented programme somewhat over 40 per cent of the beneficiaries were women; the proportion is far less for the UNOPS supported centres. With the exception of one centre in Dohuk where large numbers of beneficiaries were women, many of centres had no women beneficiaries at all.

The objective of legal assistance schemes must be, not only to provide one-time legal assistance to individual clients but, more broadly, to increase the confidence of a population in the justice system, to encourage them to utilize the formal dispute resolution mechanisms (instead of resorting to other means of dealing with disputes) and to do this by rendering the justice system more equitable. The ultimate concern here is the extent to which these programme have been able to make a difference, not only for individuals in individual cases, but in the way the justice system operates.

The UNOPS implemented Legal Defense Centres served only individuals with cases that could be managed expeditiously. The time for funding was short. The impact of these centres on making the judiciary more user-friendly or fairer is likely to be minimal.

The UNDP implemented legal assistance offices in Suleimaniyah and Dohuk have done slightly better. Their lawyers are, in principle, full-time and they seem to have made themselves known to court officials to some degree. The Heartland Alliance director is in contact with the Chief Judge in the local appellate court.

But neither UNOPS' Legal Defense Centres, nor UNDP's Heartland Alliance schemes have had an impact like that of the UNDP implemented helpdesk in the Erbil model court. This legal assistance scheme has its office in a wing of the Erbil model court that it shares with a legal research unit, a computer facility and a reception area; it is implemented by a respected local NGO with prominent lawyers. The court's chief judge, profoundly skeptical at the beginning, has seen the benefits of the legal help desk for the court and for the judiciary in general. The performance of this experiment has also impressed the Chief Justice of Kurdistan and the Minister of Justice. Placing the legal service facility inside the court in close proximity to the day by day functioning of the justice system has, in the view of senior members of the judiciary, made it possible for the population to see that, inside the complex and often frightening courthouse, there is a user-friendly source of advice that responds to any question willingly. It was originally feared this would clog the court with too many under-served, indigent clients; on the contrary, it has given a place for the under-served and indigent clients to go instead of wandering around the court offices looking in vain for help. The court benefits. Judges are more aware of the difficulties faced by these clients and the court has seen its respectability increase along with the confidence of the population in the value and approachability of judicial services.

It has also been observed by senior officials that this kind of a service offers not only quality counsel for defendants but also assistance to victims of crimes, shows them where and how to get help, provides counsel to anyone on any legal matter who enters and makes available a social worker ready to do what the lawyer may not be in a position to do.

The following Tables 3.12 and 3.13 assess: (1) the UNDP implemented programmes in Erbil, Suleimaniyah and Dohuk and (2) the UNOPS implemented programme of between 11 and 20 Legal Defense Centres in various locations throughout south/central Iraq and Kurdistan.

Table 3.12. UNDP Implemented Legal Assistance Centres/Helpdesk

Project Element	Completion of the work	Satisfaction of beneficiaries	Efficiency / fairness impact	Sustainability	Sum	% of perfect score
Legal aid/helpdesk programmes established by a national NGO in the model court in Erbil and by an international NGO in Dohuk and Suleimaniyah	3	3	3	2	11	92

Table 3.13. UNOPS Implemented Legal Defense Centres

Project Element	Completion of the work	Satisfaction of beneficiaries	Efficiency / fairness impact	Sustainability	Sum	% of Perfect score
Creation and operation of 20 Legal Defense Centres (in a first phase of 11 months) and 11 Legal Defense Centres (in a second phase of 3.5 months) under UNOPS implementation	2	3	2	1	8	66

Prison Monitoring

Project Objective: Increase the prevalence of rights-based management of correctional facilities in Iraq through integrated monitoring-to-training programmes

This element of the project planned to provide NGOs with a role in assessing, monitoring and reporting on conditions in correctional facilities. There was to be extensive training for NGO participants to prepare them for monitoring prisons and, at the same time, training would be provided to prison staff on standards for detention facilities and the rights of prisoners. This would link prison staff in select prisons with the NGOs that would monitor them as well as introduce prison staff to the essentials of prison management. The project would reinforce a network of NGOs, the Justice Network for Prisoners (JNP) that would serve as an administrative umbrella body for NGOs with legal reform inclinations. There was also to be training and other benefits for government ministries responsible for prisons; and by including counterpart organizations such as the Ministry of Human Rights among project beneficiaries, it was hoped this would lay the foundation for government bodies to accept NGOs as credible partners in the delicate matter of monitoring prisons. All these activities aimed to establish NGOs as credible prison monitors to be deployed in a number of select prisons around the country for reporting on conditions of prisoners and detainees.

This ultimate objective of having NGOs visit prisons and report on their conditions was realized only for two NGOs operating in Kurdistan that visited three prisons: an adult male prison in Dohuk, a women and juvenile reformatory in Dohuk and a women and juvenile reformatory in Erbil. Training of NGOs in south and central Iraq as well as efforts to build partnerships between NGOs and government counterpart organizations took place but in the end, no official approval was given for these NGOs to enter and report on prisons.

This is not to say the project failed entirely. It did support a large number of trainings for NGOs; it did make resources available to the counterpart organization, Ministry of Human Rights, and it did train prison staff. It did strengthen the network of NGOs participating in the programme by giving members administrative and financial training. The expectation was that with a strong network of legal-oriented NGOs all with an interest in inspecting prisons, some variation on the prison monitoring programme, would continue. There were provisions also for the trained NGOs to hold public awareness sessions in order to inform a wider public about the need for protecting prisons. All of this took place in varying degrees.

It did not result in a system for monitoring prisons in south and central Iraq by civil society organizations.

The anticipated 'partnership and collaboration' between the Justice Network for Prisoners (JNP) and the counterpart Ministry of Human Rights was compromised since midway through the project, the Ministry of Human Rights expressed concern that UNOPS' international implementing partner was held in suspicion. Once this was discovered, whatever trust previously existed between the Justice Network for Prisoners NGO network and the Ministry of Human Rights dissolved. In addition and quite independently, the Government of Iraq NGO Directorate required NGOs in south and central Iraq to undergo a new and more extensive registration procedure. The NGOs participating in the programme were never accorded official permission to enter prisons in south and central Iraq.

There are other features of the project which, while not specifically addressing the principal objective, need to be recognized. Principal among these are (1) the training for NGOs and prison staff; (2) awareness-raising in the general population; (3) the particularly active contribution of two NGOs in the KRG; and (4) reinforcing the Justice Network for Prisoners as a nation-wide umbrella organizations for NGOs interested in legal reform.

Numerous training sessions were provided to the 13 NGOs engaged in the programme from the beginning and the prison staff from 11 selected prisons who subsequently joined these sessions. There were general training sessions and there were sessions for training those who would train others. The trainings covered humanitarian standards in prisons (healthcare, social interaction and nutrition), the Convention against Torture, the Standard Minimum Rules for the Treatment of Prisoners and expeditious ways of dealing with detainees awaiting trial. Inclusion of prison staff helped establish relationships with prisons and also conveyed to prison employees the international standards their institutions were expected to meet. An international NGO, the Arab Institute for Human Rights (AIHR) contributed to the training sessions and arranged for a study tour to Morocco for 12 NGO representatives.

Certain NGO trainees were selected by the JNP to lead awareness seminars involving civil society representatives, government officials, prison administrators and the media. There were 18 seminars held in 15 separate governorates attended by 1,150 participants with results that varied. In Mosul, the prosecutor's office resolved to increase inspections to reduce the level of violence against inmates. In Erbil, authorities in the Ministry of Labour and Social Affairs decided to issue an amnesty for 200 prisoners due to overcrowding. Also in Erbil, the dynamic Public Aid Organization led a discussion on alternative sentencing for juveniles that is now being drafted into law.

Two KRG NGOs, Harikar in Dohuk and Public Aid Organization (PAO) in Erbil carried out a sequence of monitoring exercises in women and juvenile reformatories detailing their observations in reports submitted to the Justice Network for Prisoners. It is not clear what the JNP has done with these reports; they have not been submitted to the KRG government authority for these prisons, the Ministry of Labour and Social Affairs.

Throughout, the project supported the consolidation of the Justice Network for Prisoners by facilitating executive board meetings and training on administration and finance.

All these activities have presumably contributed nevertheless to its overall purpose which is to increase the prevalence of rights-based management of correctional facilities. At the same time, however, one must recognize that only a very small portion of the planned 48 monitoring visits to detention facilities were carried out and these exclusively in KRG. The impact on the protection of prisoners in Iraq must inevitably be slight.

Inspecting prisons is a sensitive matter especially in a state where an ethnic struggle threatens an unstable regime. Undertaking it must be preceded by assurances of government buy-in, not only regarding the activities that will be supported but also regarding implementers and participants. Even where there is government buy-in, circumstances can change and suspicions can be raised. This happened, and the consequence is that the most important part of this element of the project has not been done. Another consequence is that the Justice Network for Prisoners which was laboriously reinforced is now suspect and, at least for the immediate future, is not likely to have the confidence of counterpart government bodies. Sustainability is limited.

Table 3.14. UNOPS Implemented Prison Monitoring Programme

Project Element	Completion of the work	Satisfaction of beneficiaries	Efficiency / fairness impact	Sustainability	Sum	% of perfect score
Increased role of the Justice Network for Prisoners to assess, monitor and report on correction facilities; partnership between JNP and Iraqi ministries strengthened to facilitate access to prisons	1.5	2.5	1.5	1.5	7	58

Rehabilitation of Victims of Torture

Project Objective: Assist victims of torture in their path to medical and psycho-social rehabilitation

This element of the project is a continuation of previous support to the Bahjad Al-Fouad Rehabilitation Centre for Torture Victims in Basra through the Promotion of Human Rights Culture Project funded by the European Commission between 2005 and 2007. The justification for the preceding project and its continuation in this one is that the prevalence of torture in prisons was on the rise, and there was therefore “an emergency, not only to prevent torture and inhuman treatment of detainees, but also to provide adequate rehabilitation support to those that survive it.”¹⁹

This part of the project aimed to continue support for torture victims at the rehabilitation centre in Basra and, as well, to continue training in areas of rehabilitation and to set up an additional

¹⁹ European Commissions, *EC-UNDP Contribution Agreement regarding the Support to Rule of Law and Justice Project, Annex 1 Description of the Action*, April 2008

rehabilitation centre. Eight internships would be funded for trainees to go abroad, a community outreach programme would be put in operation and a nationwide campaign would be undertaken for the prevention of torture. For the most part, these objectives have been met.

Activities at the Basra centre continue as planned. An additional centre was established in Kirkuk. Both have provided services to more than the original target number. Regular trainings on cognitive behavioral therapy and other topics were provided in both centres and both centres introduced a community outreach programme with mobile clinics. It is not clear how thoroughly a national campaign for torture prevention covered the country though elements of a campaign were put in place. In addition, small numbers of police have been trained occasionally on the appropriate treatment of detainees in accordance with international human rights standards. Project inputs have been completed and the material commitments have been met.

There are furthermore indications that these two centres will continue without continued European Commission support, at least in some form. Both have partnerships with European-based NGOs, the Basra centre with the Denmark based International Rehabilitation Centre for Torture Victims and the Kirkuk Centre receives support from the Consul General of Germany that assists in linking the centre with centres for torture rehabilitation in Germany.

Torture rehabilitation is part of a project to promote the equitable administration of justice in Iraq and one expects there to be a contribution to this core concern, specifically a reduction in the incidence of torture. This is presumably possible since, if rehabilitation centres are maintained by the international community, Iraqi police, politicians and prison staff will learn of the world's disapproval and refrain from torture.

On 25 May 2011, the Basra rehabilitation centre commemorated the International Day in Support of Torture Victims with a public advocacy event that was attended by 150 people including some from the Provincial Council and Basra's Ministry of Human Rights Office. Patients were also in attendance along with local television channels covering the event. Courses have been offered by both the Basra and Kirkuk offices for 15 – 20 police officers each session to raise the police officers' awareness on human rights standards, the Convention Against Torture and Minimum Rules for the Treatment of Prisoners. These courses have attracted the attention of Representatives from the Provincial Councils and the General Investigation Office.

There may now be a greater awareness of concern about torture and its incidence in Iraq but it would probably be unrealistic to expect these modest efforts to bring about real change.

It is furthermore quite difficult to determine, from the figures given in the reports, how many of those treated are in fact torture victims. Large numbers appear to be victims of domestic violence or other sources of violence not associated with abuses within the prisons or the justice system. After two years of reporting, the centres did begin to provide a breakdown by source of violence. The figures given raise questions. Table 3.5 gives a breakdown. In Kirkuk it seems there were consistently more victims of torture than other kinds of violence but, curiously, there were also more women than men. Claims in the same reports that women were rarely victims of torture raise questions about the validity of these numbers and a simple glance at them shows anomalies and inconsistencies. In Basra, there were originally more victims of family violence than torture

but the numbers of victims of domestic violence coming to the centres are reported to be a smaller portion as time goes on. In Basra there are also anomalies in the quarter by quarter reporting of the cases. Table 3.15 presents the numbers as they are reported by the quarterly reports though it seems probable that the number of women is probably higher than reported and domestic violence is probably a higher-than-reported proportion of cases.

Table 3.15. Torture, Violence and the Proportion of Women in Rehabilitation Centres

Location	% Women of total patients	% Torture cases	% Other sources of violence
Basra	39	54	46
Kirkuk	61	75	25

Source: Quarterly project visits supplemented by consultation of on-site records.

Even if the numbers in Table 3.15 are close approximations, they still raise questions about the extent to which this element of the project, rehabilitation of torture victims, contributes to judicial reform. This is not to detract from this project element's humanitarian contribution, far from it, and from this perspective it matters little whether the patients at the rehabilitation facilities suffer from political or domestic abuse. It is, however, important to be clear about what one is funding and why. And in this case, while there are clearly a certain number of torture victims, the incidence of domestic violence is probably equally high if not more so.

The two centres in Basra and Kirkuk may well deserve continued funding but not as part of a judicial sector reform project. Since there is little direct link between the rehabilitation centre services and the failings of the judicial sector, and furthermore since the activities are not likely to have any significant impact on judicial reform, it is more reasonable that further funding come under support to the health sector.

Table 3.16. UNOPS Implemented Rehabilitation of Torture Victims

Project Element	Completion of the work	Satisfaction of beneficiaries	Efficiency / fairness impact	Sustain-ability	Sum	% of perfect score
Rehabilitation of victims of torture in Basra and Kirkuk	3	3	.5	3	9.5	79

Section Four: Relevance, Design and Efficiency

Relevance and Strategic Fit

A few best practices have been identified for reducing conflict in fragile and conflict-affected situations. Among these are community initiatives for preventing violence such as community policing and support for local peace-building mechanisms. Job creation programmes are also among them, specifically large scale public works projects in marginalized and unstable regions accompanied by the removal of constraints for private sector growth in order to enhance jobs through private sector initiatives. And thirdly are interventions to strengthen the judiciary, rendering the administration of justice more efficient and enhancing public confidence in formal means of dispute resolution in order to diminish the incidence of resorting to other less formal and more violent means.²⁰

The Rule of Law and Justice Project falls into the latter category. Reform of the judiciary has become an integral feature of programming in conflict-affected and fragile situations. UNDP has made legal reform a mainstay of its development policy. In 2008, the UNDP launched its *Global Programme on the Rule of Law* and made a commitment to design and deliver programmes on legal and security reform in countries where conflict and fragile governments stood to benefit from a more efficient and fair judiciary.²¹ Up to 2010, the Global Programme on the Rule of Law provided assistance in 18 priority conflict/post-conflict situations at a total programming value of USD 202 million.²²

The inception of this Iraq Rule of Law and Justice Project has coincided with the inception of the Global Programme; it is therefore not only pertinent but also constitutes an area of priority programming within the UNDP. The UNDP's commitment to rule of law programming in Iraq particularly is reinforced by Security Council Resolution 1770 passed on 10 August 2007 which supports the United Nations mandate in Iraq to "promote the protection of human rights and judicial and legal reform in order to strengthen the rule of law."²³

Rule of law initiatives are being undertaken by a number of international actors operating in Iraq. An important framework for this international support is the International Compact with Iraq (ICI), a document produced by the Government of Iraq that outlines collaboration with the international community. The International Compact with Iraq establishes, as a priority, its intention to support efforts to promote reconciliation among different groups recognizing that in

²⁰ World Bank, *World Development Report 2011: Conflict, Security and Development*, Washington, D.C.: 2011, p. 19

²¹ UNDP, *Global Programme on the Rule of Law based on Justice and Security in Conflict/Post-Conflict Situations*, New York, January 2008

²² UNDP, *Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Situations*, Annual Report 2009. The programmes are in Afghanistan, Bosnia-Herzegovina, Burundi, Central African Republic Chad, Colombia, Democratic Republic of the Congo, Guinea-Bissau, Haiti, Iraq, Liberia, Nepal, Occupied Palestinian Territory, Sierra Leone, Somalia, Sri Lanka, Sudan, Timor-Leste, Uganda and Kosovo.

²³ European Commissions, *EC-UNDP Contribution Agreement regarding the Support to Rule of Law and Justice Project, Annex 1 Description of the Action*, April 2008, p. 1

order to do so there is a need for institutional reforms aimed at enhancing “respect for the rule of law...

...including the consolidation, control and reform of all instruments of force including the judiciary; establishment and implementation of a balanced transitional justice program; development of policies for equitable and rational distribution of resources; and the organization of a civil service structure on a professional and non-sectarian basis to manage and administer the state at all levels. The establishment of the rule of law through these institutional reforms is fundamental for the successful implementation of the Compact.”²⁴

The Government of Iraq’s National Development Plan 2010-2014, drafted by the Ministry of Planning covering all sectors of national policy, also devotes a sub-section to the rule of law as part of governance reform. Expectations include ensuring the judiciary is properly decentralized, founded on a commitment to human rights and increasing the efficacy and efficiency of the judiciary.²⁵

Rule of law provides a privileged platform of common ground for the Government of Iraq and its international partners. They may not agree on specific initiatives to be undertaken but they do agree strongly on the principle of strengthening the judiciary. International partners are in accord among themselves and with the Government of Iraq that a court system responding more efficiently and fairly will increase the public’s confidence in the justice system and the government generally. The international community expects further, with their contributions, to introduce a greater measure of respect for human rights, fewer abuses, more respect for detainees and greater access to courts for the disadvantaged. The Government of Iraq may occasionally be uncomfortable with its international partners’ emphasis on human rights reforms but are willing to incorporate them in order to receive expertise and financial support in other areas.

Validity of Design

The original project document acknowledged the difficulties that were likely to affect the implementation of this project, specifically that “the international organizations operating in the country (could) no longer function according to traditional formulas.”²⁶ The implementers would have to engage national organizations as agents to carry out needs assessments; a final project design would have to be agreed outside of the country and implementation would require the service of intermediaries since the project would be managed without the benefit of on-site meetings. Two issues were of concern in the design. First the cost would be onerous. Secondly, the complexity of circumstances in Iraq meant that the project would have to be contained and manageable in order to respond to what would certainly be challenging conditions.

²⁴ Government of Iraq, United Nations, European Union, International Compact with Iraq, A Shared Vision, A Mutual Commitment, 2007

²⁵ Government of Iraq, Ministry of Planning, National Development Pan 2010-2014, Baghdad 2010

²⁶ European Commissions, *EC-UNDP Contribution Agreement regarding the Support to Rule of Law and Justice Project, Annex 1 Description of the Action*, April 2008p. 42

The project design's large number of disparate interventions is curious given these complex and difficult circumstances. It may have been that the deteriorating situation in Iraq called for an even more ambitious programme to address the expanding needs. Or that casting the net widely – embracing a large number of reforms with a large number of organizations and institutions – would more likely ensure some, even if not all, aims were achieved. Or it may have been the sheer supply of funding that led the design to put together a costly and ambitious investment. In retrospect, the broad and almost unwieldy scope of the project seems inconsistent with a setting where the difficulties of delivery were so significant.

It was not only a matter of the diversity of components each with their own lofty objectives. It was also the absence of explicit provisions to ensure they would fit together coherently. There was a lack of focus.

The focus is diminished further by the division of the project into two distinct halves. One half supported judicial institutions, courts and their governing ministries, along with an associated training institute. This half has included training and resources for the Higher Judicial Council and the Ministry of Justice along with specific material support for two model courts, one in Erbil and one in Basra. There were also pedagogical facilities for the institute that trains judges (Judicial Training Institute), policy and planning schemes for regulating the conduct and practices within the Higher Judicial Council, staff development, linkages with regional networks and a variety of initiatives to help members of these ministries stem corruption. There was then a sequenced set of interventions for courts – eventually directed at two model courts – that covered research units, public awareness campaigns, computerization of records, increasing security of documents, training, preparing manuals among others.

The other half was built around a package of interventions that had previously been funded by the European Commission²⁷ aiming to bring international human rights standards to bear on the treatment and representation of detainees along with a rehabilitation centre for torture victims. This half had its own separate label: Programme for the Protection of Detainees and Torture Victims.

Making this ambitious project with its broad scope manageable might have been conceivable had there been a well-articulated and singular broad objective to which all contributed in a coherent fashion. As it happened, the only link was that the two halves shared the same administrative umbrella; and because each half was particularly challenging in its own right, little effort was made, or even entertained, to link them or to regard them as mutually supportive. A project that goes in two different directions dissipates the much needed energy for channeling motivation under difficult circumstances. It is really no surprise that, in spite of the provisions made in the original design that UNDP assume the lead, in the end the project's halves were left to manage mainly on their own.

A clearer and more thoughtful articulation of anticipated results, in the logical framework for example, would have gone some way to achieving a more singular focus. The coherence of the

²⁷ The two-year project, Promotion of Human Rights Culture in Iraq through Support to Human Rights Civil Society Organizations, was funded by the European Commission as part of the European Initiative for Democracy and Human Rights

project would have benefited from a shared understanding about common, attainable outcomes. With these outcomes before them, stakeholders would have been more likely to galvanize their efforts, collectively if necessary, in realizing them. As it happened, the outcomes, when they were expressed in terms concrete enough for this purpose, were typically expressed as outputs, the delivery of materials or the preparation of a work plan. If these are outcomes, they are lower level ones at best. Higher level outcomes in the project's logical framework would have given the implementers the responsibility, for example, to increase public confidence in the courts and this might have been expressed and measured with the numbers of clients in the court system, the reduction of cases backlogged, the reduction of pre-trial detainees, an increased number of women drawing on the courts for dispute resolution and so on.

Few of the objectively verifiable indicators found in the log-frame are actually indicators or objectively verifiable. Most of them are the completion of an activity, such as a "work plan developed" or "telephone hotline established." Some are targets such as "20 human rights organizations provided with legal aid support," or "awareness activities organized." These are a checklist of items to be completed, not measures of the extent to which objectives have been achieved. They are valuable in their own right but do not require the implementers to be clear about where to focus energies and how they will know if they are doing so or not. The logical framework, as it was prepared originally, is a reflection of the dispersed nature of the project itself: a few broad and unverifiable aspirations along with a lengthy list of project deliverables.

When a project's logic is submitted to a more rigorous blueprint, as is done in an analytically sound logical framework, the exercise will encourage implementers to understand the complexity of what they are doing and, in stating clearly how one knows whether the job is done or not, suggest perhaps that human and material resources need to focus on a few, well understood and measurable objectives. This might have tightened the project and sharpened the project's focus. It would also have made clear the responsibilities, not only of the implementing agencies but also of their national partners.

It would have also gone some way toward increasing the buy-in among national partners, at least to help track whether and how much the objectives were being met. The design needed to make this clear from the start. The Higher Judicial Council, in spite of good interpersonal relations with UNDP at the start, has not agreed with the project on how the impact is to be measured. Access to data on the conduct of trials has been refused. Alternative evaluative information has not been discussed. The Higher Judicial Council has its own views about the quality of legal training and intends to do its own assessment but has refused to share its impressions with the evaluation team. Measuring outcomes were set aside for most of the project's duration. And perhaps for slightly different reasons, the Ministry of Human Rights in the other half of the project has been likewise circumspect about how information about project impacts is utilized. It matters little that this information may be politically sensitive. If there is no agreement on what information about project results is permissible, there is little chance for the information and its implications to be shared.

Management Effectiveness and Efficiency of Resource Use

Twenty-six per cent of the original project budget of US\$ 18.3 million remained undisbursed at the time of the evaluation. The failure to disburse is attributable to specific implementation bottlenecks, all relevant in various ways to issues of efficiency and management.

1. A turnover in UNDP project staff at the initial stages of the project and an unusually slow recruitment process meant that for the first two years there was little implementation. UNDP did engage dedicated project staff in the third year, a project manager and a technical advisor, who were able to make up for lost time, but the earlier delays were difficult to remedy and a portion of the planned activities never took place.
2. In order to encourage UNDP to act more quickly and to put the committed project funds to work, the European Commission in 2009 withdrew a significant amount of funding from the UNDP project budget and allocated it to UNOPS for a project element of their choosing. UNOPS' proposal – to monitor the conduct of trials in selected courts - was rejected by project counterparts. It was never implemented and the funds remained undisbursed.
3. Two of the three UNOPS project elements – (1) prison monitoring and (2) legal defense centres – were jeopardized by UNOPS' partnering with an international NGO – Un Ponte Per – which had previously fallen out of favour with the Government of Iraq. When the counterpart ministry – the Ministry of Human Rights – became aware of this partnership mid-way through the project, legal defense centres were suspended. UNOPS resurrected them some months later under different administrative arrangements but a portion of the planned operation did not take place and this project element was not completed as planned.
4. UNOPS' counterpart ministry, Ministry of Human Rights, required NGOs to register with the NGO Directorate before participating in the prison monitoring programme. Registration was delayed. It is not clear whether the delay in granting registration was also related to UNOPS' international NGO partner - Un Ponte Per - though it seems probable. While training for prison monitoring took place, and two correctional facilities in south and central Iraq were monitored, no monitoring was carried out in south and central Iraq. The major portion of this project element was blocked.

Project elements were delayed and in some cases were cancelled or never completed. For separate reasons, neither of the implementing agencies prepared themselves adequately for this project which required considerable tact and strategic planning. Finesse was required to deliver project elements that intervened in the judicial process and raised the issue of the Government of Iraq's human rights record, particularly given the present state of on-going politico-ethnic conflict.

These delivery problems are rooted in the way development assistance was funded between 2003 and 2006, the period immediately preceding this project. Until 2006 and 2007, there were few bilaterally funded projects for UN agencies. Funding was through the Iraq Trust Fund designed to disburse donor funds quickly in order to meet the Iraqi emergency. Project scrutiny and

monitoring of programming and implementation were given a lesser priority. UN agencies were not held to the kind of account they would experience in bilaterally funded projects.²⁸

This project was one of the first of a new generation of bilateral projects. It required a more disciplined approach with greater accountability. UNDP's recruitment and procurement procedures were ill-prepared to implement with the efficiency required by a bilateral donor. UNOPS in Iraq on the other hand had achieved a reputation for getting things done, impressively in some cases, but had only modest experience in policy matters.

Both agencies have been chastened. UNDP has recognized its need to overcome its limitations in recruitment, procurement and management in general. It has realized, albeit somewhat belatedly, the need to provide a dual competence, to be at once a centre of governance excellence and a contractor with a high standard of management efficiency. UNOPS, for its part, has understood that interacting with senior officials on delicate policy matters relies on building long-term relations based on an exchange of real expertise.

Legal assistance for the disadvantaged is a case in point. The UNOPS approach was focused on meeting its targets. Separate centres were organized throughout the country by NGO members of a network of NGOs managed by an international NGO. These centres were urged to meet their targets in time and in budget. Lawyers provided services on a volunteer basis and they were encouraged to select cases that could be decided quickly. The centres clearly provided some valuable services but the lasting impact, according to informant accounts, has been modest. There was no attempt to address more broadly the causes of the frequent inability of defendants to access quality counsel. These legal defense centres have little chance of continuing. The UNDP approach was based on a deeper understanding of the justice system. UNDP's helpdesk in Erbil operated successfully out of a model court and two others in Dohuk and Suleimaniyah, while less successful in establishing a link with the justice system, have assisted a number of disadvantaged defendants. The UNDP approach was better informed and strategically more likely to have a sustainable presence. Indeed the Erbil in-court legal help desk is widely regarded as an important success and may soon be financed partly by the KRG. UNDP's shortcoming was administrative: failure to mobilize meant that a portion of the legal aid programme was cancelled and another portion had to be funded from its own TRAC funds.

A uniquely inefficient feature of these two legal assistance schemes is that, in spite of belonging to the same project, they operated independently. Advisors of the one attended workshops for the other and some information was exchanged. They nevertheless proceeded along parallel tracks even though the experiences of one would certainly have been beneficial for the other. What is more curious is the existence of two such similar initiatives operating simultaneously within a single project. If originally there were understandings about overall project coordination,²⁹ its

²⁸ This has been documented in a number of reports including: Scanteam, *Stocktaking Review of the International Reconstruction Fund Facility for Iraq, Final Report*, Oslo: January 2009; and Jim Freedman, *Evaluation of UNDP Governance Projects funded by the Trust Fund*, UNDP Iraq, Amman: 10 June 2009

²⁹ The original project design proposed that "UNDP assumes the overall responsibility and accountability for the management and implementation of the project." European Commissions, *EC-UNDP Contribution Agreement regarding the Support to Rule of Law and Justice Project, Annex 1 Description of the Action*, April 2008p. 41

practice has not been apparent nor has there been a common understanding among two agencies, UNDP and UNOPS, about how to work together. For the most part, the two operated on their own, managing two separate projects. UNDP was left to improve the efficiency of trials while UNOPS went about the business of monitoring the treatment of detainees and the incidence of torture. The separation between the two project components inhibited any synergy and mutual reinforcement that would have been beneficial: UNOPS' experience with pre-trial detainees and prison conditions could have informed UNDP's efforts to increase the efficiency of processing cases and vice versa.

A disconnect between the two halves of the project became more serious over time. When the UNDP was admonished by the EC's withdrawal of funds, this further undermined UNDP's role as a lead in the project. In the last and extension year of the project both agencies had their hands full just meeting their project obligations. The benefits from greater synergy among project components were not realized.

Without coordination, the project was unable to present a common UN front in interacting with its counterparts in the Government of Iraq. Both UNDP and UNOPS are eager to forge a strong collaboration with the Government of Iraq. This is less likely to happen when the two agencies, participating in the same project work separately, or even as happened occasionally at cross purposes. It is a fact that, for various reasons, neither UNDP nor the UNOPS were able to maintain strong relationships of trust with their national counterparts and this, in the end, was possibly the project's greatest liability. Better coordination among the two agencies and greater project coherence would have, at the very least, raised the stakes for government counterparts to engage more productively and with fewer administrative impediments.

Section Five: Perspectives of the National Entities

Following the conclusion of the evaluation, the team undertook a second mission to Baghdad in order to probe more deeply the views of the Iraqi National Entities, specifically the Higher Judicial Council and the Ministry of Justice, on UNDP's programming and to explore further what is their attitude regarding Rule of Law initiatives.

Responses were not forthcoming. As before, few of the key figures in the High Judicial Council and the Ministry of Justice agreed to meet with the team. This may speak for itself. The sentiment of the judicial authorities on UNDP's intervention is mixed at best and it can be summarized as follows. Substantive involvement in how justice is meted out in Iraq is clearly regarded as the preserve of national judicial authorities and the intervention of international organizations on policy issues is not accorded high priority.

As noted previously in this report, this does not extend to technical matters. The computerization of case records has slowly, but surely, begun to appeal to the judicial authorities and they are now, in principle, supporting these technical inputs. Libraries with international resources as well as Arabic sources are also appealing, but significantly less so, evidenced by the disinclination of the judicial authorities to facilitate the importation of large number of library resources provided by the UNDP.

The UNDP expressed an interest in knowing the views of the Iraqi judicial authorities on four key areas. These are listed below followed by summaries of National Entity responses.

1. What substantive areas are of interest to Iraqi judicial authorities?

Iraqi judicial authorities hold the view that importing non-Iraqi views on access to justice, on treatment of prisoners and on rights of the accused, or even on the role of investigations in the performance of the justice system, is irrelevant under present circumstances and it is presumptive of the UNDP to suggest reform to a justice system that, in their view, is managed well. The KRG, for reasons that may or may not be linked to an interest in judicial reform, show greater openness to ideas on substantive judicial reform. Three areas were mentioned which international organizations should be careful to avoid:

- i. Cases which require a confidential investigation
- ii. Procedures of investigation, particularly on cases in which investigations are underway
- iii. Shura council provided an example on the work of Red Cross in Iraq. They pointed that the Four Protocols under which Red Cross is working related to bilateral conflicts between states. Yet the Red Cross is trying to interfere in Iraq in some internal issues i.e. no conflict with other country.

2. To what areas of capacity development do the judicial authorities give priority?

Apart from the judges and investigators trained under the programme, there is not much awareness of the capacity development delivered by the programme under review. Those authorities consulted expressed the concern that the availability and implementation of these programmes were not widely known. There was a concern that the Shura Council be consulted and involved in future training programmes. When asked whether there was a

preference for occasional, brief training sessions, or long-term ones, respondents said that both were important and that both short term and long term training programmes would be welcome at both the Judicial Training Institute and the Judicial Development Institute.

3. How do the judicial authorities perceive transparency in the administration of justice?

In response to this query, respondents recommended that the UNDP consult the following official websites of HJC:

<http://www.legislations.gov.iq/index.aspx>

<http://www.iraqja.iq/>

It was made clear that investigating the extent to which force is used to extract information from defendants or witnesses is not the job of UNDP, given that Iraq is a signatory to the international Treaty Against Torture. Nor is it the job of UNDP to train the media in trial reporting since involvement of the media in the course of a trial inappropriately influences judges and the public. On the question of whether international organizations may observe trials in Iraq, the authorities did not give a clear response.

4. How do the judicial authorities and national entities regard the notion of access to justice and what legal mechanisms are in place to pursue this?

On the matter of a defendant's trial representation and access to justice generally, the authorities reiterated that the Iraqi judicial authorities already have provisions addressed to this matter and these provisions are continually being assessed and improved.

UNDP's concern to explore, in the context of this evaluative exercise, the disposition of National Entities on Rule of Law programmes, particularly ones that involve substantive reforms, is laudable. It shows UNDP's inclination to listen carefully and to give high priority to the concerns of their partners. UNDP's initiatives must be responsive. It indicates at the same time a disquiet – one that is shared by the evaluation team – about the readiness of the National Entities to collaborate on such matters of sensitive national practices. UNDP's eagerness to be seen as a partner to the national government is not easily reconciled with a simultaneous concern to humanize the court system. The implication is inescapable, that the Iraqi judicial authorities do not take kindly, at this moment, to UNDP's concern that the court system is not fair enough and that there is a role of international organizations to make it more so.

UNDP confronts a quandary in Iraq. UNDP is fundamentally committed to reforming justice systems, to reducing torture, improving access of defendants to proper representation, to protecting witnesses and ensuring all members of society a fair trial. UNDP cannot however do much on these fronts and still maintain positive partnerships with the senior judicial authorities. The failure of the evaluation to meet with these senior judicial authorities is testimony to this quandary.

Can anything be done to improve relations with the Iraqi authorities? At this juncture, when some discontent lingers regarding the previous Rule of Law programme, its management and its substance, it is probably advisable for UNDP to step back from any justice initiatives and, instead of undertaking new initiatives, make every effort to engage the judicial authorities in a dialogue that will, ideally, result in a more constructive partnership with time.

Section Six: Lessons and Recommendations

The Rule of Law and Justice Project has had a few significant results. The difficulties it has experienced have also been significant with the consequence that in certain areas of the project, the results are less than hoped for. No one agency or organization can be held responsible; nor is there a single explanation. It would be too facile to attribute the difficulties, as some do, to the failure of the UNDP to mobilize in a timely fashion at the start though the UNDP is responsible for delayed implementation of a major portion of the project. Nor can the UNDP-Iraq alone be faulted for not bringing about a better coordination between UNDP and UNOPS since the project's overall lack of coherence rendered it particularly difficult for UNDP, UNOPS and their respective partners to work closely together. It would also be too facile to suggest a lack of genuine buy-in among government counterparts even though this is certainly evident in aspects of the project with obvious consequences. There were other factors as well including the persistent insecurity in Iraq and the limitations on stakeholders and contractors' access to project sites.

A central concern of this evaluation has been to specify in what ways specific project elements have and have not achieved their anticipated outputs and outcomes. For the sake of clarity, the evaluation has divided the project into eight discrete sets of activities (Table 1.1) and relied on this division for rendering account of which project elements have met some essential criteria in achieving their objectives, and which have not.

Out of these eight discrete sets of activities four have not been completed as planned. Beneficiaries have expressed satisfaction with only four of the activities while in four others, satisfaction among beneficiaries has only been partial or not at all. In two instances, there is a possibility that the project's inputs will have a lasting impact on how justice is delivered, either nationally or in their respective locales while in six others there seems little or no impact on how justice is delivered. In four of the activities there is a strong possibility for sustained support; in four others, this seems rather unlikely. The project has been an unwieldy amalgam of disparate elements and lacked, both at the design level and in implementation, a much needed level of coordination.

This is no reason to summarily dismiss its value because of these shortcomings. On the contrary: the project is of value to those who learn from its trials in bringing about real change to a judiciary under the circumstances that one finds in Iraq. The task is now to make the most of the experience. The following are some lessons and observations.

Lessons and Observations

A stocktaking period

One conclusion of this report is that now is probably not the moment for a second phase. It is better for there to be a stocktaking by both agencies to learn from the experiences which this project offers. There are aspects of this project that can be built upon meanwhile. Important lessons can be applied regarding legal empowerment schemes and how they can be managed for best results. Targeted contributions can and should be made to the judicial training institutes, but

only after a more careful assessment is completed than was done by the project. These can provide limited support while negotiations on broader issues are on-going.

Building a relationship of trust

Partnerships with government counterparts over the project's tenure have not been consistently positive. The objective now must be to build a relationship of trust and to this end, one must avoid any sign of opportunism. It serves little purpose to introduce a project simply for the sake of getting something on the books. It will serve the interests of the UNDP and UNOPS better to engage in a dialogue using interlocutors who are well-informed, senior and available for the long term. The introduction of new projects at this juncture may serve the immediate interests of the judicial authorities for material acquisition or perhaps the immediate interests of the UN Agencies, but in order for projects to serve the broader interests of equity and fairness, agencies need to invest in building a common ground of convictions about legal reform that serve the interests of all parties, the international community, Iraqi authorities and their constituencies.

Substantive reforms and material inputs

Iraqi authorities are prone to request material support for equipment, computers, crime labs and other facilities. Donors have provided these in the past and doing so has provided an entry for them to encourage more substantive reforms. These material contributions have not always yielded expected results. The question has been rightly asked regarding the provision of computers for automating record-keeping: "If the system has significant unfairness built into it, such as political bias or control, does increasing the speed of cases through the system actually represent a gain for the rule of law?"³⁰ Providing further material support to courts and other legal institutions is not recommended at this time.

Training of judges

In the interim, smaller exploratory investments may be made to demonstrate good faith and to serve as a basis of on-going discussion. There appears to be considerable scope for providing two Judicial Training Institutes – one in Baghdad and one in Erbil (in the planning stage) - with pedagogical resources, research initiatives and twinning arrangements with legal faculties abroad. Instead of offering courses that last two or three days,³¹ a small and manageable investment could provide judges-in-training with in-depth international coverage of topics that are emerging issues in Iraq: human trafficking, legal empowerment mechanisms, money laundering, treatment of juvenile offenders, among others.

Legal empowerment

Continued support to legal empowerment schemes - some combination of helpdesks and legal aid programmes - could build on the lessons learned in the Rule of Law and Justice Project, especially on the experience of the Erbil model court. The introduction of a helpdesk in the Erbil model court was a breakthrough in that it demonstrated the value, not only to the disadvantaged but also to the justice system generally of making the system more accessible. The Erbil experiment showed that legal helpdesks can increase the confidence of potential users in the

³⁰ Thomas Carrothers, Promoting the Rule of Law Abroad, The Problem of Knowledge, Carnegie Endowment for International Peace, Rule of Law Series, No. 34, January 2003, p. 10

³¹ Interviewees frequently complained that courses of such short duration were of little value.

justice system and will do so most effectively when they operate inside the court facilities as an integral part of the justice system, not outside of it.

Rendering account: monitoring and evaluation

Initially, quarterly reports gave only brief, perfunctory accounts of activities. Beginning in mid-2009, UNDP's new project manager at the time insisted on more complete accounts and under her tenure quarterly reports reached 100 pages. They gave considerably more information. While the reports increased in volume, they did not increase in depth; there were lists of meetings and consultations, outreach visits and case studies of beneficiaries with occasional reference to events that seemed important. Analysis was at a premium. What was missing was a systematic assessment of results, impacts and outcomes. There were neither indications of these difficulties, their impacts on the project, or a deeper assessment of the causes and ultimate consequences.

Rarely do these reports address the question of whether or not the government has read the reports, approved the innovations, accepted new ideas about legal empowerment, reduced the number of detainees awaiting trial or made courts more efficient. In each report, challenges are occasionally identified; these generally reiterate the concerns about security and staff mobility. They rarely explore in any depth core difficulties and how to address them. Projects that do not reflect, at least occasionally and in a more or less formal fashion, on their performance can easily lose sight of their ultimate rationales.

Remote management

Problems posed by managing a project remotely, where access to partners is difficult and where direct contact is severely limited, have been repeated in numerous reports; they nevertheless merit being repeated once again since they bear directly on project performance: they make essential consultations more complex, they lead easily to misunderstandings and retard decision making. The issues confronted by the Rule of Law project are politically delicate ones and where dialogue with partners is difficult, risk is significantly magnified.

Opportunities and risks in partnering with civil society

The project has relied on civil society organizations both international and national. These organizations have served valuable functions, in part, because for security reasons, donors and implementers are limited in their movement within south and central Iraq. The greater mobility of international and national NGOs allows them to serve as intermediaries. At the same time they play a role in giving voice to concerned citizens who would otherwise not be heard and to that extent bring a greater measure of democracy to Iraqi society. They have received considerable international support over the past decade and, not surprisingly, their numbers have increased.

This largely unregulated increase has meant that inevitably a portion of these organizations have motivations that may not be wholeheartedly in the public interest. Some have been accused of being mercenary, others of being a front for political activists. Ministries in the Government of Iraq have grown suspicious of them, particularly after questions have surfaced about their quality and reputation. The lesson is that NGOs should be closely scrutinized before being considered for partnership.

There is a tendency to assume that well-reputed international NGOs are reliable partners and where there is a choice, are generally preferred over national NGOs. The experience of UNOPS and UNDP in this project has shown this is not always the case. International NGOs do not have local affiliations which national NGOs can provide, particularly in the regions where they operate; international NGOs find it difficult to establish relations of trust in an area where trust is required. The international NGO, Heartland Alliance, which UNDP contracted to establish a legal aid programme in Dohuk and Suleimaniyah, has struggled to gain the confidence of the local bar associations and legal authorities. There are local NGOs with solid reputations that would have done better because of the trust they have with local authorities.

Project coherence

It is difficult to understand the rationale for assembling a project out of disparate pieces linked only by an association among the pieces with the broad topic of rule of law. This would be a questionable model for any enterprise.

The intention in the project's design may have been to cover as many bases as possible; but the liability was an unwieldy programme in which the various components and elements had only tenuous connections with each other. It made it difficult to maintain quality assurance, to achieve a collective commitment among project participants and to prevent dissipating resources and energies in too many directions.

There were two model courts, three legal aid centres, three ministries, a training institute, two torture rehabilitation centres, a network of NGOs and the network's two programmes for monitoring a number of prisons and providing defendants with representation in 20 locations. The project was split in two administrative halves, one implemented by UNDP and the other by UNOPS. The administration of the two halves separately meant that the project was, for all intents and purposes, two separate projects. A coherent project with components that reinforce each other and a limited number of linked objectives would have been preferable.

Keeping responsibilities of programme and project managers distinct

Delays in programme implementation have resulted in part from the absence of a project manager. Not uncommonly, in these cases, the responsibilities of the project manager were assumed by a programme manager. This may be necessary in certain exceptional circumstances, but as a general rule, the roles of the programme and project managers should not be conflated

Recommendations

- In lieu of preparing a second phase of the Rule of Law and Justice Project, it is recommended that the stakeholders take stock of the experience afforded by the project while completing those elements of the project which are not as yet completed.
- As part of this stocktaking process and in order to identify common ground for future collaboration, it is recommended that the UN agencies deliberately and strategically embark on a campaign to build a greater level of trust than exists at present with judiciary partners in Iraq, identifying areas of common concern that will address shared priorities for increasing the efficiency and fairness of the justice system.

- As part of this campaign, it is recommended that the emphasis be placed on ways of achieving substantive reforms (as opposed to providing material resources) giving gender equity and human rights greater attention and addressing ways for the disadvantaged to have greater access to legal services. The acquisition of material resources and equipment is perhaps better left to the Government of Iraq.

- In the medium term, while a greater level of trust is being established, it is recommended that possibilities be explored for support to the judiciary in two areas:
 3. Targeted funding for pedagogical resources, specific research endeavors, and development of course syllabi within the Judicial Training Institutes – one in Baghdad and another in the planning stage in Erbil;
 4. Replication of the helpdesk established in Erbil in two other court premises, one in KRG and the other in south and central Iraq.

- Contracting with international NGOs should be carefully scrutinized and, where possible, national NGOs should be contracted instead, especially where national NGOs are able to more effectively facilitate implementation regionally or locally.

- The elements of this project have focused largely on the judiciary, specifically on training and facilitating the work of judges in specific courts. Further engagement with the justice sector would benefit by placing an increased emphasis on prosecutors and civil society elements of the justice sector.

- In the design of future projects, whether they be Rule of Law projects or otherwise, care should be taken to build objectives and activities around a singular focus with coherent and self-reinforcing components avoiding the temptation to cover as many bases as possible.

- Since projects tend to perform better where plans are made to keep systematic track of their achievements, it is recommended that an evaluation scheme, which is both compact and rigorous, be elaborated as an integral part of project design.

- In the event that a project manager post is vacant, responsibilities of a project manager may be assumed by a programme manager but only in exceptional circumstances. The conflation of programme and project managers should in general be avoided.

Annex 1: Persons Interviewed

Name	Position	Affiliation	Location
<i>UNDP</i>			
Peter Batchelor	Country Director	UNDP	Baghdad
Rini Reza	Manager, Governance Programme	UNDP	Baghdad
Marc-Antoine Morel	Project Manager, Rule of Law and Justice	UNDP	Amman and Baghdad
Christine Fowler	Programme Manager, Rule of Law and Justice	UNDP 2010-2011	Amman and Baghdad
Mark Aiken	Technical Advisor, Rule of Law and Justice	UNDP 2010-2011	Amman and Baghdad
Anou Borrey	Senior Gender Advisor	UNDP	Amman and Baghdad
Mohammed El-Ghannam	Senior Technical Advisor, Rule of Law and Justice	UNDP, 2008-2011	Amman and Baghdad
Ammani Hammad	Rule of Law Project Officer, Governance Programme	UNDP	Amman and Baghdad
Victoria Stewart-Jolly	Programme Advisor, Rule of Law and Justice	UNDP	Amman and Baghdad
Helen Olafsdottir	Crisis Prevention and Recovery Advisor	UNDP	Amman and Baghdad
Nahid Hussein	Project Manager	UNDP	Amman and Baghdad
Shawqi Younis	Project Officer, Rule of Law and Justice	UNDP	Erbil
Schnoo Faraj	Project Manager, Family Security and Justice Support Project	UNDP	Erbil
Tim Molesworth	Community Dialogue Consultant, Ninewa Minorities Dialogue Project	UNDP	Erbil and Baghdad
<i>UNOPS</i>			
Jim Pansegrouw	Director, Iraq Operation Centre and Jordan Operations Centre	UNOPS	Amman and Baghdad
Ailsa Jones	Programme Support Officer	UNOPS	Amman

Yvonne Frances	Programme Support Officer	UNOPS, 2010-2011	Amman and Baghdad
<i>UNAMI</i>			
Marwan Ali	Senior Political Affairs Officer	UNAMI	Baghdad
<i>Delegation of the European Union to Iraq</i>			
Sarah Barnat	Attachée, Programme Manager, Good Governance & Rule of Law	European Commission	Amman and Baghdad
Sara Caggiati	Rule of Law Expert, EUJUST-LEX – Iraq, European Union, Best Practices Officer	European Union Integrated Rule of Law Mission for Iraq	Baghdad
Rhiannon McHugh	Rule of Law Expert, EUJUST-LEX – Iraq, European Union, Evaluation Officer	European Union Integrated Rule of Law Mission for Iraq	Baghdad
<i>Counterparts and Partners –South-central Iraq</i>			
Assad Dhyia	Director General, Public Relations of Higher Judicial Council	Higher Judicial Council	Baghdad
Samyia Kadhum	Chairman of Shura Council	Ministry of Justice	Baghdad
Azeez Mohameed Ali	Deputy Director General for Legal Affairs of Public Relations of Higher Judicial Council	Higher Judicial Council	Baghdad
Qayssar Y. Gafor	Director General, Judicial Training Institute	Minister of Justice	Baghdad
Muhammad Faisal	Chairman	Iraqi Bar Association	
Shatha Abdulmalik	DG Public Relations	Ministry of Justice	Baghdad
Nahla Hummadi	Director, Judicial Development Institute	Higher Judicial Council	Baghdad
Sinan Ghanim	Information Technology Specialist	Higher Judicial Council	Baghdad
Waleed Khalid	Ministry Focal Point to the Programme for Protection of Detainees and Torture Victims, Rule of Law and Justice Project	Ministry of Human Rights	Baghdad
Nehaya Dawood	Administrator,	Ministry of Human	Baghdad

	Judicial Training Institute	Rights	
Khazum Al-Bedhani	Lawyer and Secretary General	NGO Al-Monqith Organization for Human Rights, Member of Justice Network for Prisoners	Baghdad
Massarah Adul Azeez	Focal Point, UNDP Programme at Basra Model Court	Basra (Model) Court of First Instance	Basra
Yousif Yagoub	Chief Judge	Basra (Model) Court of First Instance	Basra
Jasim Mohamed Mahmood	Deputy Prosecutor	Basra (Model) Court of First Instance	Basra
Abdulnaser Abdulah	Director	Bahjad Al-Fouad Rehabilitation Centre for Torture Victims	Basra
Hasn Khlati	Founder, Resident Physician and Board Member	Bahjad Al-Fouad Rehabilitation Centre for Torture Victims	Basra
Mustafa A. Hussein	Executive Director	Resurrecting Iraqi People Center, Legal Defense Centre	Thiqar
Hayder Al Batat	Member	Al Huda Foundation, Legal Defense Centre	Missan
Ali Al-Fares	Member	Hadya Society for Human Right and Civilian Community Development	Basra
<i>Counterparts and Partners - Kurdistan</i>			
Ahmad Abdullah Zubair	Chief Justice	Kurdistan Judicial Council	Erbil
Raouf Rasheen Abdulrahman	Minister of Justice	Kurdistan Ministry of Justice	Erbil
Daham Akram Omer	Judge and Head of Erbil Investigative (Model) Court	Kurdistan Judicial Council	Erbil
Jiyan Gardi	Lawyer, Legal Counsel at Helpdesk in Erbil Investigative (Model) Court	Women Empowerment Organization and Erbil Investigative Court	Erbil
Shwan Saber Mustafa	Board of Trustees Vice Chairman	Public Aid Organization Justice Network for Prisoners	Erbil

Salah Y. Majid	Programme Coordinator	Harikar NGO	Dohuk
Ahmed Najmaddin Ahmed	Director General of Social Reformatory	Ministry of Labour and Social Affairs	Erbil
Sardar Barznji	Planning Manager	Ministry of Labour and Social Affairs	Erbil
Suzan Aref	Director	Women Empowerment Organization	Erbil
Jwan Pishtiwan	Project Manager	Women Empowerment Organization	Erbil
Lynne Hiestand	Legal Advisor	Heartland Alliance	Suleimaniyah
Arkhawan Musataf Salih	Programme Coordinator	Heartland Alliance	Suleimaniyah
Hardy Hiwa Arif	Lawyer	Heartland Alliance	Suleimaniyah
<i>Other</i>			
Khaled M. Ahmed	Consultant to the Rule of Law and Justice Programme	Consultant to UNDP	Cairo
Adnan Al Ramihy	Legal Advisor, National Investment Commission, previously a lawyer appearing in Rusafa Court	National Investment Commission	Baghdad