



EVALUATION OF THE

DEMOCRATIC GOVERNANCE Thematic Trust Fund

COUNTRY
STUDY:
YEMEN

United Nations Development Programme

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By Harry Garnett and Khalid Al-Akwaa

Country case studies were a key part of the evaluation of UNDP's Democratic Governance Thematic Trust Fund (DGTTF). The evaluation team reviewed and analysed DGTTF projects in eight countries: Bhutan, Bolivia, Kyrgyzstan, Mauritania, Mozambique, the Philippines, Sierra Leone and Yemen.

Yemen has had some of the best applications of the DGTTF in the whole of UNDP. Each was owned by the counterpart governance institutions from the start. All were very innovative, and all led to what are likely to be sustainable, larger programmes either supported by the governance institution concerned or with additional support from a number of donors. Using DGTTF funds to pilot the implementation of decentralization has been particularly successful, and has led to major programmes of reform and capacity building covering the whole of the country.

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ABBREVIATIONS

APR	Annual Project Report	OECD/DAC	Organization for Economic Cooperation and Development's Development Assistance Committee
BCPR	Bureau for Crisis Prevention and Recovery	OGC	Oslo Governance Centre
BDP	Bureau for Development Policy	ProDoc	Project Document
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women	RB(x)	Regional Bureau(x)
CO	Country Office	SIDA	Swedish International Development Agency
CPAP	Country Programme Action Plan	SL	Service Line
CSO	civil society organization	SURF	Sub-Regional Resource Facility
Danida	Danish Development Assistance	SWAp	sector-wide approach
DFID	UK Department for International Development	TOR	terms of reference
DGG	Democratic Governance Group	TRAC	target for resource assignment from the core
DGP	Democratic Governance Practice	UN	United Nations
DGTTF	Democratic Governance Thematic Trust Fund	UNAIDS	Joint United Nations Programme on HIV/AIDS
ECIS	Eastern Europe and the Commonwealth of Independent States	UNDAF	United Nations Development Assistance Framework
EOI	expression of interest	UNDP	United Nations Development Programme
GTZ	German Agency for Technical Cooperation	UNDP NY	United Nations Development Programme New York
HQ	headquarters	UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
HURLITALK	Human Rights Policy Network	UNICEF	United Nations Children's Fund
ICT	information and communications technology	UNIFEM	United Nations Development Fund for Women
JICA	Japan International Cooperation Agency	UNFPA	United Nations Population Fund
LPAC	Local Project Appraisal Committee		
MDG	Millennium Development Goal		
MYFF	multi-year funding framework		
NDI	National Democratic Institute		
NGO	non-governmental organization		

1. BACKGROUND

The Republic of Yemen was formed in 1990 from two territories (the Yemen Arab Republic and the People's Democratic Republic of Yemen) with distinct political orientations. A new Constitution was approved in a national referendum; most restrictions on freedom of association, expression and movement were lifted; and a general amnesty for all political prisoners and exiles was granted. In short, democratization and good governance were seen as prerequisites for the unification process, domestic politics, as well as international recognition and support from the international community.

In April 1993, Yemen held free multiparty elections, the first of their kind to occur on the Arabian Peninsula. The elections were marked by countrywide celebrations and extensive participation. A year after this event, however, the country plunged into a civil war.

Political restructuring and economic and financial reforms began to be undertaken following the end of the civil war in 1994. Since then, the government has demonstrated a strong commitment to stabilization and reform through price and market liberalization, fiscal prudence, loosened controls on foreign exchange and trade—all part of an effort to cut foreign debt and increase foreign exchange reserves. Recently, attempts at economic reform have slowed and Yemen's internal stability is further threatened by a combination of forces challenging the government's ability to move closer towards democracy. These forces include extreme poverty, a high population growth rate, internal and international terrorism and the alienation from the central government by relatively independent leaders in remote areas.

The country now has more than 20 million people. Adult literacy is 49 percent and primary school enrolment 67 percent. Gender inequality is pronounced: the female literacy rate is only 28 percent, primary school enrolment for girls is just 37 percent, and only one quarter of the labour force is female.

The president, who is elected by direct vote, shares power with a parliament that has 301 members. There are 20 governorates and 333 districts. Governors are appointed by the president, although their election has been discussed. A Shura Council provides advice to the president, although it has recently been given legislative powers. The Local Authority Law of 2000 gave more power and

responsibilities to the governorates and district councils. The first local elections were held in 2001 and the third parliamentary elections in 2003.

The issue of local governance has been at the core of the political debate and discourse from the outset. Local governance was seen by many as the only viable course of action to introduce good governance into unified Yemen. For one thing, local governance would facilitate a nation-building process badly needed to cement the new state. Also, it would provide a good basis for the inculcation, exercising and assimilation of democratic norms, a cornerstone for democratic polity. This process would create, over time, the situation of 'no taxation without representation', which would strike the right balance between state and society. Finally, local governance might help in improving public service delivery and local contributions to public service provision, a prerequisite for effective and efficient government.

On 10 February 2000, a sizable majority in the House of Representatives passed the Local Authority Law. The law provides the legal foundations for the local authority based on the following principles: broadened popular participation through elected local councils, financial decentralization, administrative decentralization, and decentralization of service functions.

Nevertheless, decentralization reforms are not yet felt on the ground in Yemen. Six years after their election, most district councils do not yet function as the law intended them to. They neither plan their jurisdictions' development nor budget their resources (this is still done at governorate level), and, in many places, it is difficult for local people to see the added value of the district councils with respect to pre-existing, traditional/tribal authorities.

Yemen seems to face a situation not uncommon in many recently decentralizing countries. Decentralization reforms, once enacted, raise formidable implementation challenges of administrative and fiscal nature. The chances that the reforms result in more political participation and better allocation and use of public sector resources, and that local authorities articulate local pro-poor policies and are enabled to contribute to the implementation of the national Poverty Reduction Strategy (PRSP), depend on how such challenges are addressed.

The issue of democratic governance in Yemen, in general, is crucial given the current poverty and corruption indicators. The challenges that are facing Yemen in the economic, social and political arena require a better degree of awareness and policy planning in order to prevent instability and crisis. There is also a rising discourse and interest in this field from both donors and government; however, such issues remain sensitive because the government perceives some of the important governance domains as internal politics that do not need to be publicized or embedded in the system.

Despite the introduction of democracy, political power remains centralized in the hands of a largely unaccountable and non-transparent executive. Further, the administrative and judicial systems are not independent of each other. The affairs of government continue to be organized along largely tribal lines with personal relations frequently taking precedence over the public good in resource allocation decisions. This is manifested in the high levels of corruption and rent-seeking, which characterize large swathes of the public sector. Whilst the PRSP represents a significant and positive departure, it is clear that the government currently lacks the capacity to effectively implement a nationwide poverty reduction strategy due to pervasive weaknesses in the policy, institutional and governance framework. The lack of technical manpower is also severely contributing to Yemen's underdevelopment.

There is a huge credibility gap that continues to broaden as Yemen's democracy is increasingly seen as décor for the consolidation of power by the ruling party. Democratic approaches in Yemen overlooked the extreme poverty, social and tribal structure and declining economic indicators.

Reports from organizations such as the Yemen Observatory for Human Rights, which the evaluation team visited and has been supported by UNDP, detail many human rights abuses, from honour killings to jailed journalists and the fragility of good governance in Yemen. The observatory's deal with government is that it is not allowed to investigate or report on any alleged human rights violations involving the presidency. The Human Development Index has risen since 1990, but Yemen is still ranked at 149 among 177 countries. Nevertheless, a minister for human rights was appointed in 2003. This has led to some action on human rights issues.

This section evaluates four national governance projects implemented through the Democratic Governance Thematic Trust Fund (DGTTF). The assessment concentrates on the four main variables of the valuation of DGTTF: effectiveness, relevance, sustainability and efficiency. The four national governance projects implemented through the DGTTF global window are Decentralization and Local Governance, Modernization of Justice Sector (two projects), Modernization, and Modernization and Strengthening of Legislative Bodies.

The UNDP Country Office (CO) did not apply for DGTTF funding for 2007.

The projects are summarized in Table 1.

The country study is based on Annual Project Reports (APRs), Project Documents (ProDocs), and Mid-Term Reports as well as from interviews with UNDP staff, donors and beneficiary institutions.

TABLE 1. PROJECTS SUMMARY

PROJECT	OUTCOME	ACTIVITIES	REQUESTED	RECEIVED	SPENT	OTHER RESOURCES	COMMENTS
Decentralization and Local Governance	Effective legal and policy framework for decentralized authority and management	Pilot capacity-building in six districts	\$175,000	\$125,000	\$125,000	TRAC	Collaboration with the UNCDF
Modernization of Justice Sector (two projects)	Fair and efficient administration of justice with human rights approach	Training judges, prosecutors and lawyers; pilot IT at two courts	\$200,000	\$90,000	\$90,000	TRAC	
			\$200,000	\$200,000	\$200,000	HR project	
Modernization of Legislative Bodies (2006)	Shura Council with capacity to undertake new legislative role	IT and capacity building in Shura Council	\$200,000	\$135,000	\$135,000	TRAC, Shura Council	Outcome in ProDoc was human rights treaties embedded in local legislation

2. SUMMARY OF FINDINGS

The performance of the projects in terms of key DGTTF objectives is summarized in Table 2 on page 8. Key lessons are discussed below.

2.1 Innovative and catalytic

Each of Yemen's DGTTF-funded projects has been both innovative and catalytic. The Decentralization and Local Governance project began a process that has resulted in capacity-building piloted in six districts now being implemented in 48, the preparation of a national decentralization strategy based on the lessons learned, and support for decentralization from a number of donors. The two Modernization of Justice Sector projects improved the transparency, fairness and effectiveness of a very ineffective, largely Islamic and tribal-based, and corrupt judicial system by introducing human rights training for judges and IT-based records and court management systems. In a country where law libraries had been destroyed, printing the laws on CDs was so successful that the number of copies was increased from 500 to 5,000. Other donors only began to provide support for reforms and capacity-building in the judicial sector after UNDP had achieved some success with these two projects. DFID, with support from UNDP, is now leading an eight-year Integrated Modernization of Justice Sector project. The Shura Council project has supported the transformation of the council from an advisory to and legislative body through capacity-building. Through DGTTF, UNDP was the first donor to work with the Shura Council; the council itself will be funding the scaling up of this project to all of its committees.

The 2007–2011 CPAP refers to the UNDP Evaluation Office's 2005 assessment of the development results for Yemen and confirms the value of DGTTF initiatives: One of the most important lessons drawn from this assessment is the good relationships that have been developed with the government and other development partners in the field. The trust and respect that exist between UNDP and its counterparts have been paramount for the success of UNDP's programme, and will form the basis for our continued work in the country. Finding the balance between upstream and downstream support, such as in the decentralization programme, where support to the development of a national strategy has been coupled with pilot initiatives at the local level, has placed UNDP in a favourable position both within the government and among local communities. In its previous programme cycle, UNDP also

clearly demonstrated its ability to build capacity and pilot innovative initiatives, exemplified by the handover of community-based rural development projects to the Social Fund for Development (SFD) and the Ministry of Planning and International Cooperation's (MoPIC) internalization of the PRSP process.

The CPAP also echoes the ADR's remarks on the value of the quick and flexible responses that are supposed to be characteristic of DGTTF: "Issues such as ensuring a clearer and narrower focus as well as balancing the need for long-term commitment with the ability to respond to emerging issues and unforeseen situations, are aspects that will be taken into consideration in the new programming cycle."

2.2 Size and duration

Each of the projects demonstrates the problems caused by the size and time limitations. The allocated funding was less than what the CO requested; that limitation, coupled with the time needed to gain full government buy-in to the project and complete the initial procurement, resulted in the Shura project requiring, and receiving, additional funding (from UNDP) after the end of the year to achieve its objectives. The two justice projects required additional funding from other UNDP-funded projects. The decentralization project, which received \$65,000 less than applied for, was partly funded by the United Nations Capital Development Fund (UNCDF). The project officers reported that the requirements of the Atlas system also delayed the implementation of the projects.

2.3 Partnerships

The DGTTF-funded projects helped to develop new key governance partnerships for UNDP. These included the Ministry of Local Administration, the Shura Council, the Ministry of Justice, the Social Fund for Development, and a number of NGOs. Today UNDP leads donor coordination for decentralization and the Shura Council and has a lead role together with DFID in judicial reform. Germany, USAID, Netherlands, Denmark and the EC are all now involved in the justice sector, with USAID, Netherlands, Italy and Denmark involved in decentralization.

The ADR's praise of the CO's strategic positioning itself helps to define the kind of positioning UNDP should aspire

towards, and DGTTF's role in helping the CO to do so: "The trust, respect and neutrality commanded by UNDP and the access it enjoys among government officials as well as civil society groups enables it to take on an advocacy role on the one hand and pioneer new initiatives on the other." The ADR goes on to say: "In the decentralization program, UNDP is acting as a bridge-builder between central and local authorities, and between local authorities and the local population. It has successfully drawn more development partners into the program and secured increased financial allocations for local government from the Ministry of Finance." It was exactly to 'push the envelope' in this way that DGTTF was set up.

2.4 DGTTF selection process within the office

In the Yemen CO, the DGTTF application is selected following an officewide discussion and consideration of a number of options. CO teams suggest a number of ideas; a short list of two or three is drawn up; concept notes are prepared for each of them; and then the management selects one it thinks is the most important, innovative and likely to be catalytic.

2.5 Fixed timing for application

The decision by the CO not to apply for a project in 2007 illustrates another timing problem. Had applications been open earlier in 2006, the CO would have applied for DGTTF funding for a pilot first year for the integrated judicial and security sector project. However, this project was so urgent that, together with its partners, UNDP moved too far with its preparation to justify initiating the project with a DGTTF-funded pilot.

2.6 Administrative burden

There were mixed views on the administrative burden of DGTTF. Many complained about the Atlas system; for example, it was blamed for the delays in starting the Shura project. Use of the Atlas system is a corporate requirement, not unique to DGTTF. However, although some complained about the administrative burden of having to prepare a full project document as well as hold the LPAC meeting for a project as small as one funded by DGTTF,

others thought the burdens both minimal and necessary, pointing out that project documents are much easier to complete now than in the past. Again, completing project documents is a corporate requirement, not DGTTF's.

2.7 Combined DGTTF and other UNDP funding

Each of the projects included funding from non-DGTTF UNDP sources. This was partly to make up for shortfalls in DGTTF funding (three of the four projects received less than they applied for) but also to benefit from progress made in other projects and from already established institutional relations, even though each project took an existing operation in new directions. One project officer thought that DGTTF could be legitimately used to carry out an activity already covered in a general sense by a project but not anticipated in detail in the original design and implementation plans. He felt this would reduce the administrative burden by eliminating the need for a new project document and minimize the time required to consult with partners, yet fulfil the innovation requirement.

In fact, it is possible to link DGTTF projects to ongoing TRAC-funded projects, although this project officer did not realize this. There was already a justice project when the first Modernization of Justice Sector project application was prepared. This meant that the institution with which the project would work, the Judicial Information Centre, was already in place. Some of the preparatory work for what became the IT component of the two projects was already in place.

2.8 Ownership and the DGTTF process

All staff interviewed at the Yemen CO strongly believe that once a CO has selected the project that will be the basis for the application for DGTTF funding, the preparation of the application itself should involve consultation with the intended counterpart organization. This principle has been applied to all project applications. The current application for a media project has been prepared in consultation with local counterparts and the British Broadcasting Corporation (BBC). The CO believes that only through ownership from the very beginning can the projects have the intended catalytic effect and the benefits be sustained.

TABLE 2. PROJECTS PERFORMANCE SUMMARY

PROJECT	INNOVATIVE	MOBILIZED FUNDS	CATALYTIC	UNDP COMPARATIVE ADVANTAGE	PARTNERSHIPS WITH DONORS	PARTNERSHIPS WITH GOVERNANCE INSTITUTIONS	INCORPORATED GENDER CONCERNS	INVOLVED CIVIL SOCIETY	INCORPORATED HUMAN RIGHTS TRAINING
Decentralization and Local Governance	Very much so, piloted a new approach	Many donors now fund	Pilot spreading from 6 to 48 districts	UNDP leads donor coordination	Many other donors now involved, plus Social Fund and NGOs	Strong relationship with Ministry of Local Administration and Districts	Yes	Yes	Yes
Modernization of Justice Sector	Introduced IT and HR training to sector	Major donor project	Spreading from two pilot court-houses to others	UNDP entered very conservative sector in support of reformers	UNDP implementing multi-donor project	Strong relationship with judiciary, Ministry of Justice and observatory NGOs	Yes, women's access to justice important	Yes, strong relationships with NGOs	First training in HR
Modernization and Strengthening of Legislative Bodies	First support to newly empowered Shura Council	From council itself	Capacity-building spreading from pilot committees to others	UNDP took advantage of opportunity offered by new legislative powers	Could be in future	Strong link with speaker of Shura Council	No	International Parliamentary Union, National Democratic Institute, and Yemen CSOs	Objective to improve HR legislation

3. PROJECTS OVERVIEW

3.1 Decentralization and Local Governance

This project, which was referred to as ‘preparatory assistance’, was funded jointly by DGTTF (\$125,000) and TRACs 1 and 2 (\$208,765). The project was the first step in supporting the government in implementing a democratic and decentralized local governance system. The Local Authority Law, which had been passed in 2000, included provisions for setting up and/or defining new roles for the Ministry of Local Administration (MOLA), governorates and districts, financial regulations, and a comprehensive monitoring and evaluation and reporting system. Among the principles on which the law was based were: (1) broadened popular participation through elected local councils; (2) financial decentralization; (3) administrative decentralization; and (4) decentralization of service delivery. The preparation of this project followed a BDP/RBAS UNDP mission to assess the decentralization reform process and develop a framework for support.

The project’s intended outcome was to create an effective legal and policy framework for decentralized authority and management. The intended outputs included:

- strengthened role of the Ministry of Local Administration to monitor and manage the decentralization process;
- enhanced capacities of local council in planning and priority setting;
- an established mechanism for systematic experience sharing, networking and learning;
- approved programme document on decentralization and local development.

Activities included the following: recruiting a resident expert; establishing a technical secretariat within MOLA; setting up a website; management training; training local councillors; organizing workshops, study tours and exchanges; piloting a support programme in a number of districts, including setting up and training District Facilitation Teams; expanding the pilot, linking with the Social Fund for Development and the World Bank; and hosting the Arab States Local Governance Forum in Sanaa.

Innovative nature of the project:

The project was innovative and effective. The project piloted capacity-building in six districts as a first step in the implementation of the Local Authority Law of 2000. The concept was not only to use these pilots as entry points but to learn from the pilots about the capacity constraints at the local level (and how to overcome them) and what needed to be included in national strategies and programmes to support the decentralization reforms. District Facilitation Teams were set up to build capacity in the districts. A national strategy was drafted but not taken beyond a draft; in fact, the strategy that is now about to go to the Cabinet, many years later, is based on the experience not only of the DGTTF pilots but many additional ones.

Catalytic nature of the project:

The project has been highly catalytic. Last year, donors spent over \$3 million on the Democratic Decentralization and Local Governance Programme, which followed from the DGTTF project. These donors include UNDP itself, the Social Fund for Development, USAID, Danida, and Italy. The World Bank is also supporting 20 districts through its public works project. The six pilots grew into 10, then 28, and now 48. Since there are 333 districts the programme still has a long way to go.

The project has evolved from one focusing on districts to one that also included complementary reform and capacity-building at the central level, involving not only the Ministry of Local Administration (MOLA) but also the finance and the sector ministries. The implementation of effective fiscal decentralization measure has been critical to the success of the project.

The DGTTF project illustrates just how long it takes for result to be seen ‘on the ground’. The 2005 Annual Report of the programme as a whole admits that “local authorities at the local level are struggling.... [they] neither manage a substantial share of local affairs, nor plan, finance and deliver a meaningful set of local services.” Only in 2006 did preparation begin of a national strategy to scale up the capacity at the local level. That strategy has still not been approved. Thus, the results achieved by the DGTTF project are very “intermediate” but nevertheless necessary.

Sustainability of the project:

The reform and capacity-building processes have certainly been sustained, with both government budgets and donor funds. The Social Fund for Development (SFD) support comes in the form of not only technical assistance but also budgetary support. SFD has in fact been critical of the project for not paying enough attention to long-term sustainability. For example, it believes that the District Facilitation Teams should be smaller and that the project should not provide them with vehicles; the teams in their districts are smaller and the government has to provide transportation. Uniquely, Yemen's SFD, which was featured recently as a model social fund at an international conference, focuses on building local government capacity to plan and implement projects rather than, as with most social funds, implement projects through a parallel governance structure.

The project's gains are also likely to be sustained by the widespread knowledge of the project. There is a website and there have been many media events publicizing the project. The Arab States Local Governance Forum was held in Sanaa at the time that the DGTTF project was being implemented.

Relevance and strategic positioning:

Under the democratic governance objective, support for decentralization is a key priority in the 2003–2006 CCF. Among the anticipated results are:

- creation of a comprehensive decentralization framework that clarifies the respective roles of local and central government, including a monitoring system that assesses progress in decentralization and disseminates information in order to enhance transparency and accountability;
- greater public understanding of decentralization and people's participation through advocacy, awareness raising, policy dialogue, women's empowerment and participatory processes at local and central levels;
- introduction of regional planning in a selected number of governorates as a tool for building up stakeholder capacities in programme design, implementation and monitoring, and in testing approaches for policy design and replication elsewhere in the country.

Strengthening local authority and decentralization is also a PRSP priority. This includes "strengthening the capacity of local authorities and their role in decision-making especially in issues related to the basic needs of local communities".

The project did position UNDP as the leader of the donor community as far as decentralization is concerned. The Resident Representative chairs donor coordination meetings. Other donors met by the team had nothing but praise for UNDP leadership and role in the larger programme. The ADR reports that "UNDP's involvement has helped to spawn partnership among various government agencies, including MOLA, SFD, and the ministries of health, education and finance. UNDP has also mobilized support from other donors such as Denmark, Italy, the Netherlands and USAID". The ADR states that UNDP has helped the government to develop an overarching strategy for decentralization and build the necessary capacity to implement the programme.

Efficiency of the project:

This project, in common with many others, suffered from a late start and was unable to complete its work by the end of the year. Fortunately, TRAC funding was available to cover the next few months. Also, the project received less than it asked for, which was itself a modest amount of money to initiate what has become a multimillion dollar programme. There were complaints in the APR about the efficiency of the CO as well: "CO operations must undergo further improvement in efficiency and practicality and play more of a role of facilitator of project activities in order to ensure that project staff spend more time on substance rather than on administrative procedures." The ADR does point to capacity problems in the CO: "A critical mass of expertise in specialized areas is...lacking, not only in the Country Office but also in the country as a whole. As a result, greater reliance must be placed on support available from UNDP Headquarters and the Regional Centres."

One positive point should be made here on the issue of timing. In this case, the innovative project that led to a major programme of reform and capacity-building was actually completed in one calendar year—not the year of DGTTF funding.

3.2 Modernization of Justice Sector projects

The judicial sector had, in the words of the project officer, “stagnated” in the years before the first DGTTF project. Since the time of the Imam, the sector had been largely controlled by religious leaders; judges inherited their jobs and knowledge from their fathers. After reunification, the mixed religious and tribal system took over the entire country, driving out the British-based legal system in the South, where women judges were dismissed and libraries closed down. In one case that even caught the attention of the government judiciary, the person accused of the electronic theft of millions of dollars from a bank was acquitted on the grounds that because actual currency had not been forcibly removed from the bank, no theft had taken place.

However, a more open media and better education introduced some concepts of modern law into Yemen in the 1980s. Donors began to consider supporting reform and capacity-building in the sector. This interest was welcomed by the government and some in the judiciary as long as certain ‘red lines’ were not crossed. There could be no mention of gender, human rights and the poor, but improving equipment and buildings was acceptable. The initial attempts to support the reforms were not successful. Reactionary forces even burned down the house of a consultant hired to provide advisory services. Eventually, even some of the government’s restrictions (the ‘red lines’) were relaxed; for example, judges are now appointed (the positions are no longer inherited)—although there is still a mixture of Sharia, tribal and modern law. The changes prompted UNDP and other donors decided to consider entering the sector again. UNDP was the first to do so with two DGTTF-funded modernization of justice projects. Both projects avoided politically sensitive reforms and aimed to open up the sector through capacity-building in terms of training and electronic access to information.

The first project focused on training in human rights, the development of an electronic legal database and improved access to justice by citizens, especially women and economically vulnerable groups. The second project piloted IT-based records and case management systems, with hotlines and help desks, in Sanaa and Aden; set up legal research units in the two courts and at the Ministry of

Justice and High Judicial Institute; copied laws and Supreme Court judgements to CDs; carried out a legal awareness campaign; established free legal assistance units in the two courts; and trained court personnel in human rights.

Innovative nature of the project:

This pair of projects was innovative. To quote the May 2007 draft on Democratic Governance, the UNDP contribution to the 2004–2007 Development Outcomes, the project did “seize emerging opportunities and foster new approaches” to key democratic governance issues in the judicial sector. Further, the projects did “address issues in politically sensitive areas and fill critical gaps not addressed by governments, civil society and other donors.” This was not a business as usual project. The evaluation team was told by the Ministry of Justice that other donors had said they would support reform and capacity-building in the sector in 2004 and 2005, but that only UNDP actually did, through DGTTF. The very problems the projects faced demonstrated that the projects were entering new and politically sensitive territory. There was considerable resistance to the human rights training from some in the ministries responsible for justice and human rights.

Given problems with donor support 10 to 15 years ago, it took some courage for UNDP to test entry to the sector once again. Its strategy was to re-enter the sector through what would appear to be unthreatening improvement in access to information through IT. This was acceptable to a new generation of judges who had been exposed to computers systems. The hope was that improved access to information would itself begin to open up the sector to more radical reform, as well as improve the quality of justice, especially for women and the poor. As a result of these projects, citizens can now visit the courts and receive help from officials and lawyers, and also obtain a printout of the status of their cases. Each case in the two pilot courts is now recorded in a computer file that includes minutes of the court hearing based on notes by the judge and court recorder. In the past, litigants and defendants were in the dark about their cases as well as about the law, since it was passed from father to son rather than written down.

Other outputs from the projects include:

- a web-based electronic legal database, used by potential investors;
- improved training capacity in the High Judicial Institute, which was provided with a video training library and linkages with other institutes in the region;
- the establishment of a training programme on human rights in the Institute;
- baseline studies that will enhance access to justice of women and disadvantaged groups;
- better citizens' awareness of justice and legal rights;
- two model courts in terms of IT and management, with replication to eight courts using government funds;
- automated case management systems in the pilot courts;
- more transparent court processes, with better access for citizens;
- Electronic Legal Research Units in Ministry, Institute and pilot courts;
- a system in which electronic legal database and laws and precedents are distributed to all lawyers and judges;
- improved awareness overall of rights and processes.

Catalytic nature of the projects:

The projects were catalytic—The Ministry of Justice began to use its own funds to replicate the second project's activities even before the project ended; the two pilots have now been replicated in 29 courts. A major eight-year integrated justice sector project, with a first 'inception' year, is now underway with DFID in the lead, UNDP implementing, and a number of other donors providing support. USAID is preparing its own justice sector project.

The project even had an impact beyond Yemen. UNDP/Syria and the American Bar Association both requested lessons learned from this project. Those lessons learned offered valuable input into the design of other projects in the Arab Region. The 2007–2011 CPAP envisages building on the progress made in the justice sector, with the institutionalization of the rule of law and equal access to justice as two objectives.

The projects did involve both gender issues and South-South cooperation. Much of the discussion at the LPAC meeting for the first project centred on how the project might advance gender objectives. After the director of the Judicial Information Centre pointed out that following recent reforms Yemen had 37 female judges, it was decided that the project would focus on the access of women to justice. Improved access by women was a feature of both the projects and, for example, a female officer was appointed to work at a 'help desk' in both courts. No data have been collected on the number of help desk and hotline enquiries, but the evaluation team was told by court officials in Sanaa that the number was "high" and "rising". The courses for judges in the first project were carried out by Egyptian consultants.

The two main problems that impacted the effectiveness of these projects were the amount of funding (too low) and the requirement that the funds be spent within one year. The first project received all it applied for, \$90,000, and additional funding of about \$10,000 was received from the Human Rights project. The second project received \$200,000 plus co-financing from the Justice project. The first project received its authorization to spend in March, and the agreement with the government for the second project was signed in March of the following year. The project officer complained that the requirements of the Atlas system delayed the start of both projects: the APR for the first project reports that "the project suffered heavily from unclear procedures inside the UNDP offices due to the introduction of the Atlas system." The officer felt that the system had been set up in the interests of New York rather than the COs. The counterparts' lack of experience of working with donors also delayed the project; this is of course more likely to be the case with innovative projects where UNDP is dealing with new institutions. Joint programming with the Human Rights project also proved to be challenging due to the "autonomy of both Justice and Human Rights ministries," to quote the APR for the second project. None of these problems prevented the projects from achieving their objectives; they did, however, put strong pressure on the projects as the December deadline approached and caused some activities to spill over into the next year.

Sustainability of the projects:

The Yemen CO strongly believes that governance institutions concerned must have full ownership of the proposals for DGTTF funding from the very beginning. Therefore, the High Judicial Institute, and the Ministries of Justice and Human Rights were consulted before the DGTTF application was made. The principles of affordability and sustainability were applied to both projects. The Ministry of Justice undertook to fund the scaling up of the pilots if successful, and they began the scaling up of the IT systems in the commercial and appeal courts even before the projects were completed, without additional donor support. The ministry is also carrying the recurrent costs of the new systems introduced by the project. The president of Aden has replicated the automated case management system piloted in his city with the city's own resources. The case management and court reporting systems have made it easier for the Ministry of Justice to monitor the performance of the courts and judges and, as the APR says, "detect alarming trends or practices in the court system".

The media training undertaken as part of the second project helped to sustain the gains made by the projects. (The current DGTTF application by the CO focuses on media capacity-building. One lesson learned from the judicial projects was that the quality of the media was very low). The widespread distribution of the manuals and CDs also helped to ensure sustainability of the progress made.

The training programs have also helped to assure sustainability. The project managed to reach large numbers of judges, prosecutors, lawyers and court officials by recording the training and sending it out to several locations, to be viewed by widescreen TVs and VCRs purchased under the first project. Since judges and prosecutors are very busy, the training was brought to their courts. A video legal training library was purchased from Egypt's National Centre for Judicial Studies, and US training material was also accessed. The low \$100,000 High Judicial Institute budget for training forced the project to use videos to reach the large number of people to be trained.

Strategic nature of the projects:

Each of the projects is rooted in two key statements of strategic priorities. UNDP's 2004–2006 Country Cooperation Framework (CCF) includes democratic governance as one of the three priorities. One of the four democratic governance objectives was to introduce rights-based

approaches to development by improving human rights and justice. The CCF noted, however, that the CO has yet to identify appropriate entry points; the DGTTF-funded projects in 2004 and 2005 helped to establish those entry points. The CCF is itself based on the PRSP, which has improving the performance of the judicial system through infrastructure and training as one of its objectives. The PRSP allocates 2.1 billion YR (\$10.5 million) of government funding for this over the period 2003–2005, with an additional 800 million YR provided from external sources.

Efficiency of the projects:

The CO has a disciplined selection process that includes early consultation with the counterpart institutions. Teams are asked to think of ideas to form the basis from DGTTF expressions of interest. Up to 10 ideas may be proposed. The ideas are discussed over a two-week period, after which the management shortlists two or three for which team members are asked to prepare concept notes. After perhaps two meetings, the management selects the one it considers the best. The CO then discusses the concept with development partners, including government, civil society and, if appropriate, the private sector. In some cases, the partner is asked to prepare its own technical note on the potential project. In 2006, concept notes were written for three potential projects: projects in human rights, justice and the Shura Council.

The only process-related problem referred to by the project officer and the counterpart agency was the time it took to implement the project relative to the one-year time limit. Apart from the problems already referred to, procurement was also a problem in this regard.

3.3 Modernization and Strengthening of Legislative Bodies

The project set out to strengthen the institutional capacity of the Shura Council as it made the transition from an advisory to a legislative body, and from an appointed to an elected institution. The project aimed to focus in particular on the introduction of a human rights approach to the preparation of legislation and improving the council's oversight of the implementation of the national budget.

Currently all members of the Shura Council are appointed by the president. Members, who are full time, include a number of former prime ministers, ambassadors, ministers, generals, speakers of the parliament, and vice-presidents, who serve at the pleasure of the president. The 59-person council has 13 specialized committees that discuss about 26 subjects each year—most suggested by members of the council, others by the president. The committees hire experts as needed. One hundred and fifty staff, headed by the speaker's chief of staff, support the council.

The project undertook the following:

- preparation of an IT strategy and plan for the council;
- setting up an IT department in the council;
- Training IT staff;
- creation of a website;
- purchase of PCs, server and LAN (local area network);
- study tours to Bahrain's Shura Council by council members and staff;
- study tour by a member to Algeria to study committee structures.

Innovative nature of the project:

This project was innovative. Working with the Shura Council was not specifically covered by the CCF. No other donor was or is working with the council. The CO believed that if UNDP helped to build the capacity of the council effectively to execute its new legislative role, key human rights and other legislation might have a better chance of being enacted. For example, the CO thought that building the capacity of the council might speed up progress with legislation on decentralization, which had been the subject of the first DGTTF project.

Catalytic nature of the project:

The project has been catalytic. The Shura Council itself is paying to scale up the training and access to IT from the pilot committees to all 13 committees. All IT operating costs are now borne by the council, and the procurement policies introduced as part of the project have now been applied throughout the council. There is some donor

interest in continuing the support to the council, for example from the European Commission. The 2007–2011 CPAP, which has governance as its first priority, states that UNDP will continue to work with the legislature, thus building on this DGTTF project.

The project officer believes it is too early to see results in terms of legislative breakthroughs. However, there have been many positive outputs if not outcomes. The chief of staff reported that 40 staff and members have been trained in basic computer skills and over 20 senior staff have received training in administration skills. The lessons learned for the study tours have been absorbed and applied by all staff and members; those who participated in the tours circulated reports on their findings to all members and held meetings to discuss the lessons learned. The project officer has proposed to management an in-depth assessment of the progress resulting from the project. Although reference to the council becoming an elected body was made almost two years ago, in the application, project document and LPAC minutes, this has not yet happened—although various proposals are being discussed within the government.

Sustainability of the project:

As with the Yemen CO's other DGTTF projects, counterpart ownership from the beginning was thought to be very important. Following the transformation of the Shura Council from an advisory to legislative body, the Resident Representative met with the speaker and said that UNDP would consider providing capacity-building support to the council. She asked him to think of the ways in which UNDP might be able to help. He discussed this with the secretary-general of the Council and they decided that it would be helpful if UNDP supported the administration of the council and some committees. Over a one-week period, three CO staff then outlined a project document, which they took to the council; members subsequently reviewed the document and suggested some changes. The grant of less than the \$200,000 requested caused some problems. The project officer had to go back to the council to revise some activities to fit in with the lower, \$135,000 figure.

There is further evidence of strong ownership on the part of the council as well as their will to sustain the progress made under the project. The scaling up using council budgetary resources has already been mentioned. When it proved impossible to hire a CTA (no one applied), and the CO project manager took over the management of the project, the speaker assigned four staff to work with him and the two national consultants. This group met on a monthly basis.

Relevance and strategic positioning:

Although the 2002–2006 CCF does not specifically mention support for the legislature, let alone the Shura Council, it does refer to supporting the introduction of a rights-based approach to development through institutional support to government institutions. The PRSP also omits reference to any institutional development in the legislature, although good governance is one of the priorities. However, this project does illustrate the value of DGTTF in being able to respond to emerging opportunities outside the letter of UNDP’s strategic documents, following the meeting between the Resident Representative and the speaker of the Shura Council, after the latter’s new legislative role had been made known, as well as the prospect that it would become an elected body.

There is little doubt that establishing a good working relationship with the Shura Council is an example of ‘strategic positioning’. Governments with strong presidencies, such as Yemen’s, very often do their work through informal relationships with powerful and experienced individuals, the very kinds of people who are appointed to the Shura Council, including former prime ministers, vice-presidents and ministers. The CO judged that working with people such as these, in their new legislative role, would increase the chances that legislation needed to improve human rights and accelerate the decentralization policy would be implemented. That said, as the project officer admitted, the fruits of this strategic positioning have yet to be seen. This very fact illustrates the reality that democratic governance initiative, such as this one supported by DGTTF, take some years to work their way through to results on the ground.

Efficiency of the project:

The two efficiency-related issues that raised the most concern on the part of the CO were the delays in starting the project and the receipt of less funding than had been applied for. The delay was not really a problem with DGTTF procedures, except indirectly. The difficulties in hiring a project manager delayed the start until September; the project office had to perform that role. It also proved very difficult to recruit qualified IT personnel for the council, especially on government salaries. The lower than expected funding was an embarrassment to the CO, but the problem was overcome with TRAC funding. The TRAC funding allowed the project to be extended by six months, so that in effect the project was implemented in one year, real time. The preparation of the project did not require any support for UNDP policy advisors, although comments on the project document were received from SURF-Arab States, the governance advisor.

4. PEOPLE INTERVIEWED FOR THE YEMEN COUNTRY STUDY

Civil society

Mohammed Almekhlafi, President, Yemen Observatory for HR

Mohammed Almektary, Executive Director, Yemen Observatory for HR

Amat Al Sharki, Social Fund for Development

Nidhal Al-Wazir, Director, Judicial Information Centre

Government

Galal Mohammed Al-Halali, Director General, Speaker's Office, Shura Council

Mohammed Al-Hammadi, Ministry of Local Administration

International donors

Ramy El Dory, Chemonics

Irene Fellman, Embassy of the Federal Republic of Germany

Laurens Jacobs, Royal Netherlands Embassy

Michael van Campen, Royal Netherlands Embassy

United Nations Development Programme (UNDP)

Walid Baharoon, Programme Officer

Khaled Magead, Programme Officer

Gabriela Neuman, Deputy Coordinator, Decentralization Project

Vibeke Risa, Assistant Resident Representative



United Nations Development Programme
Democratic Governance Group
Bureau for Development Policy
304 East 45th Street, Tenth Floor, New York, NY 10017 USA

www.undp.org