



UNITED NATIONS
Office on Drugs and Crime

TERMINAL EVALUATION REPORT

Project Number:
AFG/U10

Project Title:
Fast-Track Capacity Building for a functioning
Counter-Narcotics Criminal Justice System

Thematic Area:
Drug Control and Crime Prevention

Country:
Afghanistan

Report of the Independent Evaluation Team

UNITED NATIONS OFFICE ON DRUGS AND CRIME
Vienna - MARCH 2008

Disclaimer

Independent Project Evaluations are scheduled and managed by the project managers and conducted by external independent evaluators. The role of the Independent Evaluation Unit (IEU) in relation to independent project evaluations is one of quality assurance and support throughout the evaluation process, but IEU does not directly participate in or undertake independent project evaluations. It is, however, the responsibility of IEU to respond to the commitment of the United Nations Evaluation Group (UNEG) in professionalizing the evaluation function and promoting a culture of evaluation within UNODC for the purposes of accountability and continuous learning and improvement.

Due to the disbandment of the Independent Evaluation Unit (IEU) and the shortage of resources following its reinstatement, the IEU has been limited in its capacity to perform these functions for independent project evaluations to the degree anticipated. As a result, some independent evaluation reports posted may not be in full compliance with all IEU or UNEG guidelines. However, in order to support a transparent and learning environment, all evaluations received during this period have been posted and as an on-going process, IEU has begun re-implementing quality assurance processes and instituting guidelines for independent project evaluations as of January 2011.

TABLE OF CONTENTS

LIST OF ACRONYMS	5
ABOUT THE AUTHORS	7
EXECUTIVE SUMMARY	9
1. SUMMARY TABLE.....	9
2. SUMMARY DESCRIPTION OF THE PROJECT INCLUDING PROJECT OBJECTIVES	11
3. MAJOR FINDING OF THE EVALUATION	11
4. LESSONS LEARNED AND BEST PRACTICES.....	12
5. RECOMMENDATIONS, CONCLUSIONS AND IMPLICATIONS TO UNODC	13
1. INTRODUCTION	15
1.2 BACKGROUND AND CONTEXT.....	15
1.2 PURPOSE AND OBJECTIVE OF THE EVALUATION	17
1.3 EXECUTING MODALITY/MANAGEMENT ARRANGEMENTS	18
1.4 SCOPE OF THE EVALUATION	19
1.5 METHODOLOGY	20
2. ANALYSIS AND MAJOR FINDINGS	23
2.1 GENERAL COMMENTS	23
2.3 OVERALL PERFORMANCE ASSESSMENT	24
2.4 ATTAINMENT OF THE OBJECTIVES	25
2.5 ACHIEVEMENT OF PROJECT RESULTS	30
2.6 IMPLEMENTATION.....	38
2.7 INSTITUTIONAL AND MANAGEMENT ARRANGEMENTS	40
3. OUTCOMES, IMPACTS AND SUSTAINABILITY	45
3.1 OUTCOMES	45
3.2 IMPACTS	46
3.3 SUSTAINABILITY.....	47
4. LESSONS LEARNED AND BEST PRACTICES	49
4.1 LESSONS	49

4.2 BEST PRACTICES	50
4.3 CONSTRAINTS	51
5. RECOMMENDATIONS	53
5.1 ISSUES RESOLVED DURING THE EVALUATION	53
5.2 ACTIONS/DECISIONS RECOMMENDED	54
6. OVERALL CONCLUSIONS.....	55
ANNEX I: LIST OF COLLOCUTORS	57
ANNEX II: TERMS OF REFERENCE FOR FINAL EVALUATION	59
ANNEX III: TABLE OF OBJECTIVES, OUTPUTS AND ACTIVITIES.....	69

LIST OF ACRONYMS

ANDS	Afghanistan National Development Strategy
AGO	Attorney General's Office
AIHRC	Afghan Independent Human Rights Commission
ARTF	Afghanistan Reconstruction Trust Fund
AWEC	Afghan Women Education Centre
CJTF	Counter Narcotics Criminal Justice Task Force
CNSG	Counter Narcotics Steering Group
CND	Counter Narcotics Directorate
CNPA	Counter Narcotics Police of Afghanistan
CPD	Central Prison Department, Ministry of Justice
CSSP	Correction System Support Programme
HDI	Human Development Index
I-ANDS	Interim Afghanistan National Development Strategy
ISISC	International Institute of Higher Studies in Criminal Science
LOTFA	Law and Order Trust Fund
MCN	Ministry of Counter-Narcotics
MDG	Millennium Development Goals
MoCN	Ministry of Counter Narcotics
MoEW	Ministry of Energy and Water
MoPW	Ministry of Public Works
MoJ	Ministry of Justice
Moi	Ministry of Interior
NGO	Non-governmental organization
PAR	Public Administration Reform
PRC	Project Review Committee
PRR	Priority Reform and Restructuring (key component of PAR)
SC	Supreme Court
SMR	Standard Minimum Rules for the Treatment of Prisoners
TPR	Tripartite Review Mechanism
UNAMA	United Nations Assistance Mission in Afghanistan
UNDP	United Nations Development Program
UNIFEM	United Nations Development Fund for Women
UNODC	United Nations Office on Drugs and Crime
UNOPS	United Nations Office for Project Services

Evaluation Team:

Johannes van den Brand

Team Leader - Penitentiary System Expert

Ebrahim Afsah

Team Member - Administration Reform/Legal Expert
(Rapporteur for this Project)

Ivana Roagna

Team Member - Criminal Justice Expert

ABOUT THE AUTHORS

Jan van den Brand, currently the President of the Dutch Union of Prison Governors, is a former General (Regional) Prison Governor. Prior to joining the Dutch Prison Service in 1976, he gained significant professional experience working at the Ministry of Justice and at the University of Amsterdam, where he served as Secretary of the Board of the Faculty of Philosophy. In preparation to the appointment as Prison Governor, Jan underwent over 8 years a number of training, most of which focusing on management. His career as Governor and Regional Governor began in 1983. In this capacity, he particularly focused on two projects: the development, within the correction system, of rehabilitation programs for prisoners and capacity building and strengthening for penitentiary staff. In January 2006, after retirement, he was nominated Head of the international activities ran by the Dutch Prison Service. Prior to this, and in parallel to his professional engagements, he had already been involved in EU-funded international development projects for about 12 years. He was active mostly in Eastern European Countries like Estonia, Poland, Czech Republic, Romania, Hungary and the former Yugoslav States. In addition, he has gathered extensive experience in a number of other Countries, namely Albania, Moldova, Armenia, Azerbaijan on behalf of organizations such as the Council of Europe, the OSCE and SIDA. On a bilateral basis he was involved in international projects related to the penitentiary system in China, Nigeria, Ghana and Suriname.

Ebrahim Afsah is a Senior Institutional Development Adviser for the European Commission's 6th Support to Public Administration Reform Programme in Afghanistan. Prior to taking up this post he has been working since 2003 on various administrative reform and legal training projects in Afghanistan and Jordan. He holds degrees in political science and law from the universities of London, Dublin and Harvard. His academic interests include civil-military relations, post-conflict stabilization, administrative reform, humanitarian law, public international law and Islamic law.

Ivana Roagna is a criminal defense lawyer with extensive experience in human rights and rule of law in post-conflict and transitional countries. A current member of the Italian Bar Association, she worked as lawyer at the European Court of Human Rights in Strasbourg, for the Council of Europe's DGs Human Rights and Political Affairs in Kosovo and Strasbourg, with a portfolio including technical cooperation activities in South-East Europe, and for the OSCE in Belarus and Bosnia. She is currently Professor of International Law at the Polytechnic of Milan and trains on Human Rights, International Law and International Humanitarian Law at post-graduate level in various Italian Universities and in foreign training institutions.

The authors would like to acknowledge the support and assistance received from UNODC staff both in Vienna and Kabul in preparation and during the conduct of the exercise, including provision of valuable comments to the draft Report. The Evaluators would also like to thank the Government of Afghanistan for its assistance, particularly for providing security during the field mission to Gardez.

EXECUTIVE SUMMARY

1. Summary Table

Findings: identified problems/issues	Supporting evidence/examples	Recommendations
1. Unrealistic Assumptions about Political Context	No high-profile cases have so far been investigated, let alone prosecuted. Suspected implication of governmental and parliamentary elites in drug economy. Serious drug offenders enjoy de facto impunity.	Greater linkage between external financial and political support to credible government actions on counter-narcotics. Recognition of tension between counter-insurgency and counter-narcotics efforts.
2. Questionable Appropriateness of High-Security Facility	Number counter-narcotics convictions far exceed envisaged capacity. Type of low-risk offenders do not merit high security standards. Prohibitive operating costs.	Suitable facilities within Pol-e Charki should be rehabilitated to substitute for reassigned Block 4.
3. Insufficient Beneficiary Cooperation	<p>Failure to identify alternative to Block 4. Insurmountable problems in connecting facility to power grid. Land allocation problems (particularly evident in other projects). Dispersal of penitentiary staff after initial training; failure to provide stable operating team.</p> <p>Significant problem of transporting/transferring custody of detainees between institutions for investigation, trial, detention and incarceration. Failure to release offenders after time served. Failure to keep proper inmate records.</p>	<p>The failure of the different parts of the Afghan state to cooperate with each other is a well-known problem and not easily amenable to simple recommendations.</p> <p>Where the problem is based on insufficient skills/capabilities (records, transportation, etc.) external technical and material assistance might help.</p> <p>Where the problem lies in organisational competition (transfer from MoI to MoJ, land allocation), sheer petty-mindedness (release after time served, innocent detainees), rent seeking, or reluctance to take administrative responsibility (prisoner transfer, connection to power grid) the solution are much harder to identify.</p>
4. Inflation and Security affect Budget and Timeframe	Cost estimates made in 2004 proved unrealistic in the face of considerably rising cost as a result of the building boom which drove prices in the construction industry, plus added expenses necessitated by dramatically worsening security situation.	Envisaged budgets should contain clauses permitting greater flexibility. Project revision should reflect realistic amendments. Better and more proactive communication with donors explaining reasons for delay and cost overruns. Annual Reports need to be more realistic as to prospected benchmarks.
5. Inherent Difficulty Matching Design to Structural Constraints	<p>Heating and electricity remain unresolved issues. Dilemma of aligning international minimum standards with fiscal, cultural, and managerial limitations of a severely impoverished state.</p> <p>UNOPS justification for its choice of electrical heating appears logical. Likewise its insistence that in the provinces any type of heating is unrealistic.</p>	<p>While the reasoning is sound, the result is deeply unsatisfactory. Perhaps some research into the possibilities of income generation for the prisons could alleviate some of the budgetary constraints presently preventing the supply of adequate supplies.</p> <p>Greater reliance on renewable energy sources (solar panels, wind generators) which have no or low running costs could alleviate some of the pressure.</p>

Findings: identified problems/issues	Supporting evidence/examples	Recommendations
6. Cumbersome Review Mechanism and Managerial Interference	The mechanisms stipulated in the project document assume donors as observers in periodic post-fact review. The reality has shown a much more activist co-decision process using unwieldy committees not suitable for day-to-day managerial decision-making. Reporting lines were not always adhered to.	UNODC should be more careful in taking on projects involving high-profile political interests of donors. Managerial autonomy should be insisted upon. Stipulations in the project document permitting suspension and/or termination of project components should be utilised. Greater emphasis should be placed on the fulfilment of necessary commitments by the beneficiary.
7. Persistent Conceptual Re-Designs	Penitentiary component underwent numerous conceptual and physical design changes, resulting in considerable delay and additional cost.	<p>Although political implications would not have permitted such a move, from a purely technical point of view the penitentiary component should have been abandoned once Block 4 was no longer available.</p> <p>While the desire to pragmatically salvage the component is laudable in principle, the continuous changes of major and minor details are clearly unsustainable. Donors should be aware that a modicum of operational autonomy is the flipside of responsibility and accountability rightfully demanded from an implementing organisation.</p>
8. Uncommon Personal Dedication	Virtually all local collocutors expressed very strong satisfaction concerning their dealings with UNODC staff. The level of physical access and traction concerning the advice given was palpable.	<p>Personal dedication cannot be externally mandated, but the careful selection and long service duration of the Country Office staff are clearly strong contributing factors.</p> <p>While the removal/non-extension of the dedicated AFG/U10 Int. Project Coordinator for reasons of non-performance is perhaps laudable in this respect (his functions were assumed by other int. staff), UNODC should ensure that appropriate staffing levels are consistently maintained and post are quickly re-filled.</p>

2. Summary Description of the Project including Project Objectives

The overall aim of the intervention is stated as follows: “Through development of the government’s capacity to bring justice to offenders of illicit drug-related crime, the project aims to assist the government in establishing credibility for implementation of its counter narcotics policy, at the same time, fostering respect for the rule of law and increasing the perceived risks associated with engaging in illicit drug related activities.” To this end the project supported the initial creation of a dedicated Counter Narcotics Criminal Justice Task Force (CJTF) permitting concentrating assistance to a small number of officials from across the chain of responsibilities while maintaining the necessary separation of powers required by due process standards.

This task force has been selected, trained, equipped and housed in order to enable the government to implement its counter narcotics policy and establish credibility of its commitment to the rule of law. To this end it should visibly investigate, charge, and sentence serious drug offenders and thereby visibly raise the perceived risk of engaging in illicit drug-related activities. In order to complement the work of the task force the project likewise envisaged the physical rehabilitation of prison facilities of appropriate size and high security standards, manned by suitably selected, trained, equipped, and supervised penitentiary staff. In order to ensure sustainable capacity building and adequate maintenance of professional, due process and human rights standards, both the task force members and penitentiary staff are to be mentored by dedicated international experts.

3. Major Finding of the Evaluation

By the standards outlined in the project document concerning the “expected end-of-project situation” AFG/U10 has achieved mixed results. The intervention can be distinguished into two main clusters: activities supporting the Counter Narcotics Criminal Justice Task Force (CJTF), and those concerning the rehabilitation and management of a high-security penitentiary facility intended to hold offenders processed and ultimately sentenced by the task force. The activities supporting the CJTF have by and large been successful, while those relating to the high-security penitentiary have faced more significant challenges.

Any criminal justice system consists of a number of distinct institutions carrying out a chain of responsibilities necessary to bring those suspected of crimes to justice, ranging from police investigation, over prosecution, adjudication, to correction. Given the largely dysfunctional nature of the Afghan justice system and the perceived necessity to quickly and visibly react to drug-related crime, it was decided that urgent measures would have to be taken without awaiting the reestablishment of the justice system in its entirety. The CJTF concept is therefore based on the selection of a relatively small number of officials from each institution involved in the chain of responsibilities who could be isolated from their peers and given the benefit of concentrated financial and technical assistance, while simultaneously maintaining the separation of powers mandated by the standards of due process. This underlying concept has been proven to be a useful tool

and holds considerable promise as a model for channelling international assistance in Afghanistan and beyond.

During the formative period of the task force, UNODC provided crucial support in the selection and training of staff, the establishment of effective operating procedures and the provision of international mentorship. The responsibility for providing continuous support and mentoring has since successfully been transferred to bilateral international actors.

Immediate Objectives 1 (formation of CJTF through selection, training, equipping, etc.) and 3 (creation of an international mentoring system for CJTF providing continuous practical support and supervision) have been achieved and yielded satisfactory results. The task force has become operational, reflected in a sizeable number of drug offenders processed by this system to date. There have already been some rotations of staff back into the regular justice system, permitting eventually the dissemination of the experience gained to their peers, thereby permitting cautious optimism with regard to the sustainability of the intervention. Irrespective of these successes, however, major drug offenders continue to face very little risk of investigation or prosecution due to the lack of adequate political will to end impunity.

Immediate Objective 2 relating to the creation of the physical infrastructure and operational skills of the officers involved has proved to be much more problematic. Again, those aspects related to the refurbishment of CJTF premises and equipment of CJTF officers (Output 2.1) has been largely unproblematic. Outputs 2.2-2.4 dealing with the high-security penitentiary facility, however, has been beset by a large number of budgetary shortfalls, persistent delays, administrative obstructionism, and waste. It is questionable whether the facility will ever function as intended. While the Afghan authorities have been relatively muted in their criticism, this component of the project has proven quite controversial among the international partners involved. These shortcomings have unfortunately drowned out the perception of the other, much more successful aspects of the project related to the CJTF.

4. Lessons Learned and Best Practices

The basic concept of small, functionally dedicated task forces is highly relevant to the general task of administrative rebuilding in Afghanistan and beyond. The concept amounts to the isolation of small pockets of excellence from the prevailing dysfunctional organisational culture and institutional system. Their small size, functional and physical concentration permits the focussing of material and technical assistance in order to visibly raise administrative output and service delivery. This approach holds a lot of promise, particularly given the sobering experience with the public administration reform (PAR) process in Afghanistan so far. The relatively smooth cooperation of the relevant institutions which seconded staff to the CJTF is the result of careful and patient personal engagement by UNODC and other international actors with the relevant national counterparts.

UNODC staff in Afghanistan, both national and international, enjoy an enviable reputation for personal dedication, intimate familiarity with local conditions and access to local decision-makers. The reasons for this welcome state of affairs lie partly in the high competence of local project coordinators, the availability of exceptionally good translators, and the above average length of in-country service of international staff. The latter are also to be commended for their open working relationships with other organisations working in the sector, both from within the UN family and without.

The amount of trust and professional respect enjoyed by UNODC staff resulted in a remarkable degree of access to Afghan officials not only at the formal political level, but, importantly, at the functional professional level where we witnessed a remarkable appreciation for UNODC's legal expertise. Afghan acceptance of such advice is not at all common and is generally the result of personal trust built upon respectful, non-patronising, and collaborative interaction by international staff. The result has been a relatively high degree of local 'ownership' particularly concerning legislative review etc.

Both in this project and even more in the other projects under review, UNODC has shown a great ability to adapt project design and implementation flexibly to changing external conditions. As a general managerial principle such flexibility is indispensable in a fast changing post-conflict environment.

With hindsight it has been a mistake to persevere with the rehabilitation of the high-security penitentiary after the reassignment of the designated unit (Block 4 at Pol-e Charki) to different use (as a military detention facility for prisoners of war/ 'enemy combatants'/ terrorism suspects). It is acknowledged that abandoning the rehabilitation would have imposed unacceptable political costs for government, donors and UNODC. Nevertheless, from a functional point of view the attainment of the overall project objective was no longer possible within the drastically reduced scope of the remaining facility. Subsequent implementation was marred by persistent coordination difficulties between the stakeholders and the lack of clear institutional leadership. The inter-institutional review mechanisms proved unable to substitute as decision-making bodies and provide necessary guidance.

5. Recommendations, Conclusions and Implications to UNODC

Despite the quasi total nominal commitment to the counter narcotics effort, actual political interests of the stakeholders are often contradictory and controversial. There are strong tensions with competing goals of both the government of Afghanistan and its international supporters, notably the need for local support in the struggle against armed opponents and/or supporters of terrorism. The indispensable political will to actively pursue major drug offenders can therefore not always be considered a self-evident given. Furthermore, befitting the highly political nature of the field different stakeholders has widely diverging views about the most appropriate functional response. While donor involvement is a necessary and desirable component of any implementation, coordination mechanisms with respect to the penitentiary rehabilitation have proven inadequate to aggregate sufficiently clear operational guidance.

As an organisation UNODC should in the future strive to safeguard a necessary degree of operational autonomy and limit donor involvement to periodic review rather than continuous co-management. To this end better and more timely communication is essential for maintaining constructive relations with donors and beneficiaries. The effective and early reporting of envisaged problems is crucial for managing the inevitable readjustments necessitated by a highly fluid post-conflict context.

Closely related is the need for adequate staffing. Necessary international project managers and technical experts need to be hired in a timely manner and effectively supervised. While there is a useful role to be played by bilaterally seconded experts, the initial secondment of national experts directly to the UNODC Country Office produced a relatively high degree of administrative friction. It is generally preferable that project staff should be properly budgeted, hired under standard procedures, and reporting within UNODC hierarchies. Relations with donors should be handled by the appropriate managerial levels of UNODC, seconded staff needs to be respectful of the proper channels for inter-institutional contacts. In order to ensure that reporting lines, organisational structure, and political responsibility remain sufficiently clear, it is preferable that seconded staff is organised within distinct, nationally controlled structures as occurred in the mentorship programme for the CJTF. Secondment directly to UNODC should only be used as a last resort.

1. INTRODUCTION

1.2 Background and Context

The project under review was conceived in response to three general observations: (a) the historical pattern of opium production dramatically increased during the 1990s when Afghanistan supplied some 70% of the world's illicit opium crop. Both relative and absolute production figures increased dramatically after an initial lull in 2001, now accounting for more than 90% of global production; (b) there is a mutually reinforcing dynamic between ineffective government creating the conditions conducive to illicit narcotics cultivation, which in turn creates incentives and resources for competing power centres to further undermine the functional and geographic reach of the state; and (c) after the 2001 military intervention the international community assumed responsibility for rebuilding the Afghan state, creating a political imperative to stabilise its government militarily, economically, and institutionally. This commitment is directly challenged by the pervasive drug economy.

Illicit drug cultivation and trade carry considerable direct social costs, primarily through the problems associated with drug addiction in both production and consuming countries. Important as these are, the indirect political and institutional costs are even more destructive. Generally speaking, the illicit drug economy is dependent on weak effective governance, often as the result of violent conflict. The proceeds from this lucrative trade in turn provide the means for the escalation/perpetuation of conflict by undermining the monopoly of the government over the use of force. The existence of a large drug economy provides various armed factions with the means to compete with the legitimate government for effective control over state and society. An associated risk lies in the opportunities for collective and individual rent seeking by sections of the government tempted to become complicit in the drug trade. Both elements have obvious negative consequences for security and the maintenance of law and public order.

The drug economy therefore undermines the effort to build an effective and legitimate government both by alighting competing power centres such as regional commanders, factions, tribal challengers, etc. and by destroying the internal coherence of government through corruption and rent seeking. This mutually reinforcing dynamic has long since been identified as one of, if not the key challenge to international stabilisation efforts in Afghanistan. This dynamic of a weak state being further undermined by domestic challengers and internal institutional decay has been clearly identified in the original project document for AFG/U10 noting:

“the risk of [Afghanistan] becoming a narco-state. This phenomenon [of corrupt officials' complicity in the drug trade] is blocking reconstruction and state building as well as lasting peace and stability in the region, together with undermining legitimate economic activities and the re-establishment of the rule of law. It is also noteworthy to underline that [the] drug economy supports criminal and factional agendas and affects the positive efforts to reform the Afghan justice system at large, and the criminal justice system in particular, which has been seriously weakened over the last quarter of

century beside the fact that the justice system and law enforcement suffer from a very low level of physical infrastructure capacity.”

Translating this correct summary analysis into the discrete requirements and limitations of a technical assistance project, however, poses considerable, perhaps insurmountable challenges. The present project design started from two basic accurate assumptions: the far-reaching negative impact of the narcotics trade for post-conflict reconstruction, and the inability of existing state structures to adequately respond to it. Given the seriously dilapidated character of the overall state machinery and the very long time likely to be needed to restore a modicum of administrative efficiency, one plausible approach for intervention lies in the creation of ‘pockets of excellence’ where external financial support and technical assistance can be focussed to a small number of local officials who are administratively and socially to be isolated from the prevailing dysfunctional institutional structures.

The present project therefore accurately identifies that the present criminal justice system is unable and unwilling to respond effectively to the narcotics trade, permitting individuals and groups involved in it to conduct their illicit activities with impunity. In order to visibly increase the risk of punishment for these criminal interests, the project design suggests the creation of a small, privileged model section of the criminal justice system dedicated to counter-narcotics. This approach would not only promise the greatest functional impact, but would have the added benefit of channelling and ‘showcasing’ donor commitment to the fight against drugs, thereby responding to significant domestic pressures to act and produce results. Given the nature of development assistance such ‘results’ are less outcome-oriented than geared towards easily identifiable outputs.

The project was designed without the benefit of a proper formulation mission, its broad outline instead having been delineated by senior donor officials prior to consultation with UNODC. Both original concept and subsequent implementation have therefore been characterised by inordinate donor involvement where political imperatives have consistently won out over constraints imposed by technical or administrative feasibility. It therefore appears that while prima facie plausible, the project strategy was unlikely to attain the stated overall result within the given budget and time frame when taking into account actual local conditions. There appears to have been a disproportionate emphasis on the attainment of visible immediate objectives and outputs to the detriment of the project’s realistic overall contribution to Afghanistan’s justice sector.

The overall aim of the intervention has been stated as: “Through development of the government’s capacity to bring justice to offenders of illicit drug-related crime, the project aims to assist the government in establishing credibility for implementation of its counter narcotics policy, at the same time, fostering respect for the rule of law and increasing the perceived risks associated with engaging in illicit drug related activities.” Implicit in this statement is the assumption that the government of Afghanistan shares the normative commitment to effectively counter the soaring drug trade within its borders. The Evaluators are not entirely convinced that this remains a reasonable assumption. AFG/U10 has been hampered by considerable managerial, budgetary and political challenges and this evaluation will discuss these at length. But it can be stated

with confidence at the outset that the project's intended overall result, namely increasing the perceived risk associated with the illicit narcotics trade particularly for serious offenders is first and foremost dependent on the credible commitment of the government of Afghanistan. Understandable donor interest in the attainment of intermediate objectives and outputs should not deflect from the fact that the project's fundamental intended result might be a problematic preference.

1.2 Purpose and Objective of the Evaluation

Following common UNODC procedures, the original project document envisaged an independent external evaluation towards the end of its initial 24 months duration in order to "provide a basis for the envisaged extension and expansion of the project and record the lessons learnt from project implementation."

Due to delays in the selection and training of penitentiary staff, as well as delays and cost-overruns related to the rehabilitation of the high-security prison facility the project document was revised 18 October 2006, extending its duration by 10 months and increasing its budget by 318,519 US\$. The commission of the present evaluation has reflected this temporal extension, coinciding with the project's revised termination date in December 2007. In order to avoid misperceptions among stakeholders it is necessary to underline that this is the first and only evaluation of the AFG/U10 project as required by the original project document. UNODC Headquarters periodically conducts internal reviews of the general performance of its Country Offices and has thus undertaken in 2007 a review of its programmatic approach in Afghanistan. Unfortunately the precise scope of this general review mission has been insufficiently communicated to stakeholders, creating the erroneous impression that AFG/U10 is herewith being evaluated a second time. Irrespective of the demands on their time as necessary collocutors and concerns about potentially wasted financial and managerial resources, some stakeholders have voiced unease about a perceived lack of transparency regarding the findings of previous evaluations.

Initially this terminal evaluation was to "provide the basis [for] the envisaged extension and expansion of the project". Despite the partial extension and budgetary enlargement effected by the March 2005 project revision, due to past difficulties with project execution and changed circumstances a formal extension now appears unlikely. The purpose of this evaluation is therefore to identify conceptual and managerial shortcomings likely to benefit the design and implementation of UNODC's current and future projects in Afghanistan and beyond. It is acknowledged that many of the political conditions leading to the creation of AFG/U10 and affecting its implementation, especially the enormity of the narcotics sector, are unique to Afghanistan and the peculiar character of the international presence during the immediate post-conflict period. Many of the findings of this evaluation, both positive and negative, will therefore of necessity be sui generis, benefiting explanatory analysis rather than universally applicable lessons learnt.

The aim of this evaluation is therefore to examine the external conditions that have affected project conception and implementation, with particular emphasis on identifying how UNODC staff has utilised its often limited scope of action. The project's achievements, impact and shortcomings are primarily assessed with a view to benefit future project planning, design, and implementation.

1.3 Executing Modality/Management Arrangements

The project was conceived without a formulation mission, coming about at the initiative of the two main bilateral donors ('lead nations') involved with Justice and Counter-Narcotics, respectively. The project document is based on a sound analysis of the conditions and suggests a workable strategy for intervention. Importantly, it contains repeated references to satisfactory administrative collaboration and substantive input by the government of Afghanistan, reserving the right for UNODC to suspend or terminate its involvement if said collaboration and input is deemed unsatisfactory.

Furthermore, it establishes workable consultation and co-decision processes mainly in the form of three distinct bodies: (a) the Counter Narcotics Steering Group (CNSG) established in May 2004, chaired by the National Security Adviser and composed of representatives of the Counter Narcotics Directorate (CND)(later the MoCN), the British Embassy as the 'lead nation' and UNODC; (b) the Project Review Committee (PRC) composed of representatives of the Afghan government (CND (later the MoCN), MoJ, MoI (including CNPA), SC, AGO) and UNODC; as well as (c) the Tripartite Review Mechanism (TPR), involving representatives of the Afghan government (presumably the same as above in the PRC), UNODC, UNOPS and other implementing partners, plus donor representatives as observers. UNODC assumes in these processes significant secretarial and reporting obligations, to be discharged by a dedicated International Project Coordinator, assisted by a National Project Coordinator.

While this arrangement conforms to standard project implementation procedures two problems have impacted its operation in practice: the Afghan government cannot be treated as a unitary actor but its interaction with the international community is characterised by very significant competition and lack of communication between its various organs. As a general observation it can be stated that the different parts of the Afghan state generally do not consider themselves to be part of a common administrative machinery bound by common rules in the pursuit of common outcomes for the benefit of society at large but rather as competing interest groups and patronage networks. It is therefore exceedingly difficult to ascertain the position of the Afghan government on any given issue, thereby putting in question the general assumption of Afghan leadership that informs virtually all assistance efforts. Furthermore, the highly personalised nature of Afghan administrative procedure means that even within any given institution decisions might have to be re-negotiated after personnel changes. Both factors have significantly impeded the operation of AFG/U10.

While these factors are beyond the control of UNODC and are part of the generally challenging conditions in Afghanistan, it must be noted that the project design conferred a prominent coordinating and reporting role on the International Project Coordinator, as

reflected in the project document and the annexed ToRs. Unfortunately, the person hired for this post did not perform as expected leading to his contract not being renewed, thereby leaving the post vacant for most of the project's duration and its responsibilities being covered by other staff of the Country Office (primarily the National Programme Coordinator and the International Penal Reform Expert in charge of a different project). The decision not to re-appoint the post was influenced in part by budgetary considerations. While expressly noting and commending the professionalism and personal dedication of all UNODC staff particularly at the Country Office, we have to agree with the comments made by a large number of our collocutors about the apparent overburdening of a limited number of international staff with too broad and complex a portfolio.

1.4 Scope of the Evaluation

Without restating here in detail the instructions contained in the annexed ToR for this Terminal Evaluation, four issue areas will be of particular importance in our following analysis: (a) the coherence of the overall project concept and design; (b) the attainment of the objectives and outputs stated therein, in particular with a view of their impact towards the achievement of the overall strategic benchmarks contained in the main political conventions (Afghanistan Compact, Strategic Programme Framework, and Afghanistan National Development Strategy). The issue of the sustainability of the project's intervention will be of particular concern as much of the disputes over its implementation have centred around issues that will likely prove to be quickly superseded by actual conditions on the ground (i.e. heating, doors, staff composition and training, type of inmates of high-security facility); (c) the quality of the implementation process, i.e. managerial efficiency and the inclusiveness and effectiveness of coordination mechanisms. Of key importance in this respect will be the choice of implementation partners, their supervision, and the question of the existence of better value alternatives. (d) As stated before, this being a terminal evaluation of a project unlikely to be extended as such, the main impetus of this evaluation lies in the identification of lessons learned to improve the planning of future interventions. Here particular emphasis will be placed on the continuing needs of the counter narcotics efforts, especially the planned and necessary extension of the CJTF into the provinces.

We would like to point out that in line with generally accepted evaluation standards this exercise does not constitute a financial audit. The members of the evaluation team do not possess the necessary qualifications to pass professional judgement on the propriety of financial decisions taken by either UNODC headquarters, Country Office, nor its implementing partners. Reference is made here to the provision in the original project document stipulating that "The project is subject to examination/audit by the United Nations Office of Internal Oversight Services and the United Nations Board of Auditors." Contrary to the assertion by some collocutors we have been unable to corroborate in the documents supplied by the latter their assertion of cross-financing of other projects from the dedicated budget of AFG/U10.

From our careful study of project documents and our detailed interviews with most stakeholders we have concluded that UNODC's reference to significant inflation in the cost of construction, externally imposed delays, and the worsening security situation are

ample explanation for the budgetary shortcomings experienced by AFG/U10 and even more so by AFG/R87. We have been satisfied with the transparency of both UNODC and UNOPS in this regard. However, we have not been tasked with nor attempted a formal financial audit.

1.5 Methodology

We would like to point out that this evaluation has been jointly commissioned by UNODC headquarters and Country Office, following their standard operating procedure aimed at preserving institutional memory and improving organisational learning. Our ToR underlines the collaborative nature of this exercise as “a joint effort between the evaluation team and UNODC. As for substance, it is critical that the evaluation should be carried out independently by the Evaluators”. While stressing our professional independence, we would therefore like to emphasise the regularly scheduled nature of this exercise and counter any impression that this evaluation has occurred in response to any perceived shortcomings in the implementation of AFG/U10.

Following the guidance contained in our ToR we have utilised a primarily qualitative approach building on (a) the careful review of all project documents, including progress and monitoring reports and the dedicated reports produced in conjunction with UNOPS on the hearing question; the survey commissioned from Altai Consulting on physical condition of the country’s prisons; the manuals developed by UNODC and ISISC on penitentiary staff training; and the general surveys on the drug economy in Afghanistan produced by UNODC and others. In addition we have consulted a wide array of documents on administrative reform and key programmatic documents such as the Afghanistan Compact and ANDS, as well as relevant secondary material necessary to understand the structural challenges involved in the reconstruction of the justice sector. This review has been much assisted by briefings from UNODC staff members.

(b) Our understanding of the project’s implementation and ultimate impact has been much improved by our in depth interviews with stakeholders within the Afghan government, both senior and relatively junior officials. Where necessary these interviews have been conducted in private and collocutors have always been encouraged to speak their mind freely. In these dealings we have been assisted by a very qualified translator provided by the Country Office, but the team has also been able to communicate directly in the local language. These interviews have included representatives of relevant law enforcement and judicial institutions.

(c) Personal visits to the physical facilities at Pol-e Charki and other penitentiary facilities (relevant to the other projects under review) have helped us to get a much better understanding of the practical problems involved. The visit to the premises of the CJTF was helpful, but perhaps of less import due to time pressures and the impending relocation to new facilities to be provided by the United States. Unfortunately these latter facilities could not be visited.

(d) In-depth interviews conducted without the presence of UNODC staff with all international partner organisations, donors, and NGOs. Where feasible and necessary we have also conferred with past staff members.

(f) We did not use questionnaires, but relied on structured, standardised interviews instead. One reason was the timing of our evaluation mission just prior to the imminent departure of most collocutors for the Christmas and simultaneous Eid holidays, where the filling in and timely collection of questionnaires was not practical.

2. ANALYSIS AND MAJOR FINDINGS

2.1 General Comments

The gestation and implementation of this project have been quite unorthodox, responding to the confluence of a very peculiar set of external conditions unlikely to be repeated anytime soon, either in Afghanistan or elsewhere. For once, the sheer size of the narcotics trade in Afghanistan and the resulting sense of urgency mandating an international response do not exist elsewhere, with the possible exception of Colombia which, however, is very dissimilar in almost every other respect.

A general comment that applies to the entire international reconstruction efforts in Afghanistan but which has been particularly applicable to the issues dealt with by AFG/U10 concerns the serious difficulty of translating international minimum standards to the practical realities of the Afghan administration. The justice system in any nation is seen as the repository of a set of cultural values serving as a projection screen for collective images of identity and the self. External assistance in these fields must therefore thread a very careful line in order to avoid charges of interference and cultural imperialism. Despite its obvious imperfections, the Afghan civil service is fiercely proud and jealously guards organisational and personal prestige. This is particularly true of the justice system which in addition is widely regarded as the guarantor of the Islamic identity of the nation. Criminal law occupies a very prominent position within the Islamic legal system and serves as the chief marker of distinction from Western legal notions. Human rights and criminal law are the two areas where the biggest disparities between International standards and Islamic conceptions exist, making criminal justice reform one of the most controversial areas of development assistance.

In addition, there are also within the donor community clear preferences for topical areas likely to appeal to domestic audiences (e.g. building schools or hospitals), and, correspondingly, 'unpopular' topics avoided due to their propensity to bring the donor nation into an uncomfortable association with disapproved actions of the host government. The building of prisons is a clear example of one such activity which, despite being universally acknowledged as being a vital part of post-conflict reconstruction and stabilisation, is not something that donor nations generally want to be associated with. As a United Nations agency UNODC has benefited in this respect from its perceived neutrality and served as a useful conduit for channelling necessary assistance to an important field while permitting donors to keep a useful political distance.

Given the above stated intrinsic difficulties of working in the justice sector, it should be stated expressly that the Evaluators were impressed with the high esteem and close professional relationship UNODC staff enjoyed with virtually all of their Afghan counterparts. Irrespective of managerial challenges discussed below, all collocutors stressed the personal dedication, respect, intimate familiarity with the sector, and long years of in-country service shown by all UNODC staff.

2.3 Overall Performance Assessment

By the standards outlined in the project document concerning the “expected end-of-project situation” AFG/U10 has achieved mixed results. The intervention can be distinguished into two main clusters: activities supporting the Counter Narcotics Criminal Justice Task Force (CJTF), and those concerning the rehabilitation and management of a high-security penitentiary facility intended to take charge of those offenders processed and ultimately sentenced by the task force. The activities supporting the CJTF have by and large been successful, while those relating to the high-security penitentiary have faced more significant challenges.

Any criminal justice system consists of a number of distinct institutions carrying out a chain of responsibilities necessary to bring those suspected of crimes to justice, ranging from police investigation, over prosecution, adjudication, to correction. Given the largely dysfunctional nature of the Afghan justice system and the perceived necessity to quickly and visibly react to drug-related crime, it was decided that urgent measures would have to be taken without awaiting the reestablishment of the justice system in its entirety. The CJTF concept is therefore based on the selection of a relatively small number of officials from each institution involved in the chain of responsibilities who could be isolated from their peers and given the benefit of concentrated financial and technical assistance, while simultaneously maintaining the separation of powers mandated by the standards of due process.

This approach appears conceptionally sound and has been implemented without major problems and within the budget and time frame provided. The Immediate Objectives 1 (formation of CJTF through selection, training, equipping, etc.) and 2 (creation of an international mentoring system for CJTF providing continuous practical support and supervision) have been achieved and yielded satisfactory results. A sizeable number of drug offenders have been processed by this system to date and there have already been some rotations of staff back into the regular justice system, permitting eventually the dissemination of the experience gained to their peers. It has, however, to be noted that without exception those prosecuted and sentenced have been relatively minor offenders usually charged with the physical transport of drugs, while the risk to major traffickers remains minimal. This state of affairs has been openly acknowledged by virtually all the counterparts we interviewed. We have thus noted a palpable degree of frustration with the apparent unwillingness of the government to credibly tackle the issue and provide the political backing necessary for law enforcement officials to operate. This perception is shared by the representatives of the international community that we met, but there does not appear to be the willingness or ability to press the government towards a greater commitment on the issue.

Immediate Objective 2 relating to the creation of the physical infrastructure and operational skills of the officers involved has proved to be much more problematic. Again, those aspects related to the refurbishment of CJTF premises and equipment of CJTF officers (Output 2.1) has been largely unproblematic. Outputs 2.2-2.4 dealing with the high-security penitentiary facility, however, has been beset by a large number of budgetary shortfalls, persistent delays, administrative obstructionism, and waste. It is questionable whether the facility will ever function as intended. While the Afghan

authorities have been relatively muted in their criticism, this aspect of the project has been criticised by various international collocutors in very strong language. These shortcomings have unfortunately drowned out the perception of the other, much more successful aspects of the project related to the CJTF.

2.4 Attainment of the Objectives

Based on the observation that given the dysfunctional nature of the present criminal justice system there is a very low risk attached to illicit drug-related activities, the project's overall objective is to "assist the government in establishing credibility for implementation of its counter narcotics policy [in order to] increase[e] the perceived risks associated with engaging in illicit drug related activities." The key word in this respect is "assist" as no amount of technical or budgetary support can substitute for a commitment that is only nominal. Given substantial doubts about the sincerity of Afghanistan's counter-narcotics policy, especially with regard to the prosecution of serious offenders, the contribution of the distinct components of this project will of necessity remain inherently limited, irrespective of the modalities of project execution. With this caveat in place we proceed to analyse the attainment of its three stated objectives:

Immediate Objective 1

Improve the professional skills and delivery of key institutions performing the chain of responsibilities in bringing offenders of illicit drug-related crime to justice. In order to attain this objective, select members of these institutions (prosecutors, CNPA Investigation Unit officers and a special team of judges to be closely associated) will form a part of the Counter Narcotics Criminal Justice Task Force which will receive specialized training to enable fast-track capacity building.

This objective has been achieved. The CJTF has been well established and operational for about two years. The selection and initial training of personnel seconded from the various Afghan institutions has been satisfactory and we have not heard negative comments about the trainings or manuals provided by UNODC and ISISC. In purely administrative terms and according to their present mentors, the CJTF appears to be functioning surprisingly well and there have been no complaints from seconded officials about undue interference from their sending institutions. Due to the necessary close personal relations between them there seem to be a lot less friction between the police, prosecution, and courts than is usually observed in the general Afghan justice system. Individual officers from all three branches have, however, complained about insufficient political backing necessary to deal with serious offenders, as well as raised concerns about personal safety.

The attainment of this objective has been well recorded in the first Annual Report 2005, at whose end major activities had been basically concluded. In our discussions with the beneficiaries as well as with the implementing partner ISISC we have not found any grounds to question the success of this component. We have not been able to directly

review the quality of the trainings, the curriculum used, or the manuals/benchbooks produced. The Annual Report 2005 makes reference to their review by other stakeholders in early 2006, but we have not been able to find any reference to the outcome of this review or whether ISISC produced a formal report/internal evaluation. We have likewise been unable to ascertain to what extent these materials continue to be in use by the CJTF; general experience in Afghanistan seems to indicate that these are likely no longer in use.

Immediate Objective 2

Introduction of the physical infrastructure and technical tools necessary to strengthen the institutional capacity to arrest, investigate, try and detain/imprison alleged offenders of illicit drug related crime.

This objective refers to the physical rehabilitation of office and penitentiary space and the provision of necessary equipment to both CJTF and penitentiary staff. Those elements related to the CJTF were fulfilled on schedule and are covered in the Annual Report 2005. An assessment of the equipment needs was conducted jointly by UNODC and the MoCN and the requisite equipment procured and handed over. We have not been able to ascertain to what extent necessary training in the use of telecommunication, IT, and drug testing equipment has been provided. We are not in a position to pass judgement on the quality, cost effectiveness, or usefulness of the material, but we have not had grounds to suspect otherwise. Regarding the CJTF offices, it was jointly agreed that the United States would assume responsibility for their temporary refurbishment until dedicated facilities close to the airport had been constructed. The United States has fulfilled the first part of this commitment in a timely manner but has run into delays concerning the new construction.

Unlike the CJTF component, the rehabilitation of the high-security penitentiary facility has presented a considerable number of serious political, operational, and managerial challenges, having lead to significant frustration and dissatisfaction among both UNODC staff and donors. These issues will be discussed in greater detail below in Chapter 2.6 Implementation. By the above quoted standard we will have to examine both the “physical infrastructure and technical tools” as well as the “institutional capacity” to safely detain both those awaiting trial and those serving their sentences. Here we must bear in mind that the project document specifies that this refers “to serious criminal offenders, in particular [those involved in] illicit drugs related crime.”

Physical Infrastructure

The physical design of the rehabilitation has been the subject of considerable controversy, mainly between UNODC/UNOPS and the British Embassy and its seconded prison experts. We will discuss these issues in detail in Chapter 2.6, highlighting shortcomings in communication, managerial approaches, and decision-making/supervisory arrangements. Before discussing the details of implementation, however, we should examine the adequacy of the underlying conceptual choices,

judged in particular against the stated goal of enabling the safe and humane incarceration of serious drug offenders thereby making a visible difference advertising the government's commitment to the fight against drugs.

Given the size of the Afghan drug problem, the original plan assumed a reasonably large detention facility, Block 4 plus the adjacent former Investigation Block at the Pol-e Charki prison complex. Block 4 would be able to house some 600 inmates for the duration of their sentences, while the Investigation Block was supposed to provide for secure pre-trial holding facilities for 50 offenders as well as allowing for secure court proceedings to be held on site. Two significant challenges were acknowledged at the outset, namely ensuring (1) that the facility would be used only for drug-related offenders and (2) that the seriousness of their crime would justify their placement in a high-security facility.

The project document therefore makes explicit reference to Article 8 of the UN Standard Minimum Rules for the Treatment of Prisoners which stipulates that the severity of the conditions of incarceration must stand in relation to the gravity of the offence and likely threat posed by the prisoner, mandating that "different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their ... criminal record, the legal reason for their detention and the necessities of their treatment." This stipulation would preclude the placement of relatively minor offenders, for instance hired drug couriers such as the proverbial taxi drivers, in a high-security facility. Not only would the onerous security requirements of such a facility place a disproportionate burden on the inmate, they are also manifestly impractical given their very high cost, the relative lack of danger emanating from such inmates, and the overall lack of incarceration space.

Prison authorities generally place inmates they deem most dangerous into those facilities they deem most secure. Given the general lack of infrastructure in Afghanistan it was therefore reasonable to assume that the government would not use the rehabilitated high-security facilities for their intended drug-related purpose but to house those it considers to be most dangerous: its military opponents and terrorists. The project document anticipated this and therefore stipulated: "It is clearly understood that the premises that will be identified and restructured will be used for prisoners suspected of having committed serious crimes (in particular related to illicit drugs related crime) under Afghan criminal law and (waiting to be) sentenced by Afghan courts, and not for other category[ies] of prisoners including 'prisoners of war'". The project document outlined clearly in its section on risks and assumptions that continued government commitment to the shared counter-narcotics strategy is indispensable for project implementation and ultimate success. It therefore stipulates an early warning mechanism and reserved the right to suspend operations:

"7. Should project staff and UNODC Country Office for Afghanistan assess that any of the above assumptions are no longer valid, or quoted risks materialize, the matter will have to be brought to the immediate attention of the PRC which will identify immediate corrective measures. Failure to provide effective solutions to existing problems would authorize the UNODC Country Office for Afghanistan to delay/suspend project

activities as deemed appropriate. UNODC Country Office for Afghanistan will inform UNODC Headquarters of any developments related to the above risks and assumptions that would call for a temporary halt of project activities/components, conduct of a specific review, or require a major project revision.”

Unfortunately, the Afghan government has under significant pressure from the American government retracted its initial commitment to the present project and reassigned Block 4 to be used by the Afghan National Army, and by implication Coalition forces, for the detention of alleged ‘enemy combatants’ captured in Afghanistan or returned from the facility in Guantanamo. Following American practice, this decision created a de facto legal void as this facility is not subject to the normal judicial system, thereby contradicting the stipulations of the Penitentiary Law which assigns the Central Prison Department within the MoJ with the sole responsibility for managing penitentiary facilities. The CPD being one of the primary beneficiaries of AFG/U10 this decision therefore has clear negative repercussions on likely project progress.

More directly, however, this decision immediately removed the conceptual basis for the infrastructure component of AFG/U10. This impact was correctly understood by UNODC staff at the time and communicated properly to Headquarters and raised in the appropriate review channels with the beneficiary and the donors as reported in the Annual Report 2005. The removal of Block 4 from the purview of the AFG/U10 project was not accompanied by the assignment of alternative facilities suitable to house an adequate number of drug offenders. Instead, the remaining Investigation Block was retained as a ‘consolation prize’ for UNODC permitting the nominal continuation of the project.

In hindsight the decision of the Project Review Committee of 7 September 2005 to continue with this component of the project in the light of the substantially altered circumstances appears to have been wrong. There was to be provision for an alternative site to be identified by the government for rehabilitation by UNODC in the context of a separate future project. This does not appear to have happened to date. Irrespective of mistakes made in the course of the subsequent implementation and discussed in Chapter 2.6 we consider it unlikely that better management could have substantially improved the outcome of this component given the lacklustre support it enjoyed from the government.

It is difficult to assess in hindsight the extent to which UNODC as an organisation was in a position to exert meaningful pressure on the government to abide by its commitments. Contractually it was entitled to “a temporary halt of project activities/ components, conduct a specific review, or require a major project revision.” However, given the importance attached to AFG/U10 by donors, and given the simultaneous importance attached by the Coalition to the issue of ‘enemy combatants’ it appears unlikely that UNODC enjoyed meaningful freedom of action in this respect.

Human Infrastructure

The relative lack of commitment by the government is likewise evidenced in its inability or unwillingness to clearly designate a stable cadre of penitentiary staff to serve for a meaningful period of time as a coherent unit in the renovated facility. Despite assurances to the contrary and despite significant costly efforts to train an initial batch of 150 penitentiary staff, these have never seen active duty in the renovated facility but have been reassigned to other posts within the prison service where much of their training has gone to waste. To be sure, the delay in the completion of the renovation has contributed to the decision to reassign the penitentiary staff to other duties. Be this as it may, despite the dedication and accomplishments of the international prison trainers, the penitentiary training component of this project cannot be considered a success because the trainees are no longer available to run the facility.

Again, UNODC was contractually entitled to suspend its activities in response to the inability of the government to provide it with a stable group of trainees. But in practice it is difficult to envisage how UNODC could have exerted meaningful pressure short of abandoning the project component, an option which given the delicate political environment would have been strongly resented by beneficiaries and donors alike. Under these conditions, the envisaged mentoring programme for penitentiary staff conceived in analogy to the CJTF mentoring mechanism became impossible.

The difficulty of holding the government accountable to its commitments is perhaps best symbolised by the difficulties following the removal of the head of the CPD on corruption charges. Following Afghan tradition, his successor did not consider himself bound by all institutional commitments entered into by his predecessor. UNODC is to be commended for having been able to quickly establish a good working relationship with him, thereby keeping disruption to a minimum.

At this point it is useful to point out that there is a general lack of traction by external actors over the actions of various parts of the Afghan government. This has become particularly apparent in the deplorable and persisting actions taken on 8 October 2007 where a group of 20 inmates who had been sentenced to capital punishment were transferred to the high-security facility which had not yet been handed over and was therefore still under the responsibility of UNODC. 15 of these prisoners were subsequently executed in an appalling fashion in contravention of legal requirements, while permitting one particularly dangerous and perhaps well-connected prisoner to escape. Four prisoners were granted a stay of execution and remained in the high-security facility. Despite actual construction work still being carried out by UNOPS, and irrespective of vocal and sustained protests by both UNODC and its donors, the government has so far refused to remove the prisoners. The situation has become a source of major embarrassment for both UNODC and donor government through this well-publicised association with the death penalty.

2.5 Achievement of Project Results

The project document states a number of “achievement indicators [that] will provide a basis for UNODC and stakeholder monitoring throughout the project, and form part of the evaluation.” Judged by this standard a generally positive picture emerges:

Increased number of illicit drug-related crime cases prosecuted

Based on our interviews with the international mentors, the task force members, and the Annual Reports for 2005 and 2006 we can conclude that the CJTF is working satisfactorily, having handled a sizeable and growing number of cases at all levels, i.e. police investigation, prosecution, primary jurisdiction, and appeals. It is regrettable that the 2007 Report no longer contains precise figures, but restricts itself to the cursory and summary statement that “The CJTF was able to arrest, investigate and sentence serious drug-related criminal offenders.” In its generality this statement is unhelpful and appears furthermore inaccurate as the task force by its own admission has so far been unable to bring serious offenders to justice.

Number of training conducted for the Task Force and for the penitentiary police

The Annual Reports 2005, 2006, and 2007 all make detailed references to the number of trainings provided, the number of their participants and the modalities of their implementation. This aspect appears to have been successful and participants interviewed by us described them as satisfactory and meeting their needs. We have been provided with detailed reviews by ISISC of their trainings provided for the penitentiary police who applied a commendable verification procedure via questionnaires. With the caveat that these trainings had been long concluded prior to our arrival, we conclude based on these written sources and our interviews that they were done successfully.

Number of training material developed

As reported in the sources stated above a number of materials were developed by both UNODC and ISISC. We have not seen examples produced specifically for AFG/U10 but based on the quality of those produced within the framework of other projects and assuming a healthy degree of cross-project use, we conclude that this element has been achieved satisfactorily.

Practical penitentiary training, i.e. those elements not related to the legal framework but dealing with operational issues appear to have been based on a relatively informal curriculum without the aid of written materials/handouts. At any rate, given the above stated functional and administrative problems and the lack of personal continuity among those penitentiary staff presently assigned to the high-security facility, the lack of written manuals to complement previously provided training appears secondary.

Timeliness and quality of the construction of the high security prison facility and other physical infrastructure

As we have repeatedly stated, the timeliness of the construction/renovation of the high-security penitentiary has been a major problem, having led to the partial project revision in March 2005. The failure to meet the time and budget framework has been the result of a multitude of causes discussed in detail in Chapter 2.6.

The quality of the design and workmanship appears to be satisfactory, both in terms of security and humane conditions for prisoners. We have notified UNOPS and the Afghan authorities of the security risk inherent in the ladder-steps welded to the CCTV poles and were assured that these were intended only to facilitate construction and would be removed prior to hand-over. Other than that the facility meets international standards.

We have not been impressed with the justification given for the lack of gravity-fed water supply and consider the present, electricity-dependent system to be highly likely to fail with serious implications for hygiene and eventually security. At the time of our mission considerable problems of heating and connection to the city grid remained to be resolved. We have since been informed by the Country Office that these issues have been rectified. While deplorable, we have been satisfied with the technical explanations given to us by UNODC/UNOPS describing the dilemma faced. Nevertheless, the issue remains unresolved. Some members of the evaluation team felt that the installation of solar panels could have alleviated the issue at least partially, but were not convinced by the technical reasons furnished why these had not been considered.

The rehabilitation of CJTF premises was removed from this project and undertaken by the United States (as reported in Annual Report 2005, p. 6). Present conditions are crammed and sub-standard, while the construction of purpose-build premises has run into considerable delays.

Quality of prison administration in accordance with international norms and standards

Overall the quality of the prison administration has improved considerably, not least due to sustained efforts by UNODC. While we have seen signs of much improvement in many parts of the prison system visited by us, we have to point out that these advances have been less in evidence within the framework of the present project. As stated the high-security facility has not enjoyed stable staffing or even clear policy guidance from CPD as to its intended role within the overall system. These points are deplorable but their responsibility lies with the government; it is difficult to envisage what either UNODC or the donors could have done differently to fill this leadership void.

Number of donors' contribution to the mentorship mechanism in support of this project

The mentorship component for the CJTF has been a success. The United States have contracted Dyncorp to provide three prosecution and three police mentors, the Norwegian government is maintaining a dedicated mission with two prosecution, two judge, and one defence attorney mentors, while the British embassy has seconded one senior British prosecutor as well as supplying the project leader and project coordinator and awaiting the deployment of two additional mentors.

The mentorship component for the penitentiary staff, by contrast, has not yet become operational. The seconded British prison experts remain in the country, but despite the success of their initial training the formal mentorship programme has so far been impossible to implement due to the delay in the handover of the facility and the subsequent loss of trained personnel.

With respect to the individual components of the project the following brief observations can be made.

Immediate Objective 1

Improve the professional skills and delivery of key institutions performing the chain of responsibilities in bringing offenders of illicit drug-related crime to justice. In order to attain this objective, select members of these institutions (prosecutors, CNPA Investigation Unit officers and a special team of judges to be closely associated) will form a part of the Counter Narcotics Criminal Justice Task Force (hereafter referred to as the "Task Force") which will receive specialized training to enable fast-track capacity building.

The CJTF concept was jointly developed by UNODC and the project's donors, Canada, Belgium, and the United Kingdom. It remains an interesting approach to the dysfunctional state of the justice system and has proven to be a relatively effective mechanism for dealing with low-level drug offenders. The initial selection, training, and equipping of the task force constituted a major operational challenge that was successfully met by those involved.

Output 1.1

- Pilot group of Task Force comprised of selected key professionals will be formed and specialized training will be provided to them. Mindful of the constitutional requirement for separation of prosecution and judiciary, separate training sessions will be conducted for judges, while prosecutors and CNPA investigators will be given joint training, which will foster desired working level collaboration.

Contrary to the stipulation in the project document concerning the separation of powers, the trainings were provided by ISISC in joint sessions dealing with the relevant national and international legal provisions. While separate trainings for judges might have been desirable, we do not consider joint training sessions to have been a significant problem, conforming to standard practice of other international trainings for the Afghan justice sector. Given the small number of judges (initially three, then ten) a cost-effective separate training does not seem to have been feasible or necessary.

Output 1.2

- Training material in support of arresting, investigating and prosecuting alleged drugs and other serious crime offenders will be developed. Judges will benefit from the existing UNODC Manual for Judges specifically adjusted to the context of Afghanistan prepared by the TLAB in the context of ongoing assistance.

These materials have been developed and collocutors have expressed their general satisfaction with them. They do not, however, appear to be used beyond the immediate context of the training provided, which conforms alas to Afghan practice.

Output 1.3

- Additional number of professionals to be identified and added to the Task Force ---with a view to be assigned to selected provinces--- will be selected and trained.

These activities were conducted in the course of 2005 and appear to have been successful in the selected six key provinces (Nangarhar, Kandahar, Herat, Mazar, Kunduz, and Badakhshan). The selection of these provinces is logical and conforms to the most prominent pattern of drug trafficking. The CJTF officers we interviewed informed us that their liaison with law enforcement agents in these provinces is reasonably successful. The Annual Report 2005 (p. 5) reports that members of the CJTF and CNPA were selected, trained and deployed in these provinces. Although envisaged for some future time, at the moment the CJTF does not maintain regional or provincial offices outside Kabul. We do not have sufficient information to make a judgement about the relative or absolute effectiveness of drug enforcement by the CJTF or other agencies in the provinces. As concerns project implementation, however, normal staff rotation and succession for the CJTF appears to work well.

Immediate Objective 2

Introduction of the physical infrastructure and technical tools necessary to strengthen the institutional capacity to arrest, investigate, try and detain/imprison alleged offenders of illicit drug related crime.

Output 2.1

- Enhanced operational capacity (including working conditions) of the CNPA officers and prosecutors.

UNODC and the MoCN conducted a joint needs assessment in June 2005 and the agreed equipment (stationary, furniture, office equipment including computers, printers, copiers, etc., buses for transport, drug testing kits, communication equipment) were subsequently procured and distributed. IT/communication infrastructure provided under UNODC AFG/G38 and H10 projects was made available to the task force for joint use. The rehabilitation of the physical office space was agreed to be handled by the United States which provided these services during 2005 as a stop-gap measure in anticipation of the completion of purpose-build facilities. These latter have yet to be completed, however, and at present the task force suffers from inadequate physical conditions.

Output 2.2

- Premises with high security standard facilities (within Pol-e-Charki main prison) to enable pre-trial detention and imprisonment of serious drug-related criminal offenders, will be created/refurbished and made functional.

Contrary to earlier assurances, the government reassigned Block 4 to different use (housing of terrorism suspects, prisoners of war, and 'enemy combatants' under the control of the Afghan National Army and presumably Coalition forces), thereby leaving only the former Investigation Block to be rehabilitated within the framework of this project. Alternative facilities were to be designated and designs were to be drawn up by the international expert recruited within this project, but actual implementation was to be covered by a newly designated project. No alternative facilities were in fact designated, and presumably no plans were drawn up, at any rate a follow up project has so far not been formulated.

The former Investigation Block was then rehabilitated in a process that was marred by persistent interference by a multitude of stakeholders often working at cross-purposes with UNODC staff. Some of the most controversial issues (type of doors and their opening direction) were presented to us by some stakeholders as plain design errors stemming from the inexperience of UNODC project supervision and design staff with the requirement of operational prison management. Our evaluation team contained substantial experience of Western European and developing world prison management, but we were not able to corroborate these statements. The choice favoured by UNODC/UNOPS happened to be a different one from the one practiced in the prison service from where the international experts were drawn, but either system (doors opening in or out) is deployed successfully internationally, so there is no functional reason to favour one over the other.

The heating issue is a more substantial problem, as is the attendant challenge of electricity supply. The issue has been raised as a major problem by donor representatives and other international stakeholders unhappy with the quality of the workmanship provided by UNODC/UNOPS. There have, however, not been any suggestions of convincing alternatives. We have discussed at length the technical reasoning behind the design choices deployed by UNOPS and have come to the conclusion that their thinking is sound and conforms to the peculiar conditions prevailing in Afghanistan. The situation at project end appears less than satisfactory: water and heating supply is electricity based, but there is neither enough diesel-generator capacity available nor are the transformers that connect to the city grid strong enough to carry the full load of the facility.

While these look like obvious design errors, we have been convinced that all possible attempts were made to rectify the situation, but that the Afghan authorities (primarily MoEW and CPD) were unable or unwilling to come to a pragmatic resolution of the problem. As a result stronger transformers were explicitly forbidden to be installed with the justification that they would pose too strong a load on the grid. We have been unable to verify to what extent city power would actually be available, it appears that generally it could be made available 24/7 but not at the required strength.

We agree with UNOPS' reasoning that diesel generators would not be a viable substitute in prison design in Afghanistan due to their very high running costs which would pose an unsustainable burden on administrative budgets. Furthermore, given the generally low priority attached to prisoner welfare, and given widespread poverty and low salaries in the penitentiary service, it would be unreasonable to expect that high-value diesel would be used for the intended purpose and not diverted to private use or sold. There does not exist a reliable way of preventing such misuse.

Output 2.3

- Home Rules in compliance with the UN Standard Minimum Rules for the Treatment of Prisoners, the new Afghan Penitentiary Law and the related Regulations will be developed.

We have not been able to ascertain to what extent Home Rules were finalised, approved, and disseminated. The Annual Report for 2005 mentions that the issue was under review by a designated sub-working group of the International Working Group of Prisons and Detention Centres. Unfortunately, the 2006 and 2007 Reports are silent on the issue.

Output 2.4

- Penitentiary police will be trained on ways to deal with high security premises and to apply Home Rules.

In consultation with and approved by the above mentioned sub-working group, UNODC produced a curriculum for the training of penitentiary staff that formed the basis for the training 149 staff. The training was conducted jointly by the seconded British prison experts who handled operational issues and ISISC personnel who focused on legal issues. ISISC has provided the Evaluators with detailed internal evaluations of this training, including feedback questionnaires from participants. Our own discussions yielded likewise a generally positive impression.

However, due to the delay in the physical refurbishment and the conceptual ambiguities inherent in the insufficient size and inappropriate nature of the facility, the CPD has been unable to provide sufficient institutional leadership. Contrary to commitments given, the trained body of staff was not made available for the high-security facility but transferred to other duties. Some of the reasons given were the reduction in salary and prestige as a result of the transfer of the prison service from the MoI to the MoJ (the former benefits from subsidised salaries under the ARTF budget line while the latter does not; the former are considered 'military', i.e. uniformed staff who enjoy higher prestige, while the MoJ is 'merely civilian'). An additional issue concerned the voluntary transfer of 'high potential' trainees from the provinces for the UNODC training, who subsequently found that the expected benefits did not materialise and therefore moved back to the provinces. At any rate, of the envisaged 125 permanent staff only a handful remain at present, currently being occupied with guarding the four inmates mentioned above. The CPD has argued, with some justification, that due to the delays it could not have continued to make such a large number of staff available essentially waiting for the facility to be completed but had to transfer them to other posts where they would be more urgently needed.

The end result is likely going to be that the initial training will have been wasted and will have to be repeated once the facility is handed over and will become operational. Here it is noteworthy that the training was conceived essentially as a one-off affair not part of a comprehensive training scheme for the entire prison service. Given the fact that much penitentiary training is of a rather general professional nature, we do not consider it necessary to develop different types of training for every single different category of penitentiary staff. While being aware of the compartmentalised nature of project planning and implementation and the difficulty of coordinating between a number of different implementing organisations, we think the functionally best and most cost-effective approach would be to devise a generic training curriculum for the entire prison service. This would ensure inter-operability of staff between different sections of the prison service, facilitate training provision and permit economies of scale. By introducing common standards it would also permit better monitoring and performance evaluation by establishing benchmarks. Particular functional needs could be met by additional training modules, for instance concerning female inmates, drug addicts, dangerous offenders, and the like.

Immediate Objective 3

To provide, for the duration of this project, continuous support and guidance to the Task Force members ---and therefore the institutions they

belong to--- in the application of learnt knowledge to the day-to-day operation, through creation of a mentorship mechanism, to which interested donor governments and institutions may second their experts on a gratis basis.

Output 3.1

- A mentorship mechanism, with the task of overseeing and advising on all aspects of the proceedings as well as on the administration of the high security prison, will be developed.

Concerning the CJTF, this output has been very successful and implemented on schedule. Following the initial intervention by UNODC leading to the formation of the task force, the United States, United Kingdom and Norway have seconded a sufficient number of mentors working alongside their Afghan colleagues: three US prosecutor mentors (one at the embassy, two at the CJTF compound), three US police mentors (contracted from Dyncorp), one British prosecutor mentor (soon to be increased to three), a British project director and a British project coordinator (all at the embassy), five Norwegian mentors (all at the CJTF compound). The mentorship programme appears to enjoy significant prominence in the respective embassies and appears to be well received by their Afghan colleagues. Overall it is a good example of an institutionally sustainable approach because these other bodies have by now completely taken over from UNODC operational and substantial responsibility for running the programme. This transfer has been so complete, however, that some of the newer mentors are no longer aware of the original UNODC contribution to the set-up of the task force.

However, the situation looks different with respect to the envisaged mentoring programme for the penitentiary staff. While the British prison advisers that initially provided the training under AFG/U10 continue to be in Afghanistan, it is questionable whether the mentorship system for the high-security facility will be put in place. In large part this is due to the above mentioned incident of the premature and unauthorised placement of inmates sentenced to capital punishment into the uncompleted facility which remained nominally under the authority of UNODC. The subsequent refusal by the CPD to rectify the situation by removing them has caused considerable embarrassment to the donors involved. Given this history, it appears unlikely that many donors would be interested to become even more intimately connected to the operation of this prison by providing on-the-job mentoring.

Given the well-recorded difficulties of coordination between various Afghan authorities as mentioned inter alia in the Annual Report 2006 and repeatedly confirmed in our discussions, we consider the inability or unwillingness of the government to live up to its commitments to be a major problem. We therefore doubt whether the following statement of intent remains realistic: "Based on the project document, UNODC, through its AFG/U10 project national staff will continue the monitoring of the facility to make sure that minimum UN and international standards are adhered to and that that the facility is

used for keeping serious drug offenders [and] no other categories of prisoners.” (Annual Report 2006)

The project document stipulated explicitly in its section on the Legal Context that: “The entity to which the ownership of UNODC-funded equipment has been formally transferred, is responsible for ensuring that such equipment is used strictly for the purposes of the present project document, as agreed with UNODC, and must arrange for and bear the costs of its proper maintenance.” Faced with a situation where these commitments have clearly been violated, donors have focussed their dissatisfaction on the delays for which UNODC is responsible. However, without in any way belittling the seriousness of the delays, we do not believe that the fundamental problem would present itself any differently had the facility been finished and handed over in time.

There exists no workable sanctioning mechanism on behalf of either UNODC or its donors to ensure that technical or political conditions jointly agreed are in fact honoured by the government.

2.6 Implementation

This project was conceived at a relatively early stage of the international reconstruction effort when UNODC had already undertaken a number of successful projects under circumstances that can be charitably described as ‘challenging’. The criminal justice and correction system are among the most intractable areas to work. Before outlining the numerous difficulties encountered by this project, we ought to underline that under these extremely difficult circumstances the dedicated work of UNODC staff at both headquarters and in the field has resulted in a degree of access to and prestige among local beneficiaries that is exemplary. Two particular reasons for this achievement are the uncommon personal dedication and low personnel turnover of its staff, i.e. the unusually long mission duration of its international staff. Both these aspects are to be commended and the organisation should strive to retain/replicate these in future projects. With long service duration, however, the psychological pressure of difficult working and living conditions increases, making it all the more important that adequate staffing levels are maintained.

Personal dedication cannot always substitute for insufficient staff numbers. Virtually all interlocutors, even those otherwise quite critical of UNODC management of this project, have stressed the very high degree of personal commitment of its staff. However, a comparable number have likewise reported apparent strains resulting from understaffing and over-burdening. In the context of this project we have to conclude that the decision not re-appoint the departing International Project Coordinator has been a mistake.

Regarding procedural questions of implementation, we deem it important to stress that this project came about at donor instigation, dealing with a subject matter that was correctly deemed to be both extremely difficult and vitally important. We must also bear in mind that corrections in particular represents a very unpopular field of direct donor involvement, despite the unquestioned importance of the sector for post-conflict

stabilisation. The desire to insulate oneself from an undue association with unpalatable actions likely to occur in penitentiaries together with the proven ability of UNODC to work in this institutional minefield are two primary reasons donors have pushed for the creation of this project. These structural limitations account at least in part for the uneven outcome of the project with timely and satisfactory results being achieved in its CJTF component, while its penitentiary component fared less well.

The procedural arrangements stipulated in the project document for beneficiary collaboration and supervision, and for ensuring adequate donor involvement appear prima facie sound. However, we have not been impressed by the manner these essentially consultative mechanisms have been used by some donors as tools for exceptionally tight oversight and micro-management. In this respect the initial arrangement of seconded national experts being placed within the UNODC Country Office apparently worked less well than expected because organisational reporting lines became blurred between embassy and UNODC management. The arrangement used later on with the CFTF mentors is much preferable because it openly accepted national control over seconded experts, providing inter-institutional coordination mechanisms rather than putting individuals into a situation of confusing reporting obligations.

It is readily apparent that personality clashes did contribute to an already difficult structural environment. Due to internal staff rotation two of the three donors were unable to comment on the actual working relationship with UNODC. While one of these expressed overall satisfaction with the progress of the project despite its delays, one expressed strong displeasure at the pace of implementation and its ultimate result, namely the premature placement of inmates sentenced to capital punishment which was described as an “embarrassment” to the donor capital. One donor had staff available that was personally acquainted with the specifics of the implementation. They expressed very strong criticism directed at individual members of UNODC staff. Another donor interviewed in the course of this evaluation mission (which contributed only to AFG/R87 and AFG/S47 but not to AFG/U10), in contrast, shared the dissatisfaction with numerous delays and cost overruns, but equally emphatically endorsed the personal dedication and professionalism of the staff members concerned.

Other international partner organisations expressed a general appreciation for the work done by UNODC, often remarking on the apparent close working relationships enjoyed by UNODC staff with Afghan officials. In our interviews with Afghan institutions and our observation of their dealings with UNODC we came to the same conclusions, observing a marked degree of appreciation by officials at all levels of the organisation’s expertise and competency.

In our reasoned opinion, much of the criticism levelled against UNODC as an organisation and its staff has been overdrawn and skewed. There is little question that the implementation of the penitentiary aspect of AFG/U10 has been less than satisfactory. We cannot conclude, however, that responsibility for this outcome lies predominantly in individual managerial decisions. Of far greater import have been unfavourable structural conditions, most importantly the removal of Block 4 from the purview of the project and the inherent difficulty of the various government entities to produce consistent policy outcomes in line with their stated commitments. This last

statement is made in full recognition of the very difficult personal and organisational dilemmas faced by Afghan decision-makers which often preclude better institutional outputs.

2.7 Institutional and Management Arrangements

We consider the overall institutional coordination and supervisory arrangement laid down in the project document to have been appropriate. As laid out in the project document consultation and co-decision processes consisted mainly of three distinct bodies: (1) the Counter Narcotics Steering Group (CNSG) established in May 2004, chaired by the National Security Adviser and composed of representatives of the Counter Narcotics Directorate (CND)(later the MoCN), the British Embassy as the 'lead nation' and UNODC; (2) the Project Review Committee (PRC) composed of representatives of the Afghan government (CND (later the MoCN), MoJ, Mol (including the CNPA), SC, AGO) and UNODC; as well as (3) the Tripartite Review Mechanism (TPR), involving representatives of the Afghan government (presumably the same as above in the PRC), UNODC, UNOPS and other implementing partners, plus donor representatives as observers. UNODC assumes in these processes significant secretarial and reporting obligations, to be discharged by a dedicated International Project Coordinator, assisted by a National Project Coordinator.

The fact that donors relied on UNODC as an implementing organisation while simultaneously being engaged in project implementation in the same field is noteworthy. While it is not at all uncommon that some, particularly large donors disburse assistance both directly and indirectly via intermediary organisations, some basic principles should be observed. An essential precondition of any project management implies that the implementing organisation must be equipped with a modicum of operational discretion and an agreed division of tasks. While the cooperation and task division worked well with regard to the establishment of the CJTF, the penitentiary component showed strong signs of friction and participants often worked at cross-purposes. In this respect the use of seconded experts 'embedded' in the UNODC field office needs to be reconsidered, as reporting lines and organisational loyalties seem to have been confused at times.

On a procedural level we would like to point out that the institutional supervisory structure laid out above was intended to provide at the level of the Counter Narcotics Steering Group macro-level, broad systemic policy guidance. It was not intended to serve as a micro-level, project management tool. The Project Review Committee and the Tripartite Review Mechanism were supposed to provide periodic supervision by the implementer and the beneficiary, not ongoing co-decision by the donor. This division of labour is inherent in the choice of the word 'review' which by definition comes after something has been done that can be appraised. Legitimate donor interests should be expressed at the project conception phase and through the vehicle of intermittent and/or terminal reviews/evaluations. Irrespective of management errors that were committed by UNODC and its implementing partners, we can state at this point that the degree of donor involvement in quite mundane day-to-day operational decisions led to considerable delays and placed significant personal strain on all involved.

The choice of ISISC as the main implementing partner for trainings appears to have been sound and the organisation has worked to the satisfaction of both the beneficiary and external observers. With regard to their methodology a stronger reliance on native language trainers (rather than foreign trainers using translators) might have been preferable, but their training-the-trainers (ToT) approach corresponds to general practice and despite its shortcomings presents a workable alternative.

The choice of UNOPS has been somewhat more controversial. Criticism has focussed on the delays and cost overruns in the construction and refurbishment of AFG/U10 and other projects, as well as the perception that inappropriate design choices were made, in particular with respect to heating and electricity supply. A related criticism concerned the perception that management fees charged by UNODC and UNOPS were cumulative percentage values and therefore became unacceptably high. As stated at the outset of this evaluation, we have not attempted to conduct a formal audit of the expenses undertaken in the course of this project and the following remarks should not be construed as such. Most collocutors, however, have raised the perception of unacceptably high management fees as a major concern. This issue has been particularly pertinent for the Afghan authorities and donors concerned about the cost-effectiveness of implementation. We have likewise been alerted to the issue by the staff of UNODC in our preparatory briefings. It should be noted that both UNODC and UNOPS have shown commendable transparency and frankness in our discussions of the issue.

In essence two distinct claims are at question. Firstly, the Afghan authorities have been dissatisfied with the delays and cost-overruns of this project, and particularly those of the related AFG/R87 project. Their representatives have argued that the estimated budgets were based on unrealistic 'first world' standards and that the exclusive reliance on Western project management (read UNOPS) with their expatriate staff and strict procedural requirements resulted in an unnecessarily cumbersome implementation process with high transaction costs. Reflecting a common criticism emanating from the Afghan civil service, it is alleged that the CPD and related governmental institutions would have been capable to oversee and contract the necessary works at much lower cost, greater speed, and potentially greater fitness for purpose. Echoing a widespread demand of the Afghan government, the CPD and MoCN have thus made a case that 'hardware' budgets, i.e. those not earmarked for technical assistance (i.e. international experts) should be channelled through the regular government budget. In part these claims have been seconded by some international observers, in our case especially by the American CSSP.

The issue of inappropriate 'first world' standards being superimposed will be discussed in the context of sustainability below. Irrespective of the standard applied, however, we have strong reservations that existing government structures are able to handle complex reconstruction and/or rehabilitation work while maintaining necessary standards of workmanship and accountability. Given the present low skill set particularly with regard to project management, procurement, and financial reporting, and the widespread occurrence of corruption, embezzlement, and misappropriation of public funds we question that the transfer of responsibility for physical construction and related

hardware to the government would be a viable course of action. While the claim that physical reconstruction and rehabilitation should eventually be handled within government channels is a shared goal and reflected in political statements of purpose such as the Afghanistan Compact or the ANDS, we note that at present the vast majority of all external assistance continues to be implemented by external actors.

Desirable as the end state of more direct local operational control and 'ownership' might be, we believe that the government needs to do much more to create operational capacity and to prevent misappropriation of donor funds before it can be entrusted with greater responsibility in this regard. We note that other international actors working in corrections have likewise been reluctant to delegate operational control over construction to government institutions. While taking note for instance of CSSP's harsh criticism of UNODC's methodology in prison construction and rehabilitation, we have not been convinced that their yet to be proven approach differs in any significant respect from the one deployed in AFG/U10 or AFG/R87. We have noted in particular that financial and operational control over procurement and construction is not delegated by them to Afghan institutions and are not convinced that there has been more substantial local input in design and concept. We therefore conclude that under present circumstances a more direct involvement of the government would not have been feasible.

With regard to the second point, the perceived high management fees charged by UNODC and UNOPS we have concluded that these have not been excessive but stayed within generally accepted limits. However, both organisations have done a poor job in communicating the reasons for delays and cost overruns in a timely manner, as well as failed to proactively address known concerns about management costs. Project Support Costs (PSC) deducted by UNODC from project budgets do not exceed 13% and are agreed at the outset with the donors. Given the relatively small size and specified mandate of UNODC, the organisation cooperates with other organisations, particularly of the UN family, for the implementation of project components for which it does not have a comparative advantage. In these cases the available amount for project support costs, i.e. 13% of the overall budget, is divided between the participating organisations. The relative distribution varies on a case by case basis, depending on relative involvement in project management. With UNDP this distribution is usually 3% vs. 10% in UNODC's favour. With UNOPS a division of 5.5% vs. 7.5% in UNOPS's favour had initially been agreed. Due to the very complex nature of project management and its attendant costs, this distribution was subsequently raised to 3% vs. 10% in favour of UNOPS. But irrespective of these internal arrangements, it should be stressed that administrative overhead never exceeded the agreed overall 13%. This fact was, however, poorly communicated to both beneficiaries and donors causing much unnecessary aggravation.

With regard to cost overruns in the project, UNODC and UNOPS have pointed to the fact that initial cost estimates were done in 2004 based on then prevailing conditions. However, the subsequent building boom and the deteriorating security situation led to vastly increasing prices in the construction industry. Furthermore, considerable interference in project execution and continuous re-designs demanded by the Project Steering Committee raised costs further. While acknowledging that there certainly exists

significant scope for improvement, we have the impression that both organisations cannot be faulted for adverse effects caused by external factors beyond their control. We do believe, however, that better and more proactive communication, in particular regular financial and/or project implementation briefings to donors could have deflected much of the criticism.

With regard to the choice of UNOPS as main contractor, there has been much criticism concerning their effectiveness in terms of results and costs. We are noting the somewhat mixed reputation the organisation has gained in its global operations as well as in Afghanistan. We are noting in particular the warning issued by the United Nations Comptroller of Finances to all UN agencies concerning the financial viability of UNOPS and recommending suspension of existing contracts by end December 2007, subsequently lifted recommending six-monthly reviews. There is therefore clear evidence that UNOPS is indeed suffering managerial problems. Nevertheless, we have come to the conclusion that in the projects under review their staff has performed professionally and produced adequate results given the extremely taxing structural and institutional conditions.

We have in particular been asked to evaluate the possibility for UNODC to take full control of similar undertakings in the future by hiring necessary expatriate staff with the professional qualifications necessary to oversee procurement and implementation of large-scale construction projects. We do not believe that such a course of action would be advisable because it would clearly lie outside the organisational mandate and thus comparative advantage of UNODC. Recalling the very reasoning that led to the creation of UNOPS in the first place, we would like to reiterate that the highly specific nature of the logistical and engineering challenges of physical construction are unlikely to be available to an organisation dedicated to a specific functional mandate. Irrespective of existing managerial shortcomings within UNOPS, we do not believe that their specific capabilities and know-how could be easily replicated within UNODC. We therefore recommend the continuation of the partnership with UNOPS, albeit with a greater emphasis on continuous supervision and the provision of clearer operational guidelines.

3. OUTCOMES, IMPACTS AND SUSTAINABILITY

3.1 Outcomes

The standard by which to determine whether the project has made a tangible difference to the drug problem or improved people's lives is contained in the project document: "In order to raise the perceived risk for engaging in illicit drugs related activities and to promote public trust in the justice system in such symbolic area as drug related crime, there is a need to enhance Afghan government's capacity related to investigation, prosecution and sentencing of serious drug related crime." All three factors are difficult to measure, however, due to the absence of reliable benchmarks before and after the intervention. Given the scope and number of challenges characterising the Afghan condition it is not surprising that in absolute terms all three factors remain exceedingly low and disappointing. A fairer and analytically more useful approach is therefore to measure the extent to which the project has contributed to the relative progress of these three indicators.

In absolute terms, the perceived risk for engaging in narcotics trafficking remains very low, especially for those individuals and groups at the higher end of the hierarchy. The intimate connection of the drugs trade with the war economy of the past decades of conflict has resulted in deep structural continuities that cannot be simply abolished by administrative fiat. Moreover, the weakness of the government not only prevents it from attacking these interests head-on, but makes it actually dependent on military and political support by many with strong linkages to the drug trade. The lack of cultural disapproval furthermore weakens governmental resolve and limits its potential ability to push through an unpopular and costly counter narcotics campaign worthy of its name. For these and a host of other reasons, not least of which is the personal benefit many in the administration derive from the drugs trade, there are strong indications that the publicly stated resolve of the government in the counter narcotics field exists in name only.

Given these structural factors that work highly to its disadvantage, the CJTF and the CNPA have achieved fairly satisfactory results, reflected mainly in the steadily growing number of investigations conducted, persons prosecuted and convicted. Whether these figures are sufficient to contribute to one of the first two outcomes, i.e. increasing the perceived risk to offenders and promoting public trust in the justice system is an essentially political and long-term issue that eludes easy measurement.

Nevertheless, the CJTF concept, i.e. the isolation of a small number of professionals from their dysfunctional institutions and providing them concurrently with material, technical and moral support, remains sound and appears to have been largely successful. The mentoring system has been successfully handed over to a number of donor nations who have taken over operational and financial responsibility from UNODC. The concept continues to hold a lot of promise and could very well become a model for similar interventions in other post-conflict situations.

The penitentiary aspect of the project, in contrast, cannot be considered a success. While the original concept appears to have been sound and well thought-through, it is difficult to envisage how it could have achieved its intended goals once the decision had been taken to take Block 4 away. Based on the original numbers, this decision amounted to a reduction in potential inmate population by more than 92% (from 650 to 50). The factors having led to this decision have been beyond the control of UNODC, and given the very strong donor interest in the continuation of the project it is likewise not conceivable how UNODC could have refused the continuation of the rehabilitation in the face of dramatically worsened conditions. This decision has been the outcome of an evident conflict of interest between the military needs of the Coalition (Block 4 was reassigned to house 'enemy combatants' and terrorism suspects) and the interests of these same governments in the success of the counter narcotics effort. With the failure to reassign a suitable alternative structure it became evident that it would be impossible to achieve the final outcome envisaged in the project document.

The persistent subsequent design changes can be interpreted as the desperate efforts by both donors and implementers to salvage what had become a fundamentally flawed project component. With hindsight and from a purely functional perspective, it would have been advisable to suspend the rehabilitation until a coherent alternative concept could be identified. Having said that, we are aware that for political reasons this option de facto did not exist.

Irrespective of the numerous shortcomings in the subsequent implementation (and the argument could be made that the dramatically reduced size of the object to be rehabilitated should have made physical project execution easier than envisaged), the relatively small size and very high security standard of the facility make it difficult to describe its obvious target. Those currently processed and sentenced by the CJTF are far too numerous and not dangerous enough to be placed in such a facility, while offenders of a sufficiently high calibre remain de facto untouchable. The professionally understandable decision of the prison service to use its most secure facility for the most dangerous offenders actually in its custody, namely the recent placement of inmates sentenced to capital punishment, however, has caused wide-spread negative reactions. The completion of the facility has clearly given the government previously unavailable capabilities for incarceration. But whether these will be used to combat drug trafficking, and whether public knowledge of such use will contribute to higher perceived risk for drug offenders and resulting higher public trust appears very doubtful.

3.2 Impacts

Those officials who were selected into the CJTF benefited from the initial training and continuous professional mentoring provided by the project. Periodic expansion of the task force and the eventual rotation of personnel back into the normal police, prosecution and judicial service worked well and permits cautious optimism that some of the skills acquired will be passed on to the respective institutions at large. By definition the CJTF cannot be more than a temporary fix pending the reconstruction of the justice sector as a whole. This goal, however, remains elusive although important progress has been achieved.

Starting from an extremely low baseline, the capacity of the Afghan prison service has improved. The transfer of operational responsibility from the MoI to the MoJ met significant obstacles but appears to be on track now, not least due to the sustained efforts of UNODC through a variety of distinct programmes. But the contribution of AFG/U10 to CPD capacity building remains limited. The physical capabilities placed at their disposal in the form of the high-security facility are indeed new. Whether a facility of this type addresses the most urgent needs of the prison service can be questioned though. A high-security facility assumes that there is sufficient official determination to go after dangerous criminals and to keep them incarcerated. Both assumptions appear fundamentally flawed as the commitment of the government to effectively fight the soaring drug trade is not existent. There are strong indications that the likelihood of escape is not proportional to the security standards of the facility but the ability of an inmate to buy himself out. The deplorable events of October 2007 allow the suspicion that they were staged to allow the deliberate escape of a well-connected prisoner. It is thus questionable whether in such circumstances the provision of a high-security facility is able to make a difference.

3.3 Sustainability

The CJTF and CNPA benefit at present from preferential salaries through the ARTF and LOTFA budget lines and have likewise profited from the external provision of equipment, rehabilitation of facilities etc. In the short-term the external funds necessary for these expenses have been well spent, given the importance of law and order. In the medium- to long-term, however, these costs will have to be covered through the regular government budget. Unfortunately, the Afghan government has never been able to collect sufficient quantities of resources and its present income structure does not bode well for meeting the multitude of expectations raised not least through direct assistance projects such as the present one.

This problem is particularly pronounced in the corrections field. Prisoners almost by definition do not enjoy a particularly high priority when it comes to the allocation of public resources. Criminal incarceration in any society involves an element of punishment alongside other considerations such as reform and reintegration etc. This punitive aspect is reflected in the living standards deemed appropriate for inmates and the amount the public purse is willing to spend on improving them. Given the harsh living conditions under which most Afghans live, there is a disconnect between the minimum standards the international community deems indispensable and those the Afghan public considers adequate for criminal inmates. In the context of the projects under review this tension has been particularly pronounced with respect to heating. The decision particularly in provincial prisons not to include any provision for heating has been criticised as an obvious omission. But given social realities it is difficult to see the government ever providing the necessary funds for actually operating such facilities. Even if necessary public funds could be provided, however, given existing income structures strong precautions would have to be taken to prevent embezzlement by prison administrators. These structural considerations do not bode well for the sustainability of most international assistance in the corrections field.

It is difficult to assess to what extent benefits will continue beyond the duration of this programme. With respect to the CJTF, and keeping in mind its inherent political limitations outlined above, we have a cautiously optimistic outlook. The broad support by a variety of international actors will ensure the continued provision of necessary funds and technical assistance, as well as ensuring a modicum of political backing. The individual officials appear to have benefited substantially from their collaboration with the mentors and the streamlined institutional structure within the task force. Their eventual rotation back into their normal institutions (AGO, SC) needs to be monitored in order to ascertain the extent to which their respective institutions have been able to benefit from their experience.

It is reasonable to assume that the human capacity of the members of the CJTF and CNPA have been strengthened as a result of the intervention. Likewise the institutional capacity of the CJTF has achieved a momentum which bodes well for the sustainability of its operations. Whether these capabilities will persist if and when its mandate will be folded back into the normal justice system is difficult to foresee. The importance of continuity and sound institutional arrangement is underscored when compared to the penitentiary side of the project. Here the lack of a coherent body of professionals and continuous institutional arrangements has resulted in the dispersal of the originally trained group of wardens. It does not appear likely that the high-security facility once handed over will be operated by a suitably qualified and monitored group of professionals. It is therefore unlikely that the intended institutional benefits will be achieved, much less sustained into the future.

4. LESSONS LEARNED AND BEST PRACTICES

4.1 Lessons

The basic concept behind the creation of the CJTF is a noteworthy response to the challenge of a dysfunctional, large, competitive, largely uncooperative, and corrupt justice system. Its underlying essence is furthermore highly relevant to the general task of administrative rebuilding in Afghanistan and beyond. The concept amounts to the isolation of small pockets of excellence from the nefarious influences of the surrounding dysfunctional organisational culture and institutional system. Their small size, functional and physical concentration permits the focussing of material and technical assistance in order to visibly raise administrative output and service delivery.

This approach holds a lot of promise, particularly given the sobering experience with the public administration reform (PAR) process in Afghanistan so far, which has produced few positive outcomes in the face of bureaucratic obstructionism and the fierce defence of established fiefs. The relatively smooth cooperation of the relevant institutions which seconded staff to the CJTF is the result of careful and patient personal engagement by UNODC and other international actors with the relevant national counterparts. The amount of trust and professional respect enjoyed by UNODC staff resulted in a remarkable degree of access to Afghan officials not only at the formal political level, but, importantly, at the functional professional level where we witnessed a remarkable appreciation for UNODC's legal expertise.

Afghan acceptance of such advice is not at all common and is generally the result of personal trust built upon respectful, non-patronising, and collaborative interaction by international staff. The result has been a relatively high degree of local 'ownership' particularly concerning legislative review etc. There is a fine line, however, between the necessary respect of local administrative autonomy and bureaucratic idiosyncrasies on the one hand, and the abdication of necessary conditionality on the other. In the course of this project a number of crucial commitments were not adhered to by the counterparts, without resulting in any negative sanctions. While acknowledging the political and organisational constraints under which UNODC operates, a stronger reliance on penalising unconstructive behaviour appears necessary.

This presupposes, however, a modicum of commonality between international actors. But given divergent organisational and political interest such unity of purpose is hard to come by. Nevertheless, some institutional arrangements are more likely than others to produce a coherent voice to present to government counterparts. The initial secondment of national experts directly to the UNODC Country Office produced a relatively high level of administrative friction. It is preferable that project staff should be properly budgeted, hired under standard procedures, and reporting within UNODC hierarchies. Relations with donors should be handled by the appropriate managerial levels of UNODC, not at subordinate staff level. The secondment of national experts remains an important tool and positive results have been achieved in the justice field. However, reporting lines, organisational structure, and political responsibility must be

clear and should remain separate from multilateral implementing organisations. Both the requisite neutrality of the United Nations and basic managerial efficiency should rule out the blurring of responsibilities and loyalties that caused some problems in the initial stages of this project.

Communication is essential for maintaining constructive relations with donors and beneficiaries. The effective and timely reporting of envisaged problems is crucial for managing the inevitable readjustments necessitated by a highly fluid post-conflict context. Donors and beneficiaries can be expected to be quite understanding when faced with delays and/or cost overruns, provided they are informed proactively and transparently.

4.2 Best Practices

UNODC staff in Afghanistan, both national and international, enjoy an enviable reputation for personal dedication, intimate familiarity with local conditions and access to local decision-makers. The reasons for this welcome state of affairs lie partly in the high competence of local project coordinators, the availability of exceptionally good translators, and the above average length of in-country service of international staff. The latter are also to be commended for their open working relationships with other organisations working in the sector, both from within the UN family and without.

The organisation of the CJTF mentorship programme is likewise commendable for its ability to successfully coordinate different bilateral efforts while ensuring that operational responsibility is clearly attributable to the respective embassies/project offices.

The apparent regularity of personal contact between UNODC project staff, both national and international, and the beneficiary is indispensable for the attainment of project objectives. The uncommon level of access enjoyed by project staff even under the difficult/sensitive conditions prevailing in the prison service are the direct result of this dedication. Similar dedication is shown by some of the international CJTF mentors. This dedication is noteworthy because too often international staff prefer to remain in the relative comfort of their offices rather than expose themselves to the obvious inconveniences of working within the sub-standard conditions and linguistic challenges that characterise the Afghan administration.

Both in this project and even more in the other projects under review, UNODC has shown a great ability to adapt project design and implementation flexibly to changing external conditions. There are at times certain drawbacks to this willingness to be flexible, as outlined above following the reassignment of Block 4. But as a general managerial principle it is an indispensable ability in such a fast changing post-conflict environment.

4.3 Constraints

The most pertinent constraint standing in the way of the full attainment of project objectives lies in the ability and willingness of the government to live up to its obligations. The aim of the project has been stated as “assist[ing] the Afghan government in its commitment to build up the national capacity to comprehensively address serious drug related offences.” No amount of external assistance, however skilful, generous or sophisticated, can substitute for the lack of official commitment to tackle the narcotics trade. This commitment is, unfortunately, largely absent, and perhaps unrealistic given the de facto distribution of power in Afghanistan. Accepting these realities will dramatically affect what results can be reasonably expected from an individual assistance project, if not making its stated goals outright problematic preferences.

Apart from this lack of political leadership, at the administrative level the Afghan condition is characterised by a highly informal, personalised bureaucratic culture. This has important repercussions for the durability of agreements and decisions in the face of frequent personnel rotation, often necessitating time-consuming and costly re-negotiations. This lack of institutional stability has likewise had important negative implications for the effectiveness of the intervention; particularly evidenced in the dispersal of the initially trained group of penitentiary staff.

Dramatic cost explosions particularly in the construction sector have posed significant difficulties for project implementation. With hindsight more robust budgeting would perhaps have been able to better withstand these external price shocks but residual problems would have persisted in any case given the size of price increases.

Closely related is the dramatically worsening security situation, especially in the provinces. Its impact has been more dramatic for some other projects undertaken by UNODC, but even for the present project it has resulted in added difficulty and costs in the recruitment of international staff. Recent security incidents have led to the reassessment by some donor nations of the continued viability of their commitment to the mentorship programme. It should also be noted that local CJTF and CNPA staff has likewise been exposed to a significant and growing threat to their and their family's personal safety emanating from criminal and political opponents of the government.

The existence of distinct national agendas of donors has placed UNODC at times in a difficult position. These constraints are of a structural nature and by no means limited to this project but affect the entire international reconstruction effort in Afghanistan. It could be summarised as the tension emanating from the unconditional backing of the government in a common fight against the remaining extremist challenge of the ancien régime, and the necessity to hold this government accountable to its commitments towards the rule of law, administrative efficiency, and cost effectiveness. This tension remains unresolved and underpins most of the problems encountered in state building in Afghanistan. It is likewise reflected in the contradiction in international policy, often involving donors advocating mutually exclusive policies. The reassignment of Block 4 to the fight against 'terrorism' rather than the counter narcotics effort is a case in point.

5. RECOMMENDATIONS

5.1 Issues resolved during the evaluation

No major issues arose in the course of the evaluation. We found UNODC staff and the majority of stakeholders to be very forthcoming with information and frank during discussions. Given the contentious nature of some elements of the present project, some donors and other collocutors have criticised UNODC management. We have been very satisfied with the openness with which UNODC arranged the evaluation, deliberately arranging meetings with known critics of their programme. Some of these critics expressed bewilderment at what they perceived to be a renewed evaluation within six months of the previous one. They expressed their displeasure that the previous mission's findings had not been shared with them and suspected that the present evaluation team had been commissioned to 'cover up' the previous one and furnish more accommodating findings. Not having been aware of this previous evaluation and not being able to find any reference to it in the project documents, we raised the issue with UNODC. As noted elsewhere in this report, this previous mission consisted of thematic review by UNODC Headquarters' Independent Evaluation Unit on Rule of Law, not an evaluation of any particular project and not intended for general consumption. On raising the issue we were reassured that our report would be broadly circulated to donors and other stakeholders and the nature of the previous mission was explained to us. This information was communicated to the stakeholders, together with a clarification of the previous mission. This type of effective communication prevents the kind of misunderstandings that have beset the project in the past. It is appropriate to note here that donor representatives have asked for direct electronic distribution of the evaluation's findings as the distribution of hard copies by Headquarters via donor embassies in Vienna is cumbersome and time consuming.

UNODC and UNOPS have been very accommodating with regard to providing access to physical sites and arranging for special meetings requested by the evaluation team. We are particularly grateful of the time and care taken by UNOPS to explain in repeated meetings the details of their implementation of the project. During our visits we noted some potential security problems in the prison facility under construction and brought them to the attention of UNOPS and the Afghan authorities, in particular the security risk inherent in the ladder-steps welded to the light poles. We were assured that these were intended only to facilitate construction and would be removed prior to hand-over.

Some of the meetings with Afghan officials were conducted at the request of the evaluation team without representatives of UNODC being present. Due to the highly personal nature of relationships in Afghanistan these meetings were challenging and the officials proved to be unforthcoming. This has alerted the evaluation team to the differences in professional culture and the importance of building personal relationships of trust. In subsequent meetings local representatives of UNODC accompanied us but they went out of their way to encourage officials to speak their mind and we did not have the impression that local officials felt at all constrained in voicing their concerns. But while acknowledging the different cultural habits and modes of professional interaction prevailing in Afghanistan, we nevertheless would like to express our

bewilderment at the reception by the Head of the CPD. This is particularly regrettable given the controversial circumstances of his predecessors dismissal and the prominent role played by the CPD as key beneficiary of the project.

The staff of the Country Office facilitated our investigation to the best of their abilities and provided necessary information in a timely and efficient manner.

5.2 Actions/decisions recommended

The basic concept behind the CJTF is useful and the possibilities for its application to other aspects of judicial reconstruction and administrative reform should be explored. We are not in a position to comment on the cost-effectiveness of the mentoring programme, but its relatively concentrated and practical approach appears to produce much better results than similar secondment of international experts that concentrate merely on giving advise to senior decision-makers. Therefore we consider the provision of ongoing, on-the-job advice from peer to peer to have great potential. In the desirable application of this tool to future endeavours, however, strong emphasis should be placed on the actual immersion of the international experts into the actual working environment of their Afghan counterparts.

The high-security facility cannot be considered a model of emulation. Its intended standards are presumably too complex and unsustainable, particular with regard to the cost of incarceration. The problem of the placement of large numbers of relatively low-risk drug offenders persists and needs to be tackled through the rehabilitation of suitable sections for instance at Pol-e Charki. Given the large size of the facility and its general state of disrepair, and given further the large amount of available labour and the corresponding need to occupy and train inmates, it might be desirable to follow international practice and provide material and technical assistance to enable the prison administration to take a greater direct part in the physical rehabilitation by employing inmates as craftsmen for some of the tasks. Irrespective of the manner of its implementation, a replacement facility of similar capacity to the reassigned Block 4 must be urgently identified in order not to jeopardise the relatively successful work of the CJTF.

The completion of the purpose-build CJTF facilities should be pursued as a matter of urgency.

UNDOC should ensure that adequate personnel resources are available for the management of projects, thereby avoiding overworking particularly its international staff. We would like to underline that the International Project Coordinator fulfils a key managerial, supervisory, coordinating, and reporting function not easily substituted by other staff with full portfolios. As stated in the ToR for this post annexed to the project document, we agree that the emphasis should lie on “proven managerial and organizational ability including experience of financial management” rather than of necessity being a fully qualified lawyer.

6. OVERALL CONCLUSIONS

It is difficult to convey to those unfamiliar with the situation on the ground just how challenging an environment Afghanistan is. The justice sector has proven to be particularly intractable and difficult, and here again criminal law and corrections are widely recognised to be more resistant to outside involvement than other areas. These difficulties must be borne in mind when assessing the contribution of an individual project and evaluating the professional performance of those involved. Despite being a relatively small player, UNODC has built an excellent reputation and enjoys a large level of trust and respect among both national counterparts and international partners. This enviable reputation built under very taxing circumstances has been the result of the dedication of a relatively small number of dedicated professionals which is hereby explicitly acknowledged.

The operations in Afghanistan constitute a significant portion of UNODC's global activities, conditions in and perceptions of this Country Office have therefore a disproportionate bearing on the organisation as a whole. The present project has caused significant controversy with a number of high-profile donors and has considerably affected their perception of UNODC as a whole, risking in the process to eclipse its long track-record of successful work in Afghanistan and elsewhere. Having independently reviewed the implementation and outcome of the project we have identified a number of shortcomings and managerial errors outlined above. In conclusion, however, we can state that much of the criticism has been unnecessarily *ad hominem*, apportioning responsibility solely on UNODC for structural failings often beyond its control.

Nevertheless, without passing judgement on the managerial efficiency of the Country Office as a whole, we see some scope for improvement with respect to the present project. The provision of a dedicated International Project Coordinator with proven managerial and financial reporting skills as envisaged by the ToR of the project document would have gone a long way in deflecting much of the external criticism. It is advisable that the organisation in the future proactively engages the donor community with a clear recognition of those shortcomings for which UNODC has been responsible, while explaining those factors attributable to others or *force majeure*. The present evaluation serves a prominent role in such an endeavour.

Concerning the substantive outcome of the project, it is important to stress that it consisted of two distinct but related fields of activity. Those elements dealing with the original establishment, training, and operationalisation of the Counter Narcotics Criminal Justice Task Force (CJTF) have been very successful and completed on schedule. Support for the task force has subsequently been passed on to a consortium of bilateral donors. This planned transfer of responsibility and the successful current work being provided by these bilateral donors should not, however, detract from UNODC's crucial initial contribution in the framework of the project evaluated here.

The other half of the project concerning the rehabilitation of a suitable high-security penitentiary to serve the CJTF cannot be considered a success. Irrespective of numerous subsequent problems with its design and implementation, a good case can

be made that as early as September 2005 this component had already been damaged beyond repair. The decision to reassign the target structure to different use without providing a suitable alternative was motivated by a number of external factors including Coalition preferences. Likewise the decision not to abandon the rehabilitation component of the present project but to persevere with the implementation despite manifestly altered circumstances has not been taken by UNODC alone, but followed strong donor preferences. This followed a pattern of strong donor involvement evident from conception to conclusion of the project. Given the prominence of the counter narcotics field and the political imperative to visibly produce results this involvement is understandable. But we cannot but underline that much of this involvement has been counter-productive when it impacted normal managerial autonomy and resulted in cumbersome institutional control arrangements.

The use of nationally seconded staff to a UN agency bears certain inherent risks affecting the neutrality and effectiveness of the latter. These risks have to be balanced against the perceived benefits in terms of cost and access to rare technical expertise. At any event reasonable arrangements respecting organisational autonomy and reporting lines need to be taken to ensure effective project implementation.

Sub-contracted implementing organisations play an important role in the work of a functionally specialised organisation such as UNODC. Despite certain problems during the execution of this project, the choice of UNOPS continues to be defensible and it is not advisable for UNODC to attempt to replicate the requisite functional capabilities by directly hiring the necessary engineering and logistical expertise. But in order to ensure continued donor and beneficiary acceptance, both organisations must be more transparent and proactive in the explanation of their cost structure and design choices. Much of the criticism of managerial aspects of this project has, however, detracted from the fact that donors have found UNODC to be a convenient and reliable tool to engage in an extremely difficult sector. It is obvious that the UN does enjoy certain tangible advantages in this respect, nevertheless its comparative advantage is based on neutrality and professionalism. Preserving this comparative advantage requires donors to maintain a reasonable degree of distance from daily operations.

On a more fundamental level, the political environment in which the project is placed must be taken into due account when assessing its effectiveness. In the given context much of the envisaged project benefit could not realistically be attained without sufficient commitment by the government of Afghanistan to counter the narcotics trade. Better ways need to be found to ensure that given commitments are adhered to, and donors have to assume a particularly prominent responsibility in this regard. Some form of conditionality and sanctioning system needs to be put in place to ensure structural preconditions for project success. More constructive cooperation between the various organs of the government and greater acceptance for its ultimate responsibility is necessary.

Annex I: List of Collocutors

Mr Sayed Afzal, UNODC National Project Coordinator (AFG/R87)
Mr Zaid Hadir Nasrat Al-Farisi, Resident Representative, ISISC
Ms Hangama Anwari, Human Rights Commissioner, IAHR
Ms Meryem Aslan, UNIFEM Representative
Ms Elizabeth Bayer, UNODC Deputy Representative
Ms Anou Borrey, Gender and Justice Specialist, UNIFEM
HE Sarwar Danish, Minister of Justice
Mr Francis Davis, Prosecution Mentor CJTF, British Embassy
Mr Bob Gibson, Director, Correction System Support Program (CSSP)
Ms Helle Kristin Gulseth, Defence Attorney Mentor CJTF, Norwegian Legal Mission
Ms Dorothea Grieger, Child Protection Specialist, UNICEF, former UNODC staff
Mr Sayed Yousef Haleem, DG of Legislative Department, Ministry of Justice
Mr Radifullah Hamid, National Project Coordinator (AFG/U10)
Mr Michael E. Hartmann, Senior Rule of Law Officer, UNAMA
HE Mohammad Q. Hashimzai, Deputy Minister of Justice
Mr Abdul-Basit Hotak, National Program Officer, ISISC.
Mr Abdul-Salam Issmat, DG Central Prison Department (CPD), Ministry of Justice
Mr Jehanzeb Khan, UNODC Project Coordinator, Demand Reduction Unit
Mr John Moarse, Programme Manager, UNOPS
Mr Bill Murray, Prison Advisor, British Embassy
Ms Massouda Nawabi, Project Coordinator, Legal Aid Fund, Medica Mondiale
Ms Shukria Noori, National Project Coordinator (AFG/S47)
Mr Terje Nyboe, Prosecutor Mentor CJTF, Norwegian Legal Mission
Ms Suzana Paklar, Country Representative, Medica Mondiale
Mr Matteo Pasquali, UNODC International Justice Programme Coordinator
Ms Sara Rezoagli, 1st Secretary, Italian Embassy
Mr Michael R. Runnels, Deputy Director, CSSP
Mr Christopher Serjak, Programme Manager, UNOPS
Ms Whitney A. Sims, Programme Monitoring and Development Officer, UNOPS
Ms Soraya Sobhrang, Human Rights Commissioner, IAHR
Mr Ian Turner, Senior Prison Advisor, British Embassy
Mr Jean-Louis Van Belle, Head of Mission, Belgian Embassy

Annex II: Terms of Reference for Final Evaluation



UNITED NATIONS
Office on Drugs and Crime

TERMS OF REFERENCE FOR FINAL EVALUATION

Project AFG/U10

**Fast-track Capacity Building for a functioning
Counter-Narcotics Criminal Justice System**

1. BACKGROUND INFORMATION

Afghanistan has become the world's largest source of illicit opiates. After Taliban's regime fall, the Transitional Islamic Government of Afghanistan requested the international community to provide assistance to effectively implement the ban on cultivation, manufacturing and trafficking of illicit drugs as explicitly expressed in the Afghan National Drug Control Strategy adopted on 18 May 2003, also enshrined in the NDCS revised in 2006.

The counter narcotics law enforcement structure was developed within the Ministry of Interior, as the Counter Narcotics Police of Afghanistan (CNPA). CNPA's substantive structure is composed of three Units (Investigation, Interdiction and Intelligence), which in combination enable effective drug law enforcement. Since its establishment, the institutional capacity building of CNPA needed to be sustained and further developed, especially at the provincial level. An urgent need existed also for the establishment of essential physical infrastructure, provision of equipment, training, and provision of know-how and financial resources to reconstruct the criminal justice system. Indeed, the lack of prosecution of drug related crime contributes to the perception of low risk associated with illicit drug related activities and fosters disrespect for the rule of law. In order to raise the perceived risk for engaging in illicit drugs related activities and to promote public trust in the justice system in such symbolic area as drug related crime, a need was identified to enhance Afghan Government's capacity related to investigation, prosecution and sentencing of serious drug related crime.

This project AFG/U10 was designed in line with Afghanistan's major needs, shortcomings and challenges in the drug prevention and crime control sectors. Drug control, crime prevention and countering terrorism have been on the top of the political agenda at all international forums related to Afghanistan's recovery, rehabilitation and reconstruction process. On October 7th 2002, President Karzai issued a decree appointing his National Security Adviser to take charge of all activities related to preventing drug production, consumption and trafficking. Subsequently, the Counter Narcotics Directorate (CND) was established within the National Security Council (NSC) to coordinate and monitor all counter narcotics activities of the Government. It was later transformed into the Ministry of Counter Narcotics (MoCN). The current project was planned in line with the priorities identified by the Counter Narcotics Steering Group (CNSG) in May 2004, especially relating to the need for improved national capacity in the field of law enforcement and of strengthening of the rule of law to effectively deal with serious drug related crimes.

Against this background, project AFG/U10 was elaborated in order to assist the Afghan Government in its commitment to build up the national capacity to comprehensively address serious drug related offences in the country, through strengthening institutional capacity to arrest, investigate, try and detain serious criminal offenders suspected and convicted of drug related crimes. With a total budget of US\$ 3,446,300 and an initial duration of 24 months, the project's main aims were: (i) to improve the professional skills and service delivery of selected key professionals in law enforcement and criminal

justice to be part of a Counter Narcotics Criminal Justice Task Force to enable the Afghan government to bring offenders of drug related crime to justice; (ii) to set up the physical infrastructure and strengthening the institutional capacity to arrest, investigate, try and detain/imprison serious criminal offenders, in particular illicit drugs related crime; (iii) to provide continuous support and guidance to the Task Force members ---and therefore the institutions they belong to--- in the application of learnt knowledge to the day-to-day operation through creation of a mentorship mechanism, to oversee and advise on all aspects of the proceedings as well as on the administration of the high security prison. Project execution started in March of 2005.

The project's budget and duration were revised in August 2006 (respectively US\$ 3,746,000 and 34 months) in order to ensure proper training of the penitentiary staff, as they were entrusted with the management of a High Security prison. The duration was therefore extended to allow the mentorship system to be effectively established, whereas objectives and outputs remained unchanged.

The evaluation should examine progress achieved in light of these objectives but also taking into account the conditions under which implementation has occurred.

2. PURPOSE OF THE EVALUATION

The overall purpose of this evaluation is to determine what the project has achieved and if it has attained its objectives successfully and efficiently, taking into account the often difficult conditions on the ground in Afghanistan. In this regard, the extent to which the needs of the beneficiaries are being met as well as what has been achieved in terms of impact and sustainability should also be assessed.

The evaluation will seek to draw lessons and good practices from the project implementation which will be used to improve future project planning, design and management. Furthermore, the evaluation must seek to measure the project's achievements, outcomes and impacts, both positive and negative.

The main stakeholders of this project are: (i) the Ministry of Interior (CNPA), the Ministry of Justice (Central Prison Department), the Supreme Court, the Office of the Attorney General and the Ministry of Counter Narcotics, (ii) law enforcement and criminal justice professionals (judges, prosecutors, law enforcement officers of the CNPA, penitentiary police assigned to the high security prison) and (iii) international organizations such as UNOPS and UNAMA as well as donor countries and governmental and non-governmental organizations.

3. EVALUATION SCOPE

The evaluation shall focus mainly on the project's concept, design, implementation, results, outputs and outcomes. The evaluation should appraise:

(a) Project concept and design:

The evaluation should analyse whether and how the project contributed to a priority area or comparative advantage for UNODC. It should review the problems identified by the project and the corresponding strategy chosen in order to address these. The evaluation should also encompass an assessment of the relevance and attainability of the objectives and of planned outputs, activities and inputs, as compared to other cost-effective alternatives. An analysis of the clarity, logic and coherence of the project should also be conducted. Some of the questions that this evaluation should address are:

- Are the objectives of the project aligned with the current policy priorities and action plans of Government of Afghanistan, Compact, Afghanistan Development Strategy, and UNODC mandates?
- Is the design of the project technically sound? Are the project objectives clear, realistic and coherent in terms of collectively contributing to the achievements of the Strategic Programme Framework and Afghanistan Development Strategy, and other strategic instruments?
- Are response activities and implementation strategy appropriate for meeting stated objectives, with a focus on assessing project elements directly related to capacity building, coordination and sub-contract performance?
- How well do the project objectives reflect the specific nature of the problem and needs of counter-narcotics capacity and policies in Afghanistan?

(b) Objectives, outputs, impact and sustainability:

The evaluation should seek to determine whether results have been achieved, and if not fully, whether there has been some progress made towards their achievement. Taking into account these factors, the overall impact of the project should be assessed. This should also encompass the likely sustainability of results and benefits as well as the project's contribution to human and institutional capacity building. The beneficiaries' perception towards the achievements should be taken into consideration, as appropriation is an important factor in determining sustainability. Another fundamental aspect in result sustainability is beneficiary capacity building (have the beneficiaries gained the necessary tools and skills?). Furthermore, financial sustainability should also be assessed (for instance, once the project is terminated, will the benefits be self-sustainable?). Some of the questions that this evaluation should address are:

- To what extent the project contributed to the achievement of Afghanistan Compact and or Strategic Programme Framework and Afghanistan Development

Strategy? What are the reasons for the achievements and non-achievement of objectives?

- Have improvement of leadership skills been enhanced at institutional and individual levels in order to drive coordination and more effective actions of Judges, Prosecutors, Law enforcement officers of the CNPA, Penitentiary police assigned to the high security prison?
- Was the setting-up the physical infrastructure (Maximum Security Prison) completed? Are the related home rules in line with the UN Standard Minimum Rules for the Treatment of Prisoners and the principles contained in the new Afghan Penitentiary Law?
- Has the operational capacity (skills and service delivery) of the Counter Narcotics Criminal Justice Task Force been increased through training and improvement of working conditions?
- Has a mentorship system and mechanism to be composed of experts been set-up? Has it helped the day-to-day operation through creation of a mentorship mechanism, to oversee and advise on all aspects of the proceedings as well as on the administration of the high security prison?
- Has training contributed to enhanced cooperation among related key professionals (while fully respecting the separation of power and responsibility) and strengthened the overall institutional capacity to arrest, investigate, try and detain/imprison serious criminal offenders, in particular illicit drugs related crime?
- Was training material produced and is it available for further future use by the Government and concerned authorities?
- Is there any improvement in programming and acting in terms of addressing, country problem related to drug related offenders (investigation, prosecution and criminalization) and producing results over the period of time?

(c) Overall implementation process:

The evaluation should assess how effectively/efficiently project planning and implementation have been carried out. This includes assessing the extent to which organizational structure, managerial support and coordination mechanisms used by UNODC effectively support the project. Efficiency should be analyzed namely as the project's capacity to achieve the desired effects at an acceptable cost when compared to alternative approaches reaching the same effects. The role played by the field office in the development and implementation of the project or programme should also be assessed. The evaluation will analyse problems and constraints encountered during implementation as well as the quality and timeliness of inputs and the efficiency and effectiveness of activities carried out. Some of the questions that this evaluation should address are:

- Were alternative less costly interventions modalities considered in designing this project? Do they exist? To what extent has UNOPS been efficient, effective and transparent?
- Are there less costly methods which could achieve the same outcome/impact at the beneficiary level?
- To what extent was a transparent operating environment and accountability of government established?
- To what extent have partnership been sought with other relevant actors (including UN-agencies) and synergies been created in the delivery of assistance?
- Was there effective coordination among government, UNODC and other implementing partners including donor countries?
- Has adequate and appropriate backstopping support been provided by field and HQ staff (administrative / managerial support and coordination)? Have partner institutions fully and effectively discharged their responsibilities?
- What are the positive and negative, intended and unintended, effects of interventions on people, institutions and the physical environment?
- What are the perceptions of the different stakeholders, especially government of Afghanistan, implementing partners, other UN agencies, bilateral and multilateral donors, about the overall impact of UNODC's project activities?
- How were project internal UNODC factors affecting effectiveness, including human resources logistic support, and the predictability and regularity of resources and flexibility of the budget (UNODC constrains)?
- How are project external factors like limits on access to interventions sites, human resource constraints etc. impacted on effectiveness (security situation)?

(d) Lessons learned from the concept, design and implementation of the project, as well as good practices:

Recommendations may also be made in respect of issues related to the implementation and management of the project as well as follow up projects (e.g. AFG/R42 phase II) dealing with the same or similar issues. The evaluation shall assess in what ways the project design and/or delivery can be improved to enhance its effectiveness. The evaluation should identify the key elements, assumptions and risks for the development of similar initiatives in other regions. Some of the questions that this evaluation should address are:

- To what extent have the findings and recommendations from the past project evaluations been followed up and implemented to address some of the challenges already identified.
- Do the project interventions have a potential for scaling up or replication?

- What are the outstanding needs of the Counter Narcotics Task Force and involved institutions?
- What are the good practices, and blueprint for the expansion to the provinces of the capacity of the Counter-Narcotics CJTF?

4. EVALUATION METHODS

The evaluation team should present a detailed statement of evaluation methods or the approach used to identify information sources and collect information during an evaluation, and to analyse the data. The evaluation methods will include:

- (a) Document review: this will comprise of all major documents, such as the project documents, progress and monitoring reports, terminal narrative reports, as well as assessments, manuals developed under the project etc. (desk study)
- (b) Visits and interviews to Ministry of Justice, Central Prison Department, Supreme Court, Attorney General Office, the Criminal Justice Task Force, Ministry of Counter Narcotics, United Nations Assistance Mission in Afghanistan (UNAMA)-Rule of Law Unit, UNAMA-Human Rights Unit, UNOPS, International Institute of Higher Studies in Criminal Sciences (ISISC), EC, and other relevant stakeholders and interviews with key staff and players;
- (c) Field assessment mission to Kabul, to visit among others, Pol-e-Charcki (High Security Prison Facility) and the CJTF facilities.
- (d) Meetings, interviews, and focus group with other relevant law enforcement and judicial institutions related to the work of CJTF.
- (e) Request selected judiciary, law enforcement and penitentiary staff to complete and submit a questionnaire prepared by the Evaluators.

Before the field mission, the Evaluators are to prepare an evaluation methodology, including questions and questionnaires that are acceptable to UNODC. Following the completion of the fact-finding and analysis phase, a draft evaluation report will be prepared by the Evaluators and presented to UNODC within the stipulated timeframe and in accordance with UNODC standard evaluation report outline (please refer to item 6). The draft report should include, inter alia, a detailed statement of the evaluation methods used during the appraisal. Inputs from UNODC should be recorded and taken into account by the Evaluators, as relevant and appropriate.

5. EVALUATION TEAM COMPOSITION

This project evaluation takes place simultaneously with another two criminal justice projects (AFG/R87 and AFG/S47). Therefore, it will be conducted by a team of

International Experts (Evaluators) who have relevant and complementary skills for tasks. In particular, the Evaluators should have excellent knowledge in the criminal justice and above all possess extensive knowledge on reform of penitentiary systems with the focus on gender issues.

The Evaluators should hold an advanced degree in law, social sciences or relevant field and have proven experience on above key issues, preferably in West Asia. In addition, the Evaluators should also meet the following criteria:

- 1) Be familiar with the project implementation in international organizations.
- 2) Have experience in conducting independent evaluations and or assessments.
- 3) Have at least 10 years relevant professional experience in reform of penitentiary systems, criminal justice system, and legal issues in post conflict settings.
- 4) Have obtained a post-graduate degree in a relevant area.
- 5) Possess excellent analytical, drafting and communication/writing skills in English.

The Evaluators are selected by the UNODC Vienna, in consultation with the Country office of Afghanistan. Coordination is to be sought also with the Europe, West and Central Asia Section, PDB/DO, and the Criminal Justice Reform Unit, HSB/DO, and the Independent Evaluation Unit, in UNODC Vienna, using the agreed criteria and drawing expertise from the roster of experts.

6. PLANNING AND IMPLEMENTATION ARRANGEMENTS

This evaluation will be a joint effort between the evaluation team and UNODC. As for substance, it is critical that the evaluation should be carried out independently by the Evaluators and they conduct a thorough evaluation covering all aspects of the project objectives, achievements, implementation and management. The Evaluators will have access to all relevant documents and the UNODC Country Office for Afghanistan will provide the required support for the Evaluators during the evaluation. The UNODC officials responsible for briefing of the Evaluators are:

UNODC Country Office for Afghanistan:

- Representative
- Deputy Representative
- International Project Coordinators
- National Project Coordinators (three, one each project)

UNODC Head Quarters in Vienna (Austria):

- Chief, Criminal Justice Reform Unit

- Project Coordinator, Europe, West and Central Asia Section (on mission to Kabul during the evaluation)

UNODC Country Office will secure office space, administrative basic support, and travel arrangements for the Evaluators during his/her stay in Kabul. UNODC will also assist with accommodation bookings, visa facilitation etc....

Time Frame & Tentative programme for the Evaluators:

Each Evaluator will be recruited for 5 weeks spread over a period of 7/8 weeks.

Programme & Activity	Days Required	Tentative dates
Preparation of methodology/questionnaires + Desk-review (Cancelled HQ stop over on suggestion by IEU)	5	
Travelling to Afghanistan	1	06 December
Briefing by Country office staff	2	
Desk-review of documentation at COAFG	1	
Meetings/interviews with Ministries, Departments, UN Agencies and relevant stakeholders., visit to project intervention sites	7	
Field mission (Gardez)	3	
Returning home	1	20 December
Preparation of the draft reports (3)	12	
Break	two weeks	
Incorporating the UNODC comments in the report and preparing the final draft	3	
Total Working & Travel Days	35	

Note: Detailed itinerary and programme will be prepared upon arrival and in consultation with the Evaluators.

Deliverables of the evaluation (for each project):

- 1) Evaluation plan and detailed terms of reference with methodology;
- 2) Evaluation draft report with findings;
- 3) Final evaluation report.

Payment:

The Evaluators will be issued a consultancy contract and paid as per the common UN rules and procedures. The final payment will be made only after the acceptance of the final draft of the evaluation report by UNODC HQs and the Country Office for Afghanistan.

Evaluation report:

The evaluation report should follow the standard UNODC report outline that is listed below:

Project AFG/U10 - Fast-Track Capacity Building for a functioning Counter-Narcotics Criminal Justice System
TERMINAL EVALUATION - Report of the Independent Evaluation Team

- 1) Evaluation summary (maximum 4 pages)
- 2) Introduction
- 3) Background (Project description)
- 4) Evaluation purpose and objective
- 5) Evaluation methodology
- 6) Major findings
- 7) Lessons learned (from both positive and negative experiences)
- 8) Constraints that impacted project delivery
- 9) Recommendations and conclusions

Annex III: Table of objectives, outputs and activities

Objectives	Output	Activities
<p>1. Improve the professional skills and delivery of key institutions performing the chain of responsibilities in bringing offenders of illicit drug-related crime to justice.</p>	<p>1.1 Pilot group of Task Force comprised of selected key professionals will be formed and specialized training will be provided to them. Mindful of the constitutional requirement for separation of prosecution and judiciary, separate training sessions will be conducted for judges, while prosecutors and CNPA investigators will be given joint training, which will foster desired working level collaboration.</p>	<p>1.1. In collaboration with the national and international counterparts, identify and select judges, prosecutors, CNPA officers to form the pilot Task Force as well as its composition</p> <p>1.1.2 Recruit/arrange national and international consultants to be responsible for implementing of training curriculum to be developed for the Task Force (see output 1.2).</p> <p>1.1.3 Organize joint training sessions for investigators and prosecutors on the Afghan legal provisions related to anti-drugs, namely the National Drug Law and the Interim Criminal procedure Code, and on international instruments.</p> <p>1.1.4 Organize training sessions for judges on the Afghan legal provisions related to anti-drugs, namely the National Drug Law and the Interim Criminal procedure Code, and on international instruments, based on the training manual for the judges developed by TLAB.</p> <p>1.1.5 Organize separate training sessions for judges, prosecutors and CNPA investigators, on their respective daily tasks as detailed in the training curriculum.</p> <p>1.1.6 Evaluation of the training and the coordination process among the three professional groups.</p>

Objectives	Output	Activities
	<p>1.2 Training material in support of arresting, investigating and prosecuting alleged drugs and other serious crime offenders will be developed. Judges will benefit from the existing UNODC Manual for Judges specifically adjusted to the context of Afghanistan prepared by the TLAB in the context of ongoing assistance.</p>	<p>1.2.1 Recruit national and international consultants responsible for developing various training materials for the Task Force members.</p> <p>1.2.2 In consultation with national and international counterparts, develop the training curriculum based on the UNODC Training Manual for Judges, Magistrates and Prosecutors on National and International Drug Control, the Interim Criminal Procedure Code, the Afghan Drug Law, and relevant international conventions.</p> <p>1.2.3 Develop separate Handbooks for judges, prosecutors and CNPA officers to serve as a daily reference tool in the performance of their tasks based on the UNODC Training Manual on National and International Drug Control.</p> <p>1.2.4 Evaluation of the training material.</p>

Objectives	Output	Activities
	<p>1.3 Additional number of professionals to be identified and added to the Task Force ---with a view to be assigned to selected provinces --- will be selected and trained.</p>	<p>1.3.1 In consultation with national and international counterparts, identify and select judges, prosecutors, CNPA officers to be trained and assigned to selected provinces</p> <p>1.3.2 Organize training sessions based on the developed training curriculum.</p> <p>1.3.3 Recruit/arrange national and international consultants responsible for implementation of training (which may be the same consultants hired for activities related to output 1.1 above).</p> <p>1.3.4 In consultation with national and international counterparts, identify and select provinces/areas where the trained professionals of the Task Force will be performing their tasks.</p> <p>1.3.5 Implement regular assessment and monitoring missions.</p>

Objectives	Output	Activities
<p>2. Introduction of the physical infrastructure and technical tools necessary to strengthen the institutional capacity to arrest, investigate, try and detain/imprison alleged offenders of illicit drug related crime.</p>	<p>2.1 Enhanced operational capacity (including working conditions) of the CNPA officers and prosecutors.</p>	<p>2.1.1: Assess working conditions and operational capacity of the CNPA investigators and prosecutors who will form part of the Task Force, through a field assessment mission by an international consultant, in collaboration with national counterparts, to identify needs.</p> <p>2.1.2: Procure required material and equipment (such as radio communication, computers, vehicles, field drug test kits) based on the assessment report to be prepared by the international consultant.</p> <p>2.1.3: Develop/refurbish office location for the CNPA investigators and prosecutors of the Task Force as determined in the assessment report.</p> <p>2.1.4: Provide necessary training for use of computers, radio communication equipment and other materials provided by this project, in consultation with the CNPA HQs and other key stakeholders in Kabul.</p>
	<p>2.2 Premises with high security standard facilities (within Pol-e-Charki main prison) to enable pre-trial detention and imprisonment of serious drug-related criminal offenders, will be created/refurbished and made functional.</p>	<p>2.2.1: Recruit an international consultant for the elaboration of the specifications for the construction work (which involves two operations, one related to the investigation building and the other related to Block 4, as specified below in 2.2.2) and identification of the material, equipment and furniture to be provided.</p> <p>2.2.2: Develop the design, concept and plans for building of the high security prison facilities.</p> <p>2.2.3: Sub-contract engineering and construction company to carry out the related construction works.</p> <p>2.2.4: Identify and procure required material, equipment, furniture for the daily operation in the premises.</p>

Objectives	Output	Activities
	<p>2.3 Home Rules in compliance with the UN Standard Minimum Rules for the Treatment of Prisoners, the new Afghan Penitentiary Law and the related Regulations will be developed.</p>	<p>2.3.1: Set-up a working group comprised of national and international counterparts to draft the Home Rules in line with national and international provisions and standards, including tools and instrument for their effective implementation.</p> <p>2.3.2 Convene a work-shop to present the home rules to the concerned authorities (members of the Task Force and prison management).</p> <p>2.3.3: Publish and disseminate the home rules to the concerned authorities (members of the Task Force and prison management).</p>
	<p>2.4 Penitentiary police will be trained on ways to deal with high security premises and to apply Home Rules.</p>	<p>2.4.1: In consultation with the concerned authorities, determine selection criteria for the recruitment/assignment of the penitentiary police staff that will be in charge of prison management and security.</p> <p>2.4.2: Identify and select, in accordance to the criteria determined above, the staff of the penitentiary police to be recruited/assigned to the high security prison.</p> <p>2.4.3: Develop training curricula focusing on the implementation of Home Rules, the Penitentiary Law, the UN Standard Minimum Rules and other provisions related to the Afghan Drug Law and the Interim Criminal Procedure Code.</p> <p>2.4.4: UNODC experts to conduct the training, in accordance with the approved training curricula.</p> <p>2.4.5: Evaluate the training performance</p>

Objectives	Output	Activities
<p>3. To provide, for the duration of this project, continuous support and guidance to the Task Force members in the application of learnt knowledge to the day-to-day operation, through creation of a mentorship mechanism, to which interested donor governments and institutions may second their experts on a gratis basis.</p>	<p>3.1 A mentorship mechanism, with the task of overseeing and advising on all aspects of the proceedings as well as on the administration of the high security prison, will be developed.</p>	<p>3.1.1: Establish a working group comprised of national and international counterparts to develop the mentorship mechanism for ensuring the effective application and respect of the courts proceedings (e.g. access to defence lawyers, participation of witnesses in the court's proceedings) to which UNODC will function as a secretariat.</p> <p>3.1.2: Identify the technical and operational requirements needed for the CNPA Investigators and prosecutors for ensuring effective protection of witnesses participating in the court's proceedings.</p> <p>3.1.3: Set-up a coordination mechanism among relevant national authorities in charge of supervision of penitentiary management and oversight, to ensure proper treatment of prisoners.</p>