

MID-TERM EVALUATION OF THE
GENDER JUSTICE THROUGH MUSALIHAT ANJUMAN
PROJECT (GJTMAP)

*MTE MISSION REPORT **

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* The mission consisted of Huma A. Chughtai (Gender Consultant), Tariq Husain (Team Leader) and Henryk Montygierd-Loyba (Senior International Consultant).

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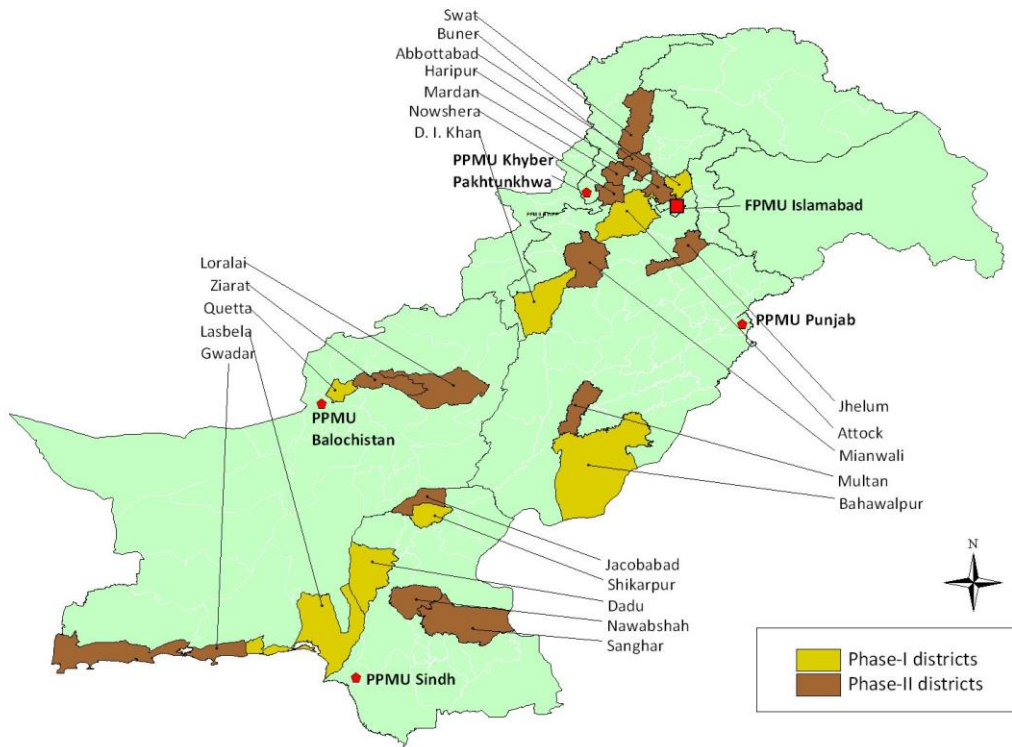
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Acronyms and Abbreviations

| | |
|------------|--|
| ACO | Assistant Coordination Officer |
| ADB | Asian Development Bank |
| ADLG | Assistant Director Local Government |
| ADR | Alternative Dispute Resolution (also Alternate Dispute Resolution) |
| AJK | Azad Jammu and Kashmir |
| APR | Annual Progress Report |
| AWP | Annual Work Plan |
| CO | Country Office (UNDP) |
| CPAP | Country Programme Action Plan |
| CSA | Cost Sharing Agreement |
| DCO | District Coordination Officer |
| DFID | Department for International Development |
| DFP | District Focal Point |
| DG | Director General |
| D. I. Khan | Dera Ismail Khan |
| DOCO | District Officer Community Organization |
| DPO | District Police Officer |
| EAD | Economic Affairs Division |
| EC | European Commission |
| EDO | Executive District Officer |
| ERP | Early Recovery and Restoration of Flood Affected Communities Project |
| FATA | Federally Administered Tribal Areas |
| FPMU | Federal Project Management Unit |
| GB | Gilgit-Baltistan |
| GJTMAP | Gender Justice Through Musalihat Anjuman Project |
| GSP | Gender Support Programme |
| IC | Insaaf Committee |
| ICT | Islamabad Capital Territory |
| KAP | Knowledge, Attitude and Practice |
| KP | Khyber Pakhtunkhwa |
| LG | Local Government |
| LG&RD | Local Government and Rural Development |
| LGO | Local Government Ordinance |
| log frame | logical framework |
| M&E | Monitoring and Evaluation |
| MA | Musalihat Anjuman (including Musalihat Jarga in Khyber Pakhtunkhwa Province) |
| MAJA | Musalihat Anjuman Justice Advocates |
| MASS | Musalihat Anjuman Support Services |
| MDG | Millennium Development Goal |
| MTE | Mid-term Evaluation |
| NEX | National Execution Modality |
| NGO | Non-governmental Organization |
| NIM | National Implementation Modality |
| NPD | National Project Director |
| NPM | National Project Manager |
| NSC | National Steering Committee |
| OECD-DAC | Organization for Economic Co-operation and Development, Development Assistance Committee |
| P&D | Planning and Development |
| PC-I | Planning Commission Pro Forma Number I |
| PCC | Project Coordination Committee |
| PCOM | Project Cycle Operations Manual |

| | |
|-------|--|
| PKR | Pakistan Rupees |
| PMU | Project Management Unit |
| PPD | Provincial Project Director |
| PPM | Provincial Project Manager |
| PPMU | Provincial Project Management Unit |
| PSC | Provincial Steering Committee |
| PSDP | Public Sector Development Programme |
| RoBs | Rules of Business |
| SDC | Swiss Agency for Development and Cooperation |
| SDM | Sub-divisional Magistrate |
| TMO | Tehsil Municipal Officer |
| ToRs | Terms of Reference |
| UC | Union Council |
| UN | United Nations |
| UNDP | United Nations Development Programme |
| USAID | United States Agency for International Development |
| USD | United States Dollars |

Map of Pakistan Showing the Project Districts



EXECUTIVE SUMMARY

1. Introduction

1. The Local Government Ordinance (LGO) of 2001 created a new system of local government in Pakistan. Among other institutions, it created an Alternate Dispute Resolution (ADR) mechanism at the level of the Union Council (UC), the lowest level of local government. This ADR is called the Musalihat Anjuman (MA), and it is a formal mechanism that uses informal procedures for resolving disputes. The LGO conceived it as an ADR mechanism for all citizens and did not provide for any special attention to women in this regard. The Gender Justice Through Musalihat Anjuman Project (GJTMAP) aimed not only to get the MAs off the ground but also to gender this important new institution from the outset. By now, the project's target group includes not only women but also the poor and vulnerable in society, particularly in the rural areas.

2. The MAs are operational only in the 20 districts of the country where the GJTMAP has been working. The operational model followed by the project at the time of the MTE is outlined in Section 1.3 of the report. The project covers 1,063 Union Councils, that is, it aims to support 1,063 MAs and those who are engaged in fostering these new entities. The estimated population of the 20 districts is more than 27 million. A PC-I approved by the federal government in 2009 envisages the expansion of the project to an additional eight districts (two per province) and the federally administered areas of Islamabad, Gilgit-Baltistan, Azad Jammu and Kashmir, and the Federally Administered Tribal Areas.

3. The project goal is "To promote and safeguard the rights and lawful entitlements of all, particularly the vulnerable segments of the society, by institutionalizing a community-supported Alternative Dispute Resolution (ADR) mechanism through the entity of Musalihat Anjuman (MA)." The objectives of the project are:

- (a) To provide women victims of violence an alternative mechanism, whereby they can obtain gender justice.
- (b) To build the capacity of Musalihat Anjuman for dispensing gender-responsive justice.
- (c) To enhance public engagement with utilization of the services of Musalihat Anjuman.
- (d) To promote women's awareness of their legal rights and men's active participation in ending gender based violence.

4. The following factors have deprived the project of the kind of continuity and stability that is essential for a large and innovative project such as this:

- (a) For much of its life the project has suffered from weak management that has either stopped project activities completely or affected the pace and quality of work. There has been high turnover and key management positions have remained vacant for long periods.
- (b) The project has experienced severe problems in the availability and flow of funds that have made it impossible to implement planned activities or even plan with confidence. The flow of available funds has been affected by the non-availability of a co-signatory of the bank account for long periods, when the position of a Project Director or a Project Manager is vacant. In addition, the project received only 69% of its original budget during 2005-2010.
- (c) Disruption and uncertainty have undermined the MAs since the end of tenure of local councils in 2009.
- (d) The unprecedented floods that hit Pakistan in 2010 paralyzed routine administrative activities and the lives of millions in at least half the districts in the project area.

5. The methodology of the Mid-term Evaluation (MTE) revolves around a standard, international methodology for assessment of development results. As elaborated in the Terms of Reference (ToRs) for the MTE, development results are assessed in terms of five main evaluation criteria, namely, relevance, effectiveness, efficiency, impact/outcome, and sustainability. The MTE

aims to provide an objective assessment of contributions to development results and address what works and why, as well as what does not work and unintended outcomes. This is intended to support accountability¹, inform decision-making and allow UNDP and its partners to better manage for development results. The MTE was also expected to refer to international good practices, but found documentation on only two ADR mechanisms (summarized in Annex V) that can be compared reasonably with the Musalihat Anjuman.

6. The main forward-looking aspects of the MTE draw attention to the changing context of the project and what might be done post-MTE; these are stated in the ToRs as follows:

- (a) Based on the analysis, as well as the proposed changes envisaged in the emerging Local Government laws, table concrete recommendations for providing free, fair, efficient and equitable justice to all, particularly the poor and marginalized.
- (b) Explore and recommend the way ahead for the project, reviewing the government's recommendation for scaling up and transitioning into a programme framework.

2. Analysis of Musalihat Anjuman Performance through Quantitative Data

7. MAs throughout the country have received 16,115 cases so far and settled 78% of them. Punjab accounts for the majority of cases received, while the smaller provinces have shares of 11% (Balochistan) to 18-19% (KP and Sindh) in the total. Although the total number of cases is impressive, and there is some under-reporting, the work load for the average MA has been light: 1.6 cases per quarter, or 6.4 per year. Efforts to link the MAs to the judicial and police systems have yielded weak and uneven results.

8. Almost one-third of the cases received throughout the country relate to disputes in which one of the parties is a female. (Across provinces, the proportion of disputes involving females increases from only 6% in Sindh to 12% in Balochistan, 21% in KP and 47% in Punjab.) These are disputes related to domestic violence, matrimonial matters, exclusion of females from inheritance, *watta satta* (exchange marriage), forced marriage and sexual harassment. Domestic violence (with Punjab accounting for 90% of such cases) and matrimonial disputes account for 29% of the total cases. One-fourth of all cases are classified as minor quarrels and disagreements, and 31% relate to property and financial disputes. Clearly, the MA has been a versatile instrument for settling a wide range of disputes, but cases of domestic violence are seldom brought to it, except in Punjab.

9. There is considerable variation across districts in the number of cases received. This could reflect differences in district population, in the date on which MAs started functioning in a district, and in education and the social set-up (with feudal, tribal and similar influences thought to inhibit recourse to the MA). It could also reflect the degree of ownership seen in a district, particularly as evidenced by the interest taken by the District Focal Person and, in the past, by the elected Nazim.

10. Sindh reports that its MAs have settled all the 3,000-plus cases received so far, but this is because Sindh has not been reporting the disputes that could not be resolved. Balochistan and KP have settled 95% of the cases and Punjab only 60%. All five districts in Sindh and two each in Balochistan and KP report no backlog in terms of cases awaiting resolutions. Analysis of pending cases suggests that some of the gender-related cases are the most difficult to resolve.

¹ As noted in the ToRs, accountability in this context refers to the assessment of “developmental results and impact of development assistance. It is distinct from accountability for the use of public funds in an accounting and legal sense, responsibility for the latter usually being assigned to an audit institution.”

3. Conclusions

Relevance of Provincial Laws and Policies

11. The cost of the MA and other benefits make it highly attractive to those of the poorer people who are involved in disputes. The fact that there is a large backlog of cases in the courts makes it attractive for the courts to refer cases to MAs. The fact that the police are over-worked also makes it attractive for them to refer cases to the MAs. The question is: If the MAs are so obviously attractive for poorer citizens, courts and the police, why are citizens, courts and police not using them more often? Why is the demand side for this ADR mechanism so weak?

12. The answer favoured by most of the people whom the mission met was that low utilization of MAs was due to lack of awareness. However, the MTE's analysis shows that provincial laws and policies do not adequately support this promising ADR. More specifically, the design and delivery of services through the MAs suffers from the following limitations:

- (a) Impartiality. Because of the mode of selection of MA members laid down in the law, MAs have never been free of political influence and may soon be completely politicized in two of the provinces. There are good reasons to suggest that MAs cannot be perceived by most people as impartial in the dispensation of justice. At the same time, it is also recognized that some politicization is inevitable as long as MAs function under local government legislation.
- (b) Accessibility. MAs exist only in the five districts supported by the project in each province. Moreover, a significant proportion of the existing MAs are not accessible in practice because they do not have an address or the physical space and comfort level expected by MA members and those who need their services, particularly women, and because MA members do not put in regular hours on specified days of the week.
- (c) Adequacy of resources. MA members are not paid for their out-of-pocket costs, thereby reducing their incentive to put in regular hours. The office costs of MAs and the basic requirements of their supporting offices at the UC and district levels are not adequately resourced by the provinces on a sustainable basis, which adversely affects the perception as well as the availability of MA services. Affordability at the provincial level is seriously undermined by a rigid "one shoe fits all sizes" approach emanating from the LGO: every UC must have a Musalihat Anjuman, regardless of the size of the UC, tehsil or district.

Relevance of Project Objectives

13. Conclusions about the relevance of project objectives yield a mixed picture, showing high relevance to provincial and UNDP priorities, low relevance to judicial and police policies, enthusiastic support from the former elected representatives, and weak response from the intended beneficiaries.

Effectiveness in Achieving Objectives

14. The project completed almost all the activities for which a budget was available in a given year, and also took initiative to start new activities. The project has demonstrated a high level of effectiveness in terms of Objectives 1 and 2, except that progress has been limited in attracting women to the MA. The project's success in terms of Objective 3 has been small but significant, and limited or questionable in relation to Objective 4.

Efficiency

15. The project budget reflects efficient utilization of resources, and the project's overall utilization of 88% of the budget is very good. On the negative side, the project has not developed a sound M&E system that could provide regular, high-quality feedback for policy and implementation. Moreover, the project is forced to live with serious management and financial problems (outlined above) that would be considered a nightmare by most standards.

Impact

16. The project had a significant impact on human capital and relevant policies, regulatory framework and institutions. The project's impact on beneficiaries and gender equality has been large relative to its starting point, but considerably less than widespread or cost-effective because of the policy environment in which it has been working.

Sustainability and Scaling Up

17. The demand for MAs among its potential users, the judiciary and law enforcement agencies has been weak because of limitations imposed by the law and the policy environment. Considering the annual cost of the project and the financial commitments it has received so far, the project will remain challenged to ensure its survival during 2011-2013 and will be unable to expand to additional areas. Moreover, the MA, as seen today in practice, needs considerable improvement in terms of policy, management systems and cost effectiveness, before it can be considered replicable for scaling up in other parts of the country.

4. Recommendations

18. The project needs to enhance its impact, plan an exit and consider scaling up only in a discerning manner. It needs, first of all, to consolidate gains, improve management systems and gradually transfer responsibility for management and financing to the provinces. It may be emphasized that the provision of justice through MAs is a public service in the provincial domain and cannot be left to a donor-assisted management surviving on federal funds. The recommendation is to take the project in two main directions, one focusing on provincial ownership and policy matters, and the other, concurrently, on improved project management and exit. Scaling up may be considered when the operating environment is conducive in ways such as those identified in Sections 6.2 and 6.3 of the report, and adequate finances are available. In addition, in the post-Eighteenth Amendment scenario, the project needs a new anchor at the national level and a new role for the FPMU that optimizes its value in the new scenario.

19. Consolidation implies, first and foremost, enhanced ownership and financing of MAs by the provinces. One part of the challenge is legislative: to maintain the *status quo ante* in the composition of the MAs; provide checks and balances in the selection of MA members; and, allow options such as clustering a number of UCs to be served by one MA (while ensuring that users have easy access to the MA). The second part of the challenge relates to operational policies: providing adequate space and resources to MAs, including honoraria to MA members; strengthening district-level support and coordination; and ensuring regular and systematic oversight by provinces and districts, based on key resource and performance indicators proposed in the report. It is recognized that provinces will develop approaches that would differ from each other, and this may be referred to as customization.

20. For improving project management, the first order of business is to streamline the project by curtailing or discarding activities that have not led to results commensurate with the cost incurred on them. The recommendation is to discontinue all communication and awareness-raising activities and instruments, and drop the proposed baseline survey, social audit and GIS mapping for policy dialogue. Moreover, the training-related activities proposed in the PC-I for members of the police, bar and judiciary may be continued until a certain cut-off date (say, June 2011), and discontinued subsequently unless clear policy directives are issued by the Superior Judiciary and highest levels of police for referring cases to MAs in all 20 districts.

21. Secondly, time and dialogue are required for revising the politicized MA system that has been introduced in Balochistan and envisaged in Sindh. If Balochistan and Sindh wish to retain UC members as members of MAs, the project should assist them until September 2011, at the latest, in

understanding the implications of this level of politicization, and then give a notice to withdraw from these provinces if their local government acts are not in line with good practice.

22. Thirdly, the project can assist all provinces to strengthen and customize the MA-based ADR according to their own requirements and resources, and with due regard to good practices. The project can facilitate strengthening and customization for 18 months (January 2011-June 2012) by covering all the monetary costs of new approaches. The provinces would be expected to start paying all the costs of a strengthened and customized approach in all 20 districts with effect from July 2012. These costs include the costs associated with the key resource indicators proposed in the report (paragraph 117). The project should plan to phase out starting in July 2012 and complete the phase-out within 6-9 months.

23. The project also needs to develop a comprehensive results framework, keeping in view the resource and performance indicators proposed in the report (paragraphs 117 and 118). In addition, in order to strengthen project management, steps have to be taken as a matter of urgency to raise staff salaries to competitive levels, and ensure that good professionals are recruited for overall management and M&E, and retained for the remainder of the duration of the project.

24. As the situation has changed significantly in view of the Eighteenth Amendment, and there is no apparent role for a federal entity to coordinate policy and implementation among provinces in a devolved subject. The government, however, has decided that the project will be based in the Federal Government's P&D Division, which is not an implementing agency for such projects. This is a *fait accompli* in the short run but a better institutional home needs to be found as soon as possible. The mission considered a number of options, including EAD, the Ministry of Law and Justice, and the Policy Research Unit (successor to the National Reconstruction Bureau). EAD, which coordinates foreign assistance, is already saddled with increased responsibilities as a result of the Eighteenth Amendment, while the other two options are more visibly inconsistent with the Eighteenth Amendment. Under the circumstances, it would be best for the FPMU and project funds to be managed by the United Nations Office for Project Services, or directly by UNDP. This would also have the benefit of protecting the project as much as possible from disruptions due to non-availability of a bank account co-signatory, office space or other essentials, all of which have been problematic.

25. In the new scenario, the FPMU would:

- (a) Participate, as appropriate, in all aspects of the agenda outlined in Section 6.2, to strengthen provincial ownership and facilitate the PPMUs in pursuing policy changes.
- (b) Ensure work planning in a standardized format acceptable to the financing partners.
- (c) Take the lead in developing and implementing a common approach to monitoring and reporting (paragraph 119).
- (d) Encourage the PPMUs and district-level implementers to develop a learning environment based on the proposed M&E approach, evidence-based course corrections and appropriate instruments of knowledge management, including surveys, special studies, workshops and exchange visits.
- (e) Arrange for the provincial teams to meet once a year in a National Consultative Forum to share and review experiences, highlight problems, introduce their solutions and plans, and indicate how the FPMU could help them.
- (f) Lead and coordinate resource mobilization efforts.

26. In pursuit of synergy, and in order to demonstrate stronger UNDP support for the project, it is recommended that implementation of the MA component in ERP be assigned to GJTMAP. The project already has offices, networks, relevant experience, local knowledge, basic reporting formats, and training manuals and partners in all four provinces; these are assets any project new to the MA concept should value. There are seven districts in ERP that are also part of the project area of GJTMAP. The project is well-placed to implement the MA-based component of ERP in these districts.

1. BACKGROUND AND SCOPE OF EVALUATION

1.1 Origins and Design of the Project

1. The Local Government Ordinance (LGO) of 2001 created a new system of local government in Pakistan. This was *social engineering on a national scale, initiated by a military government at a time when parliamentary democracy was suspended*, and the national and provincial legislatures did not exist. Although local government is a provincial subject according to the constitution of Pakistan, the LGO was promulgated as a Presidential Ordinance. By virtue of a compromise between the military regime and the political parties that won the 2002 elections, as reflected in the Seventeenth Constitutional Amendment (2003), the LGO enjoyed protection from provincial legislation until 31 December 2009. Since then, the provinces have been free once again to legislate on local government matters. Balochistan has already passed a new Local Government Act, and other provinces are expected to do so in early-2011.

2. Among other institutions, the LGO created an *Alternate Dispute Resolution (ADR) mechanism at the level of the Union Council (UC), the lowest level of local government*. This ADR is called the Musalihat Anjuman (MA), and it is a formal mechanism that uses informal procedures for resolving disputes. The LGO conceived it as an ADR mechanism for all citizens and did not provide for any special attention to women in this regard. The Gender Justice Through Musalihat Anjuman Project (GJTMAP) aimed not only to get the MAs off the ground but also to gender this important new institution from the outset. Part of the motivation for this came from the findings of a Social Audit on Abuse Against Women conducted in 2004 by the government and the United Nations Development Programme (UNDP). By now, as a result of realignment within the UNDP Country Office (CO), the project's *target group includes not only women but also the poor and vulnerable in society*, particularly in the rural areas (as evidenced by the choice of districts, noted below).

3. The *MAs are operational only in the 20 districts of the country where the GJTMAP has been working* (Table 1). The operational model followed by the project at the time of the MTE is outlined below in Section 1.3. The project covers 1,063 Union Councils, that is, it aims to support 1,063 MAs and those who are engaged in fostering these new entities. The number of MAs in the four provinces and 20 selected districts is given in Table 2. The estimated population of the 20 districts is more than 27 million. A PC-I² approved by the federal government in 2009 envisages the expansion of the project to an additional eight districts (two per province) and at least one district each in the federally administered areas of Azad Jammu and Kashmir (AJK), the Federally Administered Tribal Areas (FATA), Gilgit-Baltistan (GB) and the Islamabad Capital Territory (ICT)³.

Table 1. Districts in the Project Area

| Province | Phase I/Pilot Phase | Added in Phase II/Scaling Up |
|--------------------|------------------------------|---|
| Balochistan | Lasbela, Quetta | Gwadar, Loralai, Ziarat |
| Khyber Pakhtunkhwa | Abbottabad, Dera Ismail Khan | Haripur, Mardan, Nowshera |
| Punjab | Attock, Bahawalpur | Jhelum, Mianwali, Multan |
| Sindh | Dadu, Shikarpur | Jacobabad, Shaheed Benazirabad, Sanghar |

Source: FPMU, Ministry of Local Government & Rural Development, Government of Pakistan.

² PC I stands for Planning Commission pro forma I; it is the standard project document used by all government agencies in Pakistan.

³ In all, there are 25 districts, including seven Tribal Agencies, in the four federally administered areas.

| <i>Balochistan</i> | | <i>Khyber Pakhtunkhwa</i> | | <i>Punjab</i> | | <i>Sindh</i> | |
|---|-----|---------------------------|-----|---------------|-----|---------------------|-----|
| Gwadar | 13 | Abbottabad | 51 | Attock | 72 | Dadu | 52 |
| Lasbela | 22 | D. I. Khan | 47 | Bahawalpur | 107 | Jacobabad | 40 |
| Loralai | 20 | Haripur | 45 | Jhelum | 54 | Sanghar | 55 |
| Quetta | 67 | Mardan | 75 | Mianwali | 56 | Shikarpur | 50 |
| Ziarat | 10 | Nowshera | 47 | Multan | 129 | Shaheed Benazirabad | 51 |
| Sub-total | 132 | | 265 | | 418 | | 248 |
| Total for Pakistan: 1,063 | | | | | | | |
| Source: FPMU, Ministry of Local Government & Rural Development, Government of Pakistan. | | | | | | | |

4. The budget of the project was USD 1.55 million for the pilot phase (2005-2006) and USD 7.44 million for the following five years (the scaling up phase, which ends December 2011 according to the project document). The project was previously funded by bilateral donors, namely, the Swiss Agency for Development and Cooperation (SDC), the Royal Norwegian Embassy and the Department for International Development (DFID) of the United Kingdom, through the erstwhile Gender Support Programme (GSP), which contributed 57% of project funds during 2005-2010. It is currently funded by the Government of Pakistan's (federal) Public Sector Development Programme (PSDP) by means of the PC-I mentioned above; cost-shared funds from the provincial governments of Sindh, Balochistan and Khyber Pukhtunkhwa (KP); and the Spanish Government's One UN Millennium Development Goals (MDG) Fund. **Government contributions accounted for 62% of project funding during 2009-2010**, with the Spanish Fund adding 26% (Table 3). The contributions of the financing partners and their commitments for 2011-2013 are shown in Table 3.

| Financing Partner | Actual Contribution, 2005-2010 | | | | | | 2011-2013 Commitment | | Total of Actual and 2011-2013 | |
|-----------------------------|--------------------------------|-------------|--------------|-------------|------------------|-------------|----------------------|-------------|-------------------------------|-------------|
| | 2005-2008 | | 2009-2010 | | Total, 2005-2010 | | Amount | % | Amount | % |
| | Amount | % | Amount | % | Amount | % | | | | |
| <i>Through GSP:</i> | | | | | | | | | | |
| Norway | 1,468 | 42% | 83 | 3% | 1,551 | 24% | | | 1,551 | 15% |
| Switzerland | 821 | 24% | 112 | 4% | 933 | 14% | | | 933 | 9% |
| United Kingdom | 1,056 | 30% | 194 | 6% | 1,250 | 19% | | | 1,250 | 12% |
| <i>Government:</i> | | | | | | | | | | |
| Federal | | | 1,444 | 48% | 1,444 | 22% | 4,067 | 97% | 5,511 | 52% |
| Balochistan | 128 | 4% | 76 | 3% | 204 | 3% | 52 | 1% | 256 | 2% |
| KP | | | 267 | 9% | 267 | 4% | | | 267 | 3% |
| Sindh | | | 60 | 2% | 60 | 1% | 69 | 2% | 129 | 1% |
| <i>One UN Fund</i> | | | 781 | 26% | 781 | 12% | | | 781 | 7% |
| Total | 3,473 | 100% | 3,017 | 100% | 6,490 | 100% | 4,188 | 100% | 10,678 | 100% |
| Source: UNDP Country Office | | | | | | | | | | |

5. Bilateral assistance for the project has dried up by now. Moreover, according to data provided by the Country Office, the actual contribution of the federal and provincial governments during 2008-2009 amounted to 42% of their cost-sharing commitments. The federal government, by virtue of its commitments under a PC-I and cost-sharing agreement (CSA) approved in 2009, will be practically the only source of financing for the project during 2011-2013. Pressures on federal government finances make it unlikely that all the funds committed by it will be actually disbursed. Thus, **the continuation of the project in its present shape would be challenging from 2011 onward.**

6. The project goal is "To promote and safeguard the rights and lawful entitlements of all, particularly the vulnerable segments of the society, by institutionalizing a community-supported

Alternative Dispute Resolution (ADR) mechanism through the entity of Musalihat Anjuman (MA).” The four objectives of the project and corresponding outputs are shown in Table 4; these address capacity building for gender justice as well as the broader initiative for ADR. However, the project is not supported by a proper logical framework analysis (LFA). In particular, *the project does not have a results framework*, if results are understood in terms of outcomes and impact, and not only outputs. The project document includes an annex on annual work plan monitoring tool, but this is not a substitute for the LFA.

| Table 4. GJTMAP Objectives and Outputs | | |
|--|---|---------------------------|
| Objectives | Outputs | Share of Output in Budget |
| 1. To provide women victims of violence an alternative mechanism, whereby they can obtain gender justice. | Constitution and mobilization of the Musalihat Anjumans in all Unions Councils in the pilot districts. | 11% |
| 2. To build the capacity of Musalihat Anjuman for dispensing gender-responsive justice. | Musalihat Anjuman’s capacity built to dispense gender justice at the community level. | 23% |
| 3. To enhance public engagement with utilization of the services of Musalihat Anjuman. | Partnerships between judiciary, police and Musalihat Anjuman for accountable, fair and equitable dispensation of justice. | 11% |
| 4. To promote women’s awareness of their legal rights and men’s active participation in ending gender based violence. | Community advocacy for legal rights of women and men’s role in ending violence. | 16% |
| Notes: ¹ The total does not add up to 100% because the first output (Project management arrangements, monitoring and evaluation) has a share of 39% in the budget. | | |
| Sources: Project Document (2006), Gender Justice Through Musalihat Anjuman Project 2007-2011, for Objectives and Outputs; Table 11 for share of outputs in the budget. | | |

1.2 Major Changes During Implementation

7. Four sets of factors have deprived the project of the kind of continuity and stability that is essential for a large and innovative project such as this. First, for much of its life the *project has not been managed as designed and has suffered from weak management that has either stopped project activities completely or affected the pace and quality of work*. It has experienced frequent changes in key management positions due to high turnover among government officials designated as Project Directors as well as Project Managers and monitoring and evaluation (M&E) specialists employed on contract⁴. Moreover, key positions at the federal and provincial levels have remained vacant for months at a time. In two of the provinces there was no Project Manager for 14-15 months out of the 72 months for which this position has been approved; in two provinces there was no Project Director for seven months; and M&E positions have been vacant, on average, for almost half the project life so far. In addition, key positions at the district level have been occupied sometimes by individuals who are not interested in the project.

8. Second, *the project has experienced severe problems in the availability and flow of funds that have made it impossible to implement planned activities or even plan with confidence*. The cause of disruption in the flow of available funds is the non-availability of a co-signatory for long periods, when the position of a Project Director or a Project Manager is vacant. In addition, the

⁴ Contracts for these employees were previously issued by UNDP as part of the National Execution (NEX) modality. In early-2009, however, NEX was replaced by the National Implementation Modality (NIM), and contracts have been issued since then by a newly-created, UNDP-supported unit in EAD called the National Implementation Modality Unit (NIMU). This change was made in view of an assessment by UNDP of the security situation prevailing in Pakistan, and its implications.

project received only 69% of its original budget during 2005-2010, and only half in the three-year period 2007-2009. A resource crunch in 2009 followed the aborted change management initiative aimed at the GSP, when the GSP was closed down in September 2009 and bilateral donor funds channelled to projects which the bilateral donors wanted to support. GJTMAP was one of the GSP projects that suffered as a result: it experienced a budget cut which was only partially restored in the second quarter of 2010 with the help of the One UN MDG Fund.

9. Third, *disruption and uncertainty have undermined the MAs since the end of tenure of local councils in 2009*. The local councils elected in 2005 completed their tenure in mid-2009, after which they continued in office for a few months only because new elections had not been held, and after that they were dissolved by the provincial governments. The situation at present is that local councils stand dissolved and they have been replaced by government-appointed administrators until new elections are held (in 2011). The Secretaries of Union Councils (UCs), who reported previously to the elected Nazims, have been reporting to various government officials (as elaborated in Section 1.3). Funds provided earlier by the local governments to the Union Councils for supporting the MAs have been discontinued. After the next round of elections in 2011, the MAs will be reconstituted and the new members would need orientation and experience before they can attain the momentum acquired by the MAs in earlier years.

10. Fourth, *the unprecedented floods that hit Pakistan in 2010 paralyzed routine administrative activities and the lives of millions in at least half the districts in the project area*. The worst affected districts were Jacobabad, Dadu and Shikarpur in Sindh (in order of severity), Nowshera, Swat, Mardan and Dera Ismail Khan in KP, Mianwali, Multan and Attock in Punjab, and Loralai in Balochistan. In some locations, the records and furniture of MAs were lost or irreparably damaged. In all affected districts, government officials down to UC Secretaries were consumed by relief and rehabilitation activities for several months.

1.3 Operational Model at the Time of the MTE

11. The *Musalihat Anjuman, as introduced through the LGO (2001), revolved around the following key elements*:

- (a) Union Councillors elected by the voters elected three of their members to the Union Insaaf (Justice) Committee (IC) of the UC. There were 13 Councillors in each UC, including four female members.
- (b) The IC selected three Musaleheen (conciliators), who constituted the MA.
- (c) Courts are authorized to refer disputes to the MA, according to the LGO. In addition, the project has also invited police officials to refer disputes to the MA.

12. *One of the first activities supported by the project was to facilitate the provincial governments in developing the Rules of Business (RoB) for making the MAs operational*⁵. It also put in place implementation arrangements that reflect the constitutional roles of the Federal, provincial and local tiers of government, and the administrative division of responsibility among government departments. Accordingly, the Federal Ministry of Local Government and Rural Development (MoLG&RD) was the designated Implementing Partner for the project⁶, and the base for the Federal Project Management Unit (FPMU). A Joint Secretary or Deputy Secretary of the MoLG&RD was the part-time National Project Director (NPD) and headed the FPMU, assisted by a

⁵ Without rules such as these, a new law cannot be implemented in Pakistan.

⁶ The MoLG&RD was dissolved and local government as a subject was devolved to the provinces in December 2010 as a result of the Eighteenth Constitutional Amendment passed by the Parliament. The project was transferred to the Planning & Development Division on 4 December 2010.

full-time National Project Manager (NPM), who is a contract employee⁷. A National Steering Committee (NSC), chaired by the Secretary, MoLG&RD, was established to coordinate implementation. The NSC included representatives of UNDP, the Economic Affairs Division (EAD), relevant Federal Ministries (Social Welfare, Women Development, and Law, Justice and Human Rights), the National Reconstruction Bureau (where the LGO was developed), the provincial governments, non-governmental organizations (NGOs) as well as some elected district leaders and the Chairperson of the National Commission on the Status of Women.

13. During the mission, however, the government announced implementation of the Eighteenth Constitutional Amendment (2010), as a result of which the MoLG&RD was dissolved, the NPD's position became vacant, and ***discussion started in earnest about future linkages between the project and the Federal Government***. These linkages are important for two reasons: (i) the PC-I that supports the project up to 2013 was sponsored by the MoLG&RD, which no longer exists, so that another channel has to be found to continue the flow of approved federal funds to the project; and, (ii) the constitution and the Eighteenth Amendment stipulate that local government is a provincial subject, which raises questions about the future roles of the Federal Government, the NSC and the FPMU in the project. There is one point of view that the Federal Government, NSC and FPMU can no longer coordinate policy and implementation in this inter-provincial project, but nothing decisive has been announced by the government by the time of preparation of this report.

14. The ***project is implemented in the provinces by the respective local government departments***. In each province, there is a part-time Provincial Project Director (PPD). In KP, the Secretary, Local Government, is the PPD; in Punjab it is the Director General, Local Government; in Sindh the Special Secretary, Local Government; and in Balochistan the Secretary, Local Government Board. The PPD, assisted by a full-time Provincial Project Manager (PPM) employed on contract, heads the Provincial Project Management Unit (PPMU)⁸. In each province there is a Provincial Steering Committee (PSC) chaired by the Secretary, Local Government. The composition of the PSC is similar to that of the NSC in terms of relevant government departments, NGOs and elected representatives. There is also a provincial focal person for maintaining contact with the police.

15. Within a province, the project has District Focal Persons (DFPs) for each of the five districts in the province. ***All DFPS are government officials but the arrangement differs from one province to another***: in Balochistan the Executive District Officer for Community Development (EDO(CD)) is the focal person; in KP it is the Assistant Coordination Officer (ACO); in Punjab it is the Assistant Director, Local Government (ADLG); and in Sindh it is the District Officer (Monitoring and Evaluation) (DO(M&E)) of the Local Government Department⁹. Under the LGO (2001), the UC Secretaries reported to the elected UC Nazims, but elected councils do not exist at this time and the Secretaries report to government-appointed administrators of local councils or (in Punjab) to other officials. In Balochistan and Sindh¹⁰, these administrators are not the DFPS of the project. In KP, most of the UC Secretaries report to ACOs, who have the role of administrators, but some report to administrators who are revenue officials and not the DFPS. In Punjab, the UC Secretaries report to the District Officer for Community Organization (DOC), who is neither the DFP nor the administrator of local councils¹¹.

16. In addition to the above-mentioned officials and organizations, the project has been working with a number of influential stakeholders, including the following:

⁷ Other contract positions in the FPMU include the Senior Administrative and Finance Officer, the M&E Specialist, the Advocacy and Communication Specialist, and the Gender Violence Cases Analyst.

⁸ Each PPMU also includes a Provincial Monitoring and Reporting Coordinator (PMRC) and a Programme Assistant employed on contract.

⁹ The DO(M&E) is a new staff position and does not have any line responsibility.

¹⁰ In Balochistan, the Development Officers, Local Government, are the administrators of UCs, and in Sindh it is the *mukhtiarkars* (revenue officials) at the *taluka* (equivalent to tehsil) level.

¹¹ The Town Officer (Regulation) is the administrator of Union Councils in Punjab.

- (a) the Supreme Court of Pakistan, the four provincial High Courts, the District Courts, the Federal Judicial Academy (FJA) and the Balochistan Judicial Academy¹²;
- (b) elected and administrative officials at the district and Union Council levels, including the District Coordination Officer (DCO), the District Police Officer (DPO), the District and Union Nazims¹³, the District and Sessions Judge, and lawyers. A district-level group of these stakeholders is referred to as Musalihat Anjuman Justice Advocates (MAJA) and provides support and guidance to agencies engaged in supporting the MAs; and,
- (c) a network of seven NGOs, two-to-three in a province (including one that assisted in three of the provinces), with a track record in legal rights awareness, who lead the training activities of the project. These NGOs are contracted and referred to as the project's partners for Musalihat Anjuman Support Services (MASS).

1.4 Scope, Methodology and Limitations of MTE

17. The methodology of the MTE revolves around a *standard, international methodology for assessment of development results*. As elaborated in the Terms of Reference (ToRs) for the MTE (Annex I), development results are assessed in terms of five main evaluation criteria, namely, relevance, effectiveness, efficiency, impact/outcome, and sustainability. In line with the UNDP Evaluation Policy, the MTE aims to provide an objective assessment of contributions to development results and address what works and why, as well as what does not work and unintended outcomes. This is intended to support accountability¹⁴, inform decision-making and allow UNDP and its partners, including the federal and provincial governments, to better manage for development results.

18. The main forward-looking aspects of the MTE draw attention to the changing context of the project and what might be done post-MTE; these are stated in the ToRs as follows:

- (c) Based on the analysis, as well as the proposed changes envisaged in the emerging Local Government laws, table concrete *recommendations for providing free, fair, efficient and equitable justice to all, particularly the poor and marginalized* [emphasis added].
- (d) Explore and recommend the way ahead for the project, reviewing the government's recommendation for scaling up and transitioning into a programme framework.

19. With the benefit of field work and consultations with users and implementers in the provinces, the mission began to develop a certain approach leading up to what the ToRs refer to as "recommendations for providing free, fair, efficient and equitable justice to all, particularly the poor and marginalized," which the MTE considered as its most important challenge. More specifically:

- (a) The mission tried to understand why, relatively how many and what kind of people with disputes go to the police and the courts, the traditional mechanisms available in a community, and the MAs established under the LGO. The mission also carefully analyzed differences

¹² The Code of Civil Procedure (CPC) in Pakistan has been revised with the insertion of Section 89-A to encourage the use of court-endorsed ADR. An ADR committee headed by a senior judge of the Supreme Court, with members from the provincial High Courts, is drafting the rules for operationalizing Section 89-A.

¹³ Appointed by the Provincial Government, the DCO is the head of the District Administration, and the DPO is the district head of police. (In Balochistan, however, the old (pre-2001) designation of Deputy Commissioner has been re-introduced in place of DCO.) The Nazim was the elected head of a council. Under the LGO (2001), the District Government consists of the District Nazim and the District Administration. The new local government laws expected to be enacted by the provinces may change some of these designations and responsibilities. Balochistan has already enacted a new Local Government Act in 2010.

¹⁴ As noted in the ToRs, accountability in this context refers to the assessment of "developmental results and impact of development assistance. It is distinct from accountability for the use of public funds in an accounting and legal sense, responsibility for the latter usually being assigned to an audit institution."

between districts and provinces in the average MA's work load and the nature of cases, and it enquired where the users of the MAs would have gone if there had been no MAs.

- (b) The mission reviewed documentation from Pakistan¹⁵ and some of the other countries in South Asia in order to draw relevant lessons. These lessons enable comparisons between politicized and non-politicized ADR mechanisms. They also highlight the importance of strong government ownership and adequate financing in generating impact and sustaining ADR mechanisms.
- (c) The point in adopting this line of enquiry was to go beyond the project to the policy level, to ask if the MA, as established under the LGO is, indeed, the best mechanism (or best value for money) "for providing free, fair, efficient and equitable justice to all." In other words, is this objective best served by the prevailing legal, regulatory and management framework or by some other approach that perhaps requires revising the framework in due course of time?

20. The MTE *mission followed a demanding schedule of meetings across the country (Annex II) in order to ensure that it would meet all groups of stakeholders* as well as other officials with relevant expertise. In Islamabad, it met with UNDP, the FPMU, members of the NSC, a number of government officials with expertise in local government and ADR, and representatives of seven donor agencies. Meetings at the provincial level (in all four provinces) included the PPMU, senior officials of local government, the police, the judiciary and other relevant departments, members of the PSC, and NGOs engaged by the project for MASS. At the district and sub-district levels, the mission met with members of the MAJA (including representatives of the district administration, local government and other departments), some of the former Nazims and members of ICs, a large number of UC Secretaries and Musaleheen, and some beneficiaries of the MA.

21. The MTE *mission followed a demanding schedule of meetings across the country in order to ensure that it would meet all groups of stakeholders* as well as other officials with relevant expertise. The MTE covered six districts through field visits¹⁶ and two more by relying on an in-depth Benchmarking Study completed by UNDP in 2008 and published in 2009¹⁷. The eight districts included two from each province. At least two of these districts were included because the project felt that they were lagging behind some of the other districts in the province in terms of the performance of MAs. The names of the districts are: Lasbela (through the Benchmarking Study) and Quetta in Balochistan; Dadu and Shikarpur in Sindh; Attock and Bahawalpur (through the Benchmarking Study) in Punjab; and Dera Ismail Khan (D. I. Khan) and Haripur in KP.

22. The mission interacted with representatives of 41 UCs and MAs, and visited the offices of seven UCs for in-depth discussion and review of records. Four UCs were included in the MTE through the in-depth Benchmarking Study. Thus, the MTE covered 45 UCs (4.2% of the total in the project) and obtained in-depth information on 11 of these. It was *not possible, however, to meet any non-users of the MA from the project area, or more than a handful of the beneficiaries*.

23. The project provided the mission a large number of documents, the most pertinent of which are mentioned in the Bibliography in Annex IV. These included the Baseline Survey Report, a number of progress and evaluation reports, communication material and training manuals in English and Urdu, and specialized reports commissioned by the project through consultants. On several occasions, the *mission requested and the project provided updated quantitative data on project*

¹⁵ This refers, in particular, to a review by GJTMAP (June 2009 draft) of two Union Council-based ADR mechanisms, namely, the Conciliation Courts Ordinance (1961) and the Arbitration Councils established under the Muslim Family Laws Ordinance (1961), both of which are managed under the aegis of elected (political) leaders at the Union Council level.

¹⁶ The planned field visit to Ziarat District in Balochistan could not materialize due to security-related factors, and representatives of seven MAs and UCs from Quetta District were assembled to meet the mission in Quetta.

¹⁷ *Benchmarking of Best Practices in the Gender Justice Through Musalihat Anjuman Project*, UNDP, Islamabad, October 2009.

finances and various indicators of relevance and effectiveness. It also reviewed a number of useful documents on the subject of ADR that were not produced by the project.

24. The mission reviewed the Baseline Survey, which reports the nature and progress of court cases in five categories associated with gender issues and several others that are considered to be criminal cases, based on court records of 2004-2005 from eight districts. The 17 categories of cases received by the MAs, and on which project data are available, do not correspond to the categories included in the Baseline Survey. There has been no follow-up to the Baseline Survey, and nothing is gained by comparing certain categories of court cases with other categories of MA cases. The Baseline Survey also reports qualitative findings from 16 focus group discussions (for 213 stakeholders) in terms of six indicators of knowledge, attitude and practice. The findings for each indicator and district are ranked as low, medium and high and cannot be compared with any other information available to the MTE. ***In short, the Baseline Survey was not useful in the MTE process.***

25. The Baseline Survey is one product of the monitoring and evaluation (M&E) system that is supposed to be useful in subsequent evaluations; progress reports are another and perhaps more important product of this system. The project's progress reports present a lively, comprehensive and up-to-date picture of what the project has gone through during the year in question. They report the number of cases received and resolved by the MAs at the national and provincial levels. At the national level, they also report on the number of cases referred to the MAs by the judiciary and the police. As mentioned earlier, however, the project lacks a results orientation, and this is reflected in the progress reports: Much of what is reported under the output headings (as outlined in Table 4) is a description of the numerous activities (training sessions, publications, meetings and other events) associated with the annual work plan for each output. ***It was not possible, therefore, to use the progress reports in going up the results chain to well-defined outputs, outcomes and impacts, tracked by indicators.***

2. ANALYSIS OF QUANTITATIVE DATA

2.1 Sources and Usefulness of Quantitative Data

26. The project provided comprehensive and useful quantitative data that allowed the mission to analyze differences and similarities within the project at the provincial and district levels with reference to the number and nature of cases. Similar analysis going back in time (time trend analysis) could be conducted by the project but was not attempted during the MTE because of lack of time. The Baseline Survey did not provide any useful data.

27. The *mission organized data into 10 tables, including six that are presented and discussed in this chapter, before commencing its programme of meetings and field work*. This enabled the mission to sharpen and enrich its discussion with various interlocutors throughout the duration of the mission¹⁸. It also helped the mission in formulating working hypotheses about the relevance, effectiveness and impact of the MAs that were subsequently reviewed throughout the mission. The six key tables that proved to be most useful in the process are as follows:

- (a) Number of Cases Received and Settled by Musalihat Anjumans in All Four Provinces, by Nature of Dispute.
- (b) Musalihat Anjuman Workload, by District and Province.
- (c) Number of Cases Received by Musalihat Anjumans, by Nature of Dispute and Province.
- (d) Number of Cases Received and Settled by MAs, by Province and District.
- (e) Number of Cases Referred to MAs by the Courts, by Province and District.
- (f) Number of Cases Referred to MAs by the Police, by Province and District.

28. The mission as well as some of the implementers, including project management and MA Convenors, observed that:

- (a) There has been under-reporting of cases. It was not possible, with the information that is available, to reliably estimate the extent of under-reporting, but it could be at least 10% to 20% of reported cases in KP and Sindh.
- (b) The MAs and UC Secretaries do not report the nature of dispute in one of the 17 categories of disputes into which data are organized at the district level and reported at higher levels. Thus, there is room for interpretation at the district level in assigning the dispute to one category or another.
- (c) UC-level records include the gender of both parties to a dispute, but gender is not recorded at the district level or reported at higher levels. Thus, the project has to resort to the assumption that females are involved only in the eight categories of disputes that are specific to women. This tends to understate the number of disputes involving women.
- (d) Project records do not distinguish between cases that are continuing but pending resolution, and those that could not be resolved after going through the process.

2.2 Number and Nature of Disputes Brought to the Musalihat Anjuman

29. Project records show that MAs throughout the country have received 16,115 cases so far and settled 78% of them (Table 5). Reflecting differences in population, Punjab accounts for the majority of cases received, while the smaller provinces have shares of 11% (Balochistan) to 18-19% (KP and Sindh) in the total (Table 6). Although *the total number of cases is impressive, the work load for the average MA has been light*, 1.6 cases received each quarter, or 6.4 cases per year (Table 6). Only six of the 20 districts have averaged more than two cases per quarter, while seven districts averaged one

¹⁸ In most evaluations of this nature, time is made available before the meetings and field work only for review of documents; analysis of data takes place later, when the team is writing its draft report.

case or less. Just eight of the districts—Attock, Bahawalpur, Dadu, D. I. Khan, Mianwali, Multan, Nowshera and Quetta—accounted for 83% of all cases received across the country.

Table 5. Number of Cases Received and Settled by Musalihat Anjumans in All Four Provinces, by Nature of Dispute

| Nature of Disputes/Cases | Number of Disputes/Cases | | | Percentage of Each Category in Total of (A) |
|---|--------------------------|----------------------|--------------|---|
| | Received (A) | Settled ¹ | Pending | |
| 1. Domestic violence * | 2,848 | 1,950 | 898 | 17.7 |
| 2. Matrimonial disputes * | 1,803 | 1,290 | 513 | 11.2 |
| 3. Property disputes | 2,244 | 1,805 | 439 | 13.9 |
| 4. Child abuse | 64 | 57 | 7 | 0.4 |
| 5. Exclusion of females from inheritance * | 104 | 69 | 35 | 0.7 |
| 6. Marriage to Quran * | 2 | 1 | 1 | (-) |
| 7. <i>Watta Satta</i> (exchange marriage) * | 147 | 125 | 22 | 0.9 |
| 8. <i>Zhagh</i> (asserting ownership over women of the enemy tribe) * | 1 | 1 | 0 | (-) |
| 9. Forced marriage * | 41 | 26 | 15 | 0.3 |
| 10. Human trafficking | 52 | 50 | 2 | 0.3 |
| 11. Forced labour | 33 | 31 | 2 | 0.2 |
| 12. Public insult, assault | 86 | 71 | 15 | 0.5 |
| 13. Sexual harassment * | 42 | 35 | 7 | 0.3 |
| 14. Financial disputes | 2,747 | 1,994 | 753 | 17.1 |
| 15. Minor quarrels and disagreements | 3,993 | 3,260 | 733 | 24.8 |
| 16. Water related disputes (irrigation, water courses, etc.) | 533 | 477 | 56 | 3.3 |
| 17. Miscellaneous disputes ² | 1,375 | 1,298 | 77 | 8.5 |
| Total | 16,115 | 12,540 | 3,575 | 100 |
| Notes: | | | | |
| * These are categories of cases in which one of the parties is a female. | | | | |
| (-) means less than 0.05%. | | | | |
| ¹ The overall percentage of disputes/cases settled is 78%. | | | | |
| ² Miscellaneous disputes include encroachment, tree cutting, sewerage disposal, etc. | | | | |
| Source: FPMU, Ministry of Local Government & Rural Development, Government of Pakistan. | | | | |

30. Almost one-third of the cases received throughout the country relate to disputes in which one of the parties is a female (Table 5). These are disputes related to domestic violence, matrimonial matters, exclusion of females from inheritance, *watta satta* (exchange marriage), forced marriage and sexual harassment¹⁹. Domestic violence (with Punjab accounting for 90% of such cases) and matrimonial disputes account for 29% of the total cases. Only two cases of marriage to the Quran have been brought to the MAs in all these years, and one of *zhagh* (asserting ownership over women of the enemy tribe). One-fourth of all cases are classified as minor quarrels and disagreements, and 31% relate to property and financial disputes. Clearly, *the MA has been a versatile instrument for settling a wide range of disputes, but cases of domestic violence are seldom brought to it, except in Punjab.*

31. Analysis of pending cases suggests that *some of the gender-related cases are the most difficult to resolve*. A total of 41% of pending cases are disputes arising from domestic violence (25% of unsettled cases), matrimonial differences (14%), exclusion of women from inheritance (1%) and *watta satta* (1%). Financial and property disputes account for 33% of the pending cases. It should be noted, however, that project records do not distinguish between cases that are continuing but pending resolution and those that could not be resolved.

¹⁹ Women are also sometimes involved in financial disputes, minor quarrels and disagreements, but gender disaggregated data for these disputes are not available.

| Table 6. Musalihat Anjuman Workload, by District and Province | | | | | | | |
|---|--------------|----------------|--------------|-------------|--------------------------|------------------------------|---------------------------------------|
| | Number of: | | | | Starting date | No. of Quarters to Sep. 2010 | Cases per MA per Quarter ¹ |
| | MAAs | Cases Received | Cases per MA | % of Total | | | |
| Balochistan | | | | | | | |
| Gwadar | 13 | 179 | 14 | 1% | Last qtr 2008 | 8 | 1.7 |
| Lasbela * | 22 | 689 | 31 | 4% | Last qtr 2006 | 12 | 2.6 |
| Loralai | 20 | 185 | 9 | 1% | Last qtr 2008 | 8 | 1.2 |
| Quetta * | 67 | 627 | 9 | 4% | Last qtr 2006 | 12 | 0.8 |
| Ziarat | 10 | 135 | 14 | 1% | Last qtr 2008 | 8 | 1.7 |
| <i>Sub-total</i> | <i>132</i> | <i>1,815</i> | <i>14</i> | <i>11%</i> | | <i>48</i> | <i>1.6</i> |
| Khyber Pakhtunkhwa | | | | | | | |
| Abbottabad * | 51 | 498 | 10 | 3% | Last qtr 2006 | 12 | 0.8 |
| Dera Ismail Khan * | 47 | 732 | 16 | 5% | Last qtr 2006 | 12 | 1.3 |
| Haripur | 45 | 201 | 4 | 1% | 2 nd qtr 2009 | 5 | 0.9 |
| Mardan | 75 | 445 | 6 | 3% | 2 nd qtr 2009 | 5 | 1.2 |
| Nowshera | 47 | 966 | 21 | 6% | 2 nd qtr 2009 | 5 | 4.1 |
| <i>Sub-total</i> | <i>265</i> | <i>2,842</i> | <i>11</i> | <i>18%</i> | | <i>39</i> | <i>1.4</i> |
| Punjab | | | | | | | |
| Attock * | 72 | 2,879 | 40 | 18% | Last qtr 2006 | 12 | 3.3 |
| Bahawalpur * | 107 | 3,292 | 31 | 20% | Last qtr 2006 | 12 | 2.6 |
| Jhelum | 54 | 519 | 10 | 3% | 1 st qtr 2009 | 7 | 1.4 |
| Mianwali | 56 | 963 | 17 | 6% | Last qtr 2008 | 8 | 2.1 |
| Multan | 129 | 747 | 6 | 5% | Last qtr 2008 | 8 | 0.7 |
| <i>Sub-total</i> | <i>418</i> | <i>8,400</i> | <i>20</i> | <i>52%</i> | | <i>47</i> | <i>2.2</i> |
| Sindh | | | | | | | |
| Dadu * | 52 | 1,467 | 28 | 9% | Last qtr 2006 | 12 | 2.4 |
| Jacobabad | 40 | 254 | 6 | 2% | Last qtr 2008 | 8 | 0.8 |
| Sanghar | 55 | 381 | 7 | 2% | Last qtr 2008 | 8 | 0.9 |
| Shikarpur * | 50 | 616 | 12 | 4% | Last qtr 2006 | 12 | 1.0 |
| Shaheed Benazirabad | 51 | 340 | 7 | 2% | Last qtr 2008 | 8 | 0.8 |
| <i>Sub-total</i> | <i>248</i> | <i>3,058</i> | <i>12</i> | <i>19%</i> | | <i>48</i> | <i>1.3</i> |
| Total | 1,063 | 16,115 | 15 | 100% | | 182 | 1.6 |
| Notes: | | | | | | | |
| * These are districts from the pilot phase of the project. | | | | | | | |
| ¹ Provincial and national averages of number of cases per MA, per quarter, are weighted by the number of quarters. For example, the weight of Sindh in the number of quarters is 48/182 = 0.264. Its contribution to the share-weighted national average is 0.264 x 1.3 = 0.343. | | | | | | | |
| Source: FPMU, Ministry of Local Government & Rural Development, Government of Pakistan. | | | | | | | |

32. There is considerable variation across districts in the number of cases received (Table 6). It has been suggested by many of the stakeholders that inter-district variation reflects differences in district population, in the date on which MAs started functioning in the district, and in education and the social set-up (with feudal, tribal and similar influences thought to inhibit recourse to the MA). It has also been suggested, with good reason, that *inter-district variation is due to the degree of ownership seen in the district, particularly as evidenced by the interest taken by the DFP and, in the past, by the elected Nazim*. The following examples illustrate the kind of inter-district variations that suggest these hypotheses:

- (a) Attock and Bahawalpur in Punjab, both with large populations, were among the first eight pilot districts and each of them accounts for about one-fifth of the national total of cases

received. The average number of cases received per quarter by a Musalihat Anjuman is 2.6 in Bahawalpur and 27% greater in Attock.

- (b) Multan has a much larger population than Mianwali, both of them became operational at the same time, but Multan has received fewer cases. The average number of cases per MA, per quarter, in Mianwali is three times higher than Multan.
- (c) In Nowshera, MAs became active only in the second quarter of 2009, at the same time as in neighbouring Mardan, where the population is larger. Nowshera, however, has received twice as many cases as Mardan, and its average number of cases received per quarter (4.1) is by far the highest in the country.

33. Across provinces, the proportion of disputes involving females increases from only 6% in Sindh to 12% in Balochistan, 21% in KP and 47% in Punjab (Table 7). In Sindh, 32% of the disputes are classified as minor quarrels and disagreements, 30% are about financial and property matters, and 11% are related to irrigation water. Very few of the project districts in the other provinces practice irrigated agriculture. Almost half the disputes in Balochistan are classified as minor quarrels and disagreements, and another 38% are disputes over property and financial matters. In KP, 40% of the disputes are over property and financial matters, and matrimonial disputes account for 13% of the total. In Punjab, 45% of the cases relate to domestic violence (30%) and matrimonial disputes (15%), and 31% to financial and property matters. Evidently, *the utility of the MA in addressing different types of conflict varies considerably across provinces, except that it is found to be consistently useful in resolving financial and property disputes.*

2.3 Cases Settled and Pending

34. Sindh reports that its MAs have settled all the more than 3,000 cases received so far, and Balochistan and KP are not far behind, having settled 95% of the cases (Table 8); Punjab has settled only 60% of the cases. All five districts in Sindh and two each in Balochistan and KP report no backlog in terms of cases awaiting resolutions. Another two districts have almost no backlog. Mianwali and Multan in Punjab are the two lagging districts in terms of resolving disputes. Project records show that it has been particularly difficult in these districts to resolve property and financial disputes.

35. *It is not clear, however, how all five districts in Sindh, and another two each in Balochistan and KP, have managed to achieve a 100% record of resolving disputes in all categories,* when other provinces and districts have faced at least some difficulty in certain types of conflict. In a meeting chaired by the Secretary, Local Government, and attended by relevant stakeholders, an informed observer from Sindh commented that the MAs are only recording cases that they have resolved, and ignoring those that they could not resolve.

2.4 Cases Referred by Courts and Police

36. As reflected in Tables 9 and 10, *efforts to link the MAs to the judicial and police systems have yielded weak and uneven results.* In Balochistan, the district judiciary in all five districts has referred a total of 221 cases to the MAs. Only one other district in the country (Dadu, with 50 cases) has done so, and that was in 2006-2007. In other words, courts in 14 of the 20 districts included in the project have not been supportive of the ADR mechanism. Support from district police officials has been even weaker and visible only in the five districts of Balochistan, where 112 cases have been referred by the police.

Table 7. Number of Cases Received by Musalihat Anjumans, by Nature of Dispute and Province

| Nature of Disputes/Cases | Balochistan | KP | Punjab | Sindh |
|--------------------------|-------------|----|--------|-------|
| | | | | |

| | No. | % | No. | % | No. | % | No. | % |
|---|--------------|------------|--------------|------------|--------------|------------|--------------|------------|
| 1. Domestic violence * | 63 | 3.5 | 179 | 6.3 | 2,550 | 30.4 | 56 | 1.8 |
| 2. Matrimonial disputes * | 151 | 8.3 | 360 | 12.7 | 1,239 | 14.8 | 53 | 1.7 |
| 3. Property disputes | 339 | 18.7 | 764 | 26.7 | 844 | 10.1 | 297 | 9.7 |
| 4. Child abuse | 3 | 0.2 | 13 | 0.5 | 26 | 0.3 | 22 | 0.7 |
| 5. Exclusion of females from inheritance * | 2 | 0.1 | 29 | 1.0 | 69 | 0.8 | 4 | 0.1 |
| 6. Marriage to Quran * | 1 | 0.1 | 1 | (-) | 0 | 0.0 | 0 | 0.0 |
| 7. <i>Watta Satta</i> (exchange marriage) * | 0 | 0.0 | 22 | 0.8 | 54 | 0.6 | 71 | 2.3 |
| 8. <i>Zhagh</i> (asserting ownership over women of the enemy tribe) * | 0 | 0.0 | 1 | (-) | 0 | 0.0 | 0 | 0.0 |
| 9. Forced marriage * | 8 | 0.4 | 7 | 0.3 | 21 | 0.3 | 5 | 0.2 |
| 10. Human trafficking | 0 | 0.0 | 49 | 1.7 | 0 | 0.0 | 3 | 0.1 |
| 11. Forced labour | 1 | 0.1 | 0 | 0 | 1 | (-) | 31 | 1.0 |
| 12. Public insult, assault | 2 | 0.1 | 15 | 0.5 | 42 | 0.5 | 27 | 0.9 |
| 13. Sexual harassment * | 0 | 0.0 | 8 | 0.3 | 32 | 0.4 | 2 | 0.1 |
| 14. Financial disputes | 348 | 19.2 | 381 | 13.4 | 1,388 | 16.5 | 630 | 20.6 |
| 15. Minor quarrels and disagreements | 897 | 49.4 | 235 | 8.3 | 1,875 | 22.3 | 986 | 32.2 |
| 16. Water related disputes (irrigation, water courses, etc.) | 0 | 0.0 | 75 | 2.6 | 114 | 1.4 | 344 | 11.2 |
| 17. Miscellaneous disputes ² | 0 | 0.0 | 703 | 24.7 | 145 | 1.7 | 527 | 17.2 |
| Total | 1,815 | 100 | 2,842 | 100 | 8,400 | 100 | 3,058 | 100 |

Notes:

* These are categories of cases in which one of the parties is a female.

(-) means less than 0.05%.

¹ The overall percentage of disputes/cases settled is 78%.

² Miscellaneous disputes include encroachment, tree cutting, sewerage disposal, etc.

Source: FPMU, Ministry of Local Government & Rural Development, Government of Pakistan.

Table 8. Number of Cases Received and Settled by MAs, by Province and District

| <i>Balochistan</i> | | | | <i>Khyber Pakhtunkhwa</i> | | | |
|--------------------|--------------|--------------|-----------|---------------------------|--------------|--------------|------------|
| District | Received | Settled | | District | Received | Settled | |
| | | No. | % | | | No. | % |
| Gwadar | 179 | 179 | 100 | Abbottabad * | 498 | 433 | 87 |
| Lasbela * | 689 | 633 | 92 | Dera Ismail Khan * | 732 | 718 | 98 |
| Loralai | 185 | 185 | 100 | Haripur | 201 | 201 | 100 |
| Quetta * | 627 | 587 | 94 | Mardan | 445 | 445 | 100 |
| Ziarat | 135 | 133 | 99 | Nowshera | 966 | 889 | 92 |
| Total | 1,815 | 1,717 | 95 | Total | 2,842 | 2,686 | 95 |
| <i>Punjab</i> | | | | <i>Sindh</i> | | | |
| District | Received | Settled | | District | Received | Settled | |
| | | No. | % | | | No. | % |
| Attock * | 2,879 | 1,956 | 68 | Dadu * | 1,467 | 1,467 | 100 |
| Bahawalpur * | 3,292 | 1,981 | 60 | Jacobabad | 254 | 254 | 100 |
| Jhelum | 519 | 302 | 58 | Sanghar | 381 | 381 | 100 |
| Mianwali | 963 | 426 | 44 | Shikarpur * | 616 | 616 | 100 |
| Multan | 747 | 414 | 55 | Shaheed Benazirabad | 340 | 340 | 100 |
| Total | 8,400 | 5,079 | 60 | Total | 3,058 | 3,058 | 100 |

* These are districts from the pilot phase of the project.

Source: FPMU, Ministry of Local Government & Rural Development, Government of Pakistan.

Table 9. Number of Cases Referred to MAs by the Courts, by Province and District

| Province | No. of | Province and | No. of | Province and | No. of | Province and | No. of |
|----------|--------|--------------|--------|--------------|--------|--------------|--------|
|----------|--------|--------------|--------|--------------|--------|--------------|--------|

| and District | cases | District | cases | District | cases | District | cases |
|---|-------|---------------------------|-------|---------------|-------|---------------------|-------|
| <i>Balochistan</i> | | <i>Khyber Pakhtunkhwa</i> | | <i>Punjab</i> | | <i>Sindh</i> | |
| Gwadar | 6 | Abbottabad * | - | Attock * | - | Dadu * | 50 |
| Lasbela * | 141 | Dera Ismail Khan * | - | Bahawalpur* | - | Jacobabad | - |
| Loralai | 5 | Haripur | - | Jhelum | - | Sanghar | - |
| Quetta * | 65 | Mardan | - | Mianwali | - | Shikarpur * | - |
| Ziarat | 4 | Nowshera | - | Multan | - | Shaheed Benazirabad | - |
| Total | 221 | | - | | - | | 50 |
| Total for Pakistan: 271 | | | | | | | |
| * These are districts from the pilot phase of the project. | | | | | | | |
| Source: FPMU, Ministry of Local Government & Rural Development, Government of Pakistan. | | | | | | | |

| Table 10. Number of Cases Referred to MAs by the Police, by Province and District | | | | | | | |
|--|--------------|---------------------------|--------------|-----------------------|--------------|-----------------------|--------------|
| Province and District | No. of cases | Province and District | No. of cases | Province and District | No. of cases | Province and District | No. of cases |
| <i>Balochistan</i> | | <i>Khyber Pakhtunkhwa</i> | | <i>Punjab</i> | | <i>Sindh</i> | |
| Gwadar | 9 | Abbottabad * | - | Attock * | - | Dadu * | - |
| Lasbela * | 31 | Dera Ismail Khan * | - | Bahawalpur* | - | Jacobabad | - |
| Loralai | 11 | Haripur | - | Jhelum | - | Sanghar | - |
| Quetta * | 56 | Mardan | - | Mianwali | - | Shikarpur * | - |
| Ziarat | 5 | Nowshera | - | Multan | - | Shaheed Benazirabad | - |
| Total | 112 | | - | | - | | - |
| Total for Pakistan: 112 | | | | | | | |
| * These are districts from the pilot phase of the project. | | | | | | | |
| Source: FPMU, Ministry of Local Government & Rural Development, Government of Pakistan. | | | | | | | |

3. PERFORMANCE OF THE PROJECT

3.1 Three Dimensions of Performance

37. Project performance is assessed in terms of three dimensions (or evaluation criteria), namely, relevance, effectiveness and efficiency. These are introduced as the basis for performance assessment in Box 1, and defined as follows, and further elaborated in the ToRs:

- (a) **Relevance determines whether the project was worth doing.** It assesses whether project objectives were focused on the right priorities when designed, and if they were adjusted to suit changing circumstances during implementation. It records whether project design was updated during implementation to reflect emerging needs and perceptions, or whether it needed to be updated.
- (b) **Effectiveness is a measure of whether the project has achieved what it had been designed to do.** It is assessed by reviewing how well the stated objectives have been achieved. If a project logical framework is available, it will provide a basis for assessment.
- (c) **Efficiency is defined as the extent to which the project has achieved, or is expected to achieve, benefits commensurate with inputs,** based on economic and financial analysis or unit costs compared with alternative options and good practices. It takes into account timeliness, utilization of resources, facilities and services, and good practice standards.

Box 1. Three Dimensions of Performance

Performance of the project is assessed through three criteria: relevance of objectives, effectiveness (the extent to which the objectives have been achieved) and efficiency (how economically resources have been converted into results). Taken together, these three criteria capture how well the needs of stipulated target groups, and how well the project has performed against its objectives. The criteria focus on the quality of the project objectives (“doing the right things”) and the extent to which the right objectives were achieved at reasonable cost (“doing things right”).

38. Relevance is assessed in this MTE at two levels—the project level, which is generally the focus of project evaluations such as this, and the policy level (which includes the LGO and the policy environment in which the project is situated). The latter is important because **this project serves a policy, the basis of which was initially the LGO and in future will be the local government acts passed by the provincial legislatures.** The policy environment in which the project has been operating also includes the policies of the police and the judiciary, and policies evident from the administrative and financial arrangements made by the province for implementing the LGO. Some of these policies are in written form and others are un-stated (the absence of a stated policy is also an integral part of the policy environment).

39. The national or social objective in pursuit of which the LGO established the Musalihat Anjuman, and the project has supported this institution, is not stated in the law. It is, however, best inferred, in the words of the ToRs, as **the provision of free, fair, efficient and equitable justice to all, particularly the poor and marginalized.** The right to justice is enshrined in the Universal Declaration of Human Rights. How this right is made available to citizens is, as with all other rights, a matter of public policy. Sound policy is formulated on the basis of well-known considerations, including value-for-money comparisons of alternative ways of pursuing an objective²⁰. It is posited that an instrument of justice that aims to cater to a significant proportion of the population, particularly women, the poor and the marginalized, must have the benefit of possessing at least three essential features²¹:

²⁰ This point is elaborated in a seminal work on service delivery, the *World Development Report 2004: Making Services Work for Poor People*; Washington, DC: World Bank.

²¹ A more comprehensive discussion of the desirable features of service delivery is given by Rajani Ranjan Jha, “Concept and Role of the Ombudsman Institution in Asia in Improving and Maintaining Public Service

- (a) It should be impartial, and seen to be impartial by the intended beneficiaries.
- (b) It should be accessible to the intended beneficiaries in terms of time and cost.
- (c) It should be adequately resourced at all levels on a sustainable basis.

3.2 Relevance of Laws and Policies

40. According to a review commissioned by the GJTMAP²², the MA is one of the three ADR mechanisms in the country that are rooted in Union Councils, namely, the MAs established under the LGO of 2001, the Conciliation Courts created by the Conciliation Courts Ordinance (1961), and the Arbitration Councils established under the Muslim Family Laws Ordinance (1961). The Conciliation Courts have limited criminal and civil jurisdiction, with no sentencing powers, but may award compensation of PKR 500-1,000. The Arbitration Councils have limited jurisdiction in family issues and focus on avoiding divorce and resolving issues related to polygamy and maintenance.

41. The composition of the Conciliation Court is political, as it is headed by the Chairman of the UC and its other members are also members of the UC. The Arbitration Council is also headed by the UC Chairman, which is a political office. The MA consists of members selected by the UC from among the general public. Thus, the MA established under the LGO, although constituted by political representatives, is one step short of being completely politicized. By comparison, the appointment of mediators in the good practice examples of ADR seen in the region is a non-political process²³.

42. All three mechanisms mentioned above were created by military governments as part of their objective of establishing local level institutions at a time when representative government was not allowed to exist at higher levels. The local government initiatives sponsored by military governments were not generally supported by political parties and the Federating Units (the four provinces) and lacked legitimacy. Elected governments that succeeded military governments tended to reverse these initiatives or render them ineffective through indifference. For example, the Conciliation Courts can award compensation of up to PKR 1,000, which was a substantial amount in 1961 but is of little significance in a dispute these days; nobody goes to these courts because of this and other factors. The Arbitration Council is also hardly ever used by the people.

43. As noted above, since 31 December 2009 the provinces have been free once again to legislate on local government matters. Balochistan has already passed a new Local Government Act that provides for the continuation of MAs; the three other provinces are expected to do so. The new law in Balochistan, however, changes the composition of MAs: MA members will now be chosen from among the elected members of the UC; the proposed new law in Sindh also has the same provision. Thus, two of the four provinces are now moving towards complete politicization of MAs.

44. The conclusion emerging from this discussion is that *MAs have never been free of political influence and may soon be completely politicized in two of the provinces*²⁴. As individual UC members are widely perceived to represent the interests of a limited segment of the community, it would be difficult for most people to perceive them as neutral in terms of their decisions. It is

Delivery,” paper presented at the concluding conference of Asian Development Bank Technical Assistance for Strengthening the Asian Ombudsman Association, Manila, August 24–25, 2010.

²² “Alternate Dispute Resolution (ADR): A Strategy Paper for Utilization of ADR Provisions for Quick Disposal of Court Cases,” (draft), 16 June 2009.

²³ For example, Sri Lanka amended its Mediation Boards Act of 1988 in 1997 to overcome the problem of politicization of personnel. See Annex V, based on Brown, Cervenak and Fairman 1998.

²⁴ It is recognized that appointments to courts in most countries are also often made by political leaders. This practice, however, is generally based on mandatory bipartisan consultation in full glare of the media. The selection process for MA members does not require bipartisan consultation and is certainly not transparent to the media or the general public.

possible, however, that some of the UCs would rise above their narrow interests in appointing MA members who are respected as being impartial by women and the poor and marginalized. The mission met a few of the beneficiaries of MAs, who expressed complete satisfaction with the outcome. However, it did not meet people with disputes who had not used the MA. Moreover, there is no survey or study of community perceptions of the impartiality of MA members. International good practice (see Annex V), the context of local politics in Pakistan, and the fate of the politicized Conciliation Courts and Arbitration Councils suggest that *MAs cannot be perceived by most people as impartial in the dispensation of justice*, and that this, rather than lack of awareness, may be one of the most significant factors leading to the low work load of MAs reported in paragraph 29.

45. At the same time, *the existence of the MA at the UC level, the free service it provides and its versatility (as indicated in paragraph 30) are the strengths of this institution*: it is, in principle, as close to the people as the country's administrative system allows (but see paragraph 47), and it is cheaper than the alternatives available for many types of disputes. The MA is also less stressful and less expensive than litigation, and permits more participation and empowerment (particularly to women), allowing the parties the opportunity to "tell their side" of the story, have more control over, and participate in the ultimate outcome. On the other hand, even after the passage of more than nine years, the provinces have failed to activate MAs except in the five districts supported by the project in each province²⁵. This means that *the MA, though relevant in terms of accessibility, is relevant only to a fraction of the population in each province*. The cause of this is a policy failure and has nothing to do with lack of awareness among the people. It would be understandable, though, if the provinces were less than keen on fully implementing a law (the LGO) that was imposed by the military at a time when the provincial legislatures did not exist.

46. That, or a more general lack of interest or resources, might also explain the *inability of the provinces to organize adequate resources and support for MAs* on a sustained basis even in the 20 districts supported by the project. In monetary terms, the provinces have contributed only 8% of project costs during 2005-2010 and have committed to contribute only 3% during 2011-2013 (Table 2)²⁶. Within the provincial administrative set-up, there are unresolved issues such as payment of honoraria or stipends to MA members; the provision of office space, furniture and operational cost of MAs; the long durations for which no Project Director is in place; and, sometimes, lack of understanding of the Project Cycle Operations Manual under which this project operates (with all the attendant problems and conflicts that have been seen before).

47. Almost all the implementers at the local level, including UC Secretaries, MA Convenors and other Musaleheen, emphasized the importance of an office where people with disputes could come and meet the MA. In practical terms, this is a more important element of accessibility than anything else: it is not enough for the MA members to belong to the UC—they need to be available on specified days at a physical location known to the public that can accommodate parties to various disputes with a degree of comfort and privacy (the Sri Lanka example summarized in Annex V illustrates the importance of these points). Unlike in the courts, privacy and confidentiality are important in MAs, and the parties to a dispute need space where they can discuss their problems and views in private. This is even more important for women, for obvious reasons²⁷. In the prevailing situation, *a significant proportion of the MAs do not have an address or the physical space and comfort level expected by MA members and those who need their services*.

²⁵ There are 113 districts in the four provinces (30 in Balochistan, 34 in KP, 36 in Punjab and 23 in Sindh).

²⁶ This, however, under-states the total contribution of the provinces, which includes the services of UC Secretaries in 1,063 UCs, and focal persons and administrative support in 20 districts. The provinces should also be credited with requisitioning the services of 3,189 MA members, who are working on a voluntary basis. All told, some 4,000 to 5,000 provincial government employees and volunteers are working part-time or full-time with MAs.

²⁷ Examples have been cited of custody disputes in which a mother has to nurse an infant during the proceedings of the MA.

48. Accessibility also requires that MA members should be present in an office during appointed hours on specified days of the week. This is related to the long-pending matter of covering the costs of MA members through honoraria or stipends. It needs to be recognized, first, that MA members are expected to provide justice on the doorstep as a public service on behalf of the provincial governments. Second, it is common practice throughout the world that mediators in court-annexed ADRs are paid their professional fees and costs, whereas volunteers are not paid for their time but their out-of-pocket costs are covered. This is also the practice, for example, in the successful Mediation Boards of Sri Lanka, as summarized in Annex V. ***In the absence of honoraria from the provincial governments to cover their costs, it is unrealistic to assume that most of the MA members would maintain regular office hours throughout their tenures*** and deliver according to the expectations of the public. From the perspective of service delivery, and more so for an institution that aims to serve a noble cause, accessibility should be one hundred percent real, not partly real and partly notional, as is the case with MAs at present.

49. The cost of service delivery can often be reduced through economies of scale. The law, as it stands, and as it is proposed by three provinces, adopts ***a rigid “one shoe fits all sizes” approach emanating from the LGO***: every UC must have a Musalihat Anjuman, regardless of the size of the UC, tehsil or district. This rigid approach means that economies of scale have not been sought even in districts (for example, Haripur, Nowshera and Shikarpur) that are geographically small and have the benefit of good communications. Given five years of experience, it should have been possible by now, in all districts, to organize MAs on a cluster basis, and in some districts at the tehsil level, thereby reducing the cost per MA without seriously undermining people’s access to this mechanism. This, in turn, would have made the MAs more attractive for replication in all districts of a province.

50. Viewed from the perspective of public service, impartial, accessible and adequately resourced MA members would tend to create their own market: services that work for the people are universally popular among the people, and need very little marketing or communication beyond the initial stage²⁸. MAs that are created and supported as a public service in line with good practices, adapted to local resource constraints, could be a brand name for justice for tens of thousands among the poor who are looking for such an alternative. Conversely, ***even a sophisticated and continuing campaign of communication cannot establish a brand that is perceived by the people to be flawed or fleeting***. This is fundamental.

51. The policies adopted by the judiciary and the police are also important, up to a point, in the performance of the MAs²⁹. Regarding judicial policy towards MAs, the oft-mentioned point of departure is the reference to MAs in the Islamabad Declaration on the National Judicial Policy Implementation (July 2009), which states that “Necessary steps should be taken to fully apply and implement the ADR mechanisms such as the Musalihat Anjumans in order to reduce the burden on the courts.” The ADR Committee of the superior judiciary, chaired by a judge of the Supreme Court of Pakistan, is drafting the rules for ADR; this, however, is reportedly with reference to Section 89-A of the Civil Procedure Code. ***There is little indication at this time that courts would be encouraged through these rules to refer cases to MAs***, and as long as MAs are not included in the rules, it would remain difficult, if not impossible, to persuade district judges to refer cases to MAs.

²⁸ The experience of the Wafaqi (Federal) Ombudsman of Pakistan supports the view that performance generates publicity and attracts the public. This office receives more than 30,000 complaints per year. On the other hand, the Federal Insurance Ombudsman, rendered ineffective by various means, receives only 250 complaints and generates no publicity. (Tariq Husain, “The Role of the Ombudsman in Improving Public Service Delivery in Pakistan,” paper presented at the concluding conference of Asian Development Bank Technical Assistance for Strengthening the Asian Ombudsman Association, Manila, August 24–25, 2010.)

²⁹ The caveat “up to a point” is significant in that women and the vulnerable generally do not take the initiative to go to courts and police stations, and those of them who do have, by most accounts, already ruled out amicable settlement and adopted strong adversarial positions.

52. As far as the police are concerned, the policy in KP and Punjab has been to establish Musalihat Committees at the police station level, appointed by the police, in all districts. The mission did not find any willingness among police officials in these provinces to consider referral of cases to MAs. In Balochistan, there are Peace and Reconciliation Committees in all districts, except the five in which MAs are functional. While individual efforts by project managers may occasionally bear fruit (as in Balochistan), ***there is little indication across the country that the police would encourage referrals to MAs*** as a matter of policy.

3.3 Relevance of Project Objectives

53. GJTMAP is the only project in the country that has facilitated the establishment, training, continuing support and advocacy of MAs. As such, ***the project is not only highly relevant to the national and provincial policies for MAs but also the only relevant initiative for actually implementing these policies. As indicated above, however, the project is constrained by a number of policies that are not as helpful for the stipulated target groups as assumed in project design.***

54. In the context of the One UN Programme and UNDP Country Office (CO) operations:

- (a) The project is part of the One UN Joint Programme on Agriculture, Rural Development and Poverty Reduction. It is in line with the CO's efforts for addressing income-based and non-income poverty with a strong focus on women and vulnerable groups.
- (b) MAs are part of the governance component of the recently approved project Early Recovery and Restoration of Flood Affected Communities (ERP). Until recently, there was a disconnect in that ***implementation was envisaged by NGOs selected through a competitive process, rather than the well-established GJTMAP, which has experience, offices and networks in all four provinces.*** This disconnect has reportedly been addressed now, and seven districts included in ERP, that are also among the 20 in which GJTMAP is working, are set to benefit from the latter.

55. Coming down to the level of project objectives and outputs (Table 4), ***the project is clearly relevant to the LGO but much less so to the prevailing judicial and police policies.*** More specifically: The first two objectives (read with their corresponding outputs) follow directly from the LGO and testify to the relevance of the project to national and provincial policies. The third objective calls, in its output statement, for "partnerships between judiciary, police and Musalihat Anjuman". Its relevance is questionable for at least two reasons: referrals by police to MAs are not mentioned in the LGO, and judicial and police policies do not encourage referrals to MAs. Put differently, while GJTMAP may view courts and police as relevant, courts and police do not view MAs in the same way. The fourth objective³⁰ is not directly associated with the LGO but translates essentially into communication and awareness-raising. Its relevance is best viewed as questionable in the context discussed in paragraph 50.

56. ***The response of the communities to the project has been variable in a number of ways, with elected representatives showing greater enthusiasm than ordinary community members, and men more than women.*** Many of the former District and UC Nazims actively assisted the project in its initial stages to form Insaaf Committees and MAs; participated in a majority of project activities including awareness workshops and consultative workshops for framing the Rules of Business; and directed District Government functionaries and elected representative to participate fully in the project. Indeed, without the support of all these elected representatives, the project could not have taken off.

³⁰ This is "To promote women's awareness of their legal rights and men's active participation in ending gender based violence."

57. The *response of ordinary people, however, has been weak and uneven so far*, as elaborated in Chapter 2 on the basis of quantitative data. While this is attributed by most stakeholders to lack of awareness, the policy context described above is by far the more important factor in the low level of utilization of MA services. Another important factor is the prevalence, throughout the country, of traditional means for resolving disputes, including recourse to family members, community elders, tribal or feudal leaders, or traditional mechanisms such as the *jirga* and *panchayat*. Traditions also strongly inhibit women from taking their disputes beyond their family members. Based on discussion with MA members, beneficiaries and law enforcement officials, the mission concluded that the overwhelming majority of those who are bringing their disputes to the MAs (except, perhaps, in the urban areas) would have gone to family members or traditional community institutions, rather than the courts and police, in the absence of MAs³¹.

58. The implementation framework adopted by the project is driven partly by the LGO, as reflected in the first and second objectives of the project, and partly by the third and fourth objectives mentioned in Table 4; the complete operational model has been described in Section 1.3. *Some parts of the implementation framework have to be changed because of recent and expected changes in law*, including the Eighteenth Constitutional Amendment, the Balochistan Local Government Act and the forthcoming local government acts of the other three provinces. More specifically:

- (a) As a result of the Eighteenth Amendment, the project has been transferred to the Planning and Development (P&D) Division of the Federal Government upon the dissolution of the MoLG&RD. This means, in particular, that the new National Project Director (NPD) will be from P&D. Given, however, that local government is an exclusively provincial subject, the assumption at this stage is that there is no role for federal policy directives to the provinces, federal coordination of implementation by the provinces, and a National Steering Committee (NSC) in GJTMAP. If this assumption is correct, then something akin to a National Consultative Forum of provincial teams may take the place of the NSC to share and review experiences, highlight problems, introduce solutions and plans, and indicate how the FPMU could help the provinces. The FPMU itself would not be a management unit in the previous sense of the word: it would be more of a technical assistance and facilitation unit than an implementation coordination unit.
- (b) As noted in Section 1.3, there is already variation across the provinces in terms of implementation arrangements. In addition, the composition of the MA has been changed in Balochistan, and may also be changed in Sindh, in a way that would not strengthen the people's perception of impartiality. Moreover, following suggestions from the project, it is possible that the number of MA members may be increased from three to five, including two women, which could be a positive development for many of the MAs.

59. Other *aspects of the implementation framework also need to be assessed in light of the experience gained by the project and insight from relevant good practices*. Part of the assessment relates to perceptions of impartiality (paragraph 44) and sustained availability of human and financial resources (paragraphs 46-49); these are factors beyond the control of the project and best tackled at the provincial level, with appropriate inputs from the project as discussed later in the recommendations of the MTE. Implementation issues that emerge more directly from project design have also been flagged above in paragraph 55 and relate to Objectives 3 and 4 of the project.

3.4 Effectiveness in Achieving Objectives

60. Effectiveness assesses the extent to which the objectives were achieved or are likely to be achieved. As recalled in the ToRs of the MTE, UNDP's Evaluation Policy differentiates between organizational and development effectiveness (Box 2); the former is directly related to the project and

³¹ This suggests that cost and benefit comparisons between MAs and the courts are much less relevant than those between MAs and traditional dispute resolution mechanisms.

the latter takes into account all key partners. In relation to the objectives of the GJTMAP, there is specific delineation of roles between the project and the government: except for financial support and the capacity development of stakeholders, Objectives 1, 2 and 3 depend critically on provincial laws and the overall policy environment, and this is elaborated above in Section 3.2 (The Policy Context). Objective 4, however, does not follow directly from provincial laws or relevant policies: it is a project initiative in the strict sense.

61. The project has worked diligently in the last six years or so to arrive at where it stands today. This has not been easy, considering the complete newness of the MA concept and the extremely difficult operating environment, particularly as it affected the human and financial resources available to the project. The MTE reviewed the comprehensive list of activities planned and completed by the project under each of the four programmatic objectives during 2005-2010; a summary of this is provided in Annex VI. In a nutshell, ***the project completed almost all the activities for which a budget was available in a given year, and also took initiative, over time, to start new activities.*** Most of the activities resulted in tangible and useful outputs; the extent to which they contributed to effectiveness is discussed below.

Box 2. Two Levels of Effectiveness

- Organizational effectiveness: The more direct, accountable and attributable measures of performance over which the [project] has relatively more control or manageable interests.
- Development effectiveness: The extent to which the intended development goals ... are achieved through the ... government, civil society and development partners. Evaluation assesses the effectiveness of the partners' contribution in enhancing the factors and conditions that enable [the achievement of] development goals.

Source: UNDP Evaluation Policy, available at: <http://www.undp.org/evaluation/policy.htm>

62. In relation to Objective 1, the project worked with a large number of stakeholders, including elected and administrative officials and NGOs, and ***helped establish 1,063 MAs in all four provinces. This is obviously a unique achievement,*** as no other MAs are functioning in the country even after the passage of more than nine years since MAs were introduced through the LGO. It entailed reaching consensus across the country on Rules of Business (RoB) prepared with the help of the project, and notification of MAs by the government. The project also struggled against the odds to include women among the MA members, so that many MAs effectively became gendered MAs; and it aimed to develop confidence among the women victims of violence through various means, including community advocacy and awareness, and training for implementers.

63. Training of more than 15,000 stakeholders (Annex VI) was a key contribution to effectiveness in Objective 2. The project provided training related to this objective in four areas, namely, gender sensitization (for all MA members, UC members and orientation for MAJA members), legal literacy (for all MA members), record keeping (for UC Secretaries), and monitoring and database (for district-level data operators). In addition, in December 2010 it pre-tested a draft ADR Training Manual for Community Mediators.

64. An assessment of the training programme is provided in Annex VII. The main conclusion is that the ***training programme (including manuals, activities and master trainers) has been a relevant and effective tool for making MAs functional.*** The new local government system that is coming into being would almost certainly generate the need for revising some of the training manuals. In addition to this factor, attention should also be drawn to some of the ***limitations in the training manuals,*** as summarized below:

- (a) The rights and personal laws of minorities are missing from the training manuals on gender sensitization and legal rights.
- (b) Training on advocacy skills, particularly for the MAJA members, is also missing.
- (c) Mediation is a technical skill that should have been imparted to the MA members at the initial stages of the project.

(d) The Bench Book for Judicial Officers is an excellent piece of work, but it is offered only in English and not all judicial officers have command over English.

65. ***Other limitations in the effectiveness of the training programme*** include the following:

- (a) Except in Balochistan, there is no evidence of training activities after the training provided at the very early stages of the project.
- (b) Gender sensitization and training on women's rights has not had the kind of widespread impact that this project requires.
- (c) MASS partners, who were mandated to create linkages with the judiciary and the police, did not meet the expectations.
- (d) The role of MAJA in the entire process was also found to be weak, and in most places, there was no interaction between MAJA and MASS.

66. Given the record summarized in paragraphs 30, 31 and 36, ***it is not possible to say that women victims of violence see MAs as an alternative mechanism for gender justice*** in most districts of the country where the project is working. This conclusion applies to both Objective 1 and Objective 2. What is clear, however, is that ***the project capacitated MAs and their supporting institutions to a level of functionality, in a short time, and in all the districts***, until disruptions occurred (as summarized in paragraphs 7-10) for reasons beyond its control.

67. Functionality, however, does not mean that all or most of the key aspects of the capacity of MAs and their supporting institutions have been adequately addressed. There are limitations created by certain management and ownership issues at the federal and provincial levels that are relevant to Objectives 1 and 2, and these have been outlined earlier (paragraphs 41-52).

68. At the same time, it should be highlighted that the ***project received commitments of PKR 650 million from the federal and provincial governments for the consolidation and expansion of MAs over a five-year period***. This is one of the largest contributions made by the government to an agency of the United Nations in Pakistan. However, 75% of this commitment has come from the federal government rather than the provinces, even though the implementation of a provincial policy is, in principle, the responsibility of the province.

69. Objective 3, for all practical purposes, focuses on partnerships between the judiciary, the police and the MA. Here, the main achievement of the project is actually small but significant: it ***succeeded in establishing the precedent of courts and police referring disputes to MAs***. Although this success is limited to Balochistan (and, briefly, the courts in Dadu, Sindh), the judiciary's (but not the police's) interest in MAs is more widespread and evident in all four provinces as well as the Supreme Court of Pakistan. As indicated above, however, ***interest has not translated into judicial and police policies conducive to the utilization of MAs***, as envisaged in Objective 3.

70. Training of judicial officers, revolving around orientation sessions and a recently-developed bench book, has been an integral part of the project's pursuit of Objective 3. Most of this activity has been carried out at the Federal and Balochistan Judicial Academies. In Balochistan, however, the project has conducted district-level, multi-stakeholder orientation sessions for officials from the judiciary and the law enforcement agencies; this has reportedly promoted team work as well as the objective in question. More generally, however, ***training might have led to relationship building with the judiciary and the police but it has not done much to serve the objective*** (because of the lack of policy support, as discussed above). Except in Balochistan, police officials did not even know about the existence of MAs, let alone receiving or being part of any training. Members of the judiciary supported the ADR system but felt (except in Balochistan) that MAs lack capacity and cannot handle cases referred by the courts.

71. Reliable evidence is not available for demonstrating effectiveness in terms of Objective 4. The pursuit of objectives related to "women's awareness of rights" and "men's active participation" is

generally reviewed with the help of Knowledge, Attitude and Practice (KAP) studies, but these have not been carried out in the project area. It is clear (Annex VII) that the project has used a large number of instruments for Objective 4, including a district-level body called MAJA, a variety of information material, printed matter, and the print and electronic media. These activities were based on assumptions that are not supported by the situation analysis provided in the project document or analysis conducted during implementation. There can be a presumption that this *effort is essential and useful in the initial stages of the project in each district or cluster of adjacent district, but continuing advocacy (including the use of MAJA) and communication are of questionable value* in view of the perspective offered in paragraph 50. Various publicity mechanisms and the MAJA have evidently out-lived whatever utility they might have had in the inception phase of the project³².

3.5 Efficiency

72. The project's *overall utilization of 82% of the budget, and over six years (Table 11), is exceptionally good in comparison with donor-assisted projects in Pakistan*, considering that it has experienced a number of stop-and-go episodes triggered by sudden stoppage of funds, the need to hold itself operational while waiting for funds³³, followed by the requirement to catch up when funds are finally released. In Output 2 and Output 5, however, utilization has been considerably less than the budget. According to the FPMU, this was due to delays in the release of funds to the project.

| Output | Budget | | Expenditure ¹ | |
|---|--------------|-------------|--------------------------|-------------|
| | USD '000 | % of Total | USD '000 | % of Budget |
| 1. Project management arrangements, monitoring and evaluation | 2,906 | 39% | 2,646 | 91% |
| 2. Constitution and mobilization of the Musalihat Anjumans in all Unions Councils in the pilot districts. | 785 | 11% | 468 | 60% |
| 3. Musalihat Anjuman's capacity built to dispense gender justice at the community level | 1,702 | 23% | 1,421 | 83% |
| 4. Partnerships between judiciary, police and Musalihat Anjuman for accountable, fair and equitable dispensation of justice | 821 | 11% | 771 | 94% |
| 5. Community advocacy for legal rights of women and men's role in ending violence. | 1,224 | 16% | 830 | 68% |
| Total | 7,438 | 100% | 6,135 | 82% |
| Notes: | | | | |
| ¹ Expenditure figures are for actual expenditure up to 30 September 2010. After the late release of funds in the last quarter of 2010, the project is making all possible efforts for completing activities according to the work plan. Thus, the utilization of the budget is expected to increase to 88% by the end of 2010. | | | | |
| Source: FPMU, Ministry of Local Government & Rural Development, Government of Pakistan. | | | | |

73. The project has a network of one federal and four provincial management units, as well as focal points and basic support for them in 20 districts (detail is provided in Section 1.3). Not

³² In Attock, Dadu and D. I. Khan, which are reportedly three of the best districts in the project, the mission met the District Police Officers (DPOs) in the company of the PPM or PMRC. Even though the MAJA is supposed to advocate the cause of the MA in a district, none of the DPOs or the staff they called in had even heard about this institution. The mission found itself in the unexpected position of introducing an institution it had come to evaluate with the benefit of the DPO's experience of MAs.

³³ Even when they are not paid their salaries for months, project staff have been using their personal credit cards to meet project costs, and paying out of their own pockets even for some of the expenses associated with the MTE mission.

surprisingly, 39% of the project budget has been allocated to project management arrangements, monitoring and evaluation. The accommodation, facilities and equipment available to the PMUs are functionally adequate in most cases but not lavish by any standard³⁴. In short, *project management represents a large structure but reflects efficient utilization of resources*.

74. The *M&E system of the project suffers from multiple and serious problems that have made it exceedingly laborious and left it barely functional*; these include the following:

- (a) There is no proper LFA and no results orientation in terms of immediate (short-term), intermediate (medium-term) and ultimate (long-term) outcomes. As a result, project management and reporting is largely activity-driven, and the potential for M&E to generate course corrections is highly limited.
- (b) The baseline survey commissioned by the project reports the nature and progress of court cases in five categories that do not correspond to the 17 categories of cases received by the MAs. This and the other analysis reported in it cannot be compared with any other information available in the project: the baseline is of no use.
- (c) At the lowest level, records are maintained by UC Secretaries on the basis of the verbal reports of MA Convenors. This is a tenuous arrangement that does not work reliably and leads to under-reporting. The alternative of letting MAs keep records has not been explored, even though lack of literacy of some or even most of the MA members cannot be a binding constraint in this connection (educated family and community members are always available).
- (d) There is no tabulation at the UC level: the UC Secretary simply forwards a copy of the relevant pages of MA registers (Form 1, Disputes/Applications) to the district level, where the tabulation is done. This means that MAs, in general, have no idea of their cumulative performance in terms of time trends, the classification of disputes they have been dealing with, and how successfully they have resolved disputes.
- (e) At the MA level, which is the origin of reporting for most of the useful indicators, disputes are not assigned to one of the 17 categories that are reported at higher levels. This leaves room for interpretation at the district level that tends to lead to inaccuracies.
- (f) Data are collected at the MA level on the gender of both parties to a case but not reported. Data are not collected for potentially useful indicators such as literacy and education level (which could be proxies for socio-economic status), age and residence (rural/urban).
- (g) The system does not differentiate between cases that are continuing but pending resolution, and those that could not be resolved after going through the process. One result of this is that it is not possible to calculate the backlog of pending cases at any given time.
- (h) At the district level, the basis for data entry is not tables compiled at the UC or MA level but pages of register sent by dozens of UCs at reporting time. This represents an excessive work load for most of the data entry operators over and above their regular duties.
- (i) The software provided by the project to data entry operators consists of one input and two output formats, none of which generates any report which the project needs at the district, PPMU or FPMU levels. All reports at the district level have to be prepared manually in spread sheets and sent by email and/or hard copy to the PPMU, which goes through a similar routine manually in sending reports to the FPMU, which also uses spread sheets to produce aggregate, country-wide reports.
- (j) Very little systematic analysis of data is possible with such a system, and this may be one reason why there is so little analytical content in project reports. Another reason is the lack of results orientation mentioned above.
- (k) The result of all these factors is that the feedback loop from M&E to policy and implementation is almost non-existent. M&E data are cited in various project reports for highlighting project achievements, but evidently not for motivating course corrections.

75. The overall management of the project has also been affected by a number of problems that have not been solved. High turnover in key positions has been one problem, and vacancies for long

³⁴ In most district and UC offices, however, the resources do not even come up to a low level of functionality.

periods another. Long and serious disruptions in the flow of funds and project operations are among the consequences. Moreover, the salaries of contract staff have not been increased for the last two years, even though the rate of inflation has been exceptionally high during this period (40% over two years), and salaries have been increased by 50% for staff working on UNDP and Direct Execution Modality (DEX) contracts. One consequence of this is low morale, and another is the loss of staff members, including five M&E specialists, to more attractive offers. ***Clearly, NIMU has failed to maintain a competitive level of remuneration, and the project has suffered as a consequence***³⁵.

76. EAD drew the mission's attention to the fact that no meeting of the NSC was held during 2010. EAD is of the view that the project work plan and budget have to be approved by the NSC, which is the competent authority for this purpose. The absence of NSC approval can attract serious audit objections, and such objections have been made in the past against projects that incurred expenditure without NSC approval. According to EAD, it is the responsibility of the NPM to ensure that the NSC meeting is held and the project work plan and budget duly approved. As one way of ensuring that this is done at the right time, EAD gave the example of a project that was not holding its NSC meeting, until EAD decided that no expenditure would be incurred, which caused salaries and other expenditures to be stopped and persuaded the project to hold the NSC meeting.

77. EAD's views are consistent with the project document in two ways: the project document says that the "NSC shall be responsible for approving and monitoring the implementation of project work plan activities;" and that the NPM has "to ensure that the project work plan is approved and implemented as envisaged in the project document." The project document does not assign any responsibility to the NPD for either calling NSC meetings or ensuring that the work plan is approved by the NSC. ***These, however, are shortcomings in the project document, in that the project document is not consistent with government rules and the government-approved Project Cycle Operations Manual (PCOM)***, under which UNDP-assisted projects are managed. More specifically, for the purpose of the PCOM, the PSCs are equivalent to the NSC in terms of endorsing work plans and budgets for their respective provincial components.

78. Secondly, according to government rules, the Secretary of a ministry (in this case, an erstwhile ministry) is the Principal Accounting Officer of the ministry; the Secretary was also the Chair of the NSC. The responsibility for satisfying audit requirements rests with the Principal Accounting Officer, that is to say, the Secretary. As far as the mission could determine, no exception to this rule has been made by the government for UNDP-assisted projects. Therefore, the Secretary's responsibility cannot be transferred or even deemed to be transferred to the NPM. ***The ToRs of the NPM provided in the project document are out of line with relevant government rules and cannot be assumed to prevail over such rules.*** Regardless of what the project document says, audit objections, if any, have to be addressed to the Secretary, and not the NPM. This means, in particular, that the responsibility for holding NSC meetings and getting the work plan and budget approved by the NSC rests with the Secretary³⁶.

³⁵ There is a tendency among some to compare contract employee salaries with government salaries and declare the former to be more than adequate on this basis. This is not a valid comparison because the labour market, including the market for professionals, is segmented—it includes the government sector, the donor sector, the corporate sector and other segments. Professionals choose to enter one segment or the other because of the way they perceive the entire package of job requirements and monetary and non-monetary rewards (including non-salary benefits) in that segment. A comparison of salaries between one sector and another is meaningless; comparison within a sector is more meaningful.

³⁶ The example given by EAD of forcing a project to hold its NSC meeting by stopping salaries and other expenditures might have been an effective tactic, but it is not consistent with a rule-based culture of governance. Moreover, it is an *ad hoc* measure that ignores the need for a systemic improvement, namely, compliance by project directors with rules and institutionalized responsibilities.

4. IMPACT, SUSTAINABILITY AND OVER-ARCHING ISSUES

4.1 Introduction to Impact Analysis

79. Based on the methodology outlined in the ToRs of the MTE, impact is assessed by considering the following questions: What has happened as a result of MAs? What real difference have MAs made to the beneficiaries? How many people have been affected? The number of people who have been affected can be estimated from project records. The difference made by the MAs can be discussed in comparison with the alternatives available to actual and potential beneficiaries. And results, for a project such as the GJTMAP, may be stated in terms of immediate and intermediate outcomes, defined as follows in the ToRs:

- (a) Immediate Outcome (short-term): A change that is directly attributable to the outputs of an organization, policy, programme or initiative. In terms of time frame and level, these are short-term outcomes and are usually at the level of an increase in awareness/skills of—or access to—among beneficiaries.
- (b) Intermediate Outcome (medium-term): A change that is expected to logically occur once one or more immediate outcomes have been achieved. In terms of time frame and level, these are medium-term outcomes, which are usually achieved by the end of a project/programme and are usually at the change of behaviour/practice level among beneficiaries.

4.2 Immediate and Intermediate Outcomes of Project

80. The *immediate outcomes achieved by MAs and the project* may be summarized as follows:

- (a) Working closely with provincial and district authorities, the project facilitated the notification of MAs, introducing, for the first time in the country's history, a legal and formal mechanism that uses local, informal procedures and is potentially accessible at the grass roots level.
- (b) The project improved awareness and appropriate skills through sensitization and training of a wide range of (more than 15,000) stakeholders.
- (c) Although before-and-after comparisons are not available, there is a presumption (which the MTE questions) that the project brought about an improvement in community awareness, especially at the initial stages of operation, through various instruments of publicity.

81. In addition, *the following intermediate outcomes may be considered as significant results, albeit, in varying degrees*³⁷:

- (a) The project prepared draft RoB and obtained provincial approval, thus introducing a new ADR in practice and allowing MAs to become operational.
- (b) The project helped establish 1,063 functioning MAs, many of them effectively gendered, in 20 districts of the country.
- (c) The project helped establish institutional arrangements at the federal, provincial and district levels for supporting the new MA-based ADR.
- (d) MAs attracted 30,230 users, and 78% of them reached an amicable settlement of their disputes, incurring expenses only for reaching this forum
- (e) The judiciary referred 271 cases to MAs (221 of them in Balochistan) and the police referred 112 cases (all of them in Balochistan).

³⁷ It should be reiterated that the project has not spelled out results and corresponding indicators. The results reported here are *ad hoc* and *ex post* positive statements that do not allude to results that have not been achieved because they were never defined. These positive statements have to be read in the context of the complete report in order to infer the results achieved or not achieved by the project.

4.3 Impact on Policies, Regulatory Framework and Institutions

82. *One of the most significant impacts of the project is in the policy domain*³⁸: it helped operationalize a policy for promoting justice at the doorstep to which all governments in Pakistan since 2001 have subscribed. This policy did not see implementation either before the start of the project in 2005 or, since then, without the project in districts where the project is not present. The project provided vital technical assistance that led to the approval of RoB in support of the LGO, without which the law could not have been implemented; this was *an important impact on the regulatory framework*.

83. The *establishment of a functioning new (gendered) institution for ADR constitutes a significant institutional impact* as far as the project is concerned. As noted above, however, this is not an institution that appears to be impartial, accessible and adequately resourced in practice in comparison with good practices, but these are issues originating in the relevant laws and a number of provincial and judicial policies. Through provision of training and tangible support, the project capacitated the new institution and enabled government institutions and NGOs to support it. The potential advantages of the new institution are listed below, while actual impact is assessed in the following section. Potentially, the MA is attractive for the intended beneficiaries because it:

- (a) fosters cooperation by allowing the parties to work together with the conciliators (Musaleheen) to resolve the dispute and mutually agree on a solution or remedy;
- (b) is often less stressful than litigation. Most users have reported a high degree of satisfaction with MAs;
- (c) is quicker than going to trial. A dispute may be resolved in a matter of days or weeks, instead of months or years, as is normal in the courts;
- (d) is less expensive, saving the parties court and other costs, and legal fees;
- (e) permits more participation and empowerment (particularly to women) and allows the parties the opportunity to “tell their side” of the story, have more control over, and participate in the ultimate outcome;
- (f) allows for flexibility in processes. It is less formal and less intimidating to persons with limited or no formal education; and,
- (g) is a state-supported mechanism that offers an alternative to traditional mechanisms such as the *jirga* and *panchayat*, in which proceedings may be burdensome for women and the poor (Box 3), and the decisions are not necessarily in accordance with the law of the land.

Box 3. The Jirga in Balochistan

There are two main formats for the *jirga*, which are selected based on the nature of the case, its gravity and complexity, the wishes of the parties and the influence that the tribal chief can impose. The tribal chief will decide on the type of *jirga* to be used, based exclusively on his discretion. The *jirga* of higher level is called a *sardar* and normally headed by the tribal chief himself. The tribal chief also decides on additional members (if any) of the *jirga*, for which there is no limit. The number of members is decided on a case to case basis. At times, the tribal chief will act alone and independently. Impartiality is often a big issue in the composition of the *jirga* and women are excluded from participating. The *jirga* of lower level is called a *tackary* and is normally conducted by the head of a smaller clan or tribe. Once the *jirga* is convened, both parties present their claims, witnesses and evidence. The tribal chief then makes a decision which is not always immediate and depends on his personal availability of time. Additionally, all *jirgas* involve fees to be paid by the parties. The fees include the tribal chief’s commission, which is determined by the tribal chief himself and may range from PKR 5,000 to 500,000, depending on the nature of the case. The commission to be paid is also at the exclusive discretion of the tribal chief. In addition, the tribal chief may impose a penalty on either or both parties, and this is normal in every case. These penalties can also reach several hundred thousand rupees.

Source: Key Informants

³⁸ Impact domains are outlined in the ToRs of the MTE and include impact on the human, physical and financial capital of individuals or households, on the social and physical capital of a community, on policies, institutions and the regulatory environment, and cross-cutting domains such as gender and sustainability.

4.4 Impact on Beneficiaries and Gender Equality

84. The MAs received a total of 16,115 cases involving 32,230 individuals as the direct beneficiaries, at least one-sixth of them women³⁹. Assuming an average household size of eight persons, the direct and indirect beneficiaries would be 257,840 people, that is, less than one percent of the population of the 20 districts. These numbers translate into an average of 6.4 cases per year (about one every two months) for each MA, and a total of 243 direct and indirect beneficiaries per MA over the life of the project. These low averages **suggest that economies of scale have not yet been attained by MAs.**

85. Quantifying the benefits of MAs for **comparison with other avenues of dispute resolution is a legitimate but complicated exercise that requires more information than is available.** One comparison that can be made with some confidence is between MAs and the courts. For example, using conservative assumptions that tend to under-state the benefits of MAs, one study has estimated that courts cost 10-20 times what MAs cost for two parties engaged in a simple dispute⁴⁰. The study estimates that the lowest estimate of monetary savings (updated for inflation since the study was undertaken) would be about PKR 30,000 for taking such cases to MAs instead of the courts.

86. **It cannot be said, however, that all or even most of the people who come to MAs would have gone to the courts if MAs had not existed.** A comprehensive study that shows which formal or traditional mechanism people use for dispute resolution, and for what kind of disputes, is not available. The MTE mission was persuaded by evidence from the field that few of those who have used MAs would have gone to the courts: they are not confident or wealthy enough to approach the courts, and would normally have resorted to family members, community elders, tribal or feudal leaders, or traditional mechanisms such as the *jirga* and *panchayat*. Women would have preferred going to family or community members.

87. Each of these arrangements has its own way of working, and corresponding costs associated with it. In general, resort to family members and community elders does not cost anything. Tribal and feudal leaders tend to charge a commission, the amount of which depends on the nature of the case, and also levy fines, which the MA does not. *Jirgas* and *panchayats*, depending on their level, could consist of several people and also entail monetary costs and fines. **The MA is certainly a cost effective alternative to most of these mechanisms.** In addition, some of the traditional mechanisms are driven by traditional (including patriarchal and caste-based) values, in which justice for an individual may be secondary to the traditions of a community.

88. It is recognized that improvements in family and community life brought about as a result of dispute resolution cannot generally be quantified in monetary terms. Having said that, it should also be recognized that the resolution of disputes affecting 40 people in a Union Council each year, for six years, would have had a barely noticeable impact on community life. **While the MA, in principle, is an attractive alternative to both formal and traditional mechanisms for women and the vulnerable, its low level of engagement with these groups is a call for improving the design and enhancing the relevance** of this institution.

³⁹ As a comparison, the Sindh Ombudsman, established in 1991 to provide relief against malpractice in provincial departments, has been receiving 6,000 to 8,000 complaints per year since 2000. The population of Sindh is estimated to be approximately 35 million, somewhat larger than the population of the 20 districts included in the GJTMAP.

⁴⁰ *Benchmarking of Best Practices in the Gender Justice Through Musalihat Anjuman Project*, UNDP, Islamabad, October 2009.

4.5 Sustainability and Scaling Up

89. As discussed above, *the demand for MAs among its potential users, the judiciary and law enforcement agencies has been weak* because:

- (a) By virtue of the LGO, MAs have never been free of political influence (and may soon be completely politicized in two of the provinces), thereby undermining their perception among citizens as impartial entities.
- (b) A significant proportion of the MAs are not accessible in practice because they do not have an address or the physical space and comfort level expected by MA members and those who need their services, and because MA members are not adequately incentivized to put in regular hours on specified days of the week.
- (c) The office costs of MAs and the basic requirements of their supporting offices at the UC and district levels are not adequately resourced by the provinces on a sustainable basis, which adversely affects the perception as well as the availability of MA services.
- (d) The ADR Committee of the judiciary evidently perceives weaknesses in MAs and considers them to be irrelevant because of their capacity problems.
- (e) The police have their own requirements for outreach in the community, and these are apparently not met by MAs.

90. At the project level, out of the commitments of PKR 650 million made to the project by the federal and provincial governments, approximately PKR 375 million would be available for 2011-2013. According to project records, the annual (actual) cost of the project during 2008-2010 has averaged about PKR 131 million. Under the optimistic assumption that the federal government will deliver fully on its commitment during the next three years, the amount available to the project would barely sustain its operations in the 20 districts in which it is currently operating. Nothing would be left, however, for expansion to 12 additional districts⁴¹ (almost doubling the number of UCs), as indicated in the PC-I of 2009. Moreover, it is also unlikely, under the prevailing circumstances, that the federal government will be able to fully meet its commitment. Thus, *barring a dramatic change in its fortunes, the project will remain challenged to ensure its survival during 2011-2013 and will be unable to expand to additional areas.*

91. Moreover, the MA-based ADR, as seen today in practice, needs considerable improvement in terms of policy, management systems and cost effectiveness, before it can be considered replicable for scaling up in other parts of the country. In addition, the approach to scaling up, as outlined in the PC-I of 2009, is based on the notion, which is not valid after the expiry of the Seventeenth Amendment and the passage of the Eighteenth Amendment, that the Federal Government rather than the provinces and special areas should take the lead in financing and scaling up MAs. Even if finances were available, all the special areas except Islamabad would need to amend (in AJK and Gilgit-Baltistan) or create (in FATA) legal provisions for establishing MAs; this cannot be assumed to be an easy matter, now that MoLG&RD no longer exists for country-wide coordination. In conclusion, *it is neither feasible nor desirable for the project to expand any further. The project is well-placed, however, to serve as a resource for provinces and special areas* that are willing to replicate the MA-based approach at their own cost or with federal or donor assistance.

⁴¹ The PC-I envisages expansion to at least 12 additional districts, including two each in the four provinces and one each in the four special areas. In all, there are 25 districts, including seven Tribal Agencies, in the four areas. If all of them had to be covered at some stage, the project would expand from 20 to 53 districts and agencies.

5. CONCLUSIONS AND LESSONS

5.1 Conclusions

Relevance of Provincial Laws and Policies

92. The cost of the MA and other benefits (paragraph 83) make it highly attractive to those of the poorer people who are involved in disputes. The fact that there is a large backlog of cases in the courts makes it attractive for the courts to refer cases to MAs. The fact that the police are over-worked also makes it attractive for them to refer cases to the MAs. The question is: If the MAs are so obviously attractive for poorer citizens, courts and the police, why are citizens, courts and police not using them more often (paragraphs 29, 30 and 36)? ***Why is the demand side for this ADR mechanism so weak?***

93. The answer favoured by most of the people whom the mission met was that low utilization of MAs was due to lack of awareness. Lack of awareness among the public is one of the main factors cited for almost every failure or weakness in public service delivery. This is a condescending and incorrect view of the intelligence and interest of the general public, because the root causes of poor service delivery universally are found on the supply side, and in the way public services are designed and delivered. In empirical terms, ***there is no acceptable evidence (e.g., from sample surveys) that the various instruments of communication utilized by the project had any impact on the utilization of MAs.*** On the contrary, all the beneficiaries the mission met reported that they had heard about MAs through word of mouth. This suggests that performance rather than publicity matters most to ordinary citizens.

94. In conceptual terms, the lack-of-awareness story represents untested assumptions, untested, in particular, in comparison with plausible alternative hypotheses. Knowing how public services work, the most plausible alternative hypothesis is that ***MAs lack the essentials that are required for making this institution attractive to more of the intended beneficiaries.*** Based on international good practices (including Annex V) and common sense, the MTE fleshed out this hypothesis with reference to three essential features that an ADR forum should possess, namely, the intended beneficiaries should perceive it as an impartial forum, access to the forum should be easy, inexpensive and reliable, and the forum should be adequately resourced on a sustainable basis.

95. The MTE's analysis shows that such attributes are shaped by the laws and policies that govern MAs, and not the project or lack of awareness among the public. The main finding is that ***provincial laws and policies do not adequately support this promising ADR.*** More specifically:

- (d) Impartiality (paragraphs 41, 43 and 44). Because of the mode of selection of MA members laid down in the law, MAs have never been free of political influence and may soon be completely politicized in two of the provinces. There are good reasons to suggest that MAs cannot be perceived by most people as impartial in the dispensation of justice. At the same time, it is also recognized that some politicization is inevitable as long as MAs function under local government legislation.
- (e) Accessibility (paragraphs 45, 47 and 48). MAs exist only in the five districts supported by the project in each province. Moreover, a significant proportion of the existing MAs are not accessible in practice because they do not have an address or the physical space and comfort level expected by MA members and those who need their services, particularly women, and because MA members do not put in regular hours on specified days of the week.
- (f) Adequacy of resources (paragraphs 46, 48 and 49). MA members are not paid for their out-of-pocket costs, thereby reducing their incentive to put in regular hours. The office costs of MAs and the basic requirements of their supporting offices at the UC and district levels are not adequately resourced by the provinces on a sustainable basis, which adversely affects the perception as well as the availability of MA services. Affordability at the provincial level is

seriously undermined by a rigid “one shoe fits all sizes” approach emanating from the LGO: every UC must have a Musalihat Anjuman, regardless of the size of the UC, tehsil or district.

Relevance of Project Objectives

96. Conclusions about the relevance of project objectives yield a mixed picture, showing **high relevance to provincial and UNDP priorities, low relevance to judicial and police policies, support from elected representatives and weak response from the intended beneficiaries**. More specifically:

- (a) The project is clearly relevant to the LGO as well as the emerging provincial Local Government Acts, but much less so to the prevailing judicial and police policies (paragraphs 53 and 55).
- (b) It is in line with the CO’s efforts for addressing income-based and non-income poverty with a strong focus on women and vulnerable groups (paragraph 54).
- (c) Former elected representatives at the local level showed great enthusiasm in establishing and supporting MAs (paragraph 56).
- (d) The response of the intended beneficiaries, however, has been weak and uneven so far and more so among women (paragraphs 57).

Effectiveness in Achieving Objectives

97. The project completed almost all the activities for which a budget was available in a given year, and also took initiative to start new activities (paragraph 61). The project has demonstrated a **high level of effectiveness in terms of Objectives 1 and 2, except that progress has been limited in attracting women to the MA**. More specifically:

- (a) The project helped establish 1,063 MAs in all four provinces, which is a unique achievement (paragraph 62). Not only that, the project capacitated MAs and their supporting institutions to a level of functionality, in a short time, and in all 20 districts (paragraph 66).
- (b) The training programme, by and large (paragraph 63), has been a relevant and effective tool for making MAs functional. There are, however, certain limitations in the training manuals (paragraph 64) as well as the way in which training was organized (paragraph 65).
- (c) The project struggled against the odds to include women among the MA members, so that many MAs effectively became gendered MAs (paragraph 62). However, only in Punjab can it be said that women victims of violence see MAs as an alternative mechanism for gender justice (paragraph 30).
- (d) The federal and provincial governments committed PKR 650 million to the project (75% of it coming from the federal government, paragraph 68)). In monetary terms, the provinces have contributed only 8% of project costs during 2005-2010 and have committed to contribute only 3% during 2011-2013 (Table 2). In terms of non-monetary support, however, the provinces have organized some 4,000 to 5,000 provincial government employees and volunteers who are working part-time or full-time with MAs (paragraph 46).

98. The project’s **success in terms of Objective 3 has been small but significant, and limited or questionable in relation to Objective 4**. The following specific conclusions are offered:

- (a) The project succeeded in establishing the precedent of courts and police referring disputes to MAs, but limited mainly to Balochistan. Training might have led to relationship building with the judiciary and the police but it has not done much to serve the objective: judicial and police policies conducive to the utilization of MAs have not emerged as envisaged in Objective 3 (paragraphs 69-70).
- (b) Reliable evidence is not available for demonstrating effectiveness in terms of Objective 4, and activities were based on untested and questionable assumptions (paragraphs 71, 93 and 94). Various publicity mechanisms and the MAJA have evidently out-lived whatever utility they might have had in the inception phase of the project.

Efficiency

99. The project's overall utilization of 82% of the budget is very good. While project management represents a large and apparently costly structure, this is understandable in view of the decentralized and extensive outreach of the project, and it reflects efficient utilization of resources. On the negative side, the ***project has not developed a sound M&E system, and it continues to live with serious management and financial problems that would be considered a nightmare by most standards***. More specifically:

- (a) The project does not have a well-defined results orientation and little in its M&E system that provides feedback for course corrections in policy and implementation. The M&E system (paragraph 74) suffers from multiple and serious problems that have made it exceedingly laborious and left it barely functional.
- (b) Three recurring management problems continue to jinx the project (paragraph 75): high turnover in key positions (government as well as contract employees), vacancies that are not filled for long periods, and no increase in the salaries of contract staff for the last two years, which has rendered the project uncompetitive in the donor market. The result is long and avoidable suspension in the flow of funds and the operations of the project.
- (c) EAD differs from UNDP and the project regarding the responsibility of the NSC to approve the project work plan and budget, and the responsibility for holding NSC meetings (paragraphs 76-78). In view of relevant government rules and the institutionalized role of the NPD as the Principal Accounting Officer, the responsibility for holding NSC meetings and getting the work plan and budget approved by the NSC rests with the NPD and cannot be assigned to the NPM.

Impact

100. The ***project had a significant impact on human capital and relevant policies, regulatory framework and institutions***. Achievements in these impact domains may be summarized as follows:

- (a) It helped operationalize a policy for promoting justice at the doorstep to which all governments in Pakistan since 2001 have subscribed (paragraphs 81-82).
- (b) The project improved awareness and appropriate skills through sensitization and training of a wide range of (more than 15,000) stakeholders, without which MAs would not have become functional (paragraphs 63, 64 and 80).
- (c) The project provided technical assistance that led to the approval of RoB, without which the law could not have been implemented; this was an important impact on the regulatory framework (paragraph 82).
- (d) Establishment of a functioning new (gendered) institution for ADR constitutes a significant institutional impact, with potentially significant and large benefits for the stipulated target groups (paragraph 83).

101. The project's ***impact on beneficiaries and gender equality has been large relative to its starting point, but considerably less than widespread or cost-effective because of the policy environment*** in which it has been working. This may be illustrated as follows:

- (a) The number of direct beneficiaries (more than 16,000) translates into an average of 6.4 cases per year (about one every two months) for each MA. As a result, the cost per beneficiary is high for a community-based project such as this, and suggests that economies of scale have not yet been attained by MAs (paragraph 84).
- (b) The MA is a cost effective mechanism in comparison with the courts as well as traditional *jirgas* (paragraphs 85-87). However, the resolution of disputes affecting, on average, 40 direct and indirect beneficiaries in a Union Council each year constitutes a barely noticeable impact on community life (paragraph 88).

Sustainability and Scaling Up

102. The demand for MAs among its potential users, the judiciary and law enforcement agencies has been weak because of limitations imposed by the law and the policy environment (paragraph 89). Considering the annual cost of the project and the financial commitments it has received so far, the *project will remain challenged to ensure its survival during 2011-2013 and will be unable to expand to additional areas* (paragraph 90). Moreover, *the MA, as seen today in practice, needs considerable improvement in terms of policy, management systems and cost effectiveness, before it can be considered replicable for scaling up in other parts of the country* (paragraph 91).

5.2 Lessons

103. This is not a routine project—*it is social engineering on a large scale*, in pursuit of justice at the doorstep. The social engineering started with the LGO 2001, which mandated the creation of 31 new institutions (Table 12), or up to 49 institutions, if it is assumed that each level of local government had to have monitoring committees in seven sectors. Except for the elected councils and local administrations, few of the institutions mandated at the local level ever became functional, and none exist now except the MAs and the Insaaf Committees (but the latter are not envisaged in the new Local Government Act of Balochistan and the proposed law in Sindh).

| Table 12. Institutions Mandated under the Local Government Ordinance of 2001 | | | |
|---|----------------|-------------------|---------------------|
| Provincial Finance Commission (PFC) | | | |
| Provincial Local Government Commission (PLGC) | | | |
| District Service | | | |
| Local Levels | District Level | Tehsil/Town Level | Union Council Level |
| Zilla Mohtasib ¹ | ✓ | | |
| Zilla Mushavirat Committee | ✓ | | |
| Sports and Culture Committee | ✓ | | |
| Farm Produce Market Committee | ✓ | | |
| Local Government/Administration | ✓ | ✓ | ✓ |
| Local Council | ✓ | ✓ | ✓ |
| Monitoring Committees ² | ✓ | ✓ | ✓ |
| Ethics Committee | ✓ | ✓ | ✓ |
| Insaaf Committee | ✓ | ✓ | ✓ |
| Accounts Committee | ✓ | ✓ | ✓ |
| Joint Committee of Councils | ✓ | ✓ | ✓ |
| Village and Neighbourhood Councils | | | |
| Citizen Community Board (CCB) | | | |
| Musalihat Anjuman or Jarga | | | |
| Notes: | | | |
| ¹ Not mandatory in Khyber Pakhtunkhwa. | | | |
| ² The LGO stipulates that each Union Council would have seven Monitoring Committees. | | | |

104. The GJTMAP, working with the federal and provincial governments, piloted and replicated MAs. Now the MTE has assessed the results of this social engineering, and the provinces are in the process of deciding how to continue. While the initial attempt at social engineering bypassed the provincial legislatures, a renewed attempt can be made by the provinces with their own design and resources. Such an attempt, possibly including a new round of piloting and scaling up, would need to

reflect the lessons learned, particularly in terms of the law and operational policies, and good practices concerning similar institutions elsewhere.

105. The following are perhaps *the most important lessons from the GJTMAP that are encouraging as well as challenging*:

- (a) Grant-funded donor assistance (financial and technical) is a good way of supporting a large-scale exercise in social engineering. It makes it possible for the government to take risks it might not take with its own (tax or loan-financed) resources. Even if an initiative is not considered risky, a donor grant helps overcome inertia and perhaps also resistance to change within the government.
- (b) Over time, as a new institution takes root, government funds are also made available, although it is an uphill struggle to obtain government commitment to support new programmes. In-kind support from the government (for example, in the form of human resources) is also a good possibility, but this could be limited as well as irregular.
- (c) While other LGO-mandated institutions have passed into history, the MAs continue, even if they are functional in only 20 districts of the country. The most plausible reason for this is that MAs have nothing to do with the business of government, which makes them palatable to provincial legislators who tend to view local councillors as competitors.
- (d) Working through the government at the local (sub-district) level requires an elaborate implementation framework, with strong coordination and support at the district, provincial and national levels. This is essential and costly, and it requires constant attention to detail at all levels, as well as a smoothly-functioning, high-quality M&E system; the latter was missing from the project.
- (e) Experienced NGOs (as in MASS) with the required outreach and commitment to rights-based agenda are perhaps the best resource for designing and delivering training programmes in support of large-scale rights-based initiatives. Government training institutes need time and assistance to acquire or develop their capacity to provide new kinds of rights-based training.
- (f) Although the objective may be common, the provinces in a federation, as well as NGOs in different provinces, will often approach it in ways that differ from each other. Sensitivity to partners and in-depth analysis are required before something called a harmonized approach can be developed for the country as a whole. This will continue to be a challenge for the project.

106. It takes much more, however, to provide free, fair, efficient and equitable justice to all, particularly the poor and marginalized. There are a number of *lessons which the sponsors and supporters of the MAs, including the federal and provincial governments, and UNDP and the project, could have learned during implementation*; these include the following:

- (a) For a country as diverse as Pakistan, it does not make sense to have the same approach to local governance, including MAs, in all 113 districts of the country. This is the legacy of the LGO and a certain mindset in which plans on paper matter more than adequately resourced institutions that provide high quality services to all or most of the intended beneficiaries. The result of it is to make local institutions unaffordable for provincial governments, and, therefore, inaccessible to most people. The alternative is for the provinces to adopt even more flexibility than they have shown so far, and cluster adjacent UCs, wherever convenient for the users, to be served by one MA that is adequately resourced to meet the basic standards of efficiency.
- (b) Accessibility and resources go hand in hand: it takes money to create accessibility, particularly for women, the poor and the marginalized. “Justice at the doorstep” is an empty slogan unless the potential users of the MAs know that the MA has a permanent location, a space that is convenient for them (particularly for women), and conciliators available to them at fixed times of the day and week. The volunteer conciliators were not adequately incentivized to put in regular hours because they were not even compensated for their out-of-

pocket costs. Experience with the MAs confirms that it is all too easy for service providers to invoke slogans and ignore the basic resource implications of service delivery.

- (c) It is not possible, under a local government law, to make the MAs completely depoliticized. It is desirable and may be possible, with dialogue and persuasion, to maintain the previous arrangement of the LGO, in which the MAs were semi-politicized (that is, nominated by elected representatives from among the respected members of the public). Without maintaining the *status quo ante*, the next generation of MAs in Balochistan and Sindh provinces, which are heading towards complete politicization, cannot be expected to deliver fair and equitable justice to all.
- (d) The experience of the GJTMAP confirms that there is a widespread tendency, in the public sector as well as the project, to blame lack of awareness among the public for failures in public service delivery that are due to the design and delivery of the service. The simple fact that intended users are not coming to the MAs except at the rate of once every two months in an average MA should have woken up the service providers years ago. Unfortunately, slogans and clichés are preferred to analysis, and all too many activities are aimed at publicity and relationship building instead of achieving results. This is a scenario which UNDP and the government should guard against in future projects.
- (e) The project's efforts at obtaining referrals for the MAs from the police and the judiciary are a case in point: six years into the project they are still called relationship building, when the results are obviously negligible, and both the police and the ADR Committee of the Superior Judiciary have expressed little confidence in the MAs (whether rightly or wrongly is a different matter). Even if the positions of the judiciary and the police are reversed as a result of efforts made by the project, little will be gained in terms of the number of users coming to the MAs, because the overwhelming majority of the users are those who would have gone to traditional forms of adjudication, rather than the police and the courts. Thus, efforts by the project at relationship-building are highly unlikely to qualify as value-for-money activities; there is no evidence in Pakistan or other countries to suggest otherwise.

107. The lesson that emerges, after synthesizing the lessons from paragraphs 105 and 106, is unsurprising: ***it is easy to make progress in terms of inputs, activities and even outputs, and difficult to demonstrate results in terms of outcomes and impact.*** Why is this the case? The following points suggest what UNDP, EAD and other partners need to consider as things to rectify in this project, and avoid in future projects:

- (a) The project document, though motivated by the need to have a valuable social impact, has an activity orientation but not much of a results orientation.
- (b) During implementation, activity was mistaken for progress. Work plans focused on activities, not results.
- (c) As long as activities were satisfactory, no need was felt for analysis of results. The project's culture of M&E, reporting and learning was compromised as a consequence, and, therefore, M&E did not serve as an instrument for course corrections in policy and implementation.
- (d) The learning environment was sympathetic to directions and requests from activity-seekers among the stakeholders, but there was little space in it for examining and improving results.

6. RECOMMENDATIONS

6.1 Overview of Main Recommendations

108. The project needs to enhance its impact, plan an exit and consider scaling up only in a discerning manner. It needs, first of all, to consolidate gains, improve management systems and gradually transfer responsibility for management and financing to the provinces. It may be emphasized that the provision of justice through MAs is a public service in the provincial domain and cannot be left to a donor-assisted management surviving on federal funds. The recommendation is to take the project in two main directions elaborated below, one focusing on provincial ownership and policy matters, and the other, concurrently, on improved project management and exit. Scaling up may be considered when the operating environment is conducive in ways such as those identified below in Sections 6.2 and 6.3, and adequate finances are available.

109. As a result of the Eighteenth Amendment, and also in view of their specific features, the provinces are not bound to adopt a common approach for providing justice through MAs. This implies that the FPMU would now be more of a technical assistance and facilitation unit than the implementation coordination unit it was. This would build upon the fact that the project, particularly the FPMU, has a long and rich experience with MAs in terms of policy and implementation, and with other ADR mechanisms through research and interaction. A new role for the FPMU that optimizes its value in the new scenario needs to be established.

6.2 Provincial Ownership and Policies

110. Consolidation in view of the Eighteenth Amendment implies, first and foremost, enhanced ownership and financing of MAs by the provinces. This, clearly, is a challenge for the provinces, but one in which the FPMU and PPMUs could play a facilitating role. *The main elements of the challenge, in terms of legislation*⁴², include the following:

- (a) Two of the provinces (Balochistan and Sindh) need to be persuaded to maintain the *status quo ante* in the composition of the MAs. This means, in particular, that MA members should not be selected from among the elected councillors, as envisaged in Balochistan and Sindh.
- (b) In the new set of local government laws, all provinces could consider building some checks and balances in the selection of MA members. For example: district authorities can place an advertisement in the local press calling on interested citizens to send nominations for MA members to the UCs; Insaaf Committees can be required co-opt two non-political members (academics, social workers, NGO representatives or media persons); and, the names of MA members selected by the Insaaf Committees can be advertised in the local press, and the public given 30 days to object to any individuals who are not considered to be impartial.
- (c) In order to make the institution more affordable for the provinces and more efficient in the provision of services, the provinces should consider provisions in the new laws that allow three options: one MA for each UC (or more than one MA per UC in Balochistan); clustering a number of UCs to be served by one MA; and establishing MAs at the tehsil level. At the same time, it should be ensured that potential users have easy access to the MA, whenever one MA is envisaged to serve a number of UCs. In other words, accessibility should not be reduced significantly in the process of improving affordability and efficiency. The decision about clustering should be made by the Local Government Departments individually for each district of the province.

⁴² In commenting on the draft final report, the PPMUs pointed out that provincial legislators may not agree with some or all of these recommendations. This is understandable, and it means that these recommendations may not be implemented soon or at all.

111. Going beyond legislation, *the following improvements in operational policies are also recommended for consideration by the provinces*⁴³:

- (a) Provincial governments need to allocate resources for a permanent and suitable office and its running costs where potential users, particularly women, could easily locate MA members on a fixed time and day of the week, and discuss their cases in privacy and a degree of comfort, and where the MA could maintain its records with inputs from its members or others in the community. This could be the UC office, if one is available as well as suitable in all respects.
- (b) Provincial governments need to provide honoraria to cover the out-of-pocket costs of MA members, particularly for travelling from their residences to the proposed office or, if required, to follow up with the parties to a dispute where they live.
- (c) At the district level, the provincial governments may authorize the DCO (or the Deputy Commissioner in Balochistan) to appoint District Focal Persons who can work closely and effectively with MAs and the Local Government Departments⁴⁴. The designation of a focal person within a district may be changed from time to time, if so indicated by a review of district performance according to key performance indicators (outlined below).
- (d) The Local Government Department, with inputs from the project, may change practices and personnel responsibilities in any district after reviewing the key resource and performance indicators (outlined below) on a six-monthly basis.
- (e) Linkages should be established between MAs and the Benazir Shaheed Centres for Women in districts where the latter exist (Quetta in Balochistan, Abbottabad and Swat in KP, Bahawalpur, Mianwali and Multan in Punjab, and Jacobabad and Shaheed Benazirabad in Sindh). The centres would refer appropriate cases to MAs for dispute resolution, and the MAs would refer needy women to the centres for counselling and other assistance.
- (f) Other means for strengthening ownership and coordination at the district level may be worked out by the Local Government Departments.

112. As discussed in paragraphs 51 and 57, obtaining the support of courts and police is evidently not as important to the success of MAs as other factors; it is not a high priority in relation to the intended beneficiaries. The project has made several attempts in the past to encourage referral of cases by courts and police to MAs; these attempts have failed, except in Balochistan. In the process, it seems that project staff have taken on the responsibility of provincial governments to represent their interests in policy matters; this has been a highly resource-intensive approach, and it is neither proper nor manifestly effective. In future, *provinces may, if they so desire, approach relevant judicial and police authorities through proper channels, and decide for themselves how to proceed with such linkages*. The prospects, at this time, do not appear favourable.

6.3 Improved Project Management and Exit

113. The first order of business is to *streamline the project by curtailing or discarding activities that have not led to results commensurate with the cost incurred on them*. The following are recommendations concerning activities funded through the PC-I of 2009:

- (a) As the project has already undertaken communication and awareness-raising activities in the 20 districts in which it works, it should discontinue all such activities and instruments⁴⁵; this

⁴³ Judging from their comments on the draft final report, provincial governments broadly agree that additional resources need to be provided to improve the effectiveness of the MAs. They are also keen on demonstrating their ownership of this institution through various means.

⁴⁴ The Balochistan PPMU has pointed out that the responsibility for appointing the DFP already lies with the Deputy Commissioner.

⁴⁵ This recommendation has been opposed by EAD, the FPMU and all the PPMUs on the grounds that awareness-raising remains essential, and that the MTE should have given recommendations for improving rather than discontinuing communication activities.

recommendations also applies to all MAJA-related activities and the entire component 5 (Community Advocacy) of the budget provided in the PC-I. Project staff and other stakeholders should, however, respond positively to requests for interviews from the print and electronic media, issue press releases through normal government channels, and invite the media to cover events sponsored by the project.

- (b) The baseline survey and social audit proposed in the PC-I should be dropped. Smaller surveys focusing on outcome assessment and KAP would be more useful.
- (c) The GIS mapping for policy dialogue, proposed in the PC-I, should be dropped.
- (d) The reporting system from districts to PPMUs and the FPMU is actually working as a manual system; therefore, the so-called IT system that does not add value should be discontinued.
- (e) The project may continue the training-related activities proposed in the PC-I for members of the police, bar and judiciary. At the same time, it should set a cut-off date, say, June 2011, for stopping all such activities unless clear policy directives are issued by the Superior Judiciary and highest levels of police for referring cases to MAs in all 20 districts.

114. Secondly, time and dialogue are required for *revising the politicized MA system that has been introduced in Balochistan and envisaged in Sindh*. If Balochistan and Sindh wish to retain UC members as members of MAs, the project should assist them until September 2011, at the latest, in understanding the implications of this level of politicization, and then give a notice to withdraw from these provinces if their local government acts are not in line with good practice. Assistance from the project could include the provision of a short, user-friendly policy brief in Urdu and English (and Sindhi, if required), a note on good practices, a survey (perhaps combined with a field trip for decision-makers) aimed at determining public (especially non-user) perceptions of MAs, and round-table discussions with relevant elected, judicial and administrative officials of other provinces.

115. Thirdly, the project can assist *all provinces to strengthen and customize the MA-based ADR according to their own requirements and resources, and with due regard to good practices*, as outlined in paragraphs 110-112. Customization calls for flexibility to adapt the ADR in ways that may differ across provinces and also within a province. It also calls for departures from the LGO as well as the local government acts that have been passed or tabled in the provincial legislatures. It needs to be reiterated that there is little justification for continuing this project if provinces are not persuaded of the need to improve certain legal provisions and management systems.

116. *The project can facilitate strengthening and customization for 18 months (January 2011-June 2012)* by covering all the monetary costs of new approaches. The provinces would be expected to start paying all the costs of a strengthened and customized approach in all 20 districts with effect from July 2012. These costs include the costs associated with the key resource indicators listed in paragraph 117. *The project should plan to phase out starting in July 2012 and complete the phase-out within 6-9 months.*

117. *Key resource indicators that reflect the basic requirements for the MA to provide free, fair, efficient and equitable justice to all* (particularly women and the vulnerable) are proposed as follows⁴⁶:

- (a) clustering of UCs that can be served by one rather than multiple MAs, keeping in mind distances and communications for potential MA users;
- (b) availability of decent office space for MAs, including a room separate from all other UC activities where MA proceedings can be held at least once a week;
- (c) provision of furniture for at least 10 people in each office as well as essential office supplies;
- (d) notices in the main offices of district administration, courts and police stations announcing the names of MA members, the location of the MA office, and its regular office timing;

⁴⁶ Some of these indicators have cost implications that can be worked out by the project and shared with the provinces.

- (e) regular availability of MA members, including women members, in the MA office on the day and time announced;
- (f) designation of one MA member or a co-opted community member to maintain the records of the MA and provide tabulated quarterly reports, with back-up documentation, to the UC Secretary or relevant tehsil official for submission to the district level;
- (g) designation of a UC Secretary or relevant tehsil official for ensuring the collection and onward submission of quarterly reports;
- (h) training of designated MA members and designated UC and tehsil officials in reporting regularly on the key performance indicators; and,
- (i) payment of monthly honoraria or stipends to all MA (including co-opted) members to cover the costs of travel and a basic level of hospitality for MA users.

118. Based on record-keeping and reporting that is feasible across the spectrum of MAs and districts, ***quarterly analysis of trends at the district, provincial and national levels in the following key performance indicators for MAs and implementers is recommended***⁴⁷:

- (a) all indicators on which the project is currently reporting at the provincial and national levels;
- (b) the average number of cases received per MA, per quarter;
- (c) the number of men and women who actually used MAs⁴⁸ during the reporting quarter, and whether they lived in urban or rural areas;
- (d) civil status (married, divorced or widowed), literacy and the level of education (less than five years, 6-10 years, more than 10 years) as proxies for the socio-economic status of users; and,
- (e) the age of the users, in order to ascertain the usefulness of MAs for youth (18-29 years old), the elderly (more than 60 years old) and other ages (30-59 years old).

119. Keeping in mind the resource and performance indicators proposed above, ***the project needs to develop a comprehensive approach and LFA for results-based management***, and:

- (a) change Objective 1 (or consider two objectives) to include women, the poor and the vulnerable as the target groups, with violence against women as one part of the objective;
- (b) articulate immediate, intermediate and ultimate outcomes and corresponding indicators, establishing how specific outputs such as training, communication and special reports relate logically to expected outcomes;
- (c) report on this basis in six-monthly annual reports, and periodic outcome assessment reports;
- (d) revamp the M&E system to remove the deficiencies listed in paragraph 74, *inter alia*, by introducing a results framework, improving record keeping and tabulation of data at the MA and district levels, and strengthening the analysis and use of data at the provincial and national levels in support of course corrections;
- (e) if information is required from the field, beyond project records, commission periodic sample-based outcome assessments and KAP surveys; and,
- (f) every six months, at the level of the FPMU and the PPMUs, undertake quantitative comparisons of provincial and district performance in terms of the key resource and performance indicators, drawing lessons from good performers and identifying course corrections for strengthening lagging performers.

120. In order to strengthen project management, ***steps also have to be taken as a matter of urgency to raise staff salaries to competitive levels***, and ensure that good professionals are recruited for overall management and M&E, and retained for the remainder of the duration of the project. The background to this issue has been summarized in paragraph 75. Secondly, while the project cannot influence government postings and transfers, it needs a risk mitigation strategy, or acceptable

⁴⁷ In consultation with the district concerned, and keeping in view where the district stands, a province may set specific six-monthly performance targets for each district.

⁴⁸ Reporting on the eight categories of disputes in which “at least one party is female” is *not* adequate as an indicator of women’s use of MAs.

temporary arrangement, for dealing with the situation when a key position (e.g., the PD) is absent or a key person (e.g., the District Focal Person) is dis-interested. UNDP and EAD need to agree on a solution for keeping the project running, without disruption, at all times; this is a fundamental requirement of project management the world over, and it should not be left unattended.

121. As discussed above, the situation has changed significantly in view of the Eighteenth Amendment, and there is no apparent role for a federal entity to coordinate policy and implementation among provinces in a devolved subject. The government, however, has decided that the project will be based in the Federal Government's P&D Division, which is not an implementing agency for such projects. This is a *fait accompli* in the short run but a better institutional home needs to be found as soon as possible. The mission considered a number of options, including EAD, the Ministry of Law and Justice, and the Policy Research Unit (successor to the National Reconstruction Bureau). EAD, which coordinates foreign assistance, is already saddled with increased responsibilities as a result of the Eighteenth Amendment⁴⁹, while the other two options are more visibly inconsistent with the Eighteenth Amendment. Under the circumstances, ***it would be best for the FPMU and project funds to be managed by the United Nations Office for Project Services, or directly by UNDP.*** This would also have the benefit of protecting the project as much as possible from disruptions due to non-availability of a bank account co-signatory, office space or other essentials, all of which have been problematic.

122. In the new scenario, the FPMU would be essentially a technical assistance and facilitation unit, preferably with a new and more appropriate name. It would:

- (g) Participate, as appropriate, in all aspects of the agenda outlined in Section 6.2, to strengthen provincial ownership and facilitate the PPMUs in pursuing policy changes.
- (h) Ensure work planning in a standardized format acceptable to the financing partners.
- (i) Take the lead in developing and implementing a common approach to monitoring and reporting (paragraph 119).
- (j) Encourage the PPMUs and district-level implementers to develop a learning environment based on the proposed M&E approach, evidence-based course corrections and appropriate instruments of knowledge management, including surveys, special studies, workshops and exchange visits.
- (k) Arrange for the provincial teams to meet once a year in a National Consultative Forum to share and review experiences, highlight problems, introduce their solutions and plans, and indicate how the FPMU could help them.
- (l) Lead and coordinate resource mobilization efforts.

123. In pursuit of synergy, and in order to demonstrate stronger UNDP support for the project, ***it is recommended that implementation of the MA component in ERP be assigned to GJTMAP.*** The project already has offices, networks, relevant experience, local knowledge, basic reporting formats, and training manuals and partners in all four provinces; these are assets any project new to the MA concept should value. There are seven districts in ERP that are also part of the project area of GJTMAP. The project is well-placed to implement the MA-based component of ERP in these districts.

⁴⁹ This was brought to the mission's attention by EAD in a meeting on 17 January 2011.

**Annex I:
MTE Terms of Reference**

1. Background and Rationale

The Gender Justice Through Musalihat Anjuman Project (GJTMAP) (2007-2011) is executed by the Ministry of Local Government and Rural Development (LG&RD) and Provincial Local Government (LG) Departments with the financial assistance of UNDP and the Government of Pakistan. A pilot phase of the project (in eight districts) was run during 2005-06 to develop Rules of Business (RoBs) as provided for under the Local Government Ordinance (LGO) 2001, and operationalize the Alternate Dispute Resolution (ADR) platform, namely, the Musalihat Anjuman (MA), for providing gender justice.

According to Justice (Retired) Nasira Iqbal, who was engaged by the Project as a consultant, “Musalihat is derived from Arabic and means conciliation. Anjuman, a Persian derivative, means cluster, a group, a party, etc. engaged in activity like discussion. [The term conveys] informal, friendly, conciliation seeking” (Consultant’s Final Report on Rules of Constitution and Functioning of Musalihat Anjuman, 2005). The goal of the project is ***“To assist women and other vulnerable sections of society in improving their conditions through safeguarding and promoting their rights and lawful entitlements.”***

As envisaged under the LGO, the MA provides a community-based and free-of-cost ADR system to resolve disputes at the grass roots level. It has been established at the lowest tier of local government, namely, the Union Council (UC). By March 2006, the RoBs for the constitution and functioning of MAs were drafted by the Project and duly vetted and notified by all four Provincial Governments. A total of 1,063 MAs have been constituted in the following 20 selected districts of the country:

| Balochistan | Khyber Pakhtunkhwa (KP) | Punjab | Sindh |
|-------------|-------------------------|------------|---------------------|
| Gwadar | Abbottabad | Attock | Dadu |
| Lasbela | Dera Ismail Khan | Bahawalpur | Jacobabad |
| Loralai | Haripur | Jhelum | Sanghar |
| Quetta | Mardan | Mianwali | Shikarpur |
| Ziarat | Nowshera | Multan | Shaheed Benazirabad |

By the end of 2009, over twelve thousand disputes had been brought / referred to the MAs (with a 75% disposal rate) by aggrieved communities, with many cases referred by the police, judiciary and political representatives at the local level.

2. Objectives of the MTE

According to the UNDP Evaluation Policy, “Evaluation ... will provide an objective assessment of contributions to development results [and] address what works and why, as well as what does not work and unintended outcomes. This will support accountability, inform decision-making and allow UNDP [and its partners] to better manage for development results.” Accountability in this context refers to the assessment of “developmental results and impact of development assistance. It is distinct from accountability for the use of public funds in an accounting and legal sense, responsibility for the latter usually being assigned to an audit institution” (the quotation is from *Principles for Evaluation of Development Assistance*, which is the internationally accepted reference on the principles of evaluation and was developed in 1991 by the Working Party on Aid Evaluation of the Development Assistance Committee of the Organization for Economic Co-operation and Development, or OECD-DAC). Results in evaluation terms are assessed with reference to five standard evaluation criteria, namely, relevance, effectiveness, efficiency, impact and sustainability. These criteria are elaborated in Appendix 1.

Within the general objectives and methodology of evaluation that is outlined above, the MTE has three broad objectives:

- (a) Support the Ministry of Local Government and Rural Development and Provincial Local Government Departments in the performance appraisal of the Gender Justice through Musalihat Anjuman Project (GJTMAP), including a review of its achievements, challenges and opportunities, and in light of the recently approved cost-sharing PC-I⁵⁰ at the Federal level.
- (b) Based on the analysis, as well as the proposed changes envisaged in the emerging Local Government laws, table concrete recommendations for providing free, fair, efficient and equitable justice to all, particularly the poor and marginalized.
- (c) Explore and recommend the way ahead for the project, reviewing the Government's recommendation for scaling up and transitioning into a programme framework.

3. Key Areas of Focus

The MTE will use the standard evaluation criteria elaborated in Appendix 1 to assess the development results produced by GJTMAP. In so doing, it will also address the specific issues and questions listed below.

Relevance

- (a) The key policies/frameworks in light of which the mission will evaluate the project's relevance include the 18th Constitutional Amendment, the new provincial Local Government (draft) frameworks, the Supreme Court's National Judicial Policy Implementation Plan and the Poverty Reduction Strategy Paper (PRSP) – II.
- (b) Analyze whether the project's intervention addresses the needs and demands of the stipulated beneficiaries.
- (c) Analyze the response of the communities to the project and identify any redundant activities/ outputs, synergies with existing/pipeline initiatives and propose any course correction.
- (d) Assess the relevance of the implementation framework, approach and partnerships, targeting mechanism (beneficiaries, geographical, partnerships...) and synergies created.
- (e) Assess the appropriateness of the training mechanisms adopted and institutions engaged by the project in order to build capacities at all levels for implementing the MA framework (including but not limited to the selection process of trainees, training different stakeholders/partners, appropriateness of training methodologies used, implementation of RoBs and sustainability of the MA).
- (f) Assess the relevance of the technical assistance (curricula / instruments) applied by the project for dispute resolution.

Effectiveness

- (a) Assess the overall performance of the GJTMA project. This will require a review of comparing targets (with respect to delivering ADR services, institutional/community capacity building and community advocacy) against implementation and reviewing base line information as available.
- (b) Review the management and technical capacity of the Federal and Provincial Departments with respect to advocating, mainstreaming and building ownership of ADR within the district governments and communities.

⁵⁰ PC I stands for Planning Commission pro forma I; it is the standard project document used by all government agencies in Pakistan.

- (c) Examine key issues in the implementation and coordination of GJTMAP, at both policy and institutional levels.

Efficiency

- (a) Assess how the project has utilized project funding to achieve results.
- (b) Review the Monitoring and Evaluation systems (within the Federal, Provincial, District and Sub-District level offices) in terms of timeliness of reporting, monitoring programme results, inter-connectedness and contributions to target setting and course corrections.
- (c) Examine the M&E cycle and identify its beneficiaries at different levels. Assess whether the M&E findings feed into policy making or reform on ADR in general and gender equality in particular.
- (d) Compare the efficiency of the MA-based ADR mechanism in relation to the formal legal process (the cost and time spent on cases processed in courts vs. disputes resolved by MAs, and the reduced case loads for police and courts)⁵¹.

Emerging Impact and Outcomes

- (a) Assess the emerging impact of the project at different levels, addressing legislation, policy and institutions and community among other impacts.
- (b) Where impacts in the sense of long-term results are not yet observable, consider identifying immediate and intermediate outcomes, as defined in Appendix 1.
- (c) Provide recommendations for enabling the project to produce sustainable impacts through its interventions, viz. the goal and objectives of the project.

Sustainability

The MTE will address the key sustainability challenges facing the project, which are to:

- Create demand for ADR based informal justice mechanism in communities and in the Government/Judiciary.
- Enable the MAs to be included in the provincial LG laws with a harmonized framework which institutionalizes the MAs in the post 18th Amendment scenario.
- Ensure the financial sustainability of the programme and the MAs in the longer run.

The MTE will also:

- (a) Evaluate the institutional arrangement for GJTMAP (involving Federal and Provincial Local Governments, Police, Judiciary, NGOs, etc.) as viable and sustainable mechanisms for advocating, promoting and scaling up community based ADR. In this connection, the MTE would evaluate the viability of all mechanisms engaged in sustaining MAs, including provincial governments, district governments, the judiciary, MASS and MAJA etc.
- (b) Evaluate the role of the MAs in contributing towards improved livelihood, poverty reduction, peace, social harmony for the beneficiaries.
- (c) Assess GJTMAP in terms of its linkages *vis-à-vis* other larger justice initiatives of the ADB (Access to Justice related interventions; Flood response intervention), EC (Formulated a multimillion dollar intervention), UNDP (Rule of Law; Peace & Development in Malakand; Legal Empowerment Programme) and USAID (Legal sector interventions) and relationship with civil society (Asia Foundation's ADR programme). Recommend strategies and synergizing actions which the project can adopt to create linkages with relevant initiatives. (No linkages exist as of now).

⁵¹ Sources of information: Baseline Study, beneficiary interviews, partner interviews, and Benchmarking of Best Practices in GJTMAP study.

4. Conclusions and Recommendations

The MTE is expected to:

- (a) Highlight key findings with reference to relevance, effectiveness, efficiency, sustainability and impact.
- (b) Clearly identify the gaps across the evaluation filters (relevance, effectiveness, efficiency, sustainability and impact).
- (c) Provide recommendations for scaling up the project to a programme with improved sustainability, relevance, efficiency, effectiveness and impact. The main concern is to enable GJTMAP to grow into a programme with coverage in all districts across Pakistan, providing improved service delivery and institutionalizing implementation systems, monitoring mechanisms and linkages with partners.

5. Outputs

The key outputs of the MTE are as follows:

- (a) annotated outlines of the aide memoire and the draft report, identifying key issues, sources of information and the team member responsible for each section of the document, for the approval of UNDP;
- (b) the first draft of an aide memoire for discussion with UNDP;
- (c) a revised draft of the aide memoire and a presentation on the aide memoire. The consultants will present the key findings of the aide memoire to project partners in a consultative workshop;
- (d) the draft MTE report, which should be logically structured, contain evidence-based findings, conclusions, lessons and concrete recommendations, and should be free of information that is not relevant to the overall analysis. Any conclusions, including critique, should be evidence based. The report should respond in detail to the key focus areas described above and provide a set of specific recommendations. Comments will be provided by stakeholders and consolidated by the mission team;
- (e) the final MTE report, addressing stakeholder comments; and,
- (f) a presentation on the final report for a dissemination meeting. For presenting and discussing the final report, the consultants will facilitate a one-day concluding meeting in Islamabad for project stakeholders as well as representatives from other provinces and any other participants invited by the project and UNDP.

6. Methodology

The consultants will adopt a consultative and participative approach. The MTE will start with a meeting at the UNDP Country office and will conclude with a debriefing meeting with UNDP and other project partners based on the mission's aide memoire. The mission will meet with the project team and relevant government agencies/partners at federal, provincial, district, sub-district and community levels in selected project districts. The mission will also meet other agencies/projects engaged in similar interventions at their country level offices (ADB, EU, USAID, Asia Foundation).

The MTE will cover about 5% of the MAs, or 53 MAs out of the total of 1,063. It will follow the standard evaluation methodology reflected in Appendix 1 and revolving around five main evaluation criteria (relevance, effectiveness, efficiency, impact and sustainability). The Mission's findings and recommendations will be thoroughly discussed with the UNDP, project partners, project management, donors and the EAD.

For conducting interviews, the counterparts, partners and beneficiaries who will be accessed by the team are identified based on the following criteria:

- The eight districts selected for inclusion in the MTE have been identified by the project as good (four districts) or weak based on the number of disputes recorded and a sense of ownership at the district level. Two of these districts, Lasbela in Balochistan Province and Bahawalpur in Punjab, were documented in considerable detail in the 2008-2009 Benchmarking Study commissioned by UNDP (in which relevant data will be updated by the project for the MTE). The team will visit one additional district each in Balochistan and Punjab, and two districts each in the Sindh and Khyber Pakhtunkhwa (KP) provinces.
- Two Union Councils in each selected district (a total of 12) have been included in the mission's schedule. Four additional Union Councils will be included through the Benchmarking Study; another 37 UCs in four provinces will be covered by inviting participants from adjoining UCs to be interviewed by the evaluators.
- The team will divide into two during some of the field visits in order to meet all relevant stakeholders.

7. Consultants

The MTE team will consist of three consultants, with one international consultant having at least 10 years of experience in Justice/legal background with detailed knowledge of Alternate Dispute Resolution mechanisms, a Senior National Consultant with at least 10 years experience and a Gender Consultant (National Consultant) with at least ten years of expertise in gender, poverty and gender justice issues. The consultants will accommodate participation of one representative from the Economic Affairs Division (EAD) in meetings in which EAD expresses in writing, its desire to participate.

The Senior National Consultant will be the team leader.

8. Background Documents

The consultants may refer to the following documents during the course of the MTE:

- GJTMA Project Documents
- UNDP Country Programme for Pakistan (2004-2008)
- Delivering as One – One Programme Document, 2008-10, UNDP Pakistan 2009
- UNDAF Pakistan 2004-2008
- Annual Reports 2006-9
- Training Manuals
- Miscellaneous single documents:
 - GJTMAP - Benchmarking study on GJTMAP Best Practices and case studies
 - ADB Scoping Study
 - National Judicial Policy and Islamabad Declaration announced by CJ SCP, 2009
 - Organogram
 - Presentation materials
- MOUs: CSA with Federal and Provincial governments
- Mid Term Evaluation – Gender Support Programme, UNDP Pakistan, 2006
- Project Document - Gender Support Programme PAK/03/007, July 2003
- Annual Review Report – Gender Support Programme, UNDP March 2007
- Annual Review Report – Gender Support Programme, UNDP March 2008
- Multi-Donor Review of UNDP's Gender Support Programme – Towards a Strategic Approach to Gender Equality in Pakistan, April 2008

- Mid Term Review of the GENPROM and CELDAC Project, UNDP, 2009
- GJTMAP Monitoring & Reporting manuals.
- PRSP – II
- National Judicial Policy Implementation Plan 2009
- Draft provincial LG frameworks and meeting minutes
- 18th constitutional amendment
- Draft legal review study – GJTMA
- Bench book – GJTMA

Appendix 1: Criteria for the Evaluation of Development Assistance

Sources of Information

Unless otherwise stated, the main source of information is Organization for Economic Cooperation and Development, Development Assistance Committee (OECD-DAC), Criteria for Evaluating Development Assistance, available at:

http://www.oecd.org/document/22/0,2340,en_2649_34435_2086550_1_1_1_1,00.html.

Information has also been taken from:

- The UNDP Evaluation Policy, abbreviated as UNDP 2006 and available at:
- <http://www.undp.org/evaluation/policy.htm>
- The IFAD Evaluation Manual, abbreviated as IFAD 2009 and available at:
- http://www.ifad.org/evaluation/process_methodology/doc/manual.pdf.
- CIDA 2008 – Results-Based Management (RBM) Policy Statement, abbreviated below as CIDA 2008 and found at <http://www.acdi-cida.gc.ca/acdi-cida/acdi-cida.nsf/eng/ANN-102084042-GVJ>.

Evaluation Criteria

Although there are differences between organizations and across types of evaluation, evaluation is generally undertaken with reference to five standard evaluation criteria: relevance, effectiveness, efficiency, impact and sustainability. According to IFAD 2009, and following international good practice, “the performance of a project is a composite of its relevance, effectiveness and efficiency.” In this sense, the evaluation criteria are reduced to performance and impact (and the sustainability of impact). Results in evaluation language (spanning all five evaluation criteria) refer to the composite of performance and impact. (This is different from the meaning of results in the terminology of results based management.) The five standard criteria are also recognized in UNDP 2006.

IFAD 2009 makes a distinction between the kind of effects that are emphasized in completion and interim evaluations:

Project completion evaluations ... give emphasis to the long-term effects (i.e. impact) associated with an operation. However, in interim evaluations, which are usually done around the time of project closure ... OE’s assessment focuses on the likely effects, in addition to the short- and medium-term effects already achieved.

Relevance

The extent to which the aid activity is suited to the priorities and policies of the target group, recipient and donor.

In evaluating the relevance of a programme or a project, it is useful to consider the following questions:

- To what extent are the objectives of the programme still valid?
- Are the activities and outputs of the programme consistent with the overall goal and the attainment of its objectives?
- Are the activities and outputs of the programme consistent with the intended impacts and effects?

A more in-depth understanding of relevance is offered in IFAD 2009:

Relevance is assessed both in terms of: (i) alignment of project objectives with country and [donor] objectives and policies for [the sector], as well as the needs of the [beneficiaries]; and (ii) project design features geared to the achievement of project objectives. With regard to project design features, evaluations review whether appropriate project components and financial allocations were built into the project design; whether proper mechanisms and approaches for participation, targeting and gender mainstreaming were deployed; whether appropriate synergies were ensured across activities and services so as to lead to better rural livelihoods; whether implementation arrangements, including provisions for project management, supervision and implementation support, and M&E were suitable; etc.

Effectiveness

A measure of the extent to which an aid activity attains its objectives.

In evaluating the effectiveness of a programme or a project, it is useful to consider the following questions:

- To what extent were the objectives achieved / are likely to be achieved?
- What were the major factors influencing the achievement or non-achievement of the objectives?

A more nuanced view of effectiveness is elaborated in UNDP 2006 in the following words:

- *Organizational effectiveness*: The more direct, accountable and attributable measures of performance over which the organization has relatively more control or manageable interests.
- *Development effectiveness*: The extent to which the intended development goals of a country are achieved through the agency of the government, civil society and development partners. Evaluation assesses the effectiveness of the partners' contribution in enhancing the factors and conditions that enable countries to achieve their development goals.

Efficiency

Efficiency measures the outputs—qualitative and quantitative—in relation to the inputs. It is an economic term which signifies that the aid uses the least costly resources possible in order to achieve the desired results. This generally requires comparing alternative approaches to achieving the same outputs, to see whether the most efficient process has been adopted.

When evaluating the efficiency of a programme or a project, it is useful to consider the following questions:

- Were activities cost-efficient?
- Were objectives achieved on time?

- Was the programme or project implemented in the most efficient way compared to alternatives?

Impact

The positive and negative changes produced by a development intervention, directly or indirectly, intended or unintended. This involves the main impacts and effects resulting from the activity on the local social, economic, environmental and other development indicators. The examination should be concerned with both intended and unintended results and must also include the positive and negative impact of external factors, such as changes in terms of trade and financial conditions.

When evaluating the impact of a programme or a project, it is useful to consider the following questions:

- What has happened as a result of the programme or project?
- What real difference has the activity made to the beneficiaries?
- How many people have been affected?

The MTE may wish to identify impacts with reference to the impact domains listed in Table 1 below. Where impacts in the sense of long-term results are not yet observable, it may consider identifying immediate and intermediate outcomes, defined as follows:

- **Immediate Outcome (short-term).** *CIDA 2008:* A change that is directly attributable to the outputs of an organization, policy, programme or initiative. In terms of time frame and level, these are short-term outcomes and are usually at the level of an increase in awareness/skills of—or access to—among beneficiaries.
- **Intermediate Outcome (medium-term).** *CIDA 2008:* A change that is expected to logically occur once one or more immediate outcomes have been achieved. In terms of time frame and level, these are medium-term outcomes, which are usually achieved by the end of a project/programme and are usually at the change of behaviour/practice level among beneficiaries.

| Table 1. Impact Domains | | |
|--|--|---|
| Impact at <i>individual and household</i> levels | | Impact at <i>community</i> level |
| <ul style="list-style-type: none"> ▫ Physical assets ▫ Financial assets ▫ Human assets | | <ul style="list-style-type: none"> ▫ Physical assets ▫ Natural resource base and its sustainability ▫ Social capital and empowerment of the poor |
| Notes: | | |
| <ol style="list-style-type: none"> 1. Impacts at the individual, household and community levels could have direct impacts on women, the poor and the vulnerable. Relevant impacts of this nature may be consolidated under impact on human rights, including gender equality, as noted below. 2. Training of all kinds generates impact on human assets. This impact could also strengthen institutions, which is an impact on institutions, and mentioned below. By strengthening service delivery, for example, training could also, over time, generate direct impacts on women, the poor and the vulnerable. | | |
| <p>Higher-level impact</p> <ul style="list-style-type: none"> ▫ —on institutions ▫ —on the regulatory framework ▫ —on policies <p>Note: These may be considered as indirect impacts, inasmuch as they generate impacts on women, the poor and the vulnerable over time.</p> | | <p>Over-arching factors</p> <ul style="list-style-type: none"> ▫ Human rights, including gender equality ▫ Sustainability of project impact and institutions ▫ Innovation <p>Note: Sustainability often requires that social, human and financial capital be organized in certain ways in support of an intervention.</p> |

Sustainability

Sustainability is concerned with measuring whether the benefits of an activity are likely to continue after donor funding has been withdrawn. Projects need to be environmentally as well as financially sustainable.

When evaluating the sustainability of a programme or a project, it is useful to consider the following questions:

- To what extent did the benefits of a programme or project continue after donor funding ceased?
- What were the major factors which influenced the achievement or non-achievement of sustainability of the programme or project?

**Annex II:
Mission Programme**

| Date | Location | Activities and Deliverables |
|----------------------|------------------------------------|---|
| 29 Oct | Home base | Review of documents; discussion with UNDP and team members; revision of MTE TORs and work plan |
| 30 Oct | | |
| 01 Nov <i>Mon</i> | Islamabad | <ul style="list-style-type: none"> ▫ am: Orientation meeting with UNDP: Mr Toshihiro Tanaka (Country Director), Ms Faiza Effendi (Assistant Country Director), Mr Saud Bangash (Economic Analyst) ▫ pm: MTE team meeting |
| 02 Nov | Islamabad | <p>Meetings with donors:</p> <ul style="list-style-type: none"> ▫ 10.45. DFID: Ms Rabya Nizam (Social Development Adviser), and Ms Rosemary Knight (Conflict and Humanitarian Adviser) ▫ 13.45. The Asia Foundation: Mr Shahid Fiaz (Director Programmes), Ms Amena Raja (Senior Programme Officer), Ms Nadia Tariq Ali (Senior Programme Officer) and Mr Farman Ullah (Programme Officer) ▫ 15.00. SDC: Mr Arif Tabassum, National Programme Officer ▫ 16.30. Embassy of Japan: Mr Kaoru Magosaki (Counsellor/Head of Economic and Development Section), Ms Namiko Yamada (Economic Adviser), Ms Haruka Shindo (Representative, JICA) and Ms Nazia Sehr (Gender Adviser, JICA) |
| 03 Nov | Islamabad | <p>Meetings with donors:</p> <ul style="list-style-type: none"> ▫ 09.30. USAID: Ms Erin Krasik (Director, Office of Democracy and Governance), Mr Gene Gibson (Senior Rule of Law Adviser), Mr John VanSandt (Rule of Law Adviser), Ms Sanam Noor Pechuho (Political Specialist) and five others ▫ 10.45. ADB: Mr Omer Bin Zia (Project Officer, Public Management) ▫ 12.00. European Union: Ms Gisela Sprietzhof (Development Adviser, Judiciary and Democratization) and Ms Simona Gallota (Development and Political Attache, Governance) ▫ 14.30. Mr Alam Zeb Khan, Director (Instruction), Federal Judicial Academy ▫ 16.00. Royal Norwegian Embassy: Mr Naufil Naseer (National Programme Officer) |
| 04 Nov | Islamabad | <p>Meetings with:</p> <ul style="list-style-type: none"> ▫ 09.30. Mr Muhammad Naeem ul Haq, Member, Policy Research Unit ▫ 11.00. Mr Nasir Ali Shah (Solicitor General of Pakistan), Ministry of Law ▫ 15.00. UNDP: Ms Faiza Effendi (Assistant Country Director), Mr Saud Bangash (Economic Analyst) and Mr Hamid Afridi (National Project Manager, GJTMAP) ▫ 19.30. Mr Salim Khan Jhagra, Federal Secretary, Ministry of Postal Services, former Secretary, Ministry of Local Government and Rural Development (MoLG&RD) and former Chair, National Steering Committee, GJTMAP |
| 05 Nov | Islamabad | <p>Meetings with:</p> <ul style="list-style-type: none"> ▫ 11.00. Ms Anis Haroon, Chairperson, National Commission on Status of Women ▫ 14.00. Federal Project Team, GJTMAP: Mr Hamid Afridi (National Project Manager), Mr Saif Ullah Asad (Senior Admin/Finance Officer), Mr Arshad Jan (GVC Specialist), Mr Rizwan Munir Afzal (Programme Assistant) and Mr Shafat Sharif, M&E Consultant |
| 06 Nov | Islamabad | Work on annotated outlines of aide memoire and MTE report, indicating team member responsible for each section |
| 08 Nov <i>Mon</i> | Islamabad- Lahore- Islamabad | <p>07.00. PK 385, Islamabad-Lahore, arriving 07.50; meetings with:</p> <ul style="list-style-type: none"> ▫ 09.00. Punjab Province project team: Mr Shoeb Syed (Provincial Project Manager) and Mr Ayaz Hussain, M&E Officer ▫ 09.30. Mr Hafiz Muhammad Ilyas, Provincial Coordinator, Gender Reform Action Programme/Social Welfare & Women Development Department, and Mr Jamshaid Kiyani, Director, Punjab Local Government Academy ▫ 10.00. Lt. Col. (Retired) Chaudhry Muhammad Shahbaz, former Director General, Local Government, and former Provincial Project Director ▫ 10.30. Partners from Musalihat Anjuman Support Services (MASS): Mr Shahzad Hussain, Bunyad Foundation; Ms Shumaila Tanvir and Mr. Zafar Malik Aurat Foundation. |

| Date | Location | Activities and Deliverables |
|--|------------------------------|--|
| | | <ul style="list-style-type: none"> ▫ 11.30. Mr Asad Alam, Additional Secretary, Home Department ▫ 12.00: Mr Justice (Retired) Tanveer Ahmad Khan, Director General, Punjab Judicial Academy ▫ 13.00. Mr Shaharyar Sultan, Special Secretary, Local Government and Community Development Department ▫ 14.30. Mr Justice Tassadaq Hussain Jilani, Supreme Court of Pakistan, Chairman, ADR Committee <p>18.30: PK 618, Lahore-Islamabad, arriving 19.25</p> |
| 09 Nov | Islamabad | Public holiday; work on annotated outlines of aide memoire and MTE report |
| 10 Nov | Islamabad-Attock-Islamabad | <p>By road to Attock (Punjab Province); meetings with:</p> <ul style="list-style-type: none"> ▫ 10.30. Mr Shakeel Ahmad (DCO), Mirza Jahangir Akhtar (ADLG), ▫ 11.15. Dr Muhammad Akhtar Abbas (DPO) ▫ 11.45. Mr Wajid Ali, Former District Nazim ▫ Members of MAJA |
| 11 Nov | Islamabad-Attock-Islamabad | <p>Field visit to two Union Councils⁵²; meetings with:</p> <ul style="list-style-type: none"> ▫ 10.30. Former Union Council Nazim and Members of Insaaf Committee ▫ 11.30. Union Council Secretaries, Members MAs of eight UCs ▫ 12.15. Beneficiaries (male and female) |
| 12 Nov | Islamabad-Peshawar-Islamabad | <p>To Peshawar and back by road; meetings with:</p> <ul style="list-style-type: none"> ▫ 9.45. Khyber Pakhtunkhwa Province project team (Mr Saeed Khan, PPM, and others); Ms Tahira Yasmin, Deputy Director, Local Government Department ▫ 10.45. Police Department Focal Point (Mr Kashif Alam, AIG Human Rights) ▫ 11.00. Mr Bashir Ahmad Bilour, Senior Minister for Local Government ▫ 11.50. Mr Saleem Khan Mohmand, Secretary, Planning & Development Department/ Member Provincial Steering Committee ▫ 12.00. Dr Khursheed Iqbal, MIT/ Director Training , Peshawar High Court ▫ 14.30. MASS partners: Ms Kalsoom Marwat and Ms Salima Haq (Khwendo Kor), Ms Nazia Khan (Gender Studies Department, University of Peshawar) ▫ 15.45. Depart for Islamabad by road |
| 13 Nov | | Submit annotated outlines of aide memoire and MTE report, indicating team member responsible for each section |
| <i>13-21 Nov: Break in mission on account of Eid-ul-Azha holidays. International Consultant left for home base and returned to Islamabad on 21 Nov. Gender Consultant rejoined the mission on 26 Nov</i> | | |
| 22 Nov Mon | Islamabad-D. I. Khan | <p>10.00. PK 689 to Dera Ismail Khan (KP Province), arriving 12.10pm; meetings with:</p> <ul style="list-style-type: none"> ▫ Provincial PMU staff ▫ Mr Hameedullah Shah, ACO (DFP) |
| 23 Nov | D. I. Khan | <p>Meetings with:</p> <ul style="list-style-type: none"> ▫ 10.00. UC Secretaries, Nazims and MA members from 17 UCs ▫ 12.00. Mr Gul Afzal, DPO ▫ 15.30. Field visit to UC Kotla Syedan |
| 24 Nov | D. I. Khan-Islamabad | 11.00. Depart for Islamabad by road, arriving 19.00 |
| 25 Nov | Islamabad-Haripur-Islamabad | <p>By road to Haripur (KP Province); meetings with:</p> <ul style="list-style-type: none"> ▫ 10.30. DCO Syed Mohsin Shah, DPO and Dr Fazal Mahmood (EDO, Community Development) ▫ 11.30. Members of MJs, UC Secretaries, Councillors of nine UCs |
| 26 Nov | Islamabad | 12.00. Meeting with UNDP to discuss preliminary findings with Country Director |
| 27 Nov | Islamabad | Work on background and other sections (including policy and sustainability issues, good practice comparisons, tables and annexes) of preliminary draft report |
| 28 Nov | Islamabad-Karachi | 19.00: PK 309, Islamabad-Karachi, arriving 20.50 |

⁵² The names of all UCs/MAs with which the mission interacted are given in Annex III.

| Date | Location | Activities and Deliverables |
|----------------------|-------------------------|---|
| 29 Nov <i>Mon</i> | Karachi-Sukkur | Meetings in Karachi with: <ul style="list-style-type: none"> ▫ 9.30. Sindh Province project team ▫ 10.30. Mr Abdul Rasool Memon, Registrar, Sindh High Court ▫ 11.00. Mr Justice Maqbool Baqir, Sindh High Court, ADR Focal Point Judge ▫ 11.45. Mr Mazhar Hussain Alvi, AIG, Police Department Focal Point ▫ 12.15. Provincial PSC, MAJA, MASS and MA Members including: <u>PSC</u>: Mr Khursheed Naeem Malik, Secretary Local Government Development, Mr Muhammad Usman Panhwar, Special Secretary & PPD GJTMA Project, Mr Mustafa Suhag, Deputy Secretary LG&RD, Mr Abdul Shakoor Abro, Provincial Coordinator, Social Welfare Dept., Ms Musarat Jabeen, Deputy Secretary, Women Development Dept., Dr Shehla Raza, Assistant Chief, Social Sectors, P&D. <u>MASS partners</u>: Ms Rubina Ameen (Aurat Foundation), Ms Asma Bibi (Sindh Development Society), Mr Bashir G. Abro (SAFWCO), Ms Hina Tabasum (GJTMAP Trainer) <u>MAJA members</u>: Ms Shereen Qureshi (MAJA Secretary, Dadu), Mr Mushtaq Ali (MAJA Secretary, Shaheed Benazirabad) <u>UC/MA members from</u>: UC 4, Shahdadpur, Sanghar, UC Garhi Hassan, Jacobabad, Nawabshah, Shaheed Benazirabad, <u>DFPs</u>: DO(M&E), Shaheed Benazirabad and Sanghar 17.00. PK 540 Karachi-Sukkur, arriving 18.50 |
| 30 Nov | Sukkur-Shikarpur-Sukkur | By road to Shikarpur (Sindh Province); meetings with: <ul style="list-style-type: none"> ▫ 11.00. DDO Shikarpur, Data Entry Person, DO (M&E) ▫ 12.00. Field visit to UC Shikarpur 3 and meeting with UC Secretary, MA members and beneficiaries ▫ 15.00. Field visit to UC Chak, meeting with Convenor MA |
| 01 Dec | Sukkur-Dadu-Sukkur | By road to Dadu (Sindh Province); meetings with: <ul style="list-style-type: none"> ▫ 12.00. MAJA and MA members, DO (M&E) and Data Entry Person ▫ 15.00. Mr Javed Jiskani, DPO |
| 02 Dec | Sukkur-Dadu-Sukkur | Field visit to two Union Councils; meetings with: <ul style="list-style-type: none"> ▫ 12.30. UC Dadu 2, meeting with former UC Nazim, UC Secretary, Convener and other Musaleheen of the MA, and male beneficiaries ▫ 13.30. UC Khudabad, meeting with Secretary UC and Convenor MA 18.30. PK 533 Sukkur-Karachi, arriving 19.35 |
| 03 Dec | Karachi - Islamabad | 07.00. PK 300 Karachi-Islamabad, arriving 08.50 MTE team meeting to discuss main points of preliminary draft report |
| 04 Dec | Islamabad | 10.00. Meeting with EAD to discuss EAD perspective and preliminary findings of MTE |
| 05 Dec | Islamabad-Quetta | 08.30. PK 363 Islamabad-Quetta, arriving 10.00; meetings with: 15.00. Mr Faisal Jamal, PPD, Mr Javed Khan, PPM and the GJTMA Project team 17.00. MASS partners (SEHR and TEHREEK) |
| 06 Dec <i>Mon</i> | Quetta | Meetings with: <ul style="list-style-type: none"> ▫ 10.00. Mr Nazir Ahmad Langove, District and Sessions Judge, Quetta and Ziarat ▫ 10.30. Mr Mehmoodul Hassan, Secretary Local Government Department, and PPD/Chairman PSC GJTMA project ▫ 11.00. Mr Justice Noor Maskanzai, ADR Focal Point Judge, High Court of Balochistan, and Mr Zaheeruddin Kakar, Registrar ▫ 12.15. Mr Khurram Shakoor, DIG HQ, Police Department Focal Point ▫ 13.00. Mr Safdar Hussain, Secretary Law ▫ 14.00. Qazi Shahid Pervez, Secretary S&GAD and former Secretary LG & RD ▫ 19.30. Members of the Provincial Steering Committee and Project Team |
| 07 Dec | Quetta | Meetings with UC Secretaries and MA members of seven UCs |
| 08 Dec | Quetta-Islamabad | <ul style="list-style-type: none"> ▫ 12.00. PK 328, Quetta-Islamabad, arriving 13.25 ▫ Work on preliminary draft report |
| 09 Dec | Islamabad | Finalize and submit preliminary draft report to UNDP |
| 10 Dec | Islamabad | Meeting with UNDP to review preliminary draft report; team to revise report |
| 11 Dec | Islamabad | Submit revised preliminary draft report, prepare PPT for stakeholder workshop |

| Date | Location | Activities and Deliverables |
|----------------------|-----------|---|
| 13 Dec <i>Mon</i> | Islamabad | MTE team meeting to: <ul style="list-style-type: none"> ▫ Review and rehearse presentation ▫ Discuss main points of draft final report |
| 14 Dec | Islamabad | Work on draft final report |
| 15 Dec | Islamabad | 11.00. Presentation of preliminary draft report at stakeholder workshop; mission ends |
| | Home Base | MTE team members prepare individual contributions for the report |
| 21 Dec | ☛ | Team members provide their contributions to Team Leader |
| | Home Base | Team Leader prepares consolidated report, including summary |
| 27 Dec | ☛ | Team Leader shares complete draft report with UNDP and team members |
| 31 Jan | ☛ | UNDP provides consolidated stakeholder comments to Team Leader |
| | Home Base | Team Leader incorporates comments and prepares final MTE report |
| 23 Feb | ☛ | Team Leader shares final MTE report with UNDP and team members |

**Annex III:
List of MAs Covered by MTE, by Province and District**

| Province and District | Union Councils Selected for: | |
|---|--|--|
| | In-depth coverage | Joint meetings of MAs (names of UCs) |
| <i>Balochistan</i> | | |
| Lasbela * | <ul style="list-style-type: none"> ▫ Baroot¹ ▫ Bela¹ | |
| Quetta | | <ul style="list-style-type: none"> ▫ Hudda Halqa No. 29 ▫ Mano Jan Halqa No. 30 ▫ Mulla Salam Road Halqa No. 40 ▫ UC Bareach Halqa No. 21 ▫ Shabo Halqa No. 43 ▫ UC Malik Akhtar Mohammad Halqa No. 6 ▫ Labour Colony Halqa No. 41 |
| <i>Khyber Pakhtunkhwa</i> | | |
| Dera Ismail Khan * | <ul style="list-style-type: none"> ▫ Kotla Syedan | <ul style="list-style-type: none"> ▫ Ratta Kulachi ▫ Shorkot ▫ Urban UC No. 4 ▫ Paniala Town ▫ Pahar Pur ▫ Kotla Syedan ▫ Bund Kurai ▫ Kurri Shamoza ▫ Lunda Sharif ▫ Miran ▫ Chan Kan ▫ Hathla ▫ Mandra Kalan ▫ Kurri Kishore ▫ Kot Jai ▫ Yarik ▫ Urban UC No. 2 |
| Haripur | | <ul style="list-style-type: none"> ▫ Pind Hashim Khan ▫ Shah Masood ▫ Ghazi ▫ Pandak ▫ Bandi Sher Khan ▫ Dingi ▫ Pind Kamal Khan ▫ Sarai Niamat Khan ▫ Kundi |
| <i>Punjab</i> | | |
| Attock * | <ul style="list-style-type: none"> ▫ Kamra ▫ UC No. 2 | <ul style="list-style-type: none"> ▫ UC No. 66 ▫ UC No. 65 ▫ Kamra ▫ Attock 1 ▫ Attock 3 ▫ UC No. 11 ▫ Attock 2 ▫ Hazro 1 ▫ Mirza |
| Bahawalpur * | <ul style="list-style-type: none"> ▫ UC No. 1¹ ▫ UC No. 19 Sama Satta¹ | |
| <i>Sindh</i> | | |
| Shikarpur | <ul style="list-style-type: none"> ▫ UC Shikarpur 3 ▫ UC Chak | |
| Dadu | <ul style="list-style-type: none"> ▫ UC Dadu 2 ▫ UC Khuda Abad | |
| Notes: * These are districts from the pilot phase of the project. ¹ Included through the Benchmarking Study. | | |

The mission interacted with or reviewed a total of 45 UCs and had in-depth interaction with or review of 11 of them.

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**Annex V:
Summary of Relevant Good Practices**

Source: Brown, Cervenak and David Fairman 1998

Sri Lanka: Government-Supported Community Mediation. Key Points

Description: This case profiles Sri Lanka's community mediation programme, which dates to 1990. The Sri Lankan programme operates in all but the Northern and Eastern provinces, which are affected by civil war. It includes 218 mediation boards, with 5,400 trained mediators, and has handled about half a million cases since 1990. The programme is based on a comprehensive Mediation Boards Act of 1988 (amended in 1997), and operates within a clear legal framework. The mediation boards are appointed and operate at the community level, with immediate oversight by commissioners and general oversight by the National Mediation Boards Commission. Cases appropriate for mediation include civil disputes and minor criminal offenses; certain kinds of cases in fact need certificates of non-settlement from the mediation boards before they may be heard in court. Mediations are free to users; programme costs are covered by the Sri Lankan government, with some funding from foundations. The mediation boards meet about once a week for approximately four to eight hours, using public buildings. Each mediation board is comprised of a chair and 12-30 mediators; individual panels for cases have three mediators. Satisfaction with the programme is high.

Goals: The boards were established by the ministry of justice for a number of reasons: increase access to justice by reducing court backlog; increase access to the economically disadvantaged; replace the failed conciliation boards with a better ADR programme.

Design: The programme attempts to improve on the failed conciliation boards by incorporating lessons learned from that experiment, especially problems of politicization of personnel. Mediation is accepted by the population, and builds on indigenous conflict resolution systems.

Operation: To ensure the quality of dispute resolution services, the programme provides training and ongoing oversight for mediators. The programme relies heavily on volunteer staff, and so is extremely cost effective. However, stipends provided to staff should be increased to ensure their costs are covered. Trainers are critical to operations but also over burdened, and so additional training staff should be hired. High literacy facilitates outreach and education, as well as the operation of the boards themselves.

Impact: Satisfaction by the mediation board users is very high; related compliance rates are also high. Court delays have been reduced. The government needs to ensure long-term financing as external funding becomes uncertain. Confidentiality of the mediation process needs to be improved. A lurking problem to continued success is the developing backlog of cases to be mediated.

Bangladesh: NGO-Supported Community Mediation. Key Points

Description: Bangladesh's court system is unresponsive to the needs of the poor, and its traditional village dispute resolution institutions are biased against the interests of women. Based on a 1995 national customer needs survey, USAID-Bangladesh defined local participation and increased access to justice (especially for women) as a strategic objective, and improved ADR as an intermediate result (IR). The case profiles a community mediation program developed to meet USAID's ADR IR. The programme is managed by the Maduripur Legal Aid Association (MLAA), a Bangladeshi NGO. The MLAA community mediation programme uses a multi-tier structure of village mediation committees supported by MLAA field workers to deliver ADR services. Local mediators are selected, trained and supervised by MLAA field workers in consultation with local officials, religious, and social leaders.

The local committees meet twice a month to mediate village disputes, free of charge. Most disputes involve property or marital problems. Agreements are voluntary and are not enforceable in court. The MLAA programme currently mediates roughly 5,000 disputes annually and resolves roughly two-thirds of them. Satisfaction with the programme is high. Most users prefer the programme both to the traditional village dispute resolution system and to the courts.

Goals: Reform of the court system is considered politically and institutionally unattainable for the foreseeable future. The ADR programme seeks to improve access to justice by providing a substitute for the courts and for traditional dispute resolution systems which are biased against women. Programme goals and design were driven by a needs survey that focused directly on potential user groups.

Design: The programme design builds on the traditional (*shalish*) system of community dispute resolution, which has much greater legitimacy than the court system. The MLAA programme reduces the *shalish* system's cultural bias against women through legal education for local mediators and disputants, and through the selection of women as mediators.

Operation: To ensure the quality of dispute resolution services, the programme provides training and ongoing oversight for mediators and field workers. To minimize costs, the programme uses a word-of-mouth outreach strategy, volunteer mediators, and simple procedures with a minimum of written documentation. Although it is highly cost-effective compared to the courts, the programme is not financially self-sustaining. To ensure sustainability, it must continue to secure grants, begin charging user fees, or both.

Impact: MLAA's community mediation programme has demonstrated the potential for community mediation to increase access to justice for disadvantaged rural groups, especially women. Its impact is limited primarily by the small scale of the programme relative to national needs. Scaling-up to the national level would require substantial additional financial and human resources.

Annex VI:
Main Activities and Outputs of the Project, 2005-2010, by Objective

Objective 1

To provide women victims of violence an alternative mechanism, whereby they can obtain gender justice. *Output:* Constitution and mobilization of the Musalihat Anjumans in all Unions Councils in the pilot districts.

Establishment of MAs

- Rules of Business (RoBs) for MAs were developed after consensus and notified in all four Provinces.
- 1063 MAs established in all Union Councils (UCs) of the twenty (20) selected project districts.

Capacity of Local Government

- Ongoing technical backstopping, facilitation and support to Ministry/Departments of LGs through Federal and Provincial PMUs to implement, regularly monitor and institutionalize MAs.
- Support and facilitate national provincial Steering Committees for strategic management, coordination, monitoring and overall course correction.

Consolidation and Expansion

- In Punjab and Sindh, District Governments have allocated cost-sharing funds for MAJAs out of their own budgets. District Governments in Balochistan, Punjab and Sindh also provided funds for operation and maintenance of MAs.
- The Prime Minister of Pakistan directed the Federal Government to provide PKR 485 million for the project for consolidation in 20 existing districts and expansion to eight additional districts and the federally administered areas of Islamabad, Gilgit-Baltistan, Azad Jammu and Kashmir, and the Federally Administered Tribal Areas.
- As part of cost-sharing, Government of Balochistan committed PKR 25 million, Government of Sindh PKR 50 million and Government of KP about PKR 40 million. Government of Punjab also committed PKR 50 million. At the request of the Government of KP, the project was extended to Swat and Buner Districts.
- Project provided technical inputs for a harmonized framework which includes several improvements suggested on the existing legislation to all provincial governments.
- Documentation and dissemination of Best Practices and Case Studies in GJTMAP through GSP/UNDP.

Objective 2

To build the capacity of Musalihat Anjuman for dispensing gender-responsive justice. *Output:* Musalihat Anjumans' capacity built to dispense gender justice at the community level.

- Completed capacity building training in all districts on consolidated training modules. Since October 2006, more than 15,000 stakeholders have been trained on gender sensitization, legal literacy, monitoring, computer skills and record keeping. The trainees included: UC Nazims and Naib Nazims, UC secretaries, female elected representatives, MA members, police, etc. A pool of more than 100 master trainers has been developed by the project in all provinces;

includes: Government officials, members of NGOs, academia, community and training institutes.

- The Project has provided computers with allied accessories, record keeping registers, stationery, awareness raising and training materials, etc. to all districts for smooth functioning, dispute reporting and record keeping.
- Additional training and capacity building efforts ongoing at federal and provincial training academies for the stakeholders and at the grassroots level, including new Musaleheen, UC staff and government officials.
- An international panel of ADR experts was engaged for developing ADR training modules for Community Mediators/Musaleheen, imparting ToT on the modules and documenting good practices and lessons learnt. A module for community mediators has been developed and 32 master trainers from across Pakistan trained. The final draft of the module is being translated.

Objective 3

To enhance public engagement with utilization of the services of Musalihat Anjuman. *Output:* Partnerships between judiciary, police and Musalihat Anjuman for accountable, fair and equitable dispensation of justice.

Partnership with Judiciary

- The project has developed extensive linkages with the judiciary to promote integration of MAs at the policy level.
- MAs were highlighted and made part of the implementation mechanism of National Judicial Policy (NJP), formulated with inputs from all provinces.
- The project has been collaborating with the Federal Judicial Academy, Islamabad, for organizing training and orientation sessions for the judiciary from all provinces. As a result, 313 judges and 20 District Attorneys have been trained thus far in Alternate Dispute Resolution. In addition, orientation has been provided to district judiciary at Balochistan Judicial Academy.
- The project completed a “A Legal Review to suggest Amendments into Existing Laws for Smooth Functioning of MAs” to suggest amendments to the concerned authorities for greater harmonization, strengthening, institutionalizing and ensuring smooth functioning of the Musalihat Anjumans in future.
- A “Bench Book: Regarding ADR and Musalihat Anjumans” has been developed by the project for referral of cases from the judiciary to Musalihat Anjumans. Training of trainers is planned for judiciary at the Federal and Provincial training academies.
- An international panel of ADR experts (same as for Objective 2) was engaged for developing ADR training modules for the judiciary, imparting ToT on the modules and documenting good practices and lessons learnt. The module for judiciary (which requires Supreme Court approval) will be finalized after pre-testing the draft with selected Judicial Officers during February 2011 in a ToT planned at the Federal Judicial Academy. After inputs from the judiciary, this would be printed and utilized during training at judicial training academies.
- Information boards, outlining the procedure of availing the services of Musalihat Anjumans have been displayed at the district courts in Punjab and Balochistan.

Partnership with Police

- As a result of the project’s partnership with the police, directives were issued to Police Department by Provincial Police Officers in Balochistan, Khyber Pakhtunkhwa and Punjab for supporting the project in institutionalizing Musalihat Anjumans and referral of cases.
- Information boards, outlining the procedure of availing the services of Musalihat Anjumans, have been displayed at the police stations in Balochistan.

- Extensive training on referrals of cases to Musalihat Anjumans and human rights is planned for the police during the project extension phase (2010-13). This would include developing curriculum, ToTs, trainings of district/sub-district police officials at the Police Training Academies.

Objective 4

To promote women's awareness of their legal rights and men's active participation in ending gender based violence. *Output:* Community advocacy for legal rights of women and men's role in ending violence.

- The project conducted advocacy campaigns and awareness events in collaboration with the national electronic media, including: PTV, ARY, Geo, Dawn News, ATV, FM 99, FM 100 and FM 101, local cable networks, school and college level campaigns, stage theater, electronic and through print media campaigns at provincial level, aimed at highlighting the role of the Musalihat Anjumans and benefits of ADR and also motivating the public to utilize MAs for amicable, efficient, effective and free of cost settlements of their disputes. Project events have received substantial coverage in the press. Several advocacy and legal materials (posters, brochures, leaflets, etc. in thousands) have been developed and distributed to the stakeholders by FPMU and PPMUs in national and regional languages.
- Project has developed and is regularly maintaining a web-portal (www.gjtmap.gov.pk) which serves as a knowledge management tool, advocacy and awareness raising and dissemination of information. Eminent national and international scholars, jurists and ADR experts have contributed articles and materials for the web-site. The average visitation per month of this website is about 1,000. It is presently being re-formulated and will be launched shortly.
- District level monitoring, coordination, advocacy, and technical back-stopping platforms known as Musalihat Anjuman Justice Advocates (MAJA) have been notified in all 20 districts. This forum facilitated by District Coordination Officers (DCOs) of selected districts, comprising of representatives of police, CSOs, Bar Associations, MAs, district education/social welfare/etc., meet quarterly to assess progress of MAs and seek support from the district level agencies and the implementing partners.
- Project has prepared a video documentary as an advocacy and awareness raising tool. It has also developed several radio messages which are being aired regularly for public awareness on their rights and how to avail the services MAs.

Annex VII: Assessment of the Training Programme of the Project

The entire training process, starting from the Training Needs Assessment (TNA), to the module/curriculum development, and up to conducting the training, workshops and seminars was undertaken through the MASS (Musalihat Anjuman Support Services) partners. MASS is a consortium of NGOs, in each province, with a sound record of working in areas of awareness of legal rights and social mobilization. MASS was jointly established by the Local Government and Rural Development Department (LG&RDD) and the Social Welfare and Women Development Department (SW&WDD) in each province. MASS is meant to work in close collaboration and consultation with the Provincial Programme Manager (PPM) as well as the NPM, both of whom facilitate its working. In addition to conducting training, MASS is also meant to liaise with the local judiciary and the police in the pilot districts, as well as to develop a working relationship with the Training Directorates of respective provincial Local Government Departments.

After the TNAs, training modules were developed through a consultative process that included sharing the drafts with members of MAJA (Musalihat Anjuman Justice Advocates), project officials, focal persons in the departments of LG&RD and the SW&WD, CSOs and other key stakeholders. This was followed by undertaking pre-testing sessions. Subsequently, the modules were adopted after an in-depth review and amendments. This process was followed by Trainer of Trainers (TOTs), which included role plays to cater to the training needs of the uneducated members of the MAs.

Training modules were developed for both short- and medium-term capacity building. The medium-term training modules were in line with the functions of the MA that are stipulated in the LGO 2001. The short-term modules focus on the gender sensitization, of a general nature, for the members of the district government, elected councilors, police functionaries and the local civil society. The short-term, ongoing periodic training aims at inculcating awareness of issues related to gender violence, and the MA as a forum for redress. In addition to the above mentioned training, there was special training designed for the members of the UC Administration to extend office/institutional support to the MAs. This included proper recording and follow up of the MA deliberations through regular progress reports.

Training Manuals

Training manuals were designed and developed by the project staff with support from the MASS partners, including the Aurat Foundation, CCHD, and BUNYAD. Altogether, there are three modules, of which two were developed by the MASS partners and the one relating to M&E was developed by project staff. Review and editing of the manual was done by the Gender Studies Department, University of Punjab. These manuals were later translated into two main languages, Urdu and English. In the province of Sindh, the manuals have also been translated in the Sindhi language.

There are five kinds of manuals for the MA members, UC Secretaries and Administration Staff, judicial officers, and the trainers; they cover gender sensitization, legal literacy, record keeping, software for monitoring and database (for district level users) and a bench-book for judicial officers.

Regarding the “Gender Sensitisation” training, there were some observations by the NCSW and the MASS members in Sindh. They felt that these training manuals were too religiously oriented, and that the Sindh MASS, therefore, had to twice re-do the training manual by taking out the religious context. After reviewing the manuals, it was found that these are very balanced and offer equally comprehensive perspectives and references on the legal status, rights and responsibilities of women and men. The references given in the manuals are from three main sources, namely, the Quran and Sunnah, the constitution and the law, and the International Declaration of Human Rights and CEDAW.

It may be appreciated that the Islamic perspective is imperative as the people are pre-dominantly Muslims and they need to understand that violence against women is *not* permitted by Islam, and that women have rights that need to be duly given to them. NGOs and women's rights are neither imported nor alien to our belief. This is the only way that certain mindsets can be influenced. In Sindh, however, since there is a greater population of Hindus and other minorities, which is why, perhaps, the Islamic perspective has been reduced.

Training was conducted by the same MASS partners who developed the training manuals after the pre-testing. Master Trainers were selected on the recommendation of the MASS partners and the provincial project teams. They were MASS partners who have been working in the areas for a long time. They enjoyed the confidence of the people as they were known community partners. Most trainers apparently continue to offer post-training mentoring to the training beneficiaries.

Conclusions and Recommendations on Training Manuals

- (a) With the new LG system, trainings manuals/curriculum needs to be reviewed. As the new system is based on the rural-urban divide, there is a need for adapting all training manuals in accordance with the emerging system. The local nuances and context would also need to be taken into account.
- (b) There is a need to add the rights and personal laws of minorities and elements of inter-faith harmony in the training manuals on gender sensitization and legal rights.
- (c) A crucial training module regarding mediation skills for MA members was not developed. It was learnt that the draft ADR Training Manual for Community Mediators has been finalized only in the last week of October 2010, and pre-testing undertaken on 1st December 2010. Mediation is a technical skill that should have been imparted to the MA members at the initial stages of the project.
- (d) Training on advocacy skills, particularly for the MAJA members, is also missing.
- (e) The Bench Book for Judicial Officers is an excellent piece of work that needs to be translated into Urdu because not all judicial officers have command over the English language.

Training Activities

According to the latest Project Brief, "since 2006, the capacity building trainings in all project districts have been conducted and more than 15,000 stakeholders have been trained on gender sensitization, legal literacy, monitoring, computer skills and record keeping. The trainees included: UC Nazims and Naib Nazims, UC Secretaries, female elected representatives, MA members, police, etc. More than 100 master trainers pool has been developed by the Project in all Provinces, includes: Government officials, members of CSOs, Academia, Community, etc."⁵³ In addition, computers along with accessories, record keeping registers, stationery, awareness raising and training materials, etc., were provided to all districts for smooth functioning, dispute reporting and record keeping.

Observations

- (a) Initially, three-day training was given to the MA members and the UC Secretaries and the methodology used was interactive and included role plays and a participatory approach. Given the low literacy rate, particularly in the rural areas, this was a positive approach.
- (b) Except in Balochistan, there is no evidence of training activities after the training provided at the very early stages of the project. In fact, in most places, the MA members and UC administration staff cannot recall having undertaken any formal, intensive/focused training for that matter.

⁵³ Progress Brief, Gender Justice Through Musalihat Anjuman Project (GJTMAP), updated October 2010, available at www.gjtmapp.gov.pk.

- (c) In Balochistan alone, all MAJA members, MA members and UC Secretaries who interfaced with the MTE team confirmed that they had been receiving constant training and mentoring from the project and MASS partners. They confirmed undergoing an initial three-day training at the start of the project and one-day training subsequently. At present, one-day refreshers are organised on a quarterly basis and constant mentoring is offered by the MASS partners whenever required or sought. In addition, the PPD in Balochistan took personal interest and reached out to the MA members and UC Secretaries in person to keep abreast of any issues that they might be facing and offering them support and mentoring accordingly.
- (d) In Sindh, the trainers felt that while they were willing to offer mentoring, they were not really approached for it, nor did they know if the training beneficiaries faced any issues or problems.
- (e) In Punjab and Khyber Pakhtunkhwa, mentoring was offered but there was no evidence of follow-up.

The Project Brief further states that in recent months, it has organized additional training and capacity building efforts at Federal (NCRD, MTRI, FJA) and Provincial Training Academies (LG, Police, Judiciary) as well as for the stakeholders at the grassroots level, including Musaleheen, UC staff, district judiciary, police and government officials.

Observations

- (a) Several inputs for capacity building, strengthening and vision-setting of Federal Ministry of LG&RD as well as the provincial LG Departments as undertaken by the project have been positive. The officials of these ministries were generally committed and positive about the potential of MAs.
- (b) Except in Balochistan, police officials did not even hint that they knew about the existence of MAs, let alone receiving or being part of any training.
- (c) The initiative with the judiciary at the FJA and the provincial judicial academies could yield better results. Members of the judiciary supported the ADR system but felt (except in Balochistan) that MAs lack capacity and cannot handle cases referred by the courts.
- (d) MASS partners, who were mandated to create linkages with the judiciary and the police, did not meet the expectations.
- (e) The role of MAJA in the entire process was also found to be weak, and in most places, there was no interaction between MAJA and MASS.

Conclusions and Recommendations on Training Activities

To sum up, the MTE team observed that the training as designed and the training manuals as developed are relevant and effective tools. The following recommendations are made in order to optimise their impact and effectiveness:

- (a) Pakistan is culturally a patriarchal society in which the tribal mindsets are deep rooted, especially in the rural areas, where discrimination against women and gender violence is entrenched. Despite the MA's mandate to offer justice to women, the poor and the vulnerable, it was observed that at some places, even the evidence of a woman was unacceptable to the men. Gender insensitivity and discrimination amongst the stakeholders was noticed in Shikarpur, Haripur and Attock. The gender concepts of the trainers, as expressed in discussions with them, were quite weak. ***Gender sensitization workshops and more intensive training on women's rights need to be organized more frequently.***
- (b) A ***mechanism to exchange views and share experiences and best practices*** between the trainers, MA members, and MAJA or among a group of stakeholders themselves needs to be constituted and supported by the project.
- (c) ***All women councillors should be involved in the training*** in order to seek support for MAs and act as an informal MAJA.