



**PROJECT DOCUMENT**

**Georgia**

**Project Title:** Mediation and Arbitration for Resolving Disputes  
**Project Number:** 00088722 (output 00095264)  
**Implementing Partner:** UNDP  
**Start Date:** 1 April 2021 **End Date:** 31 December 2021 **PAC Meeting date:** 30 Mar 2021

**Brief Description**

While Georgia has achieved robust economic growth during the past decade, 19.5% of the population fell under the absolute poverty line in 2019. This remains one of the crucial challenges for the country, especially in view of the recent pandemic aggravating the situation. Therefore, promoting economic activities is key to respond to the existing challenge. The European Union being one of the primary international partners of Georgia, has also defined improvement of business and investment environment as one of the key priorities of the EU-Georgia Association Agenda. Considering that slow and flawed delivery of justice has often been described as a major obstacle for investing and developing business operations in the country, the Association Agenda confirmed the need to develop Alternative Dispute Resolution (ADR) mechanisms (mediation, arbitration) in the context of facilitating economic development through a better legal system.


The present project aims to contribute to the overall objective of the EU Action Document for Economic and Business Development in Georgia, which is to foster social and economic development in Georgia including its regions through making dispute resolution faster and fairer for businesses.

In particular, the project is logical continuation of previous joint EU-UNDP ADR indicatives and expected to maximize already achieved success through delivering the following outputs: 1. Enhanced access, use and efficiency of ADR and 2. Enhanced quality of mediation and arbitration services.

The project contributes to: <b>UNSDCF 2021-2025 Outcome 1/CPD 2021-2025 Outcome 1:</b> By 2025, all people in Georgia enjoy improved good governance, more open, resilient and accountable institutions, rule of law, equal access to justice, human rights <sup>1</sup> , and increased representation and participation of women in decision making <b>CPD 2021-2025 Output 1.2.</b> National legislation and policies to eliminate all types of discrimination, deliver gender-equal results, enhance human rights and equal access to justice, and equitable access to/universal coverage of quality social services, especially for the most vulnerable and marginalized. <b>UNDP Strategic Plan 2018-2021: Outcome 2.</b> Accelerate structural transformations for sustainable development/ <b>Output 2.2.3</b> Capacities, functions and financing of rule of law and national human rights institutions and systems strengthened to expand access to justice and combat discrimination, with a focus on women and other marginalised groups. Indicative Output with gender marker: Output 00095264: <b>GEN2</b> (Gender equality as a significant objective)	<b>Total resources required:</b>	<b>USD 310,316.53</b>	
	<b>Total resources allocated:</b>	<b>UNDP</b>	<b>USD 17,233.29</b>
		<b>TRAC:</b>	(equiv. of EUR 14,700 per UNORE for April 2021=0.853)
		<b>EU:</b>	<b>USD 293,083.24</b> (equiv. of EUR 250,000 per UNORE for April 2021=0.853)
	<b>Unfunded:</b>	0 USD	

**Agreed by:**

**UNDP:**



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Anna Chernyshova  
 Resident Representative a.i.

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Date: 1 April 2021

## List of Abbreviations

AP	Action Plan
ADR	Alternative Dispute Resolution
AIG	Arbitration Initiative Georgia
CSO	Civil Society Organization
DCFTA	Deep and Comprehensive Free Trade Agreement
EU	European Union
EWMI	East-West Management Institute
GAA	Georgian Association of Arbitrators
GCCI	Georgian Chamber of Commerce and Industry
GIAC	Georgian International Arbitration Centre
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH
GBA	Georgian Bar Association
HEI	High Educational Institutions
HCOJ	High Council of Justice
HSOJ	High School of Justice
MAG	Mediators Association of Georgia
MoJ	Ministry of Justice
NCADR	National Centre for ADR (at the Tbilisi State University)
NHRS	National Human Rights Strategy
NGO	Non-Governmental Organisation
SME	Small and Medium-sized Enterprises
SDGs	Sustainable Development Goals
UN	United Nations
UNDP	United Nations Development Programme
UNDP CPD	UNDP Country Programme Document for Georgia (2021-2025)
UNCITRAL	United Nations Commission on International Trade Law
USAID	United States Agency for International Development

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### 1.1. The Development Challenge

Georgia is an upper-middle-income country of 3.7 million<sup>1</sup> in 2020, 1.1 million<sup>2</sup> of which live in the capital city - Tbilisi. While the country has benefited from improving social and economic development indicators in recent years,<sup>3</sup> still, extreme poverty remained one of the crucial challenges for the country. According to the National Statistics Office of Georgia, in 2019, 19.5% of the country's population lived below the absolute poverty line.<sup>4</sup> UNICEF survey<sup>5</sup> has revealed that in 2017, the share of households and population below the relative poverty line increased from 20.7% to 22.5% and from 23.1% to 24.8%, respectively. The percentage of children living in poor households has also increased from 26.8% to 31.6%. While the unemployment stood at 11.9%<sup>6</sup>, still, more than half of the working population continued to be self-employed in agriculture and subsistence farming.

The country's fragile economy, with the small market, heavily depends on imports and external financial factors and has untapped export potential. The debate continues on how to accelerate its economic progress. Although exports grew from 16 to 54 per cent of GDP between 2000 and 2019, they are not yet competitive enough to lift the country to prosperity. Small and medium-sized enterprises (SMEs), including co-operatives, represent 94% of the active business population, but their contribution to GDP remains low at about 15% and their performance weak due to their concentration in low value-added activities, e.g. sectors that do not require upfront investment and skilled labour.<sup>7</sup> General business enabling environment has been significantly improved over the last decade, yet, structural constraints continued to persist in the business operational and financial environment, making it difficult for businesses to scale up. On top of this, COVID-19 has caused a disruption in almost all parts of social life. One area which might have the most significant impact on the economy is the disruption caused to businesses. Most SMEs and large businesses will sooner or later face a situation when they are no longer able to perform their obligations under contracts leading to disputes between counterparties.

Among other factors, slow and flawed delivery of justice has often been described as the major obstacle for investing in and developing business operations in the country. The court proceedings are lengthy and not always business oriented. Paired with already existing challenges, the pandemic made litigation even more burdensome pertaining to additional needs of technical support and management of hearings remotely. Some courts have entirely closed down<sup>8</sup> and civil cases fall of the urgent agenda of the judiciary, while more consideration was given to time-sensitive criminal and administrative proceedings. With this picture in mind, for businesses accessing justice in adequate and cost-efficient manner still remains a challenge. This in itself means that in circumstances when the court is overwhelmed with the cases and faces administrative limitations, properly functioning ADR system has a great potential to contribute to unburdening the court and providing necessary timely dispute resolution for businesses.

According to the UNDP Country Programme Document for Georgia (UNDP CPD 2020-2025<sup>9</sup>): "The new UNDP country programme will support national development priorities by focusing on the intertwined goals of European integration and sustainable development, relying on the complementarity of the Association Agreement with the SDGs to multiply their impact. In tandem, it will help respond to the COVID-19 pandemic by protecting lives and livelihoods in the short term and seeking ways to 'build forward better' in the long term."<sup>10</sup>

<sup>1</sup> Information by Geostat (2020), accessible at <http://www.geostat.ge/>, last accessed on 10 December 2020.

<sup>2</sup> Ibid.

<sup>3</sup> For instance, according to GeoStat, Gross domestic product (GDP) grew by 4.9 per cent per year on average in 2010-2019, and GDP per capita rose to \$4,764 in 2019 (from \$1,351 in 1991), boosting Georgia to upper-middle-income status.

<sup>4</sup> Information accessible at the website of the National Statistics Office of Georgia (GeoStat), Living Conditions, <https://www.geostat.ge/en/modules/categories/192/living-conditions>, last accessed on 10 December 2020

<sup>5</sup> p. 11, Summary of Welfare Monitoring Survey 2017, accessible at [http://unicef.ge/uploads/WMS\\_brochure\\_unicef\\_eng\\_web.pdf](http://unicef.ge/uploads/WMS_brochure_unicef_eng_web.pdf).

<sup>6</sup> Information accessible at the website of GeoStat, [http://www.geostat.ge/index.php?action=page&p\\_id=146&lang=eng](http://www.geostat.ge/index.php?action=page&p_id=146&lang=eng), last accessed on 16 December 2020.

<sup>7</sup> p. 4, Action Document for Economic and Business Development in Georgia, Annex I of the Commission Implementing Decision on the Annual Action Programme 2017 in favour of Georgia,

<sup>8</sup> Batumi City Court was not hearing civil cases during pandemic given the difficult situation in Adjara. Gori Regional Court did not civil judges and their appointment was delayed due to the pandemic.

<sup>9</sup> UNDP Country Programme 2021-2025, accessible at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/341/88/PDF/N2034188.pdf?OpenElement>

<sup>10</sup> Paragraph 4 of UNDP Country Programme Document for Georgia.

## 1.2. Background and Policy Framework

Support for economic growth has emerged as a crucial issue for Georgia's international partners, including for the European Union (EU). Demand for economic growth has also been reinforced by the **Deep and Comprehensive Free Trade Agreement**, which aims at facilitating Georgia's economic integration, domestically and internationally.

Improvement of Georgia's business and investment environment has been defined as one of the key priorities of the revised **EU-Georgia Association Agenda (Association Agenda)**. In the context of facilitating economic development through a better legal system, the Association Agenda confirms the need to develop ADRs (mediation, arbitration) and sets introduction of "fair and efficient, and more widely used, alternative means of dispute settlement" as a matter of short-term priority.<sup>11</sup> In addition, Single Support Framework for EU support to Georgia 2017-2020 explicitly refers to mediation and arbitration as indicators for broader access to justice for vulnerable categories of population.<sup>12</sup>

In order to respond to the existing needs, EU Programme "**Economic and Business Development in Georgia**" defines fostering socio-economic development in Georgia and its regions as its major objective with the specific objectives to make litigations faster and fairer for business, to modernise the financial infrastructure and to promote market-oriented and innovative business models for job creation. The programme is structured in three inter-related thematic components: (1) Fairer and faster litigations in commercial matters, (2) Modernised financial infrastructure, (3) Greater business sophistication.

According to the Programme document, a part of this action may be implemented in indirect management with UNDP.<sup>13</sup> This implementation entails support in achieving the major objectives of Component 1, i.e. ensuring fairer and faster litigations for businesses through streamlining judicial proceedings (Result R.1.1.1.) and enhancing the use and quality of **arbitration** and **mediation** (Result R.1.1.2.).

Georgia has made significant progress on enhancing the use of mediation and arbitration, yet some limitations are pertaining to the different path the two had in Georgia. While arbitration was first introduced in 1997, modern mediation has followed later.

**Arbitration** in Georgia is available since 1997. Arbitration has suffered the negative legacy of the practice existing until the adoption of the present Law on Arbitration in 2009. This Law reformed legal framework on arbitration and aligned the Georgian legislature with international best practices, i.e. UNCITRAL Model Law on International Commercial Arbitration. The new legislation did not result in the increased use of and trust in arbitration despite preliminary expectations, as arbitration proceedings were not less expensive than those of litigation, and arbitration was mainly executed by profit-oriented organizations unlike the best practices of the western countries. Reinstating the confidence in arbitration and ensuring its effectiveness took another decade and the continued support from the international community. The time is needed to build the capacity of involved actors to put fully functioning credible system in place. In 2013 the **Georgian Association of Arbitrators (GAA)**, a non-profit, non-governmental professional membership association, was established to provide a professional framework for arbitrators and advance the practice of arbitration in Georgia. The current executive board of the GAA is 50% female (4 out of 8 members).<sup>14</sup> In the same year, the Georgian Chamber of Commerce and Industry (GCCCI) has established **Georgian International Arbitration Centre (GIAC)** to promote business-to-business arbitration. The idea was strongly supported by the Ministry of Economy and Sustainable Development and the Ministry of Justice. Although the GIAC is a relatively new institution it seems to be self-sustainable with strong commitments and support from both the Government and business. GIAC maintains an impressive list of arbitrators with 73 arbitrators from many countries across the globe, including, Georgia, France, the UK, the US, Hungary, Russia, Switzerland, Ukraine, Turkey, Argentina, Latvia, etc. (51 (70%) are men and 22 (30%) are women). Further strengthening of GAA and GIAC will promote fast, equitable, fair and efficient dispute resolution for businesses, including disputes between government and business in Georgia. It is noteworthy, that the Ministry of Justice strives at establishing Georgia as a regional hub for arbitration.

The 2018 survey "Legal and Practical Aspects of Arbitration in Georgia"<sup>15</sup> conducted by UNDP in the framework of the EU-funded joint project revealed that development of arbitration is mainly hindered due

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<sup>11</sup> Association Agenda between the European Union and Georgia, 2017-2020, p. 15, accessible at [https://eeas.europa.eu/sites/eeas/files/annex\\_ii\\_-\\_eu-georgia\\_association\\_agenda\\_text.pdf](https://eeas.europa.eu/sites/eeas/files/annex_ii_-_eu-georgia_association_agenda_text.pdf) (last accessed 04.12.2020)

<sup>12</sup> Accessible at [https://eeas.europa.eu/sites/eeas/files/georgia\\_2017-2020\\_ssf\\_final.pdf](https://eeas.europa.eu/sites/eeas/files/georgia_2017-2020_ssf_final.pdf) (last accessed 04.12.2020).

<sup>13</sup> In accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012.

<sup>14</sup> [http://www.gaa.ge/about\\_us/index.php?step=2&lang=en](http://www.gaa.ge/about_us/index.php?step=2&lang=en) (last accessed 04.12.2020)

<sup>15</sup> The survey "Legal and Practical Aspects of Arbitration in Georgia" is accessible at the website of UNDP Georgia at [http://www.ge.undp.org/content/georgia/en/home/library/democratic\\_governance/legal-and-practical-aspects-of-arbitration-in-georgia-2018.html](http://www.ge.undp.org/content/georgia/en/home/library/democratic_governance/legal-and-practical-aspects-of-arbitration-in-georgia-2018.html) (last accessed 04.12.2020).

to the lack of trust. The survey further identified the key factors behind that, namely, low qualification of arbitrators, lack of ethical standards in arbitration and lack of transparency with respect to the information related to arbitration institutions and arbitrators, close affiliation of arbitration with financial institutions, uninformed engagement of natural persons in arbitration. The arbitration framework primarily designed for commercial cases is heavily employed for disputes that involve a consumer, as 95% of Georgian arbitration caseload comes to business-to-consumer cases. Presented with a need to protect unaware consumer, court often manoeuvres through the legal provisions to find a possibility to ensure such protection. Over time this resulted in creation of court practice that is not certain enough for businesses and is the reason of confusion on application of the law. Hence, the need to make a clear statutory division between provisions applicable to B2C and B2B arbitrations became additional stumble block of use of arbitration. Additionally, the awareness on arbitration is still rather low among businesses– only 54% of Georgian companies are aware of it.<sup>16</sup> It should be mentioned, referrals to arbitration are slowly increasing, GIAC, being the sole B2B arbitration institution in Georgia, has reported 100% increase of its case-load. In low awareness and low trust environment, this can be a signal that that reputation of arbitration is being finally recovering. In addition, European Business Association has also established Mediation and Arbitration Center (EBA MAC), though being limited liability company, it has the potential to position itself as reliable dispute resolution actor.

Mediation, deeply rooted in Georgian customary tradition of dispute resolution, was introduced in modern form of in-court **mediation** in Civil Procedure Code of Georgia in December 2011. Its use was limited to Tbilisi only until 2019. In 2019, Rustavi and Gori in-court mediation centers were launched with the support of previous EU-UNDP collaborative ADR initiatives and Mtskheta in-court mediation center was the result of the collaboration of the judiciary and Tbilisi State University National Center for ADR. 347 cases were referred to court mediation in 2013-2020, out of which approximately 60% ended with the settlement. Georgians' awareness on mediation is also low – only 14% of the general public<sup>17</sup> and 18% of the business community<sup>18</sup> heard of it. Despite the campaigns held by EU-UNDP joint initiatives, there is still a need to raise awareness on ADR. The awareness raising comes hand-in-hand with the need for accessible services in order to create long-lasting results. Yet, if compared to the previous years, the number of cases referred to in-court mediation and arbitration are gradually increasing. If we compare just the figures of Tbilisi City Court in 2019 only 31 cases were referred to mediation, while in 2020 – 95 cases. The increase in mediation cases was due to another milestone – adoption of Law on Mediation.

To further exploit potential of mediation, the Parliament of Georgia has adopted the Law on Mediation in September 2019. The law developed under the leadership of the UNDP team in the framework of the ongoing joint project “Enhancing Access to Justice and Development of a Child-friendly Justice System in Georgia” and with the involvement of various stakeholders. The adoption of this law was supported by the EU-UNDP project “Enhanced Mediation and Arbitration for Fairer and Faster Commercial Dispute Resolutions.” The Law regulates in-court mediation, introduces general rules for out-of-court mediation, sets statutory framework for application of code of ethics and minimum standards for mediators' qualification. The adoption of the Law had several important outcomes, apart from setting the regulatory framework - (a) it has created the basis for establishment of the **LEPL Mediators Association of Georgia (MAG)**, responsible for setting certification and ethical standards for mediators and (b) adoption of **Court Mediation Programme by HCOJ**, that sets the procedural framework for in-court mediation and a plan for expanding mediation to each regional court of Georgia. In addition, the Law provided for additional incentives for using out-of-court (private) mediation by setting the enforcement guarantees of the reached settlement.

The importance of ADR mechanisms is also underpinned in the Judicial Strategy 2017-2021 and Action Plan, which set the development of ADRs as one of the major objectives of the judicial reform. According to the strategy, development of ADRs (in particular, mediation and arbitration) will improve access to justice, save time and expenditure of the courts and complainants, reduce excessive workload of judges and increase satisfaction rates with the judicial system. For achieving these goals, the Strategy among other activities outlines the following steps: 1. Creation of mediation centres in the large common courts; 2. Elaboration of in-court mediation development programmes (in accordance with the amendments to the Civil Procedural Code); 3. Promotion of development of alternative dispute resolution mechanisms (Mediation, Arbitration);

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<sup>16</sup> ADR in Georgia Business Survey - accessible at [https://www.ge.undp.org/content/georgia/en/home/library/democratic\\_governance/mediation-arbitration-research.html](https://www.ge.undp.org/content/georgia/en/home/library/democratic_governance/mediation-arbitration-research.html) (last accessed 04.12.2020).

<sup>17</sup> ADR in Georgia Population Survey - accessible at [https://www.ge.undp.org/content/georgia/en/home/library/democratic\\_governance/mediation-arbitration-research.html](https://www.ge.undp.org/content/georgia/en/home/library/democratic_governance/mediation-arbitration-research.html) (last accessed 04.12.2020).

<sup>18</sup> ADR in Georgia Business Survey - accessible at [https://www.ge.undp.org/content/georgia/en/home/library/democratic\\_governance/mediation-arbitration-research.html](https://www.ge.undp.org/content/georgia/en/home/library/democratic_governance/mediation-arbitration-research.html) (last accessed 04.12.2020).

The Action Plan sets indicators and outlines specific programmes, activities and responsible institutions for the development of ADRs.<sup>19</sup> In accordance with the commitment taken by the Action Plan, the High Council of Justice (HCOJ) committed to extend mediation in Rustavi and Gori during 2018. As the strategy will be expiring in 2021, there will be a need to transpose the new reality, especially in connection to mediation, to the new strategic vision.

### 1.3. The EU and ADRs

ADR techniques are known as out-of-court mechanisms, which have been developed across the Europe to help citizens to resolve their dispute in a timely and cost-efficient manner. ADR schemes, and in particular mediation help contesting parties to reach an amicable settlement by means of referring their dispute to a third party neutral – the mediator. While in case of arbitration, the parties refer their dispute to a neutral arbitrator(s) to decide the case. The advantages of ADR schemes are that they are more flexible, cheaper, quicker and more informal than litigation in court, and it is tailored to the needs of parties, enabling them to explore their interests better.<sup>20</sup>

In Europe some of the ADR mechanisms have been used already in ancient times, while for some European countries they are a novelty. The diverse levels of country development, culture and traditions, politics, the economy and other factors have determined that ADR schemes have evolved differently in each of the EU Member States.<sup>21</sup>

To establish the common framework for application of ADR across the Europe, the European Parliament and the Council have introduced several legally binding documents, including:

- Directive 2008/52/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 May 2008 on certain aspects of mediation in civil and commercial matters;<sup>22</sup>
- DIRECTIVE 2013/11/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR);<sup>23</sup>
- REGULATION (EU) No 524/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR).<sup>24</sup>

The EU views ADR mechanisms in the context of guaranteeing access to justice for the EU citizens in civil and commercial matters. Under the EU directives, access to justice encompasses access not only to judicial, but also to extra-judicial dispute resolution mechanisms.<sup>25</sup>

According to the Directive 2008/52/EC of the European Parliament and of the Council on certain aspects of mediation in civil and commercial matters (as of 21 May 2008), “the principle of access to justice is fundamental and, with a view to facilitating better access to justice, the European Council . . . called for alternative, extra-judicial procedures to be created by the Member States.”<sup>26</sup>

Availability of ADR services helps the development of the internal European market that involves cross-border elements. Taking into account that the mediation offers more cost-effective and quick extra-judicial resolution of disputes that are more likely to preserve sustainable relationship between the parties, compared to the contesting nature of the judicial proceedings, the EU encourages its member states to develop ADR mechanisms not only for the situations involving cross-border elements, but internally. On the other hand, arbitration allows for more flexibility and predictability in cross-border transactions, which eases the hassle related to litigation and shortens the lengthy proceedings in court.

On the other hand, the Europe has a long-lasting tradition of using arbitration both in domestic and even more so in cross-border disputes. Many European cities are home to well-established arbitration seats

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<sup>19</sup> See Judicial Strategy for 2017-2021 and Action Plan for Judicial Strategy, Justice and Law, #2(54)'17, pp. 5-90, accessible at <http://www.supremecourt.ge/files/upload-file/pdf/martimsajuleba-da-kanoni-2017w-n2.pdf> (last accessed 04.12.2020).

<sup>20</sup> L. F. Knudsen, S. Balina, “Alternative Dispute Resolution Systems across the European Union, Iceland and Norway”, *Procedia - Social and Behavioral Sciences* (Vol. 109, 08.01.2014), pp 944-948, <https://www.sciencedirect.com/science/article/pii/S1877042813052087#bbib0015> (last accessed 04.12.2020).

<sup>21</sup> *Ibid.*

<sup>22</sup> Accessible at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0052&from=en> (last accessed 04.12.2020).

<sup>23</sup> Accessible at <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013L0011&qid=1422006934334&from=EN> (last accessed 04.12.2020).

<sup>24</sup> Accessible at <https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:32013R0524> (last accessed 04.12.2020).

<sup>25</sup> EC Directive 2008/52/EC, 21 May 2008, para.5.

<sup>26</sup> Accessible at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0052&from=en> (last accessed 04.12.2020)

(Stockholm, Paris, Geneva, Lausanne, London, the Hague, Milan) and to the date are leading the worldwide practices of arbitration.

#### 1.4. ADRs and Sustainable Development Goals

Development of ADR mechanisms in Georgia for fairer and faster litigation in commercial disputes corresponds closely and leads to achievement of the Sustainable Development Goals (SDGs), in particular SDG 16, under which the member states of the United Nations agreed to “[p]romote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.”<sup>27</sup>

UNDP shares the position of the EU and views development of ADR mechanisms in the wider context of ensuring access to justice that is cheaper, prompt and more accessible in civil and commercial disputes compared to judicial remedies, the expensiveness and protracted nature of which could sometimes discourage parties from referring their case to courts. Lengthy delays in processing legal cases at courts negatively affect the individual economic activity, while the lack of trust in judicial institutions could seriously hamper SMEs business development that needs strong safeguards and legal certainty for its effective operation.

Accordingly, the access to justice, encompassing ADRs, while being a central element of SDG 16, is crucial to implementing some other SDGs, *inter alia*, on eradicating poverty (SDG 1)<sup>28</sup>, SDG 5 on achieving gender equality and empowering all women and girls, and SDG 8 on promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.

#### 1.5. Gender Mainstreaming

Access to justice translates legal guarantees of the gender equality into real improvements in the everyday lives of women by empowering them to protect themselves, share benefits from economic activities, accessing inheritance or property upon divorce, etc.<sup>29</sup> Though the project’s main focus is on commercial disputes, with mediation having a long-arching effect on citizens as well, the project will use its best efforts, to the extent possible allowed by the nature of the activities, to incorporate the empowerment of women into these activities.

To this end, the project team, within the scope of planned activities, where applicable will:

- Take into account specific needs of women; ensure that they are given due consideration and are adequately reflected in all policy documents elaborated in the framework of the project,
- Ensure equal representation of women and men in all training programmers and when additional positive measures are required, give priority to women with special needs,
- Ensure close co-ordination and collaboration with other UNDP and donor activities related to specific aspects of women’s empowerment and gender issues.

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<sup>27</sup> <https://sustainabledevelopment.un.org/sdgs> (last accessed 04.12.2020).

<sup>28</sup> Leveraging the SDGs for Inclusive Growth: Delivering Access to Justice For All, OECD & Open Society Foundations, 2016, p.3, accessible at <https://www.oecd.org/gov/delivering-access-to-justice-for-all.pdf> (last accessed 04.12.2020).

<sup>29</sup> Leveraging the SDGs for Inclusive Growth: Delivering Access to Justice For All, OECD & Open Society Foundations, 2016, p.4, accessible at <https://www.oecd.org/gov/delivering-access-to-justice-for-all.pdf> (last accessed 04.12.2020).



Access to justice is integral to achieving the SDGs and inclusive growth in many ways. Ineffectively functioning judicial system affects not only poor and marginalized members of the society by excluding them from the protection of the law but hampers the economic growth. Business are often overlooked from the access to justice lens, however, in building a strong economy free flow of capital, which is usually one of the results of efficient justice system, greatly contributes to better economic environment in the country. Lengthy delays in processing legal cases typically inhibit individual economic activity, while the inability to enforce contracts deters people from entering into them.<sup>30</sup> The rationale of the project is that well-functioning and trusted ADRs play a crucial role in efficiency of justice systems and contribute to ensuring the access to justice for all.

The EU also views development of alternative methods of settling disputes under civil and commercial law as an essential step towards simplifying and improving access to justice.<sup>31</sup> The project aims to contribute to the overall objective of the **EU Action Document for Economic and Business Development in Georgia**<sup>32</sup>, which is to foster social-economic development in Georgia and its regions through making dispute resolution faster and fairer for businesses and by modernising the financial infrastructure and promoting market-oriented and innovative business models for job creation.

The project document builds upon a theory of change reflected in the upcoming UNDP CPD that views alternative dispute resolution as a form of enjoyment of diverse access to justice and notes as one of its priorities to “contribute to judicial reform and rule of law and expand access to justice by making mediation and other forms of alternative dispute resolution more readily available.”<sup>33</sup> Further, it corresponds to the UN Sustainable Development Cooperation Framework (UNSDCF) for 2021-2025, Outcome 1, according to which “[b]y 2025, all people in Georgia enjoy improved good governance, more open, resilient and accountable institutions, rule of law, equal access to justice, human rights, and increased representation and participation of women in decision making.”<sup>34</sup>

Hence, the intended **outcome** of the project, will contribute to the social-economic development of Georgia by **promoting access, use and efficiency of quality mediation and arbitration services**.

The present project proposal is built upon progress achieved in the course of implementation of two EU-UNDP joint ADR initiatives – Joint programme “Enhancing Access to Justice and Development of a Child-Friendly Justice System in Georgia” (01/01/2016 – 31/12/2018) (A2J Programme) and Enhanced Mediation and Arbitration for Fairer and Faster Commercial Dispute Resolutions (01/01/2019 – 31/03/2021) (ADR Project). In the framework of these initiatives important steps were undertaken for supporting development of mediation and arbitration in Georgia. Some key results achieved include elaboration and adoption of the Law on Mediation, establishment of MAG, supporting the HCOJ in elaboration and adoption of Court Mediation Programme, increasing the pool of qualified mediators, institutional strengthening of GAA. Knowledge building on mediation and arbitration among professionals, judiciary and academia was also an important project output. In particular, these initiatives have delivered the following important changes:

- The Law on Mediation was adopted by the Parliament of Georgia;
- The demand for mediation increased to a degree that the caseload could not be handled by existing mediators. 347 cases were referred to mediation out of which 60% were settled;
- The **Court Mediation Programme** and the **Rules of Remuneration of Mediators Activities** adopted by the High Council of Georgia (HCOJ) in December 2019. The Court Mediation Programme has, among other procedural details, set the timeline for the establishment of 26 mediation centers in all city/regional court and provided for a corresponding 2-year action plan. Rules for the remuneration of court mediators introduce the payment scheme for mediators who were working on a voluntary basis since 2013;

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<sup>30</sup> Leveraging the SDGs for Inclusive Growth: Delivering Access to Justice For All, OECD & Open Society Foundations, 2016, p.2, accessible at <https://www.oecd.org/gov/delivering-access-to-justice-for-all.pdf> (last accessed 04.12.2020).

<sup>31</sup> DIRECTIVE 2008/52/EC, 21 May 2008, accessible at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0052&from=en> (last accessed 04.12.2020).

<sup>32</sup> EU Action Document for Economic and Business Development in Georgia, constitutes the work programme for grants in the sense of Article 128(1) of the Financial Regulation (Regulation (EU, Euratom) No 966/2012) in section 5.4.1 concerning calls for proposals.

<sup>33</sup> UNDP CPD for Georgia (2021-2025), Paragraph 26.vi – accessible at <https://www.undp.org/content/undp/en/home/executive-board/documents-for-sessions/adv2021-first.html> (last accessed 04.12.2020).

<sup>34</sup> The UN Sustainable Development Cooperation Framework (UNSDCF) Georgia: 2021-2025, p.30 - accessible at <https://unsdg.un.org/resources/un-sustainable-development-cooperation-framework-georgia-2021-2025>. (last accessed 04.12.2020).

- Mediation became accessible outside Tbilisi – in Rustavi, Gori and Mtskheta. HCOJ is planning to launch several new mediation centers in western Georgia in 2021;
- LEPL “Mediators Association of Georgia” (MAG) was established according to the Law on Mediation in December 2019. MAG shall ensure the proper functioning of the mediation system, including setting up the certification of mediators, creating an ethics framework and further disciplinary procedures;
- MAG has adopted 2020-2025 Strategy and 2-year Action Plan, elaborated and adopted Mediators Certification Programme. Work is on the Mediations Ethics Code is finalized, while Mediators Disciplinary Rules are in process of elaboration. MAG has a web-page, its administrative office premises are equipped for conducting mediation sessions;
- 35 Mediators were trained for Tbilisi City Court, Rustavi City Court, Gori Regional Court. Additionally, 27 Mediators were trained for Batumi and Kutaisi courts, ready to undergo the MAG’s certification;
- The capacity of the GAA improved through support provided to the GAA Board, including through work towards a more effective use of the Code of Ethics for Arbitrators, launch of 2-tier Arbitrator’s Accreditation Programme, support of GAA’s various thematic working groups;
- Guides on Arbitration for Judges of First Instance Courts and Court of Appeals were developed which serve as a practical tool for judges while hearing arbitration related matters, the Guide was endorsed by HCoJ and used as training material for judges by the HSoJ;
- The knowledge on mediation and arbitration among legal professionals was strengthened through the training of over 1560 GBA lawyers (63% female) and 170 representatives of the judiciary (63% female);
- Initiatives for raising awareness on mediation and arbitration of lawyers, students, academia and general public were carried out;
- Two major international conferences - GIAC Arbitration Days in Tbilisi (four times) and Tbilisi Mediation Days (twice) - were conducted with the participation of legal professionals from over 10 countries.<sup>35</sup>

Capitalizing on the success of the ongoing joint project, and in effort to provide logical continued needed support, the new initiative is expected to deliver the following **outputs**:

**1. Enhanced access to and efficiency of mediation and arbitration**

**2. Enhanced quality of mediation and arbitration services**

To achieve the results of the project, UNDP shall use the following general approach:

- **creation of enabling environment** for adoption and effective implementation of the legislative framework on alternative dispute resolution mechanisms (elaboration and adoption of the legislative package for amendments to the Law on Arbitration; Support the adoption of the Mediators Code Of Ethics and support the enforcement of Code of Ethics for arbitrators);
- **advocacy** for promoting use of ADRs and creation of relevant policy and regulatory framework;
- **capacity development** of relevant institutions, including associations of mediators and arbitrators, arbitration institutions, judiciary, lawyers;
- **knowledge building** among professionals and awareness raising among major stakeholders and general public.

Specific activities will be implemented by in-house and short-term experts of the project.

In addition to ensuring that the project is executed in full conformity with the international and regional human rights standards, the project will actively promote **human rights** as a cross-cutting approach as well as undertake all efforts to support state capacity to deliver on the National Human Rights Strategy (NHRS) and its Action Plan (AP). Namely, it will enable the Government of Georgia to commit itself to use human rights-based approaches in the formulation, implementation, monitoring and assessment of its various policies and programs. Accordingly, within the project, the capacity building of stakeholders as well as planning, policy and legal framework development will address the cross-cutting themes of human rights including with an emphasis on **gender equality**.

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<sup>35</sup> as of 1 December 2020.

The project shall seek partnership with all international players in Georgia that work in the same field to achieve synergies in activities and ensure cost-efficient activities.

It is also noteworthy that the project shall be in line with all state policy documents related to dispute resolution and economic development to ensure sustainability of project outcomes. During implementation major partners shall be HCOJ, MoJ, the Parliament, Judiciary, Association of Mediators and Association of Arbitrators. Ensuring ownership of national partners over the project outcomes shall be the major focus. In addition, the project shall seek phasing-out activities for further sustainability of project outcomes.

*Main stakeholders* of activities of the Project will be MoJ, Judiciary, MAG, GAA, GIAC, HSOJ, HCOJ, GBA as well as the CSOs working on promoting legal profession or CSOs working on ADRs.

*Main beneficiaries* will be mediators, arbitrators, judiciary; MAG, GAA, legal professionals including lawyers and law students, judges and court staff, SMEs, general public.

### 3.1. Expected Results

The project will build on the results achieved by the ADR Project and provide for continued efforts for fostering the use of ADRs. The project will deliver the following results under each of the output:

#### Output 1 - Enhanced access, use and efficiency of ADR

Expected results under this output will be the following:

**Result 1.1.** Enhanced access to and efficiency of mediation and arbitration

**Result 1.2.** Increased Awareness on mediation and arbitration

Activities under this component will concentrate on work on policy and institutional levels. This will include:

#### Activity 1.1. Supporting better access to and efficiency of mediation and arbitration

The Law on Mediation was adopted by Parliament of Georgia in September 2019. The Law regulates in-court mediation and introduces general rules for the out-of-court mediation, sets the statutory framework for the application of code of ethics and minimum standards for mediators' qualification. With the support of the EU and UNDP, HCOJ has adopted two important documents necessary for successful implementation of the law, the Court Mediation Programme and Rule for Mediators' Remuneration. In accordance with the law and respective by-laws HCOJ is responsible for establishing mediation centers in city/regional courts and courts of appeals throughout the country. Under this component the project will continue supporting HCOJ to make court mediation accessible in regions of Georgia. The primary focus will be made on building capacities of professionals to ensure successful establishment and running of mediation centres.

While Law on Arbitration was adopted in 2009 and brought in more compliance with international best practices with amendments of 2015, some minor errors and its consistent interpretation remains a challenge. GAA with the support of the EU and UNDP has elaborated legislative package to tackle those errors and improve uniform application of the law by judiciary, arbitrators and also parties to arbitration. Moreover, the draft Law on Consumer Rights Protection prepared with the lead of the European Integration Committee of the Parliament envisages strict limitations on so called consumer arbitration, raising the urgency for the legislative changes which will draw a line between consumer (B2C) and commercial (B2B) arbitration. Under this component project will continue to carry out advocacy work with partner organizations to support elaboration and adoption of the legislative package that further encourages development of arbitration in Georgia through establishing distinctive regime for consumer disputes. The primary focus will be made on legislative work and coordination of efforts of stakeholders. The project will support adoption of amendments as a single legislative package.

Under this component, the project will support relevant institutions through the following sub-activities:

**Sub-Activity 1.1.1.** Support establishment of in-court mediation centers in regions for better access to mediation (this component may consider provision of grants to relevant training institutions)

**Sub-Activity 1.1.2.** Streamlining arbitration legal framework for commercial disputes through advocacy of legislative amendments

#### Activity 1.2. Increasing awareness on mediation and arbitration

Even though ADR has undergone important developments as a result of legislative changes and new regulations, policy and capacity building over the last years, still the level of awareness among population and businesses in Georgia is rather low. The recent surveys on ADR in Georgia - Population Survey<sup>36</sup> and Business Survey<sup>37</sup> conducted by the Institute of Social Studies and Analysis (ISSA) in scope of EU-UNDP ADR project in 2019-2020, has shown that only 13% of Georgian population is aware of mediation and 30% is aware of arbitration, with 18% and 46% respectively among businesses.

The lack of awareness hinders the use of mediation and arbitration. Accordingly, one of the components of the project will be support to the increased awareness and trust in ADR mechanisms. This will be undertaken through support to the professional associations and private mediation and arbitration centers to enhance

<sup>36</sup> ADR in Georgia Population Survey - accessible at [https://www.ge.undp.org/content/georgia/en/home/library/democratic\\_governance/mediation-arbitration-research.html](https://www.ge.undp.org/content/georgia/en/home/library/democratic_governance/mediation-arbitration-research.html) (last accessed 04.12.2020).

<sup>37</sup> ADR in Georgia Business Survey - accessible at [https://www.ge.undp.org/content/georgia/en/home/library/democratic\\_governance/mediation-arbitration-research.html](https://www.ge.undp.org/content/georgia/en/home/library/democratic_governance/mediation-arbitration-research.html) (last accessed 04.12.2020).

communication. Raising general awareness on mediation and arbitration shall contribute to higher numbers of case referrals to ADRs.

The last decade marked important progress in the field of arbitration through better legal environment, the more consistent court practice and improved qualification of arbitrators. Joint efforts of the Government, the judiciary and the arbitration community led to the successful implementation of the law offering individuals and businesses accessible and efficient services. As finding of the recent survey “Satisfaction Research on Mediation and Arbitration Use”<sup>38</sup> conducted by ISSA in 2019, shows 90% of those who have participated in arbitration are satisfied with the process. The result proves successful institutionalization of arbitration in Georgia. Building on achieved progress, the steps were made to pin Georgia on the regional map as regional hub for dispute resolution. Thus, under this component the project will also support promotion of Georgia as a regional hub dispute resolution. This will be mainly undertaken through support to Ministry of Justice and/or Administration of the Government of Georgia, which has declared<sup>39</sup> the goal to establish Georgia as a regional hub for several years now and other relevant stakeholders. This activity will be the new initiative in supporting Georgia as dispute resolution hub.

Under this component, the project will continue supporting relevant institutions through the following sub-activities:

[Sub-Activity 1.2.1.](#) Raising Awareness among stakeholders and potential users of ADR, including through organising high-level conferences and support to private mediation and arbitration centers

[Sub-Activity 1.2.2.](#) Conceptualizing Georgia as the Regional Hub for Dispute Resolution

## **Output 2 – Access to professional mediation and arbitration services**

Expected results under this output will be the following:

**Result 2.1.** Developed institutional capacity of professional associations of mediators and arbitrators

**Result 2.2.** Enhanced capacities of judiciary and legal professionals in ADR to provide quality legal services in commercial disputes

Activities under this component will concentrate on both institutional and individual levels. This will include:

### **Activity 2.1. Supporting institutional capacity development of professional associations of mediators and arbitrators**

Under this activity the project will continue supporting the capacity building of MAG and GAA.

**MAG** is a membership-based self-regulatory body established in line with the requirements of the Law on Mediation in 2019. MAG is a Legal Entity of Public Law (LEPL) which establishes and maintains mediators’ roster, elaborates standards for mediators’ certification and accreditation, administers the system for the entry into profession, defines and ensures the implementations of ethical standards for its members. Moreover, MAG aims to develop common mediation practice throughout Georgia, as well as promote and enhance the use of mediation.

**GAA** is a non-profit, non-governmental professional membership association, established in 2013 to provide a professional framework for arbitrators and advance the practice of arbitration in Georgia. GAA has elaborated and is being implementing accreditation and continuing education programme for arbitrators, sets standards of professional conduct and establishes effective self-regulatory mechanism for arbitrators. GAA aims to raise trust in and awareness of arbitration in Georgia. GAA is the only organization with this mandate and with the proven experience of contributing to the field in Georgia.

Under this component, the project will enhance capacities of the relevant institutions through the following sub-activities:

[Sub-Activity 2.1.1.](#) Enhancing the capacity of GAA, through development of its institutional strategy, streamlining its training programme for accreditation to enable an accelerated accreditation, support to

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<sup>38</sup> Satisfaction Survey on Mediation and Arbitration Use - accessible at [https://www.ge.undp.org/content/georgia/en/home/library/democratic\\_governance/mediation-arbitration-research.html](https://www.ge.undp.org/content/georgia/en/home/library/democratic_governance/mediation-arbitration-research.html) (last accessed 04.12.2020).

<sup>39</sup> Press Release of GIAC Arbitration Days 2018, accessible at [https://giac.ge/giac-arbitration-days-2018/Press\\_Release\\_of\\_Signing\\_of\\_Singapore\\_Convention\\_on\\_Trade\\_Dispute\\_Mediation](https://giac.ge/giac-arbitration-days-2018/Press_Release_of_Signing_of_Singapore_Convention_on_Trade_Dispute_Mediation) <http://georgiatoday.ge/news/16840/Georgia-Signs-Convention-on-Trade-Dispute-Mediation> (last accessed 04.12.2020).

elaboration of and promotion the use of Georgian *ad hoc* Arbitration Rules, as well as capacity building of staff of arbitral institutions. GAA will serve as the responsible party for implementing this sub-activity.

[Sub-Activity 2.1.2.](#) Enhancing the capacity of LEPL Association of Mediators in accordance with its Institutional Strategy, *inter alia*, through the provision of technical assistance to develop IT tools for administration; assistance in streamlining the Mediators Certification Programme through expert advice and technical assistance to conduct trainings for assessors, and launch Training of Trainers pilot; support to implementation of Communications Strategy elaborated with the support of the EU-UNDP ADR Project.

## **Activity 2.2. Enhancing capacities of the judiciary and legal professionals in alternative dispute resolution mechanisms to provide quality services in commercial disputes**

The knowledge on mediation and arbitration among legal professionals was strengthened through the training within the framework of A2J Programme – 918 persons and later through ADR Project – 883 persons. Despite the significant number of lawyers that have been trained in ADRs, many lawyers still lack the professional training in the field. Lawyers who are qualified in ADRs tend to be more proactive in advising ADR mechanisms to their clients.<sup>40</sup> Strengthening the capacity and contributing to the knowledge building among the legal professionals will increase their understanding and qualification in ADRs. Overall, it will contribute to lawyers being more ADR-friendly and will increase the use of mediation and arbitration as a preferred means of dispute resolution.

The judiciary plays an important role in development of ADRs. In case of mediation the court refers the parties to the court-mediation, and in both - in-court and out-of-court mediation - the court has to issue the enforcement writ for settlement agreements. Moreover, mediation centers shall commence operation in all city/regional courts of Georgia hence, it is of crucial importance to strengthen the capacity of judges and court staff in this regard.

On the other hand, in case of arbitration, the court has the ultimate control over the arbitral awards through the recognition and enforcement (annulment) procedure, as well as, the function of aiding the arbitral tribunal in certain procedural matters throughout the proceedings. Even though the court practice in recent years proves to be more arbitration friendly, there are challenges in terms of coherent and consistent practice across the different courts and collegiums, with newly appointed judges of a life tenure being the reason for need of additional capacity building. Contributing to the enhanced capacity of the judges and the court staff on the matters related to ADRs will create a better environment for establishing the consistent practice, as well as will make courts more ADR-friendly and overall, will encourage the referral of commercial disputes to mediation and arbitration.

It should be mentioned that the COVID-19 pandemic has demonstrated that newer approaches to learning can be adopted. While physical trainings are more appreciated in certain situations, online learning tools can work better in others. After careful consideration, it is evident that the basic training on arbitration and/or mediation can be designed through online tools. It will require less financial and human resources to run these courses in future and will enable wider professional community access it on-demand.

Under this component, the project will continue enhancing capacities of the relevant actors through the following sub-activities:

[Sub-Activity 2.2.1.](#) Conduct targeted trainings for legal professionals and judges on ADRs

[Sub-Activity 2.2.2.](#) Develop online training course on arbitration and/or mediation (the course will be based on the basic module of GAA's accreditation system). GAA will serve as the responsible party for implementing this sub-activity.

The project has defined an appropriate **logical framework (LFM)**, as contained in section IV, and a **monitoring and evaluation system**, as contained in section VI. Both will ensure the appropriate delivery of targeted outputs to achieve the expected outcome and impact of the project, as reflected in the LFM, which includes relevant indicators, baselines and sources of verification. The project will ensure the evidence-based gender-sensitive data collection, analysis and reporting on the basis of the LFM in order to ascertain progress and achievements on a regular basis, increase gender equality and to inform further review processes upon completion.

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<sup>40</sup> Narrative Study: Perceptions of Georgian Lawyers on Alternative Dispute Resolution (ADR) (2020), p.6.

### 3.2. Resources Required to Achieve the Expected Results

The total required funding for activities proposed under this project amounts to EUR 264,700 including the EU contribution of EUR 250,000 and the UNDP contribution of EUR 14,700. Calculations for each output reflect the use of all key inputs such as core staff, international and local technical expertise, office in Tbilisi, equipment, goods and services, as well as works (within project components), travel costs, and building partnerships with various stakeholders both in Georgia and abroad.

Required material and human resources, are listed below. Respective costs are spelled out in the Budget.

#### **Project management – Project Office costs:**

The Project will have a project office in Tbilisi. The Project budget includes the following project office costs:

- Rental costs, including security charges;
- Cost of IT and telecommunication;
- Cost of Utilities (Electricity, water, heating, etc.);
- Consumables and stationery supplies for operation of the office;
- Maintenance, insurance, fuel and depreciation costs for vehicle;
- IT equipment/license and office equipment purchase;
- Costs of travel and field trips for the project activities;
- Costs of project communication and visibility activities (as spelled out in the communication and visibility plan).

#### **List of staff directly attributed to the project:**

While the section below provides a brief description of the respective positions, section VII on Governance and management arrangements of the project includes a detailed explanation for each; detailed costs per each position are also spelled out in the budget.

1. **Project Manager (SB4/Q1 – 100%)**, – Programmatic and administrative oversight and internal controls, coordination and supervision of institutional relations with concerned government institutions, communication and reporting to the EU Delegation.
2. **Administrative Finance Assistant (SB3/MIN – 100%)** - responsible for technical support in financial, contractual and organisational matters.
3. **Driver/logistician (SB1/MID) - 50%** – responsible for driving project staff to and from different meetings/events and supporting in logistical matters including transportation in regions during implementation of project activities when and as necessary.
4. **Cleaner (SB1/MIN - 25%)** – responsible for keeping the project office space clean, organized and up to standards.
5. **Democratic Governance Team Leader (NOB – 2.5%)** – responsible for quality assurance of the project, supporting the project Steering committee, facilitating coordination within UNDP, other UN agencies and concerned stakeholders. The Democratic Governance Team Leader will complete monthly timesheets reflecting actual time spent on the given project.
6. **Democratic Governance Programme Associate (G6 - 5%)** - responsible for providing administrative advice and supporting project implementation from the Country Office. S/he will provide administrative, financial, contractual, reporting and procurement related support to ensure compliance of administrative processes with respective UNDP rules and regulations, and the respective Country Office Standard Operational Procedures. The Democratic Governance Programme Associate will complete monthly timesheets reflecting actual time spent on the given project.
7. **Human Resources Team Leader (G7 - 5%)** – responsible for overall support to the project in matters related to Human Resources such as recruitment and contracting of project staff, experts etc. The HR team Leader will complete monthly timesheets reflecting actual time spent on the given project.

8. **Procurement Team Leader (G7 – 5%)** – responsible for overall support to the project in matters related to procurement of services. The Procurement Team Leader will complete monthly timesheets reflecting actual time spent on the given project.

For relevant activities the project will also engage:

9. **ADR specialist (SB4/MIN – 100%)** – responsible for planning and implementation of the project activities as per outputs in line with the best ADR practices, also providing needed advice, research, contribute to the drafting of strategic documents, reports based on field expertise.
10. **Communication Specialist (SB4/Q1 – 20%)** – responsible for execution of the project’s communications and visibility plan, compliance with the EU-UNDP visibility guidelines in all project activities, lead the communications direction of the project and in this process coordinate with all project stakeholders, partners and the EU Delegation.

Concerning venues, catering and other logistical arrangements for activities will be sourced with constant attention to prudence and exemplarity in the use of EU taxpayer’s money at times of fiscal constraints, as well as to the carbon print. Public venues will be prioritised over private ones, distance from the usual work places of respective audience will be minimal.

### 3.3. Partnerships and Stakeholders

Developing effective working partnerships with all respective stakeholders will be essential to the delivery of the project objectives. These partnerships will cover a number of players including:

- For the effective implementation of the project activities under Outputs 1 and 2, the project team will closely cooperate with the **High Council of Justice (HCOJ) and the Judiciary**. The judiciary has an important role in development of ADRs both in case of mediation and arbitration. Therefore, it is of crucial importance to strengthen capacities of judges and the court staff. In addition, opening of court mediation centres implies close working relationship with the HCOJ that is mandated to take the final decision in this regard.

The HCOJ is composed of 15 members. The Judicial Conference, self-governing body of judges, elects 8 members of the Council, 5 members are elected by the Parliament of Georgia and 1 member is appointed by the President. The HCOJ is chaired by the Head of the Supreme Court, who is an *ex officio* member of the Council. The HCOJ organizes qualification exams for judges, appoints and dismisses judges through disciplinary proceedings, ensures quality management of the judiciary and relationship with the public. In addition to this, the HCOJ defines territorial jurisdiction of regional (city) and appellate courts and number of judges, territorial jurisdiction, number and composition of magistrate judges, composition of court panels, number and composition of Chambers of appellate courts and investigative panel, specialization of regional (city) court judges, etc.

- The **High School of Justice (HSOJ)** is a LEPL established by the Law of Georgia on High School of Justice, that ensures quality professional trainings for candidate judges, judges, assistants to judges and other court staff. For the effective implementation of the project activities under output 2, in particular “Enhancing capacities of judiciary and legal professionals in alternative dispute resolution mechanisms to provide quality legal services in commercial disputes“ the project will closely cooperate with HSOJ, that is responsible for the organization of trainings for judges and court staff.
- The **Mediators Association of Georgia (MAG)** is a LEPL established by the Law of Georgia on Mediation in December 2019. MAG is being governed by its General Assembly, the Chairman and Executive Board consisting of 8 members including Chairman. There are currently 54 members listed in the national registry of mediators by MAG. MAG establishes and maintains mediators’ roster, elaborates standards for mediators’ certification and accreditation, develops code of conduct for mediators and ensures its implementation. Moreover, it aims to develop common mediation practice throughout the Georgia, as well as promote and enhance the use of mediation. The project will closely cooperate with MAG for the effective implementation of the project activities under output 2 especially, for the development of institutional capacity of professional associations of mediators and arbitrators.
- The **Georgian Association of Arbitrators (GAA)** a non-profit, non-governmental professional membership association, was established in 2013 to provide a professional framework for arbitrators and advance the practice of arbitration in Georgia. GAA aims to raise public trust in and awareness of arbitration, create accreditation and continuing education system for arbitrators, set standards of professional conduct and establish efficient self-regulatory mechanism for arbitrators. GAA is the only



organization with this mandate and with the proven experience of contributing to the field. Further strengthening of GAA will contribute to access to professional and quality arbitration services and to raising trust in and awareness of arbitration among businesses, legal professionals and wider public. For achievement of output 1 in particular “enhancing the capacity of Georgian Association of Arbitrators” the Project will actively cooperate with GAA. Moreover, output 2, in particular “enhanced capacities of judiciary and legal professionals in alternative dispute resolution mechanisms to provide quality legal services in commercial disputes” will be achieved with the support of GAA through elaboration of online arbitration training tool.

- The **Georgian International Arbitration Centre (GIAC)** is a first non-profit institution in Georgia, which was created based on the best international practice with the initiative of Georgian Chamber of Commerce and Industry. Its managing bodies are the GIAC Board, Arbitration Council and Secretariat. One of the key objectives of GIAC is to establish neutral, efficient and flexible alternative dispute resolution mechanisms. The recent surveys on ADR in Georgia - Population Survey<sup>41</sup> and Business Survey<sup>42</sup> has shown that only 46% of Georgian of business entities are aware of arbitration. The low awareness appears to be one of the major problems hindering the development of arbitration. Thus, for the achievement of the output 1, in particular for the increased awareness on mediation and arbitration, UNDP will closely cooperate with GIAC and other private institutions which shall raise demand on their services through building of knowledge on arbitration.
- **Higher Education Institutions (HEIs):** UNDP will identify High Educational Institutions to cooperate with for the effective implementation of the project activities under output 2, in particular “enhancing capacities of judiciary and legal professionals in alternative dispute resolution mechanisms to provide quality legal services in commercial disputes.” Project will support introduction of ADR courses as an optional courses at Legal Departments in selected HEIs and will seek for further cooperation with **National Centre for Alternative Dispute Resolution (NCADR) of the Tbilisi State University** for implementing activities focusing on knowledge building among legal professionals.
- The **Georgian Bar Association (GBA):** One of the prerequisites for development and greater use of ADRs is positive perceptions and attitudes of Georgian lawyers. Efforts to further knowledge buildings among practicing lawyers should positively contribute to addressing this challenge. UNDP will cooperate closely and coordinate actions with GBA for the effective implementation of the project activities under output 2. In particular, the project team will closely cooperate with the GBA management and its Training Centre for the development of the online training modules on ADRs tailored for its incorporation in the online platform of GBA’s continuous legal education programme. This will ensure sustainability the training through digital means and further increase the capacities of legal professionals to deliver quality legal services in commercial disputes through ADRs.

GBA was established in 2006. Its membership is mandatory for all advocates and it is responsible for conducting examinations for entry into profession. The functions of GBA include development of legal profession, protection of lawyer’s rights, profession liberty, interests and independence, support to legal education and raising of lawyers’ qualification, ensuring the protection of lawyer’s professional ethics standards, organization of activity of Training Centre for advocates and obligatory, continuous legal educational program, elaboration of the rules of lawyers’ encouragement and disciplinary persecution and securing their fulfilment, etc. The management bodies of the Association are: the General Meeting of the Association and Executive Board of the Association. The Association is headed by the Chair of the Association who is elected among the GBA members for the period of 4 years. GBA management has demonstrated its interest and commitment towards development of ADRs in Georgia and successfully cooperated with UNDP to increase the capacities of lawyers in ADRs within the framework of Joint Project in 2019-2020. The Project will continue to cooperate with GBA.

- **EU and other donors supporting access to justice and commercial law development reforms in Georgia:** The project will finalise and update the mapping and the analysis of existing programmes supporting the abovementioned directions, both public and donor funded, to ensure complementarity and synergy of the project with those undertakings, filling gaps and avoiding overlapping. This task should inform project design during the assessment phase so that the development phase effectively

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<sup>41</sup>ADR in Georgia Population Survey - accessible at [https://www.ge.undp.org/content/georgia/en/home/library/democratic\\_governance/mediation-arbitration-research.html](https://www.ge.undp.org/content/georgia/en/home/library/democratic_governance/mediation-arbitration-research.html) (last accessed 04.12.2020).

<sup>42</sup> ADR in Georgia Business Survey - accessible at [https://www.ge.undp.org/content/georgia/en/home/library/democratic\\_governance/mediation-arbitration-research.html](https://www.ge.undp.org/content/georgia/en/home/library/democratic_governance/mediation-arbitration-research.html) (last accessed 04.12.2020).

incorporates the most relevant measures and activities to achieve the expected outputs, outcomes and impact.

### Complementarity and synergy with other international projects

UNDP will join efforts to accelerate cross-sector complementarity by focusing its assistance on areas where it has most added values, complementing the activities of others and avoiding parallel processes where, for example, public or donor-funded programmes exist or are being developed. Opportunities for cooperation with relevant public and donor-funded programmes will be used where deemed appropriate - systematic information exchange as a minimum, with coordination of responses and common approaches to support interventions being the ultimate goal. The project will be supportive of wider donor and country-led coordination related to access to justice and commercial law development.

In order to achieve the intended outcome of the project, UNDP will join forces with the donor community supporting the judicial reform and commercial law development in the country.

The development of the justice system has received considerable support from different donor institutions. The ongoing **EU** funded **EU4 Justice** budget support programme is primarily focused on criminal justice, but also contains significant technical support in the civil, administrative and commercial law areas. Another major programme, supporting justice system is being implemented by the **East-West Management Institute (EWMI)** with the financial assistance of **USAID**. One of the purposes of the programme is improving the management of essential justice system institutions, such as HCOJ, HSOJ, the courts and GBA. USAID funded “PROLoG” project has organized ToT in mediation in 2019 with the involvement of both local and international experts and intends to carry out follow up trainings for judges, thus in order to ensure synergies between the justice programmes major activities under Output 2 “Enhancing capacities of judiciary and legal professionals in alternative dispute resolution mechanisms” will be implemented in coordination with EMWI. **Council of Europe's** initiatives also significantly support judiciary reforms. Council of Europe has supported MAG with an expert advice with regard to elaboration of accreditation system. During the implementation of the project activities that implies close work with judicial institutions and inter-agency coordination councils at MoJ, UNDP plans to coordinate efforts with the abovementioned actors.

UNDP will stay actively involved in Private Law Reform Inter-Agency Council and in its working groups that also form a discussion and coordination platform for the relevant institutions, donors, civil society organisations and other actors.

### 3.4. Risks Analysis

Management of operational risks and assumptions will be delivered through the construction and regular updating of risks and issues logs, escalation of identified gaps in performance, performance reporting, minutes of meetings and Project Steering Committee and an adequately skilled and fully resourced project management function. Detailed list of risks and measures of their mitigation is presented in the Risk Log below:

**P = probability; I = Impact; Scores are based on a scale from 1 (low) to 4 (high).**

#	Description	Date Identified	Political Type	Probability & Impact	Countermeasures / Management response	Owner
1	State policy on ADRs change and MoJ is reluctant to introduce the draft legislative package of amendments on Arbitration to the Parliament of Georgia	December 2020	Political	P = 2 I = 4	Coordinated advocacy work with partner international organizations, including EU Delegation to Georgia, CSOs and Ministry of Justice in order to support the process of enacting amendments to the Law on Arbitration and accompanying legislative acts with the purpose of differentiating commercial and consumer arbitration on legislative level.	UNDP CO Management/ Project Manager/ Project Team
	Professionals in regions are not interested to	December 2020	Organizational	P = 2 I = 4	UNDP will support and encourage MAG for reaching out to private lawyers, psychologists and other	Project Manager/ Project Team

#	Description	Date Identified	Political Type	Probability & Impact	Countermeasures / Management response	Owner
	become mediators				professionals in regions in order to advertise mediators' profession (mediator a reliable, neutral and independent professional who helps parties to reach a settlement)	
2	Awareness of business and public in ADRs does not increase	December 2020	Political	P = 3 I = 4	Targeted communication campaigns for businesses and general public about the benefits of alternative dispute resolution mechanisms in the capital and regions of Georgia	Project Manager/ Project Team
3	HCoJ/Courts lack financial resources to finalize the establishment of mediation centres	December 2020	Organisational	P = 2 I = 2	Adjustment to the project budget to support establishment of the mediation centres in at least two regions	Project Manager/ Project Team
4	GBA is reluctant to introduce the ADR course in continuous legal education programme due to financial considerations (expert remuneration, recording of the training)	December 2020	Organizational	P = 3 I = 4	UNDP develops educational materials in Georgian language, ensures remuneration of trainers and provides technical support for integrating training into online platform thus reducing the risk	Project Manager/ Project Team
5	Lawyers are not interested in ADRs	December 2020	Organizational	P = 3 I = 4	UNDP will use its established formats of cooperation with GBA for reaching out to private lawyers in order to explain advantages of ADRs vs judicial proceedings (cost-efficient, quick, tailored to the needs of the parties)	Project Manager/ Project Team

### 3.5. Knowledge

Some of the specific knowledge products that will be produced by the project include:

- Draft amendments to the Law on Arbitration and accompanying legislative acts
- Informative materials/manuals on mediation for court staff
- Training manuals for the staff of court mediation centers
- Communication strategy for promoting Georgia as Regional Hub
- Institutional Development Strategy of the Georgian Arbitrators Association
- Georgian Ad hoc arbitration rules
- ToT module for Mediators Association of Georgia
- Training manual for assessors training of Mediators Association of Georgia
- Training manual for coaching training of Mediators Association of Georgia
- Training modules on ADR for GBA lawyers
- Educational materials on ADRs for HEIs
- Informative materials on the benefits of ADRs

### 3.6. Sustainability and Scaling Up

The intended outcome of the project is increasing access to ADRs in Georgia by promotion of fairer and faster commercial dispute resolution through effectively functioning alternative dispute resolution system.

Striving to this end, the UNDP will continue the well-established cooperation with all relevant stakeholders within all branches of power, as well as CSOs, professional associations/unions and international community in the country. The effective implementation of this project will improve the legislative framework, enhance capacities of state and non-state actors, increase awareness of citizens and businesses, and subsequently ensure the sustainability of the actions related to fairer and faster litigation in commercial disputes and ultimately, better access to efficient justice in the country.

Ensuring the sustainability of the project's outputs will remain a high priority for UNDP support. The project assistance will focus on the achievement of development results, rather than merely the delivery of activities. The project will ensure monitoring of project sustainability and planned phase-out and phase-over processes to demonstrate the impact and leave a meaningful project legacy. The project team will cooperate closely with relevant stakeholders for them to take the ownership over the led processes. Having the ownership will contribute to taking further steps necessary for the development of ADRs upon the completion of the project.

Under Output 1, 'Enhanced access, use and efficiency of ADR' UNDP will support increased access to and efficiency and awareness of mediation and arbitration. In particular, the project will support establishment and capacity enhancement of mediation centers outside Tbilisi and advocate the amendment to the law on arbitration and accompanying legislative acts to ensure the efficiency of arbitration services tailored on consumer and commercial needs. UNDP will support HCOJ and MAG to ensure professional and uniform application of mediation practices in newly established centers through enhancing qualification of court staff and mediators in regions. Staff with enhanced knowledge and high level of preparation of mediators will ensure that mediation services in the regions are accessible and respond to the expectation of businesses and general public. By advocating respective amendments to the law on arbitration ensuring that consumer arbitration is subject to more strict scrutiny on the one hand and streamlining the law to address the minor challenges revealed in practice. UNDP will also contribute to the development of efficient arbitration system that is in line with needs of the business. UNDP is aware of key factors that hinder development of ADRs in Georgia, including lack of awareness among citizens and businesses. Investing in the promotion of mediation and arbitration in Georgia will contribute to the increased use of ADRs. This will be done through targeted information campaigns in cooperation with professional associations of mediators and arbitrators as well as private institutions which deliver respective services.

Under Output 2 'Access to professional mediation and arbitration services' UNDP will support the institutional capacity development of professional associations of mediators and arbitrators and the capacity building of judiciary and legal professionals. In particular, the project will assist MAG to develop IT tools necessary for administration, streamline its accreditation system through trainings of coaches and assessors and deliver pilot ToT for mediators training, to implement its Communication Strategy and contribute to the use of out-of-court mediation. The support to GAA will focus on the elaboration of its institutional strategy, the capacity building of staff of arbitration institutions, as well as streamlining the GAA's accreditation system through piloting an accelerated route to accreditation. Investing in the capacity development of professional association of arbitrators will enhance the image of the institution. The improved legislative framework, enhanced capacity of the institution and its members will have sustainable results after phasing out of the project.

The project provides for the series of capacity development activities, including professional training for targeted groups of lawyers and the judiciary. UNDP will support consistent and coherent interpretation of the laws through capacity building of judiciary in ADRs. The efforts to raise qualification of lawyers in ADRs will continue. Thus, UNDP will contribute to the increased use of ADRs by enhancing capacity of lawyers through targeted trainings. To ensure further sustainability, the trainings where relevant, will be held in cooperation with established training centres including Training Centre of Justice, HSOJ, Training Centre of GBA, NCADR and selected High Educational Institutions. After the programme's completion, the specialized training institutions (HSOJ, GBA Training centre, HEIs, etc.) may deliver the courses to the relevant stakeholders independently without the donor support. Moreover, new training modules will be developed in digital format for online platforms ensuring its broad application without constraints of time and location.

Information campaigns about the benefits of the alternative dispute resolution will be supported and carried out in a systemic manner and will be based on the findings of the recent Population and Business Surveys on ADR in Georgia and new evidence acquired in the course of implementation of the project to ensure that it

reaches target groups and have most viable results. The campaigns, where applicable, will be carried out in accordance with communication strategies elaborated in the course of the Project or previous Joint Programme/Project.

The results will be sustained as the mechanisms developed and established under the project will be taken over by the relevant institutions (HCOJ, HSOJ, GBA, MAG and GAA). Where IT tools, or other equipment or infrastructure shall be introduced, sufficient allocations from the state budget will be ensured for their further efficient operation, development and maintenance beyond the duration of the project.

The involved stakeholders will be informed regularly about the aspects of the proposed programme and will be engaged in programme planning and implementation processes. Problems will not be ignored but anticipated and tackled as soon as they arise, and possible solutions will be explored together with the donor. UNDP will closely monitor relevant development in legal and policy area and will react accordingly to ensure that intervention goals are met to the highest degree possible.

Finally, an important aspect of delivering sustainable outcomes, will be demonstrating the benefits of ADRs to citizens and businesses. To this aim, the project seeks to pursue a fully participatory process, involving relevant stakeholders from design to evaluation of the selected actions. Lessons learned through these interventions will belong to both – the project and its national partners, therefore, the benefits will also be owned by all.

#### 4.1. Cost Efficiency and Effectiveness

Costs incurred in the project implementation will focus only on those actions required to provide key support to development of ADR.

To accomplish this, the project will seek to complement and build upon the results of the A2J Programme and ADR Project, as well as other UNDP initiatives related to access to justice and economic development.

The resources will be primarily used for:

- participatory based planning of technical assistance to national institutions and stakeholders;
- effective targeting of beneficiaries by the state budget and the project resources;
- comprehensive planning of the increase of territorial coverage of ADRs in Georgia;
- proper monitoring and evaluation systems design and functioning.

The Project will coordinate with different donor supported agencies (EU, USAID, GIZ, and others) in planning of national and municipality level interventions for ensuring effective synergy both at national institutional level and at the community and municipal levels.

The Project will be managed in close coordination among UNDP Country Office Programme dimensions: Democratic Governance and Economic Development for joint planning of respective activities.

Wherever possible, the project will use the competencies and technical skills within the mandated government institutions and other national agencies to implement project activities.

Additional information on the project management and staff is available in Sub-Section 3.2 “Resources Required to Achieve the Expected Results” and Section VIII “Governance and Management Arrangements”.

## V. RESULTS FRAMEWORK

<b>Intended Outcome as stated in the UNSDCF 2021-2025/Georgia Country Programme Document (CPD) 2021-2025: Outcome 1. By 2025, all people in Georgia enjoy improved good governance, more open, resilient and accountable institutions, rule of law, equal access to justice, human rights, and increased representation and participation of women in decision making</b>
<b>Outcome indicators as stated in the CPD 2016-2020: Results and Resources Framework, including baseline and targets:</b> <b>1.1.</b> (UNSDCF indicator 1.1) [National SDG 16.6.2.5] Rule of law index <b>Baseline</b> (2019): percentile rank 62.02 <b>Target:</b> >63 <b>1.2.</b> (UNSDCF indicator 1.2) [National SDG 16.6.2.2] Voice and accountability index <b>Baseline</b> (2019): percentile rank 53.20 <b>Target:</b> >54 <b>1.3.</b> (UNSDCF indicator 1.6.1) [National SDG 5.5.1] Proportion of seats held by women in national parliaments and local governments <b>Baseline</b> (2019). a) Women in Parliament 14.8% (22 women). b) Women in local governments 13.5% (277 women). <b>Target:</b> a) < 20%; b) < 20%
<b>Applicable Output(s) from the UNDP Strategic Plan 2018-2021: Output 2.2.3</b> Capacities, functions and financing of rule of law and national human rights institutions and systems strengthened to expand access to justice and combat discrimination, with a focus on women and other marginalised groups
<b>Project title and Atlas Project Number:</b> Mediation and Arbitration for Resolving Disputes, project 00088722/output 00095264

Outcome/Impact	Indicators	Baseline	Target	Sources of verification
<b>Fairer and faster commercial dispute resolution through effectively functioning alternative dispute resolution system</b>	1/ Number of mediation and arbitration cases	1a/ <345 in-court mediation between 2013-2020  1b/ <8 business to business arbitration annually	1a/ At least 200 cases of in-court mediation in 2021  1b/ At least 10 business to business arbitration in 2020	1a/ Records and/or statistics of Mediation Centres;  1b/ Records of arbitration institutions in Georgia
<b>Outputs</b>	<b>Indicators</b>	<b>Baseline</b>		<b>Sources of verification</b>
<b>1. Enhanced access, use and efficiency ADR</b>	1.1 number of in-court mediation centers in Georgia that had at least 1 mediation case referral	1.1. 3 in-court mediation centres function in Georgia (Mtskheta, Rustavi and Tbilisi)	1.1. 6 in-court mediation centers function in Georgia by the end of 2021	Project reports; reports by the HCOJ; Media reports; Information available on the EU and UNDP websites; Information available on project's Facebook page.
	1.2.a/ The legislative package for amendment of the Law on Arbitration elaborated (Y/N)  1.2.b/ The legislative package Amendments to Law on Arbitration adopted (Y/N)	1.2.a/b: Last comprehensive and practice changing amendments to Law on Arbitration were adopted in 2015. There is a need to differentiate between consumer and commercial arbitration on legislative basis.	1.2.a/b: The legislative package for amendment of the Law on Arbitration is elaborated and adopted by the end of 2021	Government and project reports; Law on Arbitration; information available on the EU and UNDP websites and social media;
<b>2. Enhanced Access to professional</b>	2.1. number of newly certified mediators (at least 50% women)	2.1. 55 mediators are certified and allowed to practice mediation in Georgia.	2.1. Mediators Association of Georgia admits at least 40 new mediators (at least 50% women)	Reports of Mediators Association of Georgia, Mediators Roster

Outcome/Impact	Indicators	Baseline	Target	Sources of verification
mediation and arbitration services	2.2 number of newly accredited members of Georgian Association of Arbitrators (at least 50% women)	2.2 20 accredited members of Georgian Association of Arbitrators as of December 2020	2.2 At least 40 newly accredited member of Georgian Association of Arbitrators (at least 50% women)	GAA reports; Information available on GAA's and UNDP's website, social media
	2.3. Number of judges, court staff and legal practitioners whose capacity was strengthened through project activities (at least 50% women)	2.3/ During 2016-2020 -1560 GBA lawyers (63% female) and 170 representatives of the judiciary (63% female) were trained	2.3.a/ at least 70% of Civil Law Chamber judges/civil law specialization judges and their assistants of those courts that have launched mediation centers in 2021 trained on ADR (at least 50% women) 2.3.b/ at least 100 GBA members practicing law in the regions where mediation centres are launched in 2021 trained on ADR (at least 50% women)	Project reports; reports by the GBA, HSOJ; Information available on the EU and UNDP websites & social media



## VI. MONITORING AND EVALUATION

Monitoring and Evaluation of the project will be conducted using the project-specific logframe (Results Framework) provided in section V. UNDP should report on the results at impact, outcome and output levels, linked to sources of verification presented in the logframe. Reporting will be carried out through a Final Report as laid down in article 3 of the General Conditions - Annex 2 to the EU-UNDP Contribution Agreement. Once arrangements are in place for UNDP access to the EU projects monitoring platform OPSYS, the partner will report through OPSYS on the logframe as described in the present description of the action. The results framework may be revised for further streamlining by the parties; with that in view, for the better quality of the logframes and indicators, the partners are encouraged to get familiar with DG NEAR guidelines on Indicators - P. 45 and the EU Results Framework. Wherever an indicator set out in the project logframe is also reflected in the EU Results Framework, project reporting will also mention that.

Reporting will be based on evidence-based data collected and analysed using the internal Monitoring and Evaluation (M&E) system, and, when relevant, other reliable sources of information. The project M&E system will be completed during the assessment phase, on the basis of the above Results Framework, including the establishment of a robust baseline and the regular collection and analysis of evidence-based data and other information relevant to M&E purposes. On this basis, the project will submit final report upon its completion. Reporting will be based on its implementation work plan, to be submitted and approved by the project Steering committee.

The project will support the establishment of the mechanisms required for regular collection, analysis and reporting of evidence-based statistical data, including trainings and other incentives, equipment and complementary materials including baselines/endlines, dedicated research, surveys, needs assessments, results snapshots, lessons learned initiatives, study tours, field and exchange visits, ad hoc evaluations and others.

**The project M&E will introduce ad-hoc/quick assessments, needs and capacity assessments and monitoring exercises to be regularly updated. For this purpose, dedicated M&E tools will ensure that specific info is available on the support and the impact of the project considering gender aspects, youth, people with disabilities, ethnic and other minority groups.**

Monitoring Activity	Purpose	Frequency	Expected Action	Partners (if joint)
<b>Track results progress</b>	Progress data against the results indicators in the Results Framework will be collected and analysed to assess the progress of the project in achieving the agreed outputs.	Upon completion of the project, or in the frequency required for each indicator.	Slower than expected progress will be addressed by project management.	
<b>Monitor and manage risk</b>	Identify specific risks that may threaten achievement of intended results. Identify and monitor risk management actions using a risk log. This includes monitoring measures and plans that may have been required as per UNDP's Social and Environmental Standards. Audits will be conducted in accordance with UNDP's policies and procedures	Annually	Risks are identified by project management and actions are taken to manage risk. The risk log is actively maintained to keep track of identified risks and actions taken.	
<b>Learn</b>	Knowledge, good practices and lessons will be captured regularly, as well as actively sourced from other projects and partners and integrated back into the project.	At least once during project implementation	Relevant lessons are captured by the project team and used to inform management decisions.	
<b>Annual project quality assurance</b>	The quality of the project will be assessed against UNDP's quality standards to identify project strengths and weaknesses	At least once during project implementation	Areas of strength and weakness will be reviewed by project management	Project Steering Committee Members

Monitoring Activity	Purpose	Frequency	Expected Action	Partners (if joint)
	and to inform management decision making to improve the project.		and used to inform decisions to improve project performance.	
<b>Review and make course corrections</b>	Internal review of data and evidence from all monitoring actions to inform decision making.	At least once during project implementation	Performance data, risks, lessons and quality will be discussed by the project Steering committee and used to make course corrections.	
<b>Project reporting</b>	<p>Final progress briefing will be presented to the Project Steering committee and key stakeholders, consisting of progress data showing the results achieved against pre-defined project targets at the output level, the project quality rating summary, an updated risk log with mitigation measures, and any evaluation or review reports prepared over the period.</p> <p>Final report will be submitted to the EU in line with Article 3 of the General Conditions.</p>	Final report (closure)	One final report to be submitted upon completion of project implementation	
<b>Project review (Project Steering committee)</b>	<p>The project's Steering committee will hold upon start of implementation of the project, as well as before its completion, beside ad-hoc meetings as necessary:</p> <ul style="list-style-type: none"> <li>- for regular project review, guidance and decision making against annual operational (progress) reports submitted at least one week in advance to the meetings, including review annual work plans for the next periods to ensure implementation is on track, correct deviations if necessary, and ensure realistic budgeting over the life of the project.</li> <li>- for approval of grant proposal documents if not directly referred to in this project document.</li> </ul>	Upon commencement and closer to the completion of the project	<p>Review, guidance and decision-making on project planning, implementation, M&amp;E.</p> <p>Any quality concerns or slower than expected progress should be discussed by the project Steering committee and management actions agreed to address the issues identified.</p> <p>Review and approval of sub-project proposal and contract documents and other relevant reports and agreements</p>	Project Steering Committee members

VII. WORK PLAN

Outputs, results, activities/sub-activities		2020										Partner	Responsible Party
		IV	V	VI	VII	VIII	IX	X	XI	XII			
<b>Output 1. Enhanced access, use and efficiency of ADR</b>													
<b>Result 1.1: Enhanced access to and efficiency of mediation and arbitration</b>													
1.1.1	Support establishment of in-court mediation centers in regions for better access to mediation	x	x	x	x	x						HCOJ; MAG	UNDP
1.1.2	Streamlining arbitration legal framework for commercial disputes through advocacy of legislative amendments	x	x	x	x	x	x	x				Parliament of Georgia; MOJ; CSOs, GAA	UNDP
<b>Result 1.2: Increased awareness on mediation and arbitration</b>													
1.2.1	Raising Awareness among stakeholders and potential users of ADR, including through organising high-level conferences and support to private mediation and arbitration centers		x	x				x	x	x		MOJ; MAG; GAA; GIAC, other institutions	UNDP
1.2.2	Conceptualizing Georgia as the Regional Hub for Dispute Resolution			x	x	x						MOJ; Government of Georgia	UNDP
<b>Output 2. Access to professional mediation and arbitration services</b>													
<b>Result 2.1: Developed institutional capacity of professional associations of mediators and arbitrators</b>													
2.1.1	Enhancing the capacity of GAA, through development of its institutional strategy, streamlining its training programme for accreditation to enable accelerated accreditation, support to elaboration of Ad Hoc rules, as well as capacity building of staff of arbitral institutions.	x	x	x	x	x	x	x	x	x		GAA	GAA
2.1.2	Enhancing the capacity of LEPL Mediators Association of Georgia in accordance with its Institutional Strategy and Communications Strategy, <i>inter alia</i> , through provision of technical assistance to develop IT tools for administration; assistance in streamlining the Mediators Certification Programme and launch of TOT pilot	x	x	x	x	x	x	x	x	x		MAG	UNDP
<b>Result 2.2: Enhancing capacities of judiciary and legal professionals in ADR to provide quality legal services in commercial disputes</b>													
2.2.1	Conduct targeted trainings for legal professionals and judges on ADRs	x	x	x	x	x	x					HCOJ; HSOJ; GBA; NCADR and HEIs	UNDP
2.2.2	Develop online training course on arbitration and/or mediation				x	x						GAA; MAG; GBA	GAA
<b>Implementation of Visibility and Communication Plan*</b>													
	Project closing										x	MOJ, HCOJ, HSOJ, GAA, MAG, GBA	UNDP
<b>PROJECT MANAGEMENT, MONITORING AND EVALUATION</b>													
	Management, monitoring, reporting										x		

\*Only those items that are not directly integrated into other Project Activities are presented here.

### 8.1. Governance arrangements

The project will be implemented by UNDP through Direct Implementation (DIM) modality. UNDP will be responsible for the execution of all the project activities and provision of inputs, including implementation of all support services and management of all project funds.

The action will be coordinated by a **Project Steering Committee** composed of representatives from UNDP and the EU, as well as national partners from GAA, MAG, the Judiciary, GBA, GIAC. UNDP will (co-)chair the Steering Committee. A proposed structure is presented in the chart below. The Steering Committee is expected to provide overall guidance and decision-making support during all phases of project implementation and will grant final approval on sub-grants in case the grant is not incorporated in the project documentation. The Project Steering Committee is proposed to meet upon commencement of the project and closer to its completion, although meetings could be called by any of the members at any time to discuss any particular issue of concern. The first Steering Committee shall be held within one month after the project launch.

As detailed above, the project shall be implemented in Tbilisi and with focus on those regions of Georgia where mediation will be expanded by High Council of Justice, with the overall effect for the whole territory of Georgia.

### 8.2 Management arrangements

The Project Steering Committee and implementation structure is presented in the chart below.

The key project management functions will be performed by the Project Manager. In particular, the **Project Manager** will be in charge of:

- *Administrative oversight and internal controls*, in procurement, recruitment, financial management, administration and HR processes will be exercised by the Project Manager with a respective management experience and a solid understanding of UNDP procedures. The Manager will be responsible to ensure that project implementation is in line with the conditions set forth through the EU-UNDP agreement, and all UNDP rules and regulations are respected throughout project implementation
- *Coordination and supervision of institutional relations with concerned government institutions*, including senior government officials, mediation and arbitration institutions so as to ensure timely and appropriate institutional ownership and engagement in the implementation of the project activities
- *Representational tasks* of the project
- *Communication and reporting to the EU Delegation.*

The Project Manager will be accountable to the project Steering Committee for achievement of the project objectives. Internally within UNDP, the project manager will report to UNDP Democratic Governance Team Leader.

In addition, as part of the Project Core Team, UNDP will engage ADR specialist and Communication Specialist.

*Project support staff*, including Administrative/Finance specialist and driver/logisticians, will support implementation of all project outputs.

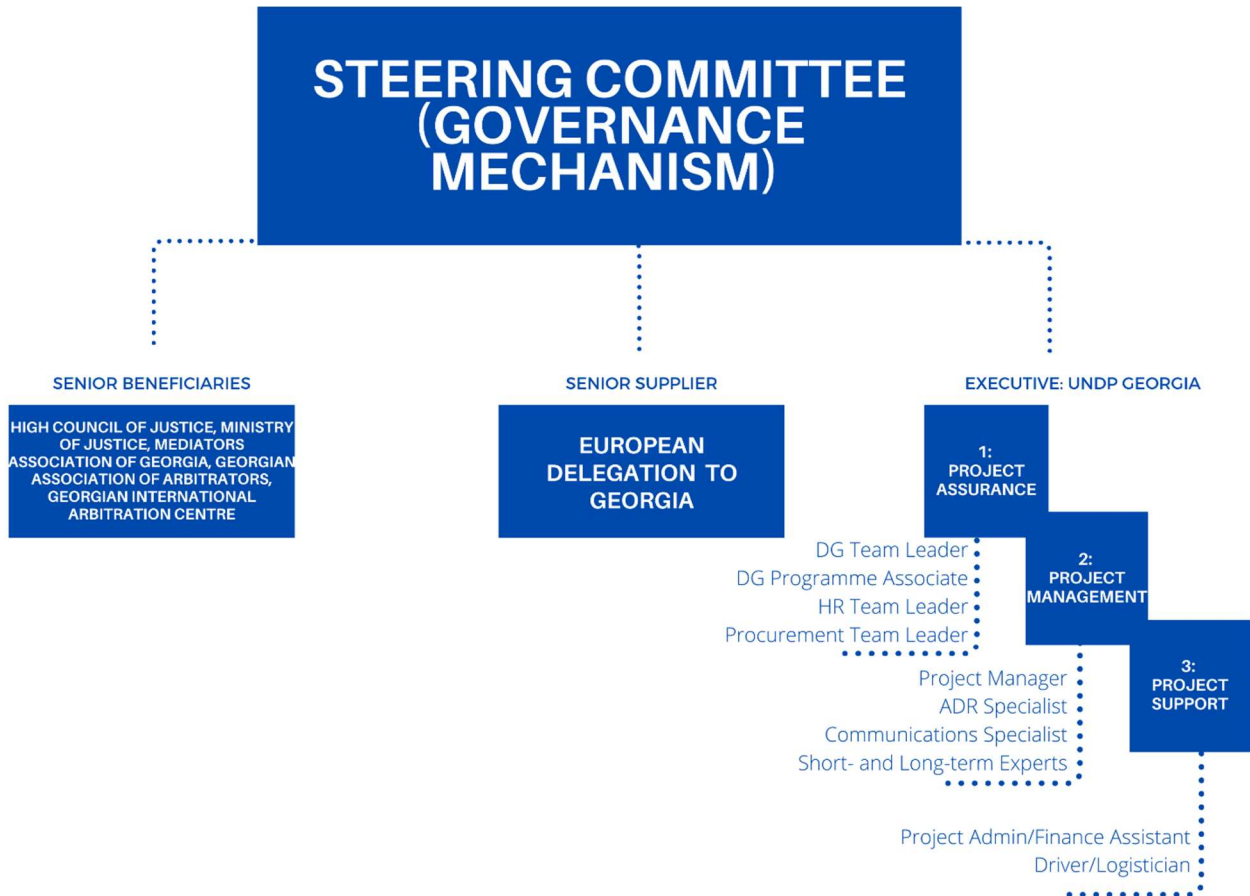
The *UNDP Democratic Governance Programme Associate* will provide quality assurance for financial matters and reporting and advice project personnel on financial, administrative and reporting procedures. The UNDP Programme Associate will be charged through direct project costs for the time spent directly attributable to the implementation of the Project, not exceeding 5% of the working time.

*Democratic Governance Team Leader* will be responsible for providing administrative advice and supporting project implementation from the Country Office. S/he will provide administrative, financial, contractual,

reporting and procurement related support to ensure compliance of administrative processes with respective UNDP rules and regulations, and the respective Country Office Standard Operational Procedures *Human Resources Team Leader and Procurement Team Leader* will provide support for ensuring the procurements made by the project are following the guidelines established by UNDP, and by this will act as objective quality monitoring agents.

UNDP will convey the administrative support services to the project implementation, implying undertaking administrative, financial, M&E and recruitment services according to its rules and regulations.

### 8.3 Project Organization Charter



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**IX. LEGAL CONTEXT**

This project document shall be the instrument referred to as such in Article 1 of the Standard Basic Assistance Agreement between the government of Georgia and UNDP, signed on 1-Jul-1994. All references in the SBAA to “Executing Agency” shall be deemed to refer to “Implementing Partner.”

The project will be implemented by UNDP Georgia in accordance with its financial regulations, rules, practices and procedures

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## X. RISK MANAGEMENT

1. UNDP as the Implementing Partner will comply with the policies, procedures and practices of the United Nations Security Management System (UNSMS.)
2. UNDP as the Implementing Partner will undertake all reasonable efforts to ensure that none of the project funds are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via [http://www.un.org/sc/committees/1267/aq\\_sanctions\\_list.shtml](http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml). This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.
3. Social and environmental sustainability will be enhanced through application of the UNDP Social and Environmental Standards (<http://www.undp.org/ses>) and related Accountability Mechanism (<http://www.undp.org/secu-srm>).
4. UNDP as the Implementing Partner will: (a) conduct project and programme-related activities in a manner consistent with the UNDP Social and Environmental Standards, (b) implement any management or mitigation plan prepared for the project or programme to comply with such standards, and (c) engage in a constructive and timely manner to address any concerns and complaints raised through the Accountability Mechanism. UNDP will seek to ensure that communities and other project stakeholders are informed of and have access to the Accountability Mechanism.
5. All signatories to the Project Document shall cooperate in good faith with any exercise to evaluate any programme or project-related commitments or compliance with the UNDP Social and Environmental Standards. This includes providing access to project sites, relevant personnel, information, and documentation.
6. UNDP as the Implementing Partner will ensure that the following obligations are binding on each responsible party, subcontractor and sub-recipient:
  - a. Consistent with the Article III of the SBAA the responsibility for the safety and security of each responsible party, subcontractor and sub-recipient and its personnel and property, and of UNDP's property in such responsible party's, subcontractor's and sub-recipient's custody, rests with such responsible party, subcontractor and sub-recipient. To this end, each responsible party, subcontractor and sub-recipient shall:
    - i. put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
    - ii. assume all risks and liabilities related to such responsible party's, subcontractor's and sub-recipient's security, and the full implementation of the security plan.
  - b. UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of the responsible party's, subcontractor's and sub-recipient's obligations under this Project Document.
  - c. Each responsible party, subcontractor and sub-recipient will take appropriate steps to prevent misuse of funds, fraud or corruption, by its officials, consultants, subcontractors and sub-recipients in implementing the project or programme or using the UNDP funds. It will ensure that its financial management, anti-corruption and anti-fraud policies are in place and enforced for all funding received from or through UNDP.

- d. The requirements of the following documents, then in force at the time of signature of the Project Document, apply to each responsible party, subcontractor and sub-recipient: (a) UNDP Policy on Fraud and other Corrupt Practices and (b) UNDP Office of Audit and Investigations Investigation Guidelines. Each responsible party, subcontractor and sub-recipient agrees to the requirements of the above documents, which are an integral part of this Project Document and are available online at [www.undp.org](http://www.undp.org).
- e. In the event that an investigation is required, UNDP will conduct investigations relating to any aspect of UNDP programmes and projects. Each responsible party, subcontractor and sub-recipient will provide its full cooperation, including making a personnel, relevant documentation, and granting access to its (and its consultants', subcontractors' and sub-recipients') premises, for such purposes at reasonable times and on reasonable conditions as may be required for the purpose of an investigation. Should there be a limitation in meeting this obligation, UNDP shall consult with it to find a solution.
- f. Each responsible party, subcontractor and sub-recipient will promptly inform UNDP as the Implementing Partner in case of any incidence of inappropriate use of funds, or credible allegation of fraud or corruption with due confidentiality.

Where it becomes aware that a UNDP project or activity, in whole or in part, is the focus of investigation for alleged fraud/corruption, each responsible party, subcontractor and sub-recipient will inform the UNDP Resident Representative/Head of Office, who will promptly inform UNDP's Office of Audit and Investigations (OAI). It will provide regular updates to the head of UNDP in the country and OAI of the status of, and actions relating to, such investigation.

UNDP will be entitled to a refund from the responsible party, subcontractor or sub-recipient of any funds provided that have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of this Project Document. Such amount may be deducted by UNDP from any payment due to the responsible party, subcontractor or sub-recipient under this or any other agreement. Recovery of such amount by UNDP shall not diminish or curtail any responsible party's, subcontractor's or sub-recipient's obligations under this Project Document.

Where such funds have not been refunded to UNDP, the responsible party, subcontractor or sub-recipient agrees that donors to UNDP (including the Government) whose funding is the source, in whole or in part, of the funds for the activities under this Project Document, may seek recourse to such responsible party, subcontractor or sub-recipient for the recovery of any funds determined by UNDP to have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document.

*Note:* The term "Project Document" as used in this clause shall be deemed to include any relevant subsidiary agreement further to the Project Document, including those with responsible parties, subcontractors and sub-recipients.

- g. Each contract issued by the responsible party, subcontractor or sub-recipient in connection with this Project Document shall include a provision representing that no fees, gratuities, rebates, gifts, commissions or other payments, other than those shown in the proposal, have been given, received, or promised in connection with the selection process or in contract execution, and that the recipient of funds from it shall cooperate with any and all investigations and post-payment audits.



- h. Should UNDP refer to the relevant national authorities for appropriate legal action any alleged wrongdoing relating to the project or programme, the Government will ensure that the relevant national authorities shall actively investigate the same and take appropriate legal action against all individuals found to have participated in the wrongdoing, recover and return any recovered funds to UNDP.
- i. Each responsible party, subcontractor and sub-recipient shall ensure that all of its obligations set forth under this section entitled “Risk Management” are passed on to its subcontractors and sub-recipients and that all the clauses under this section entitled “Risk Management Standard Clauses” are adequately reflected, *mutatis mutandis*, in all its sub-contracts or sub-agreements entered into further to this Project Document.

## ANNEX 1: BUDGET (USD)

#	Program Activity	Atlas Activity	Impl Agency	Fund	Donor	Account	2021 Budget USD
<b>1</b>	<b>Output 1: Enhanced access, use and efficiency ADR</b>						
	<b>Result 1.1: Enhanced access to and efficiency of mediation and arbitration</b>						
1.1.1.	Support establishment of in-court mediation centers in regions for better access to mediation ( <b>this component may have a grant</b> )	Activity 1	UNDP	30079 04000	EU-10159 UNDP-00012	72100 72100	24,331.77 17,233.29
1.1.2.	Streamlining arbitration legal framework for commercial disputes through advocacy of legislative amendments	Activity 1	UNDP	30079	EU-10159	72100	38,417.35
	<b>Result 1.2: Increased Awareness on mediation and arbitration</b>						
1.2.1.	Raising Awareness among stakeholders and potential users of ADR, including through organising high-level conferences and support to private mediation and arbitration centers	Activity 1	UNDP	30079	EU-10159	72100	30,087.92
1.2.2.	Conceptualizing Georgia as the Regional Hub for Dispute Resolution	Activity 1	UNDP	30079	EU-10159	72100	19,226.26
	<b>Output 1 Subtotal</b>						<b>129,296.60</b>
<b>2</b>	<b>Output 2: Access to professional mediation and arbitration services</b>						
	<b>Result 2.1: Develop institutional capacity of professional associations of mediators and arbitrators</b>						
2.1.1.	Enhancing the capacity of Georgian Association of Arbitrators ( <b>this component may have grant</b> )	Activity 2	UNDP	30079	EU-10159	72100	29,777.26
2.1.2.	Enhancing the capacity of LEPL Association of Mediators in accordance with its Institutional Strategy	Activity 2	UNDP	30079	EU-10159	72100	35,169.99
	<b>Result 2.2: Enhancing capacities of judiciary and legal professionals in alternative dispute resolution to provide quality legal services in commercial disputes</b>						
2.2.1.	Conduct targeted trainings for legal professionals and judges on ADRs	Activity 2	UNDP	30079	EU-10159	72100	33,481.83
2.2.2.	Develop online training course on arbitration and/or mediation	Activity 2	UNDP	30079	EU-10159	72100	11,723.33
	<b>Output 2 Subtotal</b>						<b>110,152.40</b>
<b>3</b>	<b>Implementation of Visibility and Communication Plan</b>						
3.1	Visibility/PR Costs (project banding, banners and other visibility items, closing ceremony, steering committee)	Activity 3	UNDP	30079	EU-10159	72100	3,517.00
	<b>Subtotal for Visibility</b>						<b>3,517.00</b>
<b>4</b>	<b>Management Costs</b>						
4.1	Project team	Activity 4	UNDP	30079	EU-10159	71400	36,348.18
4.2	UNDP support	Activity 4	UNDP	30079	EU-10159	61100	5,381.01
4.3	Office/Project Running Cost	Activity 4	UNDP	30079	EU-10159	73400	6,447.83
	<b>Subtotal for Management Cost</b>						<b>48,177.02</b>
	<b>Total Net Budget</b>						<b>291,143.02</b>
	<b>GMS (7%)</b>					75100	<b>19,173.51</b>
	<b>Total</b>						<b>310,316.53</b>



The European Union  
for Georgia  
EU4Business



MEDIATION AND ARBITRATION FOR RESOLVING DISPUTES  
Communication and Visibility Plan

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## 1/ Introduction

Starting from April 2021, UNDP Georgia will be implementing the EU-funded Project *Mediation and Arbitration for Resolving Disputes* with the aim to facilitate economic development through a better functioning legal system and address fundamental challenges hampering fast and efficient delivery of justice.

The Project aims to contribute to the overall objective of the EU Action Document for Economic and Business Development in Georgia, which is to foster social-economic development in Georgia and its regions through making dispute resolution faster and fairer for businesses. In particular, the project is expected to deliver the following outputs: 1. Enhanced access, use and efficiency of ADR; and 2. Enhanced quality of mediation and arbitration services.

The project will be implemented in partnership and close cooperation with the wide range of stakeholders, including the Government and the Parliament of Georgia, judiciary, mediation and arbitration institutions, civil society and lawyers' professional organizations, high educational institutions and private sector aiming to achieve the following results:

- Enhanced access to and efficiency of mediation and arbitration
- Increased Awareness on mediation and arbitration
- Developed institutional capacity of professional associations of mediators and arbitrators
- Enhanced capacities of judiciary and legal professionals in ADR to provide quality legal services in commercial disputes

## 2/ Objectives

### 2.1/ Overall Objective(s)

This Communication and Visibility Plan contributes to the effective implementation of the project, by:

1. Sharing information with appropriate stakeholders and partners to facilitate Project implementation and encourage synergies where necessary
2. Sharing information with the public to promote the Project activities and increase awareness about the benefits and advantages of alternative dispute resolution mechanisms
3. Ensuring full visibility of the EU and its leading role in promoting ADR mechanisms and communicating successful cooperation between the EU and UNDP in working together towards making commercial dispute resolution faster and fairer in the country.

The above will be achieved in strategic coordination with the UNDP Communication Unit, Project Communication Specialist and the EU Delegation Press and Information Team, in line with the Article 8 of the General Conditions of the agreement, the Joint Visibility Guidelines for EC-UN Actions in the Field ([https://eeas.europa.eu/archives/delegations/rome/documents/eu\\_united\\_nations/ec\\_un\\_joint\\_visibility\\_guidelines\\_en.pdf](https://eeas.europa.eu/archives/delegations/rome/documents/eu_united_nations/ec_un_joint_visibility_guidelines_en.pdf)) and the specific visibility standards as spelled out below in chapter 3.4.

### 2.2/ Target Groups

#### Target group 1

Project primary stakeholders and beneficiaries:

- The Government of Georgia, primarily the Ministry of Justice and the Parliament of Georgia
- Judiciary, represented by the High Council of Justice and the High School of Justice
- Mediators Association of Georgia and Georgian Association of Arbitrators
- ADR service providers - Georgian International Arbitration Centre
- Georgian Bar Association and civil society actors working on ADR mechanisms and promoting legal profession
- Mediators, arbitrators
- Judges and court staff
- Donor community and international organizations working in the field of commercial law and access to justice.

**Target group 2**

- legal professionals, including lawyers and law students
- Small and medium-sized enterprises
- The population (potential beneficiaries) in selected regions where mediation centres will be established
- Georgia's population at large, in terms of familiarizing them with the ADR mechanisms

### 2.3/ Specific Objectives

**Specific objectives for the target group 1:**

- Ensure that the Stakeholders/Beneficiaries of the Project are aware of the roles of the EU and UNDP in each activity
- Raise awareness of how the EU and UNDP work together to develop the access to justice in Georgia through institutionalization of ADRs
- Increase awareness about the EU support to institutionalization of ADR mechanisms, ongoing project activities and achieved results, and the crucial role of UNDP in leading this process
- Strongly communicate the leading role of the EU and UNDP in working with the authorities, civil society and people of Georgia in strengthening ADR mechanisms for ensuring access to justice and fairer and faster commercial dispute resolution

**Specific objectives for the target group 2:**

- Increase awareness among the Georgian population of the roles of the EU and UNDP in delivering aid in the field of access to justice and specifically ADRs
- Communicate Georgia's progress and challenges in access to justice and commercial dispute resolution
- Strongly position the role of the EU in promoting ADR mechanisms in Georgia, and the role of UNDP in leading the process.

## 3/ Communication Activities

### 3.1/ Communication Tools

Communications and visibility activities, undertaken under the Project *Mediation and Arbitration for Resolving Disputes* will be designed for specific target audiences described above, covering all consecutive stages of the project cycle, and will be implemented by the project team with substantial support from the UNDP Georgia Communication Unit.

All activities will be agreed with and approved by the EU Delegation in Georgia, in line with Article 8 of the General Conditions of the agreement, the Joint Visibility Guidelines for EC-UN Actions in the Field and the specific visibility standards as spelled out in chapter 3.4 below.

Coordination between the project team and the EU Delegation in Georgia will be implemented through regular consultations, meetings and discussions, as well as through maintaining the calendar of the project events and campaigns.

The project's communication and visibility activities will utilize the following main tools:

1. **High-profile public events** to draw public attention to some specific highlights of the project implementation. This includes the project launch event, presentation of the survey results on ADR mechanisms, Tbilisi mediation and arbitration days, as well as project closing event.
2. **Regular public events**, including roundtables, working group meetings, site visits and public discussions to support daily implementation of the project activities, ensure regular circulation of information about the project and wide outreach to potential beneficiaries in target municipalities where mediation centres will be established.
3. **Websites** (corporate websites of UNDP in Georgia and the EU Delegation in Georgia, including [www.krebuli.eu](http://www.krebuli.eu)) to provide regular updates of the project.
4. **Social media** (corporate social media channels of UNDP Georgia and the EU Delegation to provide regular updates about the project activities, reach out to wider audiences beyond the target groups, and facilitate engagement of stakeholders and public. Project will continue successful practices developed under the previous EU-UNDP ADR Joint Initiatives, while exploring some additional social media tools and platforms. The emphasis will be made on the local and regional social media resources that provide effective information channels for reaching out to the population in the regions.
5. **Media** (mainstream media in Georgia) to keep the project on the media radar and ensure regular and accurate coverage of the project implementation. The project, with the support of the UNDP Communication Unit will continue successful cooperation with the national media in Georgia, including the thematic TV shows of the Georgian Public Broadcaster, business-oriented TV shows on TV Maestro and TV Pirveli, and regular programmes of the Georgian Association of Regional Broadcasters (GARB). Furthermore, the project will be exploring more opportunities offered by the regional and local media in Georgia, including for the regional televisions, radio and print press.
6. **Multimedia content** (videos, photos, blogs, success stories and others) for media pitches in Georgia, as well as for enhancing the information circulated through the websites and social media.
7. **Distinguished visual identity** (brand-book, banners, rollups, press kit headers, social media covers, signs, stationary, publications) to strongly position the EU as a lead supporter of ADRs in Georgia, and role of UNDP in leading this initiative, while underlining national ownership and recognising the role of national partners. The visual identity of the project will be agreed in advance with the EU Delegation in Georgia, in line with article 8 of the General Conditions of EU-UNDP Contribution Agreement, the Joint Visibility Guidelines for EC-UN Actions in the Field and the specific visibility standards as spelled out in chapter 3.4 below.

### 3.2/ Communication Plan

Activity Number	Activity	Time	Message	Target Group	Communication Tool (see 3.1)	Expected Impact
1	Development of basic visibility materials (banner)	2Q 2021	1. The EU and UNDP are Georgia's leading partners in promoting ADR mechanisms in Georgia	All target groups	7. Distinguished visual identity	The activity contributes to the achievement of the overall communication and visibility objectives and all specific objectives.  It ensures the powerful positioning of the EU and UNDP across all target audiences.
2	Arrangement of high-profile and regular public events	Continuous	1. ADR mechanisms benefit SMEs and facilitate access to justice 2. ADR is more efficient, flexible, cheaper and quicker means of dispute resolution as compared to litigation in courts 3. The EU and UNDP work closely with the Georgian authorities and a wide range of partners and stakeholders for ensuring fairer and faster commercial litigation in Georgia  4. The EU and UNDP are Georgia's principal partners in introduction and strengthening of ADR schemes	All target groups	1. High-profile public events 2. Regular public events 3. Websites 4. Social media 5. Media	The activity contributes to the achievement of the overall communication and visibility objectives and specific objectives for all target groups.  It draws attention to some specific highlights of the project implementation, ensures regular and accurate coverage of the project activities, and contributes to positioning the EU and UNDP as Georgia's key partners in introduction and strengthening of ADR schemes in Georgia.
3	Celebration of Tbilisi mediation and arbitration days	On annual basis	1. ADR mechanisms ensure fairer and faster resolution of disputes  2. Mediation and arbitration institutions are up and running and have higher percentage of dispute settlement 3. The EU and UNDP are Georgia's principal partners in introduction and strengthening of ADR schemes	Target group 1	1. High-profile public events 3. Websites 4. Social media 5. Media 6. Multi-media content	The activity contributes to the achievement of the overall communication and visibility objectives and specific objectives for the target group 1.  However, it also reaches out to target group 2 through emphasizing success stories and available figures from settlement rates between parties through arbitration and in-court and out-of-court mediation schemes as compared to litigation in courts.
4	Production and dissemination of	Continuous	1. ADR mechanisms benefit SMEs, general public and facilitate access to justice	Target group 2	3. Websites 4. Social media 6. Multi-media content	The activity contributes to the achievement of the overall communication and visibility objectives and specific objectives for the target groups 2 through emphasizing success stories and available figures

Activity Number	Activity	Time	Message	Target Group	Communication Tool (see 3.1)	Expected Impact
	success stories (articles, videos, blogs)		2. ADR is more efficient, flexible, cheaper and quicker means of dispute resolution as compared to litigation in courts 3. There is more prospect of reaching settlement through ADR schemes as compared to litigation in courts			from settlement rates between parties through arbitration and in-court and out-of-court mediation schemes as compared to litigation in courts.
5	Opening of mediation centres in regions	Q2-Q4 2021	1. ADR mechanisms benefit SMEs, general public and facilitate access to justice 2. ADR is more efficient, flexible, cheaper and quicker means of dispute resolution as compared to litigation in courts	All target groups	2. Regular public events 3. Websites 4. Social media 5. Media	The activity contributes to the achievement of the overall communication and visibility objectives and specific objectives for all target groups. However, it specifically targets population in selected regions, highlights advantages and benefits of ADR schemes in popular language and increases trust towards mediation in Georgia.

The mentioned tools shall be used or cumulatively, e.g. visual identify items shall be displayed during any event organized by the project; web-site shall be used for important and high-profile events, based on mutual agreement between the Project team, UNDP Communication Team and EU; information on the majority of events /workshops shall be available on the social media platforms of EU, UNDP and/or the partner organizations; media coverage shall be ensured for all major events.

### 3.3/ Indicators

How will the achievement of communication objectives be measured? Provide clear and measurable indicators for each activity planned. Include information on feedback that will be collected from participants during events. Add lines as necessary.			
Activity Number	Activity (see 3.2)	Indicator(s)	How will the indicator be measured?
1	Arrangement of high-profile and regular public events	<ul style="list-style-type: none"> <li>At least 3 high-profile events arranged</li> <li>At least 4 regular working group meetings including meetings in regions</li> <li>Wide outreach in traditional and social media ensured</li> </ul>	<ul style="list-style-type: none"> <li>Level of representation from central authorities, HCOJ, SMEs and project partners</li> <li>Attendance record</li> <li>Statistics of media interviews given out by the EU, UNDP and Government officials</li> <li>Media reports</li> <li>Data of social media hits (likes, shares, views, comments)</li> <li>Feedback from the donor, beneficiaries and project partners.</li> </ul>
2	Celebration of EU Days, Tbilisi Mediation and Arbitrations days	<ul style="list-style-type: none"> <li>High profile event in Tbilisi and Regions</li> <li>High-level representation ensured</li> <li>At least 40 participants attending the event</li> <li>Wide outreach in traditional and social media ensured</li> </ul>	<ul style="list-style-type: none"> <li>Attendance record</li> <li>High representation of mediators, arbitrators, representatives of judiciary, Ministry of Justice</li> <li>Relevance of the media information programmes</li> <li>Statistics of follow-up media reports (TV stories, articles)</li> <li>Statistics of media interviews given out by the EU, UNDP and Government officials</li> <li>Feedback from the donor, beneficiaries, partners</li> </ul>
3	Production and dissemination of success stories (articles, videos, blogs)	<ul style="list-style-type: none"> <li>Wide outreach in traditional and social media ensured</li> <li>At least 2 videos produced</li> </ul>	<ul style="list-style-type: none"> <li>Relevance of the story topics to the project implementation cycle.</li> <li>Data of web and social media hits (views, likes, shares, comments).</li> </ul>
4	Opening of mediation centres in regions	<ul style="list-style-type: none"> <li>At least 40 people attend the opening of each mediation centre</li> <li>At least 100 beneficiaries of the mediation centres</li> <li>Wide outreach in traditional and social media ensured.</li> </ul>	<ul style="list-style-type: none"> <li>Attendants at public meetings</li> <li>Data of publications</li> <li>Highlights of beneficiaries at media.</li> </ul>
5	Arrangement of project closing in Tbilisi	<ul style="list-style-type: none"> <li>High profile event in Tbilisi</li> <li>High-level representation ensured</li> <li>At least 60 participants attending the launch</li> <li>Wide outreach in traditional and social media ensured – at least 6 mainstream and social media hits per event.</li> <li></li> </ul>	<ul style="list-style-type: none"> <li>Level of representation from the central authorities and HCOJ</li> <li>Attendance record</li> <li>Statistics of media interviews given out by the EU, UNDP and Government officials</li> <li>Media reports</li> <li>Data of social media hits (likes, shares, views).</li> </ul>

*\*NB: Events may be held online, following the COVID-19 pandemic related restrictions; All events held live shall be conducted in full compliance with existing safety regulations.*



### 3.4/ Visibility Standards

#### 3.4.1 EU Visual Identity: Use of EU logo

- All EU-funded projects must use the official EU visual identity (EU logo) as described below in all project communication materials and equipment;
- Anytime the EU logo is introduced in any of the communication materials or deliverables, it must be consulted with the EU project manager;
- on all related visibility materials:
  - The EU logo must be included and always be left of other logos/emblems and above or on the same level with other logos/emblems;
  - No other logo may be larger than the EU logo;

#### 3.4.2 EU Logo: Programmes

The following LOGO should be used, unless otherwise specified by the EU Delegation:



EU delegation may change logo any time through official communication via email to the project manager.

#### 3.4.3 Press Releases and Media Advisories: Obligations

- For every significant project milestone/event the project must prepare a press release in English and Georgian
- Press releases must be approved by the EU Delegation before the milestone/event and before being shared or posted publicly
- Media advisories are not required, but if they are issued, they must be approved by the EU and follow the template for Press Releases
- Specific provisions for the use of EU logo is as below:
  - EU logo always must be at the top
  - EU logo to the left of other logos/emblems, cannot be below any of them
  - No logo can be larger than the EU logo
  - If there is a government beneficiary logo: EU logo must be at least 1/3 of top logo space, government beneficiary logo 1/3, other partners 1/3
  - If no government beneficiary logo: EU logo must be at least 1/2 of the top logo space; other partners 1/2
  - Additional partner or implementer logos no larger than 2/3 of size of EU logo may be listed in the bottom.

#### 3.4.4 Project Banners

- A project banner is required at all EU-funded project events and must be placed visibly
- All project banners must be approved by the EU before printing
- For Programme-specific logos, GE version should be used, unless EN is necessary

- Other specifics for the use of EU logo when the EU provides more than 50% of funding is as follows:
  - EU logo always must be at the top of the banner
  - EU logo to the left of other logos/emblems, cannot be below any of them
  - No logo can be larger than the EU logo
  - If there is a government beneficiary logo: EU logo must be at least 1/3 of top logo space, government beneficiary logo 1/3, other partners 1/3
  - If no government beneficiary logo: EU logo must be at least 1/2 of the top logo space; other partners 1/2
  - Additional partner or implementer logos no larger than 2/3 of size of EU logo can be listed at the bottom.

### 3.4.5 Web Presence

- Each EU-funded project should exist online
- It can be Facebook, organisation website, dedicated project website, or similar
- Must include basic project information (project description, EU logo, project contact information)
- Can also contain links to publications, photos, news updates, etc.
- All web presences must include the EU disclaimer.

### 3.4.6 Publications/Films/Websites

- All Publications/films/websites developed with EU funds must be approved by the EU before production of the material
- All Publications/films/websites must contain the EU logo in line with provisions of chapters 3.4.3 and 3.4.4 above
- All Publications must contain the following disclaimer(s) depending on language versions:
  - "This publication/film/website has been produced with the assistance of the European Union (EU) and the United Nations Development Programme (UNDP). Its contents are the sole responsibility of the [contractor] and do not necessarily reflect the views of the European Union and the United Nations Development Programme. This publication/film/website has been produced with the assistance of the European Union. Its contents are the sole responsibility of <contractor> and can in no way be taken to reflect the views of the European Union."
  - ეს პუბლიკაცია/ფილმი/ვებგვერდი შექმნილია ევროკავშირისა (EU) და გაეროს განვითარების პროგრამის (UNDP) მხარდაჭერით. მის შინაარსზე სრულად პასუხისმგებელია [კონტრაქტორი] და შესაძლოა, რომ იგი არ გამოხატავდეს ევროკავშირისა და გაეროს განვითარების პროგრამის შეხედულებებს.

### 3.4.7 Project Events: Requirements

- The EU must be invited to speak at all significant events: EU project manager is notified at least one week in advance, and scheduling of events should be flexible to allow EU presence at them
- Events should be primarily held in interesting locations linked to the project activities or at beneficiaries' premises. Hotel conference rooms should be avoided, if possible
- A press release in Georgian and English is prepared for each significant event, and approved by the EU PM before the event
- There is a large banner with the EU logo visible at all project events
- For major events, photos highlighting the event, EU presence, and EU visibility are shared with the EU at latest one day after the event.

The following will be paid a special attention:

- To hire a professional photographer for at least one milestone event

- Where possible, avoid events in hotel conference rooms, try to find an interesting location, linked to the project. Where outside locations are necessary, modest venues shall be chosen and locations avoiding carbon print increase to the extent possible.
- Include project beneficiaries and allow them to speak about project successes, include their quotes in the press release.

### 3.4.8 Tentative list of major events organized by the project

#	Event	Tentative date
1	Tbilisi Arbitration Days	October 2021
2	Tbilisi Mediation Days	November 2021
3	Steering Committee 2	December 2021
4	Closing Ceremony	December 2021

### 3.4.9 Invitations

- All invitations to project events and lists of invitees must be approved by the EU before being distributed
- Invitations must comply with EU logo requirements spelled out above.

### 3.4.10 Project Communication

- All public communication (press releases and media advisories, emails, invitations, newsletters, announcements) regarding EU-funded project activities must clearly state that the project is EU-funded, for example: “in the framework of the EU-supported project...”

### 3.4.11 Promotional Items

- All promotional items must be approved by the EU before being produced
- The EU logo must be placed on all promotional items – other logos can be added following the points set out above.

### 3.4.12 Subcontractors/Sub-grantees

- All visibility rules mentioned above apply to sub-contractors and sub-grantees under the projects
- UNDP is responsible for the visibility activities of its subcontractors/sub-grantees.

## 4/ Resources

### 4.1 Human Resources

The UNDP Democratic Governance Team Leader, Project Manager, Project Communication Specialist and Project Fin/Admin Assistant will coordinate the overall communication and visibility activities of the project, in close consultations with the UNDP Communications Unit.

External expertise may be hired for some specific activities, such the production of high-quality visibility items and arrangement of media campaigns.

### 4.2 Budget

Provide information on the budget required to implement the communication activities (in absolute figures and as a percentage of the overall budget for the action). Add lines as necessary.

Number	Communication Line Item*	Amount (EUR)
2	Website & social media	2000
3	Professional staff required to implement communication activities	3,465**
4	Closing events	1500
5	Steering Committee	1500

\* Organization of high-profile events, workshops and celebration of Mediation/Arbitration Days are also project activities and relevant budget is the part of activity-based budget

\*\* These items are included in respective operation costs.

<b>TOTAL</b>	EUR 8,465
<b>PERCENTAGE OF PROJECT BUDGET</b>	3%

### ANNEX 3: SESP

## SOCIAL AND ENVIRONMENTAL SCREENING TEMPLATE (2021 SESP TEMPLATE, VERSION 1)

The completed template, which constitutes the Social and Environmental Screening Report, must be included as an annex to the Project Document at the design stage. Note: this template will be converted into an online tool. The online version will guide users through the process and will embed relevant guidance.

### Project Information

<b>Project Information</b>	
1. Project Title	Mediation and Arbitration for Resolving Disputes
2. Project Number (i.e. Atlas project ID, PIMS+)	00088722 (output 00095264)
3. Location (Global/Region/Country)	Georgia
4. Project stage (Design or Implementation)	Design
5. Date	1 April 2021

### Part A. Integrating Programming Principles to Strengthen Social and Environmental Sustainability

#### QUESTION 1: How Does the Project Integrate the Programming Principles in Order to Strengthen Social and Environmental Sustainability?

##### **Briefly describe in the space below how the project mainstreams the human rights-based approach**

The overall objective of this project is to enhance use and efficiency of Alternative Dispute Resolution (ADR) mechanism through strengthening institutional capacities of relevant institutions, main actors and through increasing the awareness on mediation and arbitration among general public and professional legal circles. While operating in the justice sector by enabling the disputing parties to access justice through alternative means, the project will be guided by the human rights-based approach. All project activities will be based and will apply following principles: Equality and non-discrimination, participation and inclusion, accountability and rule of law.

Effective implementation of the project will improve legislative framework, enhance the capacities of state and non-state actors, increase awareness of the citizens and subsequently ensure the sustainability of the actions related to protection, monitoring, and promotion of access to justice in the country.

##### **Briefly describe in the space below how the project is likely to improve gender equality and women's empowerment**

A gender equality perspective will be mainstreamed throughout the project, through ensuring the collection and interpretation of sex / age disaggregated data relevant to project indicators and conducting gender analysis to better inform project design and implementation. The project will prioritise in particular women's access to justice services and women's participation and role (including decision making) in the justice system. Specifically, the project will strive toward the following:

- Seek to ensure that gender equality issues are incorporated into all relevant policies and legislation, and that justice institutions and processes are equal and fair for both women and men;
- Advocate for the increased participation of women in justice sector policy-making and actions at the institutional level and support their active engagement in civil society;
- Take into account specific needs of women; ensure that they are given due consideration and are adequately reflected in all policy documents elaborated in the framework of the project,
- Ensure equal representation of women and men in all training programmers and when additional positive measures are required, give priority to women with special needs,
- Ensure close co-ordination and collaboration with other UNDP, UNICEF, OHCHR and ILO activities related to specific aspects of women's empowerment and gender issues.

**Briefly describe in the space below how the project mainstreams sustainability and resilience**

The Project does not directly affect environmental sustainability. Therefore, no specific activities were provided in the Project Document to address this issue. However, the Project staff follows the corporate standards/rules on environmental protection.

**Briefly describe in the space below how the project strengthens accountability to stakeholders**

The project implementation will be monitored by the Steering Committee, which is composed of the representatives of the main stakeholders. The project will agree its workplan and report its progress to the Steering Committee at least once during its implementation. Moreover, all project activities will be implemented in close partnership with relevant stakeholders on needs-based and participatory approach during planning.

**Part B. Identifying and Managing Social and Environmental Risks**

QUESTION 2: What are the Potential Social and Environmental Risks? <i>Note: Complete SESP Attachment 1 before responding to Question 2.</i>	QUESTION 3: What is the level of significance of the potential social and environmental risks? <i>Note: Respond to Questions 4 and 5 below before proceeding to Question 5</i>			QUESTION 6: Describe the assessment and management measures for each risk rated Moderate, Substantial or High
<i>Risk Description (broken down by event, cause, impact)</i>	<i>Impact and Likelihood (1-5)</i>	<i>Significance (Low, Moderate, Substantial, High)</i>	<i>Comments (optional)</i>	<i>Description of assessment and management measures for risks rated as Moderate, Substantial or High</i>
No risks identified	I = L =			
<b>QUESTION 4: What is the overall project risk categorization?</b>				
<b>Low Risk</b> <input checked="" type="checkbox"/>				
<b>Moderate Risk</b> <input type="checkbox"/>				
<b>Substantial Risk</b> <input type="checkbox"/>				
<b>High Risk</b> <input type="checkbox"/>				
<b>QUESTION 5: Based on the identified risks and risk categorization, what requirements of the SES are triggered? (check all that apply)</b>				
Question only required for Moderate, Substantial and High Risk projects				
<b><i>Is assessment required? (check if "yes")</i></b>	<input type="checkbox"/>			<b><i>Status? (completed, planned)</i></b>
<i>if yes, indicate overall type and status</i>		<input type="checkbox"/>	Targeted assessment(s)	
		<input type="checkbox"/>	ESIA (Environmental and Social Impact Assessment)	
		<input type="checkbox"/>	SESA (Strategic Environmental and Social Assessment)	
<b><i>Are management plans required? (check if "yes")</i></b>	<input type="checkbox"/>			

	<i>If yes, indicate overall type</i>	<input type="checkbox"/>	Targeted management plans (e.g. Gender Action Plan, Emergency Response Plan, Waste Management Plan, others)	
		<input type="checkbox"/>	ESMP (Environmental and Social Management Plan which may include range of targeted plans)	
		<input type="checkbox"/>	ESMF (Environmental and Social Management Framework)	
	<b>Based on identified risks, which Principles/Project-level Standards triggered?</b>		<b>Comments (not required)</b>	
	<b>Overarching Principle: Leave No One Behind</b>			
	<b>Human Rights</b>	<input type="checkbox"/>		
	<b>Gender Equality and Women's Empowerment</b>	<input type="checkbox"/>		
	<b>Accountability</b>	<input type="checkbox"/>		
	<b>1. Biodiversity Conservation and Sustainable Natural Resource Management</b>	<input type="checkbox"/>		
	<b>2. Climate Change and Disaster Risks</b>	<input type="checkbox"/>		
	<b>3. Community Health, Safety and Security</b>	<input type="checkbox"/>		
	<b>4. Cultural Heritage</b>	<input type="checkbox"/>		
	<b>5. Displacement and Resettlement</b>	<input type="checkbox"/>		
	<b>6. Indigenous Peoples</b>	<input type="checkbox"/>		
	<b>7. Labour and Working Conditions</b>	<input type="checkbox"/>		
	<b>8. Pollution Prevention and Resource Efficiency</b>	<input type="checkbox"/>		

### Final Sign Off

Final Screening at the design-stage is not complete until the following signatures are included

<b>Signature</b>	<b>Date</b>	<b>Description</b>
QA Assessor: Gigi Bregadze, Governance Team Leader		UNDP staff member responsible for the project, typically a UNDP Programme Officer. Final signature confirms they have "checked" to ensure that the SESP is adequately conducted.
QA Approver: Anna Chernyshova, Deputy Resident Representative		UNDP senior manager, typically the UNDP Deputy Country Director (DCD), Country Director (CD), Deputy Resident Representative (DRR), or Resident Representative (RR). The QA Approver cannot also be the QA Assessor. Final signature confirms they have "cleared" the SESP prior to submittal to the PAC.
PAC Chair: Louisa Vinton, Resident Representative		UNDP chair of the PAC. In some cases PAC Chair may also be the QA Approver. Final signature confirms that the SESP was considered as part of the project appraisal and considered in recommendations of the PAC.

## SESP Attachment 1. Social and Environmental Risk Screening Checklist

Checklist Potential Social and Environmental Risks		
<p><b>INSTRUCTIONS:</b> The risk screening checklist will assist in answering Questions 2-6 of the Screening Template. Answers to the checklist questions help to (1) identify potential risks, (2) determine the overall risk categorization of the project, and (3) determine required level of assessment and management measures. Refer to the <a href="#">SES toolkit</a> for further guidance on addressing screening questions.</p>		
<p><b>Overarching Principle: Leave No One Behind</b></p> <p><b>Human Rights</b></p>		<b>Answer (Yes/No)</b>
P.1	Have local communities or individuals raised human rights concerns regarding the project (e.g. during the stakeholder engagement process, grievance processes, public statements)?	NO
P.2	Is there a risk that duty-bearers (e.g. government agencies) do not have the capacity to meet their obligations in the project?	NO
P.3	Is there a risk that rights-holders (e.g. project-affected persons) do not have the capacity to claim their rights?	NO
<i>Would the project potentially involve or lead to:</i>		
P.4	adverse impacts on enjoyment of the human rights (civil, political, economic, social or cultural) of the affected population and particularly of marginalized groups?	NO
P.5	inequitable or discriminatory impacts on affected populations, particularly people living in poverty or marginalized or excluded individuals or groups, including persons with disabilities? <sup>43</sup>	NO
P.6	restrictions in availability, quality of and/or access to resources or basic services, in particular to marginalized individuals or groups, including persons with disabilities?	NO
P.7	exacerbation of conflicts among and/or the risk of violence to project-affected communities and individuals?	NO
<p><b>Gender Equality and Women’s Empowerment</b></p>		
P.8	Have women’s groups/leaders raised gender equality concerns regarding the project, (e.g. during the stakeholder engagement process, grievance processes, public statements)?	NO
<i>Would the project potentially involve or lead to:</i>		
P.9	adverse impacts on gender equality and/or the situation of women and girls?	NO
P.10	reproducing discriminations against women based on gender, especially regarding participation in design and implementation or access to opportunities and benefits?	NO
P.11	<p>limitations on women’s ability to use, develop and protect natural resources, taking into account different roles and positions of women and men in accessing environmental goods and services?</p> <p><i>For example, activities that could lead to natural resources degradation or depletion in communities who depend on these resources for their livelihoods and well being</i></p>	NO
P.12	<p>exacerbation of risks of gender-based violence?</p> <p><i>For example, through the influx of workers to a community, changes in community and household power dynamics, increased exposure to unsafe public places and/or transport, etc.</i></p>	NO

<sup>43</sup> Prohibited grounds of discrimination include race, ethnicity, sex, age, language, disability, sexual orientation, gender identity, religion, political or other opinion, national or social or geographical origin, property, birth or other status including as an indigenous person or as a member of a minority. References to “women and men” or similar is understood to include women and men, boys and girls, and other groups discriminated against based on their gender identities, such as transgender and transsexual people.



<b>Sustainability and Resilience:</b> Screening questions regarding risks associated with sustainability and resilience are encompassed by the Standard-specific questions below		
<b>Accountability</b>		
<i>Would the project potentially involve or lead to:</i>		
P.13	exclusion of any potentially affected stakeholders, in particular marginalized groups and excluded individuals (including persons with disabilities), from fully participating in decisions that may affect them?	NO
P.14	grievances or objections from potentially affected stakeholders?	NO
P.15	risks of retaliation or reprisals against stakeholders who express concerns or grievances, or who seek to participate in or to obtain information on the project?	NO
<b>Project-Level Standards</b>		
<b>Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management</b>		
<i>Would the project potentially involve or lead to:</i>		
1.1	adverse impacts to habitats (e.g. modified, natural, and critical habitats) and/or ecosystems and ecosystem services? <i>For example, through habitat loss, conversion or degradation, fragmentation, hydrological changes</i>	NO
1.2	activities within or adjacent to critical habitats and/or environmentally sensitive areas, including (but not limited to) legally protected areas (e.g. nature reserve, national park), areas proposed for protection, or recognized as such by authoritative sources and/or indigenous peoples or local communities?	NO
1.3	changes to the use of lands and resources that may have adverse impacts on habitats, ecosystems, and/or livelihoods? (Note: if restrictions and/or limitations of access to lands would apply, refer to Standard 5)	NO
1.4	risks to endangered species (e.g. reduction, encroachment on habitat)?	NO
1.5	exacerbation of illegal wildlife trade?	NO
1.6	introduction of invasive alien species?	NO
1.7	adverse impacts on soils?	NO
1.8	harvesting of natural forests, plantation development, or reforestation?	NO
1.9	significant agricultural production?	NO
1.10	animal husbandry or harvesting of fish populations or other aquatic species?	NO
1.11	significant extraction, diversion or containment of surface or ground water? <i>For example, construction of dams, reservoirs, river basin developments, groundwater extraction</i>	NO
1.12	handling or utilization of genetically modified organisms/living modified organisms? <sup>44</sup>	NO
1.13	utilization of genetic resources? (e.g. collection and/or harvesting, commercial development) <sup>45</sup>	NO
1.14	adverse transboundary or global environmental concerns?	NO

<sup>44</sup> See the [Convention on Biological Diversity](#) and its [Cartagena Protocol on Biosafety](#).

<sup>45</sup> See the [Convention on Biological Diversity](#) and its [Nagoya Protocol](#) on access and benefit sharing from use of genetic resources.

<b>Standard 2: Climate Change and Disaster Risks</b>		
<i>Would the project potentially involve or lead to:</i>		
2.1	areas subject to hazards such as earthquakes, floods, landslides, severe winds, storm surges, tsunamis or volcanic eruptions?	<b>NO</b>
2.2	outputs and outcomes sensitive or vulnerable to potential impacts of climate change or disasters? <i>For example, through increased precipitation, drought, temperature, salinity, extreme events, earthquakes</i>	<b>NO</b>
2.3	increases in vulnerability to climate change impacts or disaster risks now or in the future (also known as maladaptive or negative coping practices)? <i>For example, changes to land use planning may encourage further development of floodplains, potentially increasing the population's vulnerability to climate change, specifically flooding</i>	<b>NO</b>
2.4	increases of greenhouse gas emissions, black carbon emissions or other drivers of climate change?	<b>NO</b>
<b>Standard 3: Community Health, Safety and Security</b>		
<i>Would the project potentially involve or lead to:</i>		
3.1	construction and/or infrastructure development (e.g. roads, buildings, dams)? (Note: the GEF does not finance projects that would involve the construction or rehabilitation of large or complex dams)	<b>NO</b>
3.2	air pollution, noise, vibration, traffic, injuries, physical hazards, poor surface water quality due to runoff, erosion, sanitation?	<b>NO</b>
3.3	harm or losses due to failure of structural elements of the project (e.g. collapse of buildings or infrastructure)?	<b>NO</b>
3.4	risks of water-borne or other vector-borne diseases (e.g. temporary breeding habitats), communicable and noncommunicable diseases, nutritional disorders, mental health?	<b>NO</b>
3.5	transport, storage, and use and/or disposal of hazardous or dangerous materials (e.g. explosives, fuel and other chemicals during construction and operation)?	<b>NO</b>
3.6	adverse impacts on ecosystems and ecosystem services relevant to communities' health (e.g. food, surface water purification, natural buffers from flooding)?	<b>NO</b>
3.7	influx of project workers to project areas?	<b>NO</b>
3.8	engagement of security personnel to protect facilities and property or to support project activities?	<b>NO</b>
<b>Standard 4: Cultural Heritage</b>		
<i>Would the project potentially involve or lead to:</i>		
4.1	activities adjacent to or within a Cultural Heritage site?	<b>NO</b>
4.2	significant excavations, demolitions, movement of earth, flooding or other environmental changes?	<b>NO</b>
4.3	adverse impacts to sites, structures, or objects with historical, cultural, artistic, traditional or religious values or intangible forms of culture (e.g. knowledge, innovations, practices)? (Note: projects intended to protect and conserve Cultural Heritage may also have inadvertent adverse impacts)	<b>NO</b>
4.4	alterations to landscapes and natural features with cultural significance?	<b>NO</b>
4.5	utilization of tangible and/or intangible forms (e.g. practices, traditional knowledge) of Cultural Heritage for commercial or other purposes?	<b>NO</b>

<b>Standard 5: Displacement and Resettlement</b>		
<i>Would the project potentially involve or lead to:</i>		
5.1	temporary or permanent and full or partial physical displacement (including people without legally recognizable claims to land)?	<b>NO</b>
5.2	economic displacement (e.g. loss of assets or access to resources due to land acquisition or access restrictions – even in the absence of physical relocation)?	<b>NO</b>
5.3	risk of forced evictions? <sup>46</sup>	<b>NO</b>
5.4	impacts on or changes to land tenure arrangements and/or community based property rights/customary rights to land, territories and/or resources?	<b>NO</b>
<b>Standard 6: Indigenous Peoples</b>		
<i>Would the project potentially involve or lead to:</i>		
6.1	areas where indigenous peoples are present (including project area of influence)?	<b>NO</b>
6.2	activities located on lands and territories claimed by indigenous peoples?	<b>NO</b>
6.3	impacts (positive or negative) to the human rights, lands, natural resources, territories, and traditional livelihoods of indigenous peoples (regardless of whether indigenous peoples possess the legal titles to such areas, whether the project is located within or outside of the lands and territories inhabited by the affected peoples, or whether the indigenous peoples are recognized as indigenous peoples by the country in question)?  <i>If the answer to screening question 6.3 is “yes”, then the potential risk impacts are considered significant and the project would be categorized as either Substantial Risk or High Risk</i>	<b>NO</b>
6.4	the absence of culturally appropriate consultations carried out with the objective of achieving FPIC on matters that may affect the rights and interests, lands, resources, territories and traditional livelihoods of the indigenous peoples concerned?	<b>NO</b>
6.5	the utilization and/or commercial development of natural resources on lands and territories claimed by indigenous peoples?	<b>NO</b>
6.6	forced eviction or the whole or partial physical or economic displacement of indigenous peoples, including through access restrictions to lands, territories, and resources?  <i>Consider, and where appropriate ensure, consistency with the answers under Standard 5 above</i>	<b>NO</b>
6.7	adverse impacts on the development priorities of indigenous peoples as defined by them?	<b>NO</b>
6.8	risks to the physical and cultural survival of indigenous peoples?	<b>NO</b>
6.9	impacts on the Cultural Heritage of indigenous peoples, including through the commercialization or use of their traditional knowledge and practices?  <i>Consider, and where appropriate ensure, consistency with the answers under Standard 4 above.</i>	<b>NO</b>
<b>Standard 7: Labour and Working Conditions</b>		
<i>Would the project potentially involve or lead to: (note: applies to project and contractor workers)</i>		

<sup>46</sup> Forced eviction is defined here as the permanent or temporary removal against their will of individuals, families or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. Forced evictions constitute gross violations of a range of internationally recognized human rights.

7.1	working conditions that do not meet national labour laws and international commitments?	NO
7.2	working conditions that may deny freedom of association and collective bargaining?	NO
7.3	use of child labour?	NO
7.4	use of forced labour?	NO
7.5	discriminatory working conditions and/or lack of equal opportunity?	NO
7.6	occupational health and safety risks due to physical, chemical, biological and psychosocial hazards (including violence and harassment) throughout the project life-cycle?	NO
<b>Standard 8: Pollution Prevention and Resource Efficiency</b>		
<i>Would the project potentially involve or lead to:</i>		
8.1	the release of pollutants to the environment due to routine or non-routine circumstances with the potential for adverse local, regional, and/or transboundary impacts?	NO
8.2	the generation of waste (both hazardous and non-hazardous)?	NO
8.3	the manufacture, trade, release, and/or use of hazardous materials and/or chemicals?	NO
8.4	the use of chemicals or materials subject to international bans or phase-outs? <i>For example, DDT, PCBs and other chemicals listed in international conventions such as the <a href="#">Montreal Protocol</a>, <a href="#">Minamata Convention</a>, <a href="#">Basel Convention</a>, <a href="#">Rotterdam Convention</a>, <a href="#">Stockholm Convention</a></i>	NO
8.5	the application of pesticides that may have a negative effect on the environment or human health?	NO
8.6	significant consumption of raw materials, energy, and/or water?	NO

### Design & Appraisal Stage Quality Assurance Report

Form Status: Approved

Overall Rating: Satisfactory

Decision: Approve: The project is of sufficient quality to continue as planned. Any management actions must be addressed in a timely manner.

Portfolio/Project Number: 00088722

Portfolio/Project Title: Mediation and Arbitration for Resolving Disputes

Portfolio/Project Date: 2021-04-01 / 2021-12-31

Strategic Quality Rating: Highly Satisfactory

1. Does the project specify how it will contribute to higher level change through linkage to the programme's Theory of Change?

- 3: The project is clearly linked to the programme's theory of change. It has an explicit change pathway that explains how the project will contribute to outcome level change and why the project's strategy will likely lead to this change. This analysis is backed by credible evidence of what works effectively in this context and includes assumptions and risks.
- 2: The project is clearly linked to the programme's theory of change. It has a change pathway that explains how the project will contribute to outcome-level change and why the project strategy will likely lead to this change.
- 1: The project document may describe in generic terms how the project will contribute to development results, without an explicit link to the programme's theory of change.

Evidence: The project document (II. Project Strategy) explains contribution of the project to the outcome-level results (UNSDCF, CPD) and substantiates the suggested approach. References to strategic documents are provided in the cover and RRF. It does not contain theory of change as such. But this is in line with new PPM, which made the use of ToC in prodocs optional.

List of Uploaded Documents

#	File Name	Modified By	Modified On
<b>No documents available.</b>			

2. Is the project aligned with the UNDP Strategic Plan?

- 3: The project responds to at least one of the development settings as specified in the [Strategic Plan<sup>1</sup>](#) and adapts at least one [Signature Solution<sup>2</sup>](#). The project's RRF includes all the relevant SP output indicators. (all must be true)
- 2: The project responds to at least one of the development settings as specified in the [Strategic Plan<sup>4</sup>](#). The project's RRF includes at least one SP output indicator, if relevant. (both must be true)
- 1: The project responds to a partner's identified need, but this need falls outside of the UNDP Strategic Plan. Also select this option if none of the relevant SP indicators are included in the RRF.

Evidence: The project contributes to the 2nd area of Strategic Plan: Inclusive and Effective Democratic Governance and it contributes to the achievement to SP Output 2.2.3.

List of Uploaded Documents

#	File Name	Modified By	Modified On
<b>No documents available.</b>			

3. Is the project linked to the programme outputs? (i.e., UNDAF Results Group Workplan/CPD, RPD or Strategic Plan IRRF for global projects/strategic interventions not part of a programme)

- Yes
- No

Evidence: Yes, linkages with CPD and UNSCDF outcomes/outputs provided in the cover and RRF.

List of Uploaded Documents

#	File Name	Modified By	Modified On
<b>No documents available.</b>			

Relevant

Quality Rating: Satisfactory

4. Do the project target groups leave furthest behind?

- 3: The target groups are clearly specified, prioritising discriminated, and marginalized groups left furthest behind, identified through a rigorous process based on evidence.
- 2: The target groups are clearly specified, prioritizing groups left furthest behind.
- 1: The target groups are not clearly specified.

Evidence: Main targeted groups are mediators, arbitrators, judiciary; legal professionals including lawyers and law students, judges and court staff, SMEs, general public. Excluded/marginalized are not directly targeted.

List of Uploaded Documents

#	File Name	Modified By	Modified On
<b>No documents available.</b>			

5. Have knowledge, good practices, and past lessons learned of UNDP and others informed the project design?

- 3: Knowledge and lessons learned backed by credible evidence from sources such as evaluation, corporate policies/strategies, and/or monitoring have been explicitly used, with appropriate referencing, to justify the approach used by the project.
- 2: The project design mentions knowledge and lessons learned backed by evidence/sources but have not been used to justify the approach selected.
- 1: There is little, or no mention of knowledge and lessons learned informing the project design. Any references made are anecdotal and not backed by evidence.

Evidence: Though the document does not elaborate specifically on lessons learned, it does mention that the project builds on the experience and achievements of the previous phase.

List of Uploaded Documents

#	File Name	Modified By	Modified On
<b>No documents available.</b>			

6. Does UNDP have a clear advantage to engage in the role envisioned by the project vis-à-vis national / regional / global partners and other actors?

- 3: An analysis has been conducted on the role of other partners in the area where the project intends to work, and credible evidence supports the proposed engagement of UNDP and partners through the project, including identification of potential funding partners. It is clear how results achieved by partners will complement the project's intended results and a communication strategy is in place to communicate results and raise visibility vis-à-vis key partners. Options for south-south and triangular cooperation have been considered, as appropriate. (all must be true)
- 2: Some analysis has been conducted on the role of other partners in the area where the project intends to work, and relatively limited evidence supports the proposed engagement of and division of labour between UNDP and partners through the project, with unclear funding and communications strategies or plans.
- 1: No clear analysis has been conducted on the role of other partners in the area that the project intends to work. There is risk that the project overlaps and/or does not coordinate with partners' interventions in this area. Options for south-south and triangular cooperation have not been considered, despite its potential relevance.

Evidence: The section 3.3. Partnerships and Stakeholders lists and describes all project stakeholders and partners, also discusses complementarity and synergy with other international projects

List of Uploaded Documents

#	File Name Modified By	Modified On
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No documents available.

Principled

Quality Rating: Satisfactory

7. Does the project apply a human rights-based approach?

- 3: The project is guided by human rights and incorporates the principles of accountability, meaningful participation, and non-discrimination in the project's strategy. The project upholds the relevant international and national laws and standards. Any potential adverse impacts on enjoyment of human rights were rigorously identified and assessed as relevant, with appropriate mitigation and management measures incorporated into project design and budget. (all must be true)
- 2: The project is guided by human rights by prioritizing accountability, meaningful participation and non-discrimination. Potential adverse impacts on enjoyment of human rights were identified and assessed as relevant, and appropriate mitigation and management measures incorporated into the project design and budget. (both must be true)
- 1: No evidence that the project is guided by human rights. Limited or no evidence that potential adverse impacts on enjoyment of human rights were considered.

Evidence: Yes, human rights-based approach is integrated in the project design: Section II Strategy suggest that the project will be executed in full conformity with the international and regional human rights standards, the project will actively promote human rights as a cross-cutting approach as well as undertake all efforts to support state capacity to deliver on the National Human Rights Strategy (NHRS) and its Action Plan (AP)

List of Uploaded Documents

#	File Name Modified By	Modified On
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No documents available.

8. Does the project use gender analysis in the project design?

- 3: A participatory gender analysis has been conducted and results from this gender analysis inform the development challenge, strategy and expected results sections of the project document. Outputs and indicators of the results framework include explicit references to gender equality, and specific indicators measure and monitor results to ensure women are fully benefitting from the project. (all must be true)
- 2: A basic gender analysis has been carried out and results from this analysis are scattered (i.e., fragmented and not consistent) across the development challenge and strategy sections of the project document. The results framework may include some gender sensitive outputs and/or activities but gender inequalities are not consistently integrated across each output. (all must be true)
- 1: The project design may or may not mention information and/or data on the differential impact of the project's development situation on gender relations, women and men, but the gender inequalities have not been clearly identified and reflected in the project document.

Evidence: Gender equality is a cross-cutting theme (section II Strategy), indicators in the results framework are gender-disaggregated, wherever applicable.

List of Uploaded Documents

#	File Name Modified By	Modified On
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No documents available.

9. Did the project support the resilience and sustainability of societies and/or ecosystems?

- 3: Credible evidence that the project addresses sustainability and resilience dimensions of development challenges, which are integrated in the project strategy and design. The project reflects the interconnections between the social, economic and environmental dimensions of sustainable development. Relevant shocks, hazards and adverse social and environmental impacts have been identified and rigorously assessed with appropriate management and mitigation measures incorporated into project design and budget. (all must be true)
- 2: The project design integrates sustainability and resilience dimensions of development challenges. Relevant shocks, hazards and adverse social and environmental impacts have been identified and assessed, and relevant management and mitigation measures incorporated into project design and budget. (both must be true)
- 1: Sustainability and resilience dimensions and impacts were not adequately considered.

Evidence: N/A, the project does not have any adverse environmental or social impacts.

List of Uploaded Documents

#	File Name	Modified By	Modified On
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No documents available.

10. Has the Social and Environmental Screening Procedure (SESP) been conducted to identify potential social and environmental impacts and risks? The SESP is not required for projects in which UNDP is Administrative Agent only and/or projects comprised solely of reports, coordination of events, trainings, workshops, meetings, conferences and/or communication materials and information dissemination. [if yes, upload the completed checklist. If SESP is not required, provide the reason for the exemption in the evidence section.]

- Yes
- No
- SESP not required because project consists solely of (Select all exemption criteria that apply)

- 1: Preparation and dissemination of reports, documents and communication materials
- 2: Organization of an event, workshop, training
- 3: Strengthening capacities of partners to participate in international negotiations and conferences
- 4: Partnership coordination (including UN coordination) and management of networks
- 5: Global/regional projects with no country level activities (e.g. knowledge management, inter-governmental processes)
- 6: UNDP acting as Administrative Agent

Evidence: SESP uploaded

List of Uploaded Documents

#	File Name	Risk Category	Risk Requirements	Document Status	Modified By	Modified On
1	<a href="#">SESP-2021ADR2_7953_110</a>	Low		Final	khatuna.chanukvadze@undp.org	4/5/2021 7:49:00 PM

Management & Monitoring

Quality Rating: Satisfactory

11. Does the project have a strong results framework?

- 3: The project's selection of outputs and activities are at an appropriate level. Outputs are accompanied by SMART, results-oriented indicators that measure the key expected development changes, each with credible data sources and populated baselines and targets, including gender sensitive, target group focused, sex-disaggregated indicators where appropriate. (all must be true)
- 2: The project's selection of outputs and activities are at an appropriate level. Outputs are accompanied by SMART, results-oriented indicators, but baselines, targets and data sources may not yet be fully specified. Some use of target group focused, sex-disaggregated indicators, as appropriate. (all must be true)
- 1: The project's selection of outputs and activities are not at an appropriate level; outputs are not accompanied by SMART, results-oriented indicators that measure the expected change and have not been populated with baselines and targets; data sources are not specified, and/or no gender sensitive, sex-disaggregation of indicators. (if any is true)

Evidence: The project has well-developed logframe with SMART indicators, backed up with credible data sources.

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No documents available.

12. Is the project's governance mechanism clearly defined in the project document, including composition of the project board?

- 3: The project's governance mechanism is fully defined. Individuals have been specified for each position in the governance mechanism (especially all members of the project board.) Project Board members have agreed on their roles and responsibilities as specified in the terms of reference. The ToR of the project board has been attached to the project document. (all must be true)
- 2: The project's governance mechanism is defined; specific institutions are noted as holding key governance roles, but individuals may



not have been specified yet. The project document lists the most important responsibilities of the project board, project director/manager and quality assurance roles. (all must be true)

1: The project's governance mechanism is loosely defined in the project document, only mentioning key roles that will need to be filled at a later date. No information on the responsibilities of key positions in the governance mechanism is provided.

Evidence: The project's governance mechanism is well defined and described under section VIII. GOVERNANCE AND MANAGEMENT ARRANGEMENTS.

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<b>No documents available.</b>			

13. Have the project risks been identified with clear plans stated to manage and mitigate each risk?

3: Project risks related to the achievement of results are fully described in the project risk log, based on comprehensive analysis drawing on the programme's theory of change, Social and Environmental Standards and screening, situation analysis, capacity assessments and other analysis such as funding potential and reputational risk. Risks have been identified through a consultative process with key internal and external stakeholders, including consultation with the UNDP Security Office as required. Clear and complete plan in place to manage and mitigate each risk, including security risks, reflected in project budgeting and monitoring plans. (both must be true)

2: Project risks related to the achievement of results are identified in the initial project risk log based on a minimum level of analysis and consultation, with mitigation measures identified for each risk.

1: Some risks may be identified in the initial project risk log, but no evidence of consultation or analysis and no clear risk mitigation measures identified. This option is also selected if risks are not clearly identified, no initial risk log is included with the project document and/or no security risk management process has taken place for the project.

Evidence: The project contains risk analysis and respective risk log, identifying risks and associated mitigation measures.

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<b>No documents available.</b>			

Efficient

Quality Rating: Highly Satisfactory

14. Have specific measures for ensuring cost-efficient use of resources been explicitly mentioned as part of the project design? This can include, for example:

- i) Using the theory of change analysis to explore different options of achieving the maximum results with the resources available.
- ii) Using a portfolio management approach to improve cost effectiveness through synergies with other interventions.
- iii) Through joint operations (e.g., monitoring or procurement) with other partners.
- iv) Sharing resources or coordinating delivery with other projects.
- v) Using innovative approaches and technologies to reduce the cost of service delivery or other types of interventions.

Yes

No

Evidence: Cost-effective use resources is discussed under section 4.1. Cost Efficiency and Effectiveness and will be ensured through synergies and close coordination among the projects of Democratic Governance and Economic Development portfolios.

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<b>No documents available.</b>			

15. Is the budget justified and supported with valid estimates?

3: The project's budget is at the activity level with funding sources, and is specified for the duration of the project period in a multi-year budget. Realistic resource mobilisation plans are in place to fill unfunded components. Costs are supported with valid estimates using benchmarks from similar projects or activities. Cost implications from inflation and foreign exchange exposure have been estimated and incorporated in the budget. Adequate costs for monitoring, evaluation, communications and security have been incorporated.

2: The project's budget is at the activity level with funding sources, when possible, and is specified for the duration of the project in a

multi-year budget, but no funding plan is in place. Costs are supported with valid estimates based on prevailing rates.

- 1: The project's budget is not specified at the activity level, and/or may not be captured in a multi-year budget.

Evidence: The project budget is detailed, broken down by outputs and activities, and it is well-justified.

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No documents available.

16. Is the Country Office / Regional Hub / Global Project fully recovering the costs involved with project implementation?

- 3: The budget fully covers all project costs that are attributable to the project, including programme management and development effectiveness services related to strategic country programme planning, quality assurance, pipeline development, policy advocacy services, finance, procurement, human resources, administration, issuance of contracts, security, travel, assets, general services, information and communications based on full costing in accordance with prevailing UNDP policies (i.e., UPL, LPL.)

- 2: The budget covers significant project costs that are attributable to the project based on prevailing UNDP policies (i.e., UPL, LPL) as relevant.

- 1: The budget does not adequately cover project costs that are attributable to the project, and UNDP is cross-subsidizing the project.

Evidence: The project is funded by EU and can not be charged DPC. However, the project recovers the costs through charging staff costs (programme and administrative personnel) involved in the project implementation.

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No documents available.

Effective

Quality Rating: Highly Satisfactory

17. Have targeted groups been engaged in the design of the project?

- 3: Credible evidence that all targeted groups, prioritising discriminated and marginalized populations that will be involved in or affected by the project, have been actively engaged in the design of the project. The project has an explicit strategy to identify, engage and ensure the meaningful participation of target groups as stakeholders throughout the project, including through monitoring and decision-making (e.g., representation on the project board, inclusion in samples for evaluations, etc.)

- 2: Some evidence that key targeted groups have been consulted in the design of the project.

- 1: No evidence of engagement with targeted groups during project design.

- Not Applicable

Evidence: The project has been designed in full consultation with the national authorities and local stakeholders, who will be involved in the project implementation to ensure ownership (see Section 3.6. Sustainability and Scaling Up)

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No documents available.

18. Does the project plan for adaptation and course correction if regular monitoring activities, evaluation, and lesson learned demonstrate there are better approaches to achieve the intended results and/or circumstances change during implementation?

- Yes

- No

Evidence: The project board will serve as a mechanism for addressing course corrections and adapting of the project in case of circumstance changes.

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**No documents available.**

19. The gender marker for all project outputs are scored at GEN2 or GEN3, indicating that gender has been fully mainstreamed into all project outputs at a minimum.

- Yes  
 No

Evidence: The project is GEN2.

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**No documents available.**

Sustainability & National Ownership

Quality Rating: Satisfactory

20. Have national / regional / global partners led, or proactively engaged in, the design of the project?

- 3: National partners (or regional/global partners for regional and global projects) have full ownership of the project and led the process of the development of the project jointly with UNDP.
- 2: The project has been developed by UNDP in close consultation with national / regional / global partners.
- 1: The project has been developed by UNDP with limited or no engagement with national partners.

Evidence: The project is in line with major state policy documents related to alternate dispute resolution (Section II Strategy) and builds on well-established cooperation with national stakeholders.

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**No documents available.**

21. Are key institutions and systems identified, and is there a strategy for strengthening specific / comprehensive capacities based on capacity assessments conducted?

- 3: The project has a strategy for strengthening specific capacities of national institutions and/or actors based on a completed capacity assessment. This strategy includes an approach to regularly monitor national capacities using clear indicators and rigorous methods of data collection, and adjust the strategy to strengthen national capacities accordingly.
- 2: A capacity assessment has been completed. There are plans to develop a strategy to strengthen specific capacities of national institutions and/or actors based on the results of the capacity assessment.
- 1: Capacity assessments have not been carried out.
- Not Applicable

Evidence: The project Output 2 specifically deals with the institutional capacity development of professional associations of mediators and arbitrators, as well as enhancing capacities of the judiciary and legal professionals in alternative dispute resolution mechanisms to provide quality services in commercial disputes. Capacities have been assessed during the previous phase.

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**No documents available.**

22. Is there is a clear strategy embedded in the project specifying how the project will use national systems (i.e., procurement, monitoring, evaluations, etc.) to the extent possible?

- Yes  
 No  
 Not Applicable

Evidence: N/A, the project is directly implemented by UNDP (DIM).

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**No documents available.**

23. Is there a clear transition arrangement / phase-out plan developed with key stakeholders in order to sustain or scale up results (including resource mobilisation and communications strategy)?

Yes

No

Evidence: Sustainability of the project results discussed in section 3.6. Sustainability and Scaling Up

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**No documents available.**

QA Summary/LPAC Comments

The project was reviewed electronically by LPAC members on 31 March 2021. The members noted that the project was in line with corporate and CO strategic documents (UNSDCF and CPD) and it could be recommended for the approval.