

# UNDP Serbia

## Terminal Outcome Evaluation of the UNDP Serbia Country Programme Document (CPD) 2005-2009

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## LIST OF ACCRONYMS AND ABBREVIATIONS

ADA	Austrian Development Agency
BCPR	Bureau for Conflict Prevention and Recovery
BFPE	Belgrade Fund for Political Excellence
BSAP	Biodiversity Strategy and Action Plan
CAC	Citizens' Assistance Centre
CB	Capacity Building
CBF	Capacity Building Fund
CBS	Community-based Services
CCA	Common Country Assessment
CDAG	Capacity Development for Accountable Government
CDM	Clean Development Mechanism
CfP	Call for Proposals
CIDA	Canadian International Development Agency
CLDS	Center for Liberal Democratic Studies
CLE	Continuing Legal Education
CO	Country Office
CPAP	Country Programme Action Plan
CPD	Country Programme Document
CRDA	Community Revitalization through Democratic Action Programme
CSAC	Civil Society Advisory Committee
CSDP	Civil Society Development Programme
CSO	Civil Society Organization
CSS	Community-based Social Services
CSWs	Centers for Social Welfare
DACU	Development Assistance Coordination Unit
DGTTF	Democratic Governance Thematic Trust Fund
DEX	Direct Execution
DfID	UK Department for International Development
DPM	Deputy Prime Minister
DRR	Deputy Resident Representative
EAR	European Agency for Reconstruction
EBRD	European Bank for Reconstruction and Development
EC	European Commission
EfE	Environment for Europe
EU	European Union
G2G	Government to Government
GDP	Gross Domestic Product
GED	Gender Equality Directorate
GEF	Global Environment Facility
GHG	Green House Gass
ICTY	International Criminal Tribunal for the former Yugoslavia
ID	Inclusive Development
IDPs	Internally Displaced Persons
ILO	International Labour Organization
IMF	International Monetary Fund
IOM	International Organization for Migration
IPA	Inter Parliamentary Union
JTC	Judicial Training Centre
ECHR	European Convention for Human Rights
EU IPA	European Union Instrument for Pre-Accession
FLA	Free Legal Aid
IDP	Internally Displaced Persons

ISP	Institute for Social Protection
LGBT	Lesbian, Gay, Bisexual, Transgender
M&E	Monitoring and Evaluation
MDG	Millennium Development Goals
MDTF-JSS	Multi Donor Trust Fund for Judicial Sector in Serbia
MIPD	Multi Annual Indicative Planning
MIR	Municipal Improvement and Revival Programme
MEGA	Municipal Economic Growth Activity
MEU	Monitoring and Evaluation Unit
MHMR	Ministry of Human and Minority Rights
MoF	Ministry of Finance
MoJ	Ministry of Justice
MoLSP	Ministry of Labor, and Social Policy
MP	Member of Parliament
MPALSG	Ministry of Public Administration and Local Self Government
MSP	Municipal Support Programme
NCSA	National Capacity Self-Assessment
NIP	National Investment Plan
NES	National Employment Service
NEX	National Execution
NGO	Non- governmental Organization
NMFA	Norwegian Ministry of Foreign Affairs
NPI	National Programme for Integration
OSCE	Organization for Security and Co-operation in Europe
PA	Public Administration
PAR	Public Administration Reform
PCM	Project Cycle Management
PRO	Program Razvoja Opstina
PRS	Poverty Reduction Strategy
PRSP	Poverty Reduction Strategy Paper
PWD	People With Dissability
RDA	Regional Development Agency
REC	Regional Environmental Centre
REP	Rapid Employment Programme
ROAR	Results-Oriented Annual Reporting
RR	Resident Representative
RSD	Republic of Serbia Dinar (national currency)
SAA	Stabilization and Association Agreement
SALW	Small Arms and Light Weapons
SC	Steering Committee
SCG	Srbija i Crna Gora (Serbia and Montenegro)
SCTM	Standing Conference for Towns and Municipalities
SDC	Swiss Agency for Development and Cooperation
SDS	Sustainable Development Strategy
SEE	South East Europe
SGBV	Sexual and Gender Based Violence
SIDA	Swedish International Development Agency
SIF	Social Innovation Fund
SILP	Settlements and Integrated Local Development
SIRP	Settlement and Integration of Refugees Programme
SEDA	Sandzak Economic Development Agency
SEESAC	South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons
SEIO	Serbian European Integration Office
SIF	Social Innovation Fund

SLD	Sustainable and Local Development
SSMIRP	South Serbia Municipal Improvement and Recovery Programme
SWDS	Social Welfare Development Strategy
ToR	Terms of Reference
TRAC	Target for Resource Assignments from the Core
TSP	Team for Professional Support
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
UNDAF	United Nations Development Assistance Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNHCR	UN High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WB	World Bank
WHO	World Health Organization

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## 1. Executive Summary

This is a terminal evaluation of the UNDP Serbia Country Programme Document (CPD) 2005-2009; that discusses UNDP's development contribution and programme interventions in Serbia during this time period, as they support the "Outcomes" of the CPD.

UNDP Serbia CPD 2005-2009
<p><b>Programme Component #1: Public Administration Reform</b> <b>Country Programme Outcome</b></p> <ol style="list-style-type: none"><li>1. Improved efficiency, accountability and transparency in the Public Administration;</li></ol>
<p><b>Programme Component #2: Rule of Law: Access to Justice and Human Rights</b> <b>Country Programme Outcomes:</b></p> <ol style="list-style-type: none"><li>2. Effective and independent judicial systems with increased access to justice for marginalized groups;</li><li>3. Relevant SCG member and SCG Union capacity strengthened and mechanisms put in place to facilitate SCG's compliance with international human rights obligations;</li><li>4. Effective relevant human rights institutions established, functioning</li></ol>
<p><b>Programme Component #3: Sustainable Development</b> <b>Country Programme Outcome:</b></p> <ol style="list-style-type: none"><li>5. Inclusive Development Strengthened (new outcome for purposes of the Evaluation Report)</li><li>6. Sustainable Development plans/policies effectively respond to the need of stakeholders, as well as promote employment and environmental protection</li></ol>

The CO is currently organized along three "Clusters" to meet the three CPD Outcomes and Outputs as follows: Capacity for Accountable Governance (CDAG), Inclusive Development (ID) and Sustainable Local Development (SLD).<sup>1</sup>

The Evaluation Mission's **major findings and conclusions** regarding UNDP's advancement of the CPD 2005-2009 Outcomes may be summarized as follows:

### **Programme Component #1 Public Administration Reform**

#### ***CPD Outcome 1-Improved Efficiency, Accountability and Transparency in the Public Administration***

A lack of reliable baselines and statistical data on Serbia's Public Administration precludes a quantitative analysis of UNDP interventions in Public Administration Reform. This said, all stakeholders interviewed by the Evaluation Team report that as a result of UNDP's interventions during 2005-2009 they have witnessed an improvement in the capacity of their offices to hire staff; implement projects; carry out their legally mandated tasks more efficiently and transparently; more closely align with Serbia's EU accession goals and to better communicate with the public.

As a result of UNDP's interventions, the Ministry of Public Administration and Local Self-Government (MPALSG) was capacitated to advance PAR and implement the PAR Strategy. Knowledge of PAR among stakeholders and citizens has increased to a limited degree.

Furthermore, UNDP support capacitated the Ministry of Finance (MoF) and the Serbian European Integration Office (SEIO) to implement Serbia's Strategy on European Union Accession and the SAA. UNDP support enabled the Serbian Statistics Office to improve information systems for poverty data monitoring in Serbia. A certification process for Public Procurement officials was established; enhanced monitoring mechanisms established; and e-procurement and increased transparency of tender and bidding processes achieved.

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<sup>1</sup> The CO organizational structure has changed over time to meet evolving programmatic circumstances. In 2005/2006 there were four CO clusters: Institutional Development, Rule of Law, Poverty Reduction and Economic Development (PRED) and Human Security. In 2007, these clusters evolved as follows: Decentralization and Local Development (DLD); Democratic Governance; PRED; and Human Security and the Environment. In 2008, DLD and HS were merged into a single cluster Sustainable and Local Development (SLD).

UNDP support to the Serbian Parliament strengthened Parliament's oversight of the Executive via the introduction of the concept of public hearings and strengthened committees of the Parliament.

Yet, the consensus among all stakeholders interviewed by the Evaluation Team is that, despite the efforts of UNDP and other donors and partners during 2005-2009 (and previous years), PAR still has not been fully achieved in Serbia—primarily due to a lack of political will. The EC reports that Serbia now has generally good capacity in PAR, but the EC also cites many deficiencies in Serbia's Public Administration. Meanwhile, the World Bank reports that advancements have occurred to a limited degree during the time period 2005 and beyond in the efficiency, accountability and transparency of Government.

Governance Indicator	Year	Percentile Rank (0-100)	Governance Score (-2.5 to +2.5)	Standard Error
Voice and Accountability	2008	54.8	0.19	0.13
	2007	55.3	0.25	0.13
	2006	54.3	0.15	0.16
	2005	42.3	-0.19	0.16
Political Stability	2008	28.2	-0.5	0.23
	2007	22.6	-0.71	0.22
	2006	23.6	-0.69	0.25
	2005	21.2	-0.88	0.23
Government Effectiveness	2008	47.9	-0.28	0.2
	2007	45.5	-0.33	0.19
	2006	49.3	-0.21	0.18
	2005	45	-0.34	0.16
Regulatory Quality	2008	47.3	-0.21	0.17
	2007	40.8	-0.33	0.18
	2006	41	-0.38	0.18
	2005	31.2	-0.53	0.17

Source: World Bank

### ***Programme Component #2: Rule of Law and Access to Justice***

UNDP was heavily active in Rule of Law and Access to Justice programming in Serbia from 2005 to 2009. UNDP advanced Rule of Law and Access to Justice during the past five years across all Outcomes as follows:

#### ***CPD Outcome 2-Effective and independent judicial systems with increased access to justice for marginalized groups***

UNDP support to the MoJ Working Group on Free Legal Aid (FLA) resulted in the development of a draft Strategy on FLA, a draft law on FLA and created a framework for the establishment of a national FLA system in Serbia once a law is passed and funding approved by the MoJ. A comprehensive system of FLA for all Serbian citizens has yet to be achieved and will depend upon enactment of the draft law, the development of a strategy and a commitment from the MoJ to fund such a system. Yet, UNDP's contribution to this process is clear and the formation of the working group and draft Strategy was inclusive of all stakeholders laying a stable foundation for the future evolution of FLA in Serbia.

***CPD Outcome 3-Serbia’s capacity<sup>2</sup> strengthened and mechanisms put in place to facilitate Serbia’s compliance with international human rights obligations***

UNDP support to the Ministry of Justice and the Judiciary in Serbia (including capacity building, training and policy support aligned Serbia with European norms of judicial training) fully capacitated the MoJ and Judiciary to meet its training needs via the establishment of a Judicial Training Centre (JTC); promoted judicial reform (including marginally advancing the process of reducing backlog in the court system); exposed the judiciary and magistrates to global best practice; increased awareness of the judiciary of human rights; influenced judicial discipline and increased the level of information available to Serbian citizens about the court system. Magistrates courts were also capacitated and magistrates’ knowledge increased.

UNDP interventions also increased Serbia’s compliance with ICTY; improved regional cooperation in war crimes trials; increased press coverage of the work of the Serbian War Crimes Prosecutor’s Office and the level of information available to citizens concerning war crimes trials. In December 2009, the EC voted to re-instate the Interim Free Trade Agreement of Serbia’s SAA with the EU, based upon the opinion of ICTY Chief Prosecutor Serge Brammertz that Serbia’s cooperation with the ICTY had recently improved. UNDP continues to be viewed as having special competence in ICTY cooperation.

***CPD Outcome 4-Effective relevant human rights institutions established, and functioning***

UNDP significantly advanced *human rights institutions* in Serbia by supporting the formation of a working group to draft a new Law on Prohibition of Discrimination (often referred to in Serbia as the “Anti-Discrimination Law”). UNDP facilitated the process of obtaining enactment of the law and the establishment of the new office of Commissioner for the Protection of Equality. This is one of the most important achievements of the entire CPD 2005-2009 and created a new legislative vehicle for advancing anti-discrimination in Serbia, improved compliance with international Human Rights treaties, Serbian Constitutional Law and European norms; as well as laid the foundation for implementation of the new law that will ultimately protect citizens’ rights of equality and human dignity in Serbia. The Law on the Prohibition of Discrimination has also produced derivatives such as at the Belgrade Law Faculty’s Anti-Discrimination Clinic.

World Bank governance indicators for Rule of Law and Control of Corruption during this time period show improvement.

Governance Indicator	Year	Percentile Rank (0-100)	Governance Score (-2.5 to +2.5)	Standard Error
Rule of Law	2008	41.1	-0.46	0.14
	2007	39.5	-0.53	0.15
	2006	35.2	-0.58	0.15
	2005	22.9	-0.84	0.15
Control of Corruption	2008	53.1	-0.16	0.14
	2007	47.8	-0.39	0.13
	2006	46.1	-0.31	0.13
	2005	42.7	-0.42	0.13

Source: World Bank

Yet, despite UNDP and other organizations’ interventions, Serbia still has far to go both in terms of human rights compliance, judicial reform and access to justice before it is fully aligned with European and international norms. As of end-2009, judicial reform is still not

<sup>2</sup> The CPD 2005-2009 was originally drafted for the State Union of Serbia and Montenegro. “Serbia” is at certain points in this report in place of references to the State Union of Serbia and Montenegro.

fully achieved. Courts still face a huge backlog of cases. Citizens remain largely uneducated about the legal process and courts. There is no comprehensive system of Free Legal Aid (notwithstanding UNDP's success in laying a framework). The legal profession is not well regulated. There is no system of mandatory Continuing Legal Education for lawyers and the concept of pro-bono legal representation is only in its infancy. There are low members of minority groups represented in the legal profession and at law faculties.

Overall there has been little progress by Serbia in adopting legislation to implement the new constitutional framework. The Ombudsman exists, but is under-staffed and his decisions are often not followed by the Serbian administration. These same administrative agencies lack their own internal dispute resolution mechanisms. Awareness among judges of international human rights obligations has increased; however courts are still reluctant to enforce ratified international treaties. Human rights abuses, discrimination against minorities, attacks on journalists, hate speech, attacks on foreigners and intimidation of sexual minorities by extremist groups continues in Serbia largely unabated, though publically condemned.

UNDP will find many avenues for programming in Rule of Law and Access to Justice in the next CPD. UNDP should exploit opportunities to support judicial reform not covered by the World Bank's new Multi-Donor Trust Fund for the Judicial Sector in Serbia (MTDF-JSS). MDTF-JSS will consolidate and "absorb" many of the donor funds upon which UNDP has previously relied for its judicial reform interventions. UNDP is not a member of the MDTF-JSS and is invited to participate only in a "Partners Forum". UNDP, however, has much expertise and experience in the area of judicial reform in Serbia and it should seek its own interventions apart from MDTF-JSS.

### ***Country Component #3: Sustainable Development<sup>3</sup>***

UNDP advanced Sustainable Development during 2005-2009 through its programming for Inclusive Development, Sustainable Local Development and the Environment. UNDP CO contributed to developing Serbia's Sustainable Development Strategy, Poverty Reduction Strategy (PRS) and Public Administration Reform (PAR) Strategy (and its revision), as well as many other new laws and implementing strategies during the CPD 2005-2009.

#### ***CPD Outcome 5-Inclusive Development Strengthened***

UNDP capacitated the Deputy Prime Minister's office to better implement the PRS and monitor and report on MDGs. This involved Civil Society in the policy process and laid the groundwork for sustainable development plans in the poorest regions of Serbia and economic stimulus. Similarly, UNDP's support to the establishment of the Social Innovation Fund (SIF) at the Ministry of Social Affairs advanced PAR at the local level; empowered and supported the inclusion of civil society in policy making; improved social service delivery within certain communities; and laid a foundation for the diversification of social services and the empowerment of most vulnerable groups in the poorest regions of Serbia. UNDP thereby advanced sustainable development goals in Serbia. The above interventions also contributed to CPD *Outcome 1*, due to the fact that they increased the efficiency, transparency and accountability of Public Administration in Serbia.

UNDP interventions with Serbia's National Employment Service (NES) created new jobs for redundant workers over age 45 and IDPs and attained a shift in perceptions held by potential employers of such unemployed persons. UNDP support to IDP Associations increased their capacities and developed coordination mechanisms with other actors involved with IDPs.

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<sup>3</sup> The original CPD 2005-2009 Outcome for Sustainable Development doesn't clearly articulate the change that UNDP contributed to through its interventions; thus, the proposed additional outcome for the purpose of this report--Inclusive Development—is necessary to fully convey the impact of UNDP programming.

UNDP also strengthened the Ministry of Minority and Human Rights (MHMR) and the National Roma Secretariat, as well as local municipalities and Roma organizations. This facilitated the institutionalization of the Roma Secretariat; supported Serbia's Strategy on Roma Inclusion; supported the Government in its chairmanship of the Decade of Roma; raised awareness of Roma rights in Serbia; and resulted in the training and hiring of Roma coordinators in 47 Serbian municipalities to implement Local Action Plans for Roma.

UNDP improved awareness among key stakeholders of the situation of youth and youth employment in Serbia via its support to the Ministry of Youth and Sports and the implementation of the National Youth Strategy—the process involved more than 40 NGOs. 100 Youth Offices have now been established within municipal governments.

UNDP support to the Gender Equality Directorate of the Ministry of Labor and Social Policy and the adoption of the National Strategy for Improvement of the Position of Women and Promotion of Gender Equality facilitated a major “shift” in the recognition of the gender dimension of poverty and sustainable development amongst members of Parliament and laid the foundation for new interventions implementing the National Strategy.

UNDP also advanced the Outcome through its support to the Coordination and Implementation of the National Strategy for Improving Positions of PWD and the National Employment Strategy 2005-2010. This has improved employment opportunities for PWD in Serbia and laid the foundation for future initiatives in the sector. UNDP also supported a single national HIV/AIDS Authority, a single National HIV/AIDS Strategy and comprehensive monitoring mechanisms.

Yet, as of late-2009, despite UNDP and other international donor interventions achieving limited improvements, vulnerable groups in Serbia continue to face serious problems linked to employment, social protection, housing, education, extreme social exclusion and marginalization. The Global Economic Crisis can only be expected to magnify these disparities.

<b>MDG 1: HALVE THE POVERTY RATE AND ERADICATE HUNGER</b>					
<b>Goals</b>	<b>Indicators</b>	<b>Basis</b>		<b>Present situation</b>	
		Year	Value	Year	Value
<b>Objective 1:</b> By 2015, reduce the unemployment rate by at least 50%	Total unemployment rate (15-64 yrs)	2005	21.8	2009	16.4
	Youth unemployment rate (15-24 yrs)	2005	47.7	2009	40.7
	Ratio of long-term unemployed in the total number of unemployed (15-64 yrs)	2005	79.0	2009	61.8
	Refugee unemployment rate (15-64 yrs)	2002	22.0	2007	18.1
<b>Objective 2:</b> By 2015, halve the poverty rate of the entire population and eradicate hunger	Entire population poverty rate	2002	14.0	2007	6.6
	Urban areas poverty rate	2002	11.2	2007	4.3
	Rural areas poverty rate	2002	17.7	2007	9.8
	Roma poverty rate			2007	49.2
	Refugee poverty rate	2002	24.0	2007	7.4
	IDPs poverty rate	2002	24.6	2007	14.5
	Share of state expenditures for social protection in % GDP	2005	15.6	2008	16.4

Source: UNDP

The overall situation for Roma and other minorities, the poor and most vulnerable groups, IDPs, PWDs and women in Serbia has a long way to go to before social inclusion and empowerment of these groups is achieved. Civil society in local communities and rural

areas is still underdeveloped and most citizens lack the means to actively participate in policy debate or decisions regarding social services.

**Human development index trends**

2005	2006	2007	Rank
0.817	0.821	0.826	2007 67 (medium HD)

Source: UNDP

***CPD Outcome 6-Sustainable development plans/policies effectively respond to the need of stakeholders, as well as promote employment and environmental protection***

***Sustainable Local Development***

UNDP through successful development interventions in Southern Serbia (MIR Project) and South West Serbia (PRO Project) capacitated three Regional Development Agencies (RDAs); helped municipalities to design strategic plans for local economic development and identify small-scale infrastructure projects; increased inter-municipal cooperation; created new avenues of communication between municipalities and CSOs; and improved municipal service delivery and laid the groundwork for future work in the sector.

Sustainable Local Development in Serbia still suffers from a variety of challenges and deficiencies, however; and decentralization has a long way to go notwithstanding the passage of a new law on Local Self Government. MIR and PRO will not continue beyond the current programming cycle and UNDP should find new vehicles for promoting SLD in Southern and South West Serbia.

***Environmental Protection***

UNDP supported the Government of Serbia to develop the National Sustainable Development Strategy and laid the groundwork for implementation of its Action Plan and the prioritization of future projects that resulted in a number of advancements in Environmental Protection. The process for cleaning up the *Veliki Bački Canal* was finalized and the main collector for wastewater established as well as the identification of other environmental “hot spots” in Serbia.

With UNDP support, the Serbian Government established administrative structures for the implementation of the Kyoto Protocol and the inter-Ministerial body for CDM; thus, laying the foundation for attracting future external funding for energy efficiency and renewable energy production through carbon financing. The Government, with UNDP's support, developed the first draft of the Biodiversity Strategy, preliminary drafts of the National Communication for UNFCCC and foundational reports and assessments for the NCSA Action Plan for Capacity Development—all of which will serve as a basis for future advancement of Environmental Protection in Serbia.

Finally, a foundation was created for increased capacity for integration of renewable energy planning in local development plans and the development of standards for devices using wood biomass.

Much work remains to be done, however, in Environmental Protection in Serbia. As of end-2009, Serbia is still one of Europe’s largest polluters. Citizen awareness of and “ownership” of environmental issues remains comparatively low. River pollution, poor waste management, illegal dumping are significant problems. Concepts of “green” industry and business need to be incentivized.

MDG 7. ENSURE ENVIRONMENTAL SUSTAINABILITY					
Goals	Indicators	Basis		Present situation	
		Year	Value	Year	Value
<b>Objective 1:</b> Integrate the principles of sustainable development into country policies, stop the loss of environmental resources and encourage their revitalization	1. Percentage of investments in the protection of the environment in relation to the achieved GDP (%)	2001	0.3	2008	0.3
	2. Percentage of forested areas in relation to the total area of the Republic of Serbia (%)	2000	25.6	2008	29.1
	3. Percentage of protected natural goods areas in relation to the total area of the Republic of Serbia (%)	2000	4.92	2008	6.19
	4. Percentage of households using solid fuels in relation to the total number of households (%)	2002	60.0	2008	54.2
	5. Primary energy consumption (tons of equivalent oil) per GDP unit in purchasing power parity (toe/'000 GDP, in US\$2000 PPP)	2002	0.39	2006	0.38
	6. Percentage of energy generated from renewable energy sources in relation to the total primary energy consumption (%)	2002	7.50	2008	5.86
	7. Carbon dioxide emission per capita (tons of CO <sub>2</sub> /capita)	2001	4.43	2006	7.18
	8. Consumption of chlorofluorocarbon (CFC) (ODP tons)	1994	868.0	2008	77.5

Source: UNDP

Regarding **UNDP's Contribution and Role in Promoting the Outcome**, UNDP CO contributed to developing Serbia's Sustainable Development Strategy, Poverty Reduction Strategy and Public Sector Reform Strategies, as well as many other new laws and implementing strategies during the CPD 2005-2009.

Beyond this, UNDP CO assisted Serbia to formulate Serbia-specific MDG goals. UNDP advanced MDG-1 (poverty), MDG-3 (gender equality), MDG-7 (environmental protection) and MDG-8 (building of global partnerships for development) via its interventions during the CPD 2005-2009 (some national MDG trends are shown in the tables above). Although the Serbian government decided to remove the 2015 specific targets as a result of the Global Economic Crisis, stakeholders still reference MDGs as a point of focus. As of 2009, UNDP CO was preparing a report on Serbia's Mid-term progress in achieving MDGs.

UNDP was also clearly relevant in the context of EU accession during the past five years. There exist many areas of overlap between EU treaties and legislation, the SAA, the Serbian Strategy for EU Accession the EC's MIPA goals and UNDP interventions carried out during 2005-2009. EC Progress Reports on Serbia cite many areas of improvement where UNDP maintained interventions (and some of these where UNDP took a lead-role; such as the establishment of the Judicial Training Centre and the passage of the Law on Prohibition of Discrimination).

UNDP CO did not perform optimally, however, during the CPD 2005-2009 with regard to minimizing the **sustainability risk** inherent in some of its interventions. While it is difficult to ascertain the sustainability of the UNDP intervention in PAR, it is clear that MIR and PRO project offices were allowed to close without retaining all staff and institutional memory thus undermining the UNDP intervention in sustainable development. SIF is also at risk of

closing without having achieved sustainability. UNDP's intervention on Free Legal Aid also carries a sustainability risk in the absence of comprehensive support from the Government.

Regarding UNDP's **sources and application of funds** and **programme delivery modalities**, it is clear that UNDP drew upon a diversified list of donors 2005-2009. Yet, a number of UNDP's largest donors are either preparing to exit Serbia in the near future or changing their programming modalities. This is reducing UNDP CO's available sources of funding. UNDP CO's pipeline of new projects and funding has drastically declined during the past two years (due to the economic crisis 2008/2009 many donors withdrew from originally planned support and other projects have remained on "stand-by"). Other projects are concluding in 2009 and the CO has no immediate projects to replace them.

While UNDP began to encounter less resistance politically in implementing the CPD after 2007, the CO faced internal challenges due to successive changes in **management** during this time that negatively impacted upon programme execution. According to many of its partners and donors UNDP maintained a lower visibility and ceded its leadership role within the international donor community during the years 2007-2009. This occurred in part due to a natural shift among donors towards the EU as the main driver of reforms in Serbia; but some donors and partners report that they became extremely dissatisfied with the pace of UNDP operations.

A lowered rate of program execution, a reduced donor pool combined with a heavy reliance upon XB funding for staff contracts have placed UNDP Serbia in a vulnerable financial position as it emerges into 2010. TRAC funding has also been recently reduced by 45% as a result of Serbia transitioning to a middle-income country, which further impacts negatively upon the viability of UNDP. Thus, the CO currently must explore ways to cut costs, exploit synergies in the "1 UN" model, repair its relations with its donors, develop new programs and generally "do more with less." This may implicate a further restructuring of the CO as well as a new financial audit to establish a baseline going forward.

Some of these issues may have been spotted earlier and remedied had the CO performed a mid-term evaluation of the CPD in 2007 at a time when it was actively restructuring the CO and its Clusters.

UNDP's **partnership strategy** appeared to be sound in general during 2005-2009. **Donors and implementing partners** stated that in some instances, however, they were required to step in and fulfil duties that should have been properly executed by UNDP CO Belgrade in a management capacity. The Evaluation Mission ascertained the perception of UNDP's donors and partners during the course of the evaluation—their opinions were not entirely positive. In fact the level of negative criticism exceeds what one would normally anticipate towards a UNDP CO and also appears to be consistent. Most of these complaints involved perceived delays in UNDP procurement and programme execution; lack of enough "backstopping" by UNDP CO in the management of the projects and their day-to-day operations; lack of focus in the CO's portfolio of projects and lack of UNDP visibility within the donor community.

Nonetheless, the majority of donors and partners expressed simultaneous praise for UNDP and viewed UNDP as maintaining a strong **comparative advantage** in Serbia—especially in sectors perceived to fall within UNDP's traditional areas of competence (i.e., human rights, pro-poor policies, most vulnerable groups, access to justice and governance and the environment). UNDP is generally viewed as a neutral and reliable partner with a strong competence in supporting evidence based policy-making and knowledge in Serbia.

<b>UNDP Serbia - 2005 to 2009 Resources mobilized in US\$</b>	
<b>Donor</b>	<b>Total Amount US\$</b>
EAR/EC	\$ 39,427,235.96
Sweden/SIDA TTF	\$ 10,234,376.09
Netherlands	\$ 7,724,416.95
Norway	\$ 9,924,381.86
MDGF, Government of Spain	\$ 5,592,701.44
Swiss/SDC	\$ 5,124,599.00
Austria/ADA	\$ 5,001,178.96
BCPR	\$ 1,681,829.03
DFID	\$ 1,212,686.57
Global Environment Facility	\$ 797,370.00
Government of Romania	\$ 592,000.00
Germany	\$ 514,883.53
Government of Canada	\$ 490,136.00
Ministry of Labour, Employment and Social Policy	\$ 473,172.12
Italy	\$ 380,205.00
United Kingdom	\$ 348,231.83
City of Belgrade	\$ 319,289.00
UNAIDS Prog Acceleration Funds	\$ 280,361.00
Ministry of Finance, Government of Serbia	\$ 238,150.00
City of Nis	\$ 197,016.00
UNDP TTF Energy	\$ 170,000.00
The Rockefeller Brothers' Fund	\$ 120,000.00
Government of Greece	\$ 93,656.03
Economics Institute, Serbia	\$ 80,000.00
Gender TTF	\$ 75,000.00
City of Zrenjanin	\$ 67,416.00
Open Society Institute NY	\$ 55,773.23
UNICEF	\$ 55,000.00
UNHCR	\$ 28,000.00
The London School of Hygiene and Tropical Medicine	\$ 9,250.00
UNFPA	\$ 3,000.00
WHO	\$ 717.65

**\$ 91,312,033.25**

Source: UNDP

UNDP CO has followed both DEX and NEX **implementing modalities** since 2008 (note: all contracts issued 2005-2006 were DEX by default, but institutions could request NEX). Shifting to a NEX modality in some cases has proved difficult for UNDP and its governmental partners. UNDP should pay attention to the burdens that NEX places on an institution and carefully gage the capability of institutions to perform NEX.

Based on its review the Evaluation Mission's **Recommendations** include suggestions for the next CPD, new areas of programming and structural changes in the CO such as creating better indicators for the next CPD and limiting UNDP's focus in Serbia to a smaller spectrum of programmes. Less programming, but better programming may be the way to go.

At this juncture, UNDP CO must weigh very carefully how it chooses to deploy its limited resources. Part of this exercise is to better define the particular bundle of social, economic and human rights that it seeks to protect through its interventions as well as capitalizing on its comparative advantages.

UNDP should improve its relations with its donors and seek for synergies; publish more sectoral analysis containing baseline data for evidence based policy making and “*turnguides*” for policy makers; become more visible in the donor community and better document its programmes. UNDP’s website should be upgraded to include links to its publications and those of its partners. UNDP should also develop better indicators for the next CPD and build-in a clear exit strategy for UNDP tied to Serbia becoming an EU candidate country and its eventual EU accession. The Evaluation Mission has also suggested a number of areas that could serve as new projects for UNDP.

**Lessons Learned** during the CPD 2005-2009 included the following: UNDP must maintain a pipeline of projects and funding in order to ensure its sustainability. UNDP runs the risk of losing its lead position as a development agent, policy advisor and/or implementer if its donors and partners become dissatisfied with its performance and reputation. UNDP knowledge products and evidence based policy making do not achieve maximum possible utility unless they are located in a central location at UNDP, widely circulated and published on the UNDP website. UNDP visibility must be maintained at a high level and a UNDP “brand” image maintained or donors and partners will perceive that UNDP is inactive. UNDP has a strong reputation for non-partisan support to its national partners, but sometimes it has failed to promote itself as effectively as it could have via a wider distribution of its publications and active engagement with the donor community and its partners.

Overall, however, it can be said that UNDP Serbia did an admirable job in implementing the CPD 2005-2009 and had advanced all of its Outcomes to varying degrees by end-2009. This was no easy task given the constantly changing political situation in Serbia, changes in management at the CO and economic upheavals that occurred during this same time period.

## 2. Introduction: background and context

### 2.1 CPD 2005-2009

UNDP Serbia is conducting a terminal evaluation of its Country Programme Document (CPD) for the programming period 2005-2009. The CPD 2005-2009 was prepared by the Government in consultation with the UNDP CO. The document identifies key goals and opportunities for UNDP support to national programs and priorities, consistent with the development goals endorsed by the Executive Board of UNDP. The Outcomes of the CPD and their corresponding CPAP Outputs are as follows:

CPD 2005-2009
<p><b>Country Component #1: Public Administration Reform</b></p> <p><b>Country Programme Outcome:</b></p> <p>1. Improved efficiency, accountability and transparency in the public administration.</p> <p><b>Country Programme Outputs:</b></p> <ul style="list-style-type: none"><li>•Functional review of key relevant SCG Member State and SCG Union institutions;</li><li>•Introduction of capacity and performance related assessment in accordance with EU best practice;</li><li>•Realigned structures empowered and capacitated;</li><li>•Cadre of professionalized civil servants in relevant institutions;</li><li>•Improved information systems for poverty data monitoring;</li><li>•Improved social service delivery.</li></ul> <p><b>Country Programme Action Plan Outcome Indicators:</b></p> <ul style="list-style-type: none"><li>* Functioning and capacitated public administration with defined roles and responsibilities and existence of institutionalized mechanisms for regular consultation between government, CSOs and the private sector on relevant development plans/budgets and their implementation.</li></ul>
<p><b>Country Programme Component #2: Rule of Law: Access to Justice and Human Rights</b></p> <p><b>Country Programme Outcomes:</b></p> <p>2. Effective and independent judicial systems with increased access to justice for marginalized groups;</p> <p>3. Relevant SCG member and SCG Union capacity strengthened and mechanisms put in place to facilitate SCG's compliance with international human rights obligations;</p> <p>4. Effective relevant human rights institutions established, functioning.</p> <p><b>Country Programme Outputs</b></p> <ul style="list-style-type: none"><li>•Alignment of laws with Constitutional requirements compatible with European norms</li><li>•Reformed judiciaries and magistratures, exposed to global best practice</li><li>•Reformed Ministries of Justice</li><li>•Corps of trained and certified legal professionals</li><li>•Elimination of excessive backlogs of cases</li><li>•Establishment of economic legal aid services &amp; societies</li><li>•Increased ministerial capacity on human rights treaty reporting</li><li>•Ombudsman systems supported through human rights expertise, assistance, training.</li></ul> <p><b>Country Programme Action Plan Outcome Indicators</b></p> <ul style="list-style-type: none"><li>* Rationalization of court system</li><li>* Free Legal aid</li><li>* Human rights reporting functioning</li><li>systems supported through human rights expertise, assistance, training.</li></ul>
<p><b>Country Programme Component #3: Sustainable Development</b></p> <p><b>Country Programme Outcome(s):</b></p> <p>5. Inclusive Development Strengthened (new outcome);</p> <p>6. Sustainable development plans/policies effectively respond to the need of stakeholders, as well as promote employment and environmental protection.</p> <p><b>Country Programme Outputs</b></p> <ul style="list-style-type: none"><li>•Relevant government/civil society/private sector inputs on environmental protection linked to the sustainable development councils</li><li>•Improved sustainable development policies</li><li>•Employment creation in the poorest regions of Serbia and Montenegro Policy and institutional frameworks established for sustainable development</li><li>•Noticeable net economic stimulus and SME growth</li></ul> <p><b>Country Programme Action Plan Outcome Indicators</b></p> <ul style="list-style-type: none"><li>* Strengthened analytical capacities and Increased involvement of the Civil Society in policy making and monitoring of Government [poverty] policies</li><li>* Sustainable development plans/policies effectively respond to the need of stakeholders, as well as promote employment and environmental protection.</li><li>*More participatory decision making structures established at the municipal level</li><li>*Regional Human Development Index disparities reduced</li></ul>

## 2.2 Development Context in Serbia

Following the capitulation of Milosevic in 2000 and the subsequent assassination of the reform minded Prime Minister Zoran Djindjić in 2003; Serbia continued to experience many changes in its political system. 2006 saw the adoption of a new Constitution,<sup>4</sup> replacing the Constitution of 1990. Subsequently, the Republic of Montenegro held a successful referendum on independence and declared independence from Serbia on June 3, 2006. On February 17, 2008, Kosovo declared its independence.<sup>5</sup>

Serbia held parliamentary elections in 2007. A government was formed with Vojislav Kostunica as (re-appointed) Prime Minister. On February 3, 2008, in run-off presidential elections, Boris Tadić was re-elected President of Serbia. Following the collapse of the governing coalition in March 2008, in the wake of Kosovo's declaration of independence, new parliamentary elections were held on May 11, 2008. The Democratic Party-led list, "For a European Serbia," won nearly 39% of the vote, and in July 2008 formed a coalition government with Mirko Cvetkovic as Prime Minister.

Today, Serbia has a reform-minded government that increasingly looks towards EU accession as the primary driving force for economic, social and political reforms. Serbia is still far behind its neighbors, however, with a GDP of only 68% of its 1989 level.<sup>6</sup> Growth in 2007 was a healthy 7.5%, but this pace slowed to 5.4% during 2008 and is estimated at -3.0% for 2009, as a result of the crisis. Over 26% of all people employed in Serbia work for state-owned enterprises or the central and local governments. Privatization of socially owned companies is unlikely to be completed in 2009 as required by law.

The Global Economic Crisis, and a concern over Serbia's external financing gaps, led Serbia to seek a \$4 billion stand-by agreement with the International Monetary Fund (IMF), which was approved in May 2009.<sup>7</sup> Serbian authorities have committed to downsizing the public administration and freezing pension and public salary levels in nominal terms in 2009 and 2010. Based on all estimates, Serbian economy will not recover from the crises before 2011.

The system of public administration in Serbia was significantly eroded during the decade of the Milosevic era. During 2000-2004, public administration received the attention of the international donor community in Serbia and substantial resources were directed to this issue; yet, the process stalled due to a number of factors including lack of political will, "government by coalition" politics and an overly complex reform process characterized by duplication of implementation responsibilities. Systemic change was avoided in favor of new legislative enactments that were often cosmetic in effect.

As Serbia shifted from a post-conflict environment to one increasingly focused upon European Union integration during 2005-2009, it became obvious that Serbia (which previously had a tradition of rule-based administration) would need to build an efficient, transparent, and accountable public administration capable of governing in an impartial manner and delivering benefits to its citizens. The capacity of the Serbian administration to undertake the process of European Union accession and to absorb European Agency for

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<sup>4</sup>The New Serbian Constitution of 2006 may be found at:

[http://www.parlament.gov.rs/content/eng/akta/ustav/ustav\\_1.asp](http://www.parlament.gov.rs/content/eng/akta/ustav/ustav_1.asp).

<sup>5</sup> Serbia rejected Kosovo independence and sought a UN resolution to request that the International Court of Justice (ICJ) review the legality of Kosovo's declaration of independence in an advisory opinion. The ICJ is expected to issue its opinion in spring 2010. Sixty-three nations had recognized Kosovo as of November 2009.

<sup>6</sup> Estimation claimed by Prof. Dragan Djurićin, President of the Serbian Association of Economists, <http://www.seebiz.eu/hr/makroekonomija/srbija/dragan-duricin-srbija-na-68%25-bdp-a-iz-1989..60177.html> (in Serbian).

<sup>7</sup> In early October 2009, the European Commission proposed that the EU provided additional 200 million euro as a macro-financial assistance for helping the country going through the financial crisis. Source: [http://en.ce.cn/subject/financialcrisis/financialcrisiswr/200910/09/t20091009\\_20160724.shtml](http://en.ce.cn/subject/financialcrisis/financialcrisiswr/200910/09/t20091009_20160724.shtml). Russia has also recently agreed to loan Serbia 1 Billion USD (200 million of which will go directly into the budget for 2010).

Reconstruction (EAR) (and later EC) developmental funds also emerged as fundamental criteria for Public Administration Reform (PAR) in Serbia. The Judiciary in Serbia is also currently undergoing reforms as a result of a package of laws adopted by parliament in October and December 2008.

In general, poverty and unemployment decreased during 2005 to 2008. However, with the economic crises, poverty levels are likely to rise.”<sup>8</sup> Rates of unemployment and poverty in Serbia remain extremely high, particularly among rural populations, women, youth (age 15-24 years old)<sup>9</sup>, Roma<sup>10</sup> and other minorities and persons with disabilities<sup>11</sup>. The situation of elderly is also very problematic, as they face even more problems of interrelated financial, social and health issues<sup>12</sup>. The issue of regional disparities in Serbia also remains high; ranging from 1:7 between municipalities and 1:3 between regions—one of the largest differentials in Europe.<sup>13</sup> Most acute is South East Serbia with a poverty rate between to 6 times higher than national averages.

Due to the wars in former Yugoslav republics, there was an influx of large numbers of refugees and Internally Displaced Persons (IDPs) into Serbia. Additionally, during the 1999-2006 time periods, around 226,000 Serbs and other non-Albanians were forced to leave Kosovo, and out of this number 209,000 were situated in Central Serbia.<sup>14</sup> According to the ratio of refugee population to the total population in 2007, Serbia held the 13th place in the world. The declaration of Kosovo independence in February 2008, marked a new wave of uncertainty for these IDPs<sup>15</sup>.

Environmental Protection also continues to present challenges in Serbia. Serbia remains one of Europe’s heaviest polluters. Environmental legislation is not enforced and industrial waste escapes into rivers and the air. There are dozens of environmental “Hot spots” in need of remediation.

### **2.3 Serbia’s European Accession Strategy**

The European Union recognizes Serbia as a “potential candidate country”. Serbia participates in the EU’s Stabilization and Association Process—the framework for EU negotiations with the Western Balkan countries towards their eventual EU accession.

Serbia officially entered negotiations for a Stabilization and Association Agreement in October 2005. Negotiations were called off in May 2006 due to the failure of Serbia to meet its commitments on cooperation with the International Criminal Tribunal for the former

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<sup>8</sup> EU Progress Report on Serbia 2009; p. 37.

<sup>9</sup> Government of Serbia, Report on Poverty Reduction Strategy Paper, 2005. The poverty analyses in 2005 indicated the poverty rate of 10,6%, with highest poverty among vulnerable groups and in rural regions. The unemployment rate in 2005 was 21.8%, whereas unemployment of women was 27.4%, and the youth (age 15-24) was 47.7%. Unemployment among refugees and IDPs, Roma, and persons with disabilities was recorded, coming up to being twice as high as the rest of the population.

<sup>10</sup> Deep poverty and multiple deprivations in Serbia are also highly concentrated among the Roma population, particularly those residing in Roma settlements. Many Roma and poor children in Serbia are excluded from education, health and protection services”. See, Helsinki Committee for Human Rights Serbia; Human Rights, Democracy – and violence; Belgrade, 2009; p. 63. Exact numbers on Roma are very hard to get due to “chronic non-registration of the Roma, particularly of those residing in settlements, [which] constitutes the ultimate form of social exclusion and prevents Roma from accessing social services” <http://www.romadecade.org/5092>.

<sup>11</sup> European Commission; Social Protection and Social Inclusion in Republic of Serbia; 2008.

<sup>12</sup> Ombudsman of Serbia; Report for 2008; p. 46.

<sup>13</sup> Government of Serbia, Report on Poverty Reduction Strategy Paper, 2005.

<sup>14</sup> Project Fiche for Phare – Pre-accession Instrument (IPA) 2005; IPA Support to IDPs and Refugees; [http://ec.europa.eu/enlargement/pdf/serbia/ipa/support\\_to\\_refugees\\_and\\_idps\\_en.pdf](http://ec.europa.eu/enlargement/pdf/serbia/ipa/support_to_refugees_and_idps_en.pdf).

<sup>15</sup> Even though “new displacement was avoided, the rate of return decreased significantly in 2008 from an already low level, as most IDPs waited to evaluate the approach of Kosovo authorities towards Kosovo Serbs and other non-Albanian communities” Internal Displacement Monitoring Centre; Serbia: Final Status for Kosovo – towards durable solutions and new displacement.

Yugoslavia (ICTY). Negotiations resumed in June 2007 following parliamentary elections in Serbia and the new coalition government's willingness to meet its obligation to cooperate with the ICTY. The SAA negotiations were finalized in September 2007, with the document being signed on April 29, 2009.

The signing of the SAA facilitated visa and readmission agreements between the EU and Serbia. Serbia also receives pre-accession financial assistance from the EU under the Instrument for Pre-Accession (IPA). Multi-Annual Indicative Planning Documents (MIPD) set the EU's agenda for distributing IPA funds in Serbia. Serbia is a beneficiary of regional and horizontal programmes and participates in cross-border cooperation.<sup>16</sup>

The Serbian European Integration Office (SEIO), created by a legislative enactment in 2004, is charged with the responsibility of implementing the Serbian "National Strategy for the Accession of Serbia-Montenegro to the European Union". The Serbian Government's National Programme for Integration establishes the timetable and framework for the harmonization of laws, either by adoption of new laws or amendment of the existing ones.

In this context, IPA resources will be carefully targeted towards institutions that have the necessary resources to absorb support. Part of the IPA 2009 was transferred as a direct budget support due to the economic crisis. In the area of local governance, the European Charter on Local Self-Government was ratified. Serbian legislation on local government financing was implemented as of January 2007. This regulates the financing of local governments in a more efficient manner and provides greater stability and predictability of financing.

#### **2.4 The Evolution of the UNDP Serbia Country Office and programme 2005-2009**

During the early years of the CPD, the CO programmed from a perspective of conflict recovery and prevention, human security, judicial and administrative reform. The political instability in the country disrupted results and implementation throughout 2005-2006 and into 2007. Also, Montenegro's decision to separate from Serbia in 2006 caused a major realignment of the CO. The break-up of Serbia and Montenegro most acutely impacted the SLD Cluster due to the cross-border nature of many environmental interventions.

In 2007, with the election of a reform minded administration and stabilizing political situation, UNDP CO reorganized its country office to shift its emphasis towards the institutionalization of judicial training; access to justice; strengthening oversight mechanisms within the government; inclusion of CSOs in policy making; anti-corruption; inclusive development and sustainable local development, including, importantly the environment.

#### **2.5 Current UNDP Assistance and Organization of UNDP Serbia CO**

To achieve the Outcomes of the CPD 2005-2009, UNDP assistance is presently channeled through three CO "Clusters" of projects and programmes as follows:

*Capacity Development for Accountable Governance (CDAG):* The CDAG portfolio has been largely focused upon two main themes: a) Parliamentary and Judicial capacity development, including fighting corruption and other accountability and oversight mechanisms in Serbia; and b) Capacity development in the Executive branch. These two themes encompass a number of projects related to the promotion of the rule of law, including judicial reform, transitional justice and human rights, as well as institutional development and public administration reform projects.

*Inclusive Development (ID):* The ID Cluster has consisted of two main themes, namely a) Equitable Growth, and b) Vulnerable Groups. As part of these themes, the

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<sup>16</sup> CARDS assistance was implemented by the European Agency for Reconstruction (EAR), but has recently been transferred to the EC Delegation in Belgrade, which also implements IPA assistance.

ID Cluster focuses on social and economic inclusion, and civil society inclusion in creation of pro-poor policies. The ID Cluster is engaged in the analysis of the state of civil society in Serbia and the socio-economic impact of development of civil society.

*Sustainable and Local Development (SLD)*: The SLD Cluster has focused upon UNDP's assistance to Serbia in efforts to improve the level of regional developmental disparities by application of Area-based Development approaches, as well as to advance and strengthen the interdependent and mutually reinforcing pillars of sustainable development - economic development, social development and environmental protection at the local, national, regional and global levels.

As discussed below, UNDP executes its interventions in cooperation with its donors and partners. These include the Government of Serbia, local authorities, the international community, civil society, non-governmental organizations and the private sector. As of 2009, UNDP was operating in Serbia through the Country Office in Belgrade and a project office in Novi Pazar, South West Serbia. ("PRO Project"). As of 2010, UNDP will no longer maintain an office in SW Serbia.

## **2.6 The CPD 2005-2009 Outcome Evaluation**

### **Purpose of the Evaluation, Approach and Methodology**

The Evaluation mission has carried out a terminal evaluation to measure UNDP Serbia Country Programme 2005-2009 contributions to the CPD Outcomes as implemented through the UNDP CO Clusters: CDAG, ID and SLD. The Key Questions and Scope of the Evaluation are set forth in the ToR that appear in ANNEX F of this report.

The Evaluation mission pursued a methodology grounded in an analysis of the outputs supporting the CPD 2005-2009 Outcomes. As its starting point, the Evaluation mission conducted an extensive document review. Following the document review, the Evaluation mission gathered additional data and tested its preliminary findings by conducting a number of informant interviews in Serbia. These took place in Belgrade and at other locations throughout Serbia. The team conducted over 85 meetings at the highest levels of the Serbian Government and its administration, as well as with many representatives from the international donor community and NGOs. Over 120+ persons and entities were interviewed by the team. These are listed in ANNEX D of this report.

A fundamental objective of the Evaluation mission in conducting informant interviews was to assess UNDP's progress in achieving the Outcome, especially with regard to the process of Serbia's SAA and eventual EU accession (i.e. adoption of the *Acquis Communautaire*). The Evaluation Team also developed several standardized questions for submission to each informant interviewed to probe their impressions and perception of UNDP's donor relations and comparative advantages in order that UNDP can better evaluate and define the scope of its mission in Serbia.

### **Limitations, Assumptions and Dependencies**

The fundamental limitation upon the Evaluation Team was a lack of available data for ascertaining the status of the Outcome—especially good baseline data for Public Administration Reform in Serbia 2005-2009 (or for that matter in previous years). This paucity of available quantitative data in Serbia was compounded by gaps in the institutional knowledge of the UNDP Serbia CO.

To some extent this is to be expected in a CO that has experienced frequent changes of political administrations, changes of CO staff, DRR and RR, the breakup of Montenegro-Serbia, and a shifting and reformatted CO structure during the 2005-2009 time period. UNDP CO made efforts to supply the team with all available documentation, however, there were gaps in documentation within the CO Clusters and projects. In many instances, the

Evaluation Team's only available source of information about UNDP's contribution to the advancement of the Outcome was the testimony gathered from the Informant interviews.

The value of such testimony both in terms of measuring UNDP's progress towards achieving the CPD 2005-2009 Outcomes and validating UNDP outputs, cannot lightly be dismissed. While the Evaluation Team could have conducted fewer interviews, it is felt that integrity and comprehensiveness of the evaluation would likely have suffered had it done so. The Evaluation was conducted at a time of transition for the CO and with a view towards formulating the next CPD. Accordingly, the CO requested that the Evaluation Team identify new directions for UNDP, based upon its past performance and strategic vision, as well as ascertain the perceptions of UNDP's partners. This heightened the importance of the informant interviews and to some extent expanded upon the original *ToR* for the mission and extended its duration.

### 3. Findings:

#### 3.1 Public Administration Reform

CPD 2005-2009

##### Country Component #1: Public Administration Reform

###### Country Programme Outcome:

1. Improved efficiency, accountability and transparency in the public administration.

###### Country Programme Outputs:

- Functional review of key relevant SCG Member State and SCG Union institutions;
- Introduction of capacity and performance related assessment in accordance with EU best practice;
- Realigned structures empowered and capacitated;
- Cadre of professionalized civil servants in relevant institutions;
- Improved information systems for poverty data monitoring;
- Improved social service delivery.

###### Country Programme Action Plan Outcome Indicators:

- \* Functioning and capacitated public administration with defined roles and responsibilities and existence of institutionalized mechanisms for regular consultation between government, CSOs and the private sector on relevant development plans/budgets and their implementation.

#### 3.1.1. Country Component #1: Public Administration Reform: Findings

##### Improved Efficiency, Accountability and Transparency in the Public Administration 2005-2009

- UNDP support to the Serbian Government's Public Administration Reform (PAR) Strategy, the Action Plan for implementation of PAR and subsequent support to the MPALSG to revise the PAR Strategy laid the groundwork for Public Administration Reform in Serbia and promoted dialogue for future reform. Stakeholders are currently relying upon the revised PAR Strategy to formulate further recommendations for PAR in Serbia.
- UNDP improved knowledge of PAR among stakeholders, the media and citizens to a limited degree.
- UNDP laid the foundation for future government initiatives in local administration reform and facilitated ascertain data on local self-governments. There is still, however, a general lack of communication and coordination among local self-governments on administrative reform.
- Some evidence exists to indicate that efficiency; accountability and transparency in the public administration have improved 2005-2009. All stakeholders agree, however, that PAR in Serbia remains largely unachieved due to a combination of a lack of political will, economic factors and changing political landscape.
- A lack of good baseline data on Serbia's Public Administration continues to hinder efforts to evaluate UNDP and other stakeholder contributions to this sector. Furthermore, employees in the Public Administration remain largely unaware of PAR initiatives and outputs.

##### Increasing Capacity and Realigning Structures in the Public Administration

- UNDP capacitated the Ministry of Finance and MPALSG incrementally to advance PAR and implement the PAR Strategy. UNDP increased the capacity of the MoF and its human resources department and facilitated the creation of a MoF Project Centre. This is perceived to have enabled the MoF to recruit better qualified staff; align MoF project activities with the MoF strategic plan; and to implement the SAA.

- In relative terms the size of UNDP's intervention with MoF was small compared with other donors. Although the IMF has recently called for a reduction in the size of Serbia's Public Administration, it must be remembered that reducing the size of Serbia's Public Administration was not envisioned as an Outcome of the CPD 2005-2009.

**Capacitating the Public Administration to meet Serbia's EU Accession Goals**

- UNDP support to the Serbian European Integration Office (SEIO) has enabled SEIO to better implement Serbia's Strategy on European Union Accession and the Action Plan. SEIO is currently one of the best-capacitated institutions in Serbia and is functioning well.

**Improving Transparency, Efficiency and Accountability of Public Procurement**

- UNDP support to the Serbian Public Procurement Office established a certification process for Public Procurement Officials; enhanced monitoring mechanisms of procurement officials; fostered e-procurement and increased transparency of tender and bidding processes.

**Institutionalizing Public Hearings and Improving Legislative Oversight of the Executive and Increasing the Accountability of Public Administration**

- UNDP support to the Serbian Parliament has strengthened Parliament's oversight of the Executive to a limited degree through the introduction of the concept of public hearings and strengthened committees of the Parliament. The concept of regular public hearings has begun to take hold as a result. Members of Parliament remain largely subject to the control of their political parties, however, which continues to raise separation of powers concerns concerning Parliament's role in the approval of judges.

**Improving Information Systems for Poverty Data Monitoring**

- UNDP support to the Serbian Statistics Office has improved information systems for poverty data monitoring in Serbia. No MDG specific (i.e. Devinfo) database exists, however, and statistical data on the Public Administration in Serbia is not consistent.

**Protection of the Right to Information and Privacy: Supporting the Commissioner for Information and Information Directorate**

- UNDP support to the new Commissioner for Information of Public Importance is perceived to have increased citizens' access to information about public administration and laid the foundation for the protection of personal data. The office will require substantial capacity building in the future in order to meet the extreme administrative burden created by the Commissioner's legal duty to implement access to information and protection of personal data.

**Creating institutionalized mechanisms for regular consultation between government, CSOs and the private sector on relevant development plans/budgets and their implementation**

- UNDP support to capacity building of the Standing Conference of Towns and Municipalities (SCTM) enabled SCTM to develop a proactive engagement with the Government on legal and regulatory changes. UNDP also supported a study on local administrations and municipalities and local governance that provided the national government and local administrations with a tool to assess priorities. This raised the level of data on local self-governments from the zero base-line that existed previously.

**Improving social service delivery and the involvement of CSOs in “pro-poor” policies at the national and local level**

- UNDP continued to build upon its previous support to the development of the Poverty Reduction Strategy (PRS) Paper and the establishment of a Poverty Reduction Strategy Team within the Office of the Deputy Prime Minister by supporting the Deputy Prime Minister’s office to implement the PRS; further involving Civil Society in the process of implementing the PRS and laying the groundwork for poverty data monitoring sustainable development plans in the poorest regions of Serbia and economic stimulus.
- UNDP support to the establishment of the Social Innovation Fund (SIF) at the Ministry of Social Affairs advanced public administration reform at the local level; empowered and supported the inclusion of civil society in policy making; improved social service delivery within certain communities; laid a foundation for the diversification of social services and the empowerment of most vulnerable groups in the poorest regions of Serbia thereby advancing sustainable development goals.

### **3.2 Rule of Law: Access to Justice and Human Rights**

<p><b>Country Programme Component #2: Rule of Law: Access to Justice and Human Rights</b></p> <p><b>Country Programme Outcomes:</b></p> <ol style="list-style-type: none"><li>2. Effective and independent judicial systems with increased access to justice for marginalized groups;</li><li>3. Relevant SCG member and SCG Union capacity strengthened and mechanisms put in place to facilitate SCG’s compliance with international human rights obligations;</li><li>4. Effective relevant human rights institutions established, functioning</li></ol> <p><b>Country Programme Outputs</b></p> <ul style="list-style-type: none"><li>•Alignment of laws with Constitutional requirements compatible with European norms</li><li>•Reformed judiciaries and magistratures, exposed to global best practice</li><li>•Reformed Ministries of Justice</li><li>•Corps of trained and certified legal professionals</li><li>•Elimination of excessive backlogs of cases</li><li>•Establishment of economic legal aid services &amp; societies</li><li>•Increased ministerial capacity on human rights treaty reporting</li><li>•Ombudsman systems supported through human rights expertise, assistance, training.</li></ul> <p><b>Country Programme Action Plan Outcome Indicators</b></p> <ul style="list-style-type: none"><li>* Rationalization of court system</li><li>* Free Legal aid</li><li>* Human rights reporting functioning</li></ul>
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#### **3.2.1 Rule of Law: Access to Justice and Human Rights: Findings**

**Supporting Effective and independent judicial systems with increased access to justice for marginalized groups**

- UNDP’s early and continued support to the Ministry of Justice and the Judiciary in Serbia is perceived to have aligned Serbia with European norms; promoted judicial reform (including marginally advancing the process of reducing backlog in the court system); exposed the judiciary and magistrates to global best practice; increased awareness of the judiciary of human rights; influenced judicial discipline and increased the level of information available to Serbian citizens about the court system. Yet, despite UNDP interventions (and the large

interventions of other donors), significant problems continue to plague Serbia's court system including chronic backlog, poor case management and lapses in due process and the right to a fair trial; judicial accountability; and the legitimacy and enforcement of court decisions.

**Creating a Core of Trained Legal Professionals Exposed to Global Best Practices: Standardizing and Institutionalizing Judicial and Prosecutorial Training in Serbia**

- UNDP, in conjunction with other donors, fully capacitated the MoJ and Judiciary to meet its training needs via the establishment of a Judicial Training Centre (JTC). UNDP support was instrumental in helping the JTC transition to full funding by the MoJ and sustainability. The JTC has gained a high-level of acceptance on the part of judges in Serbia and has been recognized in the National Judicial Reform Strategy as the leading institution in Serbia for judicial training. The JTC has also influenced judicial standards and discipline in Serbia.

**Promoting Increased Access to Justice for Marginalized Groups: Laying the Foundation for the Establishment of a System of Free Legal Aid**

- UNDP support to the MoJ Working Group on Free Legal Aid (FLA) incrementally advanced the establishment of a system of FLA in Serbia. This resulted in the development of a draft Strategy on FLA, a draft law on FLA and has created a framework for the establishment of a national FLA system in Serbia (once a law is passed and funding approved by the MoJ). Yet, FLA is not yet realized in Serbia and will depend upon the MoJ and MoF allocating budgetary resources for its implementation. An important distinction must continue to be made between discreet legal interventions (i.e., FLA Fund grants) and a comprehensive system of FLA available to *all* citizens of Serbia.

**Strengthening the Capacity of Serbia and putting in place mechanisms to facilitate Serbia's compliance with international human rights obligations: Support to Transitional Justice, War Crimes Trials and Notions of Justice**

- UNDP support to the Special Chamber for War Crimes Prosecution in Serbia and Regional Transitional Justice Mechanisms has increased citizens' understanding of war crimes trials and transitional justice. UNDP support is perceived to have played a role in increasing Serbia's compliance with ICTY and directly resulted in the transfer of one case from the ICTY to Serbia. UNDP has improved regional cooperation in war trials; increased press coverage of the work of the Serbian War Crimes Prosecutor's Office and the level of information available to citizens concerning war crimes trials. The improved level of cooperation between Serbia and the ICTY has recently resulted in the EC's decision to re-instate the Interim Free Trade Agreement of Serbia's SAA with the EU.
- In light of the closing of the ICTY the UN is perceived as the main pillar of the ICTY-Serbia cooperation process and will need to carry on with support to the national courts in handover of cases, data and transitional justice in general. The ICTY, EU and OSCE agree that UNDP has a comparative advantage to carry out the post ICTY work where the Transitional Justice is seen as ground setting initiative for education, vetting and tolerance.

**Establishing Functioning and Relevant Human Rights Institutions in Serbia**

- UNDP has advanced the Outcome via its support to the Ministry of Human and Minority Rights (MHMR). This is perceived to have strengthened the Ministry's capacity to generate data necessary for human rights treaty reporting.
- UNDP support to the former MHMR then to Ministry of Labor and Social Policy (MoLSP) in establishment of a working group to draft a new Law on Prohibition

- of Discrimination (“Anti-Discrimination Law”); UNDP’s support to the process of obtaining enactment of the law by the National Assembly and UNDP’s facilitation of the establishment of the new office of Commissioner for the Protection of Equality (as stipulated in the law) created a significant new legislative vehicle for advancing anti-discrimination in Serbia. This has also improved Serbia’s compliance with international Human Rights treaties, the provisions of the Serbian Constitution and European norms; as well as laid the foundation for implementation of the new law. This will ultimately help to secure citizens’ rights of equality and human dignity in Serbia.
- UNDP’s interventions in support of Roma, IDPs, PWD and other disadvantaged groups, gender equality, woman and SGBV have advanced human rights dialogue in Serbia.
  - Despite UNDP interventions, however, the UN, foreign governments, international and Serbian NGOs all report continued human rights violations in Serbia. The decisions of courts and the Ombudsman are often not enforced or followed.

### 3.3 Sustainable Development

<p><b>Country Programme Component #3: Sustainable Development</b></p> <p><b>Country Programme Outcomes:</b></p> <p>5. Inclusive Development Strengthened (new outcome)</p> <p>6. Sustainable development plans/policies effectively respond to the need of stakeholders, as well as promote employment and environmental protection</p> <p><b>Country Programme Outputs</b></p> <ul style="list-style-type: none"> <li>•Relevant government/civil society/private sector inputs on environmental protection linked to the sustainable development councils</li> <li>•Improved sustainable development policies</li> <li>•Employment creation in the poorest regions of Serbia and Montenegro Policy and institutional frameworks established for sustainable development</li> <li>•Noticeable net economic stimulus and SME growth</li> </ul> <p><b>Country Programme Action Plan Outcome Indicators</b></p> <ul style="list-style-type: none"> <li>* Strengthened analytical capacities and Increased involvement of the Civil Society in policy making and monitoring of Government [poverty] policies</li> <li>* Sustainable development plans/policies effectively respond to the need of stakeholders, as well as promote employment and environmental protection.</li> <li>*More participatory decision making structures established at the municipal level</li> <li>*Regional Human Development Index disparities reduced</li> </ul>
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#### 3.3.1. Sustainable Development: Findings

##### *Inclusive Development*

##### *Strengthening the analytical capacities and increased involvement of Civil Society in poverty related policies and practices and the impact of this process upon Serbia’s public administration reform*

- UNDP’s continued support to the PRS Team within the Office of the Deputy Prime Minister capacitated the office to implement the Poverty Reduction Strategy Paper; involved Civil Society in the process of implementing the PRS through monitoring and evaluation; and laid the groundwork for sustainable development plans in the poorest regions of Serbia and economic stimulus. UNDP’s intervention is perceived to have contributed to the enactment of the new Law on Associations and recognition by Serbia’s Development Assistance

- Coordination Unit (DACU) of the role of civil society in Serbia's EU accession process.
- UNDP support to the establishment of the Social Innovation Fund (SIF) at the Ministry of Social Affairs advanced public administration reform at the local level; empowered and supported the inclusion of civil society in policy making; improved social service delivery within certain communities; laid a foundation for the diversification of social services and the empowerment of most vulnerable groups in the poorest regions of Serbia thereby advancing sustainable development goals. It is not clear that UNDP involvement with SIF will continue beyond the current programming period.

**Employment creation in the poorest regions of Serbia policy and institutional frameworks established for sustainable development**

- UNDP support to the National Employment Service is perceived to have created new jobs and resulted in a shift in the perception of potential employers towards unemployed persons.
- UNDP through its development interventions in Southern Serbia (MIR Project) and South West Serbia (PRO Project) implemented regional infrastructure projects that created jobs at a local level.

**Closing the gap of Regional Human Development Index Disparities**

*Decreasing Roma Vulnerability in Western Balkans and Support to IDPs*

- UNDP support of the Ministry of Human and Minority Rights and the National Roma Secretariat, as well as local municipalities and Roma organizations resulted in the hiring of Roma coordinators and the establishment of a network of Roma coordinators; facilitated the institutionalization of the Roma Secretariat; supported Serbia's Strategy on Roma Inclusion; supported the Government in its chairmanship of the "Decade of Roma Inclusion" and raised awareness of Roma rights in Serbia.
- UNDP support to IDP associations in Serbia as well as the Serbian Government's regional agreements relating to IDPs are perceived to have created new jobs for IDPs and improved the capacities of IDP Associations and coordination mechanisms of other actors involved in responding to the needs of displaced persons.
- Despite UNDP's interventions, data indicates that there remain wide disparities between the levels of employment, social protection, housing and education between vulnerable groups and minorities and the general population—particularly with regard to education of Roma children and youths.

*Gender Equality, Women and Combating Sexual and Gender-based Violence*

- UNDP support of the Gender Equality Directorate of the MoLSP and the adoption of the National Strategy for Improvement of the Position of Women and Promotion of Gender Equality is perceived to have facilitated a major "shift" in the recognition of the gender dimension of poverty and sustainable development amongst members of Parliament and laid the foundation for new interventions implementing the National Strategy.
- Despite the interventions of UNDP and other donors, gender and sexual based violence continues to occur at high levels in Serbia.

*HIV/AIDS*

- UNDP support of a single national HIV/AIDS Authority, a single National HIV/AIDS Strategy and a comprehensive monitoring mechanisms contributed to increasing stakeholders level of information about rates of HIV transmission and AIDS cases in Serbia.

#### *Coordination and Implementation of National Strategy for Youth*

- **UNDP support to the National Youth Strategy is perceived to have improved awareness among key stakeholders of the situation of youth and employment in Serbia; developed the National Youth Strategy; and involved CSOs in the process of youth policy.**

#### *Persons With Disabilities*

- **UNDP support to the Coordination and Implementation of the National Strategy for Improving Positions of PWD and the National Employment Strategy 2005-2010 improved employment opportunities for PWD in Serbia and laid the foundation for future initiatives in the sector. Yet, the majority of PWD in Serbia remain unemployed.**

#### *Strengthening of Rural Social Capital*

- **UNDP's intervention in strengthening rural social capital and networking capacitated the Government to conduct extensive research in the rural non-farm economy in Serbia provided stakeholders with information about the need for diversification of the rural economy and legal and institutional analysis of the cooperatives and their activities in Serbia. The mapping of social enterprises that occurred as a result of UNDP's intervention established the basis for setting a policy agenda.**

#### ***Sustainable Local Development***

##### ***Sustainable development plans/policies effectively respond to the need of stakeholders, as well as promote employment and environmental protection/More participatory decision making structures established at the municipal level***

- **UNDP through MIR and PRO capacitated three Regional Development Authorities (RDAs); helped municipalities to design strategic plans for local economic development and identify small-scale infrastructure projects; increased inter-municipal cooperation; created new avenues of communication between municipalities and CSOs; improved municipal service delivery and laid the groundwork for future work in the sector.**
- **UNDP support to capacity building of the SCTM enabled SCTM to develop a proactive engagement with the Government on legal and regulatory changes. UNDP also supported a study on local administrations and municipalities and local governance that provided the national government and local administrations with a tool to assess priorities. This raised the level of data on local self-governments from the zero base-line that existed previously. Massive changes in the level of awareness of development issues at a local level have occurred as a result of UNDP's interventions many of these were groundbreaking and represented the first time that CSOs had been included in the process of municipal governance.**
- **Despite UNDP interventions in Sustainable Local Development, large regional disparities persist in Serbia and between rural and urban areas and the level of dialogue between and among municipalities and municipalities and the central Government remains comparatively weak.**
- **UNDP via a UNDP Conflict Mitigation Mission that was conducted at end-2007 to assess conflict mitigation impacts in South Serbia laid the foundation for further support to the national effort for promoting peace building in South Serbia.**
- **UNDP through its support to the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) and the Regional Implementation Plan on Combating the Proliferations of Small Arms and Light Weapons (SALW)(formulated and adopted by the Stability Pact for South East Europe) enhanced confidence building, increased transparency in**

arms exports; enhanced SEE regional cooperation in the field of SALW control and armed violence prevention and led to proposals for legal and policy changes to address the situation of firearms possession and domestic violence in the Western Balkans.

### *Environmental Protection*

#### *Sustainable development plans/policies effectively promote environmental protection and link to sustainable development councils*

- UNDP support to the Government of Serbia to develop the National Strategy on Sustainable Development and its Action Plan facilitated the involvement of many actors in the Government to form a forum for discussion of the Strategy and laid the groundwork for implementation of the Action Plan and prioritization of future projects
- UNDP support to the Government of Serbia and its Ministry for Science and Environmental Protection to organize the 6th Ministerial “Environment for Europe Conference” and coordinate efforts of SEE Countries to present common Regional Environmental Priorities resulted in the Belgrade Ministerial Declaration that sets forth provisions for the future of the Environment for Europe process—representing the first time ever that such a declaration of environmental policy was prepared by all the countries in the region acting jointly and in cooperation.
- UNDP support to the Ministry of Environmental Protection in Serbia to identify 9 environmental “hotspots” across Serbia, including the Veliki Bački Canal running through the municipality of Vrbas, initiated the process for cleaning up the canal and finalized the main collector for wastewater that will serve as a recipient of pre-treated industrial and wastewater for Vrbas and Kula municipalities and eliminate the flow of waste water into the canal. This also laid the foundation for future interventions with regard to the “hot spots” in Serbia and serves as a link between national priorities and local development councils.
- UNDP support to the Serbian Government’s efforts to promote investments for energy efficiency and renewable energy through carbon financing in Serbia enabled the Government to establish administrative structures for the implementation of the Kyoto Protocol and the inter-Ministerial body for CDM; thus, laying the foundation for attracting future external funding for energy efficiency and renewable energy production through carbon financing.
- UNDP support to the Ministry of Environment and Spatial Planning for a Biodiversity Strategy, Action Plan and National Report; the preparation of Serbia’s Communication to the UN Framework Convention on Climate Change (UNFCC); and the National Self-Assessment for Environmental Management in Serbia has enabled the Government to develop a first draft of the Biodiversity Strategy, preliminary drafts of the National Communication for UNFCC and foundational reports and assessments for the NCSA Action Plan for Capacity Development—all of which will serve as a basis for future advancement of the Outcome.
- UNDP support to Ministry of Agriculture, Forestry and Water Management-Directorate for Forests to conduct a preliminary assessment of wood biomass potential in Serbia has laid the foundation for increased capacity for integration of renewable energy planning in local development plans and the development of standards for devices using wood biomass.
- Despite UNDP interventions in environmental protection, Serbia remains one of Europe’s largest polluters, citizen awareness of and “ownership” of environmental issues remains comparatively low. River pollution, poor waste management, illegal dumping each remain as significant problems. Concepts of “green” industry and business need to be incentivized.

## 4. Discussion of Findings, Conclusions and Assessment of the Outcome

### 4.1 Country Component #1: Public Administration Reform: Discussion of Findings, Conclusions and Assessment of the Outcome

#### Improvement of Efficiency, Accountability and Transparency in the Public Administration 2005-2009 Supporting Public Administration Reform in Serbia

A lack of available baseline and quantitative data on Public Administration in Serbia was a limitation upon the instant Evaluation and hindered our efforts to quantify UNDP's contribution to Public Administration Reform during 2005-2009. As cited in the footnotes of this report, the fact is that neither UNDP nor any other international organization or the Serbian Office of Statistics has reliable baseline data on the Serbian public sector for years 2005-2009.

There are, however, expert evaluations and surveys that measure some governance indicators. A study published by the World Bank in June 2009<sup>17</sup> provides evidence that efficiency, accountability and transparency in the public administration have improved slightly during the time period 2005-2008 overall, but that this improvement has been sporadic in character.<sup>18</sup> According to a 2009 UN-TNS-Medium Gallup "Corruption Benchmarking Survey", corruption continues to be widespread in Serbia; and is perceived by citizens surveyed to be the third most pressing problem in the country, after unemployment and poverty.<sup>19</sup>

The consensus of all stakeholders interviewed by the Evaluation Team is that while Public Administration Reform has achieved marginal gains during the past 5 years, it remains largely unachieved. Public Administration in Serbia remains large and costly. There continues to be a lack of political will for public administration reform. Ministries report that there is a high turnover of employees and that young qualified staff use public administration posts as a "stepping stone" and leave after a short period of time to take more lucrative assignments within the private sector.<sup>20</sup> This would also seem to track the above-cited World Bank data for 2005-2008.

Moreover, nearly all calls for Public Administration Reform during 2005-2009 in Serbia have paradoxically increased the number of employees within Public Administration (but without any re-assessment of outputs). Serbia has focused only on the in-puts related to its Public Administration Reform (PAR) and thus, PAR significantly increased jobs at the local level. There is some evidence to suggest that total number of persons employed in "Public

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<sup>17</sup> World Bank: Governance Matters 2009, Worldwide Governance Indicators 1996-2008 (World Bank, July 29, 2009). For example, for the indicator "Voice and Accountability" Serbia progressed from a 42.5 percentile rank in 2005 to a 54.3 percentile rank in 2006 to a 55.3 percentile rank in 2007, only to decline again to a 54.8 percentile rank in 2008. Moreover, for the indicator "Government Effectiveness" Serbia progressed from a 45.0 percentile rank in 2005 to a 49.3 percentile rank in 2006, only to decline to a 45.5 percentile rank in 2007 and then show an upward trend again with a 47.9 percentile rank in 2008.

<sup>18</sup> See ANNEX A of this report for the full World Bank table.

<sup>19</sup> UN Corruption Benchmarking Survey (1<sup>st</sup> Wave, October 2009; UNODOC/UNDP). The United Nations and TNS-Medium Gallup benchmarking survey chronicles household-level experience with corruption across the country. According to the 1,000 Serbians who were surveyed in mid-October 2009, 15% had paid a bribe over the prior three-month recall period: most often in order to secure access to public services to which they are entitled.

<sup>20</sup> Also, the quality of the Public Administration suffers as a result of this situation. The decisions of courts and the Ombudsman are often not followed by Public Administration in Serbia. [EC progress reports; Ombudsman Report 2008]. Furthermore, there is a lack of internal mechanisms for consideration of citizens complaints within public administration at lower levels. Public administration in Serbia is also characterized by imprecise and excessive regulations; duplication of authority and lack of inter-ministerial coordination. In a June 2009 survey of 500 civil servants from more than forty Serbian Ministries and agencies 25% of civil servants stated that they were unfamiliar with outputs of PAR; while 47% were unable to state a single initiative that had been implemented by PAR. [Source: June 2009 Survey reported in MPALSG PAR Newsletter, July/Aug 2009].

Administration and Social Insurance” may have declined slightly between 2006 and 2007; and, in addition, “Public administration and defense; compulsory social security” as a percentage of GDP showed a downward trend from 2004 to 2006.” Yet, given the inconsistencies with official data such statements can only be deemed as non-conclusive.<sup>21</sup>

Public Administration Expenditures for social protection have occupied an enormous section of the total budget of the Republic of Serbia.<sup>22</sup> Serbia’s program of social assistance has 20 branches and these are aiming at achieving three objectives: “1) poverty reduction; 2) population growth; and 3) assistance to vulnerable groups such as veterans and the disabled.”<sup>23</sup> Besides regular transfers from the Government, the Ministry has three funds that are focusing on vulnerable groups and institutions providing social care, i.e. Fund for protection and improvement programs for people with disabilities, Fund for Socio Humanitarian Associations, and Fund for Social Protection Institutions.<sup>24</sup> Besides them, SIF is organized as a joint venture between the donors and the Serbian Government.

In general, there has been a steady increase in the salaries in the public administration, pensions and social benefits in the period between 2001-2007. While the participation in social protection expenditures was in increase, it was 4% of GDP in 2005. The PRS strategy also ensures better coverage of vulnerable groups and promotion of the sectoral assistance for youth, Roma, IDPs, refugees, etc. rapid economic growth of the country in the last decade has reduced poverty significantly – from 13.4% in 2002 to 6.6% in 2007<sup>25</sup>, which also had a positive effect on the most vulnerable groups. Today, a majority of the social programmes do target poor people, and over 54% of all benefits of to those in the poorest quintile of Serbia’s population (HBS 2006). By the same token, 46% of the beneficiaries of these programmes belong to the poorest 20% of the population, and close to 70% of them, to the bottom 40% of the population<sup>26</sup> Yet, the economic crisis has reversed the increase in these sectors.<sup>27</sup>

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<sup>21</sup> For example, the 2008 Statistical Yearbook for Serbia published by the Office of Statistics includes some data on employment by sector in several tables, but this data is not consistent. For example, Table 5.3 (page 100) entitled “Employed Persons by Fields of Classification of Activities” 2005-2007 lists total number of persons employed in Public Administration and Social Insurance in year 2007 as 68,669, while Table 5.6 (page 102) entitled “Employed Persons by Activities” October 2007 lists the total number of persons employed in Public Administration and Social Insurance as being 141,938. Public Administration is also covered by Table 8.1 (page 147) entitled, “Employees and Budgetary Resources’ Users Revenues, 2006” which gives a figure of 147,303 total employees in Public Administration and Social Insurance for 2006. But, Table 8.2 (page 148) proceeds to give a figure of 135,732 total employees in Public Administration and Social Insurance for 2006. Moreover, the Office of Statistics publication entitled, “Statistics for Municipalities in Serbia 2007” includes a different number for persons employed in Public Administration and Social Insurance in year 2006 as 69,065 [See, “Statistics for Municipalities in Serbia 2007”, Table 4.2, pp. 120 et. Seq.]. The 2008 Statistical Yearbook also includes a table for GDP by sector, but the data is also problematic. For example, Table 6.2 (page 125) lists “Gross Value Added at Basic Prices by Activities” for years 2004, 2005 and 2006 by sector; and includes a line item “L” for “Public administration and defense; compulsory social security”. Arguably this data shows a decreasing trend in the percent of GDP contributed by public administration over the years 2004-2006, occurring in a time period when the overall GDP was expanding. While this arguably could suggest a relative decline in public administration as a percent of GDP in those years; the table includes other line items that technically could fall within a larger definition of Public Administration as well as some categories (i.e. defense) that should probably be disaggregated to obtain a true picture of the size of public administration. As stated above, other statistical sources were not available to the Evaluation Team (nor are they available generally to the international donor community as it attempts to formulate policy for Serbia).

<sup>22</sup> Source: interview with the representative of the Ministry of Labour and Social Policy. According to the budget decision of the Serbian Government, 33.5% of the total expenditures of the Serbian budget are directed for social assistance and transfers (22% are pensions). The total budget of the Serbian Government is 748,652,903,100 RSD, and the Ministry of Labor and Social Policy utilizes 12% of the total budget, with the budget of 93,790,630,800 RSD% for 2009.

<sup>23</sup> World Bank Report; *Doing more with less*, World Bank, 2009; p. 44.

<sup>24</sup> Zakon o budžetu Republike Srbije za 2009. Godinu. The three funds utilize the amount of 850,000,000 RSD or 8.95 million EUR.

([www.parlament.sr.gov.yu/content/lat/akta/akta\\_detalji.asp?Id=516&t=Z#](http://www.parlament.sr.gov.yu/content/lat/akta/akta_detalji.asp?Id=516&t=Z#))

<sup>25</sup> Living standards measurement study in Serbia 2002-2007.

<sup>26</sup> World Bank Report; *Doing more with less*, World Bank, 2009; p. 46.

UNDP's intervention changed with each shift of government and UNDP was hard pressed to keep up with such developments.<sup>28</sup> Ultimately, UNDP's contribution could not be expected to counter a general lack of political will for Public Administration Reform and the caution that the Government approaches this due to the costs involved. When viewed in the context of the significant political events that have occurred in Serbia and the fact that Public Administration Reform requires a long-term commitment, it can be said that UNDP *incrementally* advanced Public Administration Reform in Serbia and the Outcome in identifiable ways.

#### *UNDP Support to Serbia's PAR Strategy*

UNDP engaged all stakeholders in PAR and laid the foundation for future PAR efforts and a new action plan. UNDP provided training for staff of the Ministry of Public Administration and Local Self Government on preparing strategic documents. The model for inter-ministerial coordination and M&E of the PAR was developed and presented at the central level.

The MPALSG now has strengthened mechanisms for implementing the Strategy. As of 2008, The PAR Strategy had been revised and the basis for the Action Plan for 2009-2012 had been set. Action Plans will update the Strategy. UNDP's PAR interventions<sup>29</sup> were also designed to foster local self-governance in Serbia via policy and technical advice. As of 2009, the IMF was drawing upon the newly adopted PAR Strategy that resulted from UNDP support. The World Bank is also hosting a number of meetings discussing the new PAR strategy of the government.

And yet, a July 2009 poll of over 500 civil service employees from over 40 ministries and agencies conducted by the MPALSG revealed that 25% of civil servants stated that they were unfamiliar with the outputs of PAR and 47% were unable to state a single initiative that had been implemented by PAR to date.<sup>30</sup> Nonetheless, it is perceived that some civil servants and citizens in Serbia benefited as a result of the UNDP support of websites, information and training of journalists that have directly improved the availability of information to citizens. It also appears that the quality and number of press reports on public administration increased as a result of trainings of journalists.<sup>31</sup>

A number of other donors have been particularly active in PAR including EAR, SIDA, Norway, France and World Bank/DFID. The MPALSG assumed the role of coordinating all

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<sup>27</sup> Id. Growth in Serbia declined to 5.4% in 2008, this resulted in a slight increase in the poverty rate. The IMF estimate is that Serbia will see a "two percent drop in GDP in 2009". Projections for the subsequent years (2010-2013) show a slow recovery, with no growth in 2010 and only three percent growth in 2011.

<sup>28</sup> As stated above, the MoF Project Phase 1 commenced with limited funding from the Netherlands to build a training mechanism within HR department to better equip the MoF to deal with the transition and support consultants assisting MoF with this analysis. Then in 2007, MoF lost its budget unit and UNDP supported that capacity (again with consultants). In 2008, the global financial crises hit and UNDP began to work with MoF to adjust to the crisis and anticipate its impact in Serbia. In 2009, UNDP was again asked by MoF to adjust its intervention and to support MoF capacity to prepare data for IMF and PAR.

<sup>29</sup> UNDP supported Public Administration Reform in Serbia through a variety of interventions between 2005-2009. These included the following principal projects. "Support to the Serbian PAR Strategy (Phase II)"; "Training and *Institution Building for Sustainable Human Resources Capacity in the Serbian Ministry of Finance and Economy*"; "Support to the Serbian Ministry of Finance (Third Phase)"; "Strengthening the Accountability of the Serbian Parliament"; "Strengthening Democratic Governance at the Local Level for EU"; "Integration and Local Development towards successful Strategies"; "Supporting the Serbian European Integration Office" and "Strengthening the Capacity of the Office of Public Procurement". The other UNDP interventions that are perceived to have contributed to Public Administration Reform in Serbia include: "Support to the Commissioner Office for access to Information"; "Capacity Building of the Standing Conference of Towns and Municipalities (SCTM)"; "Inclusion of the Civil Society — "Social Innovation Fund (SIF)"; "Support to the Statistical Office"; Municipal Improvement and Revival (MIR); Municipal Development in Southwest Serbia (PRO); Support to the National Strategy for Youth; and "Combating Sexual and Gender-based Violence".

<sup>30</sup> Source: Ministry of Public Administration and Local Self Government, "PAR News" (August/September 2009).

<sup>31</sup> On 3<sup>rd</sup> of September 2009, UNDP held an event to conclude the Project and to present results was heavily attended by members of the press, which is perceived to be an indication of continuing interest in PAR.

donor assistance in this area, with the MoF, SEIO and other agencies also playing key roles in developing a PAR Strategy. UNDP has managed to be included in the main donor meetings about PAR (this included WB, EC, DFID, Norway, EBRD, etc.). UNDP was careful to avoid overlap with other donors while at the same time attempting to link its PAR Project to other development initiatives.

In the new project cycle the MPALSG desires UNDP's assistance in communicating to the public what PAR means; and supporting the role in coordination of PAR.

### **Increasing Capacity and Realigning Structures in the Public Administration**

*Supporting the MoF and Ministry for Public Administration and Local Self Government to incorporate European best practices*

UNDP interventions have better equipped the MoF and Ministry for Public Administration and Local Self-Governance to undertake its tasks.<sup>32</sup> While UNDP's intervention within the MoF was small compared with the total number of employees at the MoF and the interventions of other international donors, the perception is that UNDP advanced the Outcome through its interventions. All stakeholders interviewed by the Evaluation Team (including a State Secretary at MoF) confirmed a change in the quality of the content and methodology of work of the civil servants as a result of UNDP's intervention. Some of the civil servants employed by the project found new jobs as civil servants for the types of tasks that were carried out within the project.

UNDP supported the provision of information to civil servants via the MoF's website about PAR and published documents on the role of civil servants in the fight against corruption.<sup>33</sup> UNDP also supported functional reviews in the MPALSG as well as the Ministry of Foreign Affairs. UNDP also supported a database and information management process streamlining at the Ministry UNDP supported the establishment of a call center that operates 24/7 at the Ministry. UNDP supported publication of brochures for citizens on how to access social benefits and services; education; labor rights; employment; healthcare; and the role of the Ombudsman. These will be distributed to Citizen's Centers in Serbia and are also available on the Ministry's website in Serbian.<sup>34</sup> UNDP advanced the Outcome via its Support to MoF and improved the capacity of the MoF to implement the SAA.<sup>35</sup>

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<sup>32</sup> According to an Advisor to the Deputy Prime Minister for Economics who was interviewed by the Evaluation Team, "it is now evident that Serbia has missed the PAR Strategy targets during the last 5 years." There was perhaps too quick a switch from agriculture and industry to services and at the same time Serbia destroyed some sectors of agriculture and industry. This has resulted in poor exports (i.e. 2009 exports are less than 30% of GDP). Serbia does not have enough tradable goods, because of the switch from agriculture and too many changes in the Government (trade and economy statistics were impacted negatively) and the over-valued domestic currency. All of these factors force imports and in this sense it lead to the crises of 2009 and 2010. [Source: Evaluation Team Interview with the Advisor to the Deputy Prime minister for Economics] The IMF has requested Serbia to significantly reduce the size of its public. [See, World Bank report: "Doing more with less"].

<sup>33</sup> See ministry's website.

<sup>34</sup> Three project staff continue as of October 2009 to work pro-bono on the finalization of these publications despite the fact that the project has ended.

<sup>35</sup> UNDP supported the development of the MoF's human resources strategy. UNDP adopted standards of project management to train the trainers and a schedule of training for MoF staff. UNDP assisted the development of a Manual for Project Management Standards and Procedures, which it submitted to the new Cabinet for adoption. UNDP support also resulted in the MoF adopting the following: "Guidelines on 'How to Conduct Training Needs Assessment'; "Training Plan for MOF civil servant; Civil Servants"; "Code of Conduct for civil servants; Civil Servants"; and "Code of Conduct for Project Consultants..." Additionally, the Human Resources Intranet Portal was approved and installed into the Ministry of Finance in September 2007 and a working group for management of Portal was established. UNDP also assisted MoF to accommodate the addition of over 1000 projects from the National Investment Plan portfolio that were transferred to the auspices of the Project Center in June 2007. With the assistance of UNDP, over 400 projects were systematized and added to the MoF DACU database. Guidelines for National Investment Plan were developed with UNDP support and adopted by the Ministry (these guidelines were transferred to the Cabinet for NIP, and later on to the Ministry for National Investment Plan and adapted by the Cabinet accordingly). UNDP also provided support to MoF with developing an instruction governing the

UNDP projects do not directly contribute to GDP and identifying a direct link in number of employees in public administration and UNDP interventions during 2005-2009 is extremely difficult. Although the IMF has recently recommended that Serbia reduce the size of its Public Administration, the CPD 2005-2009 never specifically required UNDP to reduce the numbers of PA officials in Serbia. In Fact, there is evidence to suggest that UNDP did not increase the size of the Serbian Public Administration to any significant degree as a result of its intervention. For example, UNDP's contribution of total MoF capacity projects from all donors was small compared to all donors. UNDP CO feels that this is an indication that UNDP did not circumvent the MoF's own processes, nor was UNDP responsible for creating a "false" economy at the MoF.

MOF Project Overview 2005-2009									
Year	Budget	Consultants paid USD				Cons. Hired			Number remained in the State administration
		International	National	Total	%	Nat	Int	Total	
2005	541,991.37	107,231.45	211,955.12	319,186.57	58.89%	27	2	29	12
2006	235,506.25	57,283.09	74,673.60	131,956.69	56.03%				
2007	651,597.44	86,613.72	271,248.03	357,861.75	54.92%	22	2	24	
2008	302,159.22	13,683.71	164,490.76	178,174.47	58.97%				

a) Contractual modality applied for International Consultants was UNDP Special Service Agreement (SSA)  
b) Local Consultants were issued contracts by the Ministry of Finance in accordance with the local regulations whereby the net salary was paid from the project budget and the contributions were paid from the Ministry's budget (76%)

### **Capacitating the Public Administration to meet Serbia's EU Accession Goals**

#### *Support to the Serbian European Integration Office (SEIO)*

UNDP's support to SEIO is perceived to have advanced the Outcome and better-equipped SEIO to implement Serbia's Strategy on European Union Accession and the Action Plan. SEIO has been leading the European accession process and is currently one of the best-capacitated institutions in country. The Director of SEIO informed the Evaluation Mission that UNDP support to capacity building and the provision of experts within the SEIO was crucial during 2005-2007. According to the EC, the SEIO is functioning well.<sup>36</sup> In addition, the above-described support to the MoF as well as nearly all other CPD 2005-2009 interventions (discussed *infra*) have advanced Serbia's EU accession goals.

#### *Improving Transparency, Efficiency and Accountability of Public Procurement*

UNDP has also advanced the Outcome via its support to the Serbian Public Procurement Office.<sup>37</sup> It is perceived that UNDP has fostered the role of civil society in monitoring public procurement in Serbia until such time as the State Audit and the Judiciary are strong enough to police this area. The Director of the Public Procurement Office stated that he appreciated UNDP's approach, because it was comprehensive and included NGOs and civil society.

In Serbia as of 2008, there were estimated to be 12,000 purchasers and some 80,000 bidders, while 250,000 public procurement contracts were being signed annually with an aggregate value of some 2.4 billion Euros.<sup>38</sup> A new Law on Public Procurement was adopted in

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development of local public utilities business plans with relevant 620 business plans of local public utilities were prepared and adopted by the Ministry.

<sup>36</sup> EC Progress Report Serbia 2009, Page 8.

<sup>37</sup> UNDP began its support of the Public Procurement office in 2008 as part of its initiatives in Public Administration Reform and Anti-corruption. The process was driven by the lack of capacity of the Public Procurement Office and an assessment that UNDP conducted initially to analyze the institutional framework of accountability mechanisms in Serbia.

<sup>38</sup> [Source: MoF Press release 17 September 2008].

December 2008 and came into effect in January 2009, representing one of a number of recent legislative reforms in Serbia targeted to Anti-corruption.<sup>39</sup>

UNDP also supported a certification process for Public Procurement Officials that requires officials to demonstrate knowledge of such items as standardized bidding documents and acts; the new Law on Public Procurement and its by-laws. The certification process generated a need for a set of model public procurement documents and UNDP has also assisted in this regard. UNDP, in partnership with Transparency International Serbia, recently developed a draft methodology for assessment of Public Procurement based upon World Bank indicators that will be utilized by the Public Procurement Office to identify areas of weakness in the system.

According to the European Commission in its 2009 Progress Report for Serbia: “Good progress has been made in the area of public procurement. Serbia adopted a new Law on Public Procurement in December 2008 and implementing legislation in July 2009.... It has brought several changes, such as certification of professional public procurement officials, introduction of e-procurement and establishment of an electronic public procurement portal, the possibility of court review in public procurement cases, introduction of anti-corruption clauses and institutional independence of public procurement bodies, notably the Public Procurement Office and the Commissioner for the Protection of Rights in Public Procurement Matters.”<sup>40</sup>

### **Institutionalizing Public Hearings and Improving Legislative Oversight of the Executive and Increasing the Accountability of Public Administration**

#### *Support to the Serbian Parliament*

UNDP has been supporting the Parliament since 2004 through a poverty reduction approach and under a wider initiative funded by the EC, aimed at the inclusion of civil society in poverty related policies and practices.<sup>41</sup> UNDP’s continued interventions with the Parliament<sup>42</sup> during 2005-2009 advanced the Outcome by the “piloting” of public hearings. All stakeholders interviewed agree that there has been a major shift in the level of openness of the Parliament and strengthening capacities and knowledge of the Members of the

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<sup>39</sup> The new Law on Public Procurement was designed to improve public procurement procedure and its efficiency, as well as introduce better control, surveillance and bidders’ rights protection. The law also seeks to improve transparency and efficiency of public procurement by giving primacy to “e-announcements” for public tenders. The Law stipulates that the report on approved contracts, instead of once per year, be submitted to the Public Procurement Office quarterly. A “Commission for Bidders Rights Protection” was established under the new Law to be an independent institution whose membership will be appointed by the Parliament of the Republic of Serbia, while professional criteria for membership in the Commission are being improved. A set of by-laws supporting the law became effective in June 2009 (these are currently not available in English).

<sup>40</sup> EC Progress Report Serbia 2009, page 35. UNDP supported a study visit to Slovenia with relevant staff to visit the Slovenia Parliament. In addition to the Public Procurement Office, the delegation from Serbia included representatives from the Serbian Office of the Deputy Prime Minister; Supreme Audit; Commissioner for Free Access to Information; Commissioner for Protection of Bidder’s Rights; and the Agency for Public Procurement (City of Belgrade). The delegation participated in several days of intensive visits to the Slovenia Ministry of Finance, Office of Freedom of Information, Parliament, etc. This strengthened links between Slovenia and Serbian ministries and staff and fostered inter-Ministerial discussion in Serbia; leading to several meetings of the anti-corruption agencies in Serbia. This enabled the agencies to identify their most urgent to set policy.

<sup>41</sup> UNDP has worked directly with seven Committees of the Parliament including 1) Committee for Labor, Veteran and social issues, 2) Committee for health and family; 3) Committee for education, 4) Committee for local self-government, 5) Committee for agriculture; 6) committee for poverty reduction, 7) Committee for gender equality.

<sup>42</sup> UNDP’s current intervention “Strengthening the Accountability of the Serbian Parliament” began in 2008 with the aim to strengthen the National Assembly to be accountable to the citizens of Serbia, be able to address the demands of the transition period and to execute its oversight role of the Executive more effectively. Oversight of the operations of the Executive by Parliament was viewed as a key element of the Government of Serbia’s proclaimed fight against corruption. It was also envisioned that by engaging citizens in public deliberations and debate on matters of public policy that the citizen’s perceptions of the Parliamentary system would be strengthened and the integrity of the MPs elevated. As such, UNDP’s intervention also supported Serbia’s EU accession goals and was designed in part as a response to the 2008 EC Progress Report for Serbia that cited widespread corruption in Serbia as a serious problem hindering the country’s advancement. [See, UNDP project document citing EC 2008 Progress Report for Serbia].

Parliament to deal with developmental issues such as poverty reduction, and social inclusion. Public hearings are not yet established as a full-fledged procedure. They are, however, mentioned in the draft Rule of Procedure that are now before Parliament and there appears to be political will to enact them and to institutionalize them.<sup>43</sup> There is also a practice of holding public hearings emerging that is unrelated to any external support. UNDP has also incorporated CSO Partners in its intervention with the Parliament, especially Belgrade Fund for Political Excellency and ProConcept Serbia a local NGO.

According to the EC, Government accountability to parliament has improved and the practice of regular hearings in parliament and replies to MPs questions was established.<sup>44</sup> Other segments related to that program that ended in July 2009 were general capacity building of MPs in poverty related strategies. Publications were produced with UNDP support and disseminated. The Outcome of the entire initiative was that a caucus of MPs has now been created in the Parliament that is proficient in tackling poverty related issues.

### **Improving Information Systems for Poverty Data Monitoring**

#### *Supporting the Office of Statistics*

UNDP and the Serbian Office of Statistics cooperated in a number of initiatives in the period between 2005-2009.<sup>45</sup> UNDP's role was very valuable in terms of providing technical assistance to poverty data monitoring, and building capacities of the staff of the Statistical office. UNDP was proactive in the setting up a MDG monitoring system and supported the PRS process in terms of data monitoring. Additionally, joint work of UN Agencies was marked as very beneficial in terms of developing the data software DevInfo.

According to the EC, there has been some progress on statistical infrastructure. Cooperation and coordination between the statistical office and other official producers of statistics have been improved.... In January 2009 the government adopted the development strategy for official statistics for 2009-2012. The new Law on Statistics, as well as laws regulating the agriculture and population census has not yet been adopted. The Statistical Office has recruited a small number of new staff however budgetary allocations are not yet sufficient to cover all the activities planned and additional staff is still needed. Metadata have been prepared for all statistical domains... There has been progress on sector statistics.<sup>46</sup>

### **Protection of the Right to Information and Privacy**

#### *Supporting the Commissioner for Information and Information Directorate*

The newly established Commissioner for Information of Public Importance and Personal Data Protection has responsibility for implementing two laws: i) access to public information (responding to citizens requests for information); and ii) protection of private information gathered by Governmental entities about private citizens in Serbia.<sup>47</sup> UNDP supported the

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<sup>43</sup> Representatives from both the Committee for Poverty Reduction and the Committee for Labor (interviewed by the Evaluation Team) stated that initially, discussions at the Public hearings were of a general nature, but the discussion at such events has become increasingly sophisticated. The MPs perceive that the public hearings have increased transparency. Future UNDP interventions recommended by the MPs included translation of the EU *Acquis* in to Serbian and additional study visits. It is important to note that the "One UN" concept has been advanced by UNDP's presence within the Parliament. Other UN agencies (i.e. UNICEF and UNHCR) have recently utilized UNDP's presence in the Parliament to their advantage as a contact point for communicating with MPs.

<sup>44</sup> EC Progress Report Serbia 2009, Page 8.

<sup>45</sup> UNDP supported the Statistics office in publishing the Living Standards Measurement Study on IDPs, and two publications on Gender. In the aftermath of the economic crisis UNDP is supporting the Republican statistical office in developing of a *poverty module in the Labor Force Survey*. Also two research studies are ongoing on *mapping vulnerabilities on the labor market*, where special care was placed on the gender dimension.

<sup>46</sup> EC Progress Report Serbia 2009 page 50.

<sup>47</sup> See website of the commission: <http://www.poverenik.org.rs>.

capacity of the Information Directorate, which has been deemed crucial to the Commissioner's ability to recruit staff.<sup>48</sup>

The European Commission recognizes that "The commissioner for free access to information of public interest has become more active. Following adoption of the Personal Data Protection Law in November 2008, the commissioner's powers were extended to cover data protection as well."<sup>49</sup> The Commissioner's legal duty to implement the above referenced laws will create an extreme administrative burden and the office will require additional capacity support in the next several years.

**Creating institutionalized mechanisms for regular consultation between government, CSOs and the private sector on relevant development plans/budgets and their implementation**

*Support to the Local Public Administration-Standing Conference of Towns and Municipalities and other UNDP interventions fostering such consultations.*

UNDP advanced the CPD outcome in public administration reform by improving the efficiency, accountability and transparency of Standing Conference of Towns and Municipalities (SCTM).<sup>50</sup> UNDP through its Capacity Building Fund and in cooperation with SIDA started a project of Capacity Building of SCTM, with the goal to develop the first, modern national association of local authorities that will contribute to the development of democratic governance in the Country. As a result of the project intervention, SCTM has been developed into a modern institution with increased legitimacy and strong lobbying and communication capacity that lead to proactive engagement with the Government on legal and regulatory changes in the fields of its mandate.

UNDP also supported the drafting of a study on local administrations and municipalities and local governance (i.e., staff, IT infrastructure, organization of the municipalities, local government strategies adopted, support to these municipalities to date, etc.). This provided both the national government and local administrations to assess priorities. Previously there was zero data available on local self-governments.

Finally, UNDP's interventions through its PRO and MIR interventions, discussed *infra*, fostered dialogue between the private sector and government regarding infrastructure projects. As further discussed below in Country Component 3: Sustainable Development, the PRO and MIR interventions capacitated regional development agencies and increased dialogue between municipal governments and their national counter-parts as well as with CSOs.

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<sup>48</sup> The study trip to Slovenia was highly valued by the Commissioner. UNDP has also supported the Commission to upgrade its website. The Information Directorate organized a conference with UNDP on Access to Information in May 2009. Cooperation with UNDP is perceived to be very efficient.

<sup>49</sup> EC Progress Report Serbia 2009, page 10. "Some progress has been made on protection of personal data. The Law on the Protection of Personal Data entered into force on January 2009 and implementing legislation was adopted. The Commissioner for Information on Public Importance took over supervisory powers for enforcing it and was renamed Commissioner for Information of Public Importance and Personal Data Protection. However, the Law on Protection of Personal Data is not fully in line with EU standards.

<sup>50</sup> The project started in 2003 with the first phase (2003-2005), which focused on developing internal capacities, management systems and human resources as well increasing capacity for providing policy advices in the areas of local public administration and finances, local economic development and environmental protection. The second phase (2006-2009) took a holistic approach by enhancing capacities not only within SCTM but also among member municipalities and other central and/or local level institutions and supporting the wider process of decentralization in Serbia. The focus was on one hand to further institutionalization and functional strengthening of SCTM and on the other to implementation of the National Public Administration Strategy, decentralization process and EU integration of Serbia.

### **Improving social service delivery and the involvement of CSOs in “pro-poor” policies at the national and local level**

*UNDP’s Continuing Support to the Poverty Reduction Strategy and the Social Innovation Fund*

UNDP also advanced the Outcome via its continued support to the PRSP and SIF during the 2005-2009 time-period. These interventions span both Country Programme Component 1 and 3, but are discussed *infra* under Component 3: *Sustainable Development: Inclusive Development*, due to the fact that they targeted a pro-poor and most vulnerable groups constituency.

SIF and PRSP significantly advanced PAR in that they involved CSOs in the policy making process and improved social service delivery at a local level. Yet, ambivalence towards institutionalization of the SIF within the institutional framework of the Government shows that sustainability of social services requires a set of preconditions. These include: defining strategic priorities at the state level, defining strategic documents in local self-governments, strong cooperation with local-self governments and their inclusion in financing successful models of services, transfer of services to Centers for Social Work, longer financial support to project by the Fund and focusing on capacity building of existing organizations and including new ones in the network of service providers.<sup>51</sup> Most of these preconditions are still not being met, even though local self-governments have become increasingly involved in social protection.<sup>52</sup>

## **4.2 Rule of Law: Access to Justice and Human Rights: Discussion of Findings, Conclusions and Status of the Outcome**

### **Supporting Effective and independent judicial systems with increased access to justice for marginalized groups**

UNDP advanced Judicial reform in Serbia at an early stage via “in-kind” contribution to the following: i) the “Annual conference of judges” (2002-2006)(the annual conference is the most important gathering of the judiciary in Serbia); ii) publication of a bulletin of court practice and other publications such as “the Judicial Education in Development: Turn Guide” (2005)—an interactive resource that provided all practitioners working in the field of judicial reform with a guide to strategies and techniques in establishing a judicial training function; iii) support to the establishment of the “Outreach Service of the Supreme Court” to report to the public on cases; iv) support of numerous study visits for the judges of the Supreme Court to the Hague to assess The Hague’s outreach office (website and publications); and v) UNDP’s coordination of donor funds used to by books, online media, etc. This strengthened the capacity of the Judiciary and laid the foundation for future reforms.

UNDP continued to support the Judiciary and MoJ during 2005-2009 in three main areas: i) supporting the further institutionalization of the JTC (founded in 2001), its curriculum and publications; ii) support to Magistrate Courts and their integration into the mainstream judicial system and judiciary; and iii) support to the design of a strategy and draft model law on Free Legal Aid in Serbia. All of these interventions and others are discussed in more detail below. MoJ reports that it is highly satisfied with the level of cooperation with UNDP and considers UNDP to be a reliable partner.

Serbia adopted a new Constitution in 2006. Yet there is overall little progress on adopting legislation to implement the new constitutional framework for the judiciary and laws on

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<sup>51</sup> Report on the Second round of SIF Call Fond za socijalne inovacije; Analiza održivosti projekata II konkursa Fonda za socijalne inovacije, Fond za socijalne inovacije, decembar 2006.

<sup>52</sup> Eleven new services institutionalized at local level, with strong cooperation established between a number of Centers of Social Work and local CSOs.

reform contain weaknesses.<sup>53</sup> The 2006 National Judicial Reform Strategy governs the reform of the judiciary. It sets out priorities and objectives for the period 2006-2011. The Venice Commission has welcomed a number of good provisions therein, but considered that on the whole the laws tended to weaken judicial independence.<sup>54</sup> The EU's Progress Report for 2008 found that overall there had been little progress with the judicial reform process.

A package of reform laws was adopted by parliament in October and December 2008; representing the first time that an integrated legal framework for the judiciary was established in Serbia. The current reforms will include a process of "Re-election and re-appointment" of the judiciary in 2009, designed in part to make the court system more efficient.<sup>55</sup> A large number of the Judiciary in Serbia is opposed to the current reforms based upon separation of powers grounds.<sup>56</sup>

The continuing need for court reform is represented most acutely by the system of **backlog in the court system**. The overall rate of backlog between 2005-2009 at the Supreme Court appears to have declined from 37 percent of total cases to 12 per cent between 2005-2008 and significant transparency was achieved in the work of the courts.<sup>57</sup> Yet, backlog persists throughout the court system.<sup>58</sup> All judges interviewed by the Evaluation Team expressed frustration with the situation of backlog at their courts. This is despite numerous initiatives of donors (including UNDP) between 2005-2009 to educate the Judiciary on improvement of court processes.

Lengthy civil and criminal proceedings and difficulties in enforcing final judgments continue and erode the public's trust in the judiciary. The right to a fair trial is not sufficiently

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<sup>53</sup> The European Commission analysis of Serbia's new Constitution noted significant concerns with respect to the fact that individual members of parliament are made subservient to party leaderships and, also the excessive role of members of parliament in judicial appointments (specifically the fact that the National Assembly elects, directly or indirectly, all the members of the High Judicial Council proposing judges for appointment and election of judges). [See, Opinion on the Constitution of Serbia, Venice Commission, 19 March 2007, Para. 106]. While a plethora of new legislation has recently been adopted, implementation of these laws and knowledge of their provisions among key stakeholders in the legal community is not optimal.

<sup>54</sup> CDL-AD (2008) 007 Strasbourg 19 March 2008.

<sup>55</sup> Through the current reforms the number of judges in Serbia will be reduced from approximately 2400 judges to approximately 1,860 judges by mid-December 2009. Any existing judge who is successful at re-election during 2009 will receive a permanent appointment. Any new judge appointed after January 2010 will receive an initial 3-year probationary appointment subject to review of the Councils and award of a permanent appointment only upon approval of the Councils. Also, the number of Courts in Serbia will also be reduced through the process of judicial reform that is now underway in Serbia, essentially consolidating small courts into larger courts with broader jurisdiction (i.e. the number of municipal courts will shrink from the present 138 to 34 after the process of judicial reform is completed). A system of "circuit riding" will also be introduced with courts held in smaller towns only periodically on certain predetermined dates.

<sup>56</sup> A former president of the Supreme Court expressed concern that judicial reforms have occurred without sufficient attention to the material issues of implementation and preparing the Presidents of the Courts and judges. The international donor community has invested substantial resources toward judicial reform in Serbia (Supreme Court, JTC, Constitutional Court, etc.), yet it is perceived by the Supreme Court that this process has taken place without sufficient coordination. With each change of the Minister of Justice all the programming changed. There is a lack of institutionalization and the process is too politicized. JAS simply became fatigued with the process.

<sup>57</sup> Interview with Judge of the Supreme Court of Serbia; Fall 2009; Evaluation Team Interview with Constitutional Court of Serbia, 24 September 2009.

<sup>58</sup> For example, the Belgrade District Court had 6,600 cases within the first 9 months of 2009 resulting in backlog. Cases must be adjudicated in sequence in general, unless it is a particular circumstance (i.e. child rights, extremely old cases). At present, some case files sit for year in judges' file cabinets waiting for adjudication. Implementing a case management system continues to be an urgent need of the judiciary. It is difficult to ascertain the total number of cases in any given year. The Global Economic Crisis can be expected to raise the number of court cases in Serbia as citizens sue each other and crime rate increases. The present strategy for eliminating backlog is not sequenced or harmonized among different actors in the process. Identifying ways to expedite and streamline court dockets or remove cases from the court system will remain a need for courts in Serbia for the foreseeable future.

guaranteed.<sup>59</sup> The legal profession in Serbia is not well regulated. There exists no mandatory CLE requirement (including basic ethics training) for lawyers.<sup>60</sup> Senior Judges complain that lawyers and judiciary lack knowledge of new laws. The concept of pro-bono legal services is only just emerging in a very limited form. Clinical legal education not yet institutionalized. There are low percentages of minorities represented in law schools and in the legal profession (i.e. Belgrade Law Faculty has only a handful of minority students out of its total enrolment).<sup>61</sup>

Furthermore, the rulings and decisions of courts, the Ombudsman and the Commissioner for Free Access to Information of Public Importance are often not followed by administration—especially in the most relevant cases of public interest, and the cooperation of some state institutions was extremely limited.<sup>62</sup> Additionally, there is no mechanism to enforce the decisions of the Commissioner for Free Access to Information of Public Importance or to sanction violations of the Law on Free Access to Information of Public Importance by government bodies.<sup>63</sup> State institutions of administration in Serbia lack adequate dispute resolution mechanisms and courts still fall short of guaranteeing citizens their right to a fair trial.<sup>64</sup>

### **Creating a Core of Trained Legal Professionals Exposed to Global Best Practices** *Standardizing and Institutionalizing Judicial and Prosecutorial Training in Serbia*

MoJ jointly founded the JTC in 2001/2002 together with the Judges Association of Serbia (JAS). It was active on the Managing Board of the JTC and fully involved in the JTC from that time and prior to the formal establishment of the JTC. As of 2005, however, the JTC did not have a standardized curriculum and resources for implementing its training programs; nor was JTC sufficiently financed by the MoJ to operate independent of international donor resources.<sup>65</sup>

JTC credits UNDP with leading the process of making the JTC sustainable post-2005. MoJ took over responsibility for funding 50% of the JTC staff salaries in 2005 and 100% in 2006. This was in addition to already being responsible for funding its operational costs. UNDP's continued support to the MoJ, Judiciary and JTC during the time period 2005-2009 resulted in the full institutionalization of the JTC and the development of its training curriculum. By 2009, the JTC had transitioned to a full implementing partner capable of co-financing. UNDP also implemented a complimentary Magistrate's Project during 2005-2009 that links with the JTC. In 2009, the proposed law "on the Judicial Academy" will further institutionalize the JTC.<sup>66</sup>

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<sup>59</sup> The Serbian Constitution provides for the right to a fair trial within a reasonable time (Article 32) and the 2005 Civil Procedure Act prescribes that a court should decide on claims and motions of the parties within a reasonable time (Article 10).

<sup>60</sup> Source: Evaluation Team interview with the Vice President of the Belgrade Bar Association.

<sup>61</sup> Evaluation Team interview with Director of the Belgrade Law Faculty Anti-Discrimination Law Clinic.

<sup>62</sup> Id.

<sup>63</sup> EC Comm HR 11 March 2008.

<sup>64</sup> Of all complaints filed with the Serbian Ombudsman in 2008 9.4 %involved violation of the right to a fair trial; while 6.5% involved rights of persons deprived of liberty and 8.0% involved complains of violation of the right on legal protection before administrative authorities. [Serbian Ombudsman's Report 2008].

<sup>65</sup> ABA "Judicial Reform Index for Serbia" (2005) at page 13.

<sup>66</sup> The Judicial Academy will take care of all judicial training and instead of being directed by JAS (with MoJ) it will be under the direction of the High Judicial Council and State Prosecutor's Council. [Note: It is very important to note that in Serbia these two entities control the judiciary and procuracy and they can terminate an elected judge or prosecutor after the initial 3-year appointment which is probationary]. The budget of the JTC is being transferred from MoJ to the Councils (see above) and this is the reason why the JTC must involve the Councils in planning for JTC (and the envisioned new Judicial Academy). The new Academy will inherit all of the duties of the JTC. The MoJ plans to renovate the existing premises of the JTC. After 2010, the Serbian Judiciary will be divided into four geographic regions and the JTC's plan is to have libraries in each of these locations. In addition to the central JTC in Belgrade, JTC is now implementing regional offices in Nis and Novi Sad. An office in Kraljevo is planned.

According to the JTC, a recent survey shows high acceptance of JTC by Judges and prosecutors and the JTC is now viewed as the central and official resource for training in Serbia. JTC has acquired a “brand” in Serbia and reaches all geographic areas in the country. The Supreme Court states that both it and the District Court of Belgrade have benefited immensely from UNDP and feels that UNDP was sensitive to the needs of the judges.<sup>67</sup> Some judges are now willing to participate *only* in JTC endorsed/sponsored training programs.

The JTC was also recognized in the National Judicial Reform Strategy (May 2006) as the leading institution in Serbia for judicial training. Furthermore, the UNDP sponsored publication/learning tool “Judicial Education for Development Turnguide” which captured UNDP experience in judicial training and has influenced the JTC and judicial reform.<sup>68</sup> UNDP also established a regional judicial training network in cooperation with the European Judicial Training Network. A database on Judicial Training was created at the JTC as a result of UNDP support that tracks all trainings and candidates at the JTC. This is the most exportable component from the JTC. The fact that JTC has standardized its training, enables the JTC to easily rollout new training platforms for new categories of beneficiaries such as the magistrates.<sup>69</sup> [Note: See ANNEX A of this report for a more detailed description of the JTC curriculum 2009].

In addition, UNDP support to the JTC influenced judicial standards and discipline in Serbia. In several instances the JTC was directly responsible for having judges disciplined.<sup>70</sup>

The Evaluation Mission observes that in the future a major shift in donor funding will occur as a result of the World Bank’s establishment of a new “Multi-Donor Trust Fund for the Judicial Sector in Serbia” (MDTF-JSS). The MDTF-JSS will “absorb” the much of the donor funding that UNDP has traditionally sought in the sector (See below). MDTF-JSS was established with contributions from seven donors. One additional donor is considering contributing to the trust fund. Most donors have taken a keen interest in the trust fund and the fact that 7 donors have contributed to the fund indicates strong agreement with regard to donor coordination.<sup>71</sup> Clearly there are MDTF-JSS benchmarks that could form the basis

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<sup>67</sup> Evaluation Team interview with Supreme Court.

<sup>68</sup> The JTC was the first project by UNDP CO to be transition from DEX to true NEX. JTC was recognized by the UNDP Bratislava Regional Center as a best practice and has been used as an example. The Turn Guide is currently being updated and re-packaged by the Bratislava Regional Center to be made available as a global learning tool.

<sup>69</sup> The new Law on Misdemeanor Courts took effect January 01, 2010. Previously, the Magistrates were part of the Executive Branch; now after the new law, they will become part of the Judiciary). UNDP effectively adjusted the project to meet the needs of the MoJ. The new law was drafted with UNDP assistance, passed and training commenced by JTC in anticipation of the law taking effect. Most training of Magistrates is done by the JTC, but some training was done in local courts, because there are areas now within the new scope of magistrate’s jurisdiction that were not previously (i.e. customs, foreign currency, etc.). [Note: the MoJ-UNDP project on magistrates also conducted trainings for the Ministry of Police; Custom Inspectorate; Market inspectors... that reached over 1000+ participants. Such training is perceived to be a continuing need by MoJ]. There is continuing need to assist with implementation of the new legislation on Magistrates.

<sup>70</sup> In one case, the Director of the JTC requested that the Supreme Court remove a judge from office based upon the fact that the judge had sentenced an autistic child to detention in contravention of the Council of Europe guidelines and the ECHR. In another case, the Director of the JTC revoked the juvenile justice certificate of a lawyer based upon the fact that the lawyer was an alcoholic and deemed incapable of representing juveniles. [Source: Evaluation Team interview with the Director of the JTC].

<sup>71</sup> UNDP is not a principal partner or donor of MDTF-JSS. (Note: the decision of the donors to form MDTF-JSS effectively meant that UNDP lost its role regarding donor coordination in the judicial sector in Serbia). The MDTF-JSS Project Document states, “In terms of donor participation, partners such as UNDP, USAID and OSCE may stay outside the formal contribution arrangements, but are envisioned to participate in the Partners Forum and, if feasible, provide support for MDTF-JSS activities in-kind.” [MDTF-JSS Project Document page 9]. UNDP is not viewed as a primary partner of the MDTF-JSS, but as an “other partner.” (See, MDTF-JSS project document available at [http://serbiamdftf.org/aboutus\\_partnersforum.aspx](http://serbiamdftf.org/aboutus_partnersforum.aspx)). The Team Leader of MDTF-JSS further characterized UNDP’s involvement in MDTF-JSS as follows: “The intention is that the UNDP and other international partners will share experiences, views and ideas at the Partners Forum, i.e. provide input to discussions. Different partners will have different expertise and will thus contribute to different discussions. It

for UNDP engagement with MDTF-JSS including fostering in-puts from national and international civil society, contributing to a policy and program dialogue and fostering judicial transparency.<sup>72</sup>

### **Promoting Increased Access to Justice for Marginalized Groups: Laying the Foundation for the Establishment of a System of Free Legal Aid**

A system of FLA is a requirement for EU Accession and supports the attainment of international human rights standards in Serbia.<sup>73</sup> Through its support to FLA UNDP laid the groundwork for a system of FLA in Serbia. This is one of the most important contributions to the Outcome during the entire CPD 2005-2009.

The Free Legal Aid project was groundbreaking. UNDP supported the MoJ to establish a working group to conduct ascertainment research and develop a strategy on FLA. It was the first time that NGOs had been represented at Working Group level for any strategy in Serbia<sup>74</sup> Track I saw the establishment of a Free Legal Aid Fund, which disbursed grants in order to test different mechanisms, solutions, approaches and partners and to gather empirical evidence that would then be used to feed into the Strategy. This was the first time that a Strategy in Serbia was drafted based entirely on empirical evidence. Through the fund, UNDP was able to facilitate consensus among the stakeholders on the providers and types of free legal aid. Track II witnessed the drafting of the Strategy.

The draft “Strategy on Free Legal Aid” is flexible enough to account for future amendments of the draft law if necessary. The MoJ believes that most elements of a future law on Free Legal Aid are already in the Strategy and that the law is likely to be passed without substantial changes. The draft strategy includes recommendations and financial forecasts for the eventual establishment of the system on FLA.<sup>75</sup> The working group also established a sub-group for quality control. MoJ views the Strategy on Free Legal Aid to form a very important part of the larger package of judicial reform legislation both in Serbia and in the Western Balkan region.<sup>76</sup>

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should be mentioned that the Partners Forum is separate from the trust fund. As such, discussions will not necessarily relate to the MDTF-JSS components.” [See, MDTF-JSS Project Document page 9, ft. note 10, which states, “Discussions have already been initiated with USAID to explore greater coordination and alignment between MDTF and USAID Separation of Powers Project (SPP).”].

<sup>72</sup> See, MDTF-JSS Project Document, “Performance Framework and Benchmarks” page 10. It is also the opinion of the Evaluation Mission that UNDP could engage independent of MDTF-JSS on issues dealing with lower courts in the regions (and especially in S. Serbia and SW Serbia). UNDP should closely monitor the activities of the MDTF-JSS and be prepared to exploit areas that MDTF is not reaching. For example, the MoJ suggested to the Evaluation Team that UNDP could become involved in upgrading court websites across the country.

<sup>73</sup> See, International Human Rights Law; European Human Rights directives; EU Treaty of Rome; SAA; European Commission Proposal on Legal Aid 16 May 2006; EC progress reports citing lack of FLA in Serbia, etc.]

<sup>74</sup> The working group’s progress was prolonged by conceptual differences among the various proposals put forward and the scope of free legal aid. UNDP attempted to avoid imposing any model and served to facilitate and coordinate the overall process.

<sup>75</sup> UNDP organized consultative meetings and the legal aid fund was established to give trial grants to local CSOs offering legal aid services. The stakeholders also collected empirical data on the needs of beneficiaries. The Working Group in drafting the Strategy used this empirical data and the fact of its inclusion in the process effectively minimizes the risk that the law will be amended in the future. The project is unique because different models of legal aid were actually tested on the ground via the establishment of a Legal Aid Fund that distributed 60 different “micro-grants” to CSOs to obtain data. The results of these pilots lead to a consensus among the Working Group as to the most appropriate model. Out of some 40+ strategies that have been drafted over the years for FLA in Serbia, this is the only one based upon consensus. UNDP also funded certain member of the Working Group to travel to South Africa and funded the engagement of leading Dutch consultants to advise the Working Group.

<sup>76</sup> UNDP-MoJ Montenegro are copying the elements of the Serbian strategy on Free Legal Aid. *N.B.:* UNDP Montenegro has copied the FLA project and also the Strategy. The project has been recommended by the EU in its report on donor funding on access to justice in Serbia, published in May 2009 and submitted to the Evaluation Team on numerous occasions. as well as the Serbian law on Magistrates. The MoJ believes that this is evidence that the Serbian model is a best practice in the region. Indeed, the FLA Project was recently cited by the Council of Europe as a “best practice” because the process of forming the working group, establishment of the legal aid fund, formulation of the draft strategy and ascertainment research, etc. was highly synchronized; and it was

Yet, despite all the above advancements towards the draft law and strategy, the fact remains that as of 2009, FLA is not yet established in Serbia. Until a new law is passed by the Parliament and a framework for implementing the law is in place, with significant funding allocated by the Serbian government for this purpose, it is doubtful that a truly comprehensive system of FLA will be achieved. A significant sustainability risk continues concerning interventions in this sector.

The Legal Aid Fund resulted in direct provision of free legal aid to more than 8000 persons during its existence (some 4337 persons during the time period April-November 2008 alone). There is an important distinction to be made, however, between *ad hoc* legal aid interventions (even if such interventions reach many thousands of persons) and a truly comprehensive FLA system fully funded by government for all Serbian citizens.

UNDP will need to continue and redouble its efforts in regard to FLA in the next programming period. Many of the same stakeholders who were involved in the MoJ working group, now warn that significant obstacles could arise with passage of a FLA law and its implementation.<sup>77</sup> As discussed, *infra*, the Evaluation Mission is recommending that UNDP explore ways to support the Ombudsman, bar associations and law faculties in Serbia—all of which link to FLA.<sup>78</sup>

### **Strengthening the Capacity of Serbia and putting in place mechanisms to facilitate Serbia's compliance with international human rights obligations: Support to Transitional Justice, War Crimes Trials and Notions of Justice**

UNDP support to transitional justice, war crimes and notions of justice have advanced the Outcome in Serbia during 2005-2009.

The UNDP The Regional Transitional Justice Project was designed to be a Regional Project and the various UNDP country offices in the region appointed focal points to carry out the project and gather information, etc. UNDP Serbia CO was selected by UNDP's Regional Bureau for Europe and the CIS (RBEC) to be the lead office in terms of transitional justice in the region. Transitional Justice Project had regional components but each CO also developed their own complimentary transitional justice projects under the Transitional Justice Project, most notably in Bosnia and Herzegovina and Croatia. There were regional networks of prosecutors formed, a number of bilateral agreements were signed as a result of the project as

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perceived that the project could easily be handed over to the MoJ. UNDP Bratislava office has also cited the UNDP Serbia FLA project as a model for implementation in the region.

<sup>77</sup> These range from lack of available finances, political opposition and the time available within which to achieve such an ambitious goal. MoJ cautions that UNDP will need to continue to carefully monitor the working group on Free Legal Aid. The group will require more lobbying, more dialogue, more experts and more study visits. While the Free Legal Aid strategy is finished and MoJ expects it to be accepted by the Government, the next step will be to form the working group on drafting of a new Law on Free Legal Aid. The Public Attorney states that implementation of a law on FLA, when passed, will be very difficult, but that if even 10% of the law is implemented it will advance the Outcome in Serbia. Similarly, a judge and former President of the Supreme Court is "not sure if it can be achieved, because it would require incremental steps over time and the time frame available is simply too short. The funds may not be available for its implementation." The Constitutional Court expressed the opinion that UNDP should continue to support Free Legal Aid, despite the fact that SIDA is expected to channel its continued support through the MDTF.

<sup>78</sup> The Ombudsman feels that a FLA system is an absolute necessity. Many citizens ask the Ombudsman for legal advice on a daily basis and the Ombudsman cannot render such advice. Serbian citizens need information about what offices to go to for administrative complaints at the first level. It is important to mention that citizens have a duty to exhaust their administrative remedies before they can file a claim with the Ombudsman. Thus, there is a need for awareness on remedies, not only rights. There is a need to strengthen the internal control mechanisms of state administration themselves. The Ombudsman states that 90% of state administration has no internal oversight mechanisms for acting upon citizens complaints. This could be addressed through the legal aid system and via cooperation between the Minister of State Administration and the Ombudsman.

a result of the intervention. Additionally, the Special Chamber for War Crimes Prosecutions was formed in Serbia and UNDP continued to support it.<sup>79</sup>

The Special Chamber is now self-sustainable with very strong outreach. One of the major validations of the UNDP Regional Transition to Justice Project is that through UNDP supported study visits to ICTY and contacts with ICTY the first case ever was transferred from ICTY to Serbia domestic court.<sup>80</sup> UNDP is currently developing a second phase of the Regional Transitional Justice Project and a lengthy consultation process has been conducted with UNDP Bureau for Crisis and Prevention Recovery (BCPR), RBEC, and UNDP's Bratislava Regional Centre (BRC). BCPR has recently reopened dialogue with a view to funding in 2010.

According to the European Commission in its most recent progress report on Serbia, cooperation with ICTY has improved.<sup>81</sup> As regards domestic processing of war crimes, there were a number of first-instance rulings in cases concerning crimes committed in Kosovo and Croatia. The War Crimes Prosecutor is currently investigating over 100 suspects. According to the EC, the War Crimes Prosecutor has been working efficiently, in a difficult political context and with limited resources.<sup>82</sup> Perhaps most telling is the fact that in December 2009, the EC voted to re-instate the Interim Free Trade Agreement of Serbia's SAA with the EU, based upon the opinion of ICTY Chief Prosecutor Serge Brammertz that Serbia's cooperation with the ICTY had recently improved.<sup>83</sup>

UNDP support is perceived to have resulted in an increased incidence of reports in the Serbian press by journalists about the War Crimes Prosecutor and war crimes trials during 2006 to 2009 thereby legitimizing the office and citizens perceptions of it.<sup>84</sup> This said, transitional justice is still perceived to be weak. The role of secret services in supporting fugitives from the ICTY has still to be addressed. Despite a rise in the incidence of reporting in the press on the office of the War Crimes Prosecutor<sup>85</sup> journalists who try to write objectively about war crimes and the ICTY are often branded as traitors.<sup>86</sup>

### **Establishing Functioning and Relevant Human Rights Institutions in Serbia**

UNDP advanced the establishment and functioning of human rights institutions in Serbia during 2005-2009 most prominently via: i) support of the JTC and its curriculum (discussed *supra*) that reached a wide audience, including the Ombudsman; ii) its support of Free Legal Aid (discussed *supra*); and iii) the enactment of the Law on Prohibition of Discrimination and its Implementation. UNDP has also made significant contributions towards fostering dialogue and securing the rights of Roma, IDPs, PWD and other minority groups by virtue of

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<sup>79</sup> The Office of the War Crimes Prosecutor was founded on 1 July 2003, with the intention to detect and prosecute perpetrators of criminal offences against humanity and international law, as defined in Chapter XVI of the Basic Penal Code, as well as grave breaches of the International Humanitarian Law, committed in the territory of the former Yugoslavia since 1 January 1991, as recognized by the Statute of the International Criminal Tribunal for the Former Yugoslavia (ICTY). The staff of the War Crimes Prosecutor's Office includes the War Crimes Prosecutor, Deputy Prosecutors, Spokesperson, Secretary and other staff members. The National Assembly of the Republic of Serbia elects the War Crimes Prosecutor. Deputy Prosecutors are appointed and resolved by the War Crimes Prosecutor, for the period of four years.

<sup>80</sup> *Zvornik case*.

<sup>81</sup> EC Progress Report Serbia 2009, Page 19.

<sup>82</sup> *Id.*, page 20.

<sup>83</sup> ICTY Press Release, 03 December 2009. The Prosecutor noted that Serbia's cooperation with the OTP has continued to progress, as the "Prosecution requests for access to documents and archives were being dealt with more expeditiously and effectively".

<sup>84</sup> The Special Prosecutor for War Crimes stated that UNDP support to his office during 2005-2009 had capacitated the office's Spokesperson and his staff to better promote and publicize the work of the War Crimes Prosecutor and war crimes trials.

<sup>85</sup> War Crimes Prosecutor PowerPoint 2009.

<sup>86</sup> EC Comm HR 11 March 2008.

its support to the PRS and SIF and other interventions in Inclusive Development (discussed *infra*).

Serbia acceded to the Council of Europe on 03 April 2003 and has ratified all major human rights instruments; including the European Convention on Human Rights (ECHR).<sup>87</sup> There is a general consensus that with democratic reforms and Serbia's orientation towards E.U. accession, human rights are gaining a place on the policy agenda. Recent areas of improvement include the following: the creation of the Ministry for Minority and Human Rights, the election of four deputy Ombudspersons, the work of the Commissioner for Free Access to Information, the functioning of the Constitutional Court, despite the lack of judges.<sup>88</sup>

Awareness among judges of international human rights obligations is perceived to have recently improved; however, courts are still reluctant to directly enforce ratified international treaties.<sup>89</sup> This said, it is clear that awareness of ECHR in Serbia has increased steadily between 2005-2009.<sup>90</sup> Police and prisons are also generally perceived to have made efforts to improve compliance with international "best practices" and human rights, yet allegations of abuse of citizens at the hands of police continue and the prisons are reported to be overcrowded and unsanitary at some locations.<sup>91</sup>

Moreover, despite legislative developments and a general level of improvement, significant human rights violations continue to persist in Serbia as of late-2009. International non-governmental organizations such as the Helsinki Committee, Open Society Institute, European Commission, the UNHCHR; OSCE; Serbia's Office of the Ombudsman; MHMR; local CSOs and stakeholders all report continuing human rights violations in Serbia.

Recently documented human rights violations include, but are not limited to: maltreatment of persons deprived of liberty and the incarcerated; violence against women; violation of the freedom of assembly; attacks on national minorities and Roma; attempted attacks on media outlets and threats against media staff and editors; death threats and attacks upon journalists reporting on human rights abuses and LGBT issues; attacks on foreign citizens; attacks on NGOs and those involved in transitional justice; under-prosecution or lack of prosecution of attacks on journalists, discrimination, racism, hate speech and hate crimes; a recent rise in extremist groups who intimidate victims with impunity; documented incidents of use of hate-speech by politicians against minorities and human rights community including Serbia's War Crimes Prosecutor and his staff; and on-going institutional discrimination of LGBT community, PWD, Roma, IDPs and other groups.<sup>92</sup>

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<sup>87</sup> ECHR signed 03 April 2003; ratified 03 March 2004.

<sup>88</sup> EC Comm HR Report 27 Oct 2009; EC Comm HR Report 11 March 2008.

<sup>89</sup> EC Progress Report Serbia 2009, page 14.

<sup>90</sup> In excess of three thousand cases had been brought from Serbia to the European Court of Human Rights from its inception to 01 January 2009. As of that date, the Court had rendered 24 judgment in applications from Serbia; finding a violation in 23 cases and no violation in 1 case. The Court had rejected 1,669 of the applications on grounds of inadmissibility. As of 01 January 2009, there were a total of 2,064 applications from Serbia pending at the Court. [Source: ECtHR factsheet]. The cases in which the Court found a violation to have occurred involved violation of the following provisions of ECHR: Article 6, Section 2 (presumption of innocence) [*Matijasevic v. Serbia* (19 September 2006)]; Article 6, Section 1 (right to a fair trial within a reasonable time)[*V.A.M. v. Serbia* (13 March 2007)]; Article 13 (right to an effective remedy) and Article 18 (right to respect for private and family life)[*Filipovic v. Serbia* (20 November 2007)]; Article 10 (freedom of expression); Article 5 (right to liberty and security)[*Vrencev v. Serbia* (23 September 2008)]. The number of applications from Serbia continues to show an upward trend [Source: interview with MHMR].

<sup>91</sup> EC Comm HR 11 March 2008.

<sup>92</sup> Indeed, during the course of the instant Evaluation, within a 5 day period of time the following occurred in Belgrade: 1) On September 17, two French Citizens were violently attacked by a large group of fans of Belgrade's Partizan soccer team. The attack took place at the Irish Gardens, a popular expat restaurant. The attack took place just prior to the Partizan-Toulouse soccer game. One of the victims later died of his injuries. The police have arrested 11 suspects they believe were involved in the attack [U.S. Embassy Warden message of 25 September 2009 and numerous press reports]; 2) On September 20, 2009 the LGBT organizers of Belgrade's Gay

Citizens also lack awareness and information on rights and remedies (basic legal forms; procedures; offices; legal aid). For example, nearly one-third of all complaints filed with the Ombudsman in 2008 related to activities of the ministries, concerned the Ministry of Interior (and most of these involved the right to identity documents, including identification cards and passports).<sup>93</sup>

The Evaluation Mission observes that support to the Ombudsman was clearly envisioned by the CPD 2005-2009 and specifically listed in the CPD 2005-2009 outputs. UNDP to date has cooperated with the Ombudsman,<sup>94</sup> but has had no direct programming with his office. OSCE has, however, devoted significant resources to support of the Ombudsman. From a perspective of donor coordination, UNDP's relative lack of direct programming with the Ombudsman is perhaps understandable due to the fact that other donors such as OSCE were heavily active with the Ombudsman. JTC was intentionally not tasked with addressing any of the needs of the Ombudsman, based upon considerations of judicial independence and the limited resources available to the judiciary for meeting its own training needs.<sup>95</sup> The Ombudsman has, however, been invited to participate in many events organized by the JTC.

*Enactment of the Law on Prohibition of Discrimination and its Implementation as a component of Serbia's Access to Justice and Human Right's framework*

UNDP was successful in advancing the Outcomes through its support to the process of drafting and obtaining passage of the new law "on Prohibition of Discrimination" by the Serbian Government in March 2009. This is one of the most tangible success stories of the entire CPD 2005-2009 programming period and it impacts upon many other UNDP projects across all CO Clusters. The new Law on the Prohibition of Discrimination was cited by the EC as indicative of progress in meeting Serbia's European Accession goals.<sup>96</sup>

Passage of an anti-discrimination law is a key part of Serbia's EU Accession process<sup>97</sup> and the European Commissioner for Human Rights had previously cited the lack of an anti-discrimination Law in Serbia as being a "gap" in the human rights framework<sup>98</sup>. The EC had

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Pride Parade were forced to cancel the event after the Government of Serbia informed them that it could not guarantee their safety or the safety of participants due to threats of extremist violence, including death threats [OSCE Mission, European Commission Delegation in Serbia and the Council of Europe joint statement of 21 September 2009 and numerous other NGO and press reports]; 3) On September 20, 2009, an Australian citizen was attacked by two youths in a public restroom in Kalemegdan fortress. Witnesses stated that they noticed a group of youths following him after he purchased items in a souvenir shop. There were no provocations or words before the attack. It appears that the individual was attacked because he was speaking English. The police have arrested several suspects in the attack [U.S. Embassy Warden message of 25 September 2009 and numerous press reports].

<sup>93</sup> Serbian Ombudsman Report 2008.

<sup>94</sup> The Ombudsman Institution was not established until 2007. Since that time CDAG has cooperated with the Ombudsman through the Free Legal Aid, Parliament and Anti-Corruption projects and initiatives. In terms of cooperation with the Belgrade Faculty of Law, it was never envisaged by the CPD that CDAG would cooperate directly with the Faculty. Indirectly the Cluster cooperates with Law Professors from the Faculty who are present on various Working Groups (for example the Working Group on Free Legal Aid) and through Law Professors who provide training through the JTC. UNDP has invited selected professors to attend certain events, but no direct engagement.

<sup>95</sup> See, also, the Outcome evaluation of the A2J Project, which analyzed this question about training for the Ombudsman and proposed that JTC not lose its credibility by expanding beyond its mandate to train Judiciary (now including magistrates) and prosecutors. (Note: this process has taken longer than expected but is scheduled to take place in 2010 and the JTC will then be responsible for all initial and continuous judicial training in Serbia).

<sup>96</sup> EC Progress Report Serbia 2009, page 9.

<sup>97</sup> See SAA, Art. 2, et. Seq.; Council of Europe reports; E.U. Charter of Fundamental Rights (Nice 2000); EU common foreign and security Second Pillar; Article 11 TEU; Articles 177 and 181a EC; EC evaluations and reports.

<sup>98</sup> EC Comm HR 11 March 2008.

also criticized Serbia's lack of an anti-discrimination law. Such factors gave rise to UNDP's intervention in support of the law and its implementation.<sup>99</sup>

The new Law on the Prohibition of Discrimination will eventually result in increased access to justice for marginalized groups; increase Serbia's capacity facilitate compliance with international human rights obligations; foster the establishment of effective and relevant human rights institutions; and align legislation with Constitutional requirements and EU norms.<sup>100</sup> The impact of the legislation is already being felt within the legal community in Serbia (i.e. giving rise to the recent creation at the Belgrade Law Faculty of an *Anti-Discrimination Clinic*, discussed, *infra*). It is probable that the political opposition encountered during the passage of the Law on Prohibition of Discrimination may re-assert itself in other forms as the law is implemented, especially where LGBT rights are concerned.<sup>101</sup> UNDP's direct work with Members of Parliament was key in obtaining enactment of the law with its most controversial provisions unaltered.

UNDP also developed a partnership with the working group on the Law on PWD to share latest developments on the implementation of the Law on the Prohibition of Discrimination; and created a working group on ADR and supported a White Paper that analyzed the mechanisms by which other anti-discrimination acts and policies can be harmonized with the provisions of the new Law on the Prohibition of Discrimination.<sup>102</sup>

An awareness campaign and opinion polls were conducted throughout Serbia that lead to a report entitled, "Public Opinion about Discrimination and Inequality in Serbia" that will serve as a baseline indicator for trends with regard to anti-discrimination. The very fact of

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<sup>99</sup> The UNDP project "Developing a Comprehensive Framework for Preventing and Combating Discrimination", leading to the drafting and adoption of a new law "on Prohibition of Discrimination" (often referred to as the "Anti-Discrimination Law") and the creation of a new "Commissioner for the Protection of Equality" occurred in 2006-2007 and is closely linked with the UNDP project "Supporting the Implementation of Anti-discrimination Legislation and Mediation in Serbia" which seeks to support implementation of the new law, including supporting the new Commissioner on Equality and public awareness of discrimination. As such these are essentially Phase 1 and 2 of the same project.

<sup>100</sup> "New anti-discrimination legislation introduced a rule prohibiting hate speech." [EC Progress Report Serbia 2009, pages 14-17]. "The Law on Prohibition of Discrimination was adopted March 2009. This law marks a step forward in protection of human rights. It provides for appointment of an independent commissioner for the protection of equality. Court protection is also envisaged. The commissioner will deal with cases of discrimination, except those already processed in court. The commissioner is expected to be operational from January 2010 on." [Id. at 17]. The new legislation specifically prohibits discrimination against ethnic minorities. [Id.]. "The new Law on Prohibition of Discrimination is a welcome step towards the implementation of the European standards in this field. However, certain definitions relating to discrimination still need to be better formulated." [EC Progress Report Serbia 2009, page 37].

<sup>101</sup> UNDP became actively involved at the level of the CO in countering opposition that occurred with the passage of the law. Law on the Prohibition of Discrimination presents a very low level of protection for LGBT rights, but even this was highly controversial in Serbia and strongly opposed by the Serbian Orthodox Church and some Members of Parliament. The Serbian press began to report heavily on the issue. UNDP was very prepared to meet this opposition and all aspects of the law were retained with regard to LGBT rights so as to conform with EU legislation in this regard. UNDP sponsored a number of meetings in response to the debate to counter the arguments of the Orthodox Church. There were 470 amendments in total proposed— many of which were in opposition to the law. UNDP's working group effectively monitored and countered each one of these. Although the Serbian government (MoJ) initially withdrew the law in order to review the church's reservations, the government ultimately made no major changes to the draft law and the law was passed by the Parliament in March 2009. Once the law passed, the entire UNDP working group remained active to answer further questions about the law.

<sup>102</sup> See, Annex 7.7 of Third Progress Report][Source: Third Progress Report: "The prohibition of discrimination in the Serbian legal system is divided into those norms stemming from systemic laws that regulate particular sectors (health laws, media laws), and particular laws which prohibit discrimination against specific groups of persons, on the basis of their personal traits (Law on the Prohibition of Discrimination Against Persons with Disabilities, Family Law etc.). A third set of legislation includes criminal, civil and other legislation, which includes such provisions (i.e., Criminal Code, Civil Code). Particular attention will be given to measures of affirmative action, as positive measures benefiting particularly vulnerable groups. For each law, the particular provisions that require alteration have been defined. Overall, over 16 laws have been selected for particular scrutiny, through this method"].

conducting such a poll increased citizens' awareness of discrimination. In addition, UNDP is supporting the production of a national TV series co-produced with Serbian National Television focusing on themes of tolerance and equality and aimed at a youth audience. The series represents the use of "Education-Entertainment" methodology for the first time in the Western Balkan region.<sup>103</sup>

UNDP also facilitated the process of MoF agreeing to fund the Commissioner on Protection of Equality.<sup>104</sup> The establishment of the Commissioner for the protection of equality, as an independent state organ follows the recommendation of the European Commission for Racism and Intolerance (ECRI)<sup>105</sup>, as well as comparative legislative experience in Europe. The mandate of the Commissioner<sup>106</sup> is different from that of the Ombudsman. The Ombudsman has a mandate over the protection of human rights within public administration. Discrimination occurs within all spheres in society, however, not just before state organs.<sup>107</sup> The Law on the Prohibition of Discrimination seeks to address these cases. Only one article, article 15 of the Law deals with the public sphere, whereas all other articles deal with other situations where discrimination can occur.<sup>108</sup> The establishment of such commissioners has been seen as a key element in implementation of anti-discrimination legislation across Europe.<sup>109</sup>

UNDP may wish to explore ways to support dialogue and communication between the Ombudsman and the new Commissioner for Protection of Equality once that office becomes fully operational. The Ombudsman also has competency for protecting citizens from discrimination by the state and its agents. It may be necessary to clearly address areas of overlap between the two offices, as well as some concerns that the establishment of the Commissioner for Protection of Equality is duplicative of the Ombudsman's mandate.

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<sup>103</sup> Unfortunately, despite the goal of the television program to increase tolerance among teenagers and respect for minorities, no members of minority groups had been cast by the producers for appearance in the series as of the date of the Evaluation Mission interview with RTS.

<sup>104</sup> At a recent workshop with national institutions organized by UNDP in Vrsac, between 09 – 11 September 2009, with the presence of representatives of equality bodies of Austria, Hungary and Greece, and with the presence of the representatives of the Ombudsman's office in Serbia, as well as of numerous and high-level members of line ministries of Serbia, it was agreed, and the Ministry of Finance adopted the financial plan for the CPE for 2010. The CPE is now part of the draft Budget Law for 2010 with projects for 2011 and 2012 of the Ministry of Finance of the Republic of Serbia.

<sup>105</sup> In its analysis of the conditions in member states of the Council of Europe, ECRI provides recommendations that aim at revising the legislation of the states, their policies and other measures that have as a goal the eradication of racism, intolerance and discrimination. In the General Recommendation no. 2 from 1997, ECRI suggested to its Member States that they need to set up specialized bodies with the mandate to fight against intolerance and discrimination at the highest governmental level. Such bodies have been since created in a substantial number of Council of European Member States, of which the initial ones were created in Belgium, Denmark, Finland, Hungary, the Netherlands, Norway, Sweden, Switzerland, Great Britain, Portugal. These bodies, at the governmental level, have the competencies to monitor and prevent discrimination; to issues measures in the case of violations of the prohibition of discrimination, in assisting victims of discrimination, monitor the implementation of national legislation and fight against prejudices through educational measures and through the media.

<sup>106</sup> The Law on the Prohibition of Discrimination, Article 33, sets up the mandate of the Commissioner.

<sup>107</sup> In a recent Public Opinion Poll, from March 2009, taken for the purposes of the project, citizens of Serbia claimed that: "Employment and career are perceived as the areas in which discrimination is present to the highest extent 74% and 61% (respectively). Health services occupies third place: more than one half of the citizens (52%) think that discrimination is present to a great extent. In addition, substantial percentages of the people (more than 40%) think that discrimination is present in other areas as well: judiciary (48%), political activity (47%), social protection (46%), police conduct (41%), education (41%), and housing (40%). Employment is also mentioned as the area of discrimination which citizens condemn the most." [Strategic Marketing, March 2009, opinion poll with a sample of 10,108 Serbian citizens].

<sup>108</sup> The two major cases of discrimination in Serbia which have been processed to date occurred in the private sphere, and not the public sector: 1) the case of *Krsmanovaca*, where the entry to a private swimming pool was restricted to persons of Roma nationality; and 2) the case of *JAT*, where a pilot of German nationality was discriminated against.

<sup>109</sup> See also, European Network of Equality Bodies at <http://www.equineteurope.org/>.

### **Other organizations Active in the Rule of Law Sector during 2005-2009**

Other international support to judicial reform, rule of law and access to justice in Serbia during the past decade was provided by ABA, CIDA, Council of Europe, EU (Delegation of the EC in Serbia and EAR), The French Embassy, DFID, German Foundation for International Legal Cooperation (IRZ), GTZ, National Center for State Courts (NCSC), Norwegian Government, OSI, OSCE, SIDA, USAID, US Department of Justice (OPDAT) and the World Bank.<sup>110</sup> In addition to UNDP's support, the JTC received significant support from the EU, French Embassy, OSI, OSCE and SIDA.<sup>111</sup>

The American Bar Association (ABA) conducted its Judicial Reform Index in 2002 (with an update in 2003) and again in 2005 for Serbia. ABA plans to conduct another Judicial Reform Index in 2010. For more than 12 years, ABA Rule of Law Initiative (ABA ROLI) had a large program in Serbia until it withdrew in 2007/2008. ABA ROLI initiatives included anti-corruption public service campaigns, mediation courses, judicial capacity trainings and e-learning programs. ABA ROLI had a direct impact on law school education, new legislation, and legal professional reform through its cooperation with local partners.<sup>112</sup>

The Council of Europe, the EU (*i.e.*, Delegation of the EC in Serbia and EAR) have worked to implement the National Judicial Reform Strategy in Serbia from 2002 to 2009, including strengthening the High Judicial Council and the State Prosecutorial Council and assistance with developing criteria for judicial and prosecutorial re-appointment. The EU has also supported the improvement of the Juvenile Detention Facility through training and materials. As mentioned above the EU supported the JTC (including initial refurbishments of its premises) and created a database for legal practitioners. EU has also engaged in "Twinning" between Serbian and EU member state institutions. A number of courts and courtrooms have been improved throughout Serbia with EU funds and court IT infrastructure upgraded.

CIDA has supported the JTC and, importantly, bar associations in Serbia and the fostering of the concept of Continuing Legal Education (CLE) for lawyers. CIDA has significantly supported local courts in Serbia such as Kraljevo. The French Embassy has organized conferences, supported the JTC and placed a legal advisor at the MoJ. While from 2001 to 2009 the British Embassy and DFID maintained an access to justice project. The German IRZ has trained lawyers and GTZ has had a legal reform project in Serbia since 2001 that has improved the quality of economic laws and supported the JTC's curriculum development. Meanwhile, the Norwegian Embassy worked to capacitate 20 municipal courts in Serbia since 2007 and SIDA has provided institutional support to the JTC since 2000 and also worked to improve juvenile justice and reform the police.<sup>113</sup>

OSCE has a Rule of Law/Human Rights cluster that supports Judicial reform; capacity of the Serbian judiciary to deal with organized crime; anti-corruption initiatives and the enhancement of the State Audit Institution; domestic war crimes trials and the drafting of new legislation on war crimes; prison reform; the Ombudsman and legal document translation and legislation. OSCE also supports the training of prosecutors and the Prosecutors Association. Additionally, OSCE has worked to increase minority representation in the judiciary through training of young lawyers in regions and provided minorities with assistance in preparation for bar exams.

USAID has worked to upgrade the War Crimes Court in Serbia, to facilitate cooperation with ICTY and to train prosecutors in Serbia (via the U.S. Department of Justice's OPDAT

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<sup>110</sup> See, EU Report: "Assessment of International Assistance for Judicial Reform in the Republic of Serbia" (29 May 2009), for a comprehensive overview of these initiatives.

<sup>111</sup> *Id.*

<sup>112</sup> <http://www.abanet.org/rol>

<sup>113</sup> EU Report: "Assessment of International Assistance for Judicial Reform in the Republic of Serbia" (29 May 2009).

Programme). USAID's Separation of Powers Program is designed to help Serbia move closer to EU accession by strengthening the judicial and parliamentary branches of government. USAID had a major, multi-million dollar project on Commercial Court Administration Strengthening Activity, which ran from 2004-2007. Other projects such as the NCSC's project were also funded through USAID and focused on improvement of case management systems in the courts, reduction of backlog of cases and administration of law faculties. The \$9.5 million program started in August 2008. Its work with the judiciary will end in 2013, and its work with the National Assembly will be completed in 2011.

As discussed elsewhere in this report, the World Bank has recently established the MDTF to implement the National Judicial Reform Strategy. Since 2006, the World Bank has supported Alternative Dispute Resolution (ADR) in Serbia and to reform the legal framework for the enforcement of contracts and procedures for execution of judgments. World Bank was instrumental in the establishment of the Republic Center for Mediation and a network of mediation centers in courts.

### **4.3 Sustainable Development: Discussion of Findings, Conclusions and Status of the Outcome**

#### ***Sustainable Development: Inclusive Development***

##### **Strengthening the analytical capacities and increased involvement of Civil Society in poverty related policies and practices and the impact of this process upon Serbia's public administration reform**

UNDP interventions in Inclusive Development fall under both *Outcome 1* and *Outcome 3* of the CPD 2005-2009. Throughout the current program period, UNDP invested in improvement of most vulnerable groups, while supporting policies and measures to reduce poverty and enhance sustainable growth. UNDP's support to Roma, IDPs and refugees, PWD, unemployed and redundant workers, as well as rural populations resulted in Government recognition of the needs of these populations as well as improvements in their standards of living and levels of empowerment.

The normative and institutional framework for inclusion of CSOs was strengthened extensively in the period 2005-2009 as a result of UNDP interventions. Civil society also became a more recognized and respected partner of the Government in the decision-making process.<sup>114</sup> UNDP supported the creation of Serbia's policy framework by adoption, coordination and implementation of the following strategies and laws linked to Inclusive Development: the National Disability Strategy (2006); the Strategy for Improvement of the position of Roma – (April 2009); the National Strategy for Youth (May 2008) and the National Youth Action Plan (January 2009); the National Strategy for protection of Women and Gender (March 2009); local policy strategies adopted in 82 municipalities; and Poverty Reduction Strategy implementation.

A new Law on Associations was finally enacted July 8, 2009, allowing Serbia to emerge from the "few countries in Europe whose legal framework for NGOs has not yet undergone comprehensive reform to bring it into compliance with international standards and regional best practices."<sup>115</sup> Also, the Sector for Programming and Management of EU Funds and

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<sup>114</sup> EU accession became a principal objective of Serbian Government within the last couple of years and the role of civil society was recognized as important to the process. Accordingly, SEIO signed the Memorandum of Cooperation with Chamber of Commerce in 2004 and with CSOs a Memorandum of Understanding in 2005, and by now there are more than 70 NGOs, which have signed these MoUs and become civil society partners of the SEIO. The purpose of this document was to institutionalize the cooperation between SEIO and the CSOs in the EU Integration processes. Furthermore, the EU Integration office also signed a memorandum with Serbian Universities in 2006.

<sup>115</sup> UNDP & INCL; The role of legal reform in supporting civil society: An introductory Primer; UNDP, 2009; p. 33. The Law sets the basis for institutionalization of the dialogue between the Government and civil society, as it

Development Assistance (DACU) within the Ministry of Finance recognized the importance of civil society in the EU integration process, and initiated a process of developing a mechanism for consulting systematically with civil society organizations during IPA programming.<sup>116</sup>

Different reports on the state of democracy and inclusion in Serbia indicate that vulnerable groups continue to face serious problems linked to employment, social protection, housing, education, and extreme social exclusion and marginalization. This is not only relevant for minority group such as Roma, but also for IDPs and refugees who live in very difficult conditions. The economic crisis has increased the unemployment rate (16.4% in 2009). Regional inequalities are among the largest in Europe, while rural poverty is twice as high as urban<sup>117</sup>.

#### *Civil society inclusion in the PRS*

The first instances of interaction between the Government and civil society started in 2002, with the initiation of a consultation process for development of the Poverty Reduction Strategy Paper (PRSP).<sup>118</sup> This was the entry point for UNDP and the Government of Serbia was eager and ready to let UNDP lead the consultation process on its behalf.

Subsequently, and upon direction from the World Bank for the “establish[ment] and maintain[ing of] periodic poverty monitoring and analysis,”<sup>119</sup> UNDP supported civil society involvement in monitoring and evaluation of the PRS implementation through Civil Society Focal Points.<sup>120</sup> UNDP also supported a mechanism by which focal points were selected and to coordinate communication between civil society and the PRS team. All stakeholders interviewed unanimously confirmed that UNDP’s role in the PRS development and implementation was crucial and positive. UNDP “ensured that there is meaningful participation of civil society,”<sup>121</sup> while also providing support and technical assistance to the PRS Team.<sup>122</sup>

#### *The Social Innovation Fund*

Parallel to this process, increased recognition of CSOs as partners in dialogue was enhanced through the establishment of the Social Innovation Fund (SIF) in 2003 within the Ministry of Social Affairs. The main goal of SIF was to create a so-called “transitional mechanism” (for a

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envisages setting up the Office for Cooperation with CSOs that will be established within the Office of the Deputy Prime Minister of the Serbian Government. This is a very positive step, as placing this Office within the Office of the Deputy Prime Minister will strengthen inter-sectoral cooperation, and bring the issue to the very core of the Government. Additionally, the plan is that this office will cooperate closely with the Team for Social Inclusion (ex PRS Team) makes prospects for the work on enhancing the cooperation between civil society and the Government even more positive. This may be one area that UNDP could explore for further programming.

<sup>116</sup> This mechanism, in the form of a Platform and a Council, was envisaged to build transparency in the process of identifying and designing projects for IPA funding. In late 2008, DACU initiated this process of formulating a mechanism by which the Sector will be able to coordinate regular, systematic consultations with civil society on IPA programming, but even though the process is in the final phase, and IPA programming is becoming more transparent process, majority of CSOs still do not feel the ownership over the process.

<sup>117</sup> See the section 2.1 for detailed information on the vulnerable groups.

<sup>118</sup> The consultative process for drafting the PRSP was very extensive and involved over 250 CSOs throughout Serbia, and marked a breakthrough in strengthening civil society’s role in policy-making. Upon its adoption, PRS Team was located within the Office of the Deputy Prime Minister, which was also a sign of the recognition of poverty as a multi-sectoral and overarching issue to be dealt by the Serbian Government. Further, locating the team for dealing with the issues linked to the EU Stabilization and Association Process (SAP) within the same office showed that these two objectives became the over-arching agenda for reforms in Serbia.

<sup>119</sup> World Bank Country Assistance Strategy for Serbia & Montenegro, 2004

<sup>120</sup> Civil Society Focal Points represented seven theme groups of CSOs which corresponded to the marginalized target populations referred to in the PRS activities. Serbian Government submitted two Progress reports on implementation of the PRS (one in 2005, and one in 2007) with strong support and advisory by the CSOs.

<sup>121</sup> From the interview with a representative of one of UN Agencies.

<sup>122</sup> The PRS has been finalized in early 2009, and the Government decision was made that the PRS Team will be transformed into Team for Social Inclusion, that will be placed within the same office. Providing support to this Team and its mission goes in line with the UNDP mandate and would fit in perfectly to UNDP’s mission and comparative advantage in Serbia.

duration of 5 years) that would enable fast reforms in the social protection area, by initiation of quality, accessible and diverse social services.<sup>123</sup> SIF aimed at setting up an alternative framework for the management of Serbia's social protection system; thereby strengthening the links between the Ministry and CSOs and establishing models of cooperation for wider use within institutions.<sup>124</sup>

UNDP continued to support the implementation of SIF during 2005-2009. This was a good example of social partnership, as CSOs and the Government worked together to set up the system on the provision of social services at the local level—and, importantly, cooperate in monitoring and evaluation of the process.<sup>125</sup> Furthermore, the Government's contribution to the budget of the Fund (i.e. 37.4 percent of the total overall funding between 2003-2009) was a clear sign of recognition of the need for such a structure within the system.

The establishment and work of SIF can be considered a “best practice” for UNDP Serbia in the 2005-2009 time period; as confirmed by the number of times that SIF was cited at international and national events and conferences, in publications and in social policy discussions.<sup>126</sup> After 6 years of successful implementation of SIF activities, however, the model is not yet institutionalized.<sup>127</sup> It is also unclear whether UNDP will maintain any involvement in SIF beyond the 2005-2009 programming period.

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<sup>123</sup> For a discussion SIF, See also, «Fond za socijalne inovacije: osnaživanje siromašnih i ugroženih – Operativna pravila», Ministarstvo za socijalna pitanja RS, januar 2003.

<sup>124</sup> Milikić Bogičević, Biljana; Possible forms of institutionalization of the Social Innovation Fund, Report; UNDP, 2008.

<sup>125</sup> Throughout the local social policy planning exercise that included 82 municipalities in Serbia, SIF involved the full community in identifying, planning, managing and monitoring of local projects. Today, Local Municipal Councils for Social Protection/Policy exist in 132 municipalities, and are composed of CSOs, Government and other stakeholders. Furthermore, 82 municipalities adopted local Social Policy/protection strategies. CSOs have been generally strengthened to conduct monitoring and evaluation of the service delivery and policy implementation. Diversification of social services and institutionalization of new models of work with vulnerable groups, such as extra institutional care for elderly and children with special needs, was achieved to some extent with the implementation of the projects and initiatives at local level and supported by the SIF. Total of eleven new social services have been institutionalized, while over “260 quality services to vulnerable groups, such as elderly and frail, Roma, refugees, people with disabilities, children in need but also any other groups of citizens who are in need of social protection services were initiated and funded”<sup>125</sup> since 2003. The SIF team reported that more than 75% of the services funded were continued beyond the initial project cycle, and more than 90% of final beneficiaries report their full satisfaction with the services offered.

<sup>126</sup> The very set up of SIF within the Ministry of Labour and Social Policy was innovative – especially in terms of a Fund operating with full participation from different stakeholders that were not traditionally participating in the budgetary and policy work of the Government. The Fund succeeded to establish mechanisms of participation, rules and procedures of transparent grant distribution and also provided the model for other Funds at state levels. So far, segments of SIF model have been transferred to other Funds within the Ministry, but also to other institutions in the public administration. It is evident that there is still a big question on the future institutionalization of SIF, which reflects the general ambivalence of the Government when it comes to social inclusion and social services. The economic crisis and the requirement to cut the public budgets are contributing to the debate on sustainability of SIF. UNDP should continue to support SIF as this initiative perfectly aligns with its development mission and support to vulnerable groups. UNDP's success with the SIF is highly praised by stakeholders in the country and UNDP has had a comparative advantage in this area of work.

<sup>127</sup> The ambivalence with the institutionalization of SIF within the Government showed that general political support is crucial. Evaluation Team interviews with MoLSP indicated that officials of the ministry do not have a common view of the future position of the SIF. The opposing views lie within the debate whether SIF should be an agency of the Government or it should remain in domain of donor support. This debate is also linked to the process of drafting the Law on Social protection, which contains different views as to the position of the SIF within the new legalization. Other arguments against institutionalization of SIF lie in the fact that Serbian public administration is already overburdened by a large numbers of Agencies, and that additional agency would not be feasible.

## **Employment creation in the poorest regions of Serbia policy and institutional frameworks established for sustainable development**

### *National Employment Service and Severance to Job*

Through its joint work with National Employment Service (NES), UNDP contributed to active employment measures for redundant workers, who are victims of the privatisation process and the global economic crisis.

UNDP support to providing opportunities to redundant workers to use their severance pay for starting a business or investing in new employment, not only created new jobs, but changed the way of thinking on the part of employees and the employers. This was especially important as an empowerment measure for redundant workers over age 45.<sup>128</sup> Through its support to the IDP and Roma organisations in local communities, UNDP indirectly supported new businesses and employment of these populations.<sup>129</sup>

### *IDPs and Returnees in Serbia*

UNDP strengthened IDP Associations, through enhanced networking and coordination, while addressing the needs of newly displaced persons. UNDP and UNHCR worked towards harmonizing UNDP's development mandate with UNHCR's focus on IDPs and refugees; and worked towards strengthening livelihoods of IDPs by building capacities of communities and municipalities. UNDP also contributed to the improvement of local development, social services, employment opportunities and housing.

And yet, as of end-2009, despite the goals expressed in the National Strategy for Resolving the Problems of Refugees and IDPs adopted in 2002, "many IDPs from Kosovo ...struggle to obtain their full pension and unemployment benefits, because authorities in Kosovo and Serbia do not recognize each others' documents."<sup>130</sup> Furthermore, employment prospects of IDPs are not very promising, and a recent report indicated that the unemployment rate of IDPs is 32.71%, while almost two thirds of IDPs living in collective centers are unemployed<sup>131</sup>.

## **Closing the gap of Regional Human Development Index Disparities:**

### *Decreasing Roma Vulnerability in Western Balkans*

UNDP advanced the Outcome during the CPD 2005-2009 via its support to the institutionalization of Serbia's Roma Secretariat and by providing capacity building assistance to its staff.<sup>132</sup> The network of Roma coordinators established as a direct result of UNDP's intervention is one of the biggest achievements of the CPD 2005-2009. UNDP was also instrumental in supporting the government's Strategy on Roma Inclusion that was adopted in April 2009 together with a National Action Plan.

<sup>128</sup> Source: Interview with National Employment Service. Evidence is from NES shows that UNDP interventions directly created jobs for 1,374 people. UNDP "helped improve the lives of not only the redundant workers who found new jobs or started their own business, but also of their families". A number of redundant workers used their severance payments to open businesses, or to invest in new employment. Also, NES changed its approach to active labor market measures, as seen by new the programs of NES in its branch offices for education and qualification for unemployed.

<sup>129</sup> Source: summary table from NES showing total number of beneficiaries who received employment through the project.

<sup>130</sup> IDMC, Protracted internal displacement in Europe; Current trends and ways forward; IDMC, May 2009, p. 16

<sup>131</sup> [http://209.85.129.132/search?q=cache:N\\_RuWpFQzsgJ:www.kirs.sr.gov.yu/docs/StanjeIPotrebelzbeZbeglickePopulacije.pdf+nezaposlenost+izbeglicke+populacije&cd=1&hl=bs&ct=clnk](http://209.85.129.132/search?q=cache:N_RuWpFQzsgJ:www.kirs.sr.gov.yu/docs/StanjeIPotrebelzbeZbeglickePopulacije.pdf+nezaposlenost+izbeglicke+populacije&cd=1&hl=bs&ct=clnk)

<sup>132</sup> The support to empowerment of Roma by UNDP was initiated by a regional project "Improving institutional capacity and monitoring capabilities at central and local level for decreasing vulnerability of Roma in Western Balkans". The Serbian component of the regional project has had a two level approach: 1) cooperation with the Ministry of Human and Minority rights to support the National Roma Secretariat; 2) local level cooperation with municipalities and support to hiring of Roma coordinators, accompanied with capacity development and trainings for these coordinators.

On a local level, UNDP facilitated the establishment of the position of Roma Coordinator in 47 Serbian municipalities. UNDP's intensive advocacy and policy support to municipalities raised municipalities' awareness of minority groups, such as Roma, and their need for special attention and inclusion. Furthermore, UNDP's interventions closely aligned with the interventions of other stakeholders in Serbia.<sup>133</sup>

Nevertheless, despite UNDP's interventions, quality of life for average Roma citizens in Serbia appears to have changed little since 2005.<sup>134</sup> The Serbian Ombudsman's report for 2008 concludes that "there has been no real institutional or actual progress in resolving the socio-economic, educational, and cultural aspects of social integration of the Roma minority, despite the existence of a normative basis (the Constitution, the Law on the Protection of Rights and Freedoms of National Minorities, Poverty Reduction Strategy, government action plans for improving the situation of the Roma); and institutional infrastructure (Government Council for Roma integration, Integration office within the Ministry of Human and Minority Rights, etc)." <sup>135</sup> The Progress Report on Serbian EU Integration states that the Serbian Ministry of Education and MHRM introduced affirmative measures for improvement of Roma education. Yet, the Helsinki Committee reports that Roma children in Serbia continue to encounter various barriers imposed by the educational system.<sup>136</sup>

UNDP's ongoing support to the Roma Secretariat at the state and municipal levels (especially in municipalities with large Roma settlements) will need to be extended. Persons interviewed by the Evaluation Team expressed concerns that the implementation of the Action Plan will not be adequate. Meanwhile, Roma Coordinators in municipalities still occupy a very sensitive and insecure position.

#### *Gender Equality, Women and Combating Sexual and Gender-based Violence*

As mentioned above, the gender dimension of poverty was recognized as important by PRS and UNDP. The Council for Gender Equality was created in 2004, and received extensive support from UNDP in establishing its procedures and institutionalization of its work. As part of its establishment as a permanent body, the Council was transformed into a Gender Equality Directorate (GED) in 2008 located within the Ministry of Labor and Social Policy. Furthermore, a major shift in the recognition of gender as an important subject in the

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<sup>133</sup> Today, the legal and policy framework for improvement of the status of Roma consists of affirmative measures of the Ministry of Health and Ministry of Education: with support from different donors. The Ministry provided for training and engagement of 85 health mediators and teaching assistants who will work with Roma population, and especially women in local settlements. There are opposing opinions on the quality and sustainability of this measure. Still, it provides a good basis for further work on empowerment of this population. The Law on Prohibition of Discrimination stipulates measures for protection of national minorities and contains 13 areas of action. The MHRM is in charge of coordination and monitoring and evaluation of the implementation. The Government envisages placing Advisors for Roma issues within each ministry – and with support from OSCE, they have been introduced in Ministry of Education, Health, Environment and spatial planning. Roma coordinators in 47 municipalities; Law on National Council of National Minorities.

<sup>134</sup> Speech of Mr Božidar Djelić, Deputy Prime Minister of Serbian Government at the International conference in Belgrade in June 2009. The Government response to solving the issues of the Roma people in Serbia was rather slow, and it took six years to adopt the Strategy for Roma in 2009. A major shift in this area began when Serbia took over presiding over the "Decade of Roma Inclusion" in 2008. [See: [www.romadecade.org](http://www.romadecade.org)]. During this period, Serbia adopted the Strategy for Roma Inclusion; provided funds in amount of 120 million dinars for Roma education, and ratified a loan of 10 million EUR for solving housing issue for minorities. Also, Serbia contributed by organising a specific Summit on Roma, which was held in Brussels in 2008, as well as introduction of the position of Coordinator for Roma issues at the European level.

<sup>135</sup> Ombudsman of Serbia; Report for 2008; p. 44.

<sup>136</sup> Helsinki Committee for Human Rights Serbia; Human Rights, Democracy – and violence; Belgrade, 2009; p. 64. Only 33 percent of children in Serbia attend pre-school institutions. This figure is drastically lower among the poorest and Roma children – 7 and 4 per cent respectively. Dramatic disparities occur in secondary education. National school attendance is 84 per cent, but only 10 per cent of Roma children attend secondary school. It does appear, however, that a greater number of Roma may be officially registered in 2009 as opposed to 2005 (See table on IDPs below) and if this is true it would suggest that these persons are more readily able to avail themselves of social services than previously.

Parliament was evidenced by a public hearing on gender based violence, organized by the Committee for Gender Equality (GE) and supported by UNDP in 2008. Another public hearing on the draft Gender Equality Law was organized in October 2009.<sup>137</sup>

Besides supporting the GED in development of its institutional structures and internal mechanisms, UNDP supported the development of the National Plan of Action for the Implementation of the National Strategy for Improvement of Position of Women and Promotion of Gender Equality. The Strategy identifies “six most crucial areas: improvement of the economic position, health, representation in public and political life, equality in education, suppression of violence and elimination of gender stereotypes in the media.”<sup>138</sup> The National Action Plan, once it is adopted should be followed with mechanisms for monitoring and evaluation of its implementation.<sup>139</sup>

According to the Serbian Ombudsman’s Report for 2008, wide disparities exist between women and the general population in Serbia in political life and employment, especially in rural areas.<sup>140</sup> The “most present forms of violence against women in Serbia are violence in family/partner relations, sexual violence against women and trafficking.”<sup>141</sup> The situation with SGBV is still very difficult in the country. The state lacks mechanisms for institutional care for women victims of violence. Women victims are not sufficiently protected in practice and institutions do not offer an adequate or timely response to reports of violence.<sup>142</sup>

#### *HIV/AIDS*

UNAIDS in Serbia is represented by UNDP, which includes a component on HIV/AIDS that seeks to mainstream this issue across the entire UNDP CO. UNDP has both a National HIV/AIDS Advisor and a Programme Assistant.

During 2005-2009, UNDP advanced the government’s policy on HIV/AIDS by supporting a single National HIV/AIDS Authority, as well as a single National HIV/AIDS Strategy and the development of a comprehensive monitoring mechanism for HIV/AIDS in Serbia. UNDP also enhanced NGO participation, and encouraged the development of partnerships between

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<sup>137</sup> UNDP also supported the Gender Equality Committee to conduct a mobile committee session in Nis (South Serbia) in September 2009, which had a dual effect – firstly, providing a space to local leaders and CSOs to discuss and exchange views on the issue of gender equality, but also as a move forward in opening up the Parliament to the citizens, which further contributes to transparency of the Parliament’s work, but even more so contributes to the capacity building for the Members of the Parliament on the issue of gender equality.

<sup>138</sup> EU Progress Report on Serbia 2009; p. 16.

<sup>139</sup> The prospect for new interventions in the area of gender equality may go well with the new project by Gender Equality Directorate and UNDP on “Combating Sexual and Gender Based Violence”(SGBV). This project aims to achieve the following: strengthening capacity of the Gender Equality Directorate within the Ministry of Labor and Social Affairs for informed policy making and implementation through development and introduction of SGBV curricula in relevant institutions (Ministry of Labor and Social Affairs, Ministry of Interior, Ministry of Justice, Ministry of Health); develop standards for official statistics on SGBV in relevant institutions; improve horizontal and vertical coordination of key actors on SGBV; develop a Strategy for combating SGBV; contribute to improved access for victims of SGBV to appropriate services; develop a set of recommendations on dealing with perpetrators of SGBV and pilot rehabilitation programs for perpetrators; and raise awareness on SGBV. This project, funded by Norway, is executed in NEX modality and is envisaged to be implemented in the period of 2009-2011.

<sup>140</sup> See, Ombudsman of Serbia; Report for 2008; p. 29. 51.5% of the Serbian population is women; however mechanisms for ensuring gender equality are still in their initial phase. Today, women take 45 of the 250 seats in the Parliament, while woman is a Chair of the Parliament, as well as 50% of deputy speakers While women comprise 44% of the employed and 54.3% of the unemployed population in Serbia, they are still “often discriminated in their working place”, while the average difference in pay of men and women is 16%. With 80% of total resignation from work, women are mainly the ones resigning and this is mostly for family reasons. Further, refugee women are by 15% less often employed than the average for unemployed women, displaced persons by 32%, Roma women by 39%, which shows that among the vulnerable groups, women are those who suffer most of poverty and marginalization.

<sup>141</sup> Ombudsman of Serbia; Report for 2008; p. 30.

<sup>142</sup> *Id.*, p. 11. The MoLSP recently announced the drafting of a Law on Prevention of Gender based Violence.

NGOs, GOs and institutions, together with establishment of the National HIV Office. At the local level, UNDP worked with extremely vulnerable groups, and supported the expansion and acceptance of harm reduction concepts in HIV prevention in Serbia and Montenegro, through enhancing the existing needle exchange program of Medicines du Monde.<sup>143</sup>

#### *Coordination and Implementation of National Strategy for Youth*

Young people in Serbia are defined as the population between fifteen and thirty years of age. There are about a million and a half young people in Serbia, which account for 20 per cent of the total population.<sup>144</sup> Estimates of experts indicate that around half a million of young people and educated individuals left Serbia during 1990s; and by 2008 youth unemployment in Serbia stood at approximately 34.5%.

UNDP support to government dialogue with civil society was enhanced during 2005-2009 via the development of the National Youth Strategy in Serbia with extensive civil society participation. More than 40 NGOs were directly involved. The process was evaluated as the most participatory youth strategy development process in Southeast Europe<sup>145</sup> and also received highest marks from the Council of Europe. The Ministry of Youth and Sports is very vibrant and active, and it has been implementing good projects with Youth Offices and NGOs. Changes are visible at the local level in Serbia. One hundred youth offices within municipal governments have now been established, and the action plan is starting to be implemented.

#### *Persons With Disabilities*

UNDP's support to PWD was implemented on two levels: 1) support to the establishment of governmental mechanisms for protection and empowerment of PWD, and 2) direct support to beneficiaries through various activities.

In terms of setting up structures and frameworks for PWD, UNDP support to the National Counsel on PWDs created a national monitoring mechanism for PWD and National Strategy for PWD. Also, "some progress was made with the adoption in May 2009 of the Law on Vocational Rehabilitation and Employment of Disabled Persons which regulates several areas related to employment"<sup>146</sup> UNDP support to development of sign language in Serbia and development of the PWD statistics on PWD contributed to better inclusion of this group in the society. Further development of statistical information and databases is an urgent need, due to the fact that coherent data on PWD is severely lacking. The lack of such data makes it difficult to develop adequate programmes and interventions.

Besides this, UNDP also supported employment policy measures for PWD, as introduced through the National Employment Strategy 2005-2010. UNDP also supported a new Active Employment Policy Programme 2009 that is in the final stage of creation and a new Law on

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<sup>143</sup>See, generally, [http://data.unaids.org/pub/Report/2008/serbia\\_2008\\_country\\_progress\\_report\\_en.pdf](http://data.unaids.org/pub/Report/2008/serbia_2008_country_progress_report_en.pdf) Available statistics on HIV/AIDS in Serbia from years 2005-2009 vary widely. UNAIDS shows the total number of estimated cases in Serbia between 2006-2009 increased by approximately 200 new cases per year. The average number of cases in these years was estimated to be 6000 (2005), 6200 (2006) and 6400 (2007) respectfully. Yet, UNAIDS data also shows that this number may be as high as 12,000 cases for all years 2005-2007 or as low as 3700 (2005), 3600 (2006) and 3900 (2007). [Source: UNAIDS]. Other sources report that out of the total of 1355 reported AIDS cases in a period 1985 -2006, nearly three quarters (73%) are males; three quarters lived in Belgrade, almost one half (43%) are IDUs and one half are aged 30-39, followed by age group 40-49. Additionally, 39% of all newly registered HIV cases in 2005, 52% in 2006, and 40% in 2007 (preliminary data for 2007), reported sex between men as the transmission route of HIV infection.

<sup>144</sup> National Youth Strategy.

<sup>145</sup> Denstad, Finn; "Developing the National Youth Strategy in the Republic of Serbia: an External Evaluation," 2008

<sup>146</sup> EU Progress Report on Serbia 2009; p. 17.

Vocational Rehabilitation and Employment of Persons with Disabilities.<sup>147</sup> Direct work with groups such as redundant workers, IDPs and refugees, as well as rural groups has generated new employment, which to date has made a small yet significant contribution to the overall empowerment of vulnerable groups.

Despite the above UNDP interventions, however, research conducted by the Center for Development of Inclusive Society shows that some 79% of PWD in Serbia remain unemployed; and half of PWD possess only a primary education or have no education. The 2008 Ombudsman's report states that "PWD have very limited access to the labor market; this is partly the result of a widely spread discriminatory practice by which the disabled are hardly likely to find a job in the social environment where there are lots of unemployed people among "the healthy" job seekers. Prejudices concerning efficiency of persons with disability contribute to high rate of their unemployment"<sup>148</sup>. The most urgent situations are those of children with disabilities, whose parents are "encountered with the problem of providing the necessary treatment and medical devices"<sup>149</sup> Health Care/Educational Institutions that care for physically and mentally handicapped children and youth, as well as adults, struggle with a lack of services and staff.

### **Strengthening of Rural Social Capital**

Serbian products "enjoy a privileged position on the European market. Since 2000, the EU has implemented a customs-free regime to Serbia for most of the products, so Serbian exporters do not pay customs and other taxes."<sup>150</sup> Furthermore, the SAA's section on free trade provides for duty free access of EU goods to the Serbian market. "EU goods are entering Serbia without paying any customs and/or taxes. The application of this Agreement and creation of free trade zone between Serbia and EU is of most importance for Serbia, since 56 percent of all trade is traditionally done between EU and Serbia."<sup>151</sup>

UNDP recently established a basis for future intervention in the area of rural development via its intervention "Strengthening Rural Social Capital and Networking"; implemented in partnership with Provincial Secretariat of Agriculture, Water Economy and Forestry of AP Vojvodina, and funded by the Government of Romania. UNDP support to extensive research in the rural non-farm economy indicated a need for diversification of the rural economy; while legal and institutional analyses of the cooperatives and their activities in the country and mapping of social enterprises provided a basis for setting a policy agenda. Besides this, UNDP support of the Ministry of Agriculture Forestry and Water Management identified ways to strengthen rural social capital through Local Action Groups, with a strong capacity building component in the area of sustainable development of local initiatives. LEADER methodology<sup>152</sup> was piloted by UNDP in five municipalities in Vojvodina, with the goal of developing applicable models for rural development in Serbia.

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<sup>147</sup> Most importantly, the UNDP project "Increase Competitiveness of the Enterprises for Vocational Rehabilitation and Employment of PWD on Commercial Market of the Republic of Serbia" provided new models and recommendations for restructuring of ownership and organizational structure of enterprises for vocational rehabilitation and employment of people with disabilities, as well as inputs for improvement of access and integration of PWD both at work place and labour market, together with development of the model for vocational training of PWD.

<sup>148</sup> Ombudsman of Serbia; Report for 2008; p. 45.

<sup>149</sup> *Id.*, p. 46.

<sup>150</sup> Global Agricultural Information Network; Serbia: Food and Agricultural Import Regulations and Standards – narrative; FAIRS Country Report; 2009; p. 4;  
[http://www.chilealimentos.com/medios/Servicios/Normas\\_internacionales/Norma\\_otros\\_paises/Normativa\\_Serbia/Food\\_and\\_Agricultural\\_Import\\_Regulations\\_and\\_Standards\\_SERBIA\\_USDA.pdf](http://www.chilealimentos.com/medios/Servicios/Normas_internacionales/Norma_otros_paises/Normativa_Serbia/Food_and_Agricultural_Import_Regulations_and_Standards_SERBIA_USDA.pdf)

<sup>151</sup> *Id.*, p. 4.

<sup>152</sup> LEADER approach seeks to take into account the internal opportunities and constraints of rural areas as a result of the environmental, economic, social and cultural factors of the areas past, as well as the external opportunities and constraints arising from opening up local economies. The LEADER approach advocates an integrated bottom-up approach, as well as the decentralized management of public policies, and in that way, it helps to give renewed consideration to the prime movers in a rural area. These concepts have already been introduced through the

The EU's most recent progress report for Serbia states that progress was "made in the area of agriculture and rural development."<sup>153</sup> Rural development is one of the areas of EU accession, and the Evaluation Mission feels that the CO should extend UNDP's intervention<sup>154</sup> in the future. Serbia should further develop capacities for decentralized management, including Local Action groups and application of the LEADER methodology— especially in light of IPA funds being released to Serbia.

### ***Sustainable Development: Sustainable Local Development***

UNDP in Serbia was active in the field of Sustainable Local Development through area-based development programs in economically deprived multi-ethnic areas, heavily hit by poverty and with high potential for armed conflict. UNDP was also active in enhancing capacities of national institutions for developing and implementation of decentralization and sustainable development policies.

Results achieved through area based programmes are largely praised by the national counterparts and donors involved. UNDP's intervention in Southern and Southwest Serbia has helped beneficiary municipalities to advance their administrative capacities in the field of development planning and local service provision. Through strategic planning processes municipalities have initiated cooperation with NGOs and the private sector. Inter-municipal cooperation has been advanced, and institutional framework for regional development has been established. Partner municipalities have benefited by infrastructure development as well.

At the national level, UNDP's intervention helped the Standing Conference of Towns and Municipalities (SCTM) to advance their internal capacity and become a widely recognised stakeholder in the field of local self-government reform, decentralization, local development and related issues. Decentralization in Serbia still has a long way to go. Although a new Law on Local Self-government has increased responsibilities in the field of local economic development, environmental protection planning, social protection and many other areas, financial sources that supposed to accompany newly delegated responsibilities are not well accommodated within the new Law on Financing Local Self-governments.

Mechanisms for inter-municipal communication have been introduced and the first results of cooperation are visible in developing joint municipal projects across Serbia. Overall, however, cooperation is rather *ad-hoc* and more problem-based than visionary and future looking. The new Law on Regional Development has been adopted, providing the institutional framework for future interventions. In this regard the formerly established Regional Development Agencies are seen as a good basis for inter-municipal dialogue and solving mutual problems that go beyond local administrative borders.

There are massive changes in awareness on notions of development issues at the local level. Municipalities have increased their capacity in the field of project management and

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Project "Strengthening Rural Social Capital & Networks" and should be extended in the upcoming period, in order to develop models and routine in this area.

<sup>153</sup> *Id.*, p. 41.

<sup>154</sup> UNDP's new Rural Tourism Programme is a good expansion of UNDP's intervention in this area. This Project, funded by the Spanish MDG Fund, involves five (5) UN agencies, while the Ministry of Agriculture, the Ministry of Economy and Regional Development and the Tourism Organization of Serbia are the main implementing partners. This 2.5 year project, that starts in November 2009, is funded at level of \$4 million USD, and aims to produce a Master Plan for Rural Tourism Development in Serbia at state level, as currently there are only local plans for specific locations, but nothing exists at the national level. This programme will also support a "National Rural Development Programme", which is a precondition for accessing EU IPA funds once Serbia officially becomes an EU candidate country. This programme will be a complement to the existing Strategy, adopted in 2008.

cooperation with donor agencies. PMUs have been created in many municipalities, yet their sustainability is uncertain, especially after funding was reduced by local administrations. Municipal infrastructure has been improved, mostly through support of National Investment Plan (NIP), the World Bank loans and international donor intervention. However, sustainability of developed projects is under question, due to a lack of local finances and improper maintenance. Lobbying capacities of municipalities remain weak since their participation in the national planning and policy development process is marginal. Their voices are mostly articulated through SCTM. The capacity of SCTM has been increased yet they often remain powerless in communication with the Government<sup>155</sup>

#### *Municipal Improvement and Revival (MIR), Local Development and Peace Building in South Serbia*

UNDP has been present in South Serbia since 2001, starting with post-conflict and reconciliation building projects such as Rapid Employment Programme (REP) and South Serbia Municipal Improvement and Recovery Programme (SSMIRP). The intervention changed in 2003 when the Municipal Improvement and Revival (MIR) Programme, focused on sustainable economic and social development, municipal administration reform and inter-municipal/regional development in 13 municipalities<sup>156</sup> of *Jablanicki* and *Pcinjski* districts. The MIR Programme has had two phases, the first lasting from 2003-2005 and the second from 2006-2008.<sup>157</sup>

Although there are no reliable statistical sources to validate the impact of UNDP's intervention upon beneficiary municipalities (or the region as a whole on decreasing discrepancies in development indices), positive changes are nonetheless possible to identify. Evidence of success lays in UNDP's strong presence in the field, which established firm relationships with beneficiary municipalities and active lines of communication with the donors involved.

UNDP was successful in helping beneficiary municipalities design strategic plans for local economic development. These documents were produced in a participatory manner with the interests of various beneficiary groups (i.e. private sector, civil society organizations, small communities, etc) being consulted. UNDP's MIR intervention was thus the first—in a way pioneering—experience of cooperation between public administration and non-state actors (private sector and civil society organizations) in South Serbia.<sup>158</sup>

UNDP also achieved remarkable results in increasing inter-municipal cooperation and creating institutional frameworks for regional development by establishing the Regional Development Agency (RDA) for *Jablanicki* and *Pcinjski* District, based in Leskovac. The RDA is a meeting point for inter-municipal discussion and serves as an advocacy body for regional development before the Government of Republic of Serbia and the international donor community. Sustainability of the RDA after the MIR Programme is supported by an institutional grant, provided by the Delegation of the European Commission to the Republic

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<sup>155</sup> The example might be adoption of new Law on Regional Development, which was heavily criticized by many.

<sup>156</sup> Bojnik, Bosilegrad, Bujanovac, Crna Trava, Lebane, Leskovac, Medvedja, Presevo, Surdulica, Trgoviste, Vladicin Han, Vlasotince, Vranje.

<sup>157</sup> The Programme was financially supported by the Government of Serbia, the European Agency for Reconstruction (EAR), the Kingdom of Sweden through the Swedish International Development Agency (SIDA), and the Kingdom of Norway through the Embassy of Norway in Belgrade and the Republic of Austria through the Austrian Development Agency (ADA).

<sup>158</sup> Based on the Strategic plans, small-scale municipal infrastructure projects were identified, prioritized and implemented by the financial support of the Programme. The projects were developed under partial NEX modality, where municipal administrations took a significant role in procurement and tendering for project implementation. Although NEX modality influenced a decrease in efficiency of implementation of project activities, it created a strong sense of ownership among municipalities. In the second phase, the Programme was focused on development of inter-municipal and regional infrastructure projects.

of Serbia, which aims to increase RDA capacities for development planning and implementation.<sup>159</sup>

Although UNDP contributed to many positive changes, as of end-2009, further support to municipalities in Southern Serbia remains an absolute necessity. Based on the EAR/EC request, however, the MIR Programme was ended with no possibility of extension, although bilateral donors clearly expressed their dissatisfaction with the Programme closing. By closing the MIR Programme office, UNDP has lost well-trained staff, which could be very useful for future projects in Southern Serbia. Some of the MIR staff, however, found positions within RDA in Leskovac and within UNDP PRO in Western Serbia; thereby facilitating a knowledge transfer and spillover from MIR to PRO.<sup>160</sup>

During the final six months of the 2005-2009 CPD, UNDP plans to have two additional interventions in South Serbia that will provide *Support to National Efforts for Promoting Peace Building in South Serbia*<sup>161</sup> and provide *Support to National Efforts for Strengthening Capacity for Inclusive Local Development in South Serbia*.<sup>162</sup>

#### *Municipal Development in South West Serbia (PRO)*

Municipal Development in South West Serbia (PRO<sup>163</sup>) is the second UNDP area based development programme, focused on eight municipalities<sup>164</sup> of Zlatiborski and Raski District. PRO was active as of July 2006 through two phases. PRO's objective was to build the capacities of local stakeholders to plan and take strategic actions to achieve sustainable socio-

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<sup>159</sup> Beside RDA in Leskovac, the Delegation has supported 5 more RDAs in Serbia: (1) RDA for *Sumadija* and *Pomoravlje* –Kragujevac, (2) RDA for Banat – Zrenjanin, (3) RDA for Eastern Serbia – Zajecar, (4) RDA for *Zlatiborski* District – Uzice, and (5) shared grant for RDAs in Kraljevo and Novi Pazar. UNDP through its PRO Programme has supported establishment and capacity building of last three RDAs (in Uzice, Kraljevo and Novi Pazar). More information on the EC Delegation grant could be seen on the webpage: [http://ec.europa.eu/europeaid/work/funding/awp2008/documents/eastern-europe/awp\\_grants\\_serbia\\_ec\\_en.pdf](http://ec.europa.eu/europeaid/work/funding/awp2008/documents/eastern-europe/awp_grants_serbia_ec_en.pdf), last visited on 31 October 2009.

<sup>160</sup> As a part of MIR exit strategy, UNDP designed two new programs in Southern Serbia: the first dealing with strengthening capacity for inclusive local development and being funded by SIDA, SDC, Norway, UNDP BCPR and the Government of Serbia; and the second dealing with promoting peace building and funded by the Spanish MDG Achievement Fund for Conflict Prevention and Recovery and the Government of Serbia. Implementation of both programs is led by UNDP in cooperation with other UN agencies such as UNICEF, UN-HABITAT, UNHCR, IOM and ILO. The leading national partner for both Programs is MPALGS, which represents a wide coalition of national counterparts from both, central and local level. The MoUs for both Programs were signed in September 2009, nine months after closing the MIR Programme.

<sup>161</sup> Support to National Effort for Promoting Peace Building in South Serbia is a new multi-stakeholder project with foreseen duration of 30 months. The Project actions are clustered around four outcomes of the conceived intervention: (1) Community cohesion and human capital; (2) More equitable and improved access to public services and welfare benefits (including basic registration documentation, health and education); (3) Increased overall economic prosperity of the region, and reduced discrepancies in wealth and employment between ethnic groups, and with other parts of the country, and (4) Migrants in South Serbia are provided with appropriate support to participate in the social and economic life of the region. The project has a joint implementation with a wide consortia of UN agencies (UNHCR, UNICEF, UN-Habitat and ILO)—with UNDP as a leading partner on one side and numerous national and local partners with Ministry of Public Administration and Local Self-Government (MPALSG) as National Lead Partner a on the other side. The project is financed by the Spanish MDG Achievement Fund for Conflict Prevention and Recovery with \$2.5 million USD.

<sup>162</sup> Support to National Efforts for Strengthening Capacity for Inclusive Local Development is the second project initiative in South Serbia that was launched after signing the MoU with Government of the Republic of Serbia has been signed on September 16, 2009. With the aim of promoting socially cohesive and inclusive development process, the joint UNDP-UNICEF-ILO programme enables the partner agencies to build upon and expand previous work to reduce the discrepancies that currently exist between *Jablanički* and *Pčinjaški* Districts and the rest of Serbia proper. Towards this goal, agencies will work together to: (1) enhance community cohesion and human capital, (2) improve provision and equitable access to public services, (3) strengthen economic development, and (4) improve migration management. The programme intervention is estimated to last three years with the budget of \$5,420,000 USD, supported by SIDA, SC, the Government of Norway, UNDP BCPR and the Government of the Republic of Serbia.

<sup>163</sup> PRO is acronym from Serbian title of the Programme: *Program Razvoja Opština*.

<sup>164</sup> PRO covered the following municipalities in South West Serbia: Ivanjica, Nova Varoš, Novi Pazar, Priboj, Prijepolje, Raška, Sjenica and Tutin.

economic development within the region. In the second phase PRO broadened its focus to include inter-municipal cooperation and creation of regional development agencies. The Programme was financed by European Agency for Reconstruction (EAR) and Swiss Agency for Development and Cooperation (SDC).

The implementation of PRO was successful and contributed to advancement of the CPD 2005-2009 *Sustainable Development* outcome. As with MIR, the success of PRO was due primarily to UNDP's strong physical presence in the field, efficient and results-oriented project management, available funds for infrastructure projects and financial transparency. Maintaining excellent relationships with the donors and having regular Programme Steering Committee Meetings, held within the area of operations together with representatives of local beneficiaries clearly presents a lessons learnt and "best practice" model for success in implementation. Based on the lessons learnt from MIR Programme (where NEX modality caused delays in implementation of infrastructure development projects) PRO was implemented directly by the UNDP field office using a DEX modality.

Through a participatory planning process PRO succeeded, for the first time in the history of beneficiary municipalities, to create mechanisms for cooperation between local authorities and non-state actors (private sector and civil society organizations) and to design strategies for local socio-economic development. At the end of this process, several small-scale priority infrastructure projects were identified and later implemented by PRO. By end-2009, 24 municipal projects had been implemented successfully, efficiently and transparently in a short period of time by PRO. In this respect, PRO was a very good learning experience for beneficiary municipalities on how to connect participatory planning with infrastructure development and institutional building.

Besides infrastructure projects, PRO contributed to the improvement of municipal service delivery, making it more client-oriented through establishing Citizen Assistance Centers in two municipalities, *Nova Varos* and *Sjenica*. Although not planned within the initial proposal, PRO succeeded to establish a small-scale grant scheme for CSOs, called Citizen Involvement Fund (CIF). The CIF supported civil society in beneficiary municipalities through two public calls, supporting selected projects with up to \$6,000 USD.

Within the second phase, PRO extended its focus to inter-municipal cooperation and establishment of Regional Development Agencies (RDA) in two districts, *Zlatiborski* and *Raško-Moravički*. Inter-municipal cooperation has been enhanced through development of joint projects, mostly in the area of tourism development and environmental protection. PRO developed feasibility studies and other necessary project documentation, yet the final implementation was left for future programme interventions. Inter-municipal cooperation has been strengthened by a network of former PRO staff who found permanent employment within municipal administrations and regional development agencies.<sup>165</sup> PRO also supported transformation of Uzice Regional Centre for SME development into a Regional Development Agency for *Zlatiborski* District and creation of a new Regional Development Agency for *Raško-Moravički* District. Subsequently, PRO supported Sandžak Economic Development Agency (SEDA) as well. PRO provided capacity building support to all three RDAs, organizing tailor-made in-house training activities for their staff.

#### *Capacity Building of Standing Conference of Towns and Municipalities*

UNDP's intervention with Capacity Building of Standing Conference of Towns and Municipalities (SCTM) is discussed in above section on *Outcome 1: Public Administration*

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<sup>165</sup> The Donors' satisfaction with the PRO program is very high, praising the Project Manager and his team for a successful implementation. The national counterparts from the Government of the Republic of Serbia are also satisfied with the Programme intervention and results achieved. Although PRO was a successful Programme by all means, it will not be extended under the UNDP framework beyond the current programming period.

*Reform* due to the fact that its principal contribution to the Outcome was to improve local administration in Serbia.

*The South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC)*

UNDP, through SEESAC,<sup>166</sup> provided support to capacity development of national counterparts in the field of SALW. SEESAC created measures for confidence building and increasing the transparency of arms exports. UNDP also enhanced SEE regional cooperation in the field of SALW control and armed violence prevention. The UNDP Programme received recognition and support at the highest political levels, as well as from the international community.

As of 2007 UNDP's SEESAC Programme included a gender perspective as a new component on SALW control and armed violence prevention from. In that regard SEESAC developed a regional Strategy for Gender Issues in Arms Control and Armed Violence Prevention (Gender Strategy)<sup>167</sup> under the framework of UNDP's Eight Point Agenda for Gender Equality and Women's Empowerment in Crisis (8PA). In 2008, SEESAC extended its scope to reducing the impact of firearms in domestic violence. As such, SEESAC conducted a regional study "Firearms Possession and Domestic Violence in the Western Balkans: A Comparative Study of Legislation and Implementation"<sup>168</sup> and developed proposals for legal and policy changes and conducted advocacy campaign.

### **Other UN and 3<sup>rd</sup> party contributions Sustainable Local Development**

Sustainable Local Development is such an attractive area, that virtually all multilateral or bilateral donor agencies in Serbia have implemented at least one project in this field during the CPD 2005-2009.

The European Commission (first through the European Agency for Reconstruction (EAR) and subsequently through the Delegation of the European Commission to the Republic of Serbia)<sup>169</sup> was very much active in the field of decentralization and local self-government reform and local development. Beside MIR and PRO, EAR had several other projects working in this field. One of its most prominent programs was a so-called "Exchange Programme", active as of 2004<sup>170</sup>. The second remarkable EU project in the field of local development is Municipal Support Programme North – East Serbia, which covered 5 districts<sup>171</sup> and 30 municipalities<sup>172</sup>.

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<sup>166</sup> The South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) was launched on 08 May 2002 in Belgrade, with a mission to support all international and national stakeholders by strengthening national and regional capacity to control and reduce the proliferation and misuse of small arms and light weapons, and thus contribute to enhanced stability, security and development in South Eastern and Eastern Europe. SEESAC is a component of the Regional Implementation Plan on Combating the Proliferations of Small Arms and Light Weapons (SALW) formulated and adopted by the Stability Pact in November 2001 (Revised in 2006), with the aims of stopping the flow and availability of SALW in the region, consolidating achievements so far and supporting the socio-economic conditions for peace and development in South Eastern and Eastern Europe.

<sup>167</sup> The Strategy could be found on SEESAC webpage:

<http://www.seesac.org/uploads/SEESAC%20Gender%20Strategy%202007.pdf>, last visited: 2 November 2009

<sup>168</sup> The Study could be found on <http://www.iansa-women.org/sites/default/files/newsviews/en-seesac-dv-small-arms-2007.pdf>, last visited: 2 November 2009.

<sup>169</sup> European Agency for Reconstruction has been closed on 31 December 2008 and all their activities were handled over to the Delegation of the European Commission to the Republic of Serbia.

<sup>170</sup> More about Exchange Programme see on <http://www2.exchange.org.rs/index.html#>, last visited: 2 November 2009. The overall objective of Exchange Programme is to contribute to the European integration efforts of Serbia by strengthening local government capacities according to EU standards. The first phase lasted from 2004 to 2008 and was implemented by SCTM, in close co-operation with VNG International, the agency for international co-operation of the Association of Netherlands Municipalities. The second phase has started in 2008 and is foreseen to last until 2010. The focus of the second phase is: (1) further institutional capacity building of SCTM and (2) joint support to local governments. The third phase of Exchange Programme is foreseen to start in 2010.

<sup>171</sup> Braničevski, Podunavski, Južnobanatski, Srednjobanatski and Severnobanatski District.

USAID was active in this field through Municipal Economic Growth Activity Programme (MEGA)<sup>173</sup>, which succeeded the Community Revitalization through Democratic Action Programme (CRDA) in 2005. MEGA is a local economic development program that aims to develop the skills of local governments to foster economic growth and employment by creating a business environment where the local private sector can flourish<sup>174</sup>.

Swiss Agency for Development and Cooperation (SDC) with its Municipal Support Programme (MSP) was active in Central Serbia as of 2001. The Programme had three phases, first from October 2001 - June 2004 covering 7 municipalities,<sup>175</sup> second from June 2004 to December 2007 covering 6 municipalities<sup>176</sup> and the last third phase from April 2008 till June 2011, covering 7 municipalities.<sup>177</sup> MSP's overall objective is the creation of sustainable, autonomous, effective and accountable local government in the region, contributing therewith to better living conditions for their citizens. The third phase of the project extended the focus to inter-municipal and regional cooperation<sup>178</sup>. MSP closely cooperated with PRO, especially in establishing the RDA in Kraljevo.

Among UN agencies, UN-HABITAT contributed to Sustainable Development with its Settlement and Integration of Refugees Programme (SIRP),<sup>179</sup> with the purpose to develop mechanisms for sustainable and replicable housing and integration solutions for low-income refugees and other vulnerable households in the framework of enhanced development planning process, decentralized capacities and partnerships in selected Municipalities/Cities. The programme has been implemented at the central and local levels, covering seven selected cities and municipalities.<sup>180</sup>

Based on the results of SIRP, UN-HABITAT has developed a follow up Settlements and Integrated Local Development (SILP) Programme, a sub-regional programme to be implemented in Serbia, Bosnia and Herzegovina and Albania. The objective of the Programme is to contribute to sustainable and inclusive cities by supporting integrated urban development with specific focus on deprived neighbourhoods in line with the MDG 7 target 11 related to adequate housing and serviced settlements and through harmonization with EU standards and practices.<sup>181</sup>

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<sup>172</sup> Velika Plana, Smederevo, Smederevska Palanka, Veliko Gradište, Golubac, Žabari, Žagubica, Kučevo, Malo Crniće, Petrovac Požarevac, Alibunar, Bela Crkva, Kovačica, Kovin, Opovo, Pančevo, Plandište, Ada, Kanjiša, Kikinda, Novi Kneževac, Senta, Čoka, Žitište, Zrenjanin, Nova Crnja, Novi Bečej, Sečanj. The Programme objective is to achieve improved economic development and living standards by providing technical assistance to beneficiaries in the targeted areas. The project focuses on two priority areas: (1) Enhancement of good local governance in the municipalities of North-Eastern Serbia, and (2) Improving the economic competitiveness of North-Eastern Serbia, while enhancing socio-economic cohesion between local communities. This is a three-year Programme, which commenced in June 2007. The Programme implementation is contracted to a wide consortium with VNG International as a leading partner.

<sup>173</sup> For more information about MEGA please visit <http://serbia-montenegro.usaid.gov/code/navigate.php?Id=76>, last visited: 2 November 2009.

<sup>174</sup> MEGA is focusing on 31 cities and municipalities in Serbia and it is interlinked with UNDP programmes since many beneficiaries are included in MIR and PRO programs. MEGA intervention helped beneficiary municipalities to become more business friendly. MEGA supported creation of 28 Local Economic Development offices to attract investment and to be more responsive to the needs of private sector in general. Based on their assessment, MEGA programme attracted over 800 million Euro in investments, created over 11,000 jobs and 420 new businesses opened. Besides, 30+ Citizen Assistance Centres were established and E-government introduced in more than 80 Municipalities. MEGA website: <http://serbia-montenegro.usaid.gov/code/navigate.php?Id=76>

<sup>175</sup> Čačak, Kraljevo, Kuršumljija, Niš, Novi Pazar, Požega and Užice.

<sup>176</sup> Arilje, Čajetina, Čačak, Kraljevo, Požega and Užice.

<sup>177</sup> Arilje, Čajetina, Čačak, Kraljevo, Lučani, Požega and Užice.

<sup>178</sup> The MSP Programme document might viewed at:

<http://www.msp.co.rs/Preuzimanje/Programski%20dokument/MSP%20III%20ProDoc%20EN.pdf>.

<sup>179</sup> For more information about SIRP please visit <http://www.unhabitat.org.yu/programmes/sirp/sirp.htm>.

<sup>180</sup> Čačak, Kragujevac, Kraljevo, Niš, Pančevo, Stara Pazova and Valjevo.

<sup>181</sup> Bor, Čačak, Kragujevac, Kraljevo, Leskovac, Niš, Novi Sad, Subotica, Užice, Valjevo and Vranje. As an added value, SILD will promote regional networking and building bridges between neighbouring nations to strengthen complementarities with the main forms of assistance of the European Union. In this respect, SILD will serve as

### ***Sustainable Development: Environmental Protection***<sup>182</sup>

In 2008, UNDP at a corporate-level endorsed a new climate change strategy, which supports the capacity of developing countries to make informed policy and investment decisions to help reduce greenhouse gas emissions, reduce poverty and accelerate the achievement of the MDGs. The strategy also sets out how UNDP works with UN agencies, the Global Environmental Facility (GEF)(consisting of UNDP, the UN Environment Programme (UNEP) and the World Bank), civil society and the private sector. UNDP promotes climate change mitigation and adaptation efforts. A central focus of the strategy is the creation of renewable energy industry jobs.<sup>183</sup> UNDP Serbia CO's interventions in the Environmental Sector fit well within UNDP's global mandate.<sup>184</sup>

UNDP Serbia was active during 2005-2009 in designing and implementing environmental protection projects, helping the Government to fulfil its obligations emanating from country accession to international global treaties, conventions and protocols related to environmental protection and sustainable development; developing and implementation policies for more effective environmental governance; supporting market development for climate and environmentally friendly technologies; and addressing critical pollution areas in line with Serbia's national remediation priorities.

Issues related to environmental protection had been neglected for many years in Serbia until recently. In last five years Serbia has continuously advanced in the area of Environmental Protection by adopting legislation, ratifying international conventions, developing strategic documents and action plans, and environment funds and institutional frameworks at the central and local level. The Parliament of Serbia recently adopted a set of 16 new laws in the field of environmental protection, all in line with the *Acquis Communautaire*.<sup>185</sup> There are also some positive trends towards strengthening administrative capacity. UNDP had a direct impact on such improvements.

UNDP has nine projects in the field of environmental protection—seven are under implementation and two are still in a design phase. Many of the projects were originally designed and budgeted for the State Union of Serbia and Montenegro. After dissolution of the State Union, Serbia and Montenegro ended up in a long negotiation to divide their projects, which caused delays in project intervention. Therefore, national strategies targeted by GEF projects are only now in a final phase of development.

UNDP interventions have increased the capacity of the Government to implement environmental projects and to fulfill international obligations in this field. A foundation has been established for future interventions. UNDP helped the Government to establish administrative structures for implementation of the Kyoto protocol and to create the inter-ministerial body for the Clean Development Mechanism (CDM). The National Strategy for inclusion in the CDM under the Kyoto Protocol and the greenhouse gas inventory still need to be finalized. The same is true with the Biodiversity Strategy, which is currently being

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catalyst for capital investment facilities provided by EU Financial Institutions such as the Council of Europe Development Bank and IPA funds, among others. The programme will cover 11 cities and municipalities in Serbia, 4 municipalities from Bosnia and Herzegovina and 4 municipalities from Albania.

<sup>182</sup> UNDP's Environmental Interventions are unique in that they were designed for the most part to assist the Serbian Government to produce a set of outputs. In this sense, the output is to some extent merged with the Outcome in this sector—at least at this relatively early stage of UNDP engagement in the Environment.

<sup>183</sup> See UNDP 2009 Annual Report at pp 26-27.

<sup>184</sup> Id.

<sup>185</sup> One of the most significant new laws is the ratification of the Aarhus Convention, which provides for public access to environmental information, participation in environmental decision-making processes and access to justice in environmental matters. Other important new legislation includes the Law on Nature Protection, designed to preserve biodiversity, the Law on Waste Management and amendments to the Law on Environmental Protection that regulate hazardous chemical releases and introduce increased fines for individual and industrial polluters. However, enforcement of the legislation needs to be improved, especially at the local level.

finalized. The Sustainable Development Strategy and its action plan are creating a good base for future programming and policy design in this field. National counterparts and the international community have praised UNDP's work in this sector.

As of end-2009, Serbia with its heavy industry remains one of the greatest polluters in Europe. The Ministry of Environment and Spatial Planning has recognized inadequate waste management as one of the most serious threats to the environment in Serbia. According to some data, there are more than 1,000 illegal dumping sites across the country.<sup>186</sup> The problem of pollution is linked to poorly developed infrastructure and an overall negligent attitude towards environmental issues.

There are positive results, however, in awareness-raising and environmental clean-up activities. There are also visible changes in sensitivity and attitudes among politicians and decision makers. Progress is also visible in the area of nature protection, especially in the legislative sphere and with the creation of a network for identification of areas for special conservation interest. The national strategy for biodiversity conservation and its action plan still need to be finalized.

UNDP's intervention positively impacted upon environmental clean-up activities—notably for cleaning up large waste “hotspots” such as Veliki Backi Canal. The project presents a best practice model for implementation of environmental clean-up projects and was recognized as the best Western Balkan Hotspot project in 2008. UNDP helped the Government to create a Serbian platform for negotiations for incoming UN Climate Change Conference in Copenhagen<sup>187</sup>. Significance of this support emphasize the fact that this is the first time Serbian Government has prepared a Negotiation Platform for such global conferences.

The current status of UNDP Environmental projects appears in the ANNEX A. The Evaluation Team's assessment of the impact of these projects upon the Sustainable Development Outcome is as follows:

*Remediation of Veliki bački kanal – Environmental Hotspot Project*

Remediation of Grand (*Veliki Bački*) Canal is a part of Regional Western Balkans Environmental Programme with the overall goal to improve the environmental situation and quality of life for citizens living in and around polluted areas in the most economical way.<sup>188</sup> UNDP's Programme identified 9 hotspots across the Western Balkan countries where project clean-up activities have been implemented.

One of the hotspots forms part of the *Veliki Bački* Canal, which runs through the Municipality of Vrbas. This part of the Canal has been characterized as the worst polluted waterway in Europe.<sup>189</sup> In 2007, the newly formed Ministry of Environmental Protection of Serbia with the support of Municipalities involved, and authorities of the Province of Vojvodina managed to gather all the stakeholders involving them in the Task Force for Remediation of Veliki

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<sup>186</sup> Information provided by the SIDA manager. Information could not be confirmed from other sources.

<sup>187</sup> More about conference to be seen on <http://en.cop15.dk/>, last visited: 3 November 2009.

<sup>188</sup> More information could be seen on <http://www.westernbalkansenvironment.net/>, last visited: 3 November 2009

<sup>189</sup> The Danube-Tisza-Danube Canal, called DTD-canal, or Grand Canal, was built in the 18 century, partly for transport and water supply, but also with the purpose of draining the wet and fertile soils of the *Bačka* district. In the 20th century this area was heavily industrialized. This also resulted in increased settlements in the small towns along the canal. The canal became more and more polluted, and in the worst stretch around Vrbas, the canal is filled with industrial sludge. Sugar beet processing factories, pig farms, slaughterhouses, edible-oil factories, metal processing factories, etc. are the worst polluters in addition to untreated sewage from the towns. In addition to causing local problems, the pollution of the Grand Canal is a problem for the Tisza, and constitutes also a significant pollution source for the Danube. Based on estimated nutrient pollution, 70% of pollution comes from industrial sources, while 20% and 10% are from municipal and agricultural sources. The pollution of the Grand Canal running through the medium sized city of Vrbas (25 000 inhabitants) has been characterized as «the worst in Europe». (Source: <http://rs.westernbalkansenvironment.net/content/blogcategory/22/192>, last visited: 3 November 2009).

bački kanal<sup>190</sup>. The Ministry has highlighted this particular environmental hotspot as one of the three hot spots in Serbia that require most immediate attention, the other two being Pancevo and Bor.<sup>191</sup> UNDP successfully mediated the interests of private sector industry polluters with citizen and public sector demands for environmental protection; thus forming a best practice and creating a model for future private sector-public sector cooperation. UNDP also financed monitoring of the Canal waters, which will be a baseline for future programming.<sup>192</sup>

*GEF<sup>193</sup> Biodiversity – Biodiversity Strategy, Action Plan and National Report*

The original GEF Biodiversity project proposal envisaged as its goal enabling the State Union of Serbia and Montenegro to prepare the first Biodiversity Strategy and Action Plan (BSAP), through two Republic Strategies, and the first National Report as the initial step following the national commitments to the Convention of Biodiversity ratified in 2002<sup>194</sup>. After dissolution of the State Union, the project was split up between Serbia and Montenegro, following the formula for the budget division: 60% to Serbia and 40% for Montenegro.<sup>195</sup> At the level of outputs, the situation analysis has been produced and there is a first draft of the Strategy designed in line with the Sustainable Development Strategy (SDS). UNDP and the Ministry expect to finalize all project activities by the end of 2009.

*GEF Climate Change – Enabling Activities for the Preparation of Serbia’s Initial National Communication to the United Nations Framework Convention on Climate Change - UNFCCC*

The GEF Climate Change project was also designed at the level of the State Union of Serbia and Montenegro and has been split after dissolution of the Union. Initially, the project budget was divided using formula 70% for Serbia and 30% for Montenegro; yet, later on both countries received full funding from the GEF. Enabling activities proposed by the project are related to the preparation of Initial National Communication of the republic of Serbia to the United Nations Framework Convention on Climate Change - UNFCCC.<sup>196</sup> The project

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<sup>190</sup> This task force comprises representatives of the following institutions: Ministry of Environmental Protection, Fund for Environmental Protection, Representatives of Municipalities of Vrbas and Kula, Representative of Vode Vojvodine and Representative of Fund for Capital Investments of the Province of Vojvodina.

<sup>191</sup> Principal project activity was focused on finalization of the main collector that will serve as a recipient of pre-treated industrial and communal wastewaters in Municipalities Vrbas and Kula. The collection has been finished in September 2008. Simultaneously, the project supported creation of network for supply of professional services in the area of environmental protection. In that regard, the Environmental Policy Integration and Capacity Building Needs Assessment Report is finalized in October 2008. Two capacity building projects have also been implemented. The project has been implemented under NEX modality with Ministry of Environmental Protection and Spatial Planning acting as executing entity.

<sup>192</sup> The next phase of project would be extending the pipeline, which would be funded by the Eco Fund, National Investment Plan and the Delegation of the European Union in the Republic of Serbia. The Government of the Netherlands financially supported the project and their representatives have expressed high degree of satisfaction with the achieved results.

<sup>193</sup> The Global Environment Facility (GEF) is a global partnership among 178 countries, international institutions, non-governmental organizations (NGOs), and the private sector to address global environmental issues while supporting national sustainable development initiatives. It provides grants for projects related to six focal areas: biodiversity, climate change, international waters, land degradation, the ozone layer, and persistent organic pollutants. Source: <http://www.thegef.org/>, last visited 3 November 2009.

<sup>194</sup> The GEF BSAP Project Document.

<sup>195</sup> The project envisaged the following components: a) Stocktaking, inventory and analysis of existing information and preparation of the Country Study; b) identification and analysis of available options; c) preparation of a Strategy and Action Plan; d) submission of First National Report and launching of BSAP. The project is implemented through NEX modality, having the Ministry for Environmental Protection and Spatial Planning acting as an executing entity. This was not a best solution having in mind general lack of experience in PCM and capacity of the national counterpart to execute the project. However, the Ministry would like to keep NEX modality since they would like to keep control over the implementation of project activities.

<sup>196</sup> Apart from the preparation of national communication, the project expected to strengthen information exchange, dialogue and co-operation among relevant stakeholders, including governmental, NGO, academic and private sectors, and contribute to fulfilling other commitments to the UNFCCC. The project has been implemented by NEX modality with the Ministry of Environmental Protection and Spatial Planning as an executing institution. The coordination of activities was given to the Serbian Environmental Protection Agency, Ministry of Mining and

objectives are to generate, analyze and communicate information relevant for the preparation and submission of Serbia's Initial National Communication that includes: (a) compilation of the national greenhouse gases inventory;<sup>197</sup> (b) an update of analysis of potential measures to abate the increase in greenhouse gas emissions;<sup>198</sup> (c) a vulnerability assessment and analysis of adaptation options.<sup>199</sup>

The project has faced many problems in implementation. Climate change programming is not recognized as a high political priority in Serbia. Serbia was among the last countries to ratify the Kyoto protocol<sup>200</sup> and the only one that does not have an Initial National Communication. Climate change protocols have thus far been viewed by Serbian politicians as a threat to other development needs and agenda; and, therefore, not so popular especially given the current economic crisis. UNDP's intervention has also encountered problems and delays due to a changing modality of implementation and tendering. Based on the Evaluation Team's assessment, it cannot be foreseen at this time when the project will be finalized and what results will be achieved.

#### *GEF NCSA – National Capacity Self-Assessment for Environmental Management in Serbia and Montenegro*

The project goal is to assess the capacities of Serbia to implement the Rio conventions, United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and the Convention to Combat Desertification. The project design envisages first making thematic assessments linked to the conventions on biodiversity, climate change and land degradation and then cross-cutting assessments that will identify specific cross-cutting areas where capacity needs across all three conventions are similar, and explore these cross-conventions synergies. At the end, as the final output, the project will produce the NCSA Action Plan for Capacity Development.

The UNDP intervention has experienced the same destiny as the other two GEF projects that were designed at the level of the State Union. After State Union dissolution, the budget allocations were split using ratio 65% to Serbia and 35% to Montenegro. Later on, both Serbia and Montenegro received by GEF a full budget allocation for implementation of NCSA Project. There is a general lack of ownership from the national counterpart, which caused problems in implementation. Multi-sectoral nature of the Conventions is also an issue since ministries in Serbia lack coordination and cooperation mechanisms. Through the NSCA Project activities, UNDP helped the Government to design a platform for negotiations at the UN Climate Change Conference in Copenhagen, which was the first documented case of this type of support in the recent history of Serbia.

#### *Promoting CDM in Serbia – Promoting Investments for Energy Efficiency and Renewable Energy through carbon financing in Serbia*

The energy and carbon intensity of the Serbian economy is high. Serbia uses energy inefficiently, contributing at the same time to global GHG emissions. With the project intervention, UNDP is trying to advance Serbia's capacities to attract and utilize external funding for energy efficiency and renewable energy production through carbon financing. The project aims to establish a solid framework for implementation of CDM. It is also effectively linked with other UNDP activities in the field of energy and environment and

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Energy and Republic Hydro-meteorological Service of Serbia, each having responsibilities over one project objective.

<sup>197</sup> Activities on this Objective are coordinated by the Serbian Environmental Protection Agency: <http://www.sepa.gov.rs/index.php>.

<sup>198</sup> Activities on this Objective are coordinated by the Ministry of Mining and Energy, <http://www.mem.gov.rs/>.

<sup>199</sup> Activities on this Objective are coordinated by the Republic Hydro-meteorological Service of Serbia, <http://www.hidmet.sr.gov.yu/>.

<sup>200</sup> Serbian Parliament ratified the Kyoto Protocol on September 24, 2007.

particularly with the Development of the National Sustainable Development Strategy of the Republic of Serbia.

Support from the Government was essential in achieving project results and advancing the outcome. During the period of political instabilities, the project involved stakeholders from Civil Society and international organizations to cover activities that were later taken on by government officials. Subsequently, with the support of UNDP and its work in the Parliament, the ratification and implementation of the Kyoto Protocol was listed high in the Government agenda, which helped the project to return on the initial track and achieve positive results. The 2008 EU Progress Report on Serbia welcomed the establishment of administrative structures for implementation of the Kyoto Protocol; and assessed the inter-ministerial body for the CDM as operational<sup>201</sup>.

*“Environment for Europe”<sup>202</sup> 2007 Conference - Support to National Authorities*

UNDP assisted the Government of the Republic of Serbia and its Ministry for Science and Environmental Protection to organize the sixth Ministerial “Environment for Europe” (EfE) Conference and coordinate efforts of the SEE Countries to present common Regional Environmental Priorities in an effective and structured way, as well as to outline directions for further actions in the identified areas (Belgrade Initiatives). The conference also served as a point for the promotion of national environmental efforts and policies in the EfE working areas.<sup>203</sup>

The Conference was held in Belgrade from 10-12 October 2007<sup>204</sup> and it was successful in all segments. A key output of the Conference was the Belgrade Ministerial Declaration.<sup>205</sup> The Belgrade Ministerial Declaration includes provisions for the future of the “Environment for Europe” process. For the first time, policy documents were prepared together and agreed upon by all the countries in the region and involvement of CSOs in the process was of the utmost importance.

*Developing the Strategy for Sustainable Development<sup>206</sup> of Serbia through Country-to-Country Cooperation<sup>207</sup>*

As a response to the World Summit on Sustainable Development and its call for the development of national sustainable development strategies, UNDP and SIDA, in cooperation with national counterparts, supported the development of the National Sustainable Development Strategy of the Republic of Serbia.<sup>208</sup> The Government of the Republic of Serbia adopted the Strategy on 9 May 2008.<sup>209</sup> The Strategy is an umbrella document and all

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<sup>201</sup> Commission of the European Communities: Serbia 2009 Progress Report, pp.43. The Report might be found on <http://www.europa.rs/code/navigate.php?Id=752>, last visited: 2 November 2009.

<sup>202</sup> The “Environment for Europe” process is a unique partnership of the member States within the UNECE region, organizations of the United Nations system represented in the region, other intergovernmental organizations, regional environment centers, non-governmental organizations and other major groups. The United Nations Economic Commission for Europe (UNECE), which has been closely associated with the “Environment for Europe” process since the beginning, serves as secretariat to the process.

<sup>203</sup> The working areas might be seen on the official EfE webpage: <http://www.environmentforeurope.org/themes.html>, last seen 3 November 2009.

<sup>204</sup> Official website of the conference: <http://www.ekoplan.gov.rs/en/dodaci/konferencija/index.html>, last seen 3 November 2009.

<sup>205</sup> The Declaration could be found on <http://www.environmentforeurope.org/ministerialdeclaration.html>, last visited 3 November 2009.

<sup>206</sup> More information on the project could be seen on [http://www.odrzivi-razvoj.sr.gov.yu/index\\_eng.php](http://www.odrzivi-razvoj.sr.gov.yu/index_eng.php), last visited: 2 November 2009.

<sup>207</sup> The original project title was “Developing Strategies For Sustainable Development In The Member States of Serbia And Montenegro through country-to-country Cooperation”, designed to cover both States: Montenegro and Serbia.

<sup>208</sup> Due to its multi-, and cross-sectoral character, implementation and coordination of the project activities have been assigned to the Office of the Deputy Prime Minister in charge of EU integrations.

<sup>209</sup> The Strategy is based on three pillars: Knowledge-based economy; Socio-economic conditions and

other strategic documents at central, regional and local level should be adjusted to it.

The evaluation mission found evidence that national ministries, local authorities and RDA officials are consulting the Strategy. The donor agency, SIDA, has expressed their satisfaction with achieved project results and with UNDP's role and contribution. However, the main concern is sustainability since assigning responsibility for the implementation of the Strategy to the Office of the Deputy Prime Minister is not seen as the best institutional solution.

#### *Promoting Wood Biomass at local level*<sup>210</sup>

Wood biomass utilization in Serbia is inefficient and wood biomass is frequently burned in outdated and sub-standardized devices. At the same time, wood biomass is not exploited to the extent possible and in particular, waste wood and waste from wood processing industry are almost completely unused. Although biomass is emphasized in national strategic documents as one of the most abundant domestic energy sources, it still does not play an important part of overall energy production in Serbia. It is generally seen as an 'informal', associated with poor village life, un-modern, and sometimes dirty, polluting, and labour-intensive practices.

UNDP supported the Government to assess wood biomass potential and consequently develop standards for devices using biomass in Serbia. By focusing on increased capacity building for informed policy making for biomass utilization at the central and local levels, the project aims to ensure that sufficient capacity is in place for integration of renewable energy planning into local development plans. A preliminary assessment of wood biomass in Serbia was produced that will lay the groundwork for future interventions in this sector.

#### **Other UN and 3<sup>rd</sup> party contributions to Environmental Protection**

Recent years have witnessed an increasing trend towards financing environmental protection projects by the international donor community in Serbia. The few selected interventions discussed below represent only a fraction of the overall intervention in this field.

The World Bank<sup>211</sup> was active with the following projects: Bor Regional Development Project with an Environmental Management and Remediation Component, Serbian Health Project with the component of medical waste disposal management, Energy Efficiency Project with the aim to increase energy efficiency in selected public institutions. Serbia Danube River Enterprise Pollution Reduction Project<sup>212</sup> is an initiative financed under the GEF-World Bank Investment Fund for Nutrient Reduction in the Black Sea/Danube Basin, together with SIDA and the Government of the Republic of Serbia. The principal goal of the

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perspectives, and Environment and Natural Resources. Implementation of the Strategy gathered donors and other partners interested in supporting the Government of the Republic of Serbia to form a group "Friends of Sustainable Serbia". It is created as a forum for open discussions on issues relating to the Strategy. The group is co-chaired by the Deputy Prime Minister on behalf of the Government of Serbia, and by the Swedish Ambassador and the UNDP Resident Representative on behalf of the donor community in Belgrade. The group will organize annual conferences with main objectives to: (i) report on the progress of implementation of the SDS action plan, and (ii) allow the Government agencies and partners to present priority projects for possible external support. The first conference of the group was held on 3 June 2009 in Belgrade. The Strategy covers time period 2008-2017. Prior to the Strategy adoption there was a public campaign organized in 20 municipalities, including 24 public hearings across Serbia and two workshops with NGO representatives. The SDS Action Plan has been adopted in March 2009. The Action plan foresees involvement of 38 institutions in implementation, with the Office of the Deputy Prime Minister as the coordination body until the Office of Sustainable Development is established.

<sup>210</sup> More information on the project could be seen on the website

<http://www.woodybiomass.org/?aid=3506&tid=257>, last visited: 2 November 2009.

<sup>211</sup> Complete list of the World Bank projects in Serbia could be found at <http://www.worldbank.rs>.

<sup>212</sup> More information on the project appears at: <http://www.drepr.org/>.

project is to reduce agricultural nutrient pollution in the Danube River.<sup>213</sup> Duboko Regional Solid Waste Management is a project that seeks the construction of a regional solid waste landfill to serve nine municipalities in Western Serbia<sup>214</sup> with 374,000 inhabitants.

The regional project “Regional Environmental Advocacy / REA Action and Cohesion In Western Balkans” produced a strong coalition of civil sector and citizens who want to build leadership standards and trends on Western Balkan environmental issues and implement the social and economic policies of countries. The project aims to emphasize that a better quality of life in region depends on a faster legislative process and its implementation according to EU directives.

The Ministry of Environmental Protection and Spatial Planning has been active in designing many project initiatives, especially in the field of (inadequate) waste management, recognising that the problem is the most serious threat to the environment in Serbia. The Ministry has started a large public campaign “*Očistimo Srbiju*”<sup>215</sup>, which focuses on cleaning waste across Serbia. The Eco-Fund was established, yet the level of investments in the environment is still low: 0.3% of the GDP in 2004 and 2005, while the projections for 2006-2009 are 0.4% of the GDP. Financing from the industry and private sector is insufficient.

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<sup>213</sup> Serbia is responsible for the highest levels of phosphorous and nitrogen in the Danube in the Western Balkans region and has signed international agreements to reduce discharge into the river. The project covers three additional areas: Požarevac, Šabac and Vrbas. The project aims to cover 60 farms. The Project was prepared by the Ministry of Science and Environmental Protection, Directorate for Environmental Protection, yet the implementation is delegated to the Ministry of Agriculture, Forestry and Water Management of the Republic of Serbia.

<sup>214</sup> Užice, Čačak, Požega, Lučani, Čajetina, Ivanjica, Arilje, Bajina Bašta, Kosjerić.

<sup>215</sup> English translation “Let’s Clean Serbia”.

## 5. UNDP CO Contributions and Role in Promoting the Outcome

### 5.1 MDGs supported through UNDP interventions

The Government of Serbia created a national MDG Task Force with a national MDG Coordinator appointed from the MLSP in 2005 that drafted a Review of the Implementation of UN MDGs.<sup>216</sup> The Review was adopted on May 19, 2005. In the course of that review, the Serbian Government decided it was interested in the MDGs as a matter of policy. UNDP also issued its first report on MDGs in Serbia in 2005. This process lasted for one year and was participatory—all relevant Serbian counter parts are listed in the final report (published in 2007).

In 2006, UNDP began to translate the MDGs for Serbia. UNDP attempted to include all stakeholders in the working group to develop local targets for Serbia MDGs. UNDP tried to be as comprehensive as possible and include CSOs in this process. Examples of stakeholders included in the process for MDGs 1 to 8 included: Ministry of Economy and Regional Development, MLSP, State Secretary for MoF, Office of Statistics, NGO: CLDS, FREN, Institute for Economic Science, Parliamentary PRSP Team, UNHCR representative, Center for Independent Living PWD, etc. All of these entities gave their in-put on the draft reports.<sup>217</sup> As of 2007, with UNDP support, Serbia had successfully formulated its own MDG targets.

In mid-2009, in the middle of the Midpoint MDG report preparation, the Government decided to remove the 2015 Serbia specific targets due to the fact that they were perceived not to be realistic due to the Global Economic Crisis. Although the Serbian government decided to remove projected target values MDG targets (i.e. projected values were removed from the reporting framework) the UNDP contribution is clear: it fostered dialogue and proved the process of developing Serbia specific goals was possible and has produced a monitoring report. This model (and the MDGs) will be relevant to the future when the financial crisis has eased.<sup>218</sup> Further, evidence that UNDP advanced the Outcome is indicated by the fact that the National Coordinator for MDGs sits in the Deputy PM's Office. Thus, the Government now "owns" the process and UNDP is only supporting the government.<sup>219</sup>

UNDP is perceived by the Evaluation Team to have advanced several of the MDGs through its interventions 2005-2009. These include primarily MDG-1 (poverty), MDG-3 (gender equality), MDG-7 (environmental protection) and MDG-8 (building of global partnerships for development). The Evaluation Mission notes that at the same time to some extent UNDP did not remain as focused on the MDGs as it could have during the same programming cycle. For example, the PRO Project Phase II appears to have moved away from its MDG objectives (Poverty eradication) and more towards infrastructure projects(although there is of course an

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<sup>216</sup> At the Millennium Summit held in New York in September 2000, the Republic of Serbia, together with 189 other signatory countries, adopted a Millennium Declaration which promoted eight Millennium Development Goals (MDGs) as follows: (1) the fight against poverty, (2) ensuring universal primary education, (3) the promotion of gender equality, (4) the reduction of child mortality, (5) the improvement of maternal health, (6) the fight against serious diseases, (7) environmental protection, as well as (8) the building of global partnerships for development.

<sup>217</sup> See, "Millennium Development Goals in the Republic of Serbia: Mandatory Framework".

<sup>218</sup> Cf. World Bank World Development Report (SEE Regional Cooperation).

<sup>219</sup> As of 2009, UNDP was conducting an assessment of Serbia's "Mid-term" progress in achieving of the 2007 Serbian MDGs during 2007-2009. The final draft of the UNDP report was expected in November 2009, with a plan for UNDP to present the report to the Government in 2010. There are several working groups supported by UNDP for the process of the Mid-term progress report. UNDP also has a team leader to coordinate the Mid-term report and working groups. The UNDP team leader is also in charge of streamlining MDG 1 to 8 within UNDP programming. The consultants and working groups now evaluating progress for MDGs in Serbia have faced difficulty, however, due to lack of available statistical data (note: the Office of Statistics supplied UNDP with DEVINFO data for the MDG specific targets, but the Office of Statistics still has no MDG specific template. Such an MDG template would enable the database to spread against specific Serbian targets; however, the Office of Statistics is overburdened and it is doubtful that any such template will be developed in the absence of additional donor support. Such data would be required for an accurate evaluation of trends).

argument to be made that good infrastructure promotes economic conditions that link to poverty eradication).

UNDP's future interventions should focus on the implementation of the Serbian MDGs at the local level/municipalities and building partnerships between municipalities for implementing the MDGs. It is also significant that no MDG specific database (DevInfo template) yet exists at the Office of Statistics, though some of the goals could be tracked using the indicators from other databases (e.g. PRSP). Clearly, this is an area that could use additional support. Although the recent adoption of the new Law on NGOs has improved the state of civil society and its acceptance in Serbia, the Global Economic Crisis has impacted on these same NGOs. The Global Economic Crisis can therefore be expected to negatively impact upon the implementation of the MDGs at a local level as this depends upon civil society to a large extent. UNDP interventions could be directed to counter these effects to the degree possible.

## **5.2 E.U. Accession goals supported through UNDP interventions**

UNDP through its interventions is clearly relevant to the process of EU Accession in Serbia. UNDP maintained interventions throughout the CPD 2005-2009 programming period in many of the sectors covered by the EC-Serbia Stabilisation and Association Agreement (SAA).<sup>220</sup>

Furthermore, the European Commission in its 2008 and 2009 Progress Reports on Serbia, covering the time period October 2007 to mid-September 2009 identified the sectors where Serbia is deemed to have made progress towards EU Accession goals. UNDP maintained interventions and outputs in many of these sectors during CPD 2005-2009. While UNDP is not directly cited by the E.U. in the Progress Reports, UNDP's "footprint" is clearly evident in the sectors that made progress. These areas of EC-UNDP synergy are summarized in ANNEX A of this report.

Beyond this, however, is the *niche* that UNDP fills within the development community in Serbia *vis-à-vis* the EU. It is important to note that the Serbian Government's Strategy for EU accession does not envisage substantial support to social inclusion. UNDP is viewed by most stakeholders and the EC as having special competence and comparative advantage in human rights; access to justice; rule of law; most vulnerable groups; minorities; social inclusion and the environment.

Thus, UNDP may find that its best argument of continued "relevance" in Serbia in its traditional spheres of programming and its abilities to fill gaps in social protection and social inclusion that will inevitably remain (and possibly even widen) despite eventual membership of Serbia in the EU.<sup>221</sup> The E.C. may have its *Acquis Communautaire*, but UNDP has the MDGs, Serbia's National Development Strategy and many other national strategies, as well as many recent new laws—all of which dictate a continued role for UNDP in Serbia; especially in implementation and evidence-based policy. And, if the experiences of Bulgaria and Romania are to serve as any guide, EU membership is not a panacea for corruption, poverty or discrimination.

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<sup>220</sup> The relevant provisions of the SAA include most prominently the following: "Respect for democratic principals and human rights and the rule of law" (Art. 2); implementation of international obligations with regard to ICTY (Art. 4); peace and stability, good neighbourly relations, human rights and respect for minorities (Art. 5); combating of organised crime, corruption, illegal migration and trafficking of human beings, small arms and light weapons as well as illicit drugs" (Art. 6); public procurement (Art. 76); "Reinforcement of institutions and rule of law" (Art. 80); protection of personal data (Art. 81); preventing organized crime (Art. 86); Statistical Office of Serbia (Art. 90); SMEs (Art. 95); Tourism (Art. 96); Agriculture (Art. 97); Social cooperation (Art. 101); Education and Training (Art. 102); Information society (Art. 105); Information and communication (Art. 107); Energy (Art. 109); Environment (Art. 111); Regional and Local development (Art. 113); and Public Administration (Art. 114)][EC-Serbia Stabilisation and Association Agreement (SAA)].

<sup>221</sup> Evaluation Team Interview with Embassy of the Netherlands.

### **5.3 Major Publications during the 2005-2009**

UNDP's strongest role lies in its contribution and support to evidence based policy-making. UNDP reports, analyses and studies have been extremely beneficial as a policy tool for CSOs to place issues on the agenda of the government, but also as input for government's informed decision on policy alternatives. UNDP's role in advancing social inclusion in the country has been achieved successfully by the publication of Human Development reports and relevant literature focusing on development, vulnerable groups and poverty reduction.

CDAG, ID and SLD Clusters all generated a wealth of reports and information during the 2005-2009 time period far too numerous to name here. The "Living Standards Measurement Survey" and other reports of CSOs and the Office of Statistics supported by UNDP were key among UNDP's publications in the ID and SLD clusters. The Judicial "Turnguide" is first and foremost among Crag's publications and was highly influential upon stakeholders at an early stage in JTC's curriculum development. CDAG also distributed packets of materials documenting the working group on FLA, including a CD-ROM with conference memoranda. CDAG also published two books on the new Law on Prohibitions of Discrimination.

These publications are housed in a database, as well as on-site storage at the CO. Yet, beyond this, the Evaluation Team found UNDP publications on the bookshelves of nearly every office visited in Serbia during the interview phase of this Evaluation. The Evaluation Mission feels that more of these publications, which are of excellent quality, should be made available on the website of UNDP Serbia and distributed widely to government offices and academic institutions in multiple copies.

### **5.4 Sustainability of UNDP CO Programme interventions**

As discussed above, it is simply difficult to ascertain the level of sustainability that can be expected from UNDP's interventions in Public Administration Reform. Since all stakeholders in Serbia generally agree that PAR has failed to meet its objectives largely due to a lack of political will (despite millions of dollars being invested in this sector by the international donor community over the past decade), it remains to be seen whether any subsequent incarnations of PAR (i.e. the Government's revised PAR Strategy) will be achieved.

However, certain UNDP interventions, such as Support to Capacity Building of the Serbian Ministry of Finance (as well as to some extent MIR and PRO) achieved limited and "indirect" sustainability due to the following factors: some project staff members were hired subsequently by government as civil servants to complete the same or similar tasks that were carried out within the projects; achievement of change of content and methodology of work of the current civil servants under the influence of the projects; institutionalization and application of the processes and documents by government that were developed by the projects; establishment of knowledge base that may be used independently of the projects and upon completion of the projects. In addition, in the case of UNDP's intervention with MoF, a Government Cost-Sharing between MOF and UNDP was agreed upon and applied as a modality of development cooperation.

A number of the UNDP achievements during the 2005-2009 CPD in Rule of Law and Access to Justice face sustainability risks. The least vulnerable among these is the JTC, which is now fully transitioned to NEX and fully funded by the MoJ. It appears that there is a commitment by the Serbian government to act upon its international obligations and EU accession goals by establishing a system of FLA. Yet, FLA will not be fully achieved unless a law is passed by the Parliament (with significant stakeholder endorsement) and funding provided by the MoF for a comprehensive system of FLA in Serbia. Similarly, implementation of the new Law on Prohibition of Discrimination will depend upon the coordinated efforts and political will of many stakeholders, including new Commissioner on Protection of Equality (which is dependent upon the MoJ for continued funding in 2010 and

beyond), the judiciary, prosecutors and state administration. UNDP can also expect that the political opposition to certain groups protected by the law (i.e. LGBT) will arise in new forms in the future that could impact negatively upon the *de jure* implementation of the law.

As discussed above, UNDP's work on social inclusion/inclusive development - empowerment of vulnerable groups, poverty reduction - and sustainable development in general is multidimensional and multi-sectoral and thus requires strong support from the host Government in order to sustain results achieved. The results, such as support to PRS, SIF, development of the Sustainable Development Strategy and interventions for improvement of status of vulnerable groups provide good models of supporting such multidimensional and multi-sectoral work.

However, Serbian Government still struggles with issues linked to sustainability and the negative effect of some Ministries claiming exclusive competence of certain sectors. In such conditions multi-sectoral interventions have bleak prospects to sustain themselves purely on external funding. The best example of this is the lack of institutionalization of the SIF. At the moment when the donor funding stands at an exit phase, the Government response on the need for institutionalization of SIF is rather unclear and indecisive, which may result in SIF shutting down and losing the results it has achieved.

This situation is reflected in many other interventions in the area of support to vulnerable groups, and examples of unclear situation with Roma coordinators in local municipalities, support to Roma Secretariat, IDPs, PWD, once funding and support from UNDP ends are indicating that there is still substantial work to be done with the Government on advocacy that the issues of vulnerable groups are permanently on the policy agenda of the Government. Finally, the quote of one of the interviewees confirms the above: "There is no project that can beat lack of political will".

## **5.5 Management of UNDP Assistance**

### *Sources and Application of Funds*

UNDP allocates its resources through a scheme called "Target for Resource Assignments from the Core" (TRAC). The TRAC scheme earmarks 55 per cent of UNDP Corporate core resources for country programs and projects. Countries are given access to this common pool (referred to as TRAC 1) through three tiers of funding. The first tier (30 per cent), designated as TRAC 1.1.1, is immediately assigned to countries. The second tier (20 per cent), or TRAC 1.1.2, is assigned by region, for subsequent assignment to countries on the basis of merit. The third tier (6.6 per cent), TRAC 1.1.3, is for countries in special development situations, such as those designated as least developed, or those undergoing natural disasters or economic/political crises.

Besides core resources derived from its member countries, UNDP is able to mobilize funds for country programs and projects through three other modalities:

- (a) Trust funds for certain types of projects,
- (b) Cost-sharing of projects with other donors or the recipient country itself, and
- (c) Parallel financing of related projects by other donors.

UNDP Serbia CO received a "shock" in March 2008, when its total TRAC funding was cut by 45% was a result of Serbia being designated a "Middle Income Country" pursuant to the UNDP ATLAS methodology.

UNDP drew upon a diversified list of donors for parallel financing during the 2005-2009 CPD with a Total Resource Mobilization during 2006-2008 of 62,034,907.30 USD. UNDP's major donors during this time period (i.e. donors contributing a total of more than 250,000 USD each during 2006-2008) included the following:

<u>Donor</u>	<u>Total Contribution (USD)</u> <u>2006-2008</u>
Germany	250,000.00
Sweden TTF	382,210.00
Government Cost Sharing	408,372.12
Global Environmental Facility	697,370.00
BCPR	1,081,829.03
Department for International Development	1,212,686.57
Norway	1,635,338.00
Romania	592,000.00
Italy	4,380,205.00
Swiss Dev Cooper	4,837,036.00
Austrian Dev Agency	4,115,694.14
Netherlands	6,299,301.45
Swedish International Dev Agency	9,852,166.09
European Agency for Reconstruction/European Commission	25,635,619.85

Source: UNDP website

UNDP CO's 2008 Resource Mobilization target was fully met and US\$ 27 mil mobilized versus US\$ 24 targeted. Total Programme delivery in 2008 was US\$ 18,325,000 versus US\$ 21,135,537 for 2007.

It is extremely important to note that the UNDP CO was working in two countries Serbia and Montenegro until end-2006. In 2007, the CO became fully separate from Montenegro and was responsible only for Serbia. Nonetheless, even despite these events, the quantitative data contained in the Results Oriented Annual Reporting (ROAR) for years 2006 to 2008 indicates "Country Activity" of UNDP CO Serbia (formerly Yugoslavia) at 100% of capacity in all major practice areas measured by ROAR. [Source: ROAR 2006, et. Seq.].

While new donors such as the Government of Romania were recently attracted by UNDP, UNDP's donor pool is shrinking as of 2009 and will continue to do so. For example, DFID is currently preparing to exit from Serbia entirely. Other UNDP donors such as SIDA are increasingly shifting to "G to G" modalities of programming. And, EU funding and implementation through UNDP is expected to decrease in the future, based upon the European Commission in Belgrade's increasing orientation away from traditional "development" projects and towards Serbia's EU Accession process, delivery and utilization of IPA funds and inter-governmental "twinning" between European Union member governments and Serbian institutions of administration.<sup>222</sup>

The "Executive Snapshot" available on UNDP CO's internal website contains all financial data for UNDP CO during 2005-2009 period. UNDP CO monitors both budgets and implementation through ATLAS (introduced globally by UNDP in 2004). UNDP CO also uses UNDP corporate tools: ROAR, enhanced Results Based Management Platform, Balanced Score Card etc for annual programme reporting and office performance management. The 2008 ROAR indicates that financial data quality was kept in accountable and transparent manner and financial dashboard ratings were primarily green. UNDP has recently engaged a consultant to assess cash transfers connected with UNDP's switch to Harmonized Cash Transfers (a new modality of cash transfer determined based upon risk assessment). UNDP introduced E-procurement in 2007 to make project staff responsible for making payment requests and verifying receipts of goods and services. UNDP modified E-procurement in 2009 so as to require the approval of the UNDP project managers.

<sup>222</sup> Source: Evaluation Mission Team interview with European Commission representatives in Belgrade.

UNDP has periodically conducted audits during the 2005-2009 CPD Programme period. For example, the UNDP Regional Office in Bratislava conducted an audit of the UNDP CO in 2007. Independent auditors twice audited UNDP's MoF project during the life of the project; examining all procurements, international standards and communication strategy. The auditors determined that UNDP MoF Project finance and procurement was representative of best practices in terms of UNDP overall HR management. No violations were found of local Serbian law or UNDP internal guidelines and policy during the course of the audits at MoF. UNDP CO feels that the fact that such audits were conducted is also indicative of UNDP CO efforts to maintain transparency and accountability within the Serbian Government. UNDP cites the fact that an audit at MoF was held in and of itself increased capacity at the MoF and contributed to anti-corruption.<sup>223</sup>

UNDP CO appears to have complied with UNDP procurement and finance guidelines based upon the indicators. At least one informant interviewed by the Evaluation Team, however, stated that individuals had brought serious allegations of impropriety in award of tenders in a UNDP project to the attention of the UNDP CO at one point during the 2005-2009 programming period.

#### *Programme Delivery Modalities*

UNDP followed both DEX and what could be called partial-NEX modalities during the period 2005-2009. For example, the following interventions included elements of NEX: MIR, JTC, Severance to Job, Youth, and the GEF (Environmental) projects. It must be remembered that UNDP Serbia CO only began to make a shift towards NEX in 2008 (thereby implementing the recommendations of the Paris Declaration on Aid Effectiveness of March 2, 2005).

Until 01 Jan 2008, all UNDP projects were by default DEX –meaning that all contracts issued 2005-2006 (and most all in 2007) were by default direct UNDP contracts on UNDP salary scale. At that time there was no other option available to UNDP Serbia procurement. Following 01 January 2008, UNDP implements by default under NEX and can now provide the Government with the option to recruit and implement under NEX (but only if Government approves NEX). If Government wants DEX, then UNDP will implement DEX according to the wishes of the Government. Now, there is a local appraisal of each project and a letter of agreement is reached with the government for each institution/project that details all modalities of intervention (DEX/NEX; budgetary capacity; whether their projects are regularly audited, procurement procedures, etc.). UNDP assess each project for DEX/NEX

The adherence by UNDP CO to the recommendations of the Paris Declaration as of 2008 coincided with a marginal increase in the capacity of the Serbian Government to implement NEX as well as a desire on the part of the Government to implement under NEX. The Evaluation Team views this as evidence of a natural shift in Serbia (especially post-2007) towards NEX modalities. At the same time, UNDP's list of donors is shrinking (i.e. EU/EC in Belgrade expresses a lack of enthusiasm for “development” projects in favor of direct EU/EC capacity building for IPA fund utilization; DFID will exit from Serbia; other donors (Swiss; SIDA) display trend of shifting to “G2G” modalities). This is also a strong indicator that Serbian institutions are ready for NEX and indicates a need for UNDP to have a well-articulated exit strategy linked with EU candidate status being achieved by Serbia and the inflow of IPA funds

Shifting to a NEX or partial-NEX modality, however, has in some cases proved difficult for UNDP CO and its governmental partners. NEX has raised both sustainability and efficiency

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<sup>223</sup> Source: Interview with CO DRR and CO finance team, Thursday, October 8, 2009.

issues for UNDP. Salary levels paid to consultants in some UNDP projects were viewed as market-distortive by both donors and partners (yet all admitted that such salaries were probably necessary due to the political environment). Local institutions and ministries have legal obligations under the laws that they are charged with implementing (i.e. new Commissioner for Freedom of Access to Information burden of database maintenance, notifications and renewal, processing requests and denials). The recent proliferation of new laws associated with reform and EU accession has increased the burden and costs upon institutions. A UNDP project based within an institution, while designed to ultimately increase capacities and efficiencies may initially so burden the implementing institution that the project fails to meet its intended objectives. UNDP must continue to conduct “Capacity Assessments for Project Implementation” prior to implementing its interventions.

The UNDP CO states that it is now exploring how “1-UN” aid effectiveness can become the primary driver to enable UNDP Serbia to facilitate development where the government feels UN has a comparative advantage; with the Government taking the lead in defining its own needs and determining the modalities of execution and implementation. Ultimately, however, there is no intervention that can beat a lack of political will. DEX will likely remain a more appropriate execution modality for interventions targeted to vulnerable groups (Roma, IDP, PWD) and/or politically controversial interventions (i.e. LGBT) and DEX should be maintained for such interventions until the Government displays a requisite capacity and political will. At the same time, UNDP CO’s adherence to the Paris Declaration should be continued and encouraged.

#### *Organization, Human Resources and Planning*

UNDP CO Serbia has faced numerous challenges 2005-2009 with change of political administrations in Serbia and high turnover of UNDP CO management. UNDP attempted to adapt the Country Programme as best it could given these realities. Yet, UNDP CO perceived delay and failure to vigorously pursue funds in some instances resulted in alienating valued donors, loss of projects (and their institutional memory) and caused a detriment to UNDP’s reputation in Serbia. UNDP CO in some instances also appears to have permitted projects to depart from project documents and MOUs, which may also have negatively impacted upon UNDP’s development goals.

Since 2005, the percentage of international staff on permanent contracts has decreased. As of 2009 the majority of persons at the CO were nationals. Yet, UNDP CO staff contracts financed from XB as a proportion of overall staff showed an increasing trend during 2005-2009. UNDP CO management performed a re-alignment of office structure in line with focus-areas of a Strategic plan in 2008. UNDP Serbia will likely encounter funding gaps in 2010 as a result of shrinking total execution, loss of avenues of new donor funds and a drastic reduction in TRAC resources. This situation may argue for a further restructuring of the office, number of projects and sources of finance of staff contracts. [See Tables in ANNEX A relating to CO staff contracts and funding modalities].

#### *Monitoring and Evaluation*

UNDP CO monitored and evaluated many of its programmes during 2005-2009 with regularity through Annual Target setting and ROAR reporting exercises. The CO between 2005 and October 2009 completed a total of 27 project evaluations and one independent outcome (ADR) evaluation. Five additional evaluations were pending as of October 2009. The Evaluation Team’s critical findings with regard to M&E at the CO are as follows: 1) Although reports and evaluations are all filed with UNDP’s Evaluation Resource Centre as required by UNDP Evaluation policy, these are not easily accessible to consultants. While such materials are proprietary and often confidential in nature (i.e. for UNDP CO internal use only), it is the opinion of the Evaluation Team that UNDP could have done a better job of placing some of these reports on its website; and 2) UNDP conducted an independent

evaluation, Assessment of Development Results (ADR) in 2006. UNDP failed, however, to conduct mid-term Outcome-level evaluations for the key strategic documents of CO (including the CPD 2005-2009 for which no mid-term evaluation was conducted) or its clusters (i.e. “Rule of Law: Access to Justice and Human Rights Outcome Evaluation”). The instant CPD 2005-2009 Outcome Evaluation is in fact the only Outcome-level evaluation conducted at the CO during this same time period apart from the above-cited ADR. All other M&E was project-level in nature. While interim-evaluations are often discretionary and/or only performed at the request of UNDP’s partners and donors, ultimately such evaluations increase UNDP’s institutional knowledge, permit the CO to judge progress and make needed adjustments to programming and lay a foundation for project-end and terminal evaluations.

## **5.6 Factors beyond UNDP’s control that impacted upon the achievement of the Outcome**

The principal factors beyond UNDP’s control that impacted upon achievement of the Outcome during 2005-2009 were: 1) The political factors described above in Section 2 of this report (i.e. the transition in Kosovo; the separation of Serbia and Montenegro and successive changes of government); 2) A lack of political will to implement certain strategies (i.e. the Public Administrative Reform Strategy; Judicial Reform); and, to some extent, 3) the impact of the Global Economic Crisis which caused some donors to pull-out of previously agreed upon project proposals or to put projects “on hold”. Going forward as discussed, *infra*, UNDP will face a declining pool of available resources in Serbia as donors prepare to exit from the country and/or shift their implementation modalities.

## **5.7 UNDP’s Partnership Strategy**

Donors and implementing partners stated that in some instances they were required to step in and fulfil duties that should have been properly executed by UNDP in a management capacity. The Evaluation Mission sought to ascertain the perception of UNDP’s donors and partners during the course of the evaluation—their responses were not overwhelmingly positive. In fact the level of negative criticism exceeds what one would normally anticipate and also appears to be consistent. Nonetheless, the majority of donors and partners expressed simultaneous praise for UNDP and viewed UNDP as maintaining a strong comparative advantage in Serbia—especially in areas lying within UNDP’s traditional areas of competence such as human rights, pro-poor policies, most vulnerable groups, access to justice and governance and the environment. UNDP is generally viewed as a neutral and reliable partner with a strong competence in supporting evidence based policy-making in Serbia.

### 1) Structure and Quality of UNDP’s Strategy with Partners and Donors

UNDP appears to have selected appropriate partners for its interventions in Serbia during the 2005-2009 CPD. The evaluation team has discussed these partnerships throughout in its “Findings and Conclusions”, *supra*.

During the first half of the CPD 2005-2009, UNDP played a donor coordination role *de facto* in several sectors (i.e. judicial reform), but no longer occupies a strong coordinating role in any sector. To some extent, a transition towards the EU, G2G and more NEX is a logical transition as Serbia has emerged as a middle-income country and post signing of its SAA with the EU. DACU already fulfils a donor coordination role. The myriad reasons why UNDP “lost” its lead in the some interventions is a subject of debate among persons interviewed by the Evaluation Team. Suffice it to say that an increasing shift towards EU accession as a priority of the Serbian Government; the quality and extent of donor coordination; perceived delays in UNDP procurement and implementation (contrasted with high expectations on the part of stakeholders encouraged by UNDP); lack of adequate fund raising on UNDP’s part; failure to anticipate change by UNDP; lack of UNDP visibility;

quality of communication between field office and UNDP CO; and, in some instances, intra-personal dynamics and widely varying concepts of UNDP's "mission" in Serbia—all played a role in the relative decline of UNDP's lead role in some sectors.

While there are explanations certainly to be given by UNDP CO in response to criticisms of its donors, the fact remains that UNDP now faces a challenge of finding new entry points for some sectors in the face of a more limited pool of donor resources (due to the fact that donors have chosen other implementing partners or shifted to "G to G" for these sectors). This will be a principal challenge for UNDP in the 2010-2015 programming period.

Donors and partners interviewed by the Evaluation Team were critical of many aspects of UNDP's performance and the position it maintained in its partnerships. Yet, they also believe that UNDP has a continued role to play in Serbia.

For example, SIDA was generally pleased with UNDP support and was UNDP's second largest donor during the past 9 years. SIDA, however, has expressed significant dissatisfaction with UNDP recently as a result of the one-year delay that occurred in the negotiation and signing of project documents for a successor to the UNDP MIR intervention in South Serbia. SIDA stated that UNDP also failed to take EU accession into account early on in the PRO Project and in SIDA's opinion the new pro doc was developed with sufficient cooperation with the Serbian Government. The arrival of the Spanish Embassy with another proposal focusing on the "One UN" Concept caused further delays while the UN worked out agreements with its own agencies. SIDA stated that with regard to implementation of MIR, it felt that UNDP CO should have worked much harder to preserve the project and continuing to programme with the office and staff that it had developed. SIDA was "not at all satisfied" with the pace of development and is critical of the UNDP "Results Based Management". SIDA is not continuing to support UNDP for Judicial Reform and will channel its support to Judicial Reform through the MDTF-JSS.

Similarly, Norway stated that it was very happy with MIR1 and MIR2, but that it was surprised by how long it took to negotiate the pro doc for a new project in South Serbia (See discussion of MIR Project *supra*). Norway informed the Evaluation Team that at some point there appeared to be a lack of coordination on UNDP's part (i.e. between UNDP offices and the Serbian ministries). This forced Norway into the position of having to coordinate. Norway also expressed extreme dissatisfaction with the delay in signing a new South Serbia project document and the fact that nearly all of the institutional knowledge was lost when the MIR project office was forced to close. Norway is also critical of the fact that UNDP submits project proposals to donors directly, rather than these project proposals being submitted by the Serbian government (note: but in fairness it must be said that ALL project proposals submitted by UNDP have been developed according to Government priorities in partnership). Another weak point of UNDP according to Norway is that the projects tend to be expensive with salary levels too high.

The Swiss Development Agency praised UNDP's choice of a programme manager for the PRO project. Yet, the Swiss stated that they had to do all the work of guiding the project manager, which should have properly been done by UNDP. This ultimately did not affect the results of the project, however, because of the high quality of the individual project manager. In contrast, the Swiss stated that MIR suffered tremendously, because of a lack of UNDP steering the project and delay of 1.5 years in signing the new project document. The loss of the MIR office and its staff compromised sustainability. This was the cost of UNDP's "non-participatory" approach.

The EU echoed the above criticisms, attributing any results that were achieved in 2005-2009 to the quality of the staff on the ground in projects and not UNDP CO in Belgrade. EU

stated that it “doesn’t see a lot of ‘back-stopping by UNDP” and that any results achieved are largely do to the quality of the individual project manager on the ground, not the CO.

Several donors and DACU complained that the costs of services of UNDP were very expensive (sometimes approaching 36%). DACU suggests that UNDP adjust its policies and procedures for experts (“can’t have an entire department composed of all experts, because it is too expensive and not sustainable”).

Meanwhile, the Gender Equality Directorate expressed dissatisfaction that there was so little input by UNDP over finances.<sup>224</sup> The Gender Equality Directorate stated that UNDP had become “too informal and relaxed” during the last several years, taking as much time as it wanted to prepare project documents, but then on the flip-side demanding that its partners react to UNDP requests within a 24 hour window of time.

Similarly, within the UN system some of UNDP’s sister UN Agencies state that they are not entirely satisfied with the approach UNDP has taken developing and implementation of joint projects (i.e. that UNDP did not include them early enough in a project or worked with them and/or that UNDP relied upon their expertise in a purportedly “joint partnership” only to claim the “lions share” of the credit within the donor community afterwards). Many issues have been raised in the area of UNDP’s performance within partnerships, and the failure of UNDP to ensure equal partnership with other UN agencies. This is also an area where UNDP should develop further and set inclusive and open communication and cooperation with other UN agencies, in order to truly contribute to the vision of “one-UN”.

## 2) Perceptions of UNDP’s Partners

The Evaluation Team conducted over 85 meetings with 120+ individuals in Serbia during the time period 07 September to 30 October 2009. These meetings involved UNDP’s implementing partners within the Serbian Government and administration, UNDP’s Donors as well as representatives of NGOs, local CSOs and various other stakeholders and beneficiaries. [See, Annex D, “List of Persons Interviewed”].

The Evaluation Team, at the request of UNDP CO asked nearly all persons interviewed the following: 1) what was their experience and perception of UNDP; 2) what was UNDP’s “comparative advantage” in Serbia (and what UNDP was capable of achieving); and 3) how should UNDP focus its resources and efforts in the future. While this was far from a scientific analysis (in fact such a comprehensive survey would have exceeded the scope and competence of the Evaluation Team), the Evaluation Team was able to gain an impression of UNDP donor and partner perceptions as a result.

It is no surprise that in a country programme as large as Serbia, stretching over a five year period and faced with multiple challenges during this time, donor and partner impressions of UNDP run the entire gamut of “good” to “acceptable” to “bad”. The Evaluation Team has incorporated donor and partner perceptions and recommendations throughout the body of this report. While we have not listed all comments from all donors and partners, we have listed some of these comments in ANNEX B, “Comments from UNDP’s Donors and Partners” as representative of the entire range of responses. Readers of this report are reminded that the comments are not comments of the Evaluation Team, but direct quotes from persons interviewed by the team.

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<sup>224</sup> The GED stated, “[T]here were huge delays on the part of UNDP; and its procedures were cumbersome... they seem to be always ‘in-flux’ over there...UNDP’s procedures in some sense are not transparent. They show little understanding that we as a ministry have our own internal procedures (i.e. with the Serbian Treasury and getting our employees paid, etc.) and UNDP isn’t sensitive to our own documentation requirements and our internal deadlines.” [Evaluation Team Interview with GED].

## 5.8 UNDP's Continued Comparative Advantage in Serbia

The majority of donors and partners expressed the view that UNDP has a reputation in Serbia as an apolitical or neutral partner, arbiter, implementer, and facilitator. UNDP is seen to have special competence/mandate for the following:

- **Rule of Law, access to justice and human rights-based initiatives.** The international donor community views UNDP and the U.N. as having a long history of interventions in human rights based policy. UNDP corporate has a strong mandate for governance and rule of law as expressed in its "Access to Justice Practice Note" of 2004.<sup>225</sup>
- **Support to Parliament.** UNDP has been the most successful implementer of programs with the Parliament and is the only UN agency to maintain a presence at the Parliament.
- **Support to the drafting of Strategies, Laws and policies.** UNDP gained a reputation for its intervention with the new Law on the Prohibition of Discrimination and the process of drafting a strategy on Free Legal Aid was cited as a best practice. UNDP has a successful record in Serbia of supporting legislative working groups.
- **Strengthening the "watch-dog function" of Civil Society.** UNDP has engaged with many CSOs in Serbia and has arguably done more than any other international development organization to date in Serbia to further the inclusion of CSOs in the policy making and legislative processes.
- **Fulfilling a role as a neutral mediator and facilitator in the policy-making processes,** as well as strong and positive in empowerment of the civil society to actively participate in decision-making processes. UNDP is perceived as having a strong competence in generating evidence-based policy making through publications, studies, analyses and other capacity building activities (such as study trips, educational opportunities, etc.).
- **Most vulnerable groups.** UNDP is recognised as a leader in the "pro-poor" social inclusion/inclusive development area. The work on empowerment of right holders – vulnerable groups particularly, and strengthening the institutions dealing with social is viewed as UNDP's strongest area of work, and also an area where UNDP should continue contributing to in the future.
- **Environmental Protection.** UNDP has a strong corporate mandate for implementing key points of a global climate change agreement at local levels throughout the world. The UNDP 2009 Annual Report contains a strong agenda for Environmental Protection, Climate Change and "Green" initiatives at the local level.<sup>226</sup>
- **Local and area based development.** UNDP's successful interventions in South and South West Serbia highlighted the continuing need for local and area based development in Serbia.

<sup>225</sup> See, also, Project Document for UNDP-BCPR project: "Strengthening the Rule of Law in Conflict- and Post-Conflict Situations: A Global UNDP Programme for Justice and Security-- 2008-2011" (UNDP-BCPR January 2008)

<sup>226</sup> UNDP 2009 Annual Report, pages 26-29.

## **6. The Next CPD and New Opportunities for UNDP Interventions in Serbia**

### **6.1 The Next CPD: Restructuring the CO to better meet the needs of UNDP's constituency in Serbia**

The CPD 2005-2009 was not drafted in a way that could readily be adapted. Its indicators for several of the Programme Components and Outcomes are either vague or overly broad. This is most acutely seen in the Inclusive Development and Sustainable Local Development clusters each of which span some elements of all three CPD 2005-2009 Programme Components: Public Administration Reform; Rule of Law, Access to Justice and Human Rights; and Sustainable Development.

As a result of this overlap and vague indicators, the CO was forced to change its configurations during the programming period. The CO Clusters as of 2009 do not perfectly align well with the CPD 2005-2009, or for that matter its corresponding CPAP. The next CPD should contain a clear exit strategy that is aligned both with the exit strategies of its donors. UNDP should conduct a mid-term evaluation of its next CPD. In order to prepare for this, UNDP should conduct ascertainment research now to develop a full set of quantitative data and baselines for all indicators of the CPD (and also the CPAP). In general, future UNDP indicators should be more detailed.

A fundamental criticism raised by UNDP's Partners and Donors is that UNDP in Serbia lost focus in recent years. UNDP should, therefore, do its best to carefully define its core mission and comparative advantage and more narrowly tailor its CO to meet the needs of a clearly articulated constituency in the next CPD. UNDP must be clear on the particular bundle of rights that it is seeking to secure for its constituency as the end product of its interventions and how best this can be achieved. Part of this exercise is for UNDP to ascertain the political will of Government to move in certain directions and its capacity for doing so in advance of implementing projects. Broad objectives such as Public Administration Reform may, in the aggregate, exceed UNDP's ability to make a measurable impact in the absence of political will. Obstacles and challenges that have arisen in the past are likely to rise again, even if in a different form.

Going forward, the CO may wish to have fewer projects, but larger projects that better cut across Clusters and promote synergies both within UNDP and the larger "1 U.N.". For example, if the CO is going to support CSOs to perform research or strategic litigation and advocacy for Roma, then how does this link to the UNDP Free Legal Aid initiative as a whole? How does Rule of Law link to Environmental Protection; and how does the environment impact upon most vulnerable groups (i.e. do polluters also discriminate against Roma by locating illegal dumps next to a Roma community? Can green initiatives be incentivized, so as to create jobs for PWD, IDPs or Roma? Do the legal mechanisms exist for policing the environment? Can strategic litigation result in a shift in compliance with environmental law in Serbia?).

There are, however, clear themes emerging that should be reflected in the next CPD. These include implementation of existing laws and strategies, citizen awareness, the environment (and climate change targets translated for the local level in Serbia). Increased focus upon human rights based programming and the traditional mandate of UNDP. In other respects, UNDP should continue to build upon groundwork that has already been laid (i.e. Anti-Discrimination). Democracy, social inclusiveness, tolerance, freedom of expression and association, the environment, education, health and anti-corruption—all will remain key issues despite EU accession. Finally, UNDP should ask itself whether or not is taking the path of least resistance in its programming or taking on the truly hard issues and challenging government to fulfil its obligations to its citizens.

## 6.2. New Opportunities for UNDP Interventions in Serbia

The Evaluation Mission received a number of suggestions from persons interviewed that could serve as new projects or components of projects for UNDP. These include focusing upon implementing existing laws and strategies; supporting the Anti-corruption independent bodies; supporting clinical legal education; incentivizing continuing legal education in Serbia; supporting local courts and ombudsmen; creating MDG indicators at the office of Statistics; upgrading UNDP internet and partner internet websites; incentivizing recycling and waste management and public awareness advertising campaigns on discrimination, LGBT, racism and intolerance. The Evaluation Team's detailed notes on possible new projects appear in ANNEX C of this report.

## 7. Recommendations

### 7.1 Recommendations: Programme Interventions

#### Public Administration Reform

- UNDP should maintain a presence in Public Administration Reform particularly with regard to the continued inclusion of CSOs in policy making, the concept of public hearings and regular consultations between members of parliament and their constituencies.
- UNDP should consider supporting SEIO to translate the *Aquis Communautaire* into Serbian (in the event that Serbia does not receive the Croatian Government's translation) and other areas not supported by the EU.
- UNDP should strengthen its efforts to support anti-corruption initiatives in Serbia.
- UNDP should facilitate an NGO/CSO forum in Serbia to showcase the work and publications of these entities for members of Parliament.
- UNDP should focus upon local administration in Serbia and creating internal dispute resolution mechanisms within lower-level public administration in Serbia that will address citizens' complaints.
- UNDP should support additional statistical studies, platforms and base-line data for the public administration in Serbia that seek to better quantify improvements in efficiency, accountability and transparency in the public administration.
- UNDP should promote citizen awareness of PAR.
- UNDP should support the new Commissioner for Information of Public Importance to meet its legislative mandates.

#### Rule of Law: Access to Justice and Human Rights

- UNDP should actively engage with the recently established MDTF and participate in the Partners Forum and, meanwhile, find new ways to support judicial reform and education in Serbia.
- UNDP should seek ways to better harmonize its interventions in Rule of Law: Access to Justice and Human Rights (i.e. Roma Rights, LGBT aligned with FLA and support to the implementation of the Law on Prohibition of Discrimination) and better articulate the particular bundle of rights and remedies that it seeks to protect through such interventions.
- UNDP should increase its focus upon lower-level courts having first instance jurisdiction (i.e. Belgrade District Court) and maintain direct interventions at these courts in order to better capacitate them (i.e. libraries/information products at courts).
- UNDP should directly support and maintain a dialogue with the Ombudsman as his office plays a key role in the enforcement of human rights in Serbia as

well as policing the quality of public administration; UNDP should also engage with municipal Ombudsmen in Serbia and promote dialogue between the Ombudsman and newly appointed Commissioner for the Protection of Equality.

- UNDP should redouble its efforts and support to the Government in establishing a system of Free Legal Aid in Serbia that is truly comprehensive and available to all citizens.
- UNDP should find ways to engage with law faculties in Serbia and support clinical legal education and curriculum development—particularly regarding anti-discrimination.
- UNDP should engage with the legal community in Serbia and bar associations to promote the establishment of Continuing Legal Education (CLE) for practicing lawyers.
- UNDP should support increased citizen education and awareness of their human rights and basic civil rights in Serbia
- UNDP should support human rights in Serbia and maintain interventions with Roma, PWD, Youth, Women (SGBV) and the LGBT community—in particular interventions directed towards promoting tolerance and inclusion in Serbia should be considered by UNDP.
- UNDP should add an Environmental component to its Rule of Law programming (i.e. supporting CSOs that are active in legislative reform and/or environmental public interest litigation)

#### **Sustainable Development**

- UNDP should build capacities at the national level to monitor trends and evaluate the efficiency of development and poverty reduction policies and the impact of these policies on most vulnerable groups.
- UNDP should support evidence-based policymaking – through publication of quality reports, studies and analyses.
- UNDP should continue to support strengthening of CSOs role in policy processes – building capacities in the area of M&E of policies and legislation, with special focus on social inclusion and vulnerable groups.
- UNDP should continue to support capacity development of the public administration – specifically the Team for Social Inclusion and Office for Cooperation with Civil Society that are placed within the Office of the Deputy Prime minister, as well as the relevant Parliamentary Committees.
- UNDP should continue to support SIF and PRSP implementation to the extent possible as these align closely with UNDP comparative advantage and its traditional corporate mandate.
- UNDP should expand its support to social service delivery at the local level.
- UNDP should expand its direct support to CSOs dealing with vulnerable groups, as well as supporting initiatives and programmes improving the situation of vulnerable groups and reduction of poverty.
- UNDP should continue putting efforts in development of coherent and consistent data on MDGs, development and social inclusion; and work with Office of statistics to build their capacities on following indicators such as LAEKEN indicators of social inclusion may be an opportunity for UNDP in the future.
- UNDP should strive to find a new modality to maintain its presence in South and Southwest Serbia.
- UNDP should promote decentralization, local level administrations and regional development agencies and inter-municipal dialogue.
- UNDP should facilitate private sector-public administration partnerships to address environmental protection issues.

- UNDP should support public awareness raising campaigns on environmental protection and, particularly, anti-pollution.
- UNDP should facilitate implementation of global climate change goals at the local level
- UNDP should facilitate “Green” enterprises in Serbia.

### 7.2 Recommendations: Partnerships and Donors

- UNDP should monitor its relations with its donors and the Government of Serbia and listen to their needs.
- UNDP should be as flexible as possible regarding its donor relations and when necessary and appropriate modify UNDP’s own internal regulations to the extent possible to ensure program execution.
- UNDP should fulfil all of its “backstopping” and managerial obligations and other commitments per its MoUs and project documents.
- UNDP should provide links to the websites of its donors on the UNDP website.
- UNDP should seek for synergies with donors, but should not lose focus on its core mission of development within Serbia and its “corporate” goals.

### 7.3 Recommendations: Knowledge management

- UNDP should strive to publish more studies and support more publications in the future, but also greatly improve upon its internal and external databases.
- UNDP should provide more support to the government for evidence-based policy making.
- UNDP should also better serve the role of resource centre to academia, think tanks, NGOs, international community and a wider public in general.
- UNDP’s website should be upgraded to include links to UNDP supported publications and donor/partner websites.
- UNDP should become more visible within the donor community.

### 7.4 Recommendations: Dealing with a Reduction in Available Donor Funds: “Doing More with Less” at the CO

- UNDP should adjust its implementing modalities to take account of the fact that UNDP’s list of donors is shrinking.
- UNDP should tighten the CO to focus on areas where it has comparative advantage – social inclusion; access to justice for least vulnerable groups; human rights; education; environment.
- UNDP should use the MDGs as UNDP’s counter-argument to the EC’s claims that UNDP development interventions are not relevant in a context of EU accession.
- UNDP should focus upon the areas not served or undeserved by EC such as social exclusion, inclusive development, human rights, minorities and most vulnerable groups, poverty, municipal and regional development and the environment.
- UNDP should attempt to repair its donor relations.
- UNDP should be prepared to “cut its losses” where a lead-role or comparative advantage is lost in a sector and seek new areas of engagement.
- UNDP should clearly define the particular bundle of rights that it seeks to protect for citizens in its interventions.
- UNDP should crosscheck each and every new intervention for potential substantive conflicts and/or synergies between CO clusters.
- UNDP should seek new donors (i.e. UNDP Office of Private Partnerships; emerging members of the International Donor community; regional donors).
- UNDP should reduce the CO’s reliance upon “XB” to fund staff without corresponding increase in execution.
- UNDP should explore using national UN-Vs if and where appropriate.

- UNDP should draw upon “1-UN” to the fullest extent possible and exploit in-house expertise and synergies to fullest advantage.
- UNDP should increase joint implementation with UN sister agencies.
- UNDP should increase M&E, level of project documentation, data storage, UNDP website web postings/uploads and UNDP’s institutional memory.

#### 7.5 Recommendations: NEX/DEX

- UNDP should recognize that NEX places an added administrative burden upon the implementing institution. Therefore UNDP should carefully judge the capacity of institutions targeted for NEX, including their willingness to deal with the project implementation. Staff members at these institutions should be relieved (at least in part) of their other duties while assigned to implement the project.
- When institutions see UNDP as a coordinator/implementer, then UNDP should respond to the needs of the state with a modified-NEX (with some level of administrative control by UNDP). However, the UNDP should keep developing national in-house capacity for NEX modality and progressively shift the project implementation into a full NEX.

#### 7.6 Recommendations: UNDP CO Management

- UNDP should introduce better in-house procedures for reporting, monitoring and archiving.
- UNDP should better use the generated knowledge and experience in designing new programmes/projects.
- UNDP should increase synergy between project and clusters, ensuring horizontal and vertical communication.

#### 7.7 Recommendations: Directions for the next CPD

- UNDP should develop a set of clear indicators for the next CPD that are sufficiently detailed; designed to be implemented over a five-year period of time and account for an eventual exit strategy.
- UNDP should conduct ascertainment research now to develop quantitative baselines for all indicators in the next CPD.
- UNDP should immediately amend the next CPD in the even that Serbia is designated as a EU “candidate country” during the CPD programming period to account for shifting priorities.
- UNDP should consider consolidating its projects—fewer, but larger projects may be advisable.
- UNDP should establish a central mechanism at the CO for fielding requests for support from its constituency.
- UNDP should restructure the CPD Outcomes and CO clusters so as to better align the CO with these outcomes.

#### 7.8 Recommendations: Exit/Strategy

- UNDP’s Exit Strategies should be planned well in advance so not to create a gap in implementation between the project phases.
- UNDP should make better assessment of sustainability by securing institutional and non-partisan solutions for achieved results. This is especially important with projects that generate and support new institutions.
- UNDP should find a financial modality for further financing of successful pilot projects, at least for period until a final solution is settled.

- **UNDP to have a well-articulated strategy linked with EU candidate status being achieved by Serbia and the in-flow of components 3, 4 and 5 of IPA funds and UNDP's eventual exit from Serbia post-EU accession.**
- **UNDP should be aware that project-generated institutions increase the size of the public administration. All options of settlement within current administration should be exhausted before creating a new institution.**

## 8. Lessons Learned

- *UNDP cannot assume that its partners or donors will communicate between and among themselves with reference to UNDP interventions—UNDP must be the driver of communication between Ministries and UNDP partners.*
- *UNDP must maintain a pipeline of projects and funding in order to ensure its sustainability.*
- *UNDP runs the risk of damage to its reputation and losing its lead position in a sector if its donors become dissatisfied with its performance and reputation.*
- *UNDP knowledge products and evidence based policy making do not achieve maximum possible utility unless they are located in a central location at UNDP, widely circulated and published on the UNDP website.*
- *UNDP can find itself at cross-purposes within a single CO if clusters, projects and regional offices are not periodically reviewed and compared against the entire UNDP Serbia intervention.*
- *UNDP re-alignment of CO structure and clusters should be supported by ascertainment research and Outcome-level evaluations; evaluation of the effectiveness and cost efficiency of interventions should be built into the design of the project.*
- *UNDP visibility must be maintained at a high level and a UNDP “brand” maintained or donors and partners will perceive that UNDP is inactive.*
- *UNDP should be effectively combine a top-down approach (working with various ministries) with an effective bottom-up strategy (through demonstration projects and the network) in projects and interventions such as SIF, Roma, PWD, rural development, Youth that rely heavily on local implementation and CSOs.*
- *UNDP’s impact is multiplied by ensuring better transparency and effective participation of civil society—especially when contributing to strategies. This also serves to focus the public on UNDP interventions, increase acceptance of initiatives among beneficiaries and policy makers; thereby, promoting sustainability.*
- *UNDP’s most successful policy and institutional development interventions are those for which there exists a critical mass of support among organizations and stakeholders.*
- *UNDP has a role to play in the capacity building of all relevant partners, especially CSOs; and this should be an integral part of UNDP interventions, as it also serves as an instrument to multiply networking and support coalition-building between government and non-government stakeholders. UNDP ongoing capacity building and education of local staff and experts is crucial for building local capacities for research and analysis studies as contribution to development of critical thinking and evidence based policy making.*
- *UNDP has a reputation within the development community for its ability to generate research and publications as input for evidence based policy making; good quality research studies based on knowledge and expertise, with strong regional and global experiences should be supported and conducted.*

- **ANNEX A: Supporting Tables, Data and Statistics on UNDP**

## Governance Indicators for Serbia: 2005-2008

Governance Indicator	Year	Percentile Rank (0-100)	Governance Score (-2.5 to +2.5)	Standard Error
Voice and Accountability	2008	54.8	0.19	0.13
	2007	55.3	0.25	0.13
	2006	54.3	0.15	0.16
	2005	42.3	-0.19	0.16
Political Stability	2008	28.2	-0.5	0.23
	2007	22.6	-0.71	0.22
	2006	23.6	-0.69	0.25
	2005	21.2	-0.88	0.23
Government Effectiveness	2008	47.9	-0.28	0.2
	2007	45.5	-0.33	0.19
	2006	49.3	-0.21	0.18
	2005	45	-0.34	0.16
Regulatory Quality	2008	47.3	-0.21	0.17
	2007	40.8	-0.33	0.18
	2006	41	-0.38	0.18
	2005	31.2	-0.53	0.17
Rule of Law	2008	41.1	-0.46	0.14
	2007	39.5	-0.53	0.15
	2006	35.2	-0.58	0.15
	2005	22.9	-0.84	0.15
Control of Corruption	2008	53.1	-0.16	0.14
	2007	47.8	-0.39	0.13
	2006	46.1	-0.31	0.13
	2005	42.7	-0.42	0.13

Source: World Bank: Governance Matters 2009, Worldwide Governance Indicators 1996-2008

[Kaufmann D., A. Kraay, and M. Mastruzzi 2009: Governance Matters VIII: Governance Indicators for 1996-2008](#)

Note: The governance indicators presented here aggregate the views on the quality of governance provided by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. These data are gathered from a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The WGI do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent. The WGI are not used by the World Bank Group to allocate resources.

## EC-UNDP Synergies

CPD 2005-2009 Component	EC Progress Reports for Serbia Assessment of Progress achieved during October 2008 to mid-September 2009
Public Administration Reform	<p>“Overall, Serbia has good capacity in the area of public administration. However the pace of public administration reform has been slow.” [EC Progress Report Serbia 2009, page 10 The EU recognizes that the Ministry of Economy and the National Employment Service have increased their organizational capacity. [EC Progress Report Serbia 2009 page 38]. Yet, Financial control of the state administration is still lacking. With regard to external audit, the State Audit Institution has not yet become fully operational. Delays in allocating appropriate premises for the office are continuing and only eight additional staff have been recruited in the past year.” [EC Progress Report Serbia 2009 page 49][See also, notes of Evaluation Team meeting with the State Auditor].</p> <p>Civil society initiatives [EC Progress Report Serbia 2009, page 5];</p> <p><u>Parliament’s</u> approach to consultations with civil society, international organizations and other stakeholders; [Id., page 7]</p> <p>Functioning of the <u>Serbian European Integration Office</u>; Government accountability to parliament; practice of regular hearings in parliament established.” [Id., page 8];</p> <p>Public <u>Procurement</u> good progress been made in the area of public procurement. Serbia adopted a new Law on Public Procurement in December 2008 and implementing legislation in July 2009. [Id., page 35];</p> <p><u>Information society/media</u>. Progress can be reported in the areas of information society and electronic communications.... the adoption of the Law on Electronic Commerce completes the framework for electronic business in Serbia and the new Law on Public Procurement allows electronic procurement. The Law on Personal Data Protection entered into force in January 2009 and has started to be implemented.... “ [Id., page 47]; Statistics. There has been some progress on statistical infrastructure. Cooperation and coordination between the statistical office and other official producers of statistics have been improved.... In January 2009 the government adopted the development strategy for official statistics for 2009-2012. The new Law on Statistics, as well as laws regulating the agriculture and population census has not yet been adopted. The Statistical Office has recruited a small number of new staff however budgetary allocations are not yet sufficient to cover all the activities planned and additional staff is still needed. Metadata have been prepared for all statistical domains. There has been progress on sector statistics”. [Id., page 50].</p>
Rule of Law: Access to Justice and Human Rights	<p>“The <u>commissioner for free access to information</u> of public interest became more active; following adoption of the Personal Data Protection Law in November 2008, the commissioner’s powers were extended to cover data protection as well.” [Id., page 10];</p> <p>“<u>The Anti-discrimination law was passed</u>” [Id., page 9]. “New anti-discrimination legislation introduced a rule prohibiting hate speech.” [Id., page 14];</p> <p>Judiciary. “There has been progress in the reform of the judicial system” [Id., page 11]; “Two new bodies-the High Judicial Council and the State Prosecutorial Council were established in April 2009” [Id., page 11];</p>

CPD 2005-2009 Component	EC Progress Reports for Serbia Assessment of Progress achieved during October 2008 to mid-September 2009
	<p data-bbox="507 226 1422 331">“<u>The Judicial Training Center</u> continues to provide training on the ECHR. Awareness among judges of international human rights obligations has improved. However, courts are still reluctant to directly enforce ratified international treaties.” [Id., page 14];</p> <p data-bbox="507 338 1422 394">Human <u>rights</u>. Ratification of human rights instruments. “Serbia has ratified all the major human rights instruments. [Id., page 13];</p> <p data-bbox="507 423 1422 562">Women’s <u>rights</u>. “As regards women’s rights, the national strategy to improve the position of women and promote gender equality was adopted in February 2009, indentifying six most crucial areas: improvement of the economic position, health, representation in public and political life, equality in education, suppression of violence and elimination of gender stereotypes in the media.” [Id., page 16];</p> <p data-bbox="507 591 1422 752">PWD. “As regards socially vulnerable persons and persons with disabilities, some progress was made with the adoption in May 2009 of the Law on Vocational Rehabilitation and Employment of Disabled Persons which regulates several areas related to employment.” The UN Convention on Rights of Persons with Disabilities and the Optional Protocol were ratified in May 2009. Implementation of the strategy on improving the situation of disabled persons is continuing.” [Id., page 17];</p> <p data-bbox="507 781 1422 943">Regional <u>issues and international obligations</u>. Cooperation with ICTY has improved. [Id., page 19]. As regards domestic processing of war crimes, there were a number of first-instance rulings in cases concerning crimes committed in Kosovo and Croatia. The War Crimes Prosecutor is currently investigating over 100 suspects. He has been working efficiently, in a difficult political context and with limited resources.” [Id., page 20];</p> <p data-bbox="507 972 1422 1028">NOTE: EC states that no progress had occurred to date with regard to the establishment of a comprehensive system of Free Legal Aid [Id., page 14];</p>
Sustainable Development	<p data-bbox="507 1312 1422 1391"><u>Social inclusion</u>. “Serbian poverty reduction strategy has continued to contribute to reducing the number of people living in absolute poverty. However, with the economic crises, poverty levels are likely to rise.” [Id., page 37];</p>
	<p data-bbox="507 1451 1422 1556">Employment (PAR). “The Ministry of Economy and the National Employment Service have increased their organizational capacity. Work has also continued on development of regional training centres under the National Employment Service. This has helped create new jobs.” [Id., page 38];</p>
	<p data-bbox="507 1590 1422 1718">Agriculture/<u>Rural Development</u>. “Progress has been made in the area of agriculture and rural development...The Law on Agriculture and Rural Development was developed in May 2009...the national rural development network has expanded and now has 14 regional rural development centers and 140 sub-regional offices.... [Id., page 41];</p>
	<p data-bbox="507 1756 1422 1944"><u>Environment</u>. “Good progress can be reported in the area of the environment, notably with the adoption of a large package of laws and the ratification of several international conventions. [See discussion Id. pp. 43-44 of specific sectors within environmental protection]. “In the area of air quality, progress can be reported with the adoption of the Law on Air Protection. A National Ozone Office was established within the Ministry of the Environment. The capacity for monitoring and managing air quality has been strengthened. ....” [Id., page 44] ;</p>

## **Rule of Law: Access to Justice and Human Rights Judicial Training Centre (JTC) Curriculum**

### The JTC Training Curriculum

JTC programmes are organized for both judges and prosecutors and JTC has various working groups to formulate specific training needs (i.e. human rights, civil law, prosecutions, etc.).

Regarding new judges and prosecutors, JTC plans to implement initial training for judicial candidates (post-bar exam and post-three years experience as an attorney). This will be a first for the JTC. Training will be for any judicial or prosecutorial candidate who meets qualifications and who desires training (the High Councils will limit the number of available slots to the need projected for the two-year period of time. An in-take exam will be given to potential trainees and then if passed they can get a slot for the full course of training). The course of training and mentoring will cover the following areas: Civil (8 months); Criminal (6 months); Prosecutions (6 months); Misdemeanors (4 months); training outside the judiciary (2 months). Each candidate will be mentored by a judge/prosecutor on a 1-on-1 basis during the training program. A three-day multiple-choice exam will be given upon completion of the training program that will be graded. These grades will be taken into account when the Councils “vet” candidates and propose candidates to the Parliament for judgeships or prosecutor positions. The JTC goal is to utilize very objective criteria for training and exams. Candidates will receive 70% of a basic court judge’s salary during the training. This represents a clear investment of the State in an objective system of training and is designed to avoid political influence without objective criteria. The judiciary and prosecutorial services are receiving trained employees.

With regard to Juvenile Justice, special mention must be made of the Juvenile Justice and Family law certificates developed by the JTC that directly respond to a new Juvenile Justice Law passed in 2005. [Cite] The law dictates that every Judge, prosecutor, lawyer shall pass a course in juvenile justice. Without this certification a judge/lawyer cannot work with juvenile offenders (note: the Supreme Court of Serbia issued an opinion that a judge who lacks this certification commits material error of procedure. And, a judge is not permitted to handle juvenile justice victim case without further specialized training in this area provided by the JTC. The Juvenile Justice Law also dictates a limit on the number of times that a juvenile victim can give testimony. Approximately 4,500 persons have completed the certificate to date. Re: Family Law. All judges must have the JTC certificate in family law before they can handle a family law case. The juvenile justice and family law certification requirements place a burden on the JTC to develop a highly tailored curriculum for both of these areas. JTC also has an agreement between MoJ and Mol in the area of juvenile justice.

Training of magistrates will become a new responsibility of JTC after January 2010 when the new law takes effect. JTC has developed program of human rights training especially for the magistrates. [Note: JTC notes that the magistrates are not judges (and therefore under the current system if they have power to sentence defendants it raises an issue under the ECHR). The new law on Magistrates attempts to solve this problem by providing that magistrates be elected in a similar manner to judges as of January 2010. Therefore, the JTC will have responsibility for training magistrates due to the fact that they will be held to “judicial” standards.]

JTC also has a department for developing training on human rights and ECHR and this the mechanism by which the JTC is participating in the development of a free legal aid system in Serbia (See, Art. 6, ECHR). JTC is training judges on the concept of free legal aid under the budget line-item for seminars in human rights and education. JTC feels that the training on ECHR will strengthen the quality of free legal aid.

The JTC includes training on the Law on Prohibition of Discrimination in its general training curriculum. JTC restructured its training calendar and program slate during the last year to include training on the new Law on Prohibition of Discrimination. JTC held 20 special educational events following passage of the Law on Prohibition of Discrimination to educate judiciary and prosecutors. UNDP furnished some materials for these trainings and supplied a member of the working group to JTC as a resource. JTC notes that the new law will present issues in implementation and cites conflicts between the new law on Prohibition of Discrimination and the Criminal Procedure Code that could cause difficulties.

Training on anti-corruption has been a part of the regular JTC curriculum for the past three years. JTC is obligated to organize such training according to the GRECO system. JTC trains on expert opinion, data protection, DNA analysis, forensics, money laundering and organized crime. As part of its training on anti-corruption, the JTC addresses ECHR Art. 1 Protocol 1 regarding property rights.

JTC is also cooperating with MHMR, the Ministry of the Environment (seminars on ecological issues...training of minor judges and magistrates to learn about how environmental inspectors carry-out investigations, etc.).



## UNDP Serbia

### Status of the UNDP Environmental Protection Projects in October 2009

The Project Name	Funded By:	Planned to start:	Started on:	Project completion (in %)	Expected project results:	Achieved results so far:	Main obstacles in Implementation
Environmental Hot Spot	Government of Netherlands	November 2007	November 2007	95%	<ul style="list-style-type: none"> <li>- Finalization of the phases IV.1 and IV.2 of the main waste water collector</li> <li>- Data base of environment practitioners</li> <li>- Policy integration project</li> </ul>	<ul style="list-style-type: none"> <li>- Phases IV.1 and IV.2 of the main waste water collector finalized</li> <li>- Data base of environment practitioners developed</li> <li>- Policy integration project implemented</li> </ul>	<ul style="list-style-type: none"> <li>- Long tender preparation process by the implementing partner for phase IV.2</li> </ul>
Enabling Activity for the preparation of Serbia's (and Montenegro) Initial National Communication to UNFCCC	GEF	April 2008 (September 2004) <sup>227</sup>	June 2008	n/a	<ul style="list-style-type: none"> <li>- Initial national Communication of Serbia to the UNFCCC</li> </ul>	n/a	<ul style="list-style-type: none"> <li>- Budgetary allocation between Serbia and Montenegro</li> <li>- Preparation of new project document</li> <li>- Negotiations with the government on executing modality</li> </ul>
National Capacity Self-Assessment for Environmental Management in Serbia (and Montenegro)	GEF	July 2004	April 2005	70%	<ul style="list-style-type: none"> <li>- Thematic reports for climate change, biodiversity and land degradation</li> <li>- Cross cutting report</li> <li>- Action plan</li> </ul>	<ul style="list-style-type: none"> <li>- Thematic reports for climate change, biodiversity and land degradation</li> <li>- Cross cutting report</li> </ul>	<ul style="list-style-type: none"> <li>- Negotiations between governments of Serbia and Montenegro on budgetary allocation</li> <li>- Negotiations with the Gov't on capacity building activities</li> </ul>
Promoting Investments for Energy Efficiency and Renewable Energy through carbon financing in Serbia	UNDP TTF UNDP CO TRAC	January 2006	April 2006	100%	<ul style="list-style-type: none"> <li>- Legal and institutional frameworks for implementation of CDM established</li> <li>- Increased capacity of potential project proponents for formulation of viable CDM projects</li> </ul>	<ul style="list-style-type: none"> <li>- Legal and institutional frameworks for implementation of CDM established</li> <li>- Increased capacity of potential project proponents for formulation of viable CDM projects</li> </ul>	<ul style="list-style-type: none"> <li>- Multi-sectoral coordination</li> <li>- Level of political commitment?</li> </ul>

<sup>227</sup> Initial project document was for INC development in both Serbia and Montenegro. However, the two Governments decided to split the budget allocation in October 2007, after which UNDP Serbia prepared new project document for Serbia only.

The Project Name	Funded By:	Planned to start:	Started on:	Project completion (in %)	Expected project results:	Achieved results so far:	Main obstacles in Implementation
Biodiversity Strategy Action Plan and National Report	GEF	November 2006	February 2007	60%	<ul style="list-style-type: none"> <li>- Serbia strategy and action plan</li> <li>- First national report</li> <li>- Biodiversity clearing house mechanism (CHM) established</li> </ul>	<ul style="list-style-type: none"> <li>- Draft national strategy and action plan</li> <li>- CHM server procured</li> </ul>	<ul style="list-style-type: none"> <li>- Negotiations between governments of Serbia and Montenegro on budgetary allocation</li> <li>- Termination of contract of international consultant and recruitment of a new consultant</li> </ul>
Sustainable Development Strategy	SIDA UNDP CO TRAC	December 2003	December 2005	90%	<ul style="list-style-type: none"> <li>- Development of Sustainable Development Strategy</li> <li>- Action plan</li> </ul>	<ul style="list-style-type: none"> <li>- Sustainable Development Strategy developed and adopted</li> <li>- Action plan adopted</li> </ul>	<ul style="list-style-type: none"> <li>- Government change</li> </ul>
Promotion of Wood Biomass	UNDP CO TRAC	November 2007	November 2007	80%	<ul style="list-style-type: none"> <li>- Assessment of wood biomass potential in selected municipalities and identification of barriers for enhanced use of biomass for energy purpose</li> </ul>	<ul style="list-style-type: none"> <li>- Preliminary assessment completed</li> </ul>	<ul style="list-style-type: none"> <li>- Institutional change within implementing partner delayed implementation of major project activities</li> </ul>
Support to Sustainable Transport System in the City of Belgrade	GEF UNDP	April 2009	June 2009	70%	<ul style="list-style-type: none"> <li>- GEF CEO endorsement request</li> <li>- UNDP Prodoc</li> </ul>	<ul style="list-style-type: none"> <li>- Draft CEO endorsement request</li> </ul>	n/a
Ensuring Financial Sustainability of the Protected Area System of Serbia	GEF UNDP	April 2009	June 2009	70%	<ul style="list-style-type: none"> <li>- GEF CEO endorsement request</li> <li>- UNDP Prodoc</li> </ul>	<ul style="list-style-type: none"> <li>- Draft CEO endorsement request</li> </ul>	n/a

**Approved GEF National Projects for Serbia (All amounts in US\$)<sup>228</sup>**

<b>GEF ID</b>	<b>Country</b>	<b>Focal Area</b>	<b>GEF Agency</b>	<b>Project Type</b>	<b>GEF Grant</b>	<b>Agency Fees</b>	<b>PPG/PDF Grant</b>	<b>Co-financing Total</b>	<b>Project Status</b>
<b>Biodiversity Strategy, Action Plan and National Report (BSAP)</b>									
2477	Serbia	Biodiversity	UNDP	Enabling Activity	292,370	43,856	-	22,800	IA Approved
<b>Transitional Agriculture Reform</b>									
2605	Serbia	Biodiversity	IBRD	Full Size Project	4,500,000	435,601	340,000	32,310,001	IA Approved
<b>Reduction of Enterprise Nutrient Discharges Project (RENDR) - under WB-GEF Strategic Partnership for Nutrient Reduction in the Danube River and Black Sea</b>									
2141	Serbia	International Waters	IBRD	Full Size Project	9,020,000	-	350,000	13,100,000	IA Approved
<b>National Capacity Self-Assessment (NCSA) for Global Environment Management</b>									
2211	Serbia	Multi Focal Area	UNDP	Enabling Activity	197,820	29,673	-	27,000	IA Approved
<b>Enabling Activities for the Stockholm Convention on Persistent Organic Pollutants (POPs): National Implementation Plan for the Serbia and Montenegro.</b>									
2024	Serbia	POPs	UNEP	Enabling Activity	499,000	54,000	-	30,000	Project Closure
<b>Enabling activities for the development of a National Plan for Implementation of the Stockholm Convention on POPs - "add-on"</b>									
3846	Serbia	POPs	UNEP	Enabling Activity	37,576	3,758	-	21,000	IA Approved
<b>Sub totals</b>					<b>14,546,766</b>	<b>566,887</b>	<b>690,000</b>	<b>45,510,800</b>	

<sup>228</sup> Source: <http://www.theGEF.org/>, last visited 3 November 2009

UNDP Serbia CO Staff Contracts issued in period 2005 - 2009																
	2005			2006			2007			2008			2009*			total
	source of funding			source of funding			source of funding			source of funding			source of funding			
	Core	XB	Projects													
<b>100 series</b>																
national	13	5	5	13	12	5	10	12	7	10	14	4	10	17	6	
international	2	0	0	2	1	1	2	0	0	2	0	0	2	0	1	
total	15	5	5	15	13	6	12	12	7	12	14	4	12	17	7	
sub-total per year	25			34			31			30			36			156
<b>200 series</b>	0	0	0	0	0	1	0	0	3	0	0	3	0	0	1	
sub-total per year	0			1			3			3			1			8
<b>300 series</b>																
national	0	0	31	0	0	9	0	0	2	0	2	2	0	2	0	
international	0	0	8	0	0	9	0	0	7	0	0	4	0	0	1	
total	0	0	39	0	0	18	0	0	9	0	2	6	0	2	1	
sub-total per year	39			18			9			8			3			77
total per year	64			53			43			41			40			241
*to date																prepared by Natasa Milosavljevic, HR Associate 14-Oct-09
Note:																
contract issued for MNE are included in years 2005 and 2006																
contracts issued on behalf of other UN Agencies are also included																

UNDP Serbia CO Contracts issued in period 2005 - 2009						
	2005	2006	2007	2008	2009*	total
<b>SSA</b>						
national	208	424	441	219	122	
international	37	59	68	52	34	
total	245	483	509	271	156	1664
<b>SC</b>	56	62	117	53	32	320
<b>UNV</b>						
national	15	4	3	1	2	
international	1					
total	16	4	3	1	2	26
*till date						
Note: contracts issued on behalf of other UN Agencies are also included						
prepared by Natasa Milosavljevic, HR Associate						15-Sep-09

## ANNEX B: Comments from UNDP's Donors and Partners

### Comments from UNDP's Donors and Partners

#### 1) Perceptions of UNDP by UN Agencies:

- *"No cooperation and interest from UNDP to collaborate with small UN agencies"*
- *"UNDP does not see the interest although there could be space for collaboration"*
- *"UNDP provides services – but many areas for change"*
- *"UNDP Misses: visibility in the public, visibility in transitional justice, HIV/AIDS component is missing"*
- *"UNDP and UNHCHR do not work in synergy"*
- *"UNDP needs to be more critical to the Govt, and should not be parallel to the government"*
- *"Government sees other country priorities than UN – this is where UNDP should be more critical"*
- *"Cooperation with UN agencies – very bad"*
- *"UNDP-very dynamic office, good expert team, positive energy, but data is relatively transparent"*
- *"Human Rights aspect is not so well represented"*
- *"PRS was the most important achievement in Serbia. UNDP ensured that there is meaningful participation of civil society"*
- *"UNDP/UN RR – problems with visibility and understanding of difference btw UNDP UN RR"*
- *"Joint efforts usually fail. But there should be area of cooperation"*

#### 2) Perceptions of UNDP held by other Partners and Donors

- *"UNDP is neutral and provides forum for communication with civil society"*
- *"UNDP did good job with Sustainable Development Strategy"*
- *"UNDP has quite strong gender portfolio"*
- *"Communication with UNDP is excellent - thanks to UNDP, NES got funded by ADA"*
- *"UNDP provides advocacy and policy push"*
- *"UNDP should employ more experts with professional experience"*
- *"Legal reform, PAR are not good to be dealt with by UNDP...UNDP should follow its traditional values and mission"*
- *"Projects for UNDP: environment, climate, pro-poor development, minorities...."*
- *"A lot depended on project managers running the program, and there is not much backstopping and horizontal communication by UNDP CO"*
- *"UNDP contributed to reform of social protection"*
- *"UNDP should continue working on institutionalization of mechanisms and services"*
- *"UNDP can assist with capacities (in terms of research and training)"*
- *"UNDP should work with local communities and continue working on social services"*
- *"UNDP SIF as grant facility in local setting is good as it is neutral and that is its comparative advantage"*
- *"UNDP strengths: broader mandate in poverty, development, governance, environment, Roma and women"*
- *"Delays in project start due to unclear procedures, and non transparent way of work. This is generally the problem of working with UNDP"*
- *"UNDP needs to increase efficiency"*
- *"UNDP contributed a lot with capacity building to MOYS, especially in terms of developing indicators, budget which helped a lot to make a realistic strategy"*
- *"UNDP lacks vision"*
- *"Management of knowledge is poor in UNDP"*
- *"UNDP is 'wishy-washy' in making statements, HR are not a bible for UNDP – and it is hard to assist and not having opinion"*
- *"UNDP often enters areas where it has no expertise. Disrespects the mandates of other organizations"*
- *"There is a lack of communication between UNDP and donors; there were problems in implementation of the project by UNDP – delays and being late"*
- *"PAR project was bad, there were numerous chances given to UNDP but no changes. PIU was not good"*
- *"Incompatibility and unable to respond to challenges"*
- *"UNDP lacks willingness to give ownership to the government"*

- *“PIU concept is not sustainable”*
- *“UNDP should focus on a couple of areas where it will provide value added and capacities”*
- *“DFID is not happy with UNDP approach”*
- *“UNDP does not have clear commitment and will to coordinate”*
- *“UNDP is valuable – Ministry will need resources, knowledge to establish institutional structure”*
- *“UNDP does not have a focused mandate. It needs to find its place among other Int. organizations”*
- *“UNDP should focus on social protection”*
- *“UNDP has a serious problem with Institutional knowledge – lot is left but is scattered around and there needs to be more engagement of UNDP CO in this”*
- *“UNDP CO needs to be more engaged in the Programme work”*
- *“There are many missed opportunities”*
- *“UNDP breeds administrators – Programme people should be more involved”*
- *“Cooperation with UNDP is good, UNDP is a precious partner for Ministry of Youth and Sports”*
- *“UNDP should be careful in selecting people to work. More expertise should be involved. It should put more focus on using expertise and process to produce results”*
- *“UNDP had management crisis – recommendation: better knowledge by senior management who leads CO. Local staff were major source and senior management may be the cause why some projects were not implemented in a way they were planned.”*
- *“UNDP has authority and government respects them”*
- *“UNDP should work more on visibility in local communities, especially in working with vulnerable groups”*
- *“UNDP had a significant role in financing segments where Government could not fund”*
- *“UNDP doesn’t publish enough reports”*
- *“Report writing is UNDP’s comparative advantage and UNDP should do much more of this”*
- *“UNDP is often too reluctant to take a position in contrast to other organizations”*
- *“UNDP cooperation with EU is very problematic”*
- *“UNDP has a comparative advantage in implementation”*
- *“UNDP appears to have lost focus with the reorganization of its CO clusters”*
- *“UNDP doesn’t attend meetings anymore”*
- *“UNDP is not as active in rule of law as it used to be”*
- *“UNDP needs to cut down and rename the CDAG cluster”*
- *“UNDP should take a particular topic such as “Anti-corruption” and make a regional centre of excellence on this topic”*
- *“UNDP’s areas of continued focus in Serbia: human rights (Roma and IDPs are perceived to be getting worse)”*
- *“Re: Judicial reform: UNDP should get out of Belgrade and address the needs of judges in South and South West Serbia especially”*
- *“UNDP should support initiatives on environmental law”*
- *“UNDP should support bar exam training for minorities”*
- *“UNDP should continue support of civil society”*
- *“UNDP needs to increase its visibility”*
- *“UNDP is “virtually invisible”*
- *“UNDP should do a better job of tracking events going on in its sectors in Serbia”*
- *UNDP needs to show up to the important events and conferences in its sectors*
- *“The main player in the judicial/legal field is USAID and its Separation of Powers project. I do know that UNDP has done something with the new law on Legal Aid working group/Anti-discrimination”*

## **ANNEX C:**

### **Evaluation Team Notes on New Opportunities**

#### **Public Administration Reform**

PAR still equals the number one issue of importance for Serbia. UNDP should have a presence in the future. SEIO requires continuing support with regard to communicating EU integration to Serbian citizens. Translation of the *Aquis* into the Serbian language is also a high priority for the SEIO. Translation places a huge burden upon the SEIO which is ever more difficult to keep up with. This requires additional IT experts, recruitment and training of translators, etc. To date, EU funds are only directed towards primary legislation, not translation of the entire *Aquis*. SEIO feels that UNDP could play a role in coordinating funding for such translation initiatives in a cross-sectoral manner. Additionally, it is perceived that UNDP could assist SEIO in filling gaps that will occur due to cuts in staff that will make it difficult for SEIO to spend IPA funds.

#### **Rule of Law and Access to Justice**

There is certainly a multitude of subjects within rule of law, access to justice and human rights that could form the basis of future UNDP interventions. The Evaluation Mission encourages UNDP to be selective and clearly identify its constituency and the particular bundle of rights that it seeks to promote within the sector. We name but a few of the possible interventions below as became apparent to us in the course of our evaluation.

#### **Ombudsman**

The Ombudsman is a new institution in Serbia. Ombudsman Jankovic was elected two years ago the office consists of the Ombudsman, 4 Deputy Ombudsmen elected by Parliament and 57 staff (note: the office requires a total of 68 staff to run at full capacity). The office is currently faced by a lack of office space and staff.

The Ombudsman is empowered by law to investigate citizens' complaints and ex officio cases. The Ombudsman's findings are established by law as prima facie evidence of a violation and the Ombudsman suggests a basis for remediation following his investigation of a citizen's complaint. While the Ombudsman's opinion is not legally binding, defendants are obliged to respond within two months; and, if they fail to take remedial action, then penalties may be imposed. The Ombudsman also fulfills a "policing" function of the quality of Public Administration in Serbia and can request dismissal of public officials who violate the law and request sanctions. The Ombudsman protects both the quality of administration and human rights. Only six elements of government are outside of the Ombudsman's jurisdiction.

Currently, the Serbian Ombudsman struggles to meet expectations of citizens. The office has effected more than 10 amendments to laws as a result of its legislative proposals. Thus, the Ombudsman is a corrective force in the law and has challenged a number of administrative institutions in front of the courts. The office has had more than 10,000 contacts with citizens to date and conducted more than 150 field visits to 62 different administrative offices throughout Serbia.

UNDP future assistance to the Ombudsman could include the following: i) practical support to the office of the Ombudsman; ii) strengthening the investigative capacity of the Ombudsman; iii) supporting field trips (i.e. to prisons in Serbia); iv) creation of additional Ombudsman's offices at the local level; v) public awareness of administrative processes and remedies; vi) support to institutions of administration in Serbia to strengthen their internal systems of dispute resolution and first-level administrative remedies; vii) The Ombudsman feels that UNDP should also focus on the Commissioner for Freedom of Information because access to information is an *a priori* remedy and necessary for filing a claim against state administration.

## **Judicial Reform**

MoJ recommends that UNDP support: i) upgrading Court websites with simple forms; ii) establishing a national index of lawyers (in partnership with the bar association) that is updated regularly. Even educated persons in Serbia are largely unaware of how to find a lawyer or how to obtain information on even basic processes.

The Supreme Court of Serbia states that UNDP could support the judiciary and judicial reform via the following interventions: 1) support to the High Judicial Council (staff, training, assistance with human resources, etc.); 2) support to the training of rural judiciary (despite existence of JTC, there is a continuing need for training in the localities.); 3) support to developing an improved budgeting process for the courts; 4) support to the local court in Novi Pazar (note: Novi Pazar has a high number of criminal cases and needs capacity building and on-site training for judges). [Source; Supreme Court of Serbia, 07 October 2009]

Meanwhile, the Constitutional Court recommends that UNDP support the judiciary regarding the following:

i) Furnishing of the New Palace of Justice (books, furniture, etc.);

ii) Areas not covered by MDTF-JSS/High Judicial Council. A new action plan is being developed by the World Bank's MDTF-JSS, but this needs to be implemented. "What will not be covered by the MDTF is the High Court Council which is the body charged with supervising the re-election process of judges, review of new judges, training of judges and making recommendations to Parliament for promotion and permanent appointments." (Note: presumably the High Prosecutorial Council also faces a similar need for support);

iii) Capacity support to minor courts and magistrates. With the addition of new minor courts and the incorporation of the magistrates under the judiciary's umbrella, the Court system will become more complicated (and JTC's mandate is increased);

iv) Backlog. There are multiple reasons for the existing backlog of cases in Serbian courts. The low salaries paid to the judiciary caused many judges to leave the profession and their cases were assigned to other judges; this was compounded by the fact that the number of applications for new judges entering the profession has simultaneously declined. Thus, remaining judges were over-burdened and when prioritizing their cases some judges tended to avoid complex cases. The complex cases were left for another day and judges have kept pushing them back on the docket." [See MoJ website and Supreme Court websites, respectively]. The courts will be dealing with case registration, filing and docketing issues in 2009-2010. But, according to one judge from the Supreme Court this can be expected to effectively "blockade" the court system while the process of registration of existing cases and switching to a new system is completed.

v) Other areas of UNDP support would be separation of powers (note: USAID has a current proposal with the Supreme Court on this issue);

vi) Facilitating cooperation with MoJ. There isn't full cooperation with MoJ. The Supreme Court also perceives that the MoJ also tends to be overly ambitious in its projects and lacks experience with the courts. MoJ has relatively poor coordination between its donors and there is often overlap between projects. [UNDP should announce its priorities to MoJ and require MoJ to identify the particular staff at MoJ who will be responsible for implementing projects];

vii) Free legal aid. Supreme Court believes that UNDP should continue to support Free Legal Aid, despite the fact that SIDA will support through the JTC. Constitutional Court of Serbia, 24 September 2009

### **Developing an On-site Judicial Resource Center and Library at Belgrade District Court**

The Belgrade District Court currently has 132 judges in 14 different departments, plus 600 persons employed as staff (note: some of this staff is also used by the municipal courts). It is the largest court in S.E. Europe. The Ministry of Justice is the exclusive source of funds for the court's budget that in addition to judges' salaries, staff and administrative costs also is used to fund *ex officio* legal aid. Some of the Court's departments are highly specialized (i.e. war crimes; organized crime; etc.). The Court is staffed by judges resident in Belgrade, but the Court's special sections often use judges from other regions of Serbia as well. As of January 1, 2010, this practice of using judges from other regions in the Court's specialized sections will become institutionalized—as of this date the High Council for the Judiciary will nominate judges from the regions to serve in the Belgrade District Court's special sections.

The Belgrade District Court has first-instance jurisdiction for criminal cases carrying a sentence of ten years or more as well as certain categories of criminal cases (including “causing national, racial and religious hatred, dissension or intolerance”; “war crimes”; “violation of law by judges”; “unauthorized production and distribution of narcotic drugs and facilitating the taking of narcotic drugs”; “rape”; “taking of bribes”; and “organized crime”) as well as criminal violations covered by specific statutes. Pursuant to the new law on organization of courts, the Belgrade District Court will also have primary jurisdiction for criminal cases involving juveniles. The Court has appellate jurisdiction for all appeals from municipal courts in criminal cases carrying a sentence of less than ten years and for all appeals in civil matters from the municipal courts. The Court also has primary jurisdiction for Serbia's cooperation with the ICTY. [See <http://okruznisudbg.rs/en/about/authority> for details of the Court's jurisdiction].

The court has heard very sophisticated cases during the past 5 years involving organized crime; assassination; human trafficking; war crimes and cross-border crime. For example, in 2008, the court heard 100 cases in organized crime and resolved 62 of these; and heard 12 war crimes cases and resolved 6 of these. Five judges all of whom are educated in juvenile justice staff the court's juvenile section, but the President of the court states that there is a need for more seminars on juvenile justice and ultimately a separate court in Belgrade to hear only juvenile cases. Training was provided to the judges by the JTC.

While the Belgrade District Court has very good cooperation with JTC in general, the President of the Belgrade District Court states that his judges are not stimulated to go to JTC training due to lack of time. The judiciary is already faced with trying to solve the issue of case backlog. In his opinion, the format of judicial education needs to include more on-site training for judges at courts; more literature, publications and CD-ROM and/or Internet based materials. The President of the Belgrade District Court stated that he has never received anything in the way of CD ROMS, webcasts or other materials for his court staff. Additionally, he feels that the JTC must adapt its curriculum for new judges...the curriculum should become more technical/practical in nature. There is a need for enhanced training on cyber crimes, organized crime, anti-discrimination, family law etc. Most judges currently lack knowledge. The JTC should become more focused on specific types of cases (i.e. money laundering, etc.).

The Belgrade District Court currently lacks a library at the courthouse for the use of judges and there is no in-house research officer to provide judges with materials or assist them in Internet based research. Supporting the development of a resource center at the Belgrade District Court, including an on-site research and training officer to service the judges could be a possible area of UNDP intervention in the future.

### **Juvenile Justice**

The Evaluation Mission notes that UNICEF-UNDP coordination with regard to Juvenile Justice could be strengthened. While UNDP supported juvenile justice in Serbia through the JTC and its juvenile law certifications for judges and lawyers, UNDP to date has had no direct intervention at courts themselves directed towards juvenile justice.

The Supreme Court of Serbia has a Juvenile Section. The Court states that support of the Juvenile Section is emerging as an area of need. An increasing number of juvenile cases have been filed at the Supreme Court during the past 5 years and this trend continues. The Evaluation Mission feels that UNDP could assist in an analysis of juvenile cases and backlog in general and to implement a strategy to address this problem at the Supreme Court.

The Belgrade District Court faces a similar need. The President of the Belgrade District court states that while training was provided to the judges by the JTC on juvenile justice, there is a need for more seminars at the court itself. Furthermore, the President of the Belgrade District court states that ultimately a separate court should be established in Belgrade to hear only juvenile cases. UNDP could possibly play a policy coordinating role in both of these initiatives and the Evaluation Team is of the opinion that this falls more solidly within the mandate of UNDP than UNICEF.

### **Realizing UNDP's Goals re: Free Legal Aid**

While UNDP's efforts to date have laid the groundwork for a System of Free Legal Aid in Serbia (and the UNDP working group on Free Legal Aid was cited as a regional best practice). The fact remains that objectively the system is not yet achieved. Much work remains to be done on obtaining passage of a new Law on Free Legal Aid and the formation of a Government working group to develop a Strategy for its implementation. The MoJ states that is interested to work with UNDP to implement a new Law on Free Legal Aid once it is adopted, but also anticipates that such a process will be extremely difficult. [Note: the MoJ cites regional experiences.... Croatia had significant difficulties...Serbia is very comparable to these other countries)] The MoJ states that UNDP could support this process via studies of how other countries implemented their laws in order to minimize problems with implementation in Serbia. MoJ is also interested in working with UNDP on new projects including: broadening legal aid to make it available for all Serbian citizens as required by the Constitution, not just Serbia's indigent population. The Evaluation Mission feels that UNDP could support media campaigns to educate public about free legal aid (note: "one of the purposes of the Strategy is to raise the awareness of citizens that they are more aware of their rights); educate citizens on where to go to obtain legal advice and assistance (i.e. what office to visit, telephone numbers to call, forms, etc.). UNDP could also update such information on a regular basis. Other future needs in the area of FLA include, the establishment of outreach mechanisms and a centralized national call center or "clearing house" for receiving requests from citizens for information and free legal advice and assigning these requests to a legal aid organization according to some sort of pre-established parameters/allocation system. UNDP could also support the formation of institutional mechanisms for follow-up to citizens' requests for free legal aid (i.e. were they served? in a timely manner? what result? any perceived due process or ethics violations during the process?).

### **Supporting Clinical Legal Education and Curriculum Development in Serbia**

The concept of Clinical Legal Education in Serbia is beginning to emerge and the Evaluation Team perceives that UNDP should become active in this sector. Clinical Legal Education programmes can link to and support UNDP's work on FLA and Anti-Discrimination. In addition, such programmes will help to train the next generation of public interest lawyers in Serbia.

The University of Belgrade Law Faculty has 5 law clinics. The Law Faculty has worked with UNHCR for the past 4 academic years on a Refugee clinic. The Anti Discrimination Clinic is the law school's newest clinic with 22 students. The clinic seeks to introduce the concept of pro bono work within the legal community in Serbia and to educate students on ways to prevent systematic discrimination. In 2009, the AD Clinic organized a summer school in Roma Rights for all students in the clinic that included field trips to Roma settlements. To date the Clinic has worked on issues with disabled children.

The AD Clinic is structured in three phases. Phase III involves contact with live clients and the clinic is currently partnering with Belgrade's third-largest law firm to supervise the students (note: the law Clinic is the law firm's "entry point" into *pro-bono* legal services which is a new concept for the firm).

The clinic is currently housed in a large seminar room with computers at the law faculty. The capacity support needs of the AD Clinic are mostly taken care of, but the clinic could use more computers and a camera for recording clinical simulations and a DVD player for play-back.) The Clinic feels that UNDP could provide information about the FLA initiative and have a UNDP representative who was involved in FLA come to the law faculty and give a lecture. UNDP could also draw upon its list of experts to come to the faculty to give lectures to students. The AD Clinic also expresses a need for outside foreign lectures and for organizing round tables and seminars on the new anti-discrimination law to take place at the law school. UNDP could also assist with cooperation with the press and advertising the legal clinic. UNDP could also incorporate the Clinic's faculty into UNDP FLA efforts and support the creation of a network of Antidiscrimination Law Clinic. UNDP, in partnership with other organizations such as OSCE and the Public Interest Law Initiative for Societies in Transition (PILI), may be able to facilitate a network of law faculty clinics in Novi Sad, Nic, Krajelovic (public law faculties) and Union Law Faculty (a private law faculty in Novi Belgrade which has recently been accredited).

### **The Legal Profession: Establishment of Continuing Legal Education (CLE) in Serbia**

Numerous members of the Serbian Judiciary as well as the Belgrade Bar Association expressed to the Evaluation Team their opinion that the legal profession in Serbia currently suffers from a lack of knowledge, information and continuing legal education (CLE). CIDA has been active in the sector and UNDP may be able to partner with CIDA in this regard. The need for a CLE in Serbia has only increased recently with the proliferation of new legislation. It is extremely difficult for lawyers to keep up with the volume of new legislation being passed. Most lawyers in Serbia, especially in small towns, are generalists and are perceived to lapse in their duty to keep adequately informed of legislative developments and amendments.

The Belgrade Bar Association states that it is very important for UNDP to support the establishment of a system of CLE (Continuing Legal Education) in Serbia and to assist with symposia for young lawyers. Any system of CLE should also include some mechanism for verification that lawyers have completed CLE and become accredited. There is a need for a new law "on Attorneys" that would mandate a requisite number of CLE be completed during every two year period of time. A new law on the Legal Profession should also establish a national office for coordination of CLE and provide for its oversight. Ideally, there should be a national academy for the legal profession. The Supreme Court notes that the current lack of standards for lawyers and lack of knowledge leads to citizens' perceptions that the judiciary process is flawed.

The Evaluation Mission is of the opinion that UNDP could support the passage of the new law and the creation of a licensing system and regulate the legal system. UNDP could also explore ways to incentivize CLE and finance it and make it sustainable. UNDP may wish to

seek partnerships with donors who have previously been engaged with the legal profession in Serbia (i.e. OSCE, USAID, ABA). CLE programmes supported by UNDP could also link to and provide an “entry point” for educating lawyers on FLA and the concept of pro-bono legal representation for most vulnerable groups in Serbia.

### **Anti-Discrimination/Human Rights**

Given the recent cancellation of the Pride event in Belgrade and discrimination against LGBT; the attacks on foreigners and continuing discrimination against minorities (including Roma), PWD and women (SGBV), ample room exists for additional UNDP strategic litigation and policies study in Anti-Discrimination. UNDP should ensure that any efforts in FLA are designed to support UNDP’s interventions in anti-discrimination.

### **Inclusive Development**

There is a proliferation of laws, policies and strategies in Serbia that are meant to address the special vulnerabilities of the population and to ensure safeguards for adequate implementation of development and protection policies. However, **mechanisms for coordination and harmonization** of such policies are scarce, and cooperation is usually ad-hoc or weak. That is why, there is a need to harmonize legislation and develop adequate and consistent planning of measures and interventions in the social protection sector.

Participation mechanisms are also underdeveloped in the area of **monitoring and evaluation** (M&E). There is a need to build capacities at the national level to monitor trends and evaluate the efficiency of development and poverty reduction policies, as well as the impact of macroeconomic policies on excluded and vulnerable populations. Assessments of the level of vulnerability and exclusion must be based on the human rights principles of accessibility, adjustability and acceptability.

At the local level, there is a need to build capacities of local self-governments to **create and implement inclusive policies and measures**, while service providers should be supported in **professionalization** of their work and **strengthening social partnerships**. UNDP has a great role in this process. The field research on UNDP’s comparative advantage shows clear indication that UNDP has unique mediation role of a neutral space for all stakeholders to meet and exchange. Furthermore, UNDP, with its expertise and leadership in the inclusive development ma contribute to both strengthening policy making processes, and CSOs’ role in M&E of implementation of these respective policies and measures.

Future areas of support could include:

- Support to evidence based policy making – through publication of quality reports, studies and analyses;
- Continuous support to strengthening CSO role in policy processes – building capacities in the area of M&E of policies and legislation, with special focus on social inclusion and vulnerable groups;
- Continuous support and capacity development of the public sector – concretely Team for Social Inclusion and Office for Cooperation with Civil Society which are placed within the Office of the Deputy Prime minister, as well as the relevant Parliamentary Committees;
- Extension of support to social service delivery at local level;
- Extension of direct work with CSOs dealing with vulnerable groups, as well as supporting initiatives and programmes improving the situation of vulnerable groups and reduction of poverty.
- UNDP should also continue putting efforts in development of coherent and consistent data on MDGs, development and social inclusion. Work with Office of statistics to

build their capacities on following indicators such as LAEKEN indicators of social inclusion may be an opportunity for UNDP in the future.

### **Sustainable Local Development**

The bilateral donor community in Serbia widely recognizes UNDP's competitive advantage in developing location-based programs in pro-poor areas of Southern and Southwest Serbia. In that regard it has highly welcomed the new Programme intervention in Southern Serbia.

UNDP should try to find a new modality to keep their presence in Southwest Serbia, regardless of the closure of PRO Programme. Although PRO has managed to advance capacities of local administrations of beneficiary municipalities, there is a clear demand for further support in this area.

Future areas for programming encompass decentralization, issues related to adoption of legislation on property transfers from central to the local level, inter-municipal cooperation, regional development, further capacity building of local administrations, especially in the field of integrated local development and environmental protection. In this regard UNDP should do a joint programming with SCTM, regional development agencies, civil society organizations active in these fields and directly with municipalities.

The recent demands for decrease of local administration will definitely make a significant impact on the function of municipalities in Serbia, especially most underdeveloped ones. This also might be a niche for a new UNDP Programme intervention, working together with SCTM and other actors in this field.

### **Environmental Protection**

Environmental Protection remains one of the main development needs in Serbia, retaining the attention of probably all multilateral and bilateral donors. There are needs in all segments of environmental protection: from further advancement of legislation, through technical assistance to the national and local stakeholders till solving issues of numerous environmental hotspots across Serbia. Most bilateral and multilateral donors emphasize their intentions to work directly with the national counterparts on project implementation. From the other side, national institutions do not have enough capacity to successfully implement complex project interventions, especially in the field of environmental protection that requires multi-sectoral and inter-ministerial cooperation. UNDP might address this problem by designing a project on advancing national capacities for multi-stakeholder coordination in the field of environmental protection.

In the sphere of environmental protection, the private sector has been seen mostly as a part of the problem, not as a part the solution. However, it is clear that environmental problems cannot be solved without support of the private sector. Therefore, there is a need for better communication and synergy between government and the private sector, especially at the local level. Promoting public-private partnership for solving wide environmental issues might offer potential for programming. Public-private partnerships might also be used in the field of biodiversity protection, energy-efficiency and green industry promotions. Corporate Social Responsibility and environmental protection should be also explored as a potential for future area for programming.

There is a great need for environmental protection projects at the local level in Serbia. According to the Law on Local Self-government (Article 20, paragraph 11), environmental protection is one of the core competencies of municipalities in Serbia. However, a majority of municipalities lack human and financial resources for dealing with these issues. Thus, public awareness raising campaigns on environmental protection should be compulsory for all UNDP area-based development programs. UNDP might explore integrative programming, combining environmental protection with economic development promotion and local self-

government reform. Cooperation with SCTM and regional development agencies in this regard would be highly beneficial.

Serbia has a shortage of environmental protection experts at all levels. In cooperation with Universities and civil society organizations specialized in the area of environmental education, UNDP might develop academic and vocational programs that could fill the gap in this field. UNDP should also continue helping the Government to develop action plans and assessments for international obligations and Conventions. Outcomes of the Copenhagen Conference (or its equivalent) might provide a good basis for the future programming.

## **ANNEX D: List of Persons Interviewed by the Evaluation Team**

**Tuesday, 08 September 2009**

UNDP Senior Management (Initial briefing)

Ambassador William Infante – UN Resident Coordinator, Resident Representative.  
Rini Reza – DRR  
Tomislav Novovic – Strategic Policy Analyst  
Daniel Varga – Monitoring & Evaluation Focal Point

UNDP Team Leaders

Oliver Puric – CDAG Team Leader  
Radomir Buric – SLD Team Leader  
Danilo Vukovic – ID Team Leader

**Wednesday, 09 September**

UNDP Team leaders and key project staff CDAG cluster

Olivera Puric – CDAG team leader  
Neven Dobrijevic – CDAG FLA, Financial Assistant  
Svetlana Djukovic – CDAG Policy and Programme Advisor, PAR Prgm  
Jasmina Bell – CDAG MoF, Project Team Leader  
Maja Šternić – CDAG Parliament, Project Assistant  
Marija Vujnovic – CDAG AD, Project manager  
Joanna Brooks – CDAG Judicial Training and Research Advisor  
Ana Jerosimic – CDAG FLA, Project Assistant  
Biljana Ledeničanin – CDAG Parliament, Project manager  
Jelena Momić – CDAG Programme Officer  
Velibor Popović – CDAG Programme Manager

UNFPA

Marija Rakovic – National Programme Officer

UNHCR

Marija Raus – National Officer

UNIFEM

Ms. Nevena Ivanovic  
Ms. Milica Minic – Project Officers

**Thursday, 10 September**

Ministry of Finance Donor Assistance Coordination Unit

Dragana Curcija

Ministry of Foreign Affairs

Sonja Piletic

UNDP Staff and

Jens Wandel, Deputy Director of the RBEC (Bratislava).

**Friday, 11 September**

UNDP Team Leader and key project staff SLD cluster

Radomir Buric – Team Leader  
Milena Kozomara – GEF Coordinator  
Ana Nedeljkovic – SDS Project Manager  
Dobrivoje Stancic – Programme Officer

Swedish International Development Cooperation Agency

Mr. Björn Mossberg, Counselor  
Embassy of Sweden, SIDA

UNDP Operations

Ms. Olga Grubic, OPS Manager

Ms. Jelena Colovic, Procurement Associate  
Ms. Natasa Milosavljevic, HR Associate

**Monday, 14 September**

UNDP Team leaders and Key project staff ID cluster

Danilo Vukovic – ID team leader  
Miljana Grbic – ID/UNAIDS National HIV/AIDS Advisor  
Irma Lutovac – ID/YEM Project Officer  
Milena Isakovic – ID Programme Officer  
Marko Perovic – ID/IDP Project Coordinator  
Milka Damjanovic – ID/IDP Social Inclusion Coordinator  
Ivana Gobeljic Novkovic – ID Programme Associate  
Danijela Djurović – ID Gender Coordinator  
Aleksandra Calosevic – SIF Programme Manager  
Predrag Markovic – SR SC Rural PM  
Jelena Tadzic – ID Programme Officer  
Bojana Balon – ID Gender Advisor  
Milos Stojanovic – ID/UNAIDS Project Assistant  
Jasminka Young – ID/IDP Regional Project Coordinator

National Employment Service

Ms. Natalija Radoja, Sector for entrepreneurship and employment, Director  
Ms. Ljiljana Pantelic, Severance to Job Coordinator within NES

UNHCR

Ms Snezana Sazdic, Senior Regional Reintegration Officer  
Mr. Milos Terzan, Assistant Programme Officer

Mr. Tom Thorogood

Ex MIR Programme Manager

**Tuesday, 15 September**

UNDP Team Leaders and Key project staff CDAG/RoL cluster

Ms. Olivera Puric, CDAG Team Leader  
Billjana Ledenicanin – CDAG Project manager  
Ms. Joanna Brooks – Advisor  
Ms. Ana Jerosimovic – Project Assistant  
Neven Dobrijevic – Finance Assistant  
Marija Vujnovic Mitic – Project Manager  
Jelena Manic – Programme Officer

Delegation of the European Commission

Mr. Pierre Dybman  
Ms Danka Bogetic  
Ms Svetlana Djukic

Institute for Social protection

Ms. Ivana Koprivica, Provincial Institute for social Protection  
Mr. Zika Gajic, Institute for social protection of the RS  
Ms. Vera Despotovic, Belgrade center for social work  
Rada Mitrovic, Provincial Social Protection Institute, Director  
Lidija Kozarcanin, RS Social Protection Institute, Manager of research and development

OSCE

Mato Meyer - Legal Adviser on Judicial Reform

**Wednesday, 16 September**

Statistical Office

Ms. Dragana Djokovic Papic, Head of the Division  
Division for Social Standards and Indicators  
Vladica Jankovic, devInfo Consultant

Government of the Netherlands

Mr. Mark Rutgers van der Loeff  
Royal Netherlands Embassy Belgrade  
Development Cooperation Section

Gender Equality Directorate

Ms. Natalija Micunovic, Director  
Directorate for Gender Equality  
Ministry for Labor and Social Policy  
National Project Director  
Combating Sexual and Gender Based Violence Project  
Vice-president  
Gender Equality Council

Deputy Commissioner for Free Access to Public Information

Ms. Stanojla Mandic

UNICEF

Ms. Judita Reichenberg  
Representative

UNDP CDAG cluster-Sustainable Local Development

Mr. Dobrivoje Stancic, Programme Officer

**Thursday, 17 September**

DFID

Ms. Ana Redzic, Head of DFID Serbia

Ministry of Labor and Social Policy

Mr. Ljubomir Pejakovic, Assistant Minister  
Bulevar Mihajla Pupina 2, III floor, room number 357

Ministry of Economy and Regional Development

Department for International Cooperation  
Sector for Policy of Regional Development  
Ms. Marija Jovičić, Junior Advisor

Roma National Strategy Secretariat

Mr. Ljuan Koka,  
Ms. Ana Maria Cukovic

USAID/US EMBASSY

Ms. Marilyn Schmidt  
Deputy Mission Director

Ms. Roslyn Waters-Jensen  
Program Strategy and Coordination Office

Ms. Ellen Kelly, J.D  
Democracy Officer, Senior Rule of Law Advisor

Parliament representatives

Ms. Zuzana Sic Levi, Secretary, Committee for Labor, Veteran and Social Issues  
Ms. Sanja Pecelj, Secretary Committee for Poverty

**Friday, 18 September**

SLD Cluster/Environment

Mr. Aleksandar Macura  
Programme Officer

Government of Serbia – European integration Office

Ms. Milica Delevic – Director of the European Integration Office

Center for Liberal-Democratic Studies (CLDS)

Ms. Gordana Matkovic, Director, Social Policy Studies`

Standing Conference of Towns and Municipalities

Mr. Djordje Stanicic, Secretary General  
Ms. Zorica Vukelic, Deputy secretary General

Office of the Deputy Prime Minister

Zarko Sunderic - Team Manager

Poverty Reduction Strategy

Government of Serbia

Office of the Deputy Prime Minister for European Integration

Fund for an Open Society

Ms. Jadranka Jelincic  
Director

Ministry for Youth and Sport

Ms. Snezana Klasnja, Assistant Minister

**Monday, 21 September**

Ministry of Labor and Social Policy

Mr. Zoran Martinovic, State Secretary

Ministry of Human and Minority Rights

Mr. Bela Ajzenberg , Assistant Minister

Mr. Petar Antic, Assistant Ministers

Ms. Borjana Perunicic

✓ Belgrade Fund for Political Excellence

Ms. Sonja Licht - Founder and President

USAID Competitiveness Project

Ms. Ana Trbovich, Policy and Workforce Development Director

Swiss Development Cooperation

Ms. Beatrice Meyer, Country Director

Mr. Olivier Bovet, Deputy Country Director

**Tuesday, 22 September**

Dr. Juri Bajec, Adviser to Prime Minister/

Member of the Prime Minister's Economic Team

Norwegian Embassy

Ms. Siri Andersen, 1<sup>st</sup> Secretary

IDP Associations & other NGOs

Ms. Nada Sataric, Amity  
Ms. Suzana Krstic, Hajde Da  
Mr. Osman Balic, League for Roma Decade  
Ms. Slobodanka Vasic, Women Roma Centre  
Mr. Goran Stanojevic,  
Mr. Aleksandar Grkovic,

CDAG Team Leader

Ms. Olivera Puric

Sustainable Development Strategy-Office of the Deputy Prime Minister

Ms. Darinka Radojevic, Head of Sustainable Development Unit  
Ms. Ana Nedeljkovic, Project Manager "Sustainable Development Strategy of the Republic of Serbia"

National Television (RTS)

Ms. Nevena Mladenovic Blagojevic, Chief Editor Education Program  
Ms. Tamara Veskovic, Project Coordinator

**Wednesday, 23 September**

Public Procurement Office

Mr. Predrag Jovanovic, Director

Ministry of Environment and Spatial Planning

Mr. Radislav Momirov, State Secretary  
Prof Ivica Radovic, State Secretary  
Mr. Milutin Pantovic

Ministry of Finance (Donor Assistance Coordination Unit)

Ms. Gordana Lazarevic, Head of Unit  
Ms. Dragana Curcija, Legal Advisor

Ministry of Agriculture, Forestry and Water Management

✓ Mr. Slobodan Teofanov, Assistant Minister

Ministry of Finance

Mr. Vuk Djokovic, State Secretary

**Thursday, 24 September**

Constitutional Court

Ms. Ljubica Pavlovic  
Adviser for International Cooperation

Serbian European Integration Office

Mr. Zoran Sretić  
Head of Group for Environment, Agriculture and Rural Development

Transparency International

Mr. Nemanja Nenadic, Director

UNDP

Mr. Tomislav Novovic, Strategic Policy Analyst  
Mr. Daniel Varga, Programme Associate, MDG/HDR Focal Point  
Ms. Jelena Manic,

**Friday, 25 September**

World Bank

Mr. Simon Gray  
Representative

IDP Association Sveti Spas  
Mr. Zlatko Mavric, Executive Director

Mr. Radomir Buric  
SLD Team Leader

Ms. Milena Kozomara  
UNDP GEF Focal Point

**Monday, 28 September**

Bar Association  
Mr. Dejan Ciric, Vice President  
Decanska 13

**Tuesday, 29 September**

Judicial Training Centre  
Mr. Nenad Vujic, Director

PRO Programme  
Mr. Graeme Tyndall, Programme Manager

**Wednesday, 30 September**

Ministry of Justice  
Ms. Gordana Pualic, State Secretary and Free Legal Aid National Project Director

**Thursday, 01 October**

Kraljevo Regional Development Agency (RDA)  
Mr. Dusan Cukic, PRO Deputy Programme Manager  
Ms. Radojka Savic, RDA Director  
other available RDA staff

Novi Pazar RDA (SEDA)  
Mr. Samir Kacapor, Director

**Friday, 02 October**

Novi Pazar municipality  
Mr. Mirsad Jusufovic, Coordinator for the cooperation with International Agencies and projects  
Mr. Edin Kalac, Head of Local Economic Development office  
Mr. Edis Mekic, PRO representative

Nova Varos municipality  
Mr. Nenad Todorovic, Deputy Mayor  
Mr. Zivko Kolasinac, LED representative

Uzice RDA  
Director and other staff

**Monday, 05 October**

Ministry of Public Admin. and Local Self-Governance  
✓ Ms. Milica Drazic, Assistant Minister (PAR Project Manager)

CRNPS  
Mr. Zoran Markovic, Programme Coordination

**Tuesday, 06 October**

Civic Initiatives  
Ms. Dubravka Velat

Environmental Ambassadors  
Prof dr Andjelka Mihajlov

Ombudsman of the Republic of Serbia  
Mr. Sasa Jankovic, Ombudsman  
Mr. Aleksandar Resanovic, Head of Department

Progress report with UNDP management  
UNDP office

**Wednesday, 07 October**

State Auditor  
Mr. Radoslav Sretenovic, State Auditor  
Ms. Iva Vasilic, Project Associate

**Thursday, 08 October**

State Attorney  
Mr. Milan Markovic

Supreme Court of Serbia  
Ms. Vida Petrovic Skero  
Judge at the Supreme Court of Serbia, former President of the Supreme Court

**Friday, 09 October**

District Court of Belgrade  
Mr. Sinisa Vazica, President

**Tuesday, 13 October**

War Crimes Prosecutor of the Republic of Serbia  
Mr. Vladimir Vukcevic, War Crime Prosecutor  
Mr. Bruno Vekaric, War Crime Prosecutor Spokesperson

Ms. Svetlana Djukovic  
Support to the Serbian Public Administration Reform Strategy - second phase,  
Policy and Programme Advisor

**Thursday, 15 October**

Mr. Rastislav Vrbensky  
Country Director UNDP Tajikistan (former DRR in Serbia)  
Skype teleconference

**Friday, 16 October**

Final debrief with UNDP staff

**Tuesday, 27 October**

PILI  
Marijana Obradovic, Programme Manager, Serbia

**Friday, 30 October**

Faculty of Law, University of Belgrade  
Ms. Ivana Krstic, Assistant Professor of Law/  
Co-Director of the Anti-Discrimination Law Clinic

## ANNEX E: Documents Consulted by the Evaluation Team

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## **ANNEX F: Original Terms of Reference**

## TERMS OF REFERENCE FOR TERMINAL EVALUATION OF UNDP SERBIA COUNTRY PROGRAMME 2005 – 2009

**Programme Evaluation Period:** 2005 – 2009

**Programme Areas:** Public Administration Reform, Rule of Law and Access to Justice and Sustainable Development

**Management Arrangement:** Direct Implementation

### 1. Purpose of the Evaluation

In line with Country Programme evaluation plan for 2005-2009, UNDP Serbia Country Office is preparing to carry out a Terminal evaluation of the Country Programme in 2009. The purpose of the proposed Terminal Evaluation is to measure UNDP Serbia Country Programme 2005-2009<sup>229</sup> contribution to the national objectives namely, improved and equitable access to public services, increased social cohesion and realization of rights of vulnerable groups and the promotion of the sustainable development.

It will also look at UNDP's contribution to corporate (MYFF/Strategic Plan<sup>230</sup>) goals of reducing poverty and achieving MDGs, fostering democratic governance and sustainable development with a view to inform, guide and fine-tune the new Country Programme Document for 2011-2015. This will support learning lessons about UNDP's contribution to the Country Programme cycle so as to design a better assistance strategy for the next Country Programme. The CO Evaluation Management Committee, comprising Government of Serbia UN Directorate, Ministry of Foreign Affairs, Ministry of Finance- Donor Assistance Coordination Unit-DACU and other national partners will review and endorse evaluation report.

### 2. Social, Economic and Political context

Changes of the political set up in the Republic of Serbia in 2000 initiated the process of rapid political and socio-economic transformation at the same time focusing on institutional reforms. The first phase of the structural reforms covered privatisation, institutional reforms, banking sector reforms, social policy reforms, etc. One of the areas still lagging behind is public sector (central level and municipal administration) and thorough reforms in this particular area. The organisation and structure of the public and municipal administration, work methodology, professional capacity, work conditions and equipment are still inappropriate, poor and obsolete; the old-fashioned/outdated service delivery was completely at odds with the principles of subsidiarity and demands of modern, decentralised, citizen-oriented governance.

In addition the reform of the overall judicial system in Serbia, including access to justice and rule of law, represented the areas where support was required.

The new constitution entered into force in November 2006. The parliament subsequently adopted a Law for the implementation of the constitution (Constitutional Law). This law prescribed a number of legal and institutional adaptations: the Ombudsman and the Commissioner for free access to public information have been established, members of the State Audit Institutions appointed. Key provisions, in particular in the area of the judiciary, remain to be implemented in line with European standards.

Within the timeframe of the CPD, there were two electoral cycles. Parliamentary elections were held in January 2007 in line with the Constitutional Law. Coalition Government that was established following the elections faced serious challenges from the beginning. The Government resigned in the beginning of March 2008; the Parliament has been dismissed and the new elections (national, provincial and local) have been organized in May 2008. Following the results of the general elections of March 2008, the new Government was formed in July 2008, based on a new coalition of the parties with stronger EU integration mandate.

The question of Kosovo receives overwhelming attention of the government, leaving other political, economic and social development questions in the shadow. Unilateral declaration of independence was proclaimed on February 17<sup>th</sup> 2008. This is still prevailing subject on the development agenda of Serbia.

The Republic of Serbia is presently a potential candidate for EU membership. The Stabilisation and Association agreement between Serbia and European Union was signed in late April 2008. The Parliament of the Republic of Serbia adopted the SAA. By the decision of its Government, Serbia started with unilateral implementation of the SAA from the beginning of 2009..

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<sup>229</sup> The existing CPD 2005-2009 has been extended for one more year (i.e. until 2010) by the Executive Board decisions on the request of the Government of Serbia

<sup>230</sup> The Multi-Year Funding Framework (MYFF) was introduced in 2000 as UNDP's primary corporate strategic planning instrument. However, 2008 sees the introduction of a Strategic Plan. For the period 2008-2011, a Strategic Plan replaces the MYFF.

EU policy advice to Serbia is provided through the Enhanced Permanent Dialogue (EPD). The Enhanced Permanent Dialogue monitors and drives reforms on the basis of the European Partnership adopted by the EU Council of Ministers in June 2004 and the principles, priorities and conditions set out in the European Partnership in the Council decision of 30 January 2006.

From 2007 onwards, Serbia is receiving pre-accession financial assistance under the Instrument for Pre-Accession Assistance (IPA). The Serbian government actively participated in the preparation of the IPA programme and the 2007-2009 Multi-Annual Indicative Planning Document (MIPD) for Serbia, adopted in June 2007. Focus areas for financial assistance include political requirements covering, *inter alia*, democratic institutions, public administration reform, and rule of law, reform of the judiciary, fight against corruption, human rights and protection of minorities, socio-economic requirements and European Standards.

Majority of population is supporting Serbia's accession to the European Union; according to the recent surveys only 13% of the total population clearly stated they are against it. However, the requirement for cooperation with ICTY, which is the basic requirement for EU integration, continues to be a stumbling block for the pace of Serbia's accession to the EU<sup>231</sup>.

The key objective the Government had set in its Poverty Reduction Strategy to halve the poverty by 2010 was reached as early as 2007. In 2002, 14 % or approximately one million people were poor, compared to 6.6 % or some 490.000 in 2007. The total number of the poor was thus decreased by more than 500.000. All persons whose consumption per adult equivalent was lower than the poverty line on average, which amounted to 5.234 and 8.883 dinar monthly per adult equivalent in 2002 and 2007 respectively, were considered poor. Extreme poverty was close to zero, given that only a negligible fraction of the population (i.e. Roma) had consumption below the food poverty line which equaled 2.764 and 4.138 dinars monthly per adult equivalent, in 2002 and 2007 respectively. But, the poverty profile of the country in 2008 was characterized with persistently high regional differences, and significant percentage of the population at-risk of poverty, particularly in the rural areas.

Starting from 2005, the Republic of Serbia recorded significant macroeconomic results in terms of economic growth, limited inflation, exports growth, improved efficiency of the economy, financial sector growth. This was accompanied with high unemployment rate, high local currency appreciation, increased public spending and wage growth out of pace with the growth of productivity.

Macroeconomic trends were characterized by high growth of gross domestic product (GDP) (in 2007 7.52%, in 2006: 5.7%) and higher inflation rate (approx. 10% in 2007 and 6.6% in 2006). than projected (6, 5%). In 2008, Serbia recorded similar trends: high growth of GDP at 6% and higher inflation rate (8.6% as per EU methodology) than reported (6, 8%). Budget adopted for 2008 was 9.9% higher than 2007. Serbia's public debt as a share of GDP declined over the past period as a result of GDP growth (app 32.3% of GDP). The overall increase in GDP led to Serbia being categorized as a middle-income country by the UN at the beginning of 2008. Serbian Human Development Index for 2006 was 0.821 positioning Serbia among the countries with high human development.

All the latest achievements could be jeopardised since towards the last quarter of 2008, the macro-economic stability came under serious strain in the emerging context of the global financial crisis. A revised growth rate of 3-3.5% was announced, which is now under further monitoring. By December, a concerted effort was being undertaken by the Government to introduce monetary and fiscal measures to bolster the economy. These measures were further expanded during the first half of 2009.

According to the basic employment indicators Serbia is at the very bottom of the European scale. Unemployment rate in Serbia in 2008 stands at 14.7 % with approximately 460.000 persons unemployed. The structure of the unemployed continues to be unfavourable; furthermore, the unemployment rate of vulnerable groups (Roma, refugees and IDP, disabled) is twice that of other population groups. Additional problem represents big regional differences at the labour market.

Social insurance entitlements, including pensions, account for the highest share of public expenditures. As changes have been made in the pension system, pensions as a share of GDP will be declining.

### **3. Subject of the evaluation**

The subject of the evaluation is the country programme and projects and their intended outcomes and outputs. The current 2005-2009 CPD was developed based on analysis of the country's needs, and on the assessment of UNDP's relative advantage in supporting the Government of Serbia development agenda. The assessment showed that the institutions in Serbia<sup>232</sup> would require specially tailored programmes in order to address the issues of corruption, fight against organized crime, and lack of

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<sup>231</sup> According to the recent surveys, 86% of citizens in Serbia recognized importance of cooperation with ICTY in the country's EU accession.

<sup>232</sup> CPD 2005-2009 has also covered the Republic of Montenegro, member state of the SCG State Union at the time and Kosovo/UNMIK under Security Council Resolution 1244. Montenegro and Kosovo/UNMIK outcomes are not subject of this evaluation.

capacity and efficiency at the legislative, judicial and executive branches. In order to increase the participatory mechanisms, programme was also looking into ways to further strengthen the work of civil society organizations.

UNDP Country Programme 2005-2009 was therefore focused on three strategic programme areas: i) Public Administration Reform; ii) Rule of Law and Access to Justice, and iii) Sustainable Development.

A total of \$90 million was expended in support of national programmes and projects.

It is important to note that in the middle of the programming cycle, UNDP Serbia went through a realignment exercise to address the changes that took place. Increased political instability, which marked the period between the 2006 and 2008 national elections, generally slowed down the process of reforms and the overall development. Political situation has affected UNDP activities in Serbia to a large degree and UNDP Serbia had to somewhat re-focus its activities. The development of national capacities, in line with the EU accession agenda became one of the emerging priorities. In addition UNDP Serbia put more effort to reinforce national ownership, paying special attention to the sustainability of results at the central and local level. Taking into account these adjustments, the evaluation will also assess if the programme was moving in the right direction, so to inform the development of the new CPD.

#### **4. Evaluation Objectives and Scope**

The overall objective of the Terminal evaluation will be to assess how UNDP Serbia Country Programme 2005-2009 results contributed, together with the assistance of partners, to a change in development conditions in Serbia.

More specifically, this Terminal evaluation seeks to achieve the following objectives:

- Assess progress towards the achievement of the outcome, the extent to which the Country Programme outcome resulting from the inputs and outputs have been achieved
- Determine contributing factors and impediments and extent of the UNDP contribution to the achievement of the results
- Assess the viability and effectiveness of partnership strategies in relation to the achievement of the results.
- Assess sustainability of CO Programme interventions
- Assess if the programmatic adjustments moved the CPD in right direction
- Based on the analysis of achievements and positioning above, present key findings; draw key lessons and provide clear and forward-looking recommendations in order to make the necessary adjustments in the future Country Programme cycle and feed into the Country Programme Action Plan (CPAP).
- Perform an assessment of the UNDP programme support to the major EU accession challenges.
- Propose a baseline for a CO exit strategy within the country's EU integration context

Within its scope, the evaluation will cover the following subject matters:

##### **Strategic Positioning**

- The evaluation should review the role and position of UNDP in the context of EU integration process in Serbia

##### **Development Results and Sustainability Issues**

- Provide an examination of the effectiveness and sustainability of the UNDP programme, by (a) highlighting main achievements (outcomes) at national level in the last five years (2005-2009) and UNDP's contribution to these in terms of key outputs; (b) ascertaining current progress made in achieving outcomes in the given thematic areas of UNDP and UNDP's support to these. Assess contribution to capacity development at the national level to the extent it is implicit in the intended results. Consider anticipated and unanticipated, positive and negative outcomes.
- Provide an analysis of UNDP Serbia Development Work Plan/Strategic Plan outcomes/service lines under the chosen MDG Goals, assessing the anticipated progress in achieving the intended outcomes. A full list of UNDP outcomes will be provided with a set of Annexes.
- Identify and analyze the main factors influencing results, including the range and quality of development partnerships forged and their contribution to outcomes, how the positioning of UNDP influences its results and partnership strategy, and the sustainability of UNDP results.
- 

##### **Lessons Learned and good practices**

- Identify key lessons in the thematic areas of focus and on positioning that can provide a useful basis for strengthening UNDP and its support to the country and for improving programme performance, results and effectiveness in the future.
- Draw lessons from unintended results.
- Make recommendations and advice on the baselines for the future cycle.

## 5. Evaluation Questions

During the course of the evaluation, the following broad questions need to be addressed:

- Have the right things been done? ( was the UNDP results and associated programmes and projects relevant, appropriate and strategic to national goals and the UNDP mandate?)
- Have things been done right? (were the actions to achieve the results effective and efficient?)
- Are the results sustainable? (will the results lead to benefits beyond the life of the existing programmes(s)/projects(s) ?
- How might we do things better in the future? (which findings may have relevance for future programming or for other similar initiatives elsewhere?)

*Outcome status:* Determine whether or not the outcome has been achieved and, if not, whether there has been progress made towards its achievement, and also identify the challenges to the attainment of the outcome. Identify innovative approaches and capacities developed through UNDP assistance. Assess the relevance of UNDP outputs to the outcome.

*Underlying factors:* Analyze the underlying factors beyond UNDP's control that influenced the outcome. Distinguish the substantive design issues from the key implementation and/or management capacities and issues including the timeliness of results, the degree of stakeholders and partners' involvement in the completion of results, and how processes were managed/carried out.

*Strategic Positioning of UNDP:* Examine the distinctive characteristics and features of UNDP Serbia Country programme and how it has shaped UNDP's relevance as a current and potential partner. The Country Office (CO) position will be analyzed in terms of communication that goes into articulating UNDP's relevance, or how the CO is positioned to meet partner needs by offering specific, tailored services to these partners, creating value by responding to partners' needs, mobilizing resources for the benefit of the country, demonstrating a clear breakdown of tailored UNDP services and having comparative advantages relative to other development organizations in the three strategic programme areas indicated.

*Partnership strategy:* Ascertain whether UNDP's partnership strategy has been appropriate and effective. What were the partnerships formed? What was the role of UNDP? How did the partnership contribute to the achievement of the outcome? What was the level of stakeholders' participation? Examine the partnership among UN Agencies and other donor organizations in the relevant field.

This will also aim at validating the appropriateness and relevance of the Country Programme results to the country's needs and the partnership strategy and hence enhancing development effectiveness and/or decision making on UNDP future programming and role.

*Lessons learnt:* Identify lessons learnt and best practices and related innovative ideas and approaches in programming, and in relation to management and implementation of activities to achieve related outcomes. This will support learning lessons about UNDP's contribution to the Country Programme cycle so as to design a better assistance strategy for the next Country Programme 2011-2015.

## 6. Evaluation Approach

Based on the objectives mentioned above, the lead consultant will propose a methodology and plan for this assignment, which will be approved by UNDP Serbia CO senior management. A design matrix approach relating objectives and/or outcomes to indicators, study questions, data required to measure indicators, data sources and collection methods that allow triangulation of data and information often ensure adequate attention is given to all study objectives.

However, it's recommended that the methodology should take into account the following:

- Development Work Plan (DWP) for a description of the intended results, the baseline for the results and the indicators and benchmarks used. Obtain information from the country office gathered through monitoring and reporting on the outcome. This will help inform evaluation of whether change has taken place.
- Examination of contextual information and baselines contained in project documents, the Country Programme Document, Common Country Assessment/United Nations Development

Assistance Framework (CCA/UNDAF) and other sources. These documents speak to the outcome itself, as opposed to what UNDP is doing about it, and how it was envisaged at certain points in time preceding UNDP's interventions.

- Validation of information about the status of the results that is culled from contextual sources such as the DWP or monitoring reports. To do this, consultant(s) may use interviews or questionnaires during the evaluation that seek key respondents' perceptions on a number of issues, including their perception of whether an outcome has changed.
- Probing the pre-selected outcome indicators, go beyond these to explore other possible outcome indicators, and determine whether the indicators have actually been continuously tracked.
- Undertake a constructive critique of the outcome formulation itself (and the associated indicators). This is integral to the scope of outcome evaluation. The consultants can and should make recommendations on how the outcome statement can be improved in terms of conceptual clarity, credibility of association with UNDP operations and prospects for gathering of evidence.
- Desk review of existing documents and materials such as support documents, evaluations, assessments, and a variety of temporal and focused reports. In particular it will review mission, programme/project reports, the annual reports and the consultant's technical assessment reports.
- Interviews with key informants including gathering the information on what the partners have achieved with regard to the outcome and what strategies they have used including focus group discussions.
- Field visits to selected sites; and briefing and debriefing sessions with UNDP and the Government, as well as with donors and partners.

## **7. Expected Products**

The consultant(s) will produce a report (in line with UNDP evaluation report format and quality control checklist for its content), with an executive summary describing key findings and recommendations. The assessment will entail, *inter alia*:

1) A report containing (Hard copy, a soft copy in MS Word and Acrobat reader, Times New Roman, Size 12, Single Spacing):

- Executive summary
- Introduction, description of the evaluation methodology
- An analysis of key interactions (the outcome, substantive influences, UNDP's contribution and how UNDP works with other relevant actors) and associations between variables measuring the outcome,
- Key lessons learnt, highlighting key factors that might hamper the impact of CO programmes and projects and suggesting possible recommendations,
- Conceptual Framework to the Country Programme in terms of future programming and policy
- Assumptions made during the evaluation and study limitations, and
- Conclusions and recommendations
- Annexes: ToRs, field visits, people interviewed, documents reviewed, etc

2) Provide a draft report before leaving Serbia, and submit a final report within two weeks

3) Debrief UNDP, Government of Serbia, other UN agencies and development partners in Serbi

## **UNDP obligations**

UNDP Serbia will:

- ✓ Provide the consultant with all the necessary support (not under the consultant's control) to ensure that the consultant(s) undertake the study with reasonable efficiency.
- ✓ Appoint a focal point in the programme section to support the consultant(s) during the evaluation process.
- ✓ Collect comprehensive background documentation and inform partners and selected project counterparts.
- ✓ Meet all travel related costs to project sites as part of the programme evaluation cost.
- ✓ Support and identify key stakeholders to be interviewed as part of the evaluation.
- ✓ The programme staff members will be responsible for liaising with partners, logistical backstopping and providing relevant documentation and feedback to the evaluation team
- ✓ Organize inception meeting between the consultants, partners and stakeholders, including Government prior to the scheduled start of the evaluation assignment.

## **8. Skills and experience of the evaluation Team Leader**

The evaluation team shall consist of three consultants: an International Consultant (Team Leader) and two National Consultants. The National Consultants will facilitate initial data collection prior to arrival of

the Team Leader. The Team Leader will have the responsibility for the overall co-ordination of the evaluation and for the overall quality and timely submission of the evaluation report to the UNDP Serbia Country Office.

**International Senior Consultant (Team Leader)**

- ✓ Possesses advanced university degree, demonstrate strong understanding of the development in transition and prior experience in programming in a transitional and EU accession setting
- ✓ Proven experience of a minimum of 10 years at the international level, preferably with UN experience
- ✓ Proven knowledge of evaluation methodology and tools and demonstrate solid experience in evaluation
- ✓ Strong knowledge of the political, cultural and economic situation in Western Balkans
- ✓ Excellent writing and analytical skills
- ✓ Ability to meet tight deadlines Fluency in English.

**Responsibilities**

- Documentation review
- Leading the evaluation team in planning, conducting and reporting on the evaluation.
- Deciding on division of labour within the evaluation team
- Use of best practice evaluation methodologies in conducting the evaluation
- Leading presentation of the draft evaluation findings and recommendations in-country
- Conducting the debriefing for UNDP and partners
- Leading the drafting and finalization of the evaluation report

**9. Main evaluation outputs and time frame**

Timeframe for conducting CPD evaluation is up to 55 working days, out of which Team Leader should spend not less than 30 working days in Serbia.

<b>Outputs</b>	<b>Duration</b>
Documents review	10 days
Initial visit of Team Leader (mission planning, schedule of work in Belgrade)	4 days
UNDP CO, UNCT etc briefing	1 day
Consultations in Belgrade, meetings with major stakeholders and partners	15 days
Visit to project sites, information gathering and analysis	5 days
Preparation of draft evaluation report	5 days
Briefing and debriefing sessions with UNDP CO, Government, donors and partners	3 days
Evaluation report finalisation and submission	10 days
<b>TOTAL:</b>	<b>53 days</b>

**Annexes** The following documents will be provided to the Evaluation Team

- UNDP Strategic Plan 2008-2011
- UNDP Quality Criteria for Evaluation Report
- Ethical Code of Conduct for Evaluation in UNDP
- UNDP Guidelines for Outcome Evaluators
- Assessment of Development Results 2006
- 2005-2009 Evaluation Plan
- Mid term and final project evaluations 2005-2009
- Programme and Project Documents
- Annual Reports (project and programme-ROAR)