

Government of the People's Republic of China

United Nations Development Programme

Programme Document

Governance for Equitable Development (GED) – Strengthening Rule of Law and Civil Society Participation in China

Brief Description

The objectives of the Programme are to support the process of governance towards more transparency and accountability and strengthening the emerging institutions of the judiciary, the NPC and civil society. The Programme aims to contribute to the government's efforts in this respect by promoting civil society development and the rule of law through institutional reform, democratic law-making, participation, communications and piloting, with a specific focus on urban-rural balances, gender issues and vulnerable groups.

Specifically, the Programme seeks to raise awareness, build capacity and stimulate creative participatory solution processes in order to achieve the following outcomes:

- (i) NPC: institutionalizing participatory process for law making, enhancing capacities for law-making and public engagement, and improving law harmonization;
- (ii) SPC: enhancing the capacities of the SPC and local courts to deliver fair and transparent justice, and increasing the transparency in court decision-making;
- (iii) CSOs/MoCA: improving the policy and legal environment of CSOs and enhancing perceptions of CSOs' role in development; building government capacities to involve CSOs in policy-making and public service delivery; improving co-ordination and communication between CSOs and between CSOs and the government; developing the institutional and professional capacities of CSOs.

Other Donor(s)

European Commission (EC)

National Partner(s)

National People's Congress (NPC)
Supreme People's Court (SPC)
Ministry of Civil Affairs (MoCA)
Civil Society Organisations (CSOs)

Country: People's Republic of China

UNDAF Outcome(s)/Indicator(s): **Outcome 1:** Social and economic policies are developed and improved to be more scientifically based, human centred and sustainable.

CP Outcome(s)/Indicator(s): **Outcome 3:** Enabling environment for civil society participation and its effective engagement in Xiaokang priority issues supported. **Indicators 3.1:** Relevant laws and regulations for registration funding and participation in consultations revised. And **3.2:** Increased participation of civil society in design and implementation of development policies/programmes.

CP Output(s)/Indicator(s): **Outcome 4:** Rule of Law strengthened to protect human rights of all especially the poor and disadvantaged groups. **Indicators 4.1.** Poor and disadvantaged groups empowered to seek remedies for injustices, justice institutions to be responsive to claims, consistent with int. human rights norms.

CP Output(s)/Indicator(s): **Outputs 3.1 – 3.4** Policies and regulatory framework improved; enhanced capacity of state institutions to engage civil society in development process; CSO's capacity to engage in Xiaokang society development strengthened. **Outputs 4.1-4.4:** Legal system reforms; capacity of legal institutions and personnel improved to protect human rights; legislative and oversight capacity of people's congresses improved; increased access to justice for the poor and disadvantage to claim their rights and improved capacity of rights holders.

Implementing Partner:

CICETE

Other Partner(s):

European Commission

<p>Programme Period:2006-2010 Programme Component: Achieving the MDGs and reducing human poverty, Fostering democratic governance Project Title: Governance for Equitable Development Project ID: 00046756 Project Duration: _2007-2011 Management Arrangement: NEX</p>
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<p>Budget US\$ 10,652611 General Management Support Fee US\$ 120,723.12 Total budget: US\$ 10,773,334 Allocated resources: • Government US\$ 533,334 • Regular US\$ 2,240,000 • Other: ○ EU: US\$ 8,000,000</p>
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Agreed by:	Signature	Date	Name and Title
Government:	_____	_____	_____
Implementing Partner:	_____	_____	_____
UNDP:	_____	_____	_____

ACRONYMS

ADB	Asian Development Bank
BC	British Council
CICETE	China International Centre for Economic & Technical Exchanges
CIDA	Canadian International Development Agency
CPC	Communist Party of China
CSO	Civil Society Organisation
EC	European Commission
EU	European Union
GONGO	Government Organised Non Governmental Organisations
MOCA	Ministry of Civil Affairs
MOFCOM	Ministry of Commerce
NGO	Non Governmental Organisation
NPC	National People's Congress
NPO	Non Profit Organisation
PRC	People's Republic of China
PSU	Public Service Unit
SPC	Supreme People's Court
UNDP	United Nations Development Programme
WB	World Bank

Section I

Part 1. Situation analysis

Economic transition and development in China has stimulated rapid growth. It has helped to bring about dramatic reductions in poverty and greatly improved living standards. However there are large disparities, especially between rural and urban areas and between regions. There is also worrying growth in the numbers of urban poor. Growing inequality, increasing social pressures on society, and unsanctioned corruption, all increase the potential for macro-economic and social instability and undermine continued development and reform. They bring the need for rule of law, social justice and public service through legal reform and organised civil society, to the forefront.

China is entering a critical phase of legal and judicial reform. Following on from the first generation of legal reform focusing mainly on the economic sphere, the next generation of reforms need to focus on deepening, harmonising and implementing laws in practice, placing more emphasis on human rights protection and access to justice, and enhancing democratization and transparency during the legislation process. Three institutions central to this process are civil society, people's congresses and people's courts. Linked by the shared objectives of promoting a more predictable, coherent, fair and effective legal and social system, they tend to lack capacity and are relatively weak compared to the executive branch.

The Government of China is in the process of implementing the 11th Five-year Plan 2006-2010. At its core lies the objective of building "a harmonious society" (Xiaokang) and the concept of a "scientific approach to development". It emphasises sustainable development and social programmes for balanced development with the aim of bridging the gap between urban and rural areas and promoting social equity and stability. It also enshrines the notion of citizens' rights and interests. Good governance and strengthening the rule of law are clearly articulated government priorities for reinforcing the sustainability of the reform process. Improving access to justice, in particular in grass-roots courts which deal with about 80% of the caseload¹, is increasingly perceived as key to soothing social tensions and maintaining stability.

Civil society's participation is recognised as vital, both in enhancing public sector service and also as a "bridge between government and people, participating in a broader way in public affairs"². The Government explicitly recognises the need for increased involvement of CSO's and public participation in the formulation of policies, programmes, laws and regulations. Laws and regulations concerning CSOs are set to be revised and the legal status for international NGOs to be reviewed.

1.1. Access to Justice: China's efforts to construct a formalised legal system have been largely successful. New criminal and civil codes are in place and courts are becoming increasingly professional, empowered and institutionally important³. Citizens have more legal rights and increasingly use the courts to resolve business disputes or as a tool against arbitrary government action. People's congresses are becoming vocal and robust and are gradually assuming some of their constitutional law-making and public oversight responsibilities. They are more responsive to broader elements of society. In short, the legal apparatus and a rule of law culture are on the cusp of taking root.

Challenges: China has stated its intention to undertake certain reforms such as promoting open, publicly accessible court room proceedings, more media interaction and public outreach and more

¹ See comments of judges and SPC reported by Shi Jiangtao, "Reforms depend on doing justice to grass-roots courts: judiciary (SCMP), 14/03/2006.

² China Daily February 23, 2006.

³ The number of judges is approaching 200,000 (with approximately the same number of prosecutors), many more legal specialists, approximately 3000 public law clinics and 400 law schools (with 100's of well trained law professors, scholars and talented students). The courts hear almost 8,000,000 cases annually.

public access to written judgments. So far, reforms have been uneven and limited in terms of substantive and geographic scope. Many important written court decisions are not yet available to the public, particularly at the community level

There have been several important reforms designed to strengthen the professionalism of the judiciary to address judicial corruption and build public confidence, such as an ethics code for judges, but reforms need to be institutionalised and fairly, uniformly and effectively enforced.

More attention needs to be paid to law enforcement and to creating a democratic and participatory environment for all sections of society. Additionally, discrepancies exist between gradual improvements in the legislature and the weakness in legal institutions and law enforcement agencies.

Another important issue for the judiciary to tackle concerns the increasing number of cases to be handled each year. The number of cases received by the court system in 2006 was more than 8 million. The people's courts in Guangdong Province dealt with 700,000 cases in 2005, representing 10% of cases across China. One solution could be the development of alternative dispute mechanisms. In 2005, 46.6% of civil cases in the Yunnan People's Court went through mediation with an 80% success rate.

There are over 200,000 judges in China, 40,000 of whom are women. The promulgation and revision of the Civil Procedure Law, Criminal Procedure Law, and Administrative Procedure Law have contributed to increased transparency and openness of the judiciary. For instance, the trial model of courts has transformed from a "super-inquisitorial" model to an "adversarial" one which leads to greater impartiality of judges. Meanwhile, more emphasis has been given to the professionalism of judges when it comes to appointment and promotion. The introduction of the standardised "National Judiciary Examination" for the selection and accreditation of judges as well as prosecutors has proven a successful measure to further professionalize the legal personnel of the country. For the court system, the Supreme People's Courts carried out 39 key reform measures between 1999 and 2004 under its first Five Year Judicial Reform Plan. The SPC is about to undertake 60 reform measures under its second Five Years Judicial Reform Plan which will likely improve the fairness and efficiency of the court system in China.

1.2. The law and policy-making system:

Legal system reform became a government priority in the late 1990s. The enactment of the Law on Legislation (2000) has strengthened the standardisation of legislative procedures, improved the quality of legislation and increased the extent of democratisation in legislation. The National People's Congress and its Legislative Affairs Commission has strengthened its position and become the centre of all key legislative initiatives. The capacity and legislative skills of NPC delegates and working staff have improved.

Challenges: Democratisation and transparency during the legislation processes need to be further enhanced. The NPC has endeavoured to achieve this through seminars, feasibility studies and public consultation, however participation by the public and civil society need to increase. Due to a low level of consultation, legislative drafts are inclined to protect and promote the interests of specific groups, weakening the authority of the law and leading to a lack of respect from the public.

China needs to move beyond narrow, technical, first generation legal reforms to those focussing on transparency, accountability and independence. While sensitive and difficult to implement, hard political and legal decisions must be made to avoid the risk of a stalled reform process and broader unchecked corruption. At a minimum, these questions and issues are worth further analysis and broad debate.

There is a high level of localisation of judiciary power resulting in inconsistent implementation of the law. Under the current political structure, localisation hinders the independence of the courts and makes the judiciary vulnerable to local protectionism, inconsistent application of the law, and administrative domination of the judicial process. Furthermore, there are often inappropriate structures and procedures within the judicial systems.

The professional and ethical standards for judges needs to be improved. In some local areas and with respects to some emerging legal issues, the capacity of judges is low and sometimes cannot meet the increasing demands of society for equity and social justice. The qualification of judges, especially in the western regions of China, needs to be improved. A comprehensive set of rules for the selection, appointment and promotion of judges has to be specified.

Common concerns relate to the increasingly important role of the people's courts, the people's congresses and civil society. These institutions and the legal system that underpins them, still lack the full authority, independence and professional competence to help build an equitable society based on rule of law. They struggle to interact and respond to the growing needs and demands of government, civil society and business, as well as a rapidly growing, ever-evolving global marketplace.⁴ They need nurturing if they are to become fair and effective arbiters of justice in modern day China.

Many institutional and capacity building issues apply equally to people's congresses. People's congresses lack the technical capacity to undertake essential applied research, draft laws, hold hearings, or interact effectively with government ministries, civil society organisations, the media or the public.⁵ Most people's deputies meet once a year and have limited technical staff. Moreover, few deputies or professional congressional staffs receive adequate training. The oversight function of the people's congresses is handicapped due to the lack of specific procedures in laws and regulations with regard to legislative monitoring and interpretation, and low capacity. This is particularly the case with respect to responsibility of oversight of government budget and the appointments process. Likewise, while they have the power to make certain official appointments, real authority lies elsewhere.⁶

1.3. Civil Society Development

The period since 1995 saw the rapid development of CSOs which are increasingly regarded as essential to promoting equitable development. According to one estimate, around 800,000 CSOs⁷ are operating in education, health care, environmental protection, trade, human rights protection and other areas of social economic development. Newly emerging challenges such as rising unemployment, the collapse of the social security system, environmental degradation and public health issues have stimulated increased public demand for civil society organisations. At the same time, the gradual withdrawal by government from comprehensive provision of public services and a shift to semi- or non-governmental organisations has opened the way for more freedom in favour of a rapid development of civil society.

The government is gradually changing its attitude towards CSOs. In a 2005 pilot project, the central government, through the MoF and the LGOPAD, allowed CSOs to tender for government contracts in order to implement a poverty reduction program. A body of laws and regulations providing the legal

⁴ The total number of cases grew dramatically during the 1980s and 1990s, before leveling off at around eight million cases a year.

⁵ The Law on Legislation opens the door to more public participation but passage and implementation of access to information laws and policies would greatly enhance public access to governmental and congressional information and public decision makers. Some local congresses are experimenting with public hearings (see *Peerenboom*, in *Michigan Law International Law Review* article - 2006).

⁶ The Henan Provincial People's Congress has rejected only one out of 684 nominees for government posts since 1993. See Linda Chelan Li (2000).

⁷ China 2005-2006 NIP cites 1.3-2 million unregistered NGOs (p.19). Officially there were 315,000 registered CSOs as of 2005 - 168,000 social organisations, 145,800 civil non-business groups and 999 foundations. There are unofficial estimates of an additional 500,000 unregistered CSOs. (*Economic Observation Daily*, 08/01/2006).

foundation for CSO development has been developed since the mid 1980s and international donors, in particular NGOs, have contributed significantly to the development of national CSO's.

Challenges:

The lack of a coherent regulatory framework is a significant constraint for civil society development in China. It limits the access of CSOs to appropriate legal status to operate in transparent and confident conditions. The trade off between decentralisation and social stability, and the maintenance of steady economic growth and a stable political system has led to over-regulation for registration. Regulations restrict types of groups, such as demonstrating significant capital assets and being sponsored by a government department (see annex i). In most cases, only one organisation of each type is allowed to register at each administrative level. CSOs who have transformed from government organisations tend to get registered easily and excludes others who have no direct connection with government.

CSOs do not benefit from tax exemption (especially those who register themselves as commercial entities due to lack of government sponsorship). Such CSOs are nevertheless real grass root organisations. Government funding for development and social assistance does not apply to CSOs, with exceptions for those connected to government. This leads to serious funding problems for grass-root organisations who rely almost exclusively on international donors. This situation is due to the strict control of local donations reserved to large government-related CSOs.

Limited capacity is regarded as the main constraint of CSO development in China. Lack of funding combines with lack of incentive to attract qualified young people. Most domestic CSOs are usually driven by a few individuals or small groups of people. The majority of organisations lack clear vision, a defined mission and organisational development strategy. Management skills are poorly developed. In addition, some CSOs have been known to misuse funds, which damages CSO's reputation.

The lack of a joint organisation of CSOs limits their voice in society. This leads to high transaction cost for developing self-discipline, capacity building, advocacy for policy change etc. In spite of the rapid growth of CSOs in China there is low public awareness of the role of CSOs. The public usually regards them negatively as government entities. This has a strong impact on staff recruiting, fund raising and policy advocacy through public participation.

In summary, supporting the process of governance towards more transparency and accountability and strengthening the emerging institutions of the judiciary, the National People's Congress and civil society are critical to China's future 'all-round' development. The programme aims to contribute to the government's efforts in this respect by promoting civil society development and the rule of law through voluntary compliance and effective enforcement, with a specific focus on urban-rural balances, gender issues and vulnerable groups.

Part 2. Strategy.

2a. Programme Strategy

The programme will be implemented in Beijing and selected areas across China. The first six months of the programme will include an inception phase to confirm and further refine content and location of activities and to draw up a detailed timetable for implementation. The last six months will be dedicated to phasing out activities and preparing for the post-programme situation.

The programme seeks to build and support stronger institutional connections and a new environment for interaction and collaboration between the legislature, the justice system, and civil society. It will work closely with three principle institutions: the National People's Congress (NPC), the Supreme People's Court (SPC) and the Ministry of Civil Affairs (MoCA) and will rely on the following cross-cutting elements as a basis for engagement:

- Participation
- Communication
- Capacity building
- Piloting
- Partnerships

The programme seeks to raise awareness and stimulate creative participatory solution processes through: i) addressing cross-cutting issues of concern among all stakeholders (or sub-groups) through workshops and seminars to jointly analyze problems and solutions; ii) to support a more specific, tailor made approach consisting of adapted training, targeted visits, and pilot projects; and iii). dissemination through conferences, the media or publications, which will support the institutionalisation of findings.

Selection criteria for participants in each programme-related activity including workshops, study tours etc. will respect gender and geographical balances (rural/urban/Western/Eastern). Activities will be integrated to maximize impact and reinforce results. An initial list of activities by component and result is set out below. In the light of the evolving situation during the operational implementation period of the programme, this may be revised in accordance with emerging needs.

2.1 Component One: Enhanced Access to Justice

Project Outcome 1: Capacities of the judiciary to deliver fair and transparent justice enhanced, and transparency in decision-making and appointments of judicial personnel, increased.

Output 1: Manual for Delivering Fair and Transparent Justice.

Study tours will be carried out for judicial personnel to countries selected according to relevance and complementarities. Participants will include: senior and medium-level officers of the judiciary from national and local levels in charge of aspects of law revision; and judges including senior judges from the SPC and lower courts. A full programme will be developed to ensure participants have the opportunity to: gain knowledge and skills in law revision especially with regard to strengthening protection of human rights; and gain knowledge and skills in law enforcement mechanisms.

A series of workshops for judicial personnel, legal aid centres and CSOs will be held to share experiences on strategies to improve access to justice, in particular for women, the poor and disadvantaged groups. A needs assessment will be conducted alongside comparative studies that relate to targeted access to justice issues, including those impacting the poor, disadvantaged, women and the enforcement of judgements.

Training of trainers will be conducted based on the above results and international best practices. Trainers will deliver workshops to selected judicial personnel, legal aid centres and CSOs. Follow-up activities will be arranged to monitor changes across the country.

Pilot projects will be designed and carried out in selected locations across the country, including Western China, to train judges and judicial officials on how to implement targeted access to justice procedures, including procedures most relevant to the poor, disadvantaged, and women. Projects will include alternative dispute resolution (ADR) and mediation.

Technical assistance from local or international expert trainers will be provided to assist in the implementation and monitoring of new procedures and practices. The selection of pilot areas will be selected on criteria respecting the urban/rural balance and the eastern/western difference. Where possible, local courts in the western part of China should be given favourable consideration by the SPC when deciding on piloting sites and training sites for local courts.

Output 2: Guidelines for Appointment and Procedures in Judicial Decisions

Needs assessments will be carried out alongside comparative research and analysis of best practices and lessons learned related to: the appointment process of judges and judicial personnel; judicial decision making and access to published process; and rationale of court decisions.

The SPC will conduct a study on the processes for the appointment of judges and judicial personnel, judicial decision making and the publication of court decisions in different countries. It will define clear and transparent procedures for the appointment of judges and judicial personnel in China and the publication of judicial decisions. Recommendations to increase transparency in the appointment of judicial personnel and to institutionalise publication of judicial decisions will be drafted for discussion and endorsement.

A series of workshops on the new guidelines for appointments and procedures for the publication of judicial decisions will be carried out. Participants in the studies and review will be selected with programme partners and will include: selected judicial personnel; members of the authorities in charge of appointing judicial personnel; legal aid centres; and representatives of CSOs.

2.2 Component Two: Improved law and policy-making system.

Project Outcome 2: The participatory process for law making is institutionalised, capacities of the legislature for law-making and public engagement enhanced and law harmonization improved.

Output 3: Guidebook for People's Congresses and Manual of Rules and Procedures

Extensive research will be carried out by NPC LAC on participatory mechanisms in the legislative processes and possible models for institutionalizing participatory processes. The research will focus on practices in different countries, in particular EU and Asian countries. Outcomes will be compiled in an easily accessible guidebook for use in people's congresses.

Field visits nationally and abroad will be arranged to gain knowledge relevant to enhanced participation in law-making. Law-makers from national and local levels will visit selected places where participatory mechanisms for law-making are in place and are yielding positive results.

A series of seminars and conferences on participatory mechanisms in the legislative process will be organized to exchange experiences and practices implemented in foreign countries and across China. Participants will be representatives of legislatures nationwide, Chinese and international experts, and representatives of relevant CSOs, the media and academics.

The programme will publish a Manual of Rules and Procedures on Participatory Processes. Research findings and the most relevant experiences and practices will be compiled into accessible handbooks that can serve as users' guides for the legislatures. Their development will be managed by the NPC LAC.

Piloting of participatory processes in law-making will be carried out in selected locations. A feasibility study will determine one or two regions/provinces to be chosen for the implementation of participatory processes in law-making. The choice of the regions shall respect the urban/rural balance and take into account places where similar initiatives are in place (e.g. Guangdong, Shanghai).

Output 4: Participatory Mechanisms in law and policy-making endorsed by NPC

An international/national technical assistance expert will be placed in the relevant department of the NPC. The technical assistance expert will: (i) assist in the design and implementation of participatory mechanisms in the law and policy-making processes; (ii) train a national expert/resource person of the NPC on these issues; (iii) deliver a series of workshops to selected personnel of the NPC and local congresses on methods and mechanisms for consulting the general public and incorporating its

opinions, as well as appropriate tools for gathering and disseminating information from/to the general public.

Workshops in gender mainstreaming and budgeting in law-making including special programmes for female members of legislatures will be held. A series of training sessions on approaches to mainstreaming gender equality and safeguarding the rights of vulnerable groups in law-making will be organised. Participants will be selected personnel from legislatures at national, provincial and local levels and will be chosen with respect to gender and geographical balances (urban/rural, Western, Eastern areas).

The programme will support exchange of experience visits to EU institutions. Key policy-makers including leaders of people's congresses will visit EU institutions to gain knowledge of participatory mechanisms in place in these institutions.

Output 5: Methods and mechanisms to promote law harmonisation developed and tested.

Composite working groups made up of representatives of NPC, SPC, other law related agencies and CSO will work in selected locations to address the problem of law harmonization. Pilot project(s) will be arranged consisting of (i) feasibility study to select pilot areas taking into account geographical criteria; (ii) working groups composed of the selected areas' people's congress representatives, people's courts, members of CSOs and other law related agencies (including legal aid centres) to define and experiment with appropriate methods and mechanisms to improve law harmonization; (iii) a pilot co-operation project between two regions to share and implement new mechanisms and practices (i.e initiatives of the Yunnan People's Court) will be further developed and replicated in other areas.

A series of workshops on law harmonization procedures and monitoring mechanisms will be organised. A first workshop will focus on gathering information on the various mechanisms and procedures applied in other countries and within China. Participants will include Chinese and international experts and senior and medium-level officers of people's congresses responsible for oversight of regulations. A second workshop will be dedicated to: (i) defining oversight procedures and methods appropriate to China; (ii) clarifying the role of each entity in the implementation and monitoring of harmonization. Participants will be key staff of national and local legislatures and judiciary, Chinese legal experts and selected representatives of other law related agencies from China such as legal aid centres and academics in the field of law. Selection criteria for participants will respect gender and geographical balances (rural/urban, Western/Eastern areas). The workshops will be organised by Chinese experts and officers of the people's congresses who participated to the first workshop.

A database will be set up to strengthen the efficiency of oversight mechanisms which allows for: posting information about new regulations and laws enacted at the local, provincial level; identifying contradictory regulations and laws; and exchanging information between the relevant departments of people's congresses. Training of IT personnel within the NPC to maintain and update the database will be included.

2.3. Component Three: Civil Society Development

Project Outcome 3: Recognition of the positive role of the civil society is increased; the policy and legal environment of CSOs is improved and perceptions of CSOs enhanced; government capacities to involve CSOs in policy-making and public service delivery improved; co-ordination and communication between CSOs and between CSOs and the government are improved; the institutional and professional capacities of CSOs are improved

Output6: Recommendations for the development of civil society in China

Local civil society experts will work with relevant research centres to conduct a series of studies: (i) listing the achievements and best practices of CSOs in terms of contribution to China's development; (ii) outlining the increasing potential of CSOs in terms of socio-economic development with a particular emphasis on the development plans of selected CSOs; (iii) describing the functioning of CSOs (i.e. financial management, human resources, programmes management and monitoring). The findings will undergo review and discussion, with inputs from international experts, or NGOs, to result in a comprehensive overview of, and recommendations for the development of, civil society in China. The results will be widely disseminated through workshops, media briefs, websites and publication in Chinese and English.

Seminars will be organised to analyse and discuss information from these studies and to raise participants' awareness of the important role of CSOs in the development of China. Participants will include representatives of the government, representatives of the legislative and judiciary, representatives of the business community, CSOs, media and researchers. A National CSO Conference will be organised gathering key leaders of relevant government bodies, prominent CSO representatives (including grassroots CSOs), the media and in-country representatives of international aid agencies and NGO's to (i) raise awareness of CSO's work and achievements at the grassroots and national levels; (ii) facilitate exchange and dialogue among participants.

A series of trainings on communication skills, communication mechanisms and tools will be organised for CSOs working at the grassroots, provincial and national level. The media will participate to exchange experiences and practices of communication and to facilitate interaction between CSOs and the media. The trainings will be delivered by civil society experts specialising in communication and using a "training-of-trainers" methodology.

Output 7: Review of Laws and Regulations governing CSO's and Revision of Selected key laws.

Local and international civil society experts and research centres will conduct an in-depth comparative study on laws, regulations and policies relating to CSOs to include: the various laws, regulations and policies that regulate CSOs across China; best practices facilitating the functioning of CSOs; and recommendation on favourable laws, regulations and policies for encouraging and facilitating CSOs' work. Results will be disseminated, discussed and integrated into training materials for legislatures, civil affairs departments and the media throughout the country.

Participatory consultations at local, provincial and national level will be carried out on revision and drafting of relevant laws, regulations and policies through seminars, conferences and websites. A series of seminars and workshops will be organised to: facilitate interactive discussions on CSO legislation; prepare draft legislation or amendments favourable to CSOs. Participants will include local and national representatives of MOCA and of the legislatures, representatives of CSOs, and civil society experts. The results of the seminars and workshops will be published on the internet.

A feasibility study to select pilot areas for implementing innovative registration reforms for CSOs will be carried out. The study will be carried out by programme partners, CSO representatives and representatives of MOCA. Once areas have been selected new registration policies will be tested, implemented and evaluated; a national workshop will be held to deliver the results of the pilot projects and to identify the most efficient mechanism for wider nationwide implementation. Selection criteria for the pilot areas will take into account geographical balance.

Output 8: Pilot cooperation project between government and CSOs disseminated

A national workshop will be organised to: share experiences from other countries on partnerships between government and CSOs; identify possible areas of government-CSOs partnerships; highlight the comparative advantage of government-CSOs partnerships for efficient public service delivery and for resolving socio-economic issues. Participants will include members of CSOs, leaders of selected

government bodies as well as key staff, policy-makers and experts from other countries, local experts and academics.

A pilot project of a government-CSO partnership will be developed and implemented in selected areas. A feasibility study to identify the most appropriate area and sector for a government-CSO partnership will be carried out followed by implementation of the pilot partnership. A seminar to present the results and recommendations for further similar initiatives will be organised. Participants will include personnel of relevant government bodies, selected members of CSOs and media.

Output 9: Guidelines for a Government/CSO Association

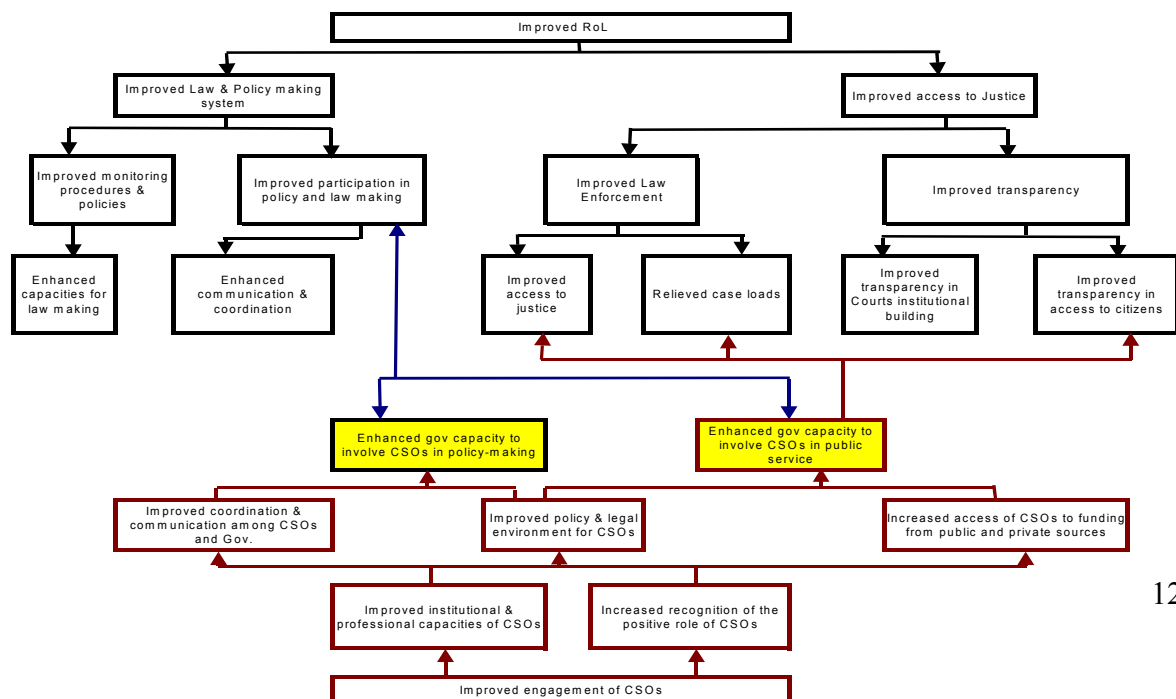
A feasibility study will be conducted by independent experts on the viability of a MOCA-sponsored CSO Association and/or an informal Forum to improve co-ordination, collaboration and communication among CSOs and between CSOs and governments. It will: identify the nature of potential support from MOCA; define the roles and functions of the potential structure; determine the status of the potential structure and mechanisms for securing its independence; conduct a needs assessment in terms of management, human resources and financing for the structure to work efficiently.

Output 10: Training Manual for CSOs designed and tested.

A team of local experts will conduct a needs assessment targeting CSOs, in particular at grassroots level and those that do not have easy access to capacity-building programmes. The needs assessment will highlight existing needs in areas such as strategic planning, financial management, accounting, fundraising capacities, human resources management, programme design and management, monitoring and evaluation capacities and communication skills. Local experts will issue recommendations for designing an appropriate training programme.

A training programme will be designed along with tools and materials for the development of key competencies in CSOs. It will: define and prepare a training curriculum on the base of the needs assessment; conduct a series of training for trainers who will deliver relevant training to CSOs across China. A series of capacity-building “training-for-trainers” sessions based on the needs assessment will be delivered to selected CSOs across China. The trainees will carry out and be responsible for training in their respective area.

The chart shows a tree of key results to be achieved, in relation with the three main expected results. The approach is integrative. It takes into account “top down” and “bottom up” needs of programme stakeholders in terms of capacity building and communication. The Programme aims to create synergies between stakeholders through joint activities and regular, institutionalised partnership with



the aim of enhancing efficiency and know-how.

Public relations and awareness raising actions will be integrated into programme implementation to give the European Commission and UNDP joint co-operation maximum visibility. Specific arrangements will be set out in the standard Contribution Agreement with an International Organisation to be concluded between the EC and UNDP.

2. b. Rationale for EU- UNDP support

The programme is in line with the EC's Country Strategy Paper (CSP) 2002-2006 which seeks to support China's transition to an open society based on the rule of law and respect of human rights through the promotion of good governance, democracy and human rights-related policies. The CSP states that good governance cannot exist without citizens' active and voluntary participation. It contains a commitment to assisting vulnerable groups in asserting their rights as well as promoting grass-root level legal concerns and practical methods of legal redress.

The European Commission 5-year programme in the legal and judicial sector ended in 2005 and consisted of training courses and study tours to Europe for lawyers, judges, prosecutors and legal officials. The programme included a judicial component to support lawyers and legal aid centres to deal with death penalty cases. The EC is preparing an "Europe-China School of Law" focussing on European, international and comparative law. The EC also provided a series of grants to small-scale projects undertaken by NGOs, in particular in the human rights and legal reform sectors.

The UNDP Country Programme Document (CPD) 2006-2010 envisages support for legal reforms in structural and performance-related areas of legal institutions, improving accessibility of services to the poor, improving the capacity of rights holders to claim rights, strengthening transparency and accountability within the civil services, and improving capacities to fulfil obligations under key UN Conventions. Specifically, the UNDP RRF 2006-2010 foresees: (a) support an enabling environment for civil society participation and (b) strengthen the rule of law to protect the human rights of all, especially the poor and disadvantaged groups.

UNDP supports a number of legal co-operation projects involving a wide range of partners, such as the NPC, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Justice, the Ministry of Public Security, MoCA, the Ministry of Supervision, China Disabled Persons' Federation, as well as law institutions. UNDP interventions vary from legal system reform to legal aid, criminal justice reform, rights for people with disabilities, anti-corruption, capacity building for labour unions, and promotion of democratic governance in urban communities. It works closely with NGOs such as on environmental protection, poverty reduction, rights of the disadvantaged, and gender. In 2005, UNDP supported MoCA and a Party think tank on a project targeting institutional barriers to, and regulatory environment for, the development of CSO's.

2. c. Partnership Strategy

National Partners

Programme activities will be closely co-ordinated with three main Chinese partners: the National People's Congress (NPC), the Supreme People's Court (SPC), and the Ministry of Civil Affairs (MOCA). The Government of China will invite the European Commission and UNDP to take part in any meeting with the Government and international donors focusing on the co-ordination of programmes being implemented in any area related to the rule of law and civil society development.

National People's Congress Legislative Affairs Commission

NPC LAC is one of the working commissions under the National People's Congress Standing Commission. Its functions cover the whole processes of the legislative work of the NPC. It is designated by the NPC Standing Committee to draft legislative strategies and plans, to organize the legislative work of the NPC, to coordinate between and among legislative departments and other

government bodies, to guide the legislative work of the country, and to service the NPC Standing Committee and its specialized commissions.

Supreme People's Court..

The Supreme People's Court is the highest judicial organ in China and is responsible to the NPC and its Standing Committee. According to the Constitution and statutes, the Supreme People's Court is charged with three responsibilities:

First, trying cases that have the greatest influence in China, hearing appeals against the legal decisions of higher courts, and trying the cases the Supreme People's Court claims are within its original jurisdiction.

Second, supervising the work of local courts and special courts at every level, overruling wrong judgements they might have made, and deciding interrogations and reviewing cases tried by the lower courts.

Third, giving judicial explanations of the specific utilization of laws in the judicial process that must be carried out nationwide.

The president of the Supreme People's Court is elected by the NPC and remains in office for no more than two successive terms with each term of five years. The deputy presidents of the Supreme People's Court, members of the judicial committee, presiding judges of affiliated courts and their deputies, and judicial officers are appointed and recalled by the Standing Committee of the NPC.

Ministry of Civil Affairs..

MOCA is the designated ministry under the State Council, which is:

in charge of registration and annual review of country-wide associations, cross-province (autonomous regions or direct administrated-municipalities) associations, Hong Kong and Taiwan associations that are operating in the mainland China, foreign associations that are operating in China, international associations' agencies in China; study and initiate standard for membership fee and criteria for financial management; monitor activities of associations; provide guidance to and monitor registration and management of social associations at the local levels;

In charge of registration and annual review of civil non-profit units that are affiliated with or sponsored by the central government agencies; study and propose related rules for financial management and service-charge; provide guidance to and monitor registration and management of civil non-profit units at the local levels.

The programme will involve a broad range of stakeholders, including local people's congresses, courts at various levels, civil affairs departments and civil society organisations (CSOs). Selection criteria for involving stakeholders will be designed to facilitate the broadest possible participation. The main target groups are officials at middle and senior management levels in NPC, SPC and MOCA, judicial personnel at central and local levels, and staff of civil society organisations.

In order to preserve the necessary coherence between the activities of the present project and activities undertaken by other donors in the sector, regular meetings will take place with all interested parties to ensure an open exchange of information, to avoid overlapping of activities and/or financing and to incorporate the lessons learnt by these other actors into the work of the project.

International Partners

The EC/UNDP programme's approach is innovative in that it addresses rule of law and civil society as an integrated whole. It has been developed with particular attention to ongoing international co-operation initiatives and makes every effort to avoid duplication. It aims to complement current donor programmes while addressing specific issues such as communication and co-ordination between government bodies. Wherever possible, the programme will find ways in which to collaborate, share knowledge, and complement, other donor activities.

Ford Foundation support to the legal sector and civil society has been ongoing since 1980. It supports the development of a legal framework, criminal justice reform with initiatives to strengthen the protection of defendants' rights, legal education reform, and promotion of effective use of law to protect citizens' rights. Civil society support focuses on: development of a legal framework; research; capacity-building; and targeted projects for NGOs.

Canada (CIDA) is active in a wide range of legal issues such as: enabling the Canadian Bar Association to provide technical expertise to reform and strengthening of the legal and justice systems, training to the All China Lawyers' Association; technical expertise to China's Judicial Reform Program; reform and improvement of criminal procedure, substantive criminal law and the administration of criminal justice; supporting efforts to strengthen democratic rule of law; support to the Human Rights Research Centre at the University of Beijing; technical assistance to the Supreme People's Court of China (SPC); and support to meeting international labour rights commitments related to rural migrant workers. CIDA helped implement the 1992 "Law of the PRC on the Protection of Rights and Interests of Women" and other laws supporting women's rights. Civil society support includes initiatives to: broaden the participation of citizens, communities and NGOs in policy development; enhance legal reform; strengthen dialogue between government and civil society; promote human rights and rights of citizens.

The Swedish Human Rights Co-operation programme funds a capacity-building project for prosecutors to strengthen the protection of human rights in criminal procedure. Finnish support has focussed on the judicial sector as well as the legal aid system. The Netherlands human rights and legal co-operation programme consists of support to legal service centres for workers and research work on legal aspects of social organisations. Netherlands supported a project for the implementation of a code of conduct for judges.

British co-operation supports the rule of law with a particular focus on the judicial sector, support to the development and piloting of a labour arbitration court and a project to strengthen the rights of criminal defence lawyers' at the pre-trial stage. The British Council financed capacity-building for NGOs. In parallel, the British Council worked with MoCA on the development of regulatory and monitoring mechanisms for CSOs. France had a 4-year training programme for judges and there are on-going collaborations with judicial institutions. German co-operation has supported the Finance and Economic Committee of the NPC. On-going projects include: support to the legislative affairs commission of the NPC in administrative and civil law and capacity in civil law reform; training with the National Judges College; and legislation advising to the Budgetary Affairs Commission. Sweden, Finland, Luxembourg, Denmark and Greece have provided grants to promote activities such as poverty alleviation, women and children rights, health and education.

The World Bank sponsored a "China development market place" initiative along with SIDA, the ADB and private companies. The project aimed to strengthen grassroots civil society in China and contribute to poverty reduction through awarding 30 NGOs who proposed the most innovative poverty reduction projects.

Part 3. Management arrangements

The Programme will be implemented by the European Commission through its Delegation in China. The European Commission will entrust the task of managing the Programme to the United Nations Development Programme (UNDP) in joint management under a standard Contribution Agreement with an International Organisation.

UNDP will assign the daily management of the Programme to the China International Centre for Economic & Technical Exchanges (CICETE) in accordance with the provisions of the China National Execution Manual (UNDP/GOC 1998) and relevant UNDP rules and procedures.

Project Steering Committee:

A Project Steering Committee (PSC) will have responsibility for policy guidance and co-ordination between all institutions and groups involved in the action. The PSC will meet twice a year and will endorse key planning decisions regarding the action. The PSC will review and endorse China International Centre for Economic & Technical Exchanges-CICETE's six-monthly progress reports, as well as the policy and strategic implications of Overall and Annual Work Plans and budgets. The PSC will also assist in facilitating overall implementation of the action. The PSC will play a key role in disseminating outputs of the action and recommendations by providing access to high level policy makers and other relevant bodies in China.

The PSC will be co-chaired by the Ministry of Commerce of the People's Republic of China and the European Commission, membership will include one representative each of, UNDP, CICETE, the Ministry of Civil Affairs (MOCA), the National People's Congress (NPC) and the Supreme People's Court (SPC); three representatives of Chinese civil society organisations (one NGO, one intermediary organisation, one academic specialising in civil society development, proposed by the Government of China and endorsed by UNDP and the EC); and two representatives of international civil society (one proposed by the European Commission and one proposed by UNDP respectively and endorsed by the Government of China).

Management Board:

A Management Board (MB), composed of UNDP, EC and CICETE will be established. The MB will be responsible for supervising programme management. In order to ensure smooth implementation of activities, the MB will have the authority to approve modifications to the Annual Work Plans (AWP). The MB will be working as a Tripartite Meeting mechanism according to general UNDP/CICETE programme management process, through which CICETE will be reporting to both UNDP and EC, as co-funders, on major issues regarding programme management. The MB will take its decisions by consensus.

The MB will meet every three months or more frequently at the request of one of its members. Members of the PSC may attend the meetings of the MB.

UNDP will be responsible to the EC for the overall financial and administrative management of EC funds, in a manner that respects international norms and ensures national ownership. When appropriate, and in accordance with the applicable policies and procedures, UNDP will seek the views of the EC on implementation plans (see 10(a) below), activities, and service contracts for technical assistance. The EC will be consulted in the selection of the experts and will be in the evaluation committee in case of a grant scheme. When appropriate, and in accordance with the applicable policies and procedures, UNDP must consult with the EC, before endorsing the list of Civil Society Organisations (CSOs) participating in the activities.

CICETE will act as the secretariat of the PSC and the DMB. ***CICETE*** will, in particular, undertake the following tasks: prepare an Initial Plan of Action, an Overall Work Plan and Budget (OWP) and Six-Monthly Work Plans and Budgets (SWP) for approval by the MB and endorsement by the PSC; prepare standardised three-monthly progress reports to monitor all technical, financial and administrative aspects on the utilisation and impact of all resources made available to the programme for approval by the DMB; on the basis of the approved formats, prepare consolidated six-monthly progress reports for review and endorsement by the PSC; prepare any special reports related to priority issues; assist and support partners and beneficiaries with technical and planning know-how; prepare and attach to the first Six-Monthly Work Plan of the final year of implementation a proposed blueprint for phasing out Project activities and preparation for the post-project situation, prepare a final project completion report.

Planning and Reporting: Work Plans and reports will be drafted by CICETE in accordance with formats previously approved by the MB. They will include at least: An Initial Plan of Action to be submitted within one month after the assignment of the daily management of the programme to CICETE; an Overall Work Plan and Budget (OWP) to be submitted within three months after the assignment of the daily management of the programme to CICETE; successive Six-Monthly Work Plans and Budgets (SWP); Three-monthly technical and financial progress reports; any special reports related to priority issues; a final project completion report.

Except for the initial activities foreseen in the approved IPA, expenditure can only take place following the approval by the MB of the OWP and an SWP.

Approval of an SWP may necessitate a revision of the OWP so as to ensure continuous consistency between the SWP and OWP. Any such revisions of the OWP will be notified in writing to the MB when the SWP is submitted for their approval. In such cases, approval of the SWP will constitute an approval of the revised OWP. Activities that are not foreseen in an approved SMP may only be implemented following prior authorisation by the MB. Such authorisation will be identified as an amendment to the approved SMP and will be annexed thereto.

The OWP, the successive SWP and reports will include a system of benchmarks as well as objectively verifiable indicators for monitoring and assessing project progress.

The plans, budgets and reports listed above will be the sole plans, budgets and reports used for implementing and monitoring the programme. Any such plans, budgets and reports will be submitted to the EC at least ten working days prior to any regular meeting of the MB.

Contribution Details

- (a) The People's Republic of China's financial contribution will cover costs such as expert fees, organization of seminars, trainings, conferences, workshops and pilot projects; training materials and publications; research; operational costs.
- (b) The People's Republic of China's in-kind contribution will cover all costs related to the participation of officials in meetings, workshops, study tours, field visits and exchange of experience visits and other events as part of the normal functioning of the public services.
- (c) The People's Republic of China's in-kind contribution will cover all salaries related to the participation of their staff in the project.
- (d) In general, the People's Republic of China's financial contribution will cover any project-related operating and implementation costs not included in the EC and UNDP contributions.
- (e) The People's Republic of China will be responsible for facilitating constructive and effective co-operation of the concerned Ministries and other public authorities.

Programme Costs and Financing

The total cost of the programme is estimated at 10.65 million dollars, of which the EC contribution is 8 millions. The Government of China will provide financial contributions of 0.533 million.(via MOCA). UNDP will provide financial contributions of 2 million.

The breakdown of the budget is indicative and may be adjusted according to need.

Part 4. Monitoring and evaluation

Day-to-day technical and financial monitoring will be a continuous process as part of CICETE's responsibilities.

Independent consultants recruited directly by the UNDP and/or the EC on specifically established terms of reference will carry out external mid-term and final evaluations.

Part 5. Legal context

This programme document shall be the instrument referred to as such in Article 1 of the Standard Basic Assistance Agreement between the Government of the People's Republic of China and the United Nations Development Programme signed on June 29th 1979.

Section II – Results and resources framework

Part 1. Programme results and resources framework

<p>Intended Outcome as stated in the Country Results Framework: Outcome 3: Enabling environment for civil society participation and its effective engagement in Xiaokang priority issues supported. Outcome 4: Rule of Law strengthened to protect human rights of all espec. poor and disadvantaged groups..</p>				
<p>Outcome indicator as stated in the Country Programme Results and Resources Framework, including baseline and target. Indicators 3.1: Relevant laws and regulations for registration funding and participation in consultations revised. And 3.2: Increased participation of civil society in design and implementation of development policies/programmes. Indicators 4.1. Poor and disadvantaged groups empowered to seek remedies for injustices, justice institutions to be responsive to claims, consistent with int. human rights norms</p>				
<p>Applicable MYFF Service Line: 2. Fostering Democratic Governance.</p>				
<p>Partnership Strategy: National People’s Congress, Supreme People’s Court, Ministry of Civil Affairs are key programme partners. The programme will involve a broad range of stakeholders, including local people’s congresses, courts at various levels, civil affairs departments and civil society organisations (CSOs). Selection criteria for involving stakeholders will be designed to facilitate the broadest possible participation. Main target groups are officials at middle and senior management levels in NPC, SPC and MOCA, judicial personnel at central and local levels, and staff of civil society organisations.</p>				
<p>Project title and ID: Governance for Equitable Development (GED) – Strengthening Rule of Law and Civil Society Participation in China.</p>				
Intended Outputs	Output Targets for (years)	Indicative Activities	Responsible Party	Inputs
<p>Component one: Enhanced Access to Justice</p>				
<p><u>Result A1: Capacities of the judiciary to deliver a fair and transparent justice are enhanced.</u></p>	<p>2008</p>	<p>A 1.1 set up task force and initiate local pilot on state compensation for victims of crime</p>	<p>SPC</p>	<p>US\$ 20,000</p>
		<p>A 1.2 conduct research on the feasibility and practicality of the state compensation system for victims of crime;</p>		<p>US\$ 20,000</p>

		A 1.3 conduct a study tour to UK and France on the state compensation systems;	US\$ 60,000
		A 1.4 conduct domestic study on alternative dispute resolutions;	US\$ 20,000
		A 1.5 National Judges' Institute organizes trainings of trainers; translate foreign training materials for judges and develop curriculum for the trainings;	US\$ 20,000
		A 1.6 identify local pilots on alternative dispute resolutions and conduct monitoring and assessment.	US\$ 20,000
		A 1.7 hold a domestic workshop on state compensation system;	US\$ 20,000
		A 1.8 collect and compile relevant materials for studies on state compensation;	US\$ 5,000
		A 1.9 domestic field visits to study alternative dispute resolutions;	US\$ 20,000
		A 1.10 an international study tour to Australia and New Zealand to study state compensation systems;	US\$ 60,000
	2009	A 1.11 an international study tour to European countries to study their litigation, arbitration and reconciliation systems;	US\$ 60,000
		A 1.12 an domestic workshop on alternative dispute resolutions;	US\$ 20,000
		A1.13 disseminate alternative dispute resolutions to the public through the media, public service announcements, legal aid, etc; 2008-2010	US\$ 10,000
		A1.14 a national training for judges organized by the National Judge's College;	US\$ 20,000
		A1.15 one international study tour to Europe	US\$ 60,000

		on professional training for judges; A1.16 collect and translate materials on professional training of judges;		US\$ 5,000
	2010	A1. 17 an international study tour to European countries to study their litigation, arbitration and reconciliation systems; A1.18 an international workshop on alternative dispute resolutions; A1.19 a domestic seminar on dispute resolutions; A1. 20 collect and compile relevant materials on alternative dispute resolutions; A1.21 a national training for judges organized by the National Judge's College; A1.22 develop curriculum for training of judges;		US\$ 60,000 US\$ 60,000 US\$ 20,000 US\$ 5,000 US\$ 20,000 US\$ 20,000
	2011	A1.23 a domestic seminar on alternative dispute resolutions A1.24 a national training for judges organized by the National Judge's College; A1.25 a forum on professional training of judges; A1.26 a national training for judges organized by the National Judge's College; A1.27 an international seminar on professional training of judges.		US\$ 20,000 US\$ 20,000 US\$ 20,000 US\$ 20,000 US\$ 20,000
Result A2: Transparency in court decision making and judicial personnel appointment is increased.	2008	A 2.1 conduct domestic study on the scope of cases for open trials and the rights of litigants; A 2.2 set up a task force and initiate local piloting on retrial reform;		US\$ 20,000 US\$ 20,000

		A 2.3 organize one workshop on retrial system reforms;	US\$ 20,000
		A 2.4 a study tour to Germany and Italy on the retrial systems for civil cases;	US\$ 60,000
		A 2.5 a domestic workshop on developing case laws;	US\$ 20,000
		A 2.6 Set up a task force to collect materials on judicial appointment and promotion systems and the people's jurors;	US\$ 10,000
		A 2.7 Pilots on reforming the people's juror system and follow-up of research and assessment;	US\$ 20,000
		A 2.8 conduct a study and a sample survey on the costs of litigation and other judicial actions;	US\$ 20,000
		A 2.9 collect and translate foreign materials relating to judicial costs and efficiency.	US\$ 5,000
		A 2.10 domestic study on open trial system;	US\$ 20,000
		A 2.11 two international study tours to study open trial systems in other countries;	US\$ 100,000
		A 2. 12 a study tour to North America on retrial;	US\$ 60,000
		A 2.13a training for judges in charge of retrial affairs from all provinces;	US\$ 20,000
		A 2.14 a domestic workshop on developing case laws;	US\$ 20,000
		A 2.15 two domestic research trips to study case laws;	US\$ 30,000
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	2009	A 2. 16 collect, translate and compile case law materials;	US\$ 5,000
		A 2.17 pilots on reforming the people's juror system and follow-up of research and	US\$ 20,000

		assessment;		
		A 2.18 an international study tour on reforming the people's juror system by SPC, local courts and personnel departments of the Government;		US\$ 50,000
		A 2.19 collect and translate foreign materials relating to judicial costs and efficiency;		US\$ 5,000
		A 2.20 conduct a study and a sample survey on the costs of litigation and other judicial actions;		US\$ 20,000
		A 2.21 an international study tour on reducing judicial costs and improving judicial efficiency;		US\$ 50,000
		A 2.22 two national workshops on reducing judicial costs and improving judicial efficiency;		US\$ 30,000
		A 2.23 a seminar on improving open trial system;		US\$ 20,000
		A 2.24 set up pilots on open trial and conduct assessment and dissemination;		US\$ 20,000
		A 2.25 a training for judges in charge of retrial affairs from all provinces;		US\$ 20,000
		A 2.26 one domestic research trip to study case laws;		US\$ 20,000
		A 2.27 an international workshop on developing case laws;		US\$ 50,000
		A 2.28 a domestic seminar on case laws;		US\$ 20,000
		0.5w A 2.29 an international study tour to European countries on case laws;		US\$ 50,000
		A 2.30 a national workshop on judicial appointment and promotion;		US\$ 20,000
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	<p>2010</p> <p>-----</p>	<p>A 2.31 collect materials on judicial appointment and promotion systems and the people's jurors;</p> <p>A 2.32 pilots on reforming the people's juror system and follow-up of research and assessment; 1w</p> <p>A 2.33 an international study tour on reforming the people's juror system by SPC, local courts and personnel departments of the Government;</p> <p>A 2.34 a national workshop on people's juror system;</p> <p>A 2.35 collect and translate foreign materials relating to judicial costs and efficiency;</p> <p>A 2.36 an international study tour on reducing judicial costs and improving judicial efficiency;</p> <p>A 2.37 one international workshop on reducing judicial costs and improving judicial efficiency;</p> <p>A 2.38 local pilot on reducing judicial costs and improving judicial efficiency</p> <p>A 2.40 a workshop on improving open trial system;</p> <p>A 2.41 dissemination of the results on open trial reforms through the media;</p> <p>A 2.42 a seminar on open trial reform;</p> <p>A 2.43 an international study tour to European countries on case laws;</p> <p>A 2.44 a national workshop on judicial appointment and promotion;</p> <p>-----</p>		<p>US\$ 5,000</p> <p>US\$ 20,000</p> <p>US\$ 50,000</p> <p>US\$ 20,000</p> <p>US\$ 5,000</p> <p>US\$ 50,000</p> <p>US\$ 20,000</p> <p>US\$ 20,000</p> <p>US\$ 20,000</p> <p>US\$ 20,000</p> <p>US\$ 10,000</p> <p>US\$ 20,000</p> <p>US\$ 60,000</p> <p>US\$ 20,000</p> <p>-----</p>
	<p>2011</p>	<p>A 2.45 pilots on reforming the people's juror system and follow-up of research and</p>		<p>US\$ 20,000</p>

		<p>assessment;</p> <p>A 2.46 an international workshop on people's juror system;</p> <p>A 2.47 collect and translate foreign materials relating to judicial costs and efficiency;</p> <p>A 2.48 dissemination of the results of local pilots on reducing judicial costs and improving judicial efficiency;</p> <p>A 2.49 a seminar on open trial reform;</p> <p>A 2.50 an international workshop on judicial appointment and promotion;</p> <p>A 2.51 collect and translate foreign materials relating to judicial costs and efficiency;</p> <p>A 2.52 dissemination and advocacy on the media about local pilots on reducing judicial costs and improving judicial efficiency;</p>		<p>US\$ 20,000</p> <p>US\$ 5,000</p> <p>US\$ 10,000</p> <p>US\$ 20,000</p> <p>US\$ 20,000</p> <p>US\$ 5,000</p> <p>US\$ 10,000</p>
			Sub total	US\$ 2,000,000
Component B: The law and policy-making system is improved				
Result B1: The participatory process for law making is institutionalised.	2008	<p>B1.1 Domestic research on how to improve the procedures and ways to solicit public opinions on legislative drafts;</p> <p>B1.2 one national workshop on institutionalizing participation in legislative processes;</p> <p>B1.3 one national workshop on improving the oversight system of people's congresses</p>	NPC	<p>US\$ 30,000</p> <p>US\$ 40,000</p> <p>US\$ 40,000</p>

		<p>at national and local levels;</p> <p>B1.4 one international workshops on mechanisms and procedures to collect information during legislative processes;</p> <p>B1.5 two study missions on how to improve the oversight work of people's congresses at national and local levels</p> <p>B1.6 Two study missions on local practices and legislation relating to organizing public hearings</p> <p>B1.7 A study mission on how to improve the oversight work of people's congresses at national and local levels;</p>		<p>US\$ 60,000</p> <p>US\$ 100,000</p> <p>US\$ 100,000</p> <p>US\$ 40,000</p>
	<p>-----</p> <p>2009</p>	<p>-----</p> <p>B1.8 a field visit and workshop to local areas to investigate local situations and study local opinions on procedures and ways of soliciting public opinions on law drafting;</p> <p>B1.9 a national workshop on standardizing procedures of soliciting public opinions on law drafting;</p> <p>B1.10 an international study tour to Germany, Italy, and the Netherlands to study their ways and procedures of soliciting public opinions on law drafts;</p> <p>B1.11 a domestic research group to local</p>	<p>-----</p>	<p>-----</p> <p>US\$ 30,000</p> <p>US\$ 40,000</p> <p>US\$ 65,000</p> <p>US\$ 40,000</p>

		<p>areas to study how to institutionalize procedures for public hearings on legislation;</p> <p>B1.12 a domestic workshop on institutionalizing public hearings on legislation;</p> <p>B1.13 an international workshop to compare experiences of China and European countries relating to institutionalizing public hearings on legislation;</p>		<p>US\$ 40,000</p>
	<p>-----</p> <p>2010</p>	<p>-----</p> <p>B1.14 an international study tour to Austria and Belgium to visit parliaments, courts, governments, legal professionals and study their systems of public hearings;</p> <p>B1.15 four study tours to local areas to consult with local people's congresses, governments, experts and other stakeholders on how to reflect, balance, and mediate different voices and interests of all stakeholders during legislative drafting and law-making;</p> <p>B1.16 two national workshops on how to reflect, balance, and mediate different voices and interests of all stakeholders during legislative drafting and law-making processes;</p> <p>B1.17 one international workshops on to reflect, balance, and mediate different voices and interests of all stakeholders during legislative drafting and law-making processes;</p>		<p>-----</p> <p>US\$ 40,000</p> <p>US\$ 65,000</p> <p>US\$ 120,000</p> <p>US\$ 80,000</p> <p>US\$ 40,000</p>
	<p>-----</p> <p>2011</p>	<p>-----</p> <p>B1.18 one international study tour to developed countries to study foreign</p>		<p>-----</p> <p>US\$ 65,000</p>

		<p>experiences as to how to reflect, balance, and mediate different voices and interests of all stakeholders during legislative drafting and law-making processes;</p> <p>B1.19 one international workshops on to reflect, balance, and mediate different voices and interests of all stakeholders during legislative drafting and law-making processes;</p> <p>B1.20 one international study tour to developing countries to study foreign experiences as to how to reflect, balance, and mediate different voices and interests of all stakeholders during legislative drafting and law-making processes;</p>		<p>US\$ 60,000</p> <p>US\$ 65,000</p>
<p>Result B2: Capacities of the legislature for law-making and public engagement are enhanced.</p>	<p>2008</p>	<p>B2.1 set up task forces consisting key legislative staff and experts from NPC and collect materials, information and conduct research on law-making and public engagement.</p> <p>B2.2 translation and publication of materials on participation in legislation and oversight of people's congresses;</p> <p>B2.3 two studies on how to improve the oversight work of people's congresses at national and local levels;</p> <p>B2.4 an study tour to other countries to study oversight systems of parliaments;</p>	<p>NPC</p>	<p>US\$ 30,000</p> <p>US\$ 20,000</p> <p>US\$ 80,000</p> <p>US\$ 65,000</p>
	<p>-----</p> <p>2009</p>	<p>-----</p> <p>B2.5 two international workshops on information collection and analysis for legislative processes and make recommendations;</p>	<p>-----</p>	<p>-----</p> <p>US\$ 100,000</p>

		B2.6 collect, translate and publish foreign materials relating to participation in legislative processes and oversight of legislatures;		US\$ 30,000
	2010	B2.7 collect, translate and publish foreign materials on legislative participation processes and oversight procedures and systems;		US\$ 30,000
	2011	B2.8 collect, translate and publish foreign materials on legislative participation processes and oversight procedures and systems;	-	US\$ 30,000
Result B3: Law harmonisation is improved.	2008	B3.1 an study tour to France, Spain and the UK to study systems and practices of legislation review and filing; B3.2 a domestic field visit and a workshop to study local practices relating to the review and filing of laws and judicial interpretations;		US\$ 65,000 US\$ 40,000
	2009	B3.3 a domestic workshop on improving the registration, review and filing of laws and judicial interpretations; B3.4 an international study tour to Australia and New Zealand to learn legislation and judicial interpretation review and filing systems; B3.5 a domestic research group to local areas on law harmonization between the		US\$ 40,000 US\$ 65,000 US\$ 40,000

		constitution, laws and regulations and judicial interpretations, with a focus on conflict-solving mechanisms;		
	2010	B3.6 a national workshop on law harmonization between the constitution, laws and regulations and judicial interpretations, with a focus on conflict-solving mechanisms;		US\$ 40,000
		B3.7 an international workshop to compare experiences of China and European countries relating to law harmonization between the constitution, laws and regulations and judicial interpretations, with a focus on conflict-solving mechanisms;		US\$ 60,000
		B3.8 an international study tour to India, Japan, and ROK to study experiences relating to law harmonization between the constitution, laws and regulations and judicial interpretations, with a focus on conflict-solving mechanisms;		US\$ 65,000
	2011	B3.9 set up task forces to develop a database software and hardware for registration, filing, query, and research of laws, regulations, and local regulations for the purpose of law harmonisation;		US\$ 40,000
			Sub total	US\$2,000,000
Component C: Civil society involvement is broadened				
Result C1: Recognition of the positive role of the civil society is increased	2008	C1.1 Research and studies on the development and management of CSOs	MOCA	US\$ 60,000
		C1.2 Organize publicity activities through the media to advocate the positive role of		US\$ 170,000

		CSOs on development issues. C1.3 Organize an annual conference on CSO development in China C1.4 Compose and publish a year book on CSOs in China C1.5 Research and studies on the development and management of CSOs	US\$ 85,000 US\$ 40,000 US\$ 60,000
	----- 2009	----- C1.6 Organize publicity activities through the media to advocate the positive role of CSOs on development issues. C1.7 Produce a Journal <i>CSO Management Studies</i> for distribution to the governments and CSOs; C1.8 Compose and publish a year book on CSOs in China C1.9 Research and studies on the development and management of CSOs	----- US\$ 170,000 US\$ 100,000 US\$ 40,000 US\$ 60,000
	----- 2010	----- C1.10 Organize publicity activities through the media to advocate the positive role of CSOs on development issues. C1.11 Organize an annual conference on CSO development in China C1.12 Compose and publish a year book on CSOs in China C1.13 Research and studies on the development and management of CSOs	----- US\$ 170,000 US\$ 85,000 US\$ 40,000 US\$ 60,000
	----- 2011	----- C1.14 Organize publicity activities through the media to advocate the positive role of CSOs on development issues. C1.15 Organize an annual conference on	----- US\$ 170,000 US\$ 80,000

		CSO development in China C1.16 Compose and publish a year book on CSOs in China C1.17 Organize Project Conclusion and Dissemination Workshop		US\$ 40,000 US\$ 80,000
Result C2: The policy and legal environment for CSOs is improved.	2008	C2.1 Conduct research on the criteria of identifying and classifying charity CSOs C2.2 Support for the revision of the National Regulations on Registration and Management of Non-Profit Civil Organizations C2.3 Support for the drafting and promulgation of complimentary rules for National Regulations on Registration and Management of Social Associations		US\$ 80,000 US\$ 35,000 US\$ 110,000
	2009	C2.4 Support constructing the evaluation systems for CSOs C2.5 Support drafting and promulgation of complimentary rules for National Regulations on Registration and Management of Social Associations		US\$ 110,000 US\$ 60,000
	2010	C2.6 Pilot filing systems of CBOs C2.7 Support drafting and promulgation of complimentary rules for National Regulations on Registration and Management of Non-profit Civil Organizations		US\$ 60,000 US\$ 60,000
	2011	C2.8 Pilot National Regulations on		US\$ 60,000

		Registration and Management of Non-Profit Civil Organizations		
Result C3: Government capacities to involve CSOs in policy-making and public service delivery are enhanced	2008	C3.1 Study and learn from other countries on their experience in promoting cooperation between the government and CSOs;		US\$ 120,000
		C3.2 Pilot project of a government-CSO partnership in selected areas:		
		C3.2.1 A feasibility study to identify the most appropriate area and sector for a government-CSO partnership;		US\$ 60,000
		C3.2.2 Pilot on increasing partnership between the government and CSOs;		US\$ 60,000
		C3.3 Develop training materials for government officials on cooperating with CSOs.		US\$ 30,000
	C3.4 TOT on government officials on cooperating with CSOs;		US\$ 40,000	
	2009	C3.5 Establish a granting mechanism to support CSOs in different areas through the Association;		US\$ 300,000
	C3.6 Develop training materials for government officials on cooperating with CSOs;		US\$ 60,000	
C3.7 Organize a seminar to present results and recommendations of the Government-CSO partnership feasibility study and pilot;		US\$ 60,000		
C3.8 Experience in piloting cooperation between government and CSOs shared and disseminated through one workshop; reports		US\$ 60,000		

		of workshop compiled and published;		
	2010	C3.9 Train government officials and public servants on government cooperation with CSOs;		US\$ 60,000
		C3.10 Continue using the granting mechanism to support CSOs in different areas through the Association;		US\$ 50,000
	2011	C3.11 Train government officials and public servants on government cooperation with CSOs;		US\$ 60,000
		C3.12 Continue using the granting mechanism to support CSOs in different areas through the Association;		US\$ 50,000
		C3.13 Publish training materials for government officials on cooperating with CSOs		US\$ 60,000
Result C4: Co-ordination and communication among CSOs and between CSOs and the government are improved.	2008	C4.1 Construct a web portal as e-platform for promoting of international communication among CSOs;		US\$ 60,000
		C4.2 Establish a bi-monthly National CSO Development Forum to enhance coordination and communication among CSOs and with governments;.		US\$ 100,000
		C4.3 Organize a National CSO Exchange Conference		US\$ 60,000
	2009	C4.4 Organize a bi-monthly National CSO Development Forum to enhance coordination and communication among CSOs and with governments.		US\$ 160,000
		C 4.5 A feasibility study on the viability of a MOCA-sponsored CSO Association;		US\$ 120,000

	<p>-----</p> <p>2010</p> <p>-----</p>	<p>-----</p> <p>C4.6 Organize a National CSO Exchange Conference</p> <p>C4.7 Organize a bi-monthly National CSO Development Forum to enhance coordination and communication among CSOs and with governments.</p> <p>-----</p>	<p>-----</p> <p>US\$ 60,000</p> <p>US\$ 100,000</p> <p>-----</p>
	<p>-----</p> <p>2011</p> <p>-----</p>	<p>-----</p> <p>C4.8 Organize a National CSO Exchange Conference</p> <p>C4.9 Organize a bi-monthly National CSO Development Forum to enhance coordination and communication among CSOs and with governments.</p> <p>-----</p>	<p>-----</p> <p>US\$ 60,000</p> <p>US\$ 100,000</p> <p>-----</p>
<p>Result C5: The institutional and professional capacities of CSOs are improved.</p>	<p>2008</p> <p>-----</p>	<p>C5.1 Conduct a needs assessment on the training needs of CSOs;</p> <p>-----</p>	<p>US\$ 30,000</p> <p>-----</p>
	<p>2009</p> <p>-----</p>	<p>C5.2 A committee of experts and officials on developing training materials on CSO capacity building conveyed and workshop held;</p> <p>C5.3 TOT of CSO training for CSO representatives and officials</p> <p>C5.4 Implement the training programme and train CSO leaders and staff ;</p> <p>Publish CSO training materials</p> <p>-----</p>	<p>US\$ 60,000</p> <p>US\$ 60,000</p> <p>US\$ 60,000</p> <p>-----</p>
	<p>2010</p> <p>-----</p>	<p>-----</p> <p>C5.3 TOT of CSO training for CSO representatives and officials</p> <p>C5.4 Implement the training programme and train CSO leaders and staff</p> <p>-----</p>	<p>US\$ 60,000</p> <p>US\$ 60,000</p> <p>-----</p>

		C5.5 Publish CSO training materials		US\$ 60,000
	2011	C5.6 TOT of CSO training for CSO representatives and officials		US\$ 60,000
		C5.7 Implement the training programme and train CSO leaders and staff		US\$ 60,000
		C5.8 Conduct an evaluation of the training programme.		US\$ 60,000
			Sub total	US\$ 4,545,000

Section III – The total workplan and budget

Mandatory for GEF projects.

The Annual Workplan (AWP) is produced for each year. When a project has multiple years of duration, Workplans of each year with total budget sheet will accompany the project budget. Total Budget will use the same format, except that timeframe will be blank.

Section IV – Annexes

Part 1. Other agreements

Any additional agreements, such as cost sharing agreements, project cooperation agreements signed with NGOs⁸ (where the NGO is designated as the “implementing partner”).

Part 2. Terms of reference/Job descriptions

Terms of reference or job descriptions for key project staff, e.g. national project director (NPD), national project manager (NPM), chief technical advisor (CTA), consultants.

⁸ See Chapter 6 of the Programming Manual.

Annexes

Annex 1.

Description of Civil Society Organisations in China

The growth in organised civil society has been one of the most significant social developments in China since opening up in the late 1970s, particularly since the mid 1990s. From late 1970s to 1995, existing “mass organisations” such as *All China’s Women Federation* and *All China’s Trade Union*, started to answer the call for active participation in economic development. Some governmental organisations converted to semi-governmental institutions to play complimentary roles in implementing government policies and regulations. These were mainly sectoral associations, such as the *China Food Industry Association* etc. All such organisations were financed and controlled by the government, and therefore acted as semi-governmental bodies. During this period, a large number of farmer’s technical associations were also established to provide agricultural services with the support of Ministry of Agriculture and the State Science and Technological Commission (now Ministry of Science and Technology).

Civil society organisations in China are legally classified as follows:

- A. **Legally registered CSOs:** registered in the civil affairs department at different levels with the sponsorship of a government agency. They have a clearly defined legal status and organisational structure; by nature they are inclined to be influenced or controlled by the government through the party political system. These are the most common type of CSO and include:
- **mass organisations**, mass groups unique to China’s political situation and directly under the leadership of the CPC, such as trade unions, the *Communist Youth League*, women’s federations, writers’ associations, science and technology associations, literary federations and disabled persons’ federations;
 - **self-governing groups**, self-governing citizens’ political organisations, such as villagers’ committees and neighbourhood committees;
 - **business and professional groups**, all kinds of organisations and associations in a particular industry or profession, including organisations having regulatory functions and self-policing organisations, such as the China National Council of Light Industry and China Consumers’ Association;
 - **academic groups**, all kinds of associations in the fields of natural and social sciences and interdisciplinary studies;
 - **community groups**, organisations of community residents that provide community supervision and services;
 - **social associations**, all other kinds of social organisations than the above;
 - **public welfare and charities foundations**, organisations that finance public welfare and charities undertakings.
- B. **Unregistered CSOs:** not registered through the sponsored procedure. They nevertheless operate in wide range of social, economic and political fields, mainly as “grass-root” CSOs or NGOs. They include:
- **unregistered, but legally operating CSOs** often set up by a group of professionals in universities and research institutes under research activity;
 - unregistered in the civil affairs department, but **registered as business unit**. These CSOs are generally grass-root organisations raised by advocates and social or political activists;
 - **totally unregistered**, but nevertheless operating as a more or less organised group.
- C. **Social organisations, either under status transformation or with no clear official status**, such as rural village committees, transforming government PSU⁹, community service groups in urban areas, etc.

⁹ Public Service Unit.

D. Offices and programmes or projects offices of **international NGOs**.

From the perspective of academic research, CSOs can be divided into the following types:

- **trade organisations**, trade, professional and management associations, such as the associations associated with the various industries;
- **charitable organisations**, whose main functions are to provide disaster relief and aid the poor, such as the Red Cross, charities, disabled persons' federations, and the *Soong Ching Ling Foundation*;
- **academic groups**, organisations of scholars in the same field, such as the *Chinese Physical Society*, *Chinese Chemical Society*, *Chinese Association of Political Science* and *Chinese Atheistic Research Society*;
- **political groups**, all kinds of citizens' organisations that safeguard the political rights of citizens, such as trade unions, the *Communist Youth League*, women's federations, villagers' committees, neighbourhood committees, and various kinds of organisations devoted to safeguarding the people's rights;
- **community organisations**, which are engaged in neighbourhood supervision and service, such as homeowners' committees, community welfare centres, community retirees' associations, community legal assistance centres and neighbourhood public security committees;
- **social service organisations**, civil organisations that provide social welfare services and public welfare services, such as public welfare organisations engaged in environmental protection and in culture, education, sports and health activities;
- **citizens' mutual assistance organisations**, organisations voluntarily entered into by citizens to protect their interests, such as urban and rural mutual assistance associations, relief centres, rural agricultural associations and rural co-operative organisations;
- **common interest organisations**, citizens' organisations based upon common good, leisure interests and career, such as sports clubs, countrymen associations, alumni associations, poetry groups and so on;
- **non-profit consulting service organisations**, including most privately operated non-commercial bodies.

Annex 2: Risk Log

Date of revision: 2007-7-16

Award Title:

Award ID:

Project Title:

Project ID:

ID	Description	Category	Impact & Probability	Countermeasures / Management response	Owner	Author	Date Identified	Last Update	Status
01	National policies on the Rule of Law and Democracy issues, such as civil society development , alter drastically	<ul style="list-style-type: none"> ▪ Political 	certain components of the project may not be feasible P = 2	<ul style="list-style-type: none"> ▪ Communicate and negotiate with the government ▪ adjust project design 	Project Board	NPDs	before the project begins	When was the status of the risk last checked	no change
02	Project financial resources are not sustained	<ul style="list-style-type: none"> ▪ Financial 	Not all project outputs will be delivered P = 2	<ul style="list-style-type: none"> ▪ Communicate and negotiate with donors; ▪ Mobilize financial resources from 	Project Board	NPDs	before the project begins		no change

				the government counterparts and/or other donors					
03	Disputes among Project Board are not resolvable	<ul style="list-style-type: none"> ▪ Operational 	Project can not be implemented as planned. P = 2	<ul style="list-style-type: none"> ▪ Better negotiations among project board members ▪ Change composition of project board ▪ 	Project Board	NPDs	before the project begins		No change
04		<ul style="list-style-type: none"> ▪ Environmental ▪ Financial ▪ Operational ▪ Organizational ▪ Political ▪ Regulatory ▪ Security ▪ Strategic ▪ Other 	P =						

Annex 3: Lessons Learned Log

Date of revision:

Award Title:

Award ID:

Project Title:

Project ID:

ID	Date logged	Type	Description	Recommendation
01	01/01/2004	Good	P2 worked as capacity building method	Should have P2 foundation as part of project initiation to standardize project management method
02	01/10/2006	Bad	Congress did not pass the legislation on gender balance	Should involve and sensitize political party members prior to discussion, premature discussion in congress itself yielded non productive discussion
03				
04				
05				
06				

