



## Strengthening Rule of Law and Sustainable Protection in Darfur (El Fasher, El Geneina and Nyala)

June 2005



Region Covered:	<b>El Fasher, El Geneina and Nyala - Sudan</b>
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## ***1 – Introduction***

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The armed conflict in Darfur, which began in early 2003, has led to systematic violations of human rights and humanitarian law committed on the civilian population, contributing to a breakdown of law and order and an IDP community led captive by fear. Despite the huge international humanitarian intervention, security and protection remain a primary concern of displaced populations. Direct attacks on communities and villages remain commonplace and include arbitrary killing, rape, looting and restrictions on freedom of movement.

*The prevailing war-mentality remains the greatest challenge to the restoration of rule of law in Darfur.* As civil judiciary and law-enforcement officials lack the capacity and incentives to guarantee and protect human rights, affected civilian populations are exposed to arbitrary violence and deprivation of physical, material and legal safety. Given the extensive occurrence of SGBV and the lack of an adequate and responsive law-enforcement, women are particularly reluctant to seek justice and file complaints against attackers. A rule of law vacuum exists in Darfur, currently more than any other region in Sudan. Therefore, there is a clear need to address the immediate protection of IDPs, women in particular, and to engage law-enforcement and judiciary officials in shouldering their responsibilities under international law.

UNDP Sudan has conducted a series of needs assessments in all three Darfur states. Missions included a senior officer with in-depth experience in human rights/protection assessments in conflict zones and a National Rule of Officer with expertise in poverty and human development - both from the UNDP Sudan Country Office, a Police and Security Sector Reform Expert from the UNDP Bureau for Conflict Prevention and Recovery (BCPR, New York), and a Gender Expert from UNIFEM (New York). The assessments covered all three states and entailed visits to IDP camps, consultations with IDPs, local law-enforcement and judiciary authorities, local governance, UN agencies, international and national NGOs.

Chief among the challenges facing those intent on helping Darfurians to recover and rehabilitate their communities is the lack of confidence the affected population has in the government authorities. This of course is an obvious result of the nature of the crisis in Darfur in which civilians remain the primary targets. The climate of fear is pervasive, IDPs have no trust in government structures to provide immediate protection and security, let alone justice.

- There is an immediate need to engage local authorities in effective law-enforcement, primarily addressing physical safety for affected populations, followed by material and legal safety;
- Confidence building measures are paramount and must be run parallel to sustainable protection and access to justice;
- There is an urgent need to address gender-based violence through a two-fold approach: (a) access to justice, linking women's representatives to local and community policing; (b) psycho-social counselling, providing relief and recovery to restore the social fabric of local communities.

## ***2 – Project summary***

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This project intends to strengthen rule of law in Darfur through an incremental process of immediate- and medium-term interventions. By doing so, the project paves the way for long-term capacity building in the rule of law sector. Basic human rights training and protection measures to promote accountability constitute the first building blocks of the larger UNDP Rule of Law Programme.

In this vein, the project seeks to empower Sudanese stakeholders to actively engage in preventing and bringing an end to existing violations of international standards, restore confidence in informal and formal law-enforcement and judiciary institutions, and gradually build a culture of justice - a culture that is responsive to long-term capacity-building and sustainable human development.

There is an imminent need to address the immediate protection needs of targeted populations in Darfur, and engage law-enforcement and judiciary officials in shouldering their responsibilities under domestic and international law.

Since September 2004, UNDP has succeeded to gain the trust and confidence of communities and authorities alike, which has allowed for activities not previously feasible, such as the deployment of rule of law staff in the three Darfurs, human rights training to government authorities and communities, and the establishment of Justice & Confidence Centres and legal aid.

### *2.1. Principal objective*

The principal objective of this project is to strengthen the immediate protection of civilians and address human rights violations, protection deficits and lack of security, and to address the severe rule of law vacuum through formal and informal training, confidence building and means of strengthening accountability.

### *2.2. Project objectives*

- Raise awareness on basic human rights and rule of law principles amongst law-enforcement, prison wardens, judiciary, security, traditional authorities, tribal leaders, bar associations, civil society, IDPs and host communities to ensure that these standards are upheld and mainstreamed.
- Improve access to justice and empower local communities, in particular vulnerable groups.

## ***3 – Expected Results***

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### *Increased awareness on core rule of law and human rights principles:*

*Result 1:* Completed training of 10,000 law-enforcement officials, prison wardens, judiciary, security, traditional authorities, tribal leaders, bar associations, civil society, IDPs, and host communities, aimed at changing attitudes and perceptions about rule of law and human rights; providing basic knowledge of legal instruments and fundamental principles in international law; and strengthening accountability and guarantees for personal security, sustainable protection and access to justice. Since September 2004, 4,000 government actors and community stakeholders have participated in the human rights training.

Progress is measured *inter alia* by the number of cases reported, registered and resolved by official law-enforcement and judiciary authorities, strengthened security and protection of target groups, and, ultimately, the degree of physical, material and legal safety experienced by the people of Darfur.

*Result 2:* Enhanced dialogue between IDPs, host communities and the authorities to restore trust, and to engage the authorities in pro-active protection activities suggested and needed by the populace.

*Result 3:* Completed seminars/workshops/lectures organized in collaboration with Darfurian academic institutions like the Universities of Nyala, El Fasher and Zalingei, and increased dialogue amongst various stakeholders, including Darfurian students and academia.

*Result 4:* Improved linkages between community-based conflict resolution mechanisms and statutory systems; enhanced understanding of the legal and the socio-political measures required to promote a peaceful transition from military to civil rule of law.

Improved access to justice and empowered communities:

*Result 5:* Improved access to justice through the 7 Justice & Confidence Centres in Nyala (Kalma), El Fasher (Abu Shouk and Es-Salam), El Geneina (Durti), Kass, Kutum, Zalingei, and the Darfur Legal Aid Network; enhanced dialogue between IDPs, host communities and the authorities to begin the process of restoration of trust and confidence in the authorities.

*Result 6:* Establishment of three Legal Information Centres in Nyala, El Fasher and El Geneina to provide legal information to government authorities, legal practitioners, academia, as well as the general public; increased awareness on international and national laws and principles; and enhanced capacity amongst target groups to translate principles into reality.

#### **4 – Activities**

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Our activities entail, *inter alia*:

- (a) Conduct formal and informal trainings and awareness raising activities throughout Darfur on core rule of law and human rights principles, shared cultural values and professional attitudes towards justice. This training and awareness raising targets law-enforcement, prison wardens, judiciary, security, traditional authorities, tribal leaders, bar associations, civil society, IDPs and host communities to ensure that these standards are upheld and mainstreamed. Through participatory and interactive training sessions and dialogues, training is easily accessible, covering: (i) basic legal instruments and fundamental principles in international law; (ii) the universal ethical framework that underpins international human rights and shared Sudanese cultural values; (iii) perceptions and attitudes towards human rights, justice and democracy; and (iii) communication and confidence building. The training and awareness raising activities aim to target 10,000 beneficiaries.
- (b) Build the capacity of our Sudanese partners the People's Legal Aid Centre (PLACE), African Centre for Human Rights (ACHR), and Child Rights Watch (CRW) through Training of Trainers Workshops in Khartoum in order to respond to the immense training needs.
- (c) Organize seminars/workshops/lectures in close collaboration with Darfurian academic institutions like the Universities of Nyala, El Fasher and Zalingei. Aimed at bringing together local academia, government authorities, civil society organizations and community representatives, the Rule of Law Seminars provide a great platform to raise awareness about rule of law and human rights, and to foster meaningful dialogue amongst vital stakeholders, including Darfurian students and academia.
- (d) Foster meaningful dialogue between IDPs, host communities and the authorities to restore trust, and to engage the authorities in pro-active protection activities suggested and needed by the populace.
- (e) Consolidate 7 sustainable Justice & Confidence Centres in Nyala (Kalma), El Fasher (Abu Shouk and Es-Salam), El Geneina (Durti), Kass, Kutum, Zalingei. These engage in representing clients before the authorities and, at the same time, empower the latter to become more effective and responsive. The Justice & Confidence Centres are managed by international staff and provide informal legal representation to IDPs and host communities, communicating their rights to local law-enforcement and judiciary authorities. This entails providing advice on rule of law/protection to local law-enforcement and judiciary officials with a view of introducing systematic reporting and intervention by authorities, thereby reinforcing accountability.
- (f) Establish a sustainable Darfur Legal Aid Network through the Justice & Confidence Centres using the legal resources already present on the ground. Operating from the Justice and Confidence Centres, UNDP - in close collaboration with our partners - screens and invites

lawyers to participate in a legal aid referral system, in which cases are referred to lawyers to provide free legal advice and representation before courts.

- (g) Establish three Legal Information Centres in Nyala, El Fasher and El Geneina to provide information on international standards, Sudanese statutory law and customary practices to government authorities, legal practitioners, academia, as well as the general public; promote dissemination of international and national laws and principles; and build the capacity of target groups to translate principles into reality.
- (h) Engage in mentoring and monitoring to ensure follow through and to ensure that protection is meaningful, effective, and in compliance with human rights norms, as well as to engage in capacity building with the local civil society to ensure a culture of human rights, and that this dialogue and system of checks and balances between officials and civil society continues.

## ***5 – Beneficiaries***

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The targeted populations and IDPs in Darfur are exposed to armed attacks in their villages and harassment in the IDP camps. Subjected to physical violence and threats thereof, the primary beneficiaries lack physical protection, personal security and access to justice. At the same time, civil society, law-enforcement officials and the judiciary are marginalized by military and security forces.

Under the overall supervision of the UNDP Team Leader on Rule of Law/Senior Adviser on Rule of Law, UNDP Rule of Law officers and partners have identified the following immediate beneficiaries: law-enforcement and judiciary officials, local authorities, security officials, and IDPs, Bar Associations, and civil society representatives. The identification of immediate beneficiaries, especially from IDPs, is a strong component of the project. In turn, immediate beneficiaries should be able to provide information to a larger audience on basic human rights, legal assistance and protection mechanisms as well as facilitate dialogue between the targeted populations.

## ***6 – Monitoring and Evaluation***

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At the heart of the problem lays the need for physical, material and legal safety for individuals and communities. The impact of the project will, ultimately, be measured by the degree of safety/protection, rights and justice experienced by targeted populations. Thus, extensive consultations are designed to identify threats to human security and access to justice, and measure progress.

The impact can be measured on the basis of:

- Security situation in target areas;
- Response by law-enforcement officials, including recording, action and apprehension;
- Decrease in human rights violations recorded by law enforcement officials;
- Appointment and removal of law-enforcement and judiciary officials through transparent processes; and,
- Existence of legal aid and legal counsel accessible to the target groups.

Two UNDP Senior Rule of Law Officers, three UNDP Rule of Law Officers, as well as the Project Manager in Khartoum oversee and monitor implementation. In addition, UNDP conducts regular monitoring to review progress of the project and identify corrective actions required, which are presented in the interim report. Upon completion of the project, UNDP will conduct a final internal evaluation to determine accomplishment of expected results.

## ***7 – Visibility***

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During the implementation of this project, the UNDP ensures that appropriate visibility is provided to the Royal Netherlands Embassy, including:

- Active presence on the ground;

- Briefings to UN Sudan Country Team, the SRSG and the DSRSs;
- Close linkages to the UNMIS Public Information Office and the OCHA Information Centre;
- UNDP Bureau for Conflict Prevention and Recovery (BCPR), New York;
- Media, interviews and press releases, as appropriate.

## ***8 – Field coordination and local implementing partners***

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UNDP closely coordinates its activities with UNICEF, OCHA, UNHCR, UNMIS/HR and NGOs on the ground, including participating in existing inter-agency forums (i.e. inter-agency protection working groups, SGBV working groups, child protection working groups). Additionally, regular contact is maintained with IDP populations, civil society and relevant authorities, both at local and national levels.

The project is executed by UNDP. But in order to ensure national ownership and adequate outreach in the field, an implementing partner is utilized to implement parts of the project. At present, IRC is working together with UNDP in conducting confidence-building and training activities in Darfur. IRC is currently operational in all proposed project locations in North, South and West Darfur and engaged in dialogue with both IDPs and authorities. This existing presence, combined with IRC's focus on and experience with protection programming makes IRC particularly well placed to effectively promote protection and human security in Darfur through local and national partners, i.e. People's Legal Aid Centre (PLACE), African Centre for Human Rights (ACHR) and Child Rights Watch (CRW).

Coordinated by the UNDP Team Leader on Governance & Rule of Law/Senior Adviser on Rule of Law, UNDP and partners (IRC, PLACE, ACHR, CRW) collaborate in specific areas related to training of local target groups and will ensure full participation of national trainers in conducting trainings.

## ***9 – Risks and Assumptions***

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The project is based on the assumption that the security situation in Darfur will not escalate and impede the presence and operational activities of international organizations.

Risk factors:

- A major escalation of conflict;
- Blocking of activities; and
- Restrictions on freedom of movement.

Due to the volatile situation in Darfur, locations and numbers might change due to unforeseen circumstances.

## ***10 – Budget***

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Under the current project, activities in Darfur commenced in September 2004 and the budget table below provides the full expenditure until 31 August 2006. Funds available for the current implementation of the project were provided by UNDP, the Royal Netherlands Embassy and DFID:

UNDP	USD	99,000
Royal Netherlands Embassy	USD	338,000
DFID	USD	850,000
<u>DFID</u>	<u>USD</u>	<u>680,000<sup>1</sup></u>
TOTAL	USD	1,967,000

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<sup>1</sup> Through the Khartoum Protection Steering Group (KPSG), DFID has made available USD 680,000 to the UNDP to strengthen its organisational and training capacity in Darfur.

Both the Royal Netherlands Embassy and DFID have indicated their willingness to extend their support for UNDP's *Strengthening Rule of Law & Sustainable Protection in Darfur*, and we anticipate 100% funding of our activities in Darfur until 31 August 2006. It is likely that UNDP will continue to engage in rule of law activities in Darfur for a number of years.

**Full Expenditure Plan (1 September 2004- 31 August 2006)**

<b>A - Programme Management</b>	<b>Unit</b>	<b>Cost</b>	<b>Month</b>	<b>Total USD</b>
Senior Rule of Law Officer (P4)	2	*11,600	12	278,400
Project Manager (P3)	1	*10,400	20	208,000
UNV	3	*4,500	12	162,000
Rule of Law Officer (P2)	3	*9,150	12	329,400
National Rule Officer (NOA)	3	*1,500	12	54,000
Laptops	5	2,000	/	10,000
Travel & Transport	Lumpsum	75,000	24	75,000
Mobile Phones (communications included)	6	2,000	/	12,000
Digital Camera	2	600	/	1,200
Operation, Maintenance & Running Costs	Lumpsum	35,000	24	35,000
<b>Sub-Total USD</b>				<b>1,165,000</b>
<b>B - Programme Outputs</b>	<b>Unit</b>	<b>Cost</b>	<b>Month</b>	<b>Total USD</b>
1) Training and Workshops (facilitator, venue, stationary, transport)	Lumpsum	195,239	24	195,239
2) Training of Trainers Workshops (ToT)	3	15,000	/	45,000
3) Operational Justice & Confidence Centres	7	**90,000	/	630,000
4) Darfur Legal Aid Network	Lumpsum	35,000	/	35,000
5) Rule of Law Seminars Series	Lumpsum	50,000	/	50,000
6) Legal Information Centres	3	45,000	/	135,000
<b>Sub-Total USD</b>				<b>1,090,239</b>
General Management Service (5%)				112,762
<b>TOTAL (in USD)</b>				<b>2,368,001</b>

\*Cost/Month    \*\*Cost/Year