**United Nations Development Programme**



Rule of Law Programme in Darfur

*Strengthening Access to Justice and Human Security*

Project Document

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**United Nations Development Programme**

**Country: Sudan - Project Document**

**UNDAF Outcome(s)/Indicator(s):** n/a

**Expected Outcome(s)/Indicator(s):**

*Rights upheld and protected in accordance with international and national laws through accountable and equitable justice and rule of law institutions (Outcome 1 Bridging Programme)*

**Annual Targets:**

1. *12,000 stakeholders trained across Darfur*
2. *7 UNDP Legal Aid Centres and paralegal groups across Darfur operational*
3. *UNDP Legal Aid Network operational and capacity of legal aid organisations enhanced*
4. *UNDP Mobile Legal Aid Clinics conducted in 6 target locations*
5. *36 UNDP Rule of Law Seminars and public debates conducted*
6. *3 UNDP Legal Information Centres operational*

**Expected Outputs:**

1. *Human rights awareness in Darfur is enhanced*
2. *Local communities are empowered and access to justice is improved*
3. *Enhanced dialogue amongst Darfurian stakeholders*
4. *Increased access to national and international legal resources*

**Executing Entity:** *UNDP*

**Implementing Agencies:** *ACHR, IRC, Amel Centre, Humanity, Wad Centre for Legal Aid, SUDO, State Universities*

|  |
| --- |
| The UNDP Rule of Law Programme in Darfur seeks to raise awareness of human rights and rule of law amongst law-enforcement, judiciary and security officials, empower local stakeholders to actively engage in preventing and bringing an end to existing violations of international human rights standards, restore confidence in rule of law institutions, and gradually build a culture of justice - a culture that is responsive to long-term capacity building and sustainable human development. |

Programme Period: 1 April 2008 - 31 March 2009

Programme Component:

Project Title: UNDP Rule of Law Programme in Darfur

Atlas Award ID: 00042853

Project Duration: 12 Months

Management Arrangement: DEX

Total Annual Budget: US$ 3,885,821

Allocated Resources: US$ 3,885,821

* Government n/a
* Regular (TRAC) n/a
* Other:

Donor DFID

Donor Dutch

Donor SIDA

* In kind contributions: UNV

Unfunded Budget: n/a

*Agreed by (Government): Agreed by (UNDP):*

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# I. Situation Analysis

Since the outbreak of conflict in early 2003, the security situation in Darfur has deteriorated continually. The civilian population has lost confidence in governance and rule of law institutions. The lack of effective law-enforcement and justice mechanisms is further compounded by the destruction of infrastructure and livelihoods, the absence of basic social services, and severe environmental degradation. As a result of these dynamics, many war-affected people are today dependent on humanitarian assistance, all while weakened conflict resolution mechanisms have severely disrupted the local social fabric.

The erosion of effective formal and informal conflict resolution mechanisms stem from a series of root causes. Darfur has long been affected by desertification and competition over resources (land, water and livestock). Recurrent droughts and shortage of grazing lands have repeatedly led to violent conflict between nomads and farmers, contributing to tensions between tribes along the lines of ethnic division. Local conflicts have been exacerbated by socio-economic marginalisation, the dismantling of the native administration, the spread of small arms, and weak local governance and rule of law structures.

Influencing factors of ethnicity and identity have further fuelled violent conflict resolution. Although the conflict is essentially rooted in the fierce competition over natural resources between herders and farmers, it has progressively come to assume an ethnic and cultural dimension. This is illustrated by the re-demarcation of local administrative boundaries along ethnic/tribal lines, the politicisation of tribal leaders, and disputes over local custom and statutory laws governing land tenure and access to land.

In recent years, the violence in Darfur has become more indiscriminate and less targeted. Indeed, the continued conflict and the political instability, along with the disruption of the social fabric, have created an explosive environment that is now making its way into the last refuge, the IDP camps. In the absence of any meaningful occupation and means of self-reliance, many IDPs have become increasingly politicised and militarised with a mounting presence of small arms and a growing radicalisation – adding to the existing violations and high crime rate. This trend is particularly prevalent amongst the youth, who are also leading a shift in local leadership with new power structures emerging in the camps. Thus, while tribal leaders are loosing legitimacy, whole communities are wrestling with a sense of disempowerment.

Passive recipients of aid in the camps, displaced men have become increasingly susceptible to abusing their female relatives. Once active decision-makers in managing livelihoods in their villages, women are now subjected to the frustration of disempowered male relatives, who, in turn, are unable to attend livestock or engage in small-enterprise activities. As a result, domestic violence and other forms of SGBV are on the increase, further victimising women and girls who are now also subjected to reprehensible crimes by their own families and relatives. Thus, in addition to attacks as a result of the armed conflict and sheer banditry, the conflict has also weakened protection mechanisms that were safeguarded by a social balance – a balance that preserved peaceful co-existence amongst families and communities, in spite of inadequate state responsibility and institutionalised protection.

As a result of these realities, the crisis has gravely upset the social balance in Darfur, all while arms and violence have come to define the relationships between groups and communities. These factors - together with severe under-development - have culminated in a highly militarised environment in which the rule by force has replaced the rule of law.

Given the multiple and interrelated dynamics, the restoration of peace in Darfur is inextricably linked to the restoration of the rule of law. Without access to peaceful conflict resolution mechanisms - traditional or statutory - progress towards socio-economic development will be seriously hampered. The establishment of a full-fledged justice and law-enforcement system remains a long-term objective; however, early interventions in the rule of law sector can lay the building blocks for non-violent conflict resolution and the establishment of an effective and efficient law-enforcement and justice system. To this end, rule of law programming situated within an Early Recovery framework warrants an incremental approach aimed at gradually restoring both confidence and capacity to re-establish the social contract - a contract that safeguards the rights and enforces the obligations of all stakeholders under the law.[[1]](#footnote-1)

By linking protection to development principles, such as *empowerment*, *participation* and *inclusion*, towards a long-term objective of restoring the rule of law, early recovery in the rule of law sector is set in motion amidst the crisis. Against the background of the deployment of UNAMID, efforts will entail mutually reinforcing and interrelated interventions tailored to promote physical and legal protection in a crisis setting, while also empowering citizens and laying the foundation for institutional recovery - from confidence building and awareness raising to legal aid and capacity building of law-enforcement and the judiciary. These activities will not cease with the signature of a viable peace agreement, but will rather be built upon and expanded, alongside full-fledged institution-building and reconciliation in post-crisis Darfur.

# II. Strategy

UNDP has been operating in Darfur since 2004 and has implemented its Rule of Law Programme concurrently with the large humanitarian intervention, which includes ensuring food security, adequate access to water and sanitation, and health care. During the last three years, UNDP has conducted awareness-raising activities for over 40,000 Darfurian stakeholders; provided legal aid and conflict resolution services for thousands of people; organised over 100 public debates and seminars; and, established three legal libraries in conjunction with the State Universities in Darfur.

Building on the existing programme and in order to address the needs and gaps identified in the situation analysis, the UNDP Rule of Law Programme in Darfur principal objective is to uphold and protect rights in accordance with international and national laws through accountable and equitable justice and rule of law institutions (Outcome 1 Bridging Programme). To this end, UNDP aims:

* To raise awareness of rule of law and human rights principles;
* To empower local communities and improve access to justice;
* To enhance dialogue amongst Darfurian stakeholders; and,
* To increase access to national and international legal resources.

Access to justice is a vital part of the UNDP mandate to reduce poverty and strengthen democratic governance. Within the broad context of justice reform, UNDP’s specific niche lies in supporting justice systems so that they work for those who are poor and disadvantaged. Moreover, this is consistent with UNDP’s strong commitment to the Millennium Declaration and the fulfilment of the Millennium Development Goals (MDG). Empowering the poor and disadvantaged to seek remedies for injustice, strengthening linkages between formal and informal structures, and countering biases inherent in both systems can provide access to justice for those who would otherwise be excluded.

Justice is closely related to UNDP’s mandate - poverty eradication and human development. There are strong links between establishing democratic governance, reducing poverty and securing access to justice. Democratic governance is undermined where access to justice for all citizens, irrespective of gender, race, religion, age, class or creed, is absent. Access to justice is also closely linked to poverty reduction since being poor and marginalized means being deprived of choices, opportunities, access to basic resources and a voice in decision-making.

In order to meet the above objectives, it is important to bear in mind the crisis and post-crisis realities on the ground. Relevant dynamics relate to security, continued political instability and likelihood of relapse into (local) conflict. Drawing on the experience and lessons learned so far, addressing the rule of law requires a practical, flexible and constantly evolving approach that is locally driven. Capacity building of communities and institutions to restore and upgrade knowledge and operational support is not sufficient, but must be coupled with significant efforts to promote peaceful conflict resolution and gradually pave the way for reconciliation in a war-torn society. In this vein, the UNDP Rule of Law Programme in Darfur has adopted a pragmatic and incremental approach that addresses the multiple challenges facing the current crisis and a future peace building process, and is flexible to scale up and crystallise activities as recovery and development become feasible.

All interventions revolve around the premise that empowerment and participation cannot be nurtured via remote-control, but require an active, permanent presence on the ground. This presence must link relief work to the early recovery phase. Based on a continuous consultative process and gauging the political progress on the ground, activities may shift form or be expanded, while new entry points may arise. Thus, a gradual expansion of both operational space and substantive access to communities and institutions guide the process. Community-level interventions are, in time, linked to full-fledged capacity building and a national reform process (similar to the North-South CPA Process).

2.1. Policy Dialogue & Staffing

Through pro-active engagement and policy dialogue, UNDP aims to bridge the gap between government authorities, civil society, and communities, so as to ensure joint consultations in addressing the needs, e.g. through the UN Work Plan for Sudan, which lay the basis for the rule of law programming (which falls under the sector of Human Rights and Protection in the UN Work Plan for Sudan).

By deploying international lawyers to work alongside national staff and national stakeholders, the programme ensures objectivity and impartiality, and prevents exposure of national staff in a highly ethnically and politically charged environment. Thus, the role of international staff is two-fold. Firstly, they have a mentoring and technical advisory role to build the capacity of staff and stakeholders to incorporate international standards in project implementation and to manage actual projects; secondly, their presence provides a minimum degree of protection, while also serving to address sensitive issues inherent in promoting the rule of law.

National staff with appropriate knowledge of the Sudanese justice system and prior working experience with rule of law institutions will have to play a key role in advancing the programme. They are not only able to overcome the cultural and linguistic barriers, but they also have a better understanding of the conditions for success. Through their own network and personal contacts, they often obtain commitments from national stakeholders and valuable information to avoid possible deadlocks and adjust the programme to ensure long-term impact.

2.2. Collaboration and Partnerships

Collaboration and partnerships are imperative to ensure both access and outreach. Building on the ongoing in-kind support provided by UNV, which supports sustainable human development globally by promoting volunteerism and enhancing participation and inclusion, a number of partnerships have been established in the rule of law sector, including UNAMID, UNHCR, UNICEF, and UNFPA.

The programme aims to build on the ongoing engagement with the MDTF-funded National Judiciary Project (US$ 18 million), and is carefully tailored not only to build knowledge of the law, but also to enhance a deeply-rooted respect for human rights. Similarly, strategic partnerships must be maintained with donors to ensure substantive engagement and sustained donor commitment. Thus far, donor support for ongoing rule of law programming in Sudan has been generous, and is likely to continue into the recovery and development phase.

2.3. Empowerment of Communities, Civil Society and Private Sector

To promote inclusiveness, participation and sustainability, the programme seeks to empower community-based organizations (CBOs), civil society and the private sectorto actively contribute to address current needs and those of a peace building process. This entails provision of support to professional networks and national NGOs in promoting access to justice; economic and political empowerment; and, gender-mainstreaming. Capacity building of national partners and mobilising communities through volunteerism is particularly important to further outreach to remote areas, and to ensure national ownership and capacity to sustain implementation.

In politically charged settings, UNDP’s long-term perspective and emphasis on national ownership often positions UNDP as a trusted partner. As such, UNDP serves as a facilitator in the Rule of Law Sector (which is a particularly sensitive sector in crisis- and post-crisis) while also investing in full-fledged capacity building to complement short-term and medium-term interventions. This entails advancing and deepening the knowledge-base and technical skills; providing operational tools and rehabilitation, alongside supporting confidence-building and awareness raising to contribute to a gradual attitudinal change.

Capacity development requires building on existing strengths and solutions. UNDP’s focus is on enhancing people’s own capabilities rather than substituting national actors with external consultants and/or experts. Wide participation is crucial. Rule of law programming warrants engagement of actors beyond the circle of prosecutors, lawyers and judges. The rule of law affects and concerns the entire society and must, therefore, involve wide participation and consensus. Particular attention should be paid to consultations with duty-bearers, claim-holders, universities, and civil society organisations. This is not only a matter of creating legitimacy for reforms, but it also increases the likelihood of sustainability.

Gender is a cross-cutting issue, and is mainstreamed throughout all activities. Training emphasises the gender dimension of conflicts, and aims at raising the awareness of basic women’s rights, reiterating the obligations of target groups to protect conflict-affected populations, particularly women. Trainers impart technical advice for monitoring violations against women, with relevant examples drawn from international humanitarian law, as well as *sharia* and the Sudanese constitution (2005). The importance of protecting internally displaced and returnee women is emphasised throughout.

2.4. Training & Awareness-Raising

Through its awareness-raising activities, UNDP aims to reach out to members of the Sudanese Armed Forces (SAF), Popular Defence Forces (PDF) and National Security (NS); non-state armed groups (NSAG) and militias; prison wardens; police officers; prosecutors; judges; lawyers; academia and students; civil society and community-based organisations’ representatives; tribal leaders and traditional authorities; and, large numbers of IDPs and host community members.

Through its awareness-raising efforts in Darfur, UNDP conveys a strong message that human rights cut across all regions and all religions - uniting all. Human rights belong to all people simply because they are human, even when the laws of their country do not recognize their rights, or when their rights are violated. The objective, therefore, is not only to raise general awareness about the rule of law and human rights, but to change attitudes and mindsets, to build confidence and promote reconciliation, and to instil again in Darfur a sense of doing what is right - based on international standards, local custom, and universal ethics.

Unlike conventional human rights training, the workshops draw on traditional and indigenous conflict resolution, and cultural and religious values. The methodologies are accessible and practical, emanating from traditional ways of community learning based on gender, age groups and thematic issues. For instance, UNDP uses traditional and religious perspectives of human rights and peace-building as a foundation of modern standpoints. From familiar traditional and religious origins, participants are able to relate to and accept modern and international standards of respective notions. Similarly, the workshops are conducted in convenient locations for the participants such as stopover locations along the migration routes for nomadic communities.

Our training brings together Darfurian stakeholders to raise awareness about human rights and the rule of law, and to foster meaningful dialogue in an open setting. The value of this impartiality can not be overestimated: for many, the training is the first opportunity ever for such exchanges. The participatory approach of the trainers encourages debate, but also promotes tolerance and respect for the views of others.

All training participants are provided with handouts (in Arabic) that include the INC Bill of Rights (2005), UDHR (1948), African (Banjul) Charter on Human and People’s Rights (1981), and the UN Guiding Principles on Internal Displacement (1998).

2.5. Legal Aid Centres & Legal Aid Network

In view of the lack of access to justice and the absence of legal counselling, legal representation and legal information, activities should empower communities and civil society until state institutions have built an adequate capacity and earned the trust of the people to shoulder state responsibilities. The UNDP Legal Information Centres are essential mechanisms for legal awareness raising and for creating sustainability. Similarly, capacity building of paralegals and full-fledged lawyers fills the gap between relief and development, while conducting parallel capacity building of rule of law institutions at the state and national level. Particular attention is paid to SGBV and other violations through the provision of legal representation, and the gradual expansion of the activities and scope of the UNDP Legal Aid Centres and the UNDP Lawyers’ Network. Special attention will be paid to the promotion of women’s legal rights and the creation of conditions conducive to women’s legal empowerment.

To this end, it is important to improve access to justice and empower local communities by training paralegals to support and respond to the legal needs of the community, foster peaceful conflict resolution, and nurture mediation skills. At present, three UNDP Legal Information Centres, seven UNDP Legal Aid Centres and a UNDP Lawyers’ Network receive capacity-building support in Darfur.

2.6. Capacity Building of Communities

A great number of disputes are resolved at community level through the customary system, adequate investment must be made in seeking to understand the codes and *modus operandi* of customary law in Darfur. Activities should facilitate adequate and well-targeted capacity building of the *sheikhs* and *omdas* to safeguard and upgrade customary law in accordance with international standards, while also facilitating their relationship with the conventional justice structures. Efforts to align customary practices with international standards must be conducted within a framework of negotiation and mediation to allow national ownership to emerge.

2.7. Seminars & Public Debates

Given the breakdown of trust in the state apparatus, as well as in traditional leaders and neighbouring communities, confidence- and trust building constitute the basic premise for any engagement in the rule of law sector. To this end, the UNDP Rule of Law Programme in Darfur provides informal and formal forums for public debate and discussion, such as Sufi Workshops and the Rule of Law Seminar series addressing related thematic issues, such as land tenure or women’s rights and Sudanese frameworks, including Sufism.

Awareness raising and dialogue target both duty-bearers and rights-holders, as it is equally important for individuals and communities to be aware of their rights and duties, as it is for government officials to be conscious of their responsibilities. The seminars and public debates foster reconciliation and dialogue, and identifies appropriate transitional justice and reconciliation mechanisms.

These workshops are currently being implemented in collaboration with Darfurian State Universities, the government, displaced populations, traditional leaders and civil society and have proven to be effective in attracting all segments of Darfurian society. A catalytic approach is preferred, as these workshops and seminars are largely driven by Sudanese themselves. The workshops address all target groups of the society, either separately or jointly (depending on the context and subject), and are primarily intended to ‘break the ice’, allow freedom of speech, stimulate reflection and attitudinal change and mobilise stakeholders to take on pro-active engagement.

2.8. SGBV

Given the prevalence of SGBV, UNDP specifically focuses on enhancing the prevention of, the protection against, and the proactive response to SGBV by providing capacity building support to the formal and informal justice systems; ensuring that survivors are supported in their attempt to seek legal redress (through the Legal Aid Centres and Legal Aid Network); and, raising awareness of and changing attitudes towards SGBV amongst local communities and tribal leaders.

# III. Results and Resources Framework

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Applicable MYFF Service Lines:** Rule of Law  **Baseline:**  The rule of law sector in Darfur suffers from severe capacity deficits, while large parts of the populace – denied access to justice and redress – have lost confidence in the rule of law institutions and peaceful conflict resolution  **Intended Outcome as stated in the Country/ Regional/ Global Programme Results and Resource Framework:**  *Outcome 1:* Rights of citizens upheld and protected in accordance with international and national laws through accountable and equitable justice and rule of law institutions. | | | | |
| **Output 1. Human rights awareness enhanced**  Baseline:   * Lack of knowledge of basic human rights under national and international law   Target:   * 12,000 stakeholders trained across Darfur   Indicators:   * Number of people trained; * Increased awareness of core rule of law and human rights principles amongst target groups; and, * Increased compliance with national and international standards.   **2. Local Communities are empowered and access to justice is improved**  Baseline:   * Lack of access to justice and legal redress   Target:   * 7 UNDP Legal Aid Centres and paralegal groups across Darfur operational * UNDP Legal Aid Network operational and capacity of legal aid organisation enhanced * UNDP Mobile Legal Aid Clinics conducted in 6 target locations   Indicators:   * Number of Legal Aid Centres established and functional in Darfur; * Number of vulnerable people accessing justice through Legal Aid Centres and Legal Aid Network; * Increased number of cases brought before the courts; and, * Increased levels of confidence in rule of law institutions.   **3. Enhanced dialogue amongst Darfurian stakeholders**  Baseline   * Disruption of local social fabric   Target:   * 36 UNDP Rule of Law Seminars and public debates conducted   Indicators:   * Number of UNDP Rule of Law Seminars and public debates organised; * Increased levels of open and frank debate; and, * Increased local ownership of and support for rule of law activities.   **4. Increased access to national and international legal resources**  Baseline:   * Non-availability of national and international legal resources   Target:   * 3 UNDP Legal Information Centre operational (Nyala, El Fasher, El Geneina)   Indicators:   * Number of visitors to UNDP Legal Information Centres; * Enhanced knowledgebase and skills sets of legal professionals; and, * Increased functionality and accessibility of rule of law institutions. | | | | |
| **Applicable MYFF Service Line: Rule of Law** | | | | |
| **Partnership Strategy:** | | | | |
| **Project title and ID (ATLAS Award ID):** *UNDP Rule of Law Programme in Darfur* (00042853) | | | | |
| **Intended Outputs** | **Output Targets for (year)** | **Indicative Activities** | **Responsible parties** | Inputs |
| Human rights awareness in Darfur is enhanced | - UNDP Rule of Law Training conducted for 12,000 stakeholders across Darfur | - Hire staff and subcontract ACHR  - Conduct human rights training | UNDP/ACHR | **$300,000** |
| Local communities are empowered and access to justice is improved | - 7 UNDP Legal Aid Centres across Darfur operational  - Training conducted for 154 paralegals  - Legal aid support provided to 4,000 people | - Hire staff and subcontract IRC, Amel Centre, Humanity and Wad Centre for Legal Aid  - Conduct awareness raising activities on human rights and the rule of law  - Provide ongoing technical support  - Conduct regular UNDP Mobile Legal Aid Clinics | UNDP/IRC/Amel Centre/Humanity/Wad Centre for Legal Aid, SUDO | **$1,056,000** |
| Enhanced dialogue between Darfurian stakeholders | - 36 UNDP Rule of Law Seminars organised  - Outreach to at least 9,000 stakeholders | Organise regular Rule of Law Seminars in El Fasher, Nyala, El Geneina and Zalingei | UNDP/State Universities | **$36,000** |
| Increased access to national and international legal resources | - 3 UNDP Legal Information Centres operational | - Hire staff  - Sign MoUs with State Universities | UNDP/State Universities | **$30,000** |

# IV. Annual Work Plan Budget Sheet

##### Award: 00042853

**Project:** 00053426

**Title:** UNDP Rule of Law Programme in Darfur

**Portfolio Holder:** Maarten Barends

**Period:** 1 April 2008 - 31 March 2009

**Date:** February 2008

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **EXPECTED CP OUTPUTS** | **PLANNED ACTIVITIES**  *List all activities including M&E to be undertaken during the year towards stated CP outputs* | **TIMEFRAME** | | | | **RESPONSIBLE PARTY** | **PLANNED BUDGET** | | |
| Q2 | Q3 | Q4 | Q1 | **Source of Funds** | **Budget Description** | **TOTAL** |
| ***Management UNDP Rule of Law Programme in Darfur*** | Recruit and remunerate UNDP staff | X | X | X | X | UNDP | SP | 71000 | 998,400 |
| Cost-sharing programme delivery costs \* | X | X | X | X | UNDP | SP | 72000 | 1,140,000 |
| Contribution to security costs | X | X | X | X | UNDP | SP | 73000 | 71,208 |
| ***Human rights awareness in Darfur is enhanced*** | Conduct awareness raising activities on human rights and rule of law | X | X | X | X | ACHR/UNDP | Dutch | 72100 | 300,000 |
| ***Local communities are empowered and access to justice is improved*** | Operate seven Legal Aid Centres and paralegal groups across Darfur | X | X | X | X | UNDP/IRC | SP | 72100 | 560,000 |
| Conduct training for paralegals | X | X | X | X | UNDP/IRC | SP | 72100 | 140,000 |
| Provide legal aid to vulnerable groups | X | X | X | X | UNDP Legal Aid Network | SP | 72100 | 356,000 |
| ***Enhanced dialogue amongst Darfurian stakeholders*** | Conduct Rule of Law Seminars and Lawyers’ Colloquia in conjunction with the State Universities | X | X | X | X | UNDP | SP | 72500 | 36,000 |
| ***Increased access to national and international legal resources*** | Manage three Legal Information Centres in Nyala, El Fasher and El Geneina | X | X | X | X | UNDP | SP | 72500 | 30,000 |
| ***Sub-Total*** | | | | | | | | | ***3,631,608*** |
| *General Management Service (7%)* | | | | | | | | | *254,213* |
| ***TOTAL*** | | | | | | | | | ***3,885,821*** |

*\* The total programme delivery costs in Darfur amount to USD 2.28 million annually.*

# V. Implementation Modalities

Implemented concurrently with humanitarian action, the UNDP Rule of Law Programme in Darfur has been designed to build capacities of national stakeholders to respond to the existing needs, while also laying the building blocks for full-fledged recovery when the situation stabilizes. To this end, a number of activities will be implemented through or with qualified NGOs, CBOs and other civil society networks on the basis of the Direct Execution (DEX) modality.[[2]](#footnote-2)

Besides building the capacity of these bodies and groups to serve their respective communities, it is hoped that forging partnerships and working closely with a wide range of actors will enhance the geographical outreach to areas that UN staff cannot access. By building up its own implementation capacity in the field, UNDP will be able to adequately monitor all ongoing NGO/CBO activities. This complementary function allows for flexibility in the current crisis situation, while also ensuring that UNDP key principles, including conflict prevention, empowerment, equity, participation and inclusion are addressed, alongside key cross-cutting issues, including gender, capacity-building and confidence-building.

*ACHR*

With a view to strengthen Sudanese civil society and support the establishment of a strong Sudanese human rights organisation, UNDP has entered into an institutional agreement with the African Centre for Human Rights (ACHR). Based in Khartoum, the ACHR currently employs five fulltime staff and ten human rights trainers in Darfur. Under the partnership, ACHR will be responsible for general awareness raising and informal training of a minimum of 12,000 stakeholders across Darfur, as well as the organisation of three training of trainers’ workshops in Khartoum aimed at developing a skilled and knowledgeable pool of Sudanese human rights trainers. In order to provide sustained capacity support and ensure proper project implementation, UNDP has seconded two fulltime staff.

*IRC*

With the aim of fully institutionalising the UNDP Legal Aid Centres and paralegal groups in Darfur, IRC is tasked with the management of the daily activities at the centres until the paralegal groups are ready to take on full ownership. With hundreds of staff on the ground, IRC is the only INGO with the programmatic expertise and operational scope to manage and operate Legal Aid Centres and paralegal groups across Darfur. Because of its focus on working at the grassroots level and dealing with local communities, the organisation has in-depth knowledge of the dynamics on the ground which, in the current context, is an absolute prerequisite for the success of the programme. Aimed at building full-fledged and sustainable civil society organisations, IRC’s efforts are all geared towards the paralegals taking on a bigger role in the operational and programmatic management of the centres.[[3]](#footnote-3)

*Lawyers Networks*

UNDP staff on the ground will provide day-to-day mentoring and monitoring to the lawyers of the UNDP Legal Aid Network and offer specialised trainings on a wide range of topics. In turn, the lawyers are invited to participate in other UNDP supported activities, such as the UNDP Rule of Law Seminars and other trainings and symposia, thereby building their capacity to further improve the services they render to the community.

*State Universities*

In Darfur, UNDP works very closely with the three State Universities (Nyala, El Fasher, Zalingei) to promote national ownership and build sustainable institutions.[[4]](#footnote-4) Located on campus and equipped with thousands of legal text books and publications, as well as computers with internet connection, UNDP has established three Legal Information Centres where not only academia and students, but also paralegals, lawyers, judges and prosecutors have the opportunity to learn and undertake research. Since access is not restricted, the UNDP Legal Information Centres provide an excellent venue for teaching and education. The universities have assumed responsibility for running the day-to-day affairs of the centres and consider the libraries as an integral part of their operation. As such, they continuously make suggestions to further improve the centres and to raise further awareness of their existence and purpose.

# VI. Management Arrangements

The UNDP Rule of Law Programme in Darfur is implemented under the direct management of the UNDP CO. The Head of the Governance & Rule of Law Unit monitors and supervises the Programme Officer, who, in turn, is responsible for monitoring the programme and ensuring quality. The Project Manager is responsible for the actual programme implementation.

Programme staff liaise with Operations and support the programme with procurement, payments and logistics. Through coordination between the different UNDP projects and programmes, the CO will assist the programme in creating effective linkages and synergies in the field, while at the same time avoiding duplication.[[5]](#footnote-5) Within the Programme section of the CO, there will be active involvement in the process of reporting on the projects progress, as well as in the evaluation process and fund-raising efforts.

*Project Management and Staffing Structure*

The programme is staffed with a Project Manager and a Programme Analyst in Khartoum, and National and International Rule of Law Officers based in El Fasher, Nyala and El Geneina. In addition, UNDP has seconded one fulltime staff to the ACHR.

**Project Management**

*Project Manager*

**Project Executive Board**

**MIC**

**UNDP**

**Implementing Partners**

*ACHR, IRC, Amel Centre, Humanity, Wad Centre for Legal Aid, State Universities*

**Project Assurance**

*Programme Officer*

**Project Support**

*Programme Analyst*

*General Manager ACHR*

**Project Organisation Structure**

**Team North Darfur**

(7 Rule of Law Staff)

*• Training & Awareness-Raising*

*• Legal Aid Centres and Legal Aid Network*

*• Capacity-Building of Communities*

*• Seminars and Public Debates*

*• SGBV*

**Team West Darfur**

(7 Rule of Law Staff)

*• Training & Awareness-Raising*

*• Legal Aid Centres and Legal Aid Network*

*• Capacity-Building of Communities*

*• Seminars and Public Debates*

*• SGBV*

**Team South Darfur**

(7 Rule of Law Staff)

*• Training & Awareness-Raising*

*• Legal Aid Centres and Legal Aid Network*

*• Capacity-Building of Communities*

*• Seminars and Public Debates*

*• SGBV*

The *Project Executive Board* (PEB) is the group responsible for making by consensus management decisions for the programme when guidance is required by the Project Manager (PM). In order to ensure UNDP’s ultimate accountability, PEB decisions should be made in accordance to standards that shall ensure best value to money, fairness, integrity, transparency and effective international competition.

Project reviews by this group are made at designated decision points during the running of a project, or as necessary when raised by the PM. This group is consulted by the PM for decisions when PM tolerances (normally in terms of time and budget) have been exceeded.

The *Programme Officer* is responsible for the Project Assurance. The Project Assurance role supports the PEB by carrying out objective and independent project oversight and monitoring functions. This role ensures appropriate project management milestones are managed and completed.

The *Project Manager* has the authority to run the project on a day-to-day basis within the constraints laid down by the PEB. The PM is responsible for day-to-day management and decision-making for the project. The PM’s prime responsibility is to ensure that the project produces the results specified in the Project Document, to the required standard of quality and within the specified constraints of time and cost.

The *National and International Rule of Law Officers* are responsible for the day-to-day activities, travelling extensively within each of the Darfur States. These staff members interact with all local counterparts, organise the awareness-raising and training, provide day-to-day support and guidance to the paralegals and legal aid lawyers, and coordinate closely with other UN/NGO actors. All project staff have received extensive security training and all offices and vehicles are compliant with the Minimum Operational Security Standards (MOSS).

The overall structure of the UNDP Rule of Law Programme in Darfur emphasises and ensures national ownership. The programme is managed and implemented directly by UNDP, but the PEB supervises the overall management, monitoring and evaluation. The PEB is composed of one representative from each of the following: the Ministry of International Cooperation (MIC), UNDP, and implementing partners. The PEB convenes bi-annually (every six months).

# VII. Monitoring Framework and Evaluation

Adequate monitoring and evaluation (M&E) is critical to determine whether early recovery interventions in the rule of law are yielding the expected results. The demand for increased development effectiveness has been based on, *inter alia*, a realisation that producing good deliverables is not enough. Attention must, therefore, be centred on realistic and positive changes, and aim for results where they are most needed - people’s lives. This approach requires greater emphasis on building strategic and effective partnerships, underscoring that no single agency or development actor can produce the desired results on its own.

The impact of interventions in the rule of law sector will ultimately be measured by the degree of physical, material and legal safety experienced by targeted populations. As in any conflict- or post-conflict situation, the safe and voluntary return - with dignity - of displaced persons will first and foremost be conditioned by the restoration of security and a minimum degree of the rule of law. Therefore, the number of people who voluntarily return and successfully reintegrate in safety and with dignity constitutes a major indicator of success.

In accordance with the programming policies and procedures outlined in the UNDP User Guide, the project will be monitored through the following:

* An Issue Log shall be activated in Atlas and updated by the PM to facilitate tracking and resolution of potential problems or requests for change.
* Based on the risk analysis, a Risk Log shall be activated in Atlas and regularly updated by reviewing the external environment that may effect implementation.
* A Lessons Learned log shall be activated and regularly updated to ensure on-going learning and adaptation within the organisation, and to facilitate the preparation of the Lessons Learned Report at the end of the programme cycle.
* A Monitoring Schedule Plan shall be activated in Atlas and updated to track key management actions/events.
* An Annual Review Report shall be prepared by the PM and shared with the PEB. As minimum requirement, the Annual Review Report shall consist of the Atlas standard format for the QPR covering the whole year with updated information for each above element of the QPR as well as a summary of results achieved against pre-defined annual targets at the output level.
* Based on the above report, an annual project review shall be conducted during the fourth quarter of the year or soon after, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. In the last year, this review will be a final assessment. This review is driven by the Project Executive Board and may involve other stakeholders as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.

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| **OUTPUT 1:** Human rights awareness in Darfur is enhanced | | | |
| **Activity Result 1**  **(Atlas Activity ID)** | *Human Rights* | | Start Date: 01/04/2008  End Date: 31/03/2009 |
| **Purpose** | *To ensure that people are aware of their rights and responsibilities under national and international law* | | |
| **Description** | *Train 12,000 stakeholders across Darfur* | | |
| **Quality Criteria**  *How/with what indicators the quality of the activity result will be measured?* | | **Quality Method**  *Means of verification. What method will be used to determine if quality criteria has been met?* | **Date of Assessment**  *When will the assessment of quality be performed?* |
| Number of people trained | | *In situ* | Ongoing |
| Increased awareness of core rule of law and human rights principles amongst target groups | | Conduct pre- and post-tests and KAP (knowledge, attitudes and practices) surveys amongst participants | Ongoing |
| Increased compliance with national and international standards | | Conduct focus group surveys | Twice a year |

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| **OUTPUT 2:** Local communities are empowered and access to justice is improved | | | |
| **Activity Result 1**  **(Atlas Activity ID)** | *Access to Justice* | | Start Date: 01/04/2008  End Date: 31/03/2009 |
| **Purpose** | *To promote peaceful conflict resolution, uphold and protect rights in accordance with national and international law, and restore confidence in rule of law institutions* | | |
| **Description** | *Operate and manage paralegal groups and legal aid network across Darfur* | | |
| **Quality Criteria**  *how/with what indicators the quality of the activity result will be measured?* | | **Quality Method**  *Means of verification. what method will be used to determine if quality criteria has been met?* | **Date of Assessment**  *When will the assessment of quality be performed?* |
| Number of Legal Aid Centres established and functional in Darfur | | In situ | Ongoing |
| Number of vulnerable people accessing justice through Legal Aid Centres and Legal Aid Network; | | Monitor activities of paralegals and lawyers’ network | Ongoing |
| Increased number of cases brought before the courts | | Monitor and track cases; attend court hearings | Ongoing |
| Increased levels of confidence in rule of law institutions | | Conduct focus group surveys | Twice a year |

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| **OUTPUT 3:** Enhanced dialogue between Darfurian stakeholders | | | |
| **Activity Result 1**  **(Atlas Activity ID)** | *Peace-Building* | | Start Date: 01/04/2008  End Date: 31/03/2009 |
| **Purpose** | *Build confidence and promote reconciliation* | | |
| **Description** | *Conduct UNDP Rule of Law Seminars and debates* | | |
| **Quality Criteria**  *how/with what indicators the quality of the activity result will be measured?* | | **Quality Method**  *Means of verification. what method will be used to determine if quality criteria has been met?* | **Date of Assessment**  *When will the assessment of quality be performed?* |
| Number of UNDP Rule of Law Seminars and public debates organised | | *In situ* | Ongoing |
| Increased levels of open and frank debate | | *In situ* | Ongoing |
| Increased local ownership of and support for rule of law activities | | Conduct focus group surveys | Twice a year |

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| **OUTPUT 4:** Increased access to national and international legal resources | | | |
| **Activity Result 1**  **(Atlas Activity ID)** | *Legal Resources* | | Start Date: 01/04/2008  End Date: 31/03/2009 |
| **Purpose** | *To support legal professionals (paralegals, lawyers, prosecutors, judges) in the services they provide* | | |
| **Description** | *Operate and manage 3 UNDP Legal Information Centre in conjunction with the State Universities* | | |
| **Quality Criteria**  *how/with what indicators the quality of the activity result will be measured?* | | **Quality Method**  *Means of verification. what method will be used to determine if quality criteria has been met?* | **Date of Assessment**  *When will the assessment of quality be performed?* |
| Number of visitors to UNDP Legal Information Centres | | *In situ* | Ongoing |
| Enhanced knowledgebase and skills sets of legal professionals | | Gather paralegal, lawyer, police, prosecution, court and prison statistics | Ongoing |
| Increased functionality and accessibility of rule of law institutions | | Conduct victim and court user survey | Twice a year |

# VIII. Legal Context

This project document shall be the instrument referred to as such in Article 1 of the SBAA between the Government of Sudan and UNDP, signed on 24 October 1978 and ratified by the Government of Sudan on 2 January 1980.

Consistent with the Article III of the Standard Basic Assistance Agreement, the responsibility for the safety and security of the executing agency and its personnel and property, and of UNDP’s property in the executing agency’s custody, rests with the implementing partner.

The executing agency shall:

1. put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
2. assume all risks and liabilities related to the executing agency’s security, and the full implementation of the security plan.

UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of this agreement.

The executing agency agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via [www.un.org/docs/sc/committees/1267/1267listeng.htm](http://www.un.org/docs/sc/committees/1267/1267listeng.htm).

This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.

*bundp20mm*ANNEX 1

**RISK LOG**

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| --- | --- | --- |
| **Project Title: UNDP Rule of Law Programme in Darfur** | **Award ID: 00042853** | **Date: February 2008** |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **#** | **Description** | **Date Identified** | **Type** | **Impact &**  **Probability** | **Countermeasures / Mngt response** | **Owner** | **Submitted, updated by** | **Last Update** | **Status** |
| 1 | Volatile security situation does not permit direct implementation in areas considered unsafe | 2004 | Operational | Delays in implementation; evacuation of staff  P = 4 I = 4 | Flexible implementation modalities | UNDP | PM/PO | February 2008 | No change |
| 2 | Delays in procurement, ICT, recruitment, finance, and operational support | 2004 | Operational | Delays in implementation; sub-standard support to field offices  P = 2 I = 2 | Streamlining business processes; adherence to standard operating procedures | UNDP | PM/PO | February 2008 | Reducing |
| 3 | High staff turnover due to difficult working conditions | 2004 | Organizational | Lack of qualified field staff; loss of institutional memory  P = 2 I = 2 | Recruitment plan in place; adherence to standard operating procedures | UNDP | PM/PO | February 2008 | Reducing |
| 3 | Capacity deficits on the part of implementing partners | 2004 | Organizational | Delays in implementation; underperformance  P = 2 I = 2 | Capacity-building support; close mentoring and monitoring | UNDP | PM/PO | February 2008 | Reducing |
| 4 | Project outputs will not be sustainable | 2004 | Strategic | Lack of long-term impact  P = 2 I = 2 | Focus on national ownership, capacity-building and inclusion | UNDP | PM/PO | February 2008 | Reducing |

ANNEX 2

*Terms of Reference*

**Project Executive Board**

The Project Executive Board (PEB) is an oversight body that ensures transparency and improved efficiency for the activities within the scope of the UNDP Rule of Law Programme in Darfur. The PEB is the primary mechanism for consultation with MIC, UNDP and implementing partners. Where appropriate it will build on other existing mechanisms for monitoring and accountability.

The PEB convenes bi-annually (every six months) and extraordinarily whenever circumstances require. Normally, the venue of meetings shall be Khartoum but according to needs, meeting of the PEB can be scheduled in Darfur itself.

Membership

Members of the PEB are:

* Representative from MIC
* Representative from UNDP
* Representative from ACHR
* Representative from IRC
* Representative from UNDP Legal Aid Network
* Representative from State Universities in Darfur

The PEB Meetings will be co-chaired by the MIC and UNDP representatives. PEB members are nominated by the relevant ministers and/or heads of institutions. It is the responsibility of the member to assign in writing his/her replacement if unavailable to attend.

All decisions shall be reached by qualified majority. Each co-chair holds a right of veto. UNDP shall be responsible for the documentation on proposed agenda items, preparation and distribution of the agenda, and preparation and circulation of minutes.

Agenda

The agenda shall be approved by the co-chairs and distributed at least five calendar days in advance of a meeting. Item one of the agenda shall be adopting agenda and the approval of the minutes of the last meeting.

Minutes

UNDP shall draft the minutes of each meeting. The minutes shall record only decisions taken against each agenda item, not the detailed discussion, unless so determined by the co-chairs. The minutes shall record items where no decision was reached and the reasons for the failure to arrive at a decision. The minutes should also identify the persons or organisations responsible for following-up or implementing a decision. The draft minutes shall be circulated in English and Arabic to the PEB members within five working days of the meeting and approved at the subsequent meeting.

Responsibilities

*Running the programme:*

* Provide overall guidance and direction to the project, ensuring it remains within any specified constraints;
* Address project issues as raised by the Project Manager;
* Provide guidance and agree on possible countermeasures/management actions to address specific risks;
* Agree on Project Manager’s tolerances in the Annual Work Plan and quarterly plans when required;
* Conduct regular meetings to provide direction and recommendations to ensure that the agreed deliverables are produced satisfactorily according to plans;
* Appraise the Annual Review Report, make recommendations for the next Annual Work Plan; and
* Review and approve end programme report, make recommendations for follow-on actions.

*Closing the programme:*

* Assure that all deliverables have been produced satisfactorily;
* Review and approve the Final Review Report, including Lessons-learned;
* Commission evaluation, when required by partnership agreement; and
* Notify operational completion of the programme.

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**ANNEX 3**

**Project Manager**

*Overall management:*

* Manage the realisation of outputs through activities;
* Provide direction and guidance to programme team(s)/ responsible party (ies);
* Liaise with the PEB and Programme Officer to assure the overall direction and integrity of the programme;
* Identify and obtain any support and advice required for the management, planning and control of the programme;
* Responsible for project administration; and
* Liaise with any suppliers.

*Running the programme:*

* Plan the activities of the project and monitor progress against the initial quality criteria;
* Mobilize goods and services to initiate activities, including drafting TORs and work specifications;
* Manage requests for the provision of financial resources by UNDP, using advance of funds, direct payments, or reimbursement;
* Monitor financial resources and accounting to ensure accuracy and reliability of financial reports;
* Manage and monitor the project risks;
* Manage issues and requests for change by maintaining an Issues Log;
* Prepare the Annual Review Report, and submit the report to the PEB; and
* Based on the review, prepare the AWP for the following year, as well as Quarterly Plans if required.

*Closing the programme:*

* Prepare Final Project Review Reports to be submitted to the PEB;
* Identify follow-on actions and submit them for consideration to the PEB; and
* Manage the transfer of project deliverables, documents, files, equipment and materials to national beneficiaries.

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**ANNEX 4**

**Programme Officer**

*Overall project assurance:*

* Ensure that project outputs definitions and activity definition including description and quality criteria have been properly recorded in the Atlas Project Management module to facilitate monitoring and reporting;
* Ensure that people concerned are fully informed about the project;
* Ensure that funds are made available to the project;
* Ensure that risks and issues are properly managed, and that the logs in Atlas are regularly updated;
* Ensure that critical project information is monitored and updated in Atlas, using the Activity Quality Log in particular;
* Ensure that CDRs and Annual Review Reports are prepared and submitted to the PEB;
* Perform oversight activities, such as periodic monitoring visits and “spot checks”; and
* Ensure that the Project Data Quality Dashboard remains “green”.

*Closing the programme:*

* Ensure that the programme is operationally closed in Atlas;
* Ensure that all financial transactions are in Atlas based on final accounting of expenditures; and
* Ensure that accounts are closed and status set in Atlas accordingly.

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1. Early Recovery is defined as recovery that begins early in a humanitarian setting. It is a multi-dimensional process, guided by development principles. It aims to generate self-sustaining nationally owned and resilient processes for post-crisis recovery. Early recovery encompasses livelihoods, shelter, governance, environment and social dimensions, including the reintegration of displaced populations. It stabilizes human security and addresses underlying risks that contributed to the crisis (Inter-Agency Standing Committee/IASC). [↑](#footnote-ref-1)
2. UNDP partners in Darfur include ACHR, IRC, Amel Centre, Humanity, Wad Centre for Legal Aid, SUDO and the State Universities in Darfur. Implementing partners will enter into agreement with UNDP on the basis of the NGO Execution modality. [↑](#footnote-ref-2)
3. IRC has extensive experience with civil society development in Sudan, and will utilise its field-tested training materials and methodology to build the organizational and management capacity of the paralegals with the overall aim to providing tools to them to create vibrant civil society organisations in all the project locations. [↑](#footnote-ref-3)
4. The State University of Zalingei has a branch in El Geneina. [↑](#footnote-ref-4)
5. UNDP undertakes similar programmes in the Three Areas, Eastern Sudan and Khartoum State. [↑](#footnote-ref-5)