



**United Nations Development Programme**

**Country: Myanmar**

**Initiation Plan**

**Project Title:** Strengthening Access to Justice and Human Rights for Displaced People and Affected Communities in Kachin, Myanmar

**Expected CP Outcome(s):**

Strategic plan outcome: Enhanced democratic governance and the rule of law to strengthen access to justice and the enjoyment of human rights.

General project outcome: Increased access to justice and security and more equal enjoyment of human rights for displaced persons and affected communities in Kachin, Myanmar.

Specific project outputs:

1. Policy-makers and local stakeholders are better equipped to reform administrative justice processes to take into account the needs of displaced persons and affected communities;
2. Legal aid service providers have increased capacity to deliver quality legal information, counseling and assistance for displaced persons and affected communities, including on issues related to accessing civil documentation and registration processes.

**Initiation Plan Start Date:** 1<sup>st</sup> January 2018  
**Initiation Plan End Date:** 31<sup>st</sup> December 2018  
**Implementing Partner:** Rule of Law Centers/IDLO

### Brief Description

This Project Initiation Plan (PIP) has been designed under the current Myanmar Country Programme Action Plan 2013-2017 third programmatic pillar, namely "Democratic Governance" and which is intended to continue as part of the rule of law and justice stream of work in the next UNDP CPD (2018-2022). The PIP has been designed to be responsive to the immediate needs of displaced persons and conflict-affected communities in Kachin State, Myanmar, while constituting the foundation for replicable and sustainable work in Kachin and other parts of the country affected by emergency situations, such as armed conflict and natural disasters.

The PIP launches a UNDP-UNHCR joint one-year initiative, aimed at promoting rule of law solutions for displacement that addresses the needs of vulnerable groups who need access to responsive justice services. The project seeks to initiate support solutions for displaced persons in Kachin State by establishing baseline data to serve in developing rule of law interventions account for the specific challenges experienced by displaced populations and conflict-affected communities, and addressing those obstacles in existing and planned projects. Within this context, the project is also expected to provide baseline for knowledge, best practices and lessons learned, as well as deliver a project model, including approach, methodology and implementation, that are scalable and applicable in other regions, especially those affected by protracted conflicts, where UNDP will execute activities in line with the new CPD.

### Description

|                            |            |
|----------------------------|------------|
| Total resources required   | \$ 196,031 |
| Total allocated resources: | _____      |
| • Regular                  | _____      |
| • Other:                   | _____      |
| ○ TTF                      | _____      |
| ○ UNHCR                    | _____      |
| ○ Donor                    | _____      |
| ○ Government               | _____      |
| Unfunded budget:           | _____      |
| In-kind Contributions      | _____      |

|                           |           |
|---------------------------|-----------|
| Programme Period:         | 12 months |
| CPAP Programme Component: | _____     |
| Atlas Award ID:           | _____     |
| PAC Meeting Date          | _____     |

Agreed by UNDP: \_\_\_\_\_



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|                            |             |
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| Total allocated resources: | \$196,031   |
| • UNDP GP on ROJSHR        | \$98,015.50 |
| • UNHCR                    | \$98,015.50 |
| Unfunded budget:           | \$0         |

|                           |                                       |
|---------------------------|---------------------------------------|
| Programme Period:         | 12 months<br>(1 Jan 2018-31 Dec 2018) |
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| PAC Meeting Date          | _____                                 |

Agreed by UNDP:

Dawn Del Rio, Deputy Country Director/ Country Director a.,i

*Dawn Del Rio*

Agreed by UNHCR:

*Cecile Fradet, Assistant Rep.*

2.11.2017



## Situation Analysis

June 2011 saw the resumption of armed conflict in Kachin State, Myanmar, marking the collapse of a 17-year ceasefire. In Kachin State, close to 88,000 people remain displaced in 129 camps/sites<sup>1</sup>, approximately 76 percent of whom are women and children.<sup>2</sup> About 40 percent of the displaced people are in areas beyond Myanmar Government control where international actors have limited humanitarian access but where local humanitarian organizations continue to be able to operate, despite increasing constraints. Now entering its sixth year, the condition provoked by the armed conflict in Kachin and Northern Shan State has evolved into a situation of protracted displacement and prolonged humanitarian crisis.

The lack of progress towards a sustainable ceasefire agreement and the delayed resumption of the political process between parties to the conflict have prevented large-scale return of internally displaced persons (IDPs). In 2014, the Kachin State Government (KSG) initiated a small number of returns and relocations of IDPs with more than 200 IDP households officially reported as having returned to their villages of origin or settled elsewhere in Kachin State. At the time of writing, the return and relocation of IDPs has stalled, with the intensification of fighting between the Myanmar Army and ethnic armed groups beginning in July 2016. This intensification has caused pockets of new and secondary displacement and put many civilians at risk. Unconfirmed reports from the Kachin Independence Organization's (KIO) IDP and Refugee Relief Committee (IRRC) suggest that thousands more have been displaced as a consequence of the fighting in 2016 and early 2017. UN agencies and INGOs, however, have not been able to verify these figures due to lack of humanitarian access to the affected areas.

In addition to continued armed conflict, serious obstacles remain for displaced populations in Kachin State to return home and restart their livelihoods. The protection of housing, land, and property (HLP) rights is fundamental to IDPs' successful return and rehabilitation of livelihoods, and to mitigate potential conflicts over returned land. The successful return of IDPs will rely to a significant degree on the protection of their HLP rights. While HLP rights are unavoidably a priority concern for displaced populations, IDPs and affected communities in Kachin State have also identified many other justice issues as priority concerns, some of which qualify as human rights abuses, including gender-based violence, forced labour and recruitment, arbitrary arrest and detention, intimidation and harassment, forced disappearance, drug abuse and human trafficking, among others.

Myanmar also currently hosts the world's largest stateless population, i.e. approximately 1.1 million people in Rakhine State who are unable to acquire citizenship under the current legal framework which does not meet international standards in key areas including those needed to prevent and reduce statelessness. According to the nation-wide census carried out in 2014, 27% of the total population does not hold a form of identity card. As such, access to civil documentation under the current legal framework also poses a challenge for many communities nation-wide, in particular religious and ethnic minorities as well as those living in protracted displacement. According to the "UNDP Access to Justice and Informal Justice Systems Research" conducted in Kachin state (September 2016), respondents from ethnic minorities, as well as IDPs, described having had difficulties acquiring identity documents that would allow them freedom of movement, the right to own land and access to education and business opportunities. In addition, there is a low understanding within civil society and lawyers regarding the legal framework, including eligibility requirements and recourse mechanisms including through the complicated and generally inaccessible Constitutional Writs framework.

## Rationale

In Kachin State, tens of thousands of people are trapped in situations of protracted displacement as a result of conflict. Many of these IDPs lack access to basic necessities, or are unable to provide for their own

<sup>1</sup> Kachin and northern Shan States CCCM/Shelter/NFI Cluster Analysis Report June 2017

<sup>2</sup> Kachin and northern Shan States CCCM/Shelter/NFI Camp Profiling Round 6, August 2017.

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In Kachin State, tens of thousands of people are trapped in situations of protracted displacement as a result of conflict. Many of these IDPs lack access to basic necessities, or are unable to provide for their own livelihoods, and remain vulnerable to further human rights abuses. Because of the protracted displacement and humanitarian crisis, and the lack of substantial progress towards return and resettlement, an innovative approach to durable solutions for and protection of displaced populations and conflict-affected communities is needed so that displaced persons enjoy the same rights, responsibilities and access to national services and systems as those they live among, and they can live peacefully with their neighbors without facing discrimination related to their displacement.

IDPs in Kachin State experience legal barriers to the equal enjoyment of their rights. Lack of civil documentation excludes IDPs from accessing services and systems, leads to violations of their human rights, and keeps them from being taken into account in assessments and priority setting. Displaced communities and individuals in Kachin State are often excluded in development strategies, planning and actions, with slow progress towards engagement beyond that of humanitarian agencies. For example, there is no land restitution policy for IDPs in place at the national level in Myanmar. Lack of access to justice and security, and parallel services in government versus non-government controlled areas reinforce the isolation of displaced communities, and increase their vulnerability, exposing them to further human rights violations. These problems exacerbate an already explosive conflict situation, cause further rifts in the social fabric, and prevent the development of sustainable peace. Thus, a key challenge in Kachin State is to formulate effective rule of law responses to displacement in line with international human rights law and standards.

Against this backdrop, rule of law interventions in Kachin State should adequately address the specific challenges faced by displaced persons, especially regarding violations of HLP rights, and the increase in gender-based violence that invariably accompanies armed conflict. Without access to HLP rights, IDPs are often unable to secure basic livelihoods, in addition to other rights that are dependent on HLP rights, such as the right to food, water, education, and the highest attainable standard of physical and mental health.

In Myanmar, and particularly in Kachin, there is a need to reform obsolete laws on land and property through repeal and replacement, and to clarify the legal and administrative pathways for people to reclaim land and protect property rights. Analysts caution that under new land laws adopted during the reform process in 2012, millions of acres of land in Kachin State now classified as farmland, or not classified at all, could be conceded to business investors, including foreign investors. Compounding the problem, in Kachin State, few effective judicial or administrative remedies are able to prevent unlawful land confiscations, enforce adequate compensation for land-users whose lands have been confiscated, or mandate appropriate restitution. Exacerbating this problem is the fact that policies and procedures that seek to systematize the resolution of unlawful land acquisition cases unfairly ignore possession documents. In this way, the government's land dispute resolution systems fail to acknowledge the legitimate evidentiary support that documents provide when adjudicating land grab cases, and yet also lack flexibility for cases in which no legal documents can be produced to evidence legal tenure<sup>3</sup>.

While HLP issues are politically sensitive, there are areas within the broad category of HLP rights that can be addressed with less controversy. For example, UNDP programming in Kachin has specifically addressed land registration and dispute resolution processes under the 2012 land laws. Outreach events focused on these processes have helped the community and local government to better understand the laws and to resolve misunderstandings through dialogue. In order to proceed successfully, rule of law interventions focused on HLP rights in Kachin State should advocate for legal and administrative reforms, and work to promote greater understanding of the relevant legal framework both amongst local government officials and the community. UN rule of law interventions on HLP rights in Kachin State should be focused on improving administrative justice processes generally, in line with international rule of law principles and standards, and promoting transparency, good governance, due process, as well as helping secure the HLP rights of IDPs and affected communities, while ensuring the UN remains politically neutral.

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<sup>3</sup> Namati, Evidence is not Sufficient to Secure Land Rights in Myanmar; Impartial and Transparent Procedures are Critical, January 2017

Factoring the justice priorities of displaced populations into rule of law interventions from the outset can protect and empower them and their host communities, contribute to social cohesion, and reinforce access to justice, community security and the human rights of all people. The armed conflict is still on-going and rule of law initiatives for displacement are in the nascent stages while durable solutions for displacement on any significant scale will not be realized until the hostilities have ended. The rule of law interventions to support displaced populations described in this proposal are only the first steps in a long-term process of reconciliation and rebuilding.

### **Background on the UNDP Rule of Law and Access to Justice Project in Myanmar and the Rule of Law Centres Initiative**

Under the Democratic Governance Pillar of UNDP Myanmar, the Rule of Law and Access to Justice Output has been designed to strengthen justice institutions to uphold the rule of law and protect human rights as well as equip them to develop and implement frameworks for justice sector reform that reflect the needs of diverse groups, especially women and other vulnerable groups, and make justice service delivery more functional, accessible and fair. In particular, assistance to justice sector institutions has been structured around the key areas of: planning and coordination for a justice sector reform strategy that ensures access to justice for vulnerable groups; improving government recognition of the need for adequate participation from those affected to ensure laws respond to public needs; and providing judicial officials and law officers with the skills and tools they need in order administer justice in accordance with international human rights standards.

Within this context, under the auspices of the Parliamentary Rule of Law and Tranquillity Committee led by Daw Aung San Suu Kyi, UNDP has launched the Rule of Law Centres Initiative, which between July 2015 and June 2016 led to the establishment, in partnership with the International Development Law Organization (IDLO), of four Rule of Law Centres in Mandalay, Myitkyina (Kachin State), Taunggyi, and Yangon. The current focus of the Initiative has been designed to increase trust and cooperation between justice providers and the communities they serve.

In Myitkyina, Kachin State, in light of the situation of protracted displacement and humanitarian crisis which are a result of the resumption of armed conflict in Kachin, the role of the Rule of Law Centre has been considered critical to also serve the legal needs of displaced communities and promote trust between local communities and Government actors. In this regard, because of the ground work laid by UNDP and its implementing partner IDLO in establishing the Rule of Law Centre in Myitkyina, a pool of capable trainers has been developed to provide the trainings detailed in the proposal below. The trainers at the Rule of Law Centre are local people, familiar with the context in Kachin State, and able to speak the local languages. In addition to the trainers, a tested and refined curriculum, incorporating unique interactive training methodologies, has been developed by the Rule of Law Centres on human rights and Rule of Law principles.

Furthermore, the Rule of Law Centre project in Kachin State has laid the foundation for the successful implementation of the proposed project. This initiative will capitalize on the skills of the training staff at the Centre. The project will utilize these capable and tested trainers to increase the capacity of legal aid service providers (LASPs) to seek vindication of their human rights. The project will then connect justice seekers in displaced populations and affected communities to well-trained and monitored LASPs through mobile legal clinics. In addition, the groundwork for successful government interaction has already been laid by UNDP and the Rule of Law Centre.

### **Background on the UNDP-UNHCR Partnership in Myanmar**

UNDP and UNHCR already have a productive partnership in Kachin State. In 2016 and early 2017, UNDP, with support from UNHCR, implemented a programme of community outreach events that provided a platform for communities to bring their concerns to local government officials, especially concerning HLP rights. Through this process, it has been found that disputes regarding HLP rights often stem from misunderstandings and lack of community awareness of government processes for settling disputes and claiming entitlements. In this way, rule of law interventions are capable of improving administrative

processes for service allocation and dispute resolution, and empowering communities to claim their HLP rights. One primary outcome of these events was the creation of a Land Rights Coordination Group. Collaboration between UNDP-UNHCR through this Land Rights Coordination group continues, although the working group structure continues to evolve. The coordination group currently consists of UNDP as chair, and NRC and UNHCR as co-chairs. Local organizations make up most of the membership, with some INGO participation. The mandate of the group is to promote coordination, information and resource sharing, capacity building, and advocacy efforts among organizations dedicated to promoting land and property rights in Kachin.

UNDP and UNHCR have also collaborated on justice issues that are priorities for displaced persons, including events focused arbitrary arrest and detention, and the use of constitutional writs under the 2008 Constitution. Both UNDP and UNHCR funded the participation of experts to discuss the writ of habeas corpus, and to provide an overview of the constitutional writs and their use in the context of the armed conflict in Kachin State. Furthermore, UNDP, with technical support from UNHCR, and in collaboration with the Rule of Law Centre/IDLO staff developed a specific training module on access to civil documentation. It is envisioned that this will be piloted in the Rule of Law Centre in Yangon, and then rolled-out to other Rule of Law Centres in the future to streamline this thematic area into this existing training mechanism.

During the second quarter of 2017, the Union level Coordination Body for Rule of Law Centres and Justice Sector Affairs officially launched sub-coordination bodies (RCBs) in all 14 states and regions, with membership including high level government officials in the region and CSO representation. The RCB in Kachin has conducted several meetings already, and will be part of the collective effort by the Union level body to develop a comprehensive national justice reform strategy. By increasing the awareness of HLP issues to the Kachin RCB, this project will help to ensure that HLP rights will be mainstreamed into the overall justice sector reform of the country and will be incorporated into the regional justice sector action plan as key priority justice issue.

These joint efforts have solidified the working relationship of UNDP and UNHCR on rule of law issues. Both organizations appreciate the value of Rule of Law interventions for displaced persons, as well as for civil society and lawyers more generally, and are committed to implementing the proposed project, and continuing the partnership beyond the first-year of implementation.

### **Post-initiation sustainability and scalability of the project**

The collaboration between UNHCR and UNDP in Kachin serves to ensure that key protection issues that arise in the context of displaced and conflict-affected communities are seen within a broader lens of strengthening access to justice and capacity building key stakeholders on rule of law themes. Whilst the overall security environment remains dynamic and solutions for displacement and ending conflict remain elusive, this project seeks to ensure that displaced and conflict-affected communities are better supported by legal aid providers and are empowered to identify rights violations within their own communities. The impact of this will extend beyond the current situation of displacement and will contribute to sustaining the capacity of lawyers and other key stakeholders to advocate and seek solutions in the future.

The project initiation plan will thus lay the groundwork for continued rule of law interventions for displaced persons and affected communities, both in Kachin and in other places in Myanmar affected by displacement, namely Rakhine State. The assessments and mappings planned for the beginning of the project will provide valuable baseline information and insights into the human rights and access to justice situation of IDPs and affected communities, on which evidence-based interventions can be designed and implemented. The main findings and recommendations of the HLP assessment will be presented to the Kachin Coordinating Body for Rule of Law Centers and Justice Affairs to inform eventually actions to be undertaken at state level in the area of HLP and channel the key issues to the Union Coordinating Body for Rule of Law Centers and Justice Affairs, as well as other relevant policy-makers actors at state and union level. Additionally, the training curricula and counselling guide that will be developed can be used to train lawyers throughout Myanmar to deliver mobile legal clinics for displaced persons and affected communities. In this way, after the initiation



phase, the baselines, tools, and learning that will come from the first year of implementation will result in a scalable project that can help ensure access to justice for displaced persons across Myanmar.

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## II. EXPECTED OUTCOMES

### Output 1:

#### **Policy-makers and local stakeholders are better equipped to reform administrative justice processes to take into account the needs of displaced persons and affected communities**

Finding durable solutions for IDPs in Kachin State depends on their ability to enjoy the same rights as all citizens, especially when it comes to gaining access to basic government services, and their rights to adequate housing, land, and property. To contribute to administrative justice policy reform in these areas, a baseline assessment on IDPs ability to access justice services should be conducted, with a special focus on housing, land, and property.

The baseline assessment is expected to inform the ongoing efforts of the ROLC, as well as the Land Rights Coordination Group established by the community to provide a forum for discussion on displacements after they have occurred, linked to housing, land and property rights, whether as a result of development projects or the ongoing armed conflict. In addition, the above initiative will guide and inform the other projects' activities, in order that protection of human rights of IDPs and affected communities is mainstreamed into all rule of law interventions undertaken by UNDP and UNHCR.

#### Activity 1.1: HLP baseline assessment:

In-depth and comprehensive background review for relevant rule of law, justice, human rights and security sector issues, with a special focus on HLP rights enforcement for IDPs and affected communities, and the gender dynamics of HLP rights enjoyment in Kachin State. Carried out by a consultant, this assessment should include a review of the existing legal and regulatory framework and literature, key informant interviews, and focus group discussions with displaced populations, including programmes currently or previously carried out in Kachin, and an identification of good practices for the rule of law, justice and security in host communities (by national institutions, CSOs and international organisations). Reviewing the literature will take into account the existing access to justice reports and assessments conducted in Kachin State. Before initiating key interviews and focus-groups discussions with IDPs in Kachin State, the consultant will discuss with other land actors the outcomes of previous assessments conducted in Kachin State to avoid overlapping or duplication. The HLP baseline assessment will include also the following:

- Mapping of Villages of Origin and Key Actors

A mapping of displaced persons' villages of origin, key HLP issues, and key actors involved in access to justice issues in Kachin State will be included in the HLP baseline assessment. For the mapping of the villages of origin of IDPs, existing literature<sup>4</sup> and camp profiling<sup>5</sup> information will be taken into account. UNHCR and some international non-governmental organizations have begun gathering data on a small scale through their humanitarian assessments.

- Capacity Assessment of Township Farmland Administration Bodies

Specific capacity assessment of selected township and village tract farmland administration bodies (TFABs and VTFABs). Assessment of TFABs will focus on their capacity to properly implement land registration and dispute-resolution processes, in accordance with international standards on transparency and non-discrimination, *inter alia*. Assessment of TFABs requires a desk review of the current legal and regulatory frameworks and knowledge of any relevant existing assessments conducted by others.

- Capacity Assessment of Local Organizations

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<sup>4</sup> RANIR, Displaced Villages Profiling, March 2015.

<sup>5</sup> CCCM, Shelter, NFI Cluster Kachin and NSS State, Camp Profiling Round 6, August 2017.

Capacity assessment of local organizations to engage in advocacy, oversight and participate in the development and monitoring of land registration and dispute-resolution processes.

The assessment will be conducted in Quarter 1 of 2018. Based on the findings of the assessment and in close consultation with UNDP Country Office, the rule of law team and UNHCR, the consultant will develop programmatic options on key access to justice and security issues, especially for HLP rights enforcement for IDPs and affected communities. These programmatic options will be included in the assessment. In addition, the main findings and recommendations of the assessment will be presented to the Kachin Coordinating Body for Rule of Law Centers and Justice Affairs to inform eventually actions to be undertaken at state level in the area of HLP and channel the key issues to the Union Coordinating Body for Rule of Law Centers and Justice Affairs, and other relevant policy-makers actors at state and union level.

#### Activity 1.2: Development of Counselling Guide for IDPs

The aforementioned assessment will provide a baseline for the creation of a counselling guide for IDPs to be used during activities under Output 2, including where IDPs can submit a complaint, what government departments to approach to provide land documentation, etc.

**Output 2: Legal aid service providers have increased capacity to deliver quality legal information, counseling and assistance for displaced persons and affected communities, including on issues related to accessing civil documentation and registration processes.**

#### Activity 2.1: Assessment of current capacities and expertise of local legal aid providers

The Project will conduct in Quarter 1 an assessment on current capacities and expertise of local legal aid providers in dealing with HLP-related and access to civil documentation-related issues as they also relates to IDPs rights and claims . Moreover, the assessment will focus on local capacities for case management and case referral systems. The assessment will inform activity 2.2., i.e. the development of a IDP broader protection module, including on HLP rights and the roll out of specialized legal skills trainings and mobile legal clinics. In addition to that, the main findings and recommendations of the assessment will be presented to the Kachin Coordinating Body for Rule of Law Centers and Justice Affairs to inform eventually actions to be undertaken at state level in the area of HLP and channel the key issues to the Union Coordinating Body for Rule of Law Centers and Justice Affairs, and other relevant decision-makers actors at state and union level, including the Office of the Attorney general and the Supreme Court.

This assessment is also expected to inform the design and implementation of the following:

- The rules and regulations for legal aid, with strong focus on women and vulnerable groups, which eventually will need to be developed by the Office of the Supreme court, pursuant to the recently enacted Legal Aid Law;
- A broad country-wide legal aid mapping study which UNDP is expected to conduct as a key initiative under the new Country Programme Document 2018-2022.

#### Activity 2.2: Specialized legal skills training

In order to ensure that service providers are well-equipped to provide legal aid to internally displaced persons, legal aid service providers will be trained and equipped to deliver mobile legal clinics for displaced populations and affected communities. There is a pool of well-trained lawyers to draw from who are graduates of Rule of Law foundations courses. These lawyers are often also senior members of local CSOs with extensive experience with delivering information, counselling, and legal assistance. Legal aid service providers will be provided with further training on practical subjects, such as HLP and IDP rights, accessing civil documentation, handling GBV cases, etc.

In this regard, the Rule of Law Centers are currently developing training modules on land, IDP Protection and Rights, and civil documentation. A GBV module has already been piloted and rolled out to all four Rule of Law Centre sites, a broader IDP protection module will be devised. In addition, UNDP, through its implementing partner the IDLO, and with the technical support of UNHCR are currently developing training modules on access to civil documentation, targeting lawyers and civil society. A training module of HLP rights will be developed through the project jointly based on existing UNHCR materials. The training module on

HLP rights will be initially piloted in Kachin. The training module on access to civil documentation will be piloted in Yangon, and then rolled out to Kachin and other Rule of Law Centre sites. In Quarter 1 and Quarter 2 of 2018, these trainings will be provided for legal aid lawyers in order to cultivate a pool of legal practitioners that are capable to deliver quality legal services to IDPs and affected communities.

#### Activity 2.3: Mobile legal clinics

The mobile legal clinics will provide clients with information, and legal counselling and assistance services, and focus on services for displaced populations, including on the following issues: housing, land and property rights; civil registration processes and applications for documentation; and GBV. Preparatory work will be done in Quarters 1 and 2 of 2018 to design the mobile clinics component and ensure its effective operationalization in quarters 3 and 4 of 2018, including selection of clinic legal aid providers, logistical arrangements, discussions with local authorities, and seeking authorization for access to project implementation locations. It will be necessary to continue clinical legal support for displaced populations throughout the term of their displacement and after solutions have been achieved to ensure that IDPs enjoy equal rights with host communities, and receive adequate reparations for any human rights violations that have occurred. Small-scale efforts have been made in Kachin State to increase legal awareness, provide legal support and information to IDPs on civil documentation, HLP rights and general legal rights for IDPs as citizens of Myanmar. In order to avoid overlapping or duplication of efforts, close collaboration with UNHCR and other key stakeholders will be included in the preparatory work of the mobile clinics.

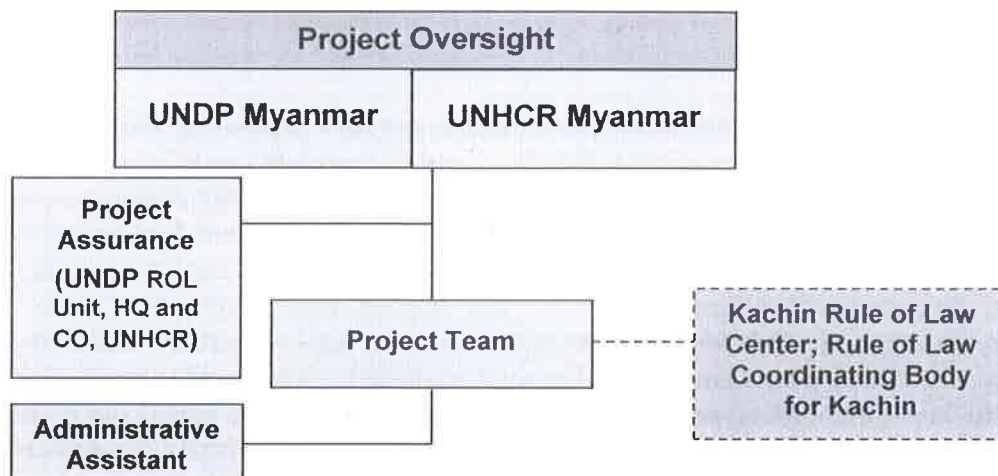
#### **Targets and beneficiaries**

The target groups for the specialized legal skills trainings will be LASPs serving displaced populations and affected communities. Mobile legal clinics are targeted at displaced populations, but more specifically at those persons within displaced communities that are involved in disputes with other parties, either within the displaced population itself, or with parties outside of the displaced population.

Key local partners who will assist in the implementation of the mobile trainings, justice provider trainings, and mobile legal clinics will be IDLO, UNDP's implementing partner for Rule of Law Centre in Myitkyina, and other local legal aid service providers, such as the Kachin Lawyers Group (KLG), the Kachin Legal Aid Network (Shingnip), Legal Clinic Myanmar (LCM), the Myitkyina Bar Association, and the Myitkyina University Law Faculty. International organizations, especially UNFPA and IOM, will be consulted for technical advice during the course of the project as needed.

The ultimate beneficiaries of the project will be displaced populations and affected communities in Kachin State who will benefit from increased access to justice and security, and more equal enjoyment of human rights.

## Project Organizational Structure



**Project oversight** will be provided by the UNDP and UNHCR Country Offices in Myanmar. UNDP and UNHCR will make recommendations for project plans and revisions. UNDP will retain operational control of the project. In order to ensure UNDP’s ultimate accountability, the decisions on the project should be made in accordance with standards that shall ensure management for development results, best value for money, fairness, integrity, transparency and effective international competition. UNDP, in consultation with UNHCR, will review the progress of project implementation at quarterly intervals during the course of the project, or as necessary when raised by the Programme Managers. Based on the approved annual work plan (AWP), UNDP may review and approve project quarterly plans when required and authorize any major deviations. Furthermore, UNDP is responsible for ensuring that required resources are committed, and resolving any challenges to programmatic implementation.

**Project Team:** the proposed intervention in this initiation period will be delivered by the project team. The project team will consist of an International UNV Rule of Law Officer and a National Project Officer who will provide daily supervision for the project implementation and reporting to the Rule of Law Specialist based in Yangon who will be responsible for project management and oversight, as well as ensuring that the initiative on HLP implemented in Kachin, if successful, will be implemented in other locations of Myanmar and eventually scaled up in 2019. The project team is also expected to report to UNHCR’s Protection Unit on technical and substantive issues. An international consultant with expertise on the rule of law, access to justice, and HLP rights, will be hired to coordinate the research and drafting of the baseline assessment. The Rule of Law Officer and a National Project Officer will be located in the UNDP Myitkyina field office, and will be in close communication and consultation with the UNDP CO and UNDP HQ.

In addition, the project team will be in charge of delivering key events as outlined in the activities with close communication and coordination with the country office, regional hub and HQ. These events are milestones in advancing UNDP’s position in this engagement and will require strong attention and support.

**Project Assurance role:** the project team will be aligned with UNDP’s and UNHCR’s priorities as outlined in this proposal. The team will be assisted with technical expertise by the UNDP and UNHCR country offices. The UNDP country office will immediately engage with the government and dedicate efforts to ensure that the project has the full support of the Myanmar government. The team will be communicating with other programmes in the country office to ensure that they are not delivering in silo and have strong connection and engagement with other portfolios. The country office’s portfolios in conflict prevention and democratic governance will work closely with the team to ensure that they are building on the current initiatives, coordinating with the counterparts with unified messages, benefiting from the already invested relationships with the governments officials, local civil society and development partners. The Regional Bureau will be fully on board on the development of this initiative and will be invited to key events.

### Division of responsibilities between UNDP and UNHCR



## UNHCR

- UNHCR Protection Unit (both at country and field levels) will support on technical areas of expertise, including rights of and protection for IDPs, and displacement solutions related to HLP, and civil documentation, for all mobile rule of law trainings and mobile legal clinics.
- UNHCR has led the development of the access to civil documentation training module and will continue to provide technical assistance in the piloting and review process of the implementation.
- UNHCR will support to develop training modules on IDP protection and HLP rights for the mobile trainings.
- UNHCR Protection Unit will provide technical advice on durable solutions for the project activities, using already existing PWG documents, such as the checklist on minimum standards for durable solutions.
- UNHCR Protection Unit will provide technical support on HLP rights and issues affecting IDPs, using existing documents that were created for HLP awareness in the IDP camps conducted by UNHCR.
- UNHCR Protection Unit and CCCM, NFI, Shelter Cluster will provide inputs to the locations for mobile Rule of Law and human rights trainings, and the mobile legal clinics for IDPs and affected persons. In addition, UNHCR will provide support in inviting the responsible camp management committee members, camp leaders, protection focal points and traditional, customary and/or religious leaders from the IDP camps and affected communities for the above mentioned trainings.
- UNHCR will play a coordination role with its partners for the project activities.
- UNHCR will provide input to the recruitment of the HLP consultant and development of TORs.
- UNCHR will provide support to conduct a final evaluation of the project around December 2018.

## UNDP

- UNDP will provide overall oversight and management of the project.
- UNDP will provide technical advice, particularly on Rule of Law and human rights, and knowledge of local justice issues, inter alia, for all project activities.
- UNDP, with its implementing partner IDLO, will design and implement the specialized legal skills trainings, and mobile legal clinics.
- UNDP will coordinate the HLP baseline assessment, with input from other UN agencies, especially UNHCR, on methodology and data gathering.
- UNDP serves on the Secretariat and Advisory Group of the Union level Rule of Law Centre and Justice Sector Affairs Coordination Body, and can serve as a conduit for information to Union-level justice sector officials when necessary.

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## **IV. MONITORING AND EVALUATION FRAMEWORK**

In accordance with UNDP's programming policies and procedures, the project will be monitored through the following monitoring and evaluation plans:

| <b>Monitoring Activity</b>     | <b>Purpose</b>  | <b>Frequency</b>  | <b>Expected Action</b>  |
|--------------------------------|---|---|---|
| <b>Track results progress</b>  | Progress data against the results indicators in the AWP will be collected and analysed to assess the progress of the project in achieving the agreed outputs. | Quarterly, or in the frequency required for each indicator. | Slower than expected progress will be addressed by project management.                                    |
| <b>Monitor and Manage Risk</b> | Identify specific risks that may threaten achievement of intended results. Identify and monitor risk management   | Quarterly   | Risks are identified by project management and actions are taken to manage risk. The risk log is actively |

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|  | actions using a risk log. This includes monitoring measures and plans that may have been required as per UNDP's Social and Environmental Standards.  |  | maintained to keep track of identified risks and actions taken.  |
| <b>Learn</b>   | Knowledge, good practices and lessons will be captured regularly, as well as actively sourced from other projects and partners and integrated back into the project, including official and administrative data on HLP   | At least annually                                      | Relevant lessons are captured by the project team and used to inform management decisions.   |
| <b>Annual Project Quality Assurance</b>  | The quality of the project will be assessed against UNDP's quality standards to identify project strengths and weaknesses and to inform management decision making to improve the project.   | Annually   | Areas of strength and weakness will be reviewed by project management and used to inform decisions to improve project performance.                             |
| <b>Review and Make Course Corrections</b>  | Internal review of data and evidence from all monitoring actions to inform decision making.  | At least annually                                      | Performance data, risks, lessons and quality will be discussed by the project board and used to make course corrections.                                       |
| <b>Project Report</b>  | A progress report will be presented to the Rule of Law Project Board and key stakeholders, consisting of progress data showing the results achieved against pre-defined annual targets at the output level, the annual project quality rating summary, an updated risk log with mitigation measures, and any evaluation or review reports prepared over the period.  | Annually, and at the end of the project (final report) |  |
| <b>Project Review (Project Board)</b>  | The project's governance mechanism (i.e., project board) will hold regular project reviews to assess the performance of the project and review the Multi-Year Work Plan to ensure realistic budgeting over the life of the project. In the project's final year, the Project Board shall hold an end-of project review to capture lessons learned and discuss opportunities for scaling up and to socialize project results and lessons learned with relevant audiences. | Twice a year   | Any quality concerns or slower than expected progress should be discussed by the project board and management actions agreed to address the issues identified. |
| <b>Strategic plan and IPs progress reports, HLP assessment, reports from the</b> | Developed strategic plans and partners' reports will be provided as a tool to assess performance and achievement of intended   | Quarterly  | Slower than expected progress will be addressed by project management.   |

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| <b>RCBs, reports<br/>from ROLC</b> | results. Baseline assessments<br>will be commissioned. |  |  |
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| <p><b>Output 2: Legal aid service providers (LASPs) have increased capacity to deliver quality legal information, counselling and assistance for displaced persons and affected communities, including on issues related to accessing civil documentation and registration processes</b></p> <p><i>Baseline: No baseline data</i></p> <p><i>Indicators: # of LASPs trained; % of participant satisfaction with trainings; # of clients served. % of client satisfaction with services provided</i></p> <p><i>Targets:</i></p> <p><i>An assessments developed to inform evidence-based legal aid--related reform;</i></p> <p><i>60 LASPs trained (20 per training x 3 trainings)</i></p> <p><i>80% participant satisfaction with trainings</i></p> <p><i>Three mobile clinics conducted</i></p> <p><i>150 participants</i></p> <p><i>80% of clients satisfaction with services provided</i></p> | <p>1. Assessment of current capacities and expertise of local legal aid providers</p> <p>2. Specialized legal skills trainings on HLP for legal aid service providers</p> <p>3. Specialized legal skills training on access to civil documentation for legal aid service providers</p> <p>4. Specialized legal skills training on IDP protection for legal aid service providers</p> <p>5. Preparatory work for mobile legal clinics (meetings with authorities, authorization, etc.)</p> | x | x |  | Project team | <p>Staff costs, Activity costs, Project management and evaluation costs</p> <p>Cost of international consultant</p> <p>Cost of national consultant</p> <p>Communication, logistical support, translation</p> | <p>Staff costs: USD 52,448; Activity costs: USD 33,242; Project management: USD 24,000</p> <p>GMS (8%): 14,521</p> |
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| <p>Unwillingness of training participants or LASPs to participate in good faith with the project because of lack of trust of the project team, and/or fear of government reprisals</p> | <p>2</p> | <p>Composition of project/assessment team should reflect the ethnic and religious makeup of the displaced population<br/>International and national project staff should have familiarity with the context of ethno-religious conflict</p> |
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**UNDP-UNHCR Budget Proposal January-December 2018**

| Budget Item  | Unit          | Quantity | Unit Cost (USD) | Total Cost (USD) | Remarks |
|--|---------------|----------|-----------------|------------------|---------|
| <b>1 Project staff</b>   |               |          |                 |                  |         |
| 1.1 Rule of Law Officer (70%)  | month         | 12       | 3,267           | 39,200           |         |
| 1.2 National Project Officer - Myitkyina (70%)   | month         | 12       | 1,104           | 13,248           |         |
| <b>Sub-Total</b>   |               |          |                 | <b>52,448</b>    |         |
| <b>2 Project Activities</b>  |               |          |                 |                  |         |
| <b>2.1 HLP Assessment &amp; IDPs handbook</b>  |               |          |                 |                  |         |
| 2.1.1 HLP Consultant (fee-for-service of 600 per day)  | day           | 80       | 600             | 48,000           |         |
| 2.1.2 Consultant travel  | lumsurmp      | 1        | 3,000           | 3,000            |         |
| 2.1.3 Consultant DSA   | day           | 70       | 101             | 7,070            |         |
| 2.1.4 National Consultant to support interpretation and coordination (100 USD per day)                                   | day           | 70       | 100             | 7,000            |         |
| 2.1.5 Local transportation   | month         | 2        | 1,000           | 2,000            |         |
| 2.1.6 Translation of handbook (English to Myanmar)   | page          | 50       | 15              | 750              |         |
| 2.1.7 Printing   | No            | 150      | 20              | 3,000            |         |
| 2.1.8 Launch   | time          | 1        | 1,000           | 1,000            |         |
| <b>Sub-Total</b>   |               |          |                 | <b>71,820</b>    |         |
| <b>2.2 Assessment of current capacities and expertise of local legal aid providers</b>                                   |               |          |                 |                  |         |
| 2.2.1 Consultant (fee-for-service of 500 per day)  | day           | 20       | 500             | 10,000           |         |
| 2.2.2 Consultant travel  | lumsurmp      | 1        | 3,000           | 3,000            |         |
| 2.2.3 Consultant DSA   | day           | 17       | 101             | 1,717            |         |
| 2.2.4 National Consultant to support interpretation and coordination (100 USD per day)                                   | day           | 17       | 100             | 1,700            |         |
| 2.2.5 Local transportation   | month         | 1        | 1,000           | 1,000            |         |
| 2.2.6 Translation of assessment (English to Myanmar)   | page          | 50       | 15              | 750              |         |
| <b>Sub-Total</b>   |               |          |                 | <b>18,167</b>    |         |
| <b>2.3 Specialized Legal Skills Trainings (3 sessions, 2 days per session, 20 lawyers/paralegals per session)</b>        |               |          |                 |                  |         |
| 2.3.1 Venue hire (300 USD per day) (3 sessions, 2 days per session)  | day/session   | 6        | 300             | 1,800            |         |
| 2.3.2 Meals (15 USD per person per day) (3 sessions, 20 participants each, 2 days per training)                          | person/day    | 120      | 15              | 1,800            |         |
| 2.3.3 Staff travel (Yangon to Myitkyina) (300 USD roundtrip airfare)   | person/travel | 3        | 300             | 900              |         |
| <b>Sub-Total</b>   |               |          |                 | <b>4,500</b>     |         |
| <b>2.4 Mobile Legal Clinics (3 clinics, 3 days per clinic (+2 travel days), 5 lawyers/paralegals per clinic)</b>         |               |          |                 |                  |         |
| 2.4.1 Venue hire (200 USD per day) (3 clinics, 3 days per session)   | day/clinic    | 9        | 200             | 1,800            |         |
| 2.4.2 Meals (15 USD per person per day) (3 clinics, 3 days per clinic (+2 travel days), 5 lawyers/paralegals per clinic) | person/day    | 75       | 15              | 1,125            |         |
| 2.4.3 Staff travel (Yangon to Myitkyina) (300 USD roundtrip airfare)   | person/travel | 3        | 300             | 900              |         |
| 2.4.4 Participant travel (50 clients x 3 clinics) (Reimbursement for travel, provided based on actual costs)             | person/travel | 150      | 20              | 3,000            |         |
| 2.4.5 Travel (5 lawyers/paralegals)  | person/travel | 15       | 100             | 1,500            |         |
| 2.4.6 Fee-for-service (5 lawyers/paralegals) (50 USD per lawyer/paralegal per day)                                       | fee/day       | 45       | 50              | 2,250            |         |
| <b>Sub-Total</b>   |               |          |                 | <b>10,575</b>    |         |
| <b>3 Project Management</b>  |               |          |                 |                  |         |



|          |                         |         |   |        |                |  |
|----------|-------------------------|---------|---|--------|----------------|--|
| 3.1      | Communication           | lumsump | 1 | 5,000  | 5,000          |  |
| 3.2      | Miscellaneous           | lumsump | 1 | 5,000  | 5,000          |  |
| 3.3      | Monitoring & Evaluation | lumsump | 1 | 14,000 | 14,000         |  |
|          | <b>Sub-Total</b>        |         |   |        | <b>24,000</b>  |  |
|          | <b>Total</b>            |         |   |        | <b>181,510</b> |  |
| <b>4</b> | <b>GMS (8%)</b>         |         |   |        | <b>14,521</b>  |  |
|          | <b>Grand Total</b>      |         |   |        | <b>196,031</b> |  |