

United Nations Development Programme

Country: SUDAN

Project Document

UNDAF Outcome(s): N/A

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

Expected Output(s):

- 1) People's awareness of their rights is enhanced.
- 2) People have access to an operational legal aid system.
- 3) The capacity of the Judiciary and Legal Administration to provide justice is enhanced.
- 4) Capacity of rural courts and traditional leaders to provide justice is enhanced.
- 5) Training capacity of law enforcement institutions is enhanced.
- 6) Community policing structures have been established and are in operation.
- 7) Local ownership and support to rule of law activities is enhanced and sustained.

Executing Entity: UNDP

Implementing Agencies: The International Rescue Committee (IRC) and the African Center for Human Rights (ACHR)

Narrative

Strengthening Access to Justice and Human Security in the Three Protocol Areas seeks to address threats to human security, as well as tensions anticipated to emerge with the return of displaced persons to and through the Three Protocol Areas. The Project aims specifically to enhance the capacity of state rule of law institutions to provide access to justice for receiving communities, displaced, returnees, and marginalized groups; to improve rule of law infrastructure; and to empower communities to access justice, resolve conflict through customary mechanisms, and enjoy protection by the State.

<p>Programme Period: 2007-March 2009 Key result area: Democratic Governance</p> <p>Project Title: <i>Strengthening Access to Justice and Human Security in the Three Protocol Areas</i></p> <p>Award ID: 00049191 Start date: 1 January 2008 End Date: 31 March 2009</p> <p>LPAC Meeting Date _____</p>	<p>Total resources required: \$2,925,782 Total allocated resources: \$2,925,782</p> <ul style="list-style-type: none"> • Regular _____ • Other: <ul style="list-style-type: none"> ○ Donor: DANIDA (SP): \$1,200,000 ○ Donor: DFID (SP): \$1,000,000 ○ Donor: SP: \$725,782 ○ Government _____ <p>Unfunded budget: \$0 In kind contributions: UNV</p>
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Agreed by (Government) Malik Agar Eyre 10/6/08 GOV. MALIK AGAR EYRE

Agreed by (UNDP): [Signature]

I. SITUATION ANALYSIS

BACKGROUND

Signed on 9 January 2005, the Comprehensive Peace Agreement (CPA) lays the conceptual and substantive foundation for post-conflict recovery and rehabilitation in Sudan. In order to promote peace, stability, and reconciliation throughout the country, the CPA includes detailed instructions for the sharing of power and resources between the Sudan People's Liberation Movement /Army (SPLM/A), the Government of Sudan (GOS), and other stakeholders.

These power-sharing arrangements are particularly crucial in the Three Protocol Areas. These Protocol Areas—Abyei, Blue Nile State, and Southern Kordofan State—were located along the frontlines during the North-South civil war and have been particularly hard hit by the country's decades of warfare. They are consequently confronted with unique challenges on the road to peace and recovery, including an influx of returnees (both refugees and internally displaced persons), widespread poverty, insecurity, and a lack of basic infrastructure. At the same time, the Three Areas are viewed as potential "models for peaceful co-existence based upon the implementation of the CPA and the consensual sharing of resources to meet basic needs and satisfaction of human rights."¹ Indeed, due to their wealth of natural resources (including oil, agricultural land, water, Gum Arabic, and minerals), as well as their geographic location between the North and South, the Protocol Areas are critical to long-term stability and economic development in Sudan.

In recognition of this unique situation, Abyei, Blue Nile State, and Southern Kordofan State were each afforded special status under the CPA. The term "Protocol Areas" derives from the fact that these areas were the subject of special protocols within the peace agreement.

PROTOCOLS AND AGREEMENTS

The 2002 Machakos Protocol, which formed the foundation for the Comprehensive Peace Agreement, used the 1956 independence boundaries to demarcate the border between northern and southern Sudan. This boundary, however, excluded Abyei, an area defined ethnically and geographically as the nine Dinka-Ngok Chiefdoms transferred to Kordofan in 1905, as well as the Nuba Mountains and Southern Blue Nile (now Blue Nile) State. As a result, two additional protocols were adopted in Naivasha, Kenya on 26 May 2004 to address the particular needs of the Three Areas. These protocols were later incorporated into the CPA.

The Protocol on the Resolution of the Abyei Conflict provides for an interim period of a few years following the signing of the CPA, during which Abyei shall have special administrative status under the institution of the Presidency and shall be administered locally by an Executive Council. At the end of the interim period, residents of Abyei will vote whether to retain their special administrative status in the North or to become part of Bahr el Ghazal State in the South. The Abyei referendum will coincide with the referendum for Southern Sudan.

Pursuant to the Protocol on the Resolution of the Conflict in Southern Kordofan and Blue Nile States, the pre-CPA state of Southern Blue Nile became known simply as Blue Nile State and the boundaries of Southern Kordofan/Nuba Mountains State were redefined to follow the pre-1974 boundaries of Southern Kordofan Province. The Protocol for Southern Kordofan and Blue Nile States grants these two states a degree of autonomy within the National Government, which could serve as a national model for the relationship between the center and the states in a federal system.

The Protocol for Southern Kordofan and Blue Nile also calls for a census and elections within four years of signing of the CPA. In the lead up to these elections, the National Congress Party shall comprise 55% and the SPLM shall comprise 45% of the executive and legislature in each of the two states. The governorship in the two states shall rotate, with each party occupying the Office of the Governor for half of the pre-election period. The Protocol on the Resolution of the Conflict in Southern Kordofan and Blue Nile States is not the

¹ Joint Assessment Mission, Vol. II: Cluster Reports (18 March 2005), at pg. 279 ¶ 5.