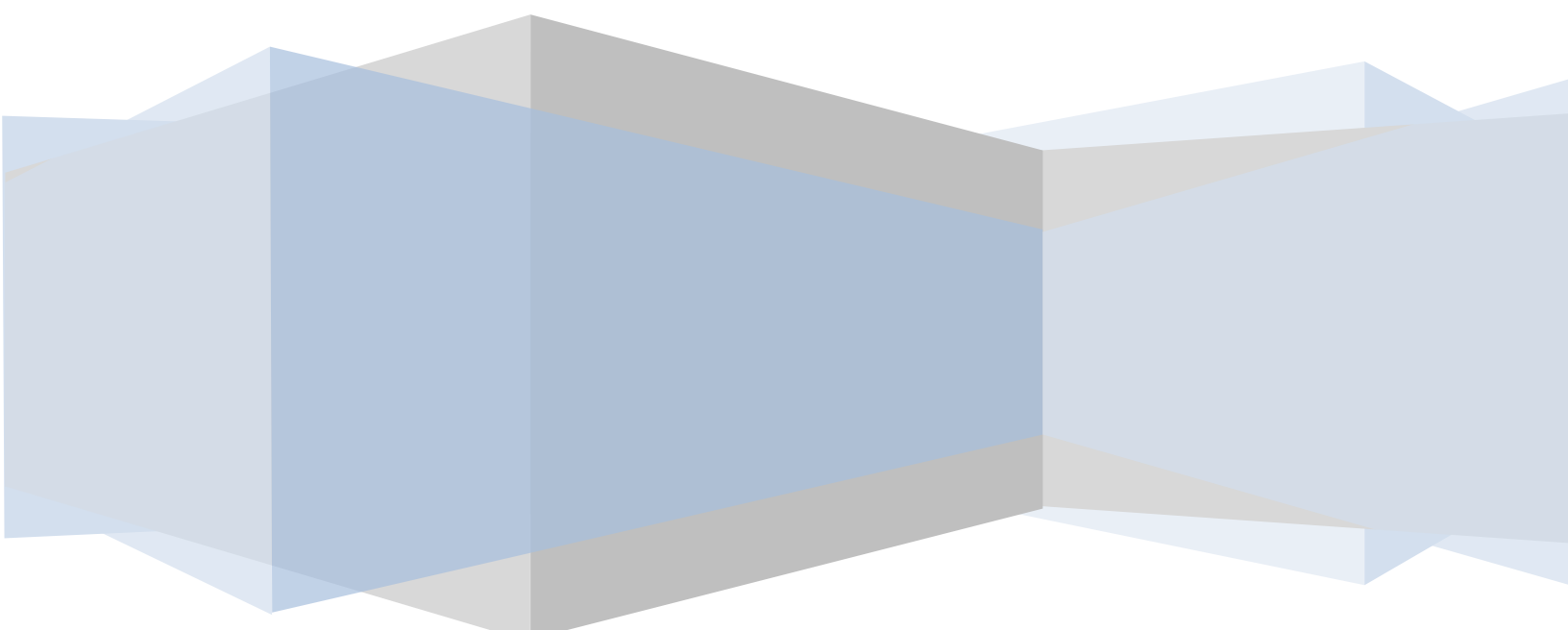# Strengthening the Rule of Law in Conflict- and Post-Conflict Situations

A Global UNDP Programme for Justice and Security

2008-2011

COVER PAGE

Country: Global Programme (20 Priority Countries)

UNDAF Outcome(s)/Indicator(s):   N/A

Expected Outcome(s)/Indicator (s):   **UNDP Strategic Plan 2008-2011**

Focus Area 3:   Crisis Prevention & Recovery

Goal 3:   To advance human development by strengthening national and local capacities to prevent, mitigate, and recover from the effects of violent conflicts and natural disasters

GP Objective: Strengthen the Rule of Law in 20 priority countries during the period 2008 - 2011.

Output 1:   Rapidly and effectively respond to programme countries in providing Rule of Law assistance in conflict and post-conflict situations.

Output 2:   Produce high quality and relevant policy guidelines and knowledge products directly linked to in-country programming.

Output 3:   Actively contribute to integrated and coherent UN system-wide assistance and coordination on Rule of Law.

Executing and Implementing Agency: UNDP

Programme Manager: Ms. Yasmine Sherif, Senior Rule of Law, Justice & Security Adviser, BCPR

EXECUTIVE SUMMARY

There is a growing consensus in the UN System and beyond that the rule of law is a precondition for sustainable peace and development at both international and national level. It is also recognized that security and justice are essential stepping stones in achieving the rule of law. Neither can be left unattended in preventing conflict, nor in responding to or recovering from the same.

At the international level, the achievement of peaceful relations will eventually be determined by the commitment to resolving conflict and disputes on the basis of the UN Charter. At the national level, conflict prevention & recovery, democratic governance, poverty reduction, gender equality and the Millennium Development Goals (MDGs) will depend on the capacity to prevent and manage conflict, while also advancing political, social and economic aspirations. The rule of law is both the vehicle and its manifestation.

As a programmatic development agency, UNDP responds to requests by host-governments for capacity development support. Technical assistance to national efforts in the justice and security sector is provided by UNDP within its framework of Crisis Prevention & Recovery and Democratic Governance. In doing so, UNDP recognizes the centrality of national ownership and early foundations towards long-term investments.

This Global Programme outlines UNDP's services to rule of law programming in conflict- and post-conflict situations within its Crisis Prevention & Recovery mandate. It is a 'living document' and will continuously be reviewed and updated on the basis of best practices and lessons learned from the field.

Project Title: Strengthening the Rule of Law in Conflict and Post-Conflict Situations - A Global UNDP Programme for Justice & Security	**Total Budget**: USD 59,920,000.00 **Programme Period**: January 2008 - December 2011 **Management Arrangement**: DEX

"UNDP will leverage its trusted status as a development partner to assist programme countries, particularly in the sensitive areas of the rule of law.../… A society where the rule of law is absent will inevitably be prone to conflict and will lack the enabling environment that is a prerequisite for sustainable development and poverty eradication…/… Support to the rule of law implies strengthening national efforts to ensure that the government is representative and acting in compliance with the constitution and the law…/…Restoring basic individual security in the aftermath of a crisis is also of paramount importance." [1]

- UNDP Executive Board -

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[1] *Role of UNDP in Crisis and Post-Conflict Situations*, DP/2001/4 of 27 November 2000

ACRONYMS

BCPR	Bureau for Crisis Prevention and Recovery
BDP	Bureau for Development Policy
CO	Country Office
CPR	Crisis Prevention and Recovery
DDR	Disarmament Demobilisation Reintegration
DPKO	Department for Peacekeeping Operations
EU	European Union
GA	General Assembly
IASC	Inter-Agency Standing Committee
IMPP	Integrated Missions Planning Process
JAM	Joint Assessment Mission
RoLJS	Rule of Law, Justice & Security
MDGs	Millennium Development Goals
NGOs	Non Governmental Organizations
OAG	Other Armed Group
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office for the High Commissioner for Human Rights
POGAR	Programme on Governance in the Arab Region
RC/HC	Resident Coordinator/Humanitarian Coordinator
RoLCRG	Rule of Law Coordination & Resource Group
SALW	Small Arms and Light Weapons
SBA	Standard Basic Agreement
SC	Security Council
SGBV	Sexual and Gender Based Violence
SSR	Security Sector Reform
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Fund for the Advancement of Women
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime

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PART 1: EXECUTIVE SUMMARY

The rule of law is based on justice and security. The strengthening of the rule of law to prevent, mitigate or recover from conflict entails a complex set of interrelated problems: from concrete manifestations of violence and injustice to broader institutional gaps and socio-economic needs. The breakdown of the rule of law is the most significant indicator of an escalating conflict, and thus critical to **conflict prevention**. In an **ongoing conflict**, the protection of civilians warrants empowerment of national capacities to counter the 'rule by force' with the rule of law through **early recovery**. In the aftermath of a conflict, the rule of law is paramount in creating a safe and secure environment in which **recovery** can take place. And, in the final analysis, the rule of law provides the very foundation for the achievement of the **Millennium Development Goals**.

In the UNDP Strategic Plan 2008 - 2011, the Rule of Law and Access to Justice fall within the Focus Areas of both Democratic Governance and Crisis Prevention & Recovery.[2] In the same vein, and guided by the principles of the Brahimi report, the Executive Board of UNDP has established that the rule of law constitutes one of UNDP's core businesses in support of democratic governance in crisis and post-conflicts situations.[3] While this Global Programme focuses on conflict and post-conflict environments, it will evolve in close collaboration with the Bureau for Development Policy (BDP) to ensure a seamless transition from conflict/post-conflict situations towards long-term development settings.[4]

Between 2004 and 2006, UNDP's expenditures in the Rule of Law Sector amounted to over $253 million. In total, UNDP provided support to 76 countries. In Latin America, UNDP has been at the forefront of developing assessment frameworks, tools and instruments for public security sector reform. In major conflict and post-conflict situations, like Sudan and Somalia, UNDP manages comprehensive and integrated Rule of Law programmes amounting to $50 million and $45 million in resources mobilized, respectively. Significant Rule of Law programmes are also implemented by UNDP in Afghanistan, the Central African Republic, Guatemala, Haiti, Kosovo, Mozambique, Serbia and Timor-Leste, among others.

With an in-country presence before, during and after a conflict, UNDP is increasingly expected to take on a substantive role in providing rule of law assistance to countries threatened or affected by armed conflict. In order to meet these growing demands, UNDP' Bureau for Crisis Prevention & Recovery made the Rule of Law a priority area of programming in 2007 and beyond. To this end, UNDP has restructured and enhanced its RoLJS Unit located in the BCPR, bolstered its capacity to strengthen support to the field, and articulated a *Global Programme on Strengthening the Rule of Law in Conflict- and Post-Conflict situations*.

The **UNDP Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Situations 2008 - 2011** outlines UNDP's renewed efforts and services to advance justice and security in fragile and transitional societies. Drawing on some of UNDP's most comprehensive and innovative rule of law programmes in conflict/post-conflict situations, it seeks to expand on these in-country experiences. This Global Programme establishes close linkages between protection and the rule of law, and between humanitarian action and development

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[2] UNDP Strategic Plan 2008-2011/DP/2007/43, 16 July 2007, paragraphs 84 and 102.
[3] Role of UNDP in Crisis and Post-Conflict Situations, DP/2001/4 of 27 November 2000
[4] Drawing on the Climate Change Model, the modalities of BCPR-BDP Cross-Practice will be determined by the context, the nature of the technical assistance and the time-frame for its anticipated impact based on the BCPR *Global Programme on Strengthening the Rule of Law in Crisis- and Post-Conflict* and the forthcoming *BDP Global Programme on Accelerating Access to Justice [in long-term development settings]*.

principles. Through a sequenced approach tailored for both conflict and post-conflict situations, and aligned with Outcomes 3, 4, 7 and 8 of the UNDP Strategic Plan (see page 11), it focuses on:

1. **Strengthening the Rule of Law within an Early Recovery Framework and during Transitions.** National capacities (government institutions, civil society, and displaced populations) will be empowered to respond to the immediate needs related to security, justice and impunity, while also laying a foundation for capacity development of rule of law institutions in the recovery phase.

2. **Addressing Women's Security and Access to Justice.** Based on Security Council Resolution 1325 and UNDP's Eight-Point Agenda for Women's Empowerment and Gender Equality in Crisis Prevention and Recovery, particular emphasis will be placed on ensuring access to justice for victims of Sexual- and Gender Based Violence (SGBV) and domestic violence.

3. **Supporting Capacity Development of Rule of Law Institutions**. Technical assistance will be provided to conduct capacity development of critical rule of law institutions, such as the Judiciary, the Ministry of Justice, the Prosecutor's Office, Law-enforcement and Corrections.

4. **Facilitating Transitional Justice**. Support will be provided to national stakeholders in addressing past legacies of violations of human rights and humanitarian law, while also ensuring parallel capacity development of rule of law institutions.

5. **Promoting Confidence Building and Reconciliation.** Particular attention will be given to rebuild trust and nurture reconciliation. Cutting across the full spectrum of assistance, confidence-building activities will seek to promote dialogue, communication and peaceful conflict resolution.

In line with UNDP's Strategic Plan 2008-2011 and drawing on its past and current programming, the UNDP Global Programme envisages providing high quality **support to at least 20 conflict and/or post-conflict countries between 2008 and 2011**. To meet this target, UNDP will respond rapidly, effectively and comprehensively to the needs on the ground. In so doing, it will enhance its capacity by:

➢ **Recruiting and assigning UN/UNDP staff with proven expertise** in rule of law programming in conflict and post-conflict situations to the restructured UNDP/BCPR RoLJS Unit and emerging Country Offices programmes;

➢ Focusing on knowledge products and knowledge-sharing that are based on **country-driven and relevant empirical research directly linked to UNDP's in-country programming.**

➢ **Optimizing existing resources through cross-practice collaboration** within UNDP; and,

➢ **Engaging substantively in joint planning and programming within the broader UN system** to strengthen coordination, coherence and complementarity.

PART 2: KEY PROGRAMME AREAS

1. PRIORITIES AND SEQUENCING

On the basis of *the Secretary-General's 2004 Report on Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies* (S/2004/616), UNDP's support to the rule of law in conflict and post-conflict situations will address UN system-wide priorities in a sequenced manner. Assistance will respond to urgent needs for justice and security, while, at the same time, lay the building blocks for recovery and long-term development, as following:

1. Supporting national stakeholders to respond to the plight of war-affected populations during conflict, prevent and address violations of physical, legal and material security.
2. Strengthening the capacity of rule of law institutions (formal and informal) to extend protection and deliver basic justice and security services.
3. Empowering communities to access justice and peaceful conflict-resolution mechanisms.
4. Building social cohesion and restoring confidence between communities and the state.

2. PROGRAMME AREAS

Each of the suggested programme areas below are fully aligned with the UNDP Strategic Plan.

2.1. Strengthening the Rule of Law within an Early Recovery Framework and During Transitions[5]

> ***UNDP Strategic Plan Outcome 4:*** Early post-crisis resumption of local governance functions to facilitate recovery.

Implemented concurrently with humanitarian action, the UNDP Global Programme will support early recovery in the rule of law sector during an ongoing conflict and the immediate post-conflict phase. This will build on the UNDP's rule of law programme in Darfur, which sets a precedent for rule of law programming in an ongoing armed conflict. Since 2004, it has reached out to over 40,000 Darfurian stakeholders, of which 2,000 cases have enjoyed access to justice, also addressing impunity against SGBV, through UNDP's legal aid network. Funded by major development partners (Canada, DFID, Japan, Netherlands, Sweden and USAID), over $12 million have been invested in what the humanitarian community considers "one of the most effective protection mechanisms in Darfur"[6].

By **invoking development principles in a humanitarian setting**, support will be geared at empowering national stakeholders (rule of law institutions, civil society, war-affected and displaced) to *counter* **the rule of law vacuum through peaceful mechanisms** and to pave the way for institutional reform in the recovery phase.[7] **Special attention will be given to ensure access to justice for displaced and war-affected populations, especially women and the youth.** Support will be provided to strengthen **law enforcement, legal aid, local courts and corrections**.

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[5] Following the Humanitarian Response Review (HRR), the Inter-Agency Standing Committee (IASC) established nine *Clusters* in 2005 and designated UNDP as the Global Lead for the Early Recovery Cluster. IASC defines Early Recovery as recovery that begins early in a humanitarian setting. It is a multi-dimensional process, guided by development principles. Early Recovery is not conditioned by a peace agreement and aims to generate self-sustaining nationally owned and resilient processes for post-conflict recovery.

[6] OCHA/UNHCR Mission led by Dennis McNamara, February 2007.

[7] For further details on the programming elements underpinning the Darfur Programme, see also concept note "Strengthening the Rule of Law and Protection within an Early Recovery Framework", Sherif/BCPR/UNDP, 08/06/07.

In parallel, efforts will be made to promote **confidence-building between civilian population and armed forces, security actors and non-state armed actors.** Assistance will also focus on **empowering communities and customary mechanisms, so to establish closer linkages to the statutory system and gradually enable communities to have access to justice and enjoy protection by the state.**

Aligned with the broader UN objective of the protection of civilians during armed conflict, this will entail a **stronger linkage between protection and the rule of law**, and a closer partnership with humanitarian IASC partners, including OCHA, OHCHR, UNHCR, UNICEF and NGOs. [8]

2.2. Addressing Women's Security and Access to Justice [9]

> *UNDP Strategic Plan Outcome 7:* Gender equality and women's empowerment enhanced in post-disaster and post-conflict situations.

Closely linked to Rule of Law Programming within an Early Recovery Framework, and in collaboration with the UNDP Gender Thematic Trust Fund, UNIFEM, UNFPA and UN Action, support will be significantly scaled up to UNDP Country Offices operating in conflict and post-conflict situations where SGBV and domestic violence are widely prevalent. Assistance will be guided by the UNDP **Eight Point Agenda for Women's Empowerment and Gender Equality in Crisis Prevention and Recovery**[10], the inter-agency **UN Action Against Sexual Violence in Conflict and its campaign: Stop Rape Now!** [11] and **Security Council Resolution 1325.**

As a development agency, support will be geared at empowering women and girls victimized by SGBV to reclaim their rights, while also developing the capacity of local/national rule of law institutions to shoulder their responsibilities under international law and SC Resolution 1325. It will entail **gender-sensitive policing** and **community policing, access to legal aid**, as well as the empowerment of **judges, lawyers and prosecutors** to ascertain accountability, establish justice and combat impunity. Assistance will also be provided to **empower IDP communities as paralegals and managers of Legal Aid Centres** within camp premises, alongside the establishment of a referral system to **empowered lawyer's networks and Bar Associations**.

In addition, **Legal Information Centres** will be established to provide access to legal information, including human rights and domestic law, and secure space for debate and discussion between displaced populations, communities, academia and government authorities. Finally, **training of international and regional peacekeepers and police** will be conducted in collaboration with partners to address the special protection needs for women and girls, and enhance effective mentoring and capacity development of national armed and uniformed counterparts.

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[8] Where an effective rule of law regime is absent or severely weakened by armed conflict, the term 'protection' describes immediate and medium-term activities to protect individuals and groups from abuses and violations of international law.

[9] See also "Strengthening Women's Security and Access to Justice in Crisis and Post-Conflict", Sherif, BCPR/UNDP, 01/10/07.

[10] *UNDP's Eight Point Agenda for Women's Empowerment and Gender Equality in Crisis Prevention and Recovery:* Point 1: Strengthening Women's Security in Crisis; and, Point 2: Advance Gender Justice.

[11] In March 2007 10 UN entities launched *UN Action Against Sexual Violence in Conflict*[11]to improve the quality and coordination of interventions to prevent and respond to sexual and other forms of gender-based violence (GBV), *UN Action* is comprised of DPKO, OCHA, OHCHR, UNDP, UNFPA, UNHCR, UNICEF, UNIFEM, WFP and WHO.

2.3. Supporting Capacity Development of Key Rule of Law Institutions[12]

> ***UNDP Strategic Plan Outcome 8:*** Restored post-crisis community security and social cohesion at local level.

A comprehensive approach warrants full-fledged investment in national rule of law institutions when the security situation stabilizes and a political agreement has been concluded. Given the interdependence between rule of law institutions, mutually reinforcing assistance will address:

The Ministry of Justice and the Judiciary, including support to national judicial service commissions, courts, legal assistance schemes, training and promotion of legal imperatives such as: independence, impartiality, transparency, accountability and due process of law with special attention to marginalized groups, particularly, women, youth, children and displaced populations.

The Ministry of the Interior, Police, Prosecution Services, Corrections, reducing impunity rates, improving criminal investigation, crime- and violence reduction, reducing excessive use of pre-trial detention, training in international standards and codes of conduct, structural reforms of national and state-level institutions, community policing, improving prison administration and conditions, custodial and non-custodial measures, and support to civilian oversight mechanisms.

2.4. Facilitating Transitional Justice

> ***UNDP Strategic Plan Outcome 8:*** Restored post-crisis community security and social cohesion at local level.

When specifically requested by host government, UNDP will work closely with partners, notably OHCHR, to address transitional justice. "Transitional Justice" entails the full range of processes and mechanisms to address past large-scale abuses, such as: individual prosecutions, reparations, truth-seeking, institutional reform, vetting, dismissals or a combination of the above in post-conflict settings.

Transitional justice constitutes a particular challenge, not only in addressing justice in the aftermath of massive human rights violations and restoring public confidence in justice and security institutions, but also as an avenue for national reconciliation. Given its development mandate, UNDP's support to transitional justice processes will not be done in separation from broader **capacity building programmes** in the Rule of Law sector. The overarching objective of UNDP's engagement on transitional justice is to strengthen the linkage between transitional justice and development. The design of transitional justice mechanisms will be anchored in national processes and oriented towards international norms and standards, and will entail **inclusive and participatory consultations, capacity development of justice and security institutions and confidence-building**.

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[12] Capacity development of these institutions will encompass policy advice and technical assistance in:
   a) Conducting nationally-owned assessments, costing of strategies, monitoring and evaluation;
   b) Developing plans and measures for structural/institutional reforms;
   c) Upgrading knowledge base and developing technical/professional skills, as well as legal imperatives and principles, among service providers of justice and security institutions;
   d) Providing access to operational tools and basic infrastructure; and,
   e) Promoting attitudes conducive to professional integrity, human rights and gender-equality; and,
   f) Supporting regional and global networks, knowledge-sharing and South-South dialogue.

2.5. Promoting Confidence Building and Reconciliation

> ***UNDP Strategic Plan Outcome 3:*** Strengthened national capacities including the participation of women, to prevent, reduce, mitigate and cope with the impact of violent conflict.

Confidence- and trust building activities will underpin all programming. These efforts will include **conflict- and gender-sensitive programming** (focused on structural causes, participatory methods, consensus building); **awareness raising, communication and dialogue** between rule of law service providers (e.g. the police) and the population; **in-country diagnostic assessment** with Partner Governments and UN and non-UN partners to develop broader frameworks for engagement in the above sectors, such as Post-Conflict Needs Assessments (PCNAs); Joint Assessment Missions (JAM); as well as, nation-wide consultation processes and **multi-stakeholder dialogue.**

3. LINKAGES TO OTHER CPR SERVICES AND UNDP PRACTICE AREAS

While the rule of law, *per se*, is of paramount importance to any society threatened or affected by armed conflict, a holistic and comprehensive approach is essential to achieve broader socio-economic impact and sustainable peace. The above services (Programme Areas 1-5) will thus require linkages to major CPR services and UNDP practice areas. These entail, among others:

Community Security, Social Cohesion and Conflict Prevention to assist in: restoring traditional conflict-resolution mechanisms and dialogue; encouraging a community-driven review of customary practices and alignment with human rights; enhancing connection to the statutory system and state protection; and, supporting access to justice and community-based policing to restore basic security conditions conducive to return and reintegration for displaced populations.

DDR and Armed Violence Reduction to support: the DDR process in reintegrating former combatants and non-state armed groups; managing community-driven weapons collection programmes; reforming the security sector, including civilian oversight mechanisms and administrative mechanisms to strengthen transparency and accountability.

Governance and Elections to promote: security sector reform processes through civilian oversight mechanisms, such as the parliament and judiciary; women's representation and political empowerment at all levels of government; capacity development in national planning, budgeting and financial management, fair electoral laws on civil and political freedoms; and, a political and secure environment conducive to free and fair elections and democratic governance.

PART 3: PROGRAMME FRAMEWORK

1. PROGRAMME OUTPUTS AND OUTCOMES

On the basis of requests from Country Offices, at least 20 priority countries will benefit from Rule of Law services in the 5 key programme areas identified in Part 2 (see also Figure 1). Indicative activities for each of these key programme areas are further detailed in the Results and Resources Framework (Annex I).

Priority will be given to programme countries:

a) in situations of armed conflict with a high prevalence of SGBV;
b) requiring substantive support in designing comprehensive and sequenced Rule of Law programmes in conflict/post-conflict situations; and
c) requiring support in one or several rule of law sub-sector(s) in conflict/post-conflict situations.

These priority countries will include, but not be limited to:

Africa	Asia Pacific	Latin America and Caribbean	Europe and CIS	Arab States
Burundi Central African Republic Chad Democratic Republic of Congo Guinea Bissau Liberia Sierra Leone Uganda	Afghanistan Nepal Sri Lanka Timor Leste	Colombia Haiti	Bosnia Kosovo	Iraq Somalia Sudan PAPP

Other countries may be added to the list of priority countries, where relevant.
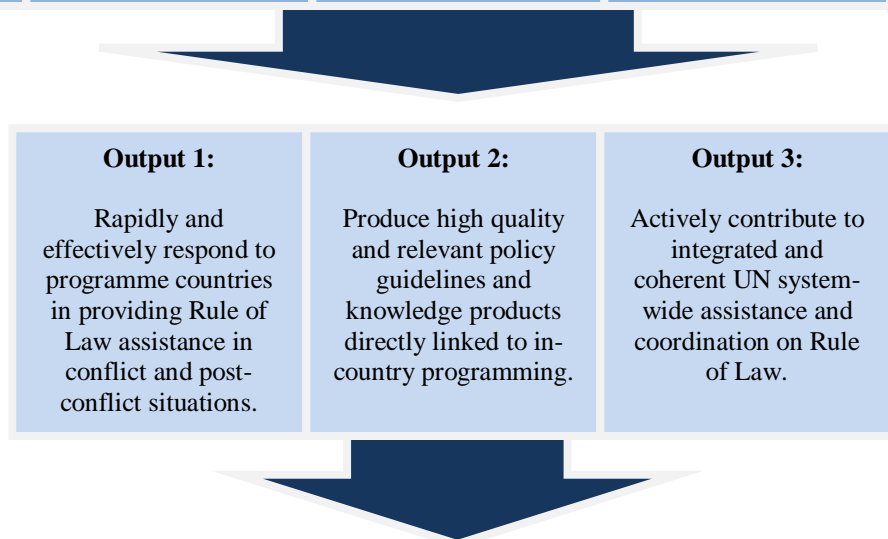
The Global Programme and its 5 key programme areas are aligned with the UNDP Strategic Plan and Focus Area 3 (Crisis Prevention and Recovery), as outlined in the below figure 1:

RULE OF LAW GLOBAL PROGRAMME:

Overall Objective: Strengthen UNDP's capacity to support and empower national stakeholders to address rule of law challenges in conflict and post-conflict situations and lay the foundations for long-term development in the rule of law sector.

Specific Objective: Strengthen the Rule of Law in 20 priority countries during the period 2008 - 2011.

Programme Area 1:	**Programme Area 2:**	**Programme Area 3:**	**Programme Area 4:**	**Programme Area 5:**
Strengthening the Rule of Law within an Early Recovery Framework and during Transitions.	Addressing Women's Security and Access to Justice.	Supporting Capacity Development of Rule of Law Institutions.	Facilitating Transitional Justice.	Promoting Confidence Building and Reconciliation.

Output 1:	**Output 2:**	**Output 3:**
Rapidly and effectively respond to programme countries in providing Rule of Law assistance in conflict and post-conflict situations.	Produce high quality and relevant policy guidelines and knowledge products directly linked to in-country programming.	Actively contribute to integrated and coherent UN system-wide assistance and coordination on Rule of Law.

UNDP STRATEGIC PLAN:

Focus Area 3 : CPR Goal 3 : Advance Human development by strengthening national and local capacities to prevent, mitigate and recover from the effects of violent conflicts and natural disasters.

Outcome 3:	**Outcome 4:**	**Outcome 7:**	**Outcome 8:**
Strengthened national capacities including the participation of women, to prevent, reduce, mitigate and cope with the impact of violent conflict.	Early post-crisis resumption of local governance functions to facilitate recovery.	Gender equality and women's empowerment enhanced in post-disaster and post-conflict situations.	Restored post-crisis community security and social cohesion at local level.

Figure 1: Programming Areas, Outputs and UNDP Strategic Plan Outcomes

The outputs detailed below are cross-cutting and apply to all the 5 key programme areas.

Output 1: Rapidly and effectively respond to programme countries in providing Rule of Law assistance in conflict and post-conflict situations[13]

The services provided by the UNDP Global Programme will include, but not be limited to:

a) Rapid deployment of experienced UNDP Rule of Law experts;
b) Establishment of effective partnerships with Government partners, IASC/UNCT members, DPKO, NGOs and bilateral donors;
c) Assessments in identifying entry points on the rule of law and development of sequenced, integrated and costed Programme documents;
d) Design of conflict- and gender-sensitive Rule of Law programmes, and identification of linkages to other relevant UN/UNDP programming (e.g. democratic governance);
e) Advocacy and resource mobilization for programme implementation;
f) Training and staff development on the rule of law, and rolling technical advice, back-stopping and knowledge-sharing throughout the programme implementation; and,
g) Allocation of funding envelopes, which are subjected to BPAC approval and standard practices applied for the BCPR Thematic Trust Fund.[14]

Output 2: Produce high quality and relevant policy guidelines and knowledge products directly linked to in-country programming

UNDP's field presence and in-country knowledge are the most valuable assets that UNDP brings to national and international efforts on the rule of law. To strengthen the outreach and impact, special efforts will be made to capture and advance **country-driven and empirical research**, and ensure that this is **linked to concrete programming**. To this end, UNDP's most comprehensive rule of laws programmes will be drawn upon to produce:

a) Lessons learned;
b) Guidance Note for Country Offices (2008);
c) Practice Note on UNDP Rule of Law Assistance (2009);
d) Substantive training of UNDP CO staff and other associate experts
e) Creation of a UNDP Community of Practice on Rule of Law; and,
f) Partnerships with centres of excellence on Rule of Law.

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[13] To enhance outreach and UNDP's technical capacities, a Network of Associated Experts will be established to provide rapid, high-quality technical support on JSSR issues to governments and country programmes at short notice.

[14] All projects requesting funding from CPR TTF resources that are unearmarked or earmarked for specific thematic areas are submitted to the BCPR Project Appraisal Committee (BPAC). The Committee consists of the Chiefs of BCPR's Conflict Prevention and Recovery Team, Disaster Reduction and Recovery Team, the Early Recovery and Cross-Cutting Issues Team, the Central Strategy and Policy Cluster, the Programme and Operations Support Cluster, and the Senior Advisor for External Relations. Chaired by the Deputy Directors of BCPR, the Committee meets monthly (or on an *ad-hoc* basis in case of specific emergency situations) to review the merits of each project based on the following criteria:

a) alignment with the funding criteria of the Fund, the Bureau Strategy, and the crisis prevention and recovery priorities of the region and country where the project will take place;
b) technical soundness of the project design, including gender equality, monitoring and evaluation, and knowledge management components;
c) implementation capacity of the sponsoring Country Office (based on a track record of successful delivery of crisis prevention and recovery projects); and
d) an appropriate and reasonable budget that reflects a diversity of funding sources, including commitments from other partners and from the UNDP Country Office.
e) Once a project has the endorsement of the Committee, the BCPR Director approves the project for funding.

<u>Output 3: Actively contribute to integrated and coherent UN system-wide assistance and coordination on Rule of Law</u>

Effective partnerships are central to UNDP's rule of law assistance in conflict- and post-conflict situations. The needs in the rule of law sector are enormous. No actor can do it alone. It requires concerted, coordinated and collaborative efforts within UNDP as well as with host-governments, the UN system, NGOs, institutions and bilateral donors. The Global Rule of Law Programme will be implemented through in-country coordination led by the Secretary-General's Special Representative (SRSG) in peacekeeping missions and the Resident/Humanitarian Coordinators (RC/HC) in non-peacekeeping missions (based on UN Workplans and in-country coordination sectoral mechanisms). At headquarters' level, global policies and inter-agency engagement will be pursued through a number of thematic coordination mechanisms of relevance to the Global Rule of Law Programme.

(a) UNDP is a member of the **Rule of Law Coordination and Resource Group** (RoLCRG) chaired by the Deputy Secretary-General. **The Rule of Law Unit in the Deputy Secretary-General's Office** serves as the Secretariat of the RoLCRG, and constitutes the primary coordination mechanism for coordination of global polices and strategies related to the UNDP Global Rule of Law Programme at headquarters' level. UNDP will continue to contribute to the Rule of Law Coordination & Resource Group and provide support to the DSG's Rule of Law Unit**.**

(b) The DPKO-chaired **Inter-Agency Task Force on SSR** is of critical importance in making the necessary connection between Justice/Rule of Law, Human Rights, Gender, Governance and SSR processes. To this end, UNDP works closely with DPKO and other members of the SSR Inter-Agency Task Force, UN Member States and bilateral donors. In order to ensure effective linkages and optimize synergies between rule of law and SSR during implementation of the Global Programme, UNDP will actively engage in the DPKO-led SSR Task Force, and also convene bi-annual strategic discussions with critical partners, such as the DPKO SSR Unit, OHCHR, and core donor partners.

(c) UNDP is increasing its efforts to effectively engage with humanitarian partners through the **Inter-Agency Standing Committee** (IASC) Cluster Approach[15]. UNDP has been designated the Global Lead on **Early Recovery** within the IASC Cluster response system and is actively engaged in the **Protection Cluster as Co-Chair with OHCHR of the IASC Sub-Working Group on Rule of Law.** Through in-country coordination, joint programming and co-location will pursued with the humanitarian community.

(d) The Department for Peacekeeping Operations (**DPKO**) is a key partner for UNDP/BCPR on rule of law in DPKO mission contexts. Based on the Integrated Mission Planning Process (IMPP) and related Technical Needs Assessment Mission, as well as and in-country coordination mechanisms, close collaboration has been established with DPKO on the rule of law, policing, corrections, protection, SSR, civil affairs and human rights. Drawing on lessons learned and best practices in several ongoing missions, the partnership with DPKO will be further explored and strengthened through joint assessments, joint planning and joint programming.[16]

 (e) In addition, UNDP collaborates with a wide range of UN agencies and departments in addressing rule of law issues through in-country IASC cluster coordination mechanisms and joint

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[15] The IASC is the primary mechanism for inter-agency coordination of humanitarian assistance involving key UN and non-UN humanitarian partners.
[16] This entails, among other, model examples in Sudan (UNMIS/UNDP) and Timor Leste (UNMIT/UNDP). Joint assessments have thus far been undertaken to Sudan (TAM, February 2007) and Chad (April 2007).

programming. These include among others: the UN High Commissioner for Refugees (**UNHCR**) on protection and the rule of law for refugees and IDPs; the Office for the Coordination of Humanitarian Affairs (**OCHA**) on the protection of civilians in armed conflict and IDPs; the UN Office of the High Commissioner for Human Rights (**OHCHR**) on rule of law and transitional justice; the UN Fund for Women (**UNIFEM**) on gender and security sector reform; **UNICEF** on juvenile justice; the UN Office on Drugs and Crime (**UNODC**) on criminal justice; the UN Population Fund (**UNFPA**) on SGBV; and, **UN-HABITAT** on urban crime and violence.

As a knowledge-based network organization, UNDP also places a particular emphasis on **partnership with bilaterals as well as national, regional and international institutions**:

(f) **Development partners/bilateral donors** are critical strategic and policy partners. The success of a rule of law programme in conflict- and post-conflict settings depends both on financial support *as well as* a shared strategic vision and commitment. The realization of the Global Programme will, therefore, entail close strategic engagement with bilateral donors, including: joint country-missions, regular updates and joint analysis; joint evaluations; and, joint advocacy. Donor partners will be substantively engaged at the outset of the programme and during implementation, so to ensure an active partnership throughout the life-span of country-specific programmes. This will entail strategic discussions on various options for cooperation, ongoing updates (in addition to mandatory progress reports), joint missions to the project/programme site on demand, and M&E. In addition, half-year strategic engagement sessions will be convened with core donors and other partners.

(g) UNDP cooperates with the **World Bank** on a range of issues aimed at ensuring a seamless transition from humanitarian assistance to recovery and long-term development. This entails planning and design of assessment tools, such as post-conflict needs assessments (PCNA) and transitional results matrices.

(h) In addition, cooperation with **academic and research institutions, including institutions from countries in the South,** will be further strengthened with a particular emphasis on in-country and empirical research in crisis and post-conflict settings.

2. PROGRAMME MANAGEMENT ARRANGEMENTS

The Programme will be managed by the UNDP/BCPR RoLJS Unit located within the Conflict Team. It will be based on Prince 2 and Result-Based Programming, and be implemented through Direct Execution (DEX) modality. Supported by UNDP in-country presence and country office management and operational capacities, the DEX modality will allow quick and flexible response providing Rule of Law assistance to countries threatened, or affected by armed conflict.

The DEX modality will also create an enabling environment for seeking and applying innovative solutions and approaches, with some risk-taking and programmatic/operational experimentation. Additionally, the DEX modality will provide UNDP with direct control over programme inputs and resources, and will enhance the delivery of outputs and cost-effective results, while ensuring national ownership and capacity development of national capacities/partners.

While UNDP/BCPR will assume overall management responsibility and accountability, a **Programme Executive Board (PEB)** will oversee the implementation of the Global Programme.

Using the PRINCE2 architecture, the PEB will be composed as follows:

Executive: **Director BCPR and Assistant Administrator**
Role description:
1. Overall direction and guidance for the programme
2. Chair Programme Executive Board meetings and reviews
3. Set management stage tolerances
4. Review exception reports and exception plans
5. Review delivery of programme results and objectives
6. Recommend corrective action when required

Senior Supplier: **Deputy Director, BCPR**
Role description:
1. Ownership of the programme from a supplier viewpoint
2. Attend Programme Executive Board meetings and reviews
3. Prioritize programme issues
4. Review exception reports and exception plans
5. Recommend corrective action when required

Senior User: **Deputy Director, BDP**
Role description:
1. Ownership of the programme from a user (beneficiary, stakeholder) viewpoint
2. Approval of user specifications for deliverables
3. Attend Programme Executive Board meetings and reviews
4. Prioritize programme Issues
5. Review exception reports and exception plans
6. Recommend corrective action when required

Programme Assurance: **Chief, Conflict Team, BCPR**
Role description:
1. Carry out objective and independent programme oversight and monitoring functions
2. Attend Programme Executive Board meetings and reviews
3. Supplier assurance carried out by spot-check/audit of deliverables and outputs
4. Exercise approval authority for transactions up to his/her level of authority.
5. Review products/deliverables via quality reviews

Programme Manager: Senior Rule of Law, Justice & Security Adviser, RoLJS Unit, BCPR
Role description:
1. Day-to-day management of the programme
2. Strategic planning, monitoring and control
3. Reporting progress through highlight reports
4. Overall management of team members
5. Delivery of the project deliverables

Programme Team*:* **3 RoLJS Advisors, 4 Programme Specialists, 1 Programme Analyst**
Role description:
1. Day-to-day programme implementation
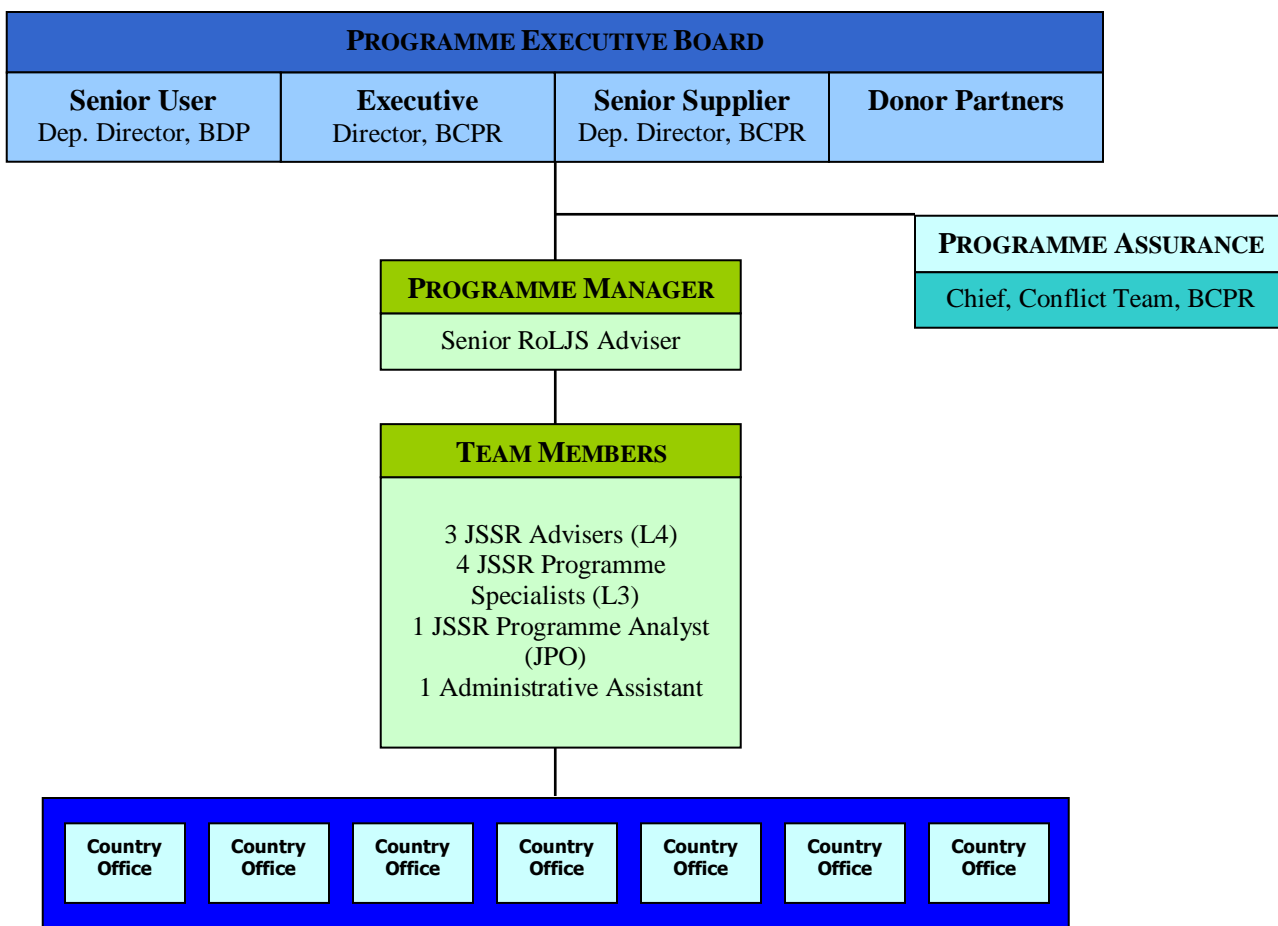2. Tasked with specific deliverables according to technical expertise

Figure 2: Programme Executive Board

3. MONITORING AND EVALUATION

3.1. Monitoring Benchmarks

In light of the above-mentioned programme management arrangements, and based on PRINCE2 programme management processes, the following monitoring benchmarks will apply to the Global Programme.

M&E BENCHMARKS/TIMELINE	2008				2009				2010				2011			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
An *Issue Log* will be updated to facilitate tracking and resolution of potential problems or requests for change.			X	X	X	X	X	X	X	X	X	X	X	X	X	X
A *Risk Log* will be regularly updated by reviewing the external environment that may affect the programme implementation.			X	X	X	X	X	X	X	X	X	X	X	X	X	X

Activity														
A ***Programme Lessons Learned Log*** will be activated and regularly updated to ensure on-going learning and adoption within the organization, and to facilitate the preparation of the Lessons Learned Report at the end of the Programme.					X	X	X	X	X	X	X	X	X	X
A ***Quality Log*** will record progress towards the completion of activities.		X			X			X			X			
Six-month progress reports will be submitted by the Programme Manager to the Programme Assurance and the Programme Executive Board.		X		X		X		X		X		X		X
An annual programme review will be conducted by the PEB during the fourth quarter of each year to assess the performance of the programme. The review will involve key programme stakeholders (i.e. national partners, donors, UN agencies, specialized organizations) and will focus on achievements, challenges and validation of annual work plans.			X				X			X				X
Updates and briefings will be provided on a rolling and regular basis to donor partners throughout the programme life-cycle, including half-year strategic review and progress evaluation sessions.		X	X	X	X	X	X	X	X	X	X	X	X	X
An external mid-term review will be conducted to measure success of the global dimension of the programme, including a) the role and ability of BCPR to function as an effective global service provider on Rule of Law and criminal justice programming; b) achievement in intra-UN cooperation, and contribution to integrated and coherent UN system-wide assistance and coordination on Rule of Law. This external review will also be used to draw lessons learned and identify further support and/or action needed to ensure proper implementation of the Global Programme. The Terms of Reference of the external evaluator(s) will be developed jointly with donor partners. The outcome of the external review will be presented during a one-day retreat.							X	X						

3.2. Global Programme Performance Indicators & Targets

The UNDP Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Situations 2008-2011 is a mechanism for supporting, coordinating and stream lining UNDP efforts globally to strengthen the rule of law, and countering the rule by force. It is an instrument that channels technical and financial support to UNDP Country Offices in 20 priority countries, that allows for information sharing and lessons learned, and the set up of a strong community of practice in this field.

As such, the M&E section of the Global Programme outlines indicators for measuring the effectiveness and extent to which this support will be successful, both at country and global levels.

3.2.1 At Country Level

Recognizing the different dynamics in each of the 20 priority countries - with some countries more advanced on Rule of Law programming than others -, BCPR will ensure that any future programme document contains clear outputs, indicators and SMART targets/results, against which progress and impact will be measured.

Each outputs, indicators and SMART targets will be specific to the country of implementation, and carefully based on the local context. In order to provide a baseline for each priority country, BCPR will rely on existing Post-Conflict Needs Assessment (PCNA) developed by UNDP and/or other partners to identify drivers of conflict, strategic priorities for programming, entry points for links between development and peace-building. This will entail consideration not only for the effectiveness of the specific project, but also the effective and conducive impact of the intervention in the wider conflict/peace building context.

In addition, BCPR will conduct an assessment of the criminal justice system in each of the 20 priority countries. The studies will analyze the criminal justice cycle at the national and local levels and focus equal research on all aspects of the criminal justice process. Through desk-based review and in-country field research and analyses, the study will: a) provide an overview of the criminal justice system (including the criminal legal framework, the law enforcement/ policing structures, the organization of the court system, the role of the prosecutor and/or investigating judge, and the penal/prison system); b) establish baseline indicators for the criminal justice system in order to measure impact of UNDP rule of law programming; c) provide recommendations on data collection system for the criminal justice sector; and, d) highlight UNDP country office interventions and identify new areas of interventions.

3.2.2. At Global Level

In order to measure success of the global dimension of the Global Programme, in particular the role and ability of BCPR to function as an effective global service provider in the Rule of Law sector, the RoLJS Unit will develop yearly outputs, indicators and SMART targets through the UNDP/BCPR annual work plan exercise. These outputs, indicators and targets will be formulated jointly with partners during the PEB annual review on the basis of the progress of the Global Programme.

3.2.3. 2008 Performance Indicators and Targets

In addition to the above, the following indicators will be used to review progress towards the Global Programme outputs.

Output 1: Rapidly and effectively respond to programme countries in providing Rule of Law assistance in conflict and post-conflict situations

Indicators
- No of assessment missions conducted to identify entry points on the rule of law.
- No of rule of law programmes/projects developed, approved by BPAC and directly implemented by UNDP country offices.
- No of Rule of Law experts deployed to support country offices in developing/supporting rule of law programmes/projects/initiatives.
- No of UNDP staff participating in training on rule of law programming.

- Associated Expert Network established and stand-by capacity operational.
- Level of resources mobilized for country-specific rule of law programmes.
- CO perception of the quality of BCPR's service delivery on Rule of Law programming continuously improves.

2008 Annual Targets
- Design coherent, coordinated and gender sensitive RoLJS programmes in at least 8 conflict/post-conflict countries including resource mobilization and identification of RoLJS expertise (BCPR). Indicative target countries for 2008: DRC, Chad, CAR, Guinea Bissau, Timor Leste, Haiti, Kosovo, Liberia.
- Organize a workshop to launch a Community of Practice on RoLJS amongst UNDP Country directors and Senior Advisors worldwide
- Identify 5 experts to be included in the Gender-balanced Associated Expert Network
- Organize two one-week training workshops for a total of 40 UNDP programme officers (20 participants in each training) on RoLJS programming in crisis and post-conflict settings

Output 2: Produce high quality and relevant policy guidelines and knowledge products directly linked to in-country programming

Indicators
- Lessons learned studies on rule of law programming produced and disseminated.
- Guidance Note on Rule of Law Programming produced and disseminated.
- Guidance Note on Monitoring and Evaluating Rule of Law Programmes produced and disseminated.
- Policy paper on Strengthening Women's Access to Justice and Security produced and disseminated.

2008 Annual Targets
- Complete and disseminate the Lessons Learned Study on Rule of Law Programming in Sudan.
- Complete and disseminate the Comparative Lessons Learned Study on Supporting Transitional Justice Processes.
- Compile and make available all relevant knowledge products on Rule of Law, Justice & Security produced by UN agencies, specialized NGOs, Research Institutes, Academic Institutions, etc.. on BCPR website.
- Initiate the production of a Guidance Note on RoLJS Programming (BCPR) for CO practitioners.
- Actively participate in the Community Security Task Team to develop a conceptual framework on community security.

Output 3: Actively contribute to integrated and coherent UN system-wide assistance and coordination on Rule of Law

Indicators
- Substantive contribution to the Rule of Law Resource and Coordination Group established and expanded, including joint workplan at global level and in-country coordination with UNCTs.
- Substantive contribution to the Inter-Agency Task Force on Security Sector Reform established and expanded, including global policy making and in-country coordination

with DPKO, as well as regular policy discussion with DPKO, donors and other partners.

- Co-chair the PCWG sub-Working Group on Rule of Law established and expanded, including joint programmes with humanitarian actors.
- Linkages between the Protection Cluster Working Group (Geneva-based) and the Rule of Law Coordination and Resource Group (NY-based) established.
- No of inter-agency rule of law programmes/projects developed and implemented, and degree of substantive cooperation with other in-country UNCT and DPKO rule of law programmes and SSR processes.
- Perceptions of the Secretary-General's Special Representative (SRSG) or the Resident Coordinator (RC) on behalf of the UNCT on UNDP's increased capacity and contribution to inter-agency coordination and in-country programming on the Rule of Law.

2008 Annual Targets
- Complete the SG Report on SSR ensuring inter-agency coordination and follow-up with the Group of Friends on SSR (SSR Task Force)
- Organize a NGO consultation on SG's SSR Report jointly with DPKO
- Contribute to the development of the Inter-agency Guidance Note on Rule of Law Assistance (ROLCRG)
- Contribute to roll-out the inter-agency handbook on the protection of internally displaced persons with specific focus on women's security and access to justice (PCWG)
- Continue to build on existing and regular engagement and updates with the DPKO SSR task force and OROLSI unit to ensure complementarity between DPKO and UNDP/BCPR's work on Rule of Law and SSR.

4. ASSUMPTIONS & RISKS

It is assumed that:

a) National development plans will increasingly integrate rule of law as a central pillar of governance reform programmes and peace building and conflict prevention initiatives.
b) Requests for technical assistance by Host Governments will continue to increase, given the strenghened capacity of UNDP COs and HQs on rule of law assistance.
c) A growing understanding among partner governments and donors of the importance of rule of law in ensuring sustainable peace and human development.

Risks may include:

a) Inadequate response to resource mobilization efforts, hampering capacity to respond to the increasing demand from the Country Offices and Host Governments.
b) Challenges in identifying highly qualified and experienced Rule of Law experts for the RoLJS Unit at UNDP/BCPR.
c) Challenges in identifying qualified and experienced Rule of Law staff for Country Offices
d) Lack of buy-in from Country Offices in taking advantage of UNDP rule of law services.
e) Weak inter-agency engagement at headquarters' and in-country level.
f) Lack operational and technical capacities in Country Offices.
g) Changing political environments and national priorities, undermining or compromising capacity development.
h) Changing priorities of the international community, weaking efforts to incorporate the rule of law in early recovery and peace building.

Counter measures:

a) Increase advocacy efforts to sensitize bilaterals in supporting rule of law programming in conflict/post-conflict settings.
b) Recruitment of highly recognized UNDP Rule of Law staff with in-country experience and a record of building and managing comprehensive rule of law programmes (2 new recruits for NY and 1 for Gva completed).
c) Pro-active and service oriented engagement with Country Offices to ensure awareness of UNDP's strengthened services and support (the demand is currently very high and continues to grow).
d) Positive approach to inter-agency coordination, particularly the Rule of Law Resource & Coordination Group and the SSR Inter-Agency Task Force, actively contributing to joint planning, joint missions and joint programming, as well as joint reviews with critical partners (DPKO, OHCHR, UNICEF, UNIFEM etc) and core donor partners.[17]
e) Establishment of a Roster of Rule of Law experts through Associated Expert Network and stand-by capacity operational
f) Provide comprehensive operational support package to UNDP Country Offices including SURGE capacity, technical assistance, operational tools and strategic guidance to support rule of law programming.
g) Increase partnerships with UN sister agencies, specialized NGOs, research institutes, academic institutions to mobilize technical expertise; recruit new staff by end of 2008; and, undertake reviews of the workplan and prioritize commitments.
h) Engage with relevant national stakeholders to ensure national ownership in making the rule of law central to conflicy prevention, conflict mitigation and peace building.
i) Increase advocacy efforts in inter-governmental fora to bring international community's attention to the rule of law and to promote rule of law assistance in early recovery frameworks and peace-building initiatives.

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[17] This will entail an external mid-term review of the Programme's implementation progress and contribution to in-country UN coordination/cooperation related to UN system engagement on Rule of Law and SSR in the priority-countries.

RESULTS AND RESOURCES FRAMEWORK

UNDP STRATEGIC PLAN 2008-2011

Focus Area 3: Conflict Prevention & Recovery

Goal 3: To advance human development by strengthening national and local capacities to prevent, mitigate and recover from the effects of violent conflict and natural disasters

Outcome 3: Strengthened national capacities including the participation of women, to prevent, reduce, mitigate and cope with the impact of violent conflict

Outcome 4: Early post-crisis resumption of local governance functions to facilitate recovery

Outcome 7: Gender equality and women's empowerment enhances in post-disaster and post-conflict situations

Outcome 8: Post-crisis community security and social cohesion at local level restored

OVERALL OBJECTIVE: Strengthen UNDP's capacity to address rule of law challenges in conflict and post-conflict situations and lay the foundation for long-term development in the rule of law sector.

SPECIFIC OBJECTIVE: Strengthen the Rule of Law in at least 20 priority countries during the period 2008 - 2011 (Afghanistan, Burundi, Central African Republic, Chad, Colombia, Democratic Republic of Congo, Guatemala, Guinea Bissau, Haiti, Irak, Kosovo, Liberia, Nepal, PAPP, Sierra Leone, Somalia, Sri Lanka, Sudan, Timor Leste and Uganda).

OUTPUTS	ACTIVITIES	Partners	Timeframe				Description	Amount
			2008	2009	2010	2011		
OUTPUT 1: Rapidly and effectively respond to programme countries in providing Rule of Law assistance in conflict and post-conflict situations.	**1.1. Technical support and consultancy services to UNDP Country Offices**		x	x	x	x		**3,950,000.00**
	1.1.1. Assist UNDP COs in designing coherent, comprehensive and sequenced ROL programmes in crisis- and post-conflict countries.	UNDP COs, Host Governments, Development Partners, UN agencies	x	x	x	x	Travel	**500,000.00**
	1.1.2. Ensure that COs have the financial resources and the available expertise to engage effectively and constructively with host governments as well as other national and international partners.		x	x	x	x	Associated Expert Network / consultancies	**1,000,000.00**

Activity	Partners					Inputs	Budget
1.1.3. Provide policy advice and technical support to COs and host governments on assessments, programme and project design, resource mobilization, policy dialogue, training, and monitoring & evaluation.		x	x	x	x	CO support missions / Training sessions / Practitioners meetings	**1,500,000.00**
1.1.4. Maximize and enhance funding mechanisms in order to achieve more sustainable and national-owned results (BCPR TTF - DGTTF).		x	x			Technical Support	**950,000.00**
1.1.5. Promote and initiate joint-programmes on ROLJS with UN sister agencies as well as other national and international partners.		x	x	x	x		
1.1.6. Create a gender balanced associated expert network with at least 20 highly qualified professionals (retainers) able to provide assistance to COs in both general and specific issues, sharing UNDP perspective and available to make missions in a short notice.		x	x				
1.1.7. Advocate for COs in order to bring international community's attention to critical situations on Rule of Law, Justice & Security.		x	x	x	x		
1.2. Strengthening the Rule of Law within an Early Recovery Framework and during Transitions		x	x	x	x		**15,000,000.00**
1.2.1. Strengthen Access to Justice for displaced and war-affected populations through establishment of legal aid mechanisms and support to local courts.	Host Governments, Implementing Partners, UN agencies, NGOs, Development Partners	x	x	x	x	Contractual Services, Technical support, Communication and Equipment, Training	
1.2.2. Train police officers, judges and prosecutors on codes of conduct and international standards on human rights.		x	x	x	x		
1.2.3. Empower communities through native administration and customary mechanisms.		x	x	x	x		
1.2.4. Promote confidence building measures through awareness raising and policy dialogue.		x	x	x	x		

	1.3. Addressing Women's Security and Access to Justice		x	x	x	x		**11,000,000.00**
	1.3.1. Strengthen gender-sensitive policing and community policing at community level.	Host Governments, Implementing Partners, UN agencies, NGOs, Development Partners	x	x	x	x	Contractual Services, Technical support, Communication and Equipment, Training	
	1.3.2. Ensure that women, girls and SGBV survivors have access to legal assistance and representation.		x	x	x	x		
	1.3.3. Empower and develop capacities of judicial institutions to address SGBV and combat impunity.		x	x	x	x		
	1.3.4. Empower IDP communities as paralegals and managers of legal aid centers.		x	x	x	x		
	1.3.5. Develop capacities of lawyers, judges, prosecutors, police and corrections officers with a gender-sensitive approach.		x	x	x	x		
	1.3.6. Promote dialogue amongst native administration, customary mechanisms and communities to promote attitudinal change towards SGBV survivors.		x	x	x	x		
	1.4. Facilitating Transitional Justice		x	x	x	x		**3,000,000.00**
	1.4.1. Conduct assessments to identify strategic options for transitional justice.	Host Governments, Implementing Partners, UN agencies, NGOs, Development Partners	x	x	x	x	Contractual Services, Technical support, Communication and Equipment, Training	
	1.4.2. Support national dialogue/consultation process to identify adequate and nationally-owned transitional justice solutions.		x	x	x	x		
	1.4.3. Provide technical assistance and aid coordination to national transitional justice mechanisms (truth commissions, reconciliation, reparation).		x	x	x	x		
	1.4.4. Support national capacity development for transitional justice ensuring linkages to broader justice sector reform.		x	x	x	x		
	1.4.5. Support awareness raising and public outreach campaigns on transitional justice mechanisms.		x	x	x	x		

1.5. Supporting Capacity Development of Justice and Security Institutions		x	x	x	x		**18,000,000.00**
1.5.1. Conduct nationally-owned assessments, monitoring and evaluation of impact/tracking of progress and aid coordination in the Rule of Law Sector.	Host Governments, Implementing Partners, UN agencies, NGOs, Development Partners	x	x	x	x	Contractual Services, Technical support, Communication and Equipment, Training	
1.5.2. Assist host governments in developing strategic development plans and measures for structural and institutional reforms.		x	x	x	x		
1.5.3. Upgrade knowledge base and develop technical/professional skills, as well as legal imperatives and principles, among services providers of justice and security institutions.		x	x	x	x		
1.5.4. Provide access to operational tools and basic infrastructure.		x	x	x	x		
1.5.5. Support regional and global networks and knowledge sharing, and South-South dialogue.		x	x	x	x		
1.6. Promoting Confidence Building and Reconciliation		x	x	x	x		**3,000,000.00**
1.6.1. Promote awareness-raising and dialogue between rule of law service providers and the population.	Host Governments, Implementing Partners, UN agencies, NGOs, Development Partners	x	x	x	x	Contractual Services, Technical support, Communication and Equipment, Training	
1.6.2. Promote in-country diagnostic assessments with Partner Governments, UN and non-UN partners.		x	x	x	x		
1.6.3. Organize nation-wide consultation processes and multi-stake-holder dialogue.		x	x	x	x		
SUBTOTAL OUTPUT 1							**53,950,000.00**

OUTPUT 2: Produce high quality and relevant policy guidelines and knowledge products directly linked to in-country programming.	2.1. Create a knowledge products package on Rule of Law composed of a practice note, conceptual frameworks, compilation of best practices and lessons learnt, assessment framework, policy guidelines, training courses and materials, programming tools, and evaluation & monitoring tools.		x	x	x	x	Contracts - Associated Expert Network	**350,000.00**
	2.2. Advocate, at global level, on the links between strengthening the Rule of Law and the advancement of human development; contribute to develop a global agenda on Rule of Law driven by international human rights standards.	UNDP COs, UN agencies, Development Partners, NGOs, Specialized institutions, Research institutes, Academia	x	x	x	x	Subcontracts - Partnerships with Centers of Excellence	**500,000.00**
	2.3. Establish and/or strengthen partnerships with universities, NGOs, international organizations, research institutes and governments, both from the North and South, for creating validating and testing/piloting policy guidelines and tools.		x	x	x	x	Conferences / Training	**250,000.00**
	2.4. Build a global community of practice (and integrating existing ones i.e. AP A2J) on Rule of Law aiming at sharing experiences and multiplying South-South co-operation.		x	x	x	x	Travel	**300,000.00**
							Publications / Webpage	**150,000.00**
	SUBTOTAL OUTPUT 2							**1,550,000.00**
OUTPUT 3: Actively contribute to integrated and coherent UN system-wide assistance and coordination on Rule of Law.	3.1. Co-chair and/or provide substantive leadership into interagency initiatives on Rule of Law, i.e. the Rule of Law Resource & Coordination Group, the SSR Inter-Agency Taskforce, IASC Working Group on Protection/Rule of Law, IASC Working Group on Early Recovery.	UN agencies, PCWG members, DSG Rule of Law Unit, SSR Task Force	x	x	x	x	Travel	**100,000.00**

	3.2. Strengthen partnerships and joint operations with other UN agencies and departments such as UNICEF, UNODC, OHCHR, DPKO and UNIFEM.			x	x	x	x	Contractual services	**300,000.00**
								Training, conferences	**100,000.00**
	SUBTOTAL OUTPUT 3								**500,000.00**

SUBTOTAL 1+2+3	56,000,000.00
General Management Service (7%)	3,920,000.00
GRAND TOTAL	**59,920,000.00**

1. BACKGROUND

Over the past years, the United Nations System has increased its efforts to address the rule of law in conflict- and post-conflict situations. In 2004, the UN Secretary-General issued a first report on the rule of law in conflict- and post-conflict societies[18], outlining key sectoral priorities and substantive challenges. The follow-up report in 2006 re-confirmed that support to Member States in strengthening the rule of law is central to the United Nations, and stressed the need for system-wide coordination.[19]

Following the commitment to the rule of law in the outcome document of the 2005 World Summit, the rule of law was placed on the agenda of the General Assembly[20]. In mid-2007, the Secretary-General issued a report reflecting the views of Member States on the rule of law at the national and international levels.[21] A consensus emerged that the rule of law should be promoted at both national and international level and should be based on the UN Charter, international human rights law and principles of good governance.

Against this background, an inter-agency Rule of Law Coordination & Resource Group (RoLCRG) was established in early 2007. Chaired by the Deputy-Secretary General, the RoLCRG is managed by a Rule of Law Assistance Unit, within the Office of the Deputy-Secretary-General.[22] The role of the Rule of Law Assistance Unit is to strengthen United Nations activities to promote the rule of law, including through technical assistance and capacity building.[23] In this vein, the DSG's Rule of Law Unit serves as a system-wide mechanism to enhance coordination and inter-agency collaboration, overseeing a one-UN approach to the Rule of Law.

In parallel, the Security Council organized an Open Debate on Security Sector Reform (SSR) in early 2007[24]. This led to the establishment of a UN Inter-Agency Task Force on SSR. The Task Force produced a report by the Secretary General to the Security Council (SC) and General Assembly (GA) on SSR, including lessons learned and recommendations on the way forward. In May 2008, the SG's SSR Report was presented to the Security Council, and the ensuing Presidential Statement recognized the critical importance of SSR within the broader framework of the Rule of Law.

The above testify to concerted efforts by UN Member States, departments, agencies and funds engaged in the rule of law and related fields. Based on agency-specific expertise and resources, efforts are made to apply complementary and mutually reinforcing assistance and programmes wherein each UN entity optimizes its comparative advantages towards a shared objective. It affirms a collective will to recognize justice and security for what they are: imperatives for the prevention of violent conflict, pivotal during and after its occurrence, and the very foundation for recovery towards sustainable human development.

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[18] Rule of law and Transitional Justice in Conflict and Post-Conflict Societies Report of the Secretary-General (S/2004/616 of 23 August 2004)

[19] Uniting our Strengths: Enhancing United Nations Support for the Rule of Law, Report of the Secretary General (S/2006/980 of 14 December 2006)

[20] GA Resolution A/RES/61/39 (18 December 2006).

[21] *The Rule of Law at the national and international levels: comments and information received from Governments: Report of the Secretary General* (A/62/121) of 11 July 2007. Pursuant to GA Resolution A/RES/61/39 (18 Dec. 2006).

[22] Suggested reading: *A Rule of Law Assistance Paper*, by Jamal Benomar, Director, Rule of Law Unit and *Guidance Note on the UN Approach to Rule of Law Assistance* by the Deputy-Secretary-Generals' Rule of Law Unit.

[23] 2005 World Summit Outcome, paragraph 134 (A/RES/60/1).

[24] 20 February 2007.

2. DEFINITION: THE RULE OF LAW BASED ON JUSTICE & SECURITY

While terminology to describe "The Rule of Law" varies, the definitions entail similar elements.[25] For the sake of clarity, the definition used in this document assumes that: (a) **"the rule of law" is a broader notion based on two pillars, i.e. justice and security**; and that: (b) "justice and security" are interdependent and require a **holistic approach**.

At the UN system-wide level, the Secretary-General's 2004 Report, outlines an integrated definition of the "Rule of Law":

The "Rule of Law" is a concept at the very heart of the Organization's mission. It refers to a principle of governance in which all persons, institutions and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.''[26]

The definition encompasses a wide spectrum of interdependent institutions, competencies and actors who operate within the inter-dependent sub-sectors of **justice and security and converge under the broader scope of the rule of law and governance**. These sub-sectors include, *inter alia*: a) justice; b) judiciary; c) law-enforcement d); corrections; e) civilian oversight mechanisms; f) civil society; and, g) customary law and traditional conflict-resolution.

From a conflict prevention & recovery perspective, **the notion of "the rule of law" represents a situation that is diametrically opposed to "the rule by force".** Without physical security, the most basic premises for peace remain absent. And, without access to justice and empowered rule of law institutions, no peace will last long enough to lay the ground for sustainable development.

In narrow terms, the concept of rule of law entails a distinct set of **civilian and uniformed actors and institution**s. In broader terms, it stipulates **a framework for peaceful conflict resolution and democratic governance**. In its broadest sense, it stretches well beyond competencies and structures. It **reaches out to the very heart of human interaction and value systems in any given society.** No society functions mechanically. It is also governed by **ethical frameworks**, **social codes of conduct, socio-economic factors**, **political will** and **attitudes** at both individual and collective level. Strengthening the rule of law based on justice and security, therefore, requires a deeper dimension and a broader vision.

> *"The Rule of Law includes not only the written law, but also the whole pattern of established rule of action and behaviour"*
>
> *- Dag Hammarskjold -*

The definition of "the Rule of Law", as offered by the late Secretary-General, Dag Hammerskjold (above) adds this depth and width. In the final analysis, the Herculean task of re-establishing the rule of law requires a comprehensive definition that addresses interrelated justice and security institutions and good governance with due attention to political, economic, social and, even, psychological factors.

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[25] The following terms are usually referred to: "the rule of law", "access to justice", "justice & security sector reform" and "security sector reform".

[26] Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies Report of the Secretary-General (S/2004/616 of 23 August 2004)

3. FRAGILE ENVIRONMENT: THE RULE OF LAW IN CONFLICT AND POST-CONFLICT SITUATIONS

The multiple challenges of promoting the rule of law are not restricted to one region as opposed to another, but occur in every society at various degrees. Yet, promoting the rule of law in conflict affected countries constitutes a particular challenge, because the very nature of armed conflict is violent conflict-resolution. The consequences to human life and dignity are severe.

Conflict prevention remains the most cost-effective and politically viable option in safeguarding the rule of law. Uneven distribution of resources, political and economic marginalization, discriminatory policies and other systematic human rights violations are clear indicators of a breakdown in the rule of law. Socio-economic development and the respect for human rights provide the most adequate guarantee for preventing conflict. However, when these conditions are not at hand, timely identification of, and response to, early warning-signals is imperative in mitigating the risk of escalation into a full-blown armed conflict.

In armed conflict situations, the society is partly, or wholly, reduced to a theatre of gross violations of human rights and humanitarian law. Constitutional rights are superseded by emergency laws and civilian courts by *ad hoc* military courts. Armed actors tend to be the principal agents of "law and order", often at the cost of basic human rights and customary practices. Military expenditures dominate national resources and budget allocations, while limited means, if any, are allocated to basic services and opportunities for economic prosperity. Police, courts and prisons often suffer a capacity and competence gap, lack the incentives (or simply the operational tools) to guarantee and protect human rights. Conversely, the political and military environment is often not conducive to respect for professional integrity and legal imperatives.

Similarly, traditional conflict resolution mechanisms and customary law are often marginalized by militarization. In the absence of state protection under the law, small arms tend to remain the only means of protection at hand for communities. At the same time, widespread use of small arms affects the social structure. Frustrated youth and men seek to shift power-balances with the help of the gun. Power struggles tend to further subjugate women, subjecting them to Sexual and Gender Based Violence (SGBV). Against these realities, physical protection and security remain the absolute priority for communities caught in an armed conflict, calling for an **early recovery** approach to the rule of law. Empowering national stakeholders and institutions to curb the violence and address injustices at a time when security is most at stake and justice the most needed is more conducive to national ownership and sustainability than to wait for the conflict to come to an end. Priorities and sequencing are thus critical.

In recovery settings, following a formal peace-agreement, organized return of displaced populations will depend on conditions for security alongside access to justice, basic services and livelihoods and, eventually, opportunities for socio-economic development. At the same time, return movements may trigger disputes over land, water and property. This, in turn, aggravates the existing problems of legal illiteracy, unemployment, marginalized and weakened statutory structures and traditional conflict resolution mechanisms.

Although a peace agreement provides a roadmap out of a violent conflict towards recovery and development, it is not an end in itself. Rather, it is the beginning of a long process. Societies emerging from an era of armed conflict often lack the institutional and professional capacity to immediately resume or establish a functional, effective and accountable justice and security system. Lawyers, judges, prosecutors, policemen, prison officers, legislators and civil servants operate in a dysfunctional system, where salaries, tools and positive incentives are rare commodities, and where perceptions and commitment to legal imperatives have been battered,

altered or misconstrued. National ownership may pose complex challenges in pursuing transitional justice. In most post-conflict countries, the protagonists to the conflict are often the signatories of the peace agreement. Experience indicates that in those situations, addressing past abuses and violations may not be a constructive entry point if pursued in isolation from comprehensive capacity development programmes in the rule of law sector.

Every post-conflict society is also deeply affected by violence at the social and psychological level. Often, there exists a profound sense of loss of trust in both one's neighbour and the state. The war-mentality that has engulfed a society for years will not go away with the signature of a peace agreement or initial legal and structural reforms. Justice and security sector reform relies heavily on political will at the national level and attitude at the individual level. Neither will present itself automatically at the outset of the peacebuilding process.

On the contrary, it will require a long process of change of perceptions and habits; of gaining both clarity and courage to change the destiny of a country. Political objectives and individual attitudes will need to manifest in decision-making and policy-directives that are conducive to structural, legal and economic reforms across line-ministries and broader governance functions. Unless the human component of those institutions is empowered to enforce the rule of law through legitimate mechanisms - any post-conflict society will remain prone to relapse into conflict.

4. LEGAL FRAMEWORK AND PRINCIPLES

UNDP's assistance is based on the United Nations' legal framework for the Rule of Law:

- The UN Charter
- International Human Rights Law
- International Humanitarian Law
- International Refugee Law
- International Criminal Law

UNDP adheres to Deputy-Secretary'General's Guidance Note on Rule of Law (2007):

- Base assistance on international norms and standards
- Take account of the political context
- Base assistance on the unique country context
- Ensure national ownership
- Support national reform constituencies
- Ensure a coherent and comprehensive strategic approach
- Engage in effective coordination and partnerships

5. DEVELOPMENT APPROACH TO RULE OF LAW IN CONFLICT AND POST-CONFLICT SITUATIONS[27]

Strengthening the rule of law is a development process, requiring a sequenced approach and long-term investment. Distinct from the humanitarian approach, the objective of a development approach to rule of law in conflict and post-conflict situations is to **strengthen the capacity of national institutions and stakeholders** to prevent and bring an end to violations, insecurity and

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[27] Grounded in a human rights-based approach, a development approach translates into support of the design and implementation of MDG-driven national development plans and poverty-reduction strategies, reflecting the needs of both marginalized and vulnerable groups as well as of institutions tasked to deliver services.

impunity. The development approach is not restricted to one phase as opposed to another, i.e. the humanitarian or long-term phase. It is rather about principles of assistance and *how* such assistance is provided in any given phase. It entails a combination of quick peace dividends as well as technical assistance to long-term structural reforms. It taps into national capacities as opposed to substituting the same. It is based on principles of **inclusion**, **participation** and **empowerment.**

The United Nations has recognized the necessity of **national ownership** as a means of achieving sustainability. There is a common understanding that transformation of a war-torn society cannot succeed without listening to national stakeholders and strengthening the capacity of a society to manage its own affairs[28]. The Paris Declaration[29] and the emphasis on national ownership within the work of the Peace Building Commission constitute major benchmarks in United Nations' peacebuilding efforts. In the same spirit, the work of the UNDP rests on principles of national ownership. At the country-level, UNDP responds to requests by Host Governments and derives its country-specific mandate from Standard Basic Agreements (SBA) between the Host Government and UNDP. Thus, as a development agency, UNDP Rule of Law programming is *not only guided* by national ownership, as a principle, but this principle is also *embedded* in UNDP execution modalities.

The development approach rests on positive engagement, is all-inclusive, and acknowledges that the process of peacebuilding is non-linear and bound to face set-backs during its course. It revolves around **inclusive** and **participatory dialogue**. Programmes are initiated and endorsed by the Host Government, and thus policy dialogue with national partners constitutes the very first entry point on Rule of Law. Throughout the programming cycle, positive and principled policy dialogue takes place at all levels and encompasses a broad segment of the society. **Nationally-owned needs assessments** are central to UNDP programming design. **Partnership** and **coordination** with national partners is essential to this process.

In the final analysis, the development approach is steered towards the full respect for human rights as a means of achieving the rule of law. But, as a development agency, the universality of human rights is approached **from within a society**, rather than from outside. It assumes that every society possesses deeply rooted ethics and social codes of conduct, which, once, contributed to the articulation of universal human rights standards. The search and revival of these norms, therefore, constitutes one of the most single important - and yet most complex - factors in strengthening the rule of law in conflict- and post-conflict environments.

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[28] Suggested reading: *"Transition to a Just Order - Establishing Local Ownership after Conflict: A Policy Report"*, by Annika S Hansen and Sharon Wiharta, Folke Bernadotte Academy 2007.
[29] Paris Declaration of 2005 on improved aid effectiveness through alignment with national priorities and development plans, alongside donor harmonization.

ANNEX 3: INDICATIVE PERFORMANCE INDICATORS FOR RULE OF LAW PROGRAMMING AT COUNTRY OFFICE LEVEL

1. M&E OVERVIEW AND PRINCIPLES

Effective programming on the rule of law requires balancing the different types of needs and time-lines. Enhancing justice and security is a constantly evolving and complex process. It requires changes and transformations in service delivery, organizational structures and institutional arrangements that produce sustainable improvements in performance. Thus, it is critical to proceed with a gradual approach, so to ensure national ownership, build trust amongst key actors and develop a genuine understanding of the context, its needs and opportunities. It requires both immediate assistance and concrete service delivery (peace dividends) as well as medium-and long-term capacity development of key institutions (state and non-state).

Project results/monitoring frameworks have to be developed against the context-specific dynamic, defining the possibilities and limitations; appropriate activities and projected results; risks and assumptions; and availability of data sources to monitor results. The overall impact of rule of law programming should be measured against conditions conducive to safety, security and justice for communities and citizens.

As with all programming assistance in conflict- and post-conflict countries, conflict sensitivity and 'do no harm' principles should inform all M&E mechanisms, as well as information gathering. It takes into account risks of being perceived to favor one group over another, or engaging with powerful individuals, only, as these perceptions both skew results and heighten tensions. Therefore, participatory M&E mechanisms are encouraged wherever feasible and with all groups being represented, so to ensure inclusiveness and objectivity.

Mechanisms for monitoring are supportive of capacity development by ensuring that members of the target populations or local CSOs/NGOs work as monitors, responsible both to UNDP and local government authorities (as appropriate in the given crisis situation). In ensuring that that knowledge benefits new programming, regular mechanisms to share findings/lessons/experience between project staff, partners and different UNDP projects should be established (mechanisms could include regular meetings, email communications, web communications, workshops, etc…). In the same vein, lessons learned should be consolidated to outline what works, what doesn't work, why and unintended results, as well as intended results.

2. INDICATIVE PERFORMANCE INDICATORS

The below list provides sample performance indicators (i.e. quantitative and qualitative) to guide Rule of Law programming at Country Office level. In particular, these indicators can be used to measure a) the impact of Rule of Law programming on the performance of justice and security service providers; and, b) the progress of safety, security and justice conditions for citizens.

- Overall institutional performance strengthened (maintenance of public order and safety; decrease in SGBV and domestic violence; improved administration of justice; judicial independence and government accountability; respect for human rights; equality before the law; societal support for the rule of law).
- Conditions conducive to return and reintegration of displaced populations established.
- Meaningful input by civil society actors established, including active contribution to debates on justice and security issues.

- Oversight bodies' capacity enhanced and prominent in all aspects of strengthening the rule of law.
- Ownership by national governments established through national plans, legislation and policies incorporating respect for, and protection of, the rule of law.
- Best practices applied by donors and multilateral in supporting rule of law in their engagement with national governments.
- Rule of law programmes are not only 'state-centric', but take account of and build on non-state and informal security and justice arrangements in target countries.
- Rule of law institutions develop new policies, strategies, development plans, SOPs, handbooks, training curricula etc. as part of a progressive reform agenda and apply them in practice.
- Pilot site initiatives are established (e.g. community safety) to provide an evidence base or impetus for wider institutional or policy reform.
- Research on the justice and security needs and priorities of populations is carried out and findings feature in policy-making, reform programmes or routine service provision.
- Coherent, joined up and integrated government policy and action are established to addressing injustice, insecurity, conflict and armed violence.
- National and international policies and responses to issues of conflict, injustice and insecurity are better integrated with development frameworks.
- Targeted advocacy work takes place and technical advice is given in support of a developmental and people-focussed approach to the rule of law.
- Number of police officers/judges/prosecutors/prison officers trained.
- Number of legal aid centres established and operational.
- Number of rule of law institutions rehabilitated/constructed.
- Improved working conditions for justice and security personnel.
- Improved living conditions for inmates.
- Perception of public safety and security.
- Efficiency of the court system.
- Legislative changes affecting women's access to justice.
- Attitudinal and legislative change towards SGBV survivors.
- Increased female representation in the justice and security sectors, including as police officers, lawyers, judges and prosecutors.
- Women benefit from legal representation and get justice through a conventional justice system.
- Level of trust and confidence between security actors and the citizens.
- Level of confidence in courts.
- Level of trust in police.
- Justice system is trusted to settle disputes in a manner that is just and acceptable to all.

Given the complexity of rule of law programming in conflict/post-conflict settings, and since there is a need for evidence of what works under in various circumstances, UNDP contributes to knowledge and experience sharing, and actively participates in the development of performance indicators in this field together with other partners, such as DPKO, Saferworld, Clingendael Institute and DCAF, among others.

ANNEX 4: INDICATIVE PERFORMANCE INDICATORS FOR THE FIVE PROGRAMME AREAS

While it is difficult to offer generic outcomes and indicators of UNDP rule of law efforts globally, some general outcomes and targets may be identifiable with reference to the five focus areas of the Global Programme. These are listed below.

It is worth noticing also that the specific indicators given here are by no means exhaustive. They are brief examples of what may be used as indicators in country programmes, but their specific formulation obviously needs to be tailored to the contexts as well as to the results of base line assessments. Furthermore, it is necessary to have both quantitative and qualitative indicators. The latter are more difficult to evaluate, but equally important in determining progress.

PROGRAMME AREA 1: STRENGTHENING THE RULE OF LAW WITHIN AN EARLY RECOVERY FRAMEWORK AND DURING TRANSITIONS

Every conflict and crisis setting is unique, and strengthening the rule of law in DRC or Chad, may require different methods from doing the same in Kosovo or East Timor. Nevertheless, significant to most conflict situations is the overall break down in the rule of law and the erosion of a peaceful and legitimate justice system. In many conflict situations we see that human rights are violated and that respect for international humanitarian law is lost. As such, it is possible to identify a more specific outcome related to this programme area:

- **Violations of international human rights and humanitarian law accepted as a *crime* and tried by national courts, leading to convictions and sentencing.**

Impunity will prevail in the absence of a legal framework or normative behavior. While we need to be realistic in how extensively we can address such enormous challenge in nearly all 20 priority countries (as it also requires humanitarian/peacekeeping and political action), experience has proven that with adequate resources and solid partnerships numerous cases can be reached during the programme cycle/per country. UNDP's work alone, will not address all war-crimes and crimes against humanity committed, but it will enable us to meaningfully complement international efforts to address impunity. As a development agency, our specific role in this broader effort is to act early and on the basis of national ownership, empowering local courts to shoulder their responsibilities.

Example of indicators: Number of crimes tried by national courts, and number of such crimes that have led to convictions and sentences. The extent to which sentences are properly implemented as well as the extent to which they limit overall impunity.

PROGRAMME AREA 2: ADDRESSING WOMEN'S SECURITY AND ACCESS TO JUSTICE

Various international instruments exist on the strengthening of women's security in conflict, including SC Resolution 1325. Women often bear a heavy burden of conflict, and may find it particularly difficult to access justice systems. At the same time, women tend to be underrepresented as professionals in the justice and security system, which may put even further constraints on these sectors' capacities to effectively address women's insecurity. Under this programme area, two specific outcomes can thus be identified that will be important for all in-country programming:

- **Women benefit from legal representation and get justice through a conventional justice system**

Linked to the above outcome, Rape and Sexual-Gender Based Violence against women will go beyond advocacy and enable women to benefit from legal representation and access the formal justice system. Besides acknowledging rape as a crime and circling in on those enjoying impunity, it will redeem women and girls suffering stigmatization in the absence of a statutory (and socially accepted) sanction system.

Example of indicators: Number of rape and SGBV cases brought to courts and number of such crimes that have led to sentences and convictions. The extent to which sentences have been implemented, and the proportion of total number of SGBV cases brought to courts.

- **Increased female representation in rule of law institutions, including as police, lawyers, judges and prosecutors**

An increase of female representation in these sectors will translate SC resolution 1325 into concrete action and establish conditions conducive to addressing SGBV and domestic violence – through critical contributions from women professionals, whose experience and insights are critical to address rape and sexual abuse. A 10% increase is a minimum target for the programme cycle, and an important step forward towards Bejing Platform target of a minimum of 30%.

Example of indicators: Percentage increase of female representation in justice and security sector. Seniority of positions in these sectors occupied by women.

PROGRAMME AREA 3: SUPPORTING CAPACITY DEVELOPMENT OF JUSTICE AND SECURITY INSTITUTIONS

States and governments have the primary responsibility to provide justice and security to their citizens. In crisis and post crisis situations, the capacity to do so may have become significantly weakened, and the system in place before the conflict may have already been incapable or unwilling to do so. As such, capacity development of institutions will lead to enhanced state protection towards the citizens. The outcome related to this programme area is thus:

Capacity of national institutions (including, but not limited to, the judiciary and ministry of justice) to uphold the rule of law is strengthened

An empowered judiciary (judges, courts, prosecutors) will allow a stronger separatation between the judiciary and the executive and improve the odds for free and fair trials. An empowered Ministry of Justice will be better positioned to produce legal frameworks that are conducive to international human rights standards and SC Resolution 1325, and take on legal representation services for its citizens. National planning and budgeting will reflect a shift in priorities and resorurces from the war-machinery to public administration services.

Example of indicators: Number of cases tried by the judiciary, level of training and knowledge of judiciary staff, degree of judiciary independdence, extent to which justice system is able to implement sentences, capacity of government to draft laws.

PROGRAMME AREA 4: FACILITATING TRANSITIONAL JUSTICE

Transitional Justice mechanisms will be established to restore both trust and normative standards. Support for national consultations that also include civil society will produce a broad-based and

nationally-owned mechanism for dealing with past war-crimes (e.g. a truth and reconciliation commission or compensation). The specific outcome is thus:

- **Governments supported to set-up and run transitional justice mechanisms**

While this outcome is very general, it is important to note that transitional justice mechanisms are necessarily very different depending on context, and tranisitonal justice programmes may not always be the desired approach. As such, it may be that transitional justice are not always the appropriate instruments to strengthen the rule of law.

Example of indicators: Capacity of truth and reconciliation commissions to hear approriate proportion of cases brough before it, and proportion of men's and women's cases heard by such commissions.

PROGRAMME AREA 5: PROMOTING CONFIDENCE BUILDING AND RECONCILIATION

It is very difficult to strengthen the rule of law without building confidence between peoples and groups within a society. If there is no trust in the justice system (formal or traditional), people will continue to solve their grievances and disputes by other means, including by force. The outcome related to this programme area is therefore the following:

- **The justice system (formal and traditional) is trusted to settle disputes in a manner that is just and acceptable to all**

The fifth programme area is cross cutting, and it is assumed that all of the above areas and outcomes in different ways contribute to this outcome, i.e. the level of trust is likely to be related to the capacity of the justice system to solve disputes and handle grievances.

Because trust and confidence are essentially qualitative terms, measuring progress towards this outcome will be difficult, and the indicators are necessarily qualitative in nature. There are, nevertheless, ways in which societal trust can be measured, although the ways in which this can be done will vary according to contexts. It may, for example, be possible to undertake media surveys or conduct interviews with focus groups.

Example of indicators: level of confidence in courts, level of trust in police, number of cases brought before courts.