UNDP/BCPR Global Programme on
Strengthening the Rule of Law in Conflict and Post-Conflict Situations
2008-2011

MID-TERM REVIEW REPORT

December 2010

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UNDP/BCPR

Conducted by
Zeinab Adam
Ivan Briscoe
Toby Bonini
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  2. OCCUPIED PALESTINIAN TERRITORY
  3. SIERRA LEONE
  4. SRI LANKA
  5. TIMOR-LESTE

COUNTRIES INTERVIEWED
  1. BOSNIA AND HERZEGOVINA
  2. CENTRAL AFRICAN REPUBLIC
  3. CHAD
  4. DEMOCRATIC REPUBLIC OF CONGO
  5. HAITI
  6. SOMALIA

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## ACRONYMS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>A2J</td>
<td>Access to Justice</td>
</tr>
<tr>
<td>ABA</td>
<td>American Bar Association</td>
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<tr>
<td>AGO</td>
<td>Attorney General’s Office</td>
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<tr>
<td>BCPR</td>
<td>Bureau for Crisis Prevention and Recovery</td>
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<tr>
<td>BDP</td>
<td>Bureau for Development Policy</td>
</tr>
<tr>
<td>BiH</td>
<td>Bosnia and Herzegovina</td>
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<tr>
<td>BINUCA</td>
<td>United Nations Integrated Peacebuilding Office in the Central African Republic</td>
</tr>
<tr>
<td>CAR</td>
<td>Central African Republic</td>
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<tr>
<td>CBO</td>
<td>Community Based Organizations</td>
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<tr>
<td>CENFOJ</td>
<td>Centre for Judicial Training</td>
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<tr>
<td>CIDA</td>
<td>Canadian International Development Agency</td>
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<tr>
<td>CLP</td>
<td>Freedom Fighters of the Fatherland</td>
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<tr>
<td>CPAP</td>
<td>Country Programme Action Plan</td>
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<tr>
<td>CPD</td>
<td>Country Programme Document</td>
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<tr>
<td>CPLP</td>
<td>Community of Portuguese-speaking Nations</td>
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<tr>
<td>CSHR</td>
<td>Centre for Studies on Human Rights at Colombo University</td>
</tr>
<tr>
<td>CSO</td>
<td>Civil Society Organization</td>
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<tr>
<td>DENARP</td>
<td>Poverty Reduction Strategy Paper (Guinea Bissau)</td>
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<tr>
<td>DFID</td>
<td>Department for International Development</td>
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<tr>
<td>DGTTF</td>
<td>Democratic Governance Thematic Trust Fund</td>
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<tr>
<td>Acronym</td>
<td>Description</td>
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<tr>
<td>DIS</td>
<td>Détachement Intégré de Sécurité</td>
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<td>DPKO</td>
<td>Department of Peacekeeping Operations</td>
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<tr>
<td>DRC</td>
<td>Democratic Republic of Congo</td>
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<tr>
<td>DSCRCP</td>
<td>Democratic Republic of Congo Poverty Reduction Strategy Paper</td>
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<tr>
<td>EA2J</td>
<td>Equal Access to Justice</td>
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<tr>
<td>EU</td>
<td>European Union</td>
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<tr>
<td>FSU</td>
<td>Family Support Unit</td>
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<tr>
<td>GBV</td>
<td>Gender-based Violence</td>
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<tr>
<td>Global Programme</td>
<td>Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Situations</td>
</tr>
<tr>
<td>GTZ</td>
<td>Gesellschaft für Technische Zusammenarbeit</td>
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<tr>
<td>HJC</td>
<td>High Judicial Council</td>
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<tr>
<td>IDPs</td>
<td>Internally Displaced Persons</td>
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<tr>
<td>IHR</td>
<td>Institute of Human Rights</td>
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<tr>
<td>IOM</td>
<td>International Organization for Migration</td>
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<tr>
<td>JSCO</td>
<td>Justice Sector Coordination Office</td>
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<tr>
<td>JSDP</td>
<td>Justice Sector Development Programme</td>
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<td>JSP</td>
<td>Justice System Programme</td>
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<td>JSRIP</td>
<td>Justice Sector Reform and Investment Plan</td>
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<tr>
<td>JSRS</td>
<td>Justice Sector Reform Strategy</td>
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<td>JSSP</td>
<td>Justice Sector Strategic Plan</td>
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<tr>
<td>JSWG</td>
<td>Justice Sector Working Group</td>
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<tr>
<td>LAC</td>
<td>Legal Aid Commission, Sri Lanka</td>
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<td>LTC</td>
<td>Legal Training Centre</td>
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<td>Abbreviation</td>
<td>Description</td>
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<tr>
<td>LTTE</td>
<td>Liberation Tigers of Tamil Eelam</td>
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<tr>
<td>M&amp;E</td>
<td>Monitoring and Evaluation</td>
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<tr>
<td>MDG</td>
<td>Millennium Development Goals</td>
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<tr>
<td>MDG-F</td>
<td>Millennium Development Goals Achievement Fund</td>
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<tr>
<td>MINURCAT</td>
<td>United Nations Mission in the Central African Republic and Chad</td>
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<tr>
<td>MOF</td>
<td>Ministry of Finance (for all countries)</td>
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<tr>
<td>MOJ</td>
<td>Ministry of Justice, occupied Palestinian Territory</td>
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<tr>
<td>MOLSI</td>
<td>Ministry of Languages and Social Integration</td>
</tr>
<tr>
<td>MP</td>
<td>Public Ministry (prosecution service)</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
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<tr>
<td>OCHA</td>
<td>Office for the Coordination of Humanitarian Affairs</td>
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<tr>
<td>OECD</td>
<td>Organization for Economic Co-operation and Development</td>
</tr>
<tr>
<td>OHCHR</td>
<td>Office of the High Commissioner for Human Rights</td>
</tr>
<tr>
<td>oPt</td>
<td>Occupied Palestinian Territory</td>
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<tr>
<td>PA</td>
<td>Palestinian Authority</td>
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<tr>
<td>PAPP</td>
<td>Programme of Assistance for the Palestinian People</td>
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<tr>
<td>PBF</td>
<td>Peacebuilding Fund</td>
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<tr>
<td>PBSO</td>
<td>Peace Building Support Office</td>
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<tr>
<td>PLC</td>
<td>Palestinian Legislative Council</td>
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</table>
PRDP  Palestinian Recovery and Development Programme
PRED  Programme to Strengthen the Rule of Law
PROJUST  European Union Judicial Programme
PROREJ  Justice Reform Programme
PRSP  Poverty Reduction Strategy Paper
REJUSCO  Justice Restoration Programme in the Democratic Republic of Congo
ROL & A2J  Supporting the Rule of Law and Access to Justice for the Palestinian People, 2009-2012
ROLS Programme  Rule of Law and Security Programme
SGBV  Sexual and Gender-based Violence
SIDA  Swedish International Development Agency
SLBA  Sierra Leone Bar Association
SSR  Security Sector Reform
SSR Project  Security Sector Review in Timor-Leste – Capacity Development Facility
TFG  Transitional Federal Government
TJWG  Transitional Justice Working Group
TSU  Technical Support Unit
UN  United Nations
UNCT  United Nations Country Team
UNDAF  United Nations Development Assistance Framework
UNDP  United Nations Development Programme
UNDP CO  United National Development Programme Country Office
UNFPA  United Nations Population Fund
UNHCR  United Nations High Commission for Refugees
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Name</th>
</tr>
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<tbody>
<tr>
<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
</tr>
<tr>
<td>UNIFEM</td>
<td>United Nations Development Fund for Women</td>
</tr>
<tr>
<td>UNIOGBIS</td>
<td>United Nations Integrated Peacebuilding Office in Guinea Bissau</td>
</tr>
<tr>
<td>UNMIT</td>
<td>United Nations Integrated Mission in Timor-Leste</td>
</tr>
<tr>
<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
</tr>
<tr>
<td>UNTP</td>
<td>United Nations Transition Plan</td>
</tr>
<tr>
<td>USAID</td>
<td>United States Agency for International Development</td>
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<tr>
<td>WB</td>
<td>West Bank</td>
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<td>WIN</td>
<td>Women in Need</td>
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EXECUTIVE SUMMARY

As a development agency, UNDP responds to requests by host governments for capacity development support. In the field of rule of law, justice and security, technical assistance falls within the framework of Crisis Prevention & Recovery and Democratic Governance. The UNDP Bureau for Crisis Prevention and Recovery (BCPR) launched its Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Situations (hereinafter referred to as Global Programme) in January 2008. In doing so, BCPR renewed its commitment not only to forging global partnerships, but also to make an impact on the ground through a more results-driven approach on rule of law, justice and security. The Global Programme also underlines the UNDP’s support for a coherent approach towards peacebuilding through its strong partnerships with peacekeeping missions, as well as organizations such as the Peace Building Support Office (PBSO).

The Global Programme was initiated with the aim of contributing to the reform and improvement of justice and security in some of the world’s most fragile states. It currently operates in 27 countries, with a budget amounting to US$ 64.8 million over a four-year period. The Global Programme is implemented by the UNDP’s BCPR, and managed by the Rule of Law, Justice and Security Team (hereinafter referred to as Global Programme Team).

The Global Programme Team is comprised of 9 full-time staff, based in BCPR offices in Geneva and New York. The team provides rapid-response service to the demands of UNDP Country Offices (COs), other UN agencies, multilateral bodies and bilateral donors regarding in-country rule of law needs and projects. These demands may include requests for technical support, institutional contacts, strategic guidance, resource mobilization, and/or monitoring and evaluation (M&E).

This Mid-Term Review report was commissioned by BCPR, and provides analyses and recommendations of the performance of the UNDP’s Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Situations (referred to as the Global Programme).

In addition, recognizing that the Global Programme was initiated at the start of 2008 and that its support to UNDP COs commenced in different periods, the review provides preliminary findings, to the extent possible, on the impact achieved in countries that have received the Global Programme’s support, while acknowledging that the full effects of rule of law interventions can only be accurately measured over the long term.

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2 The term fragile state refers also to conflict/post-conflict or crisis/post-crisis contexts.
3 Consisting of 20 priority countries [Afghanistan, Bosnia, Burundi, Central African Republic, Chad, Colombia, Democratic Republic of Congo, Guinea Bissau, Haiti, Iraq, Kosovo (Referred to in the context of the UN Security Council Resolution 1244 (1999), Liberia, Nepal, occupied Palestinian territory, Sierra Leone, Somalia, Sri Lanka, Sudan, Timor Leste and Uganda], and Comoros, Guatemala, Kenya, Pakistan, Guinea Conakry, Pacific Islands (Solomon Islands + regional initiative).
Finally, this external review will also be used to draw out the lessons learned and identify further support and action needed to ensure the effective implementation and performance of the Global Programme.

Overall, the review has found that the Global Programme has had a positive impact on UNDP’s renewed engagement on rule of law, justice and security programming in post-conflict settings. Although the scale of its influence tends to differ according to each country context, the overall objective of the Global Programme to positively impact on people’s access to justice and security services is well on track. Country Offices and respective development partners and stakeholders implementing rule of law projects have undertaken varying approaches to the initiatives of the Global Programme at the local level, reflecting the different cultural, political, operational, policy and legislative contexts in which they operate. For example, in Haiti, Somalia, the Democratic Republic of Congo (DRC) and Sierra Leone, the Global Programme has provided strategic planning, flexible funding, institutional partnership and quality control to an area of international support that has only emerged in its own right over the past decade. In each case, the Global Programme has sought to ensure that its objectives and methods match national capacities. Whereas capacity development activities in the DRC and Guinea Bissau rely heavily on plugging in external technical capacity, in Sri Lanka capacity development activities are adequately addressed through existing national capacities.

The scale of the challenges faced in the countries covered by the Global Programme are considerable in as far as judicial and security institutions are decrepit, under-funded, short of staff and basic equipment, and often undermined by the practice of impunity. The need for new organizational approaches to the rule of law has been stressed on numerous occasions by the United Nations Secretary General and leading agencies of the UN system. It emerges that, in this regard, substantial efforts have been made by the Global Programme and partners that mechanisms for coordination, and the harmonization of concepts and terminology as well as responses that meet the needs of the countries, are in place.

As a result, and in keeping with the spirit of the UNDP’s general approach, the Global Programme is nurturing new development-oriented approaches to chronic dilemmas of justice and security. The staff produces guidelines, conducts frequent field visits, and makes regular contributions to the ongoing debate on rule of law support within the UN and beyond. In many cases they have been able to triangulate knowledge and learning from one country to another. As a result, while respecting the different national contexts, a body of common programme approaches is starting to emerge from multiple country cases.

With respect to addressing the United Nations Security Council Resolutions 1325, 1820, 1888 and UNDP’s Eight-Point Agenda for Women’s Empowerment and Gender Equality in Crisis Prevention and Recovery, particular emphasis has been placed by the Global Programme on ensuring access to justice (A2J) for victims of Sexual and Gender-Based Violence (SGBV) and domestic violence. More precisely, support to survivors of SGBV and their families, including legal aid, has been provided in Sierra Leone, Eastern Chad, Somalia and the Democratic Republic of Congo (DRC). There is evidence that communities in all three cases have overcome
the culture of silence with regard to SGBV, and that secure environments are being created for survivors, including reintegration into the community, as is apparent in the Kivus (DRC).

The Global Programme’s engagement with country projects and its on-going debate and discussions at the policy level with key actors such as the Department for Peacekeeping Operations (DPKO) and other UN agencies, most prominently through the Rule of Law Coordination and Resource Group (ROLCRG), reinforces an overriding objective: building integrated UN system-wide assistance and coordination on the rule of law. With the aim of working collaboratively and enhancing delivery, the programme supports justice and security-related interagency processes and works towards building lasting partnerships with UN entities and all relevant external actors in the field.

Furthermore, in the countries reviewed, the Global Programme endeavored to develop strong multi-dimensional partnerships to address rule of law challenges. Its partners, including donors, NGOs, civil society and academia, have in turn been essential to securing commitment from host governments.

The report gives a detailed account of findings in the 11 countries studied. Noting the advances made as well as the setbacks, and describing the way the Global Programme has interacted with a multiplicity of national and international partners at country as well as at New York and Geneva levels, the report discusses some of the most noteworthy innovations.

The following sections of this report provide more detailed information on the definition of the review methodology used, outlining the aims as well as objectives of this evaluation.

**Findings and Recommendations**

This review, which assesses the Global Programme’s support to UNDP Country Offices and partners in conflict and post-conflict countries, finds that the majority of projects reviewed have been or appear likely to be effective in achieving most of their objectives. Detailed findings and recommendations are covered in chapter three of the report - however, the outcome of the review can be summarized as follows:

In terms of **strategic positioning**, the Global Programme has been effective in positioning UNDP as a relevant actor in the rule of law, justice and security. As a direct result of support received by the Global Programme, UNDP plays a more prominent role in the countries reviewed in supporting a coordinated and mutually beneficial interplay between external and internal actors, as well as adopting a more strategic approach to the rule of law. UNDP responds to challenges, needs, gaps and analysis requirements through support to the definition and implementation of reforms aimed at strengthening rule of law, most notably in the areas of legal reform, judicial capacity, legal aid, traditional/customary justice, corrections and police service delivery. Engagement in some of the world’s most troubled and/or neglected countries (notably Somalia, Chad and CAR) has seen the Global Programme assist UNDP COs in tackling major issues on the security agenda, including policing, prisons and security sector governance. The Global
Programme has also stood out for its work in both justice and security service delivery and much needed reform processes at the level of the central state.

UNDP is the main partner on rule of law for DPKO whether during peace operations or when phasing out. In the latter case, typically, UNDP’s role of supporting national ownership and capacity development is instrumental in positioning the organization as a key actor in helping national authorities to strengthen justice institutions in the areas of, among others, judiciary, policing, prisons, and overall policy reform.

The Global Programme has made a substantial contribution in supporting UNDP Country Offices’ needs and priorities for engagement in rule of law, justice and security programming, particularly in bridging and filling capacity and funding gaps that affect these offices and helping ensure fluid relations with partner organizations in the field. The Global Programme’s seed funding is instrumental in initiating and strengthening the human resource capacities of these projects, and in many instances leads to the further mobilization of funds.

UNDP COs have benefited from continuous technical and strategic support and field visits conducted by the Global Programme team. Constant practical support from the Global Programme is seen positively by most staff in the field, who consider this approach as one of the best practices applied by HQ units in relation to Country Offices. The Global Programme has been effective in playing the role of interlocutor and bridge between COs and DPKO at the HQ level, projecting at the central decision-making level the challenges and views from the field, alongside the expert knowledge that the Global Programme has accumulated. Joint UNDP CO and BCPR/Global Programme need assessments, aimed at supporting the design and development of country-level projects, have strengthened the programmatic response to rule of law challenges on the ground.

Given the Global Programme’s work of two and a half years, it is too early to measure sustained impact from the rule of law projects, especially, in light of the long-term approach required to building justice and security institutions and increasing public awareness of legal rights. Nevertheless, the review has been able to point to a number of noteworthy achievements at the half-way point in the Programme, which form solid bases for future progress. Examples include the restoration of local judicial services in Eastern Chad and Sierra Leone, the positive relations between UNDP and government ministries in the CAR and Sri Lanka, strengthening of the Ministry of Justice (MOJ) through a quick impact initiative in the oPt, mobile legal clinics for civil registration in Sri Lanka, including the catalytic work carried out with CSOs in the provision of services in numerous countries. Technical and operational support from the Global Programme has positively impacted on UNDP CO staff’s capacities, enabling them to engage in security sector support as part of an overall response to strengthening the rule of law.

Whereas the Global Programme’s support to COs has proven effective in programme development and implementation, there is not yet enough critical evidence to demonstrate an effective and positive performance in policy development at local level. Legislative, strategic and normative development efforts are certainly underway in numerous countries (such as support for the Local Courts Act in Sierra Leone, the Legal Reform Framework in the oPt, new Prison
Law, Penal Code and Penal Procedure Code in the Central African Republic), and the Global Programme has given exceptional support to the long-term planning process for judicial and security reform in the CAR, DRC, Timor-Leste and Guinea Bissau. Furthermore, given the challenging political contexts in which the Global Programme is operating, characterized by ongoing crises and sudden changes in the composition of governments, there is an urgent need to develop realistic long-term projections for rule of law development (including the capacity for national government financing of judicial systems), and to reinforce the capacity for influence over key political actors.

Through the Global Programme’s support, an increased emphasis on facilitating coordination and fostering partnerships with national counterparts, UN agencies, DPKO, headquarter-based units and donor partners, is evident. Examples vary from case to case: in Chad, Haiti and Timor-Leste, cooperation with the UN peacekeeping missions has been outstanding; in varying country contexts, working partnerships have been deepened with the United Nations High Commission for Refugees (UNHCR), United Nations Office on Drugs and Crime (UNODC), Office of the High Commissioner for Human Rights (OHCHR), United Nations Population Fund (UNFPA), United Nations Development Fund for Women (UNIFEM – part of UN Women), United Nations Children’s Fund (UNICEF). These partnerships have extended to several non-UN actors, such as the Netherlands, Britain’s Department for International Development (DFID), European Union (EU), United States Agency for International Development (USAID), Gesellschaft für Technische Zusammenarbeit (GTZ), Canadian International Development Agency (CIDA), Swedish International Development Cooperation Agency (SIDA), non-governmental organizations (NGOs) and academia.

In many cases, effective partnerships in the countries reviewed depend on the degree and quality of relations established with partners. A more systematic approach to sustaining these partnerships is required through greater focus in defining partnership protocols and procedures, assessing partners’ interests and profiles, assessing resource requirements that can be brought to bear, providing partners with information to set priorities and developing a more formal partnership that clearly and explicitly identifies what is required from the relationship (such as purpose and goals, roles, contributions, etc). The partnership-building effort of the Global Programme with respect to DPKO is a good example and way forward as far as systematization of such relations is concerned. This example needs to be replicated, bearing in mind the specificities of the context at the CO levels, realizing that there is not one common modality for all countries, and working in coordination with the Bureau for Partnerships and Resource Mobilization of UNDP.

The Global Programme, in its way of working, has been consistent with UNDP/BCPR desirable practice in striving to ensure that programmes/projects are nationally owned, based on analytical work, adapted to country context, conflict-sensitive, and supportive of innovation. In the countries reviewed, the rule of law, justice and security interventions of UNDP offices supported by the Global Programme are directly aligned with national development strategies, as well as also sectoral policies and strategies and UN development assistance related frameworks. In this respect, there is a clear focus on addressing national priorities, which in most cases is done in collaboration and partnership with other UN agencies in ways that emphasize the collective
strength of the UN. The way of working of the Global Programme and COs is consistent with the programming guidelines\(^4\) of UNDP.

While recognizing the difficulties in measuring the outcomes of rule of law projects in the short term, there is no doubt that \textit{Monitoring & Evaluation (M&E)} could be improved by encouraging and systematizing the preparation of reports by country projects on the basis of further work in identifying baselines. Although activity reports and updates proliferate in UNDP COs, more analytic and results-oriented reporting would serve to measure progress in the field and give UNDP a clearer idea of the successes and weaknesses in implementing the Global Programme.

The report draws up a list of the major \textit{lessons learned} from the first two and a half years of activities implemented under the Global Programme, ranging from the levels of day-to-day country operations, through to methods of funding and partnership, to the broader sweep of global strategy and focus. It is noted that the UNDP is in a privileged position due to its close partnership with national institutions, and is often in a position of being the sole source of rule of law support in countries that have become donor orphans – or of being the only development-oriented actor in a crowded security field. This is both an onerous responsibility and a distinctive hallmark of the UNDP’s work.

Following careful consideration of the evidence from field visits and interviews, the review also presents a number of \textit{recommendations} as the Global Programme begins the second half of its current lifecycle. Foremost amongst these is the suggestion that it reinforces its capacity for the collection of baseline rule of law data, which will enable UNDP/BCPR to keep tabs on country projects, and make useful comparisons between them. Capacities for strategic reflection and internal planning should also be bolstered. It was evident in the review that the Global Programme team is overstretched, and that too much is required of staff in terms of visiting numerous target countries and assisting in programming and leveraging additional funds. The Global Programme needs to analyze the reasons why the team is overstretched, and look at the resource allocation for administrative support and substantive functional expertise. The performance of a functional review and definition of a strategy to address overwork related issues is required. Part of this process should involve the establishment of clear criteria as to which crisis countries are priorities, as well as guidelines on when to phase out from rule of law support activities in a given country, and how to share responsibilities with other parts of the BCPR, as well as with Bureau for Development Policy (BDP). In this respect, the on-going BCPR strategic review will be a crucial vehicle for reform processes within the Global Programme.

\(^4\) UNDP works in line with other agencies and development partners. While acknowledging the specific country context challenges, it has adopted corporate guidelines that respond to the programming requirements of diverse typologies of countries. These programming guidelines are outlined in the programme and project management (PPM) section of the Programme and Operations Policies and Procedures (POPP). These are the current and consistent programming policies and procedures that COs in all operating environments adopt. In particular the PPM covers the national implementation modality (NIM, EXNEX), Planning, Monitoring and Evaluation for Development Results Handbook, and UNDAF processes integrated into the UNDP Programming process.
Furthermore, it is clear after two and a half years of work that continuous thinking is required on how the UNDP should approach Security Sector Reform (SSR), meaning, in simple terms, supporting the process of improving the efficiency and effectiveness as well as accountability of a state’s security sector in delivering services for the benefit of its people. The concept note on Democratic Governance of Security Institutions prepared by the GP team is a starting point upon which to clarify UNDP’s engagement and limitations on SSR. The review of grassroots programming suggests that UNDP is much more active in a wide range of SSR activities than the rest of the UN system acknowledges. In the CAR and Timor Leste, for instance, the Global Programme has supported a leading role for COs in assisting and piloting SSR processes, while in the cases of Eastern Chad and Somalia the Programme has been instrumental in deepening UNDP involvement in police management. Current evidence suggests that the UN system is moving towards acceptance of joint programming in SSR, above all during the presence of a UN peacekeeping mission. Even where country projects are more tailored to grassroots delivery of legal services, as in Sierra Leone and Guinea Bissau, project officers constantly interact with local police brigades, security officials and the Interior Ministry.

BCPR’s overarching vision, which reflects the UN Secretary-General’s reports on the rule of law from 2004 and 2008, is stated clearly in the programme document of 2008 that underlies the establishment of the Global Programme. The Global Programme strategic approach acknowledges that justice and security are twin pillars under the rule of law, and are a prerequisite for peace building. The DPKO for its part has also recognised that, in some cases, the failure of a peace agreement to address broader rule of law concerns had tied the United Nation’s hands. However, the review team noticed that, on the ground, this concept of a thoroughgoing combination of justice and security tends not to be recognized and applied, with SSR and justice reform instead kept in most cases as separate interventions. DPKO tends to use SSR policies and terminology in police, defence and intelligence reform, while referring to activities related to judicial and penal systems as well as other law enforcement agencies as the rule of law. For BCPR, however, the rule of law does not merely overlap with SSR, but comprises it. As a result, it is clear that there is room for significant alignment of positions and approaches across the UN system.

Similar processes of reflection would assist in defining how the Global Programme might reformulate its five key programmatic areas, some of which remain relatively minor in size, such as transitional justice. It is also crucial that the Global Programme lay out provisions and plans for the sustainability of its projects, particularly when these support the payment of civil society

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5 The 2004 report states that effective rule of law and justice strategies must be comprehensive, engaging all institutions of the justice sector, both official and non-governmental, in the development and implementation of a single nationally owned and led strategic plan for the sector.” See UN Secretary General. 2004. *The rule of law and transitional justice in conflict and post-conflict societies.* Also UN Secretary General. 2008. *Strengthening and coordinating United Nations rule of law activities.*


7 Reference to Press Release, SC/7884 Security Council, 30 September 2003, 4835th Meeting (AM), RESTORING RULE OF LAW ABSOLUTELY ESSENTIAL FOR RESOLVING CONFLICT, REBUILDING SECURE, HUMANE SOCIETIES, SECURITY COUNCIL TOLD
actors and the topping-up of salaries of judicial officials, as is the case in Sierra Leone. Efforts to increase national commitment to the rule of law through political advocacy are underway, but the dire financial straits of these post-conflict countries and their volatility make the outcome of these processes uncertain. The Global Programme could opt to provide UNDP COs and national stakeholders with clear and systematic prescriptive guidance on how to enhance sustainability within the countries under its coverage, and this could well form part of the project and programme design process, possibly under the design of an exit strategy.

A significant contribution to sustainability can be found in the Global Programme’s seed funding. While this is primarily used to catalyse project activities and mobilize further external and in-country finance and support, there are also important links between these funds and sustainability. Seed funds have been critical in many countries, most clearly in the CAR, to the onset of important legislative and institutional reforms, which may in turn generate further donor resources and entail new reform trajectories at the level of the state.

The review suggests that sustainability can be underwritten in various ways: (a) Strategic sustainability at the project’s design level by ensuring a clear vision and feasible goals, including implementation plans, national level follow-up, evaluation of outcomes and an exit strategy; (b) Human capital and skills sustainability by ensuring that there is commitment to ensure expertise, training and resources over the long term, as well as succession management and planning; and (c) Financial sustainability, by working on national resource allocation as well as building national revenue and fiscal allocations to continuously address priorities. Part of the agenda of sustainability also involves ensuring links between rule of law and other types of UNDP interventions/initiatives.
1. INTRODUCTION

1.1 Purpose

This Mid Term Review (MTR) aims to assess and measure the performance of the Global Programme with regard to two overarching objectives: (a) the role and ability of UNDP to function as an effective global service provider on rule of law, justice and security programming, and in particular, the extent to which the Global Programme has made BCPR more responsive to the needs of UNDP COs; and (b) achievements regarding partnerships, intra-United Nations cooperation as well as its contribution to integrated and coherent UN system-wide assistance and coordination on Rule of Law.

The scope of the MTR was to assess the extent to which the Global Programme has been effective within the area of rule of law, justice and security, in terms of: (a) strategically positioning UNDP as a key actor; (b) being relevant and responsive to UNDP COs’ needs and priorities to respond to the challenges of rule of law; (c) contributing to improving the rule of law, justice and security situation in these countries; (d) promoting coordination and partnerships with national counterparts, donor partners and within the UN system; (e) ensuring that its support reflects UNDP’s mandate and desirable practices; (f) contributing to effective monitoring and evaluation of project performance at country level; and finally, (g) identifying lessons learnt and best practices as well as related innovative ideas and approaches. Further, the review elaborates on recommendations for further support and/or action in order to enhance the implementation and performance of the Global Programme.

The review covers 11 countries supported by the Global Programme, which provides an adequate sampling out of a total of 27 countries. Five countries - Guinea Bissau, the occupied Palestinian territory (oPt), Sierra Leone, Sri Lanka and Timor-Leste - were visited by the review team, while six countries - Bosnia and Herzegovina (BiH), the Central African Republic (CAR), Chad, the DRC, Haiti and Somalia - were assessed through telephone interviews and e-communications with project officers and UN officials. Interviews were also held in Geneva and New York with an array of stakeholders by teleconference, these included the Geneva Centre for the Democratic Control of Armed Forces (DCAF), the International Network on Conflict and Fragility (INCAF), UNFPA, DPKO, PBSO, the Peacebuilding Fund (PBF), BCPR Units, BDP, UNDP Regional Bureaus, the World Bank and representatives of the main bilateral donors, particularly the Netherlands.

In addition to the overall findings of the Global Programme performance (see section 3), specific country reports are available in Annex A, which further elaborate on findings related to the specific countries reviewed.

1.2 Methodology

The MTR follows methodological approaches in assessing quantitative and qualitative data, and methodology involved in data collection of both primary and secondary data and information.
The evaluation team held initial brainstorming sessions with the Global Programme team in Geneva and New York to clarify the scope of the exercise and to agree on basic tools and methodology. The primary data gathering process consisted of consultations, interviews and meetings with stakeholders in Geneva and New York, at the central and grassroots levels during field missions, as well as consultations and teleconferences with stakeholders in those countries that were part of the MTR though not visited. The latter was complemented by interviews with different UN stakeholders at the regional level. Secondary data was collected through review and examination of UNDP/BCPR, UNDP COs and stakeholders’ documentation in the field, including Country Programme Documents (CPD), project documents, M&E frameworks, progress reports, as well as key documents from the headquarters of UN agencies and, wherever necessary, background literature relating to the nature of each country’s fragility and conflict dynamics.

The MTR comprised a comprehensive desk review of relevant documents, one-to-one and group interviews, meetings, focus groups and discussions as well as teleconferences. The analysis results from discussions with stakeholders examining their perceptions, a comprehensive desk review of key documents and observations during field missions.

A questionnaire (see ANNEX C) was developed to guide discussions around the issues pertinent to the evaluation criteria/scope, and direct observations by the evaluation team of conditions and activities of the Global Programme in countries visited.

1.3 Mid-term Review Team

In line with programmatic and donor requirements, an independent Mid Term Review (MTR) consisting of team of three consultants was initiated and supported by the Global Programme Team throughout the review. The team was a multi-disciplinary independent evaluation team consisting of an evaluation and programme management expert, a rule of law expert and an expert in fragile states. The team leader, Zeinab Adam, is an independent consultant with extensive experience in Planning, Monitoring and Evaluation and results-based-management. Ivan Briscoe is an independent consultant and researcher from the Clingendael Institute in The Hague, and Toby Bonini is an independent consultant who works on issues of governance, human rights and the rule of law.

1.4 Acknowledgements

The MTR team would like to express sincere thanks to the Rule of Law, Justice and Security Team in Geneva and New York for their support, guidance, organizing field missions, setting up interviews, and providing administrative and logistical support to the MTR team.

At the HQ levels, the MTR team extends its appreciation to the BCPR Units, the Department of Peacekeeping Operations (DPKO), UNDP Regional Bureaus, the UNDP Bureau for Development of Policy (BDP), the PBSO, UNFPA, EU, the Geneva Centre for the Democratic Control of Armed Forces and the World Bank that generously gave their time for interviews, meetings and shared their most valuable insights.
At the country level, the MTR team expresses special thanks to the in-country project staff and UNDP Senior Management in the countries it visited: Sierra Leone, Sri Lanka, Guinea Bissau, Timor-Leste and the oPt, for their much appreciated professionalism, setting up meetings and courtesies, and providing logistic support during the field visits. Discussions with them provided invaluable information, and meetings resulted in a clear understanding and evidence of results and achievements in the area of rule of law, justice and security. In addition, we offer our gratitude to all key stakeholders interviewed in these countries: the national authorities, CSOs, Community Based Organizations (CBOs), UN agencies, international cooperations/donors, including direct beneficiaries, all of which have provided critical information and evidence of progress and future needs of the rule of law, access to justice, and security projects. The team also expresses appreciation to UNDP Staff and stakeholders in the countries interviewed – Chad, Central African Republic, Bosnia and Herzegovina, the democratic of Congo, Somalia and Haiti – for making time available to conduct teleconferences.

Furthermore, we also extend our appreciation to donors without whom this Global Programme would not have been possible, for providing a comprehensive insight to the country contexts and understanding of their priority areas and impressions of the rule of law, justice and security projects, and in particular for demonstrating their substantive and strategic engagement and partnership with the country projects and UNDP at large.
2. THE GLOBAL PROGRAMME OUTCOMES

The BCPR’s Global Programme on Strengthening the Rule of Law in conflict and post-conflict situations set out its vision as that of ensuring a lasting difference in people’s lives in the rule of law. In its strive to achieve this vision, the overall objective of the Global Programme is to strengthen UNDP’s capacity to support and empower national stakeholders to address rule of law challenges as well as lay the foundation for longer term development. Within this remit the Global Programme has set out to deliver three key outputs; a) to rapidly respond to UNDP programme countries or regions request for support in providing rule of law technical, strategic and financial assistance; b) to produce policy guidelines and knowledge products linked to country programming, and; c) to contribute to an integrated and coherent UN assistance and coordination on the rule of law.

In this context, BCPR’s Global Programme focuses on five programmatic areas that are aligned with Outcomes 3, 4, 7 and 8 of the UNDP Strategic Plan. These programmatic areas are:

1. **Strengthening the Rule of Law within an Early Recovery Framework and during Transitions.** National capacities (government institutions, civil society, and displaced populations) are 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 Resolutions 1325, 1820, 1888 and UNDP’s Eight-Point Agenda for Women’s Empowerment and Gender Equality in Crisis Prevention and Recovery, particular emphasis is placed on ensuring access to justice for victims of SGBV and domestic violence.

3. **Supporting Capacity Development of Rule of Law Institutions.** Technical assistance is provided to conduct capacity development of critical rule of law institutions, such as the Judiciary, the MOJ, the Prosecutor’s Office, Law enforcement and Corrections.

4. **Facilitating Transitional Justice.** Support is 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 is given to rebuild trust and nurture reconciliation. Cutting across the full spectrum of assistance, all activities are geared at confidence-building and seek to promote dialogue, communication and peaceful conflict resolution.
3. REVIEW OF OVERALL GLOBAL PROGRAMME PERFORMANCE

Since its inception in early 2008, the Global Programme has become instrumental in the provision of technical, strategic, operational and seed funding of rule of law, justice and security projects in 27 post-conflict and conflict countries (see Annex H, list of countries). The Global Programme initially worked with 20 priority countries based on direct requests from UNDP COs. Priority countries are eligible for seed funding as necessary, and receive technical advice and support in project design and development, including assistance with resource mobilization. The Global Programme then expanded its remit to a further 7 countries upon the request from Country Directors/Resident Representatives/Resident Coordinators, to which it extends strategic and technical guidance.

The review analyses eleven country projects recipient of Global Programme support. These case studies indicate that the Global Programme currently sustains a wide-ranging portfolio of cases – from countries at risk of imminent conflict to those well on the way towards recovery. The work of the Global Programme’s team of nine full-time staff members, based in Geneva and New York, have helped secure additional funds for the target countries from multilateral trust funds, such as the Millennium Development Goal Achievement Fund and the PBF. A full list of current funding sources can be found in Annex F.

The rapid growth in the number of countries covered and the diversification of donor partners have reinforced UNDP’s global prominence in rule of law issues, and helped strengthen partnerships in justice and security across the UN system. At the same time, it has placed additional strains on the Programme’s current capacity. At the half-way juncture in the Global Programme’s cycle, questions thus arise as to the most appropriate prioritization of country projects, the strategies adopted to advance justice and security reform, the best ways in which to measure progress, and the means through which progress in the rule of law can be sustained. These issues are made all the more timely by the ongoing strategic review within BCPR, which has stressed the central importance of the rule of law in supporting crisis countries.\(^8\)

3.1 Overall Strategic Positioning

The Global Programme, in its endeavor to provide assistance to UNDP COs to enable them to respond more effectively to deficiencies in justice and SSR programming, policy development, coordination and participating in on-going debates, has demonstrated the ability to introduce a dynamic way of working, which has resonated throughout the wide range of countries and HQ units that were part of this review. Overall, positive results have been reported on the support given to UNDP COs regarding the design and development of multi-year rule of law programmes, joint needs assessments, development of strategic plans, provision of seed funding, and establishing partnerships and ensuring effective coordination, all of which have contributed to positioning UNDP as a relevant actor in the justice and security arena.

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\(^8\) These pillars include governance and rule of law, economic livelihoods, conflict prevention and disaster risk reduction.
Through the support of the Global Programme, UNDP has become a locus for programming coordination, funding and technical expertise, all of which are channeled to conflict and post-conflict countries through the Programme’s proactive, rapid-response working methods. The Global Programme has helped tailor responses to major national challenges in the rule of law, justice and security. Among one of its key strategic traits is the Global Programme’s effort to combine analyses of national problems, engage the support of a variety of actors in the host government, civil society and the international community, with a set of objectives that also reflects the emerging thinking of the international community towards the advancement of rule of law and security. In this respect, it has answered one of the dilemmas facing the UN as it seeks to enhance its work on rule of law, justice and security: “In many specialized areas, expertise at the headquarters level has neither been transferred sufficiently to the field nor adequately drawn on by United Nations country presences.”

A significant thematic aspect of the Global Programme has been its focus on legal reform and capacity building around demand-driven initiatives. UNDP has been able to support the delivery of services to vulnerable groups in areas that are at serious risk of renewed or prolonged conflict. In numerous countries studied for this review, including Sierra Leone, Sri Lanka and Chad, it has shown results at the grassroots level, supporting COs and development partners in developing strategies for judicial institutions and marginalized citizens. At the same time as working from a downstream perspective, in the form of strengthening civil society, legal aid and advocacy at the local level, the Programme has supported upstream initiatives that work at the institutional level, reinforcing reform processes, legal framework reviews, planning and policy development and advocacy. This combination contributed to increased public confidence in the judicial system and address disparities.

The review noted that the support of the Global Programme enabled UNDP to adopt a new working approach to the rule of law by acting as a catalyst, operating in a flexible manner, and providing targeted and rapid responses. The engagement of the Global Programme’s staff members in strengthening in-country programmes – whether by providing strategic guidance, opening doors to new funding opportunities or resolving inter-agency problems as they arise – has contributed to greater effectiveness in responding to needs and priorities.

One important aspect of this catalytic approach is evident in the Global Programme’s engagement and dialogue with UN peacekeeping missions, both at the headquarters and country levels. Within the framework of the division of labour made by the UN Secretary-General in 2006, this ongoing dialogue has positioned UNDP as the key global partner for DPKO in the rule of law, and particularly in access to justice, judicial reform, legal reform and security sector governance, which has come a long way from the days when UNDP’s rule of law activities were limited to projects that were initiated and driven at the country level. Thus the Global Programme’s interventions are reinforcing BCPR’s overall ability to deliver integrated strategic assistance to countries in crisis situations.

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10 UN Secretary General. Decisions of the Secretary-General – 7 November 2006 Policy Committee Meeting. 2006.
Interviews in New York confirmed that DPKO appreciates having UNDP as its main partner in the rule of law, and acknowledges the benefit of having UNDP as the interlocutor between DPKO and UN programmes, funds and agencies for the purposes of coherence and streamlining cooperation with other UN agencies. Furthermore, DPKO recognizes UNDP as the agency best placed to take over the bulk of its responsibilities and ensure continuity in rule of law and SSR when the peacekeeping mission phases out of a country. Notable examples of cooperation for the purposes of this review were found in Haiti, where the two institutions work around a joint rule of law programme, and in the field of SSR in Timor-Leste. In Eastern Chad, UNDP joined an inter-agency needs assessment in 2008 which laid the foundation for a joint planning process between United Nations Mission in the Central African Republic and Chad (MINURCAT) and UNDP. Given its strong field presence, UNDP is now set to assume joint responsibility with UNHCR to support the Département Intégré de Sécurité - a Chadian police force tasked to patrol refugee and Internally Displaced Persons (IDP) camps once the UN mission pulls out. The technical support from the Global Programme has been crucial to positioning UNDP in forging this new partnership.

Growing relations were also observed on a case-by-case basis with the UNODC (notably in Guinea Bissau and the DRC), and with UNHCR (in Eastern Chad and Sri Lanka, for example), UNDP has a formal partnership with UNIFEM (pat of UN Women) in the rule of law, which includes development of joint pilot programmes in Nepal, Colombia and Uganda, and thematically working jointly on combating SGBV and on reparations.

Members of the Global Programme are acutely aware of the need, underlined in a number of recent reports from the UN Secretary General,\textsuperscript{11} to boost coordination and harmonization of rule of law intervention across the entire UN system. The Global Programme is actively involved in the main coordination bodies for the rule of law and SSR - the Rule of Law Coordination and Resource Group (ROLCRG) and the Inter-Agency Security Sector Reform Task Force (IASSRTF). Through these bodies the team is supporting a range of inter-agency activities of system-wide relevance, including development and dissemination of policy guidance materials, training and knowledge-sharing; outreach to broader UN system; building partnerships with external rule of law community; and assistance to integrated missions and United Nations Country Teams (UNCTs) in establishing support sector-wide programming on rule of law through a “delivering as one” approach.

As a part of this work, the Global Programme team contributed to the attempts to harmonize policy and conceptual frameworks, through its contribution to documents and discussions on justice and security. The effort to develop an effective interface between justice and security should also ensure stronger coordination on the ground between rule of law and SSR actors. These include the Global Programme’s own concept notes (e.g. women’s security and access to justice; democratic governance of security institutions), as well as the work of the Organisation for Economic Co-operation and Development’s (OECD) International Network on Conflict and Fragility (INCAF), DFID, GTZ, and the World Bank.

\textsuperscript{11} Particularly the two reports of the UN Secretary-General: \textit{Uniting our strengths: Enhancing United Nations support for the rule of law}. 2006; and \textit{Peacebuilding in the Immediate Aftermath of Conflict}. 2009.
Lastly, it is important to underline that the Global Programme is working in some of the most difficult cases of political instability and institutional vulnerability in the world, and the scale of its achievements must thus constantly be measured against the hardships of the settings it faces.

3.2 Country office support and added value

A large number of interviews conducted confirm that the Global Programme’s support to UNDP COs in their efforts to build effective rule of law support programmes involves timely technical, financial and strategic support. This has enabled UNDP COs to increase their capabilities and respond to context-specific demands of rule of law, access to justice and security. This support has been characterized by joint needs assessment missions, identification of gaps, design and development of multi-year rule of law projects (encompassing both justice and security), refocusing of the scope, structure and size of interventions so as to ensure rapid-response and quick impact mechanisms, and the injection of seed funding to initiate projects, as well as assistance in additional resource mobilization.

Rule of law projects have supported the expansion of UNDP activities in the countries reviewed. In many of these countries, the rule of law projects now account for a significant portion of the overall CO budget and staff.

The rule of law project teams and UNDP COs have appreciated the Global Programme’s willingness to intervene continuously and promptly at all levels, whether in the design, development and implementation of projects, including trouble shooting, as and when necessary. The deployment of expert consultants with rule of law expertise chosen from the BCPR’s roster has further demonstrated to COs and to donors the commitment of UNDP to the goals of CO projects. Furthermore, the increased capacities that are developed under the BCPR-supported rule of law projects have served to enhance UNDP’s coordination role at the country level.

It was also confirmed that the Global Programme’s involvement in country level events, such as retreats, launches of programmes etc., has had a positive effect in boosting motivation of CO staff as well as bringing an international dimension to the projects. As such, the Community of Practice meeting for UNDP rule of law practitioners in Jordan, the Community of Practice meeting on legal aid organized jointly with UNICEF in Dakar, and the Gender Justice Conference organized in Ghana in partnership with the International Legal Assistance Consortium (ILAC), the International Association of Women Judges (IAWJ), the Brandeis University’s Institute for International Judges, and the Women in Law and Development in Africa (WILDAF) were unprecedented events that helped the Global Programme reach out globally across UNDP and the UN system.

The approach used by the Global Programme Team in supporting partners in field has been timely and of good quality. It has generated positive results and can be considered as a best practice in the way HQ units deal with field offices. Findings suggest that this approach works well and should be maintained, to the greatest extent possible.
3.3 Impact

Interventions supported by the Global Programme have recorded a number of achievements, particularly at the grassroots level. Within humanitarian and emergency contexts, such as Eastern Chad and post-earthquake Haiti, the Global Programme’s support for the rule of law has helped tackle immediate needs such as legal assistance for crime victims and basic court and police infrastructure. In Sierra Leone, the creation of a legal aid system has led to the release of hundreds of prisoners held in pre-trial custody, and support for 1,900 victims of sexual violence according to statistics provided by the A2J project office in Freetown in November 2009.

Furthermore, the support for rule of law projects operating at the level of local service delivery has increased stakeholders’ buy-in and ownership, as well as pushed local government partners, such as police, local judges and traditional justice systems, to be more thoughtful and deliberative in their approach. In Sierra Leone, interviews with victims, service providers and local courts indicate that the delivery of justice to vulnerable and disadvantaged groups has increased their confidence in and understanding of the justice system, thereby contributing to the processes of reconciliation, peace building and consolidation, as well as economic stability.

While it is too early to report any long-term impact from the Global Programme’s support to UNDP’s work in rule of law reform given the complex nature and long time horizon of justice and security sector reform, a number of significant developments/achievements, which suggest that sound bases for future progress have been laid, can nevertheless be set forth.

*Commitment and national ownership.* It is apparent that the Global Programme’s efforts to impart coherence and a long-term perspective to the justice reform process, in line with national plans and priorities, have built a sound basis for future progress. This is especially evident in situations where relations with the justice institutions are maintained and continue to be fruitful irrespective of reshuffles at the ministerial level or of government hostilities in dealing with the UN on issues such human rights. Examples of this can be seen in the Equal Access to Justice (EA2J) project in Sri Lanka, the Improving Access to Justice (A2J) project in Sierra Leone and in the *Projet de Renforcement de l’État de Droit* (PRED) in the CAR.

*Commitment of UNDP Senior Management.* The Global Programme’s catalytic role in rule of law support has made a significant impression on UNDP senior management. It was confirmed that the UNDP Global Community of Practice meeting in Jordan in May 2009, organized by the Global Programme, which brought together UNDP CO senior management, heads of the rule of law programmes as well as national staff, had a positive impact on participants. It emphasized the importance of having a global community on the rule of law in conflict and post-conflict settings, and allowed participants to share ideas and technical expertise from different contexts. It was also felt that this event helped shape UNDP’s responsiveness to rule of law challenges by increasing awareness of the pivotal role of justice and security support in setting the foundations for development through its focus on institutions and vulnerability reduction.

*Partnerships with national actors.* With the support of the Global Programme and on the basis of UNDP’s comparative advantage in terms of working with national institutions, country projects
have fostered multi-level partnerships with national actors. As a result of an exceptional relationship with Sri Lanka’s Ministry of Languages and Social Integration (MOLSI), the Registrar General’s Department, the Legal Aid (LAC) and human rights institutes, among many others, UNDP has become a credible, trusted and respected actor in the justice sector in Sri Lanka. A similar approach, spanning partnerships with line ministries, official legal bodies, the Human Rights Commission and 18 CSOs, has enabled the A2J project in Sierra Leone to sustain a prominent profile in national public life and promote judicial reforms on a number of fronts.

**Gender.** Gender issues have assumed a central role in many country projects through an approach based primarily on strengthening access to justice and UNDP’s Eight-Point Agenda for Women’s Empowerment and Gender Equality in Crisis Prevention and Recovery. Emphasis has been placed on ensuring victims of SGBV, including domestic violence, are able to access justice, that communities overcome the culture of silence with regard to SGBV, and that secure environments are created for survivors, including reintegration into the community. The Access to Justice projects in the Kivus (DRC), in Sierra Leone and in Eastern Chad have embarked on major efforts to increase awareness and institutional responsiveness to violence against women. Other rule of law projects have also involved efforts to reform national legislation, including the planned approval of a law on domestic violence in Guinea Bissau.

**UNDP as civil society catalyst.** In the countries reviewed, observations confirm that the UNDP is seen as the key interlocutor between government and non-government actors. Furthermore, UNDP uses a bottom-up approach, which has been welcomed by many donors. Through the strengthening of CSO fora and activities, observations confirm that issues such as the demand for and supply of legal services, human rights awareness and advocacy are being given greater public awareness and support. The A2J Project in Sierra Leone has contributed to the strengthening of civil society at both the central and local levels, and its work in this respect has been noted by the main justice sector donor, DFID. At the local level, CSOs are raising awareness, providing training, following up on cases, and supporting survivors of SGBV and their families. Similarly, CSOs are closely involved in the legal access projects of Eastern Chad where they are due to manage the 10 local legal aid clinics that are now being established.

**Transitional Justice.** Out of the 11 countries reviewed, only one country, namely BiH, had a programme on transitional justice, suggesting that among the Global Programme’s five programmatic areas transitional justice is the one with the least institutional demand. However, information received from the Global Programme team indicates that Colombia, the Solomon Islands and Nepal have key components of transitional justice, as does an up-coming project in Uganda. In BiH, UNDP organized an assessment and major nationwide consultations on transitional justice with key government and CSO actors. These consultations helped to bring together diverse points of view, ultimately leading to recognition and support by both government and civil society for the transitional justice process. Prior to the UNDP-led assessment and consultations, the government in BiH was not fully engaged in developing transitional justice mechanisms, and the public appeared either unfamiliar or uncomfortable with the concept of transitional justice itself. Furthermore, the Global Programme is involved in developing policy guidance on transitional justice through ROLCRG activities, through engagement on complementarity issues and in regards to the nexus between reparations and
development. It is also in the process of formalizing a partnership with the International Center for Transitional Justice (ICTJ), which is the leading think-tank in the field.

**Strengthening justice institutions.** Capacity building remains a crucial part of the Global Programme’s work across a wide range of countries, accounting for 69 percent of all project activities supported by the Global Programme according to an M&E assessment carried out in 2010. In Guinea-Bissau, the access to justice project is working in close collaboration with the MOJ to support the rehabilitation of regional and local courts and the establishment of a training centre for judges, who formerly had no option but to study abroad to qualify as a magistrate. Although it is difficult to assess the long-term impact resulting from the rule of law and access to justice project’s programmatic engagement in the oPt, immediate results are demonstrated in the strengthening of national capacities in the MOJ and the establishment of the Technical Support Unit (TSU) within the Ministry through a quick impact funding grant that enabled individuals and specialists to be hired, thereby permitting the MOJ to respond to the demands of the justice sector. Overall, the Global Programme has been effective in addressing issues of capacity development at different levels, and should continue support to such activities. The upstream and downstream approach adopted by UNDP also contributes to assisting countries in realizing the development potential of rule of law programmes.

**Policy Development and Strategic Planning at Country Level.** The Global Programme’s work in policy support at county level can be considered as satisfactory, with many examples from different national contexts. In relation to support for legal aid in Sierra Leone and Eastern Chad policy dialogue between CSOs and the government has been facilitated, while technical assistance was provided for a recent decree-law on a scheme of national legal assistance in Guinea Bissau. Besides policy development support, the Global Programme’s technical appraisals have been instrumental to the creation of policies and strategic plans for the judicial sector as well as to the preparation of a new multi-year plan for judicial reform in the DRC. A similar long-term approach in the CAR has contributed to a comprehensive project of rule of law reform, and supported the government’s recent embrace of a 10-year plan of judicial sector reform. In Timor-Leste, UNDP has worked in partnership with the government to devise a 20-year justice sector plan.

The Global Programme has also sought to translate global policy making into programmatic and strategic support at country level. As such, the Global Programme contributed to the international harmonization of policy by devising reference concept notes on women’s security and access to justice, and on democratic governance of security institutions. The Programme is also involved in developing policy guidance on transitional justice through ROLCRG activities, and has provided substantive support to ROLCRG and DSG’s Rule of Law Unit in developing models for sector-wide approaches for assistance to national justice and security systems. In particular, this guidance was used to inform Nepal UNCT in developing long-term strategy for UN support to reform of justice and security sectors in collaboration with the government and donor community on the ground.

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Delivery of legal aid. Legal aid has assumed an increasingly prominent role in the country projects supported by the Global Programme, reinforcing links with a number of relevant national actors. Support from access to justice projects has allowed bar associations in most countries reviewed – and particularly Sierra Leone, Chad and DRC - to reform and improve their image with the population at large through the provision of free legal assistance. Prior to these interventions, the legal profession was generally confined to the capitals of both countries and disconnected from the need to provide legal aid in remote areas. Support for legal aid has also entailed deepening links with CSOs in Sierra Leone and Eastern Chad, as well as greater involvement in policy and operational dialogue with governments, as seen in the design and planned implementation of a legal aid scheme in Guinea Bissau in close collaboration with the MOJ and judicial training centre. In order to capture this growing area of work, the Global Programme in partnership with BDP and UNICEF organized a regional meeting of practitioners on legal aid programming in Africa (a first step in establishing a regional Community of Practice on access to justice).

Traditional justice systems. Many of the projects supported by the Global Programme engage with traditional justice systems, particularly as regards the issues of jurisdiction viz. the formal system, respect for women’s rights and conflict mitigation. In most countries reviewed a large percentage of the population relies on traditional/customary justice systems, particularly in Sierra Leone, Guinea Bissau, Eastern Chad, Nepal, oPt and Somalia. While UNDP’s interventions in the rule of law arena acknowledge and work with such systems, the aim should be to strike a better balance between the application and promotion of customary/traditional and formal justice systems, as well as between current legal practices and wider human rights standards. In order to reach this balance, additional research on engagement with traditional justice systems would be useful. It may also be useful to consider the amount of resources directed toward traditional justice mechanism in light of the significant portion of the population served by such mechanism. Interesting progress has been made with the Muslim Quazi Courts in Sri Lanka. These courts apply sharia law, but through continuous dialogue they have agreed to cooperate on discussions related to women’s rights and the possibility of applying them.

Security Sector Reform: The Global Programme’s efforts to strengthen justice has entailed progressively deeper involvement in the reform of key security institutions, and towards tackling issues of civilian policing and prisons in Somalia, Chad, CAR, DRC, Liberia, Kosovo, Timor Leste and several other cases. In Timor-Leste, the SSR Project has helped to increase dialogue among various partners and stakeholders on security sector issues, such as civilian oversight and institutional reform. Through initiatives such as training on the maintenance and repair of telecommunications equipment for select members of the security sector, a Public Security Perceptions Survey, and a quarterly lecture series, the SSR Project has ensured a role for the UNDP on security sector issues in Timor-Leste.

3.4 Coordination and Partnership

In conflict and post-conflict settings, where there are often many actors and overlaps in the justice sector between international organizations operating with different capacities, resources and mandates, partnerships and coordination are paramount to successful interventions.
The UNDP through the support of the Global Programme has established strong partnerships with a wide range of partners in all the countries reviewed. Significant achievements can be seen in intra-UN partnerships, especially with UN peacekeeping missions in the area of rule of law and SSR. Coordination on an equal footing is essential between DPKO and UNDP in peacekeeping environments to advance justice and security programmes, with each of the two organizations bringing different strengths to the table. DPKO has large logistical capacity, and can deploy forces, correction officers and police technical expertise directly from member states. It also carries the political weight of the Security Council. In contrast, UNDP has a global governance mandate and adopts a development approach to its work while also engaging substantive expertise on the ground. UNDP also has a track record in donor fund management and donor relations, including ensuring national ownership of the process and empowerment of the people. As stated in the section on strategic positioning, the Global Programme is part of the Rule of Law Coordination and Resource Group (ROLCRG) and the Inter-Agency Security Sector Reform Task Force (IASSRTF). The UN/ROLCRG provides strategic direction, focusing on justice related elements of the rule of law agenda. UNDP/BCPR also co-chairs the Inter-Agency Task Force on SSR.

Close working relations have also been developed with UN agencies involved in the ROL (UNHCHR, UNHCHR, UNODC, UNIFEM, UNICEF, UN Office for the Coordination of Humanitarian Affairs-OCHA, UNFPA), as well as a wide range of CSOs, CBOs and Academia. UNDP as a development agency that promotes of the concept of national ownership and inclusive approaches has ensured strong relations with host government counterparts.

UNDP and UNIFEM entered a formal partnership in 2008 with the aim of mutually supporting their respective global programmes in conflict settings. The partnership focuses on strengthening joint country-level programming and addressing policy challenges on gender justice, also in the context of nationally driven transitional justice processes. Joint gender justice projects integrated into broader rule of law programming strategy have reportedly been rolled out in Colombia, Nepal and Uganda, with a view of extending the pilots to two other countries in 2011. Within the scope of this collaboration, UNIFEM and UNDP organized a conference on Reparations, Development and Gender in Kampala, on December 1 and 2, 2010, with participation of over 40 rule of law practitioners from 14 country and field offices. The conference identified lessons learned for creating gender-sensitive reparations polices and projects with development resources.

More generally, numerous interviews confirm that constant channels of communications with and through the Global Programme have enabled a continuous interaction and transfer of knowledge from one country project to another, between HQ and COs, between HQ-based units, and within country coordination mechanisms. These efforts to reinforce such networks have also been supported through publications and events, global and local, organized by the Global Programme. However, at the country level it was confirmed that working relationships in the area of rule of law must be institutionalized for them to prove reliable and sustainable. Currently, many good working relations in these contexts depend on human relations. Coordination varies as a result, and in several places under study there was evidence of a lack of communication and
an absence of informal coordination. Observations also confirm that formal coordination structures can become huge and difficult to manage, and overwhelmingly donor-driven in countries where there is not much government presence or interest, it is fair to add that the strength or weakness of coordination also depends on the extent of civil society involvement.

Furthermore, in an environment marked by a certain amount of competition between a small pool of donors, and political and military elites in certain post-conflict countries seeking to maximize their margin for manoeuvre by “picking and choosing” donors, coordination must ensure integration between the work of different agencies as well as a clear division of labor at the country level. The Global Programme should continue its efforts in coordination and partnership, which has given fruit to stronger relations, particularly in the context of peacekeeping operations.

3.5 Way of Working

Observations confirm that UNDP’s support to the rule of law sector through justice and security projects have been aligned with National Plans and Priorities, the United Nations Development Assistance Framework (UNDAF), the PRSPs and relevant sectoral plans. They have also been reflected in UNDP COs Strategic Plans and Justice Sector Strategies of individual countries. The Global Programme is also aligned with UNDP’s Corporate Strategic Plan for 2008-2011, and the Eight Point Agenda for Women’s Empowerment and Gender Equality in Crisis and Recovery.

Furthermore, the Global Programme has played an important part in framing the issues at the core of the BCPR strategic review, notably those of strategic approach, coordination with partners and integration of the bureau’s combined efforts in the field.

As the evaluation team recognized in its five field-based case studies, as well as in multiple discussions with programme representatives and partners in and outside the UN, the five hallmark programmatic areas of the Global Programme must be flexible enough to guarantee national ownership, since “no rule of law programme can be successful in the long term if imposed from the outside”. At the same time, it has worked with government partners and civil society to foster the “norms, policies, institutions and processes that form the core of a society in which individuals feel safe and secure”.

3.6 Monitoring and Evaluation

The Global Programme, at the central level, has taken steps to streamline its monitoring and evaluation system by developing worksheets for COs to enable them to monitor and report project results, in addition to reporting against the BCPR Multi-Year Results Framework (MYRF) output 4 (indicators 2, 3 and 4), and output 6 (indicator 1) and output 7 (inter-agency and coordination). These worksheets focus on two levels of indicators, one is focused on specific progress related to the project, and the second is focused on indicators measuring progress.

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14 Ibid, para 20.
against BCPR’s MYRF. Submissions of the latter are made twice a year by UNDP COs to the Global Programme, ensuring that progress can be tracked.

Both at the HQ and field level, however, there is an urgent need for more discussion on the appropriateness of justice and security indicators and the setting of baselines for each project. In particular, concerted efforts need to be made by country project managers in setting baselines – whether through judicial and police records, relevant reports, mapping of actors and targeted opinion poll surveys - at the initial stages of interventions so as to ensure that results and impact can be measured.

Clearly evaluating outcomes rather than outputs is a key component of any successful review. Findings show that is extremely difficult to obtain reliable and credible judicial data in conflict and post conflict settings (judicial records at the central, regional and local level are sensitive, inexistent or inaccessible), and UNDP rule of law projects are no exception to this deficiency in baseline data. Nevertheless, under these difficult circumstances efforts have been undertaken in certain countries, such as Guinea Bissau, to use different methodologies to secure baseline data. However, this remains an area in need of significant improvement if there is to be any understanding of the challenges ahead, ability to track progress and failure, and yardsticks to decide which countries should continue to receive priority attention from the Global Programme.

### 3.7 Global Programme Fund Management

Although the terms of reference did not request the mid-term review team to assess the Global Programme fund management performance, the review team deemed it necessary to acknowledge the visible efforts taken to ensure transparency and efficiency in the use of resources allocated to the Global Programme. The Global Programme team has developed a Financial Tracking and Monitoring System which tracks donor agreements, income, allocation of funds, expenditures, liquidity, and provides real-time financial reporting.

### 3.8 Assumptions and Limitations

It is important to include, for the soundness of sampling, a good representation of countries in the MTR, and in this case 11 countries out of a total of 27 countries were covered. However, information and data gathered from those countries that were reviewed through teleconferences was limited, and in some cases difficult to substantiate without recourse to field level verification due to time limitations associated with the time allocated for the MTR. Furthermore, the non-field based interviews only allowed for interaction with a limited number of stakeholders. It is assumed that those that have been interviewed have reflected the diversity of inputs that could have been gathered form a wider spectrum of interviewees.

In some cases, it was difficult for COs to appreciate the difference between the project being evaluated and the Global Programme’s performance being evaluated, and resistance was encountered from those COs that felt their projects/programmes were being evaluated rather than the Global Programme itself. A better communication strategy viz. the CO would have averted these misunderstandings and resistance.
3.9 Overall Lessons Learned

The work carried out so far by the Global Programme has generated a number of lessons learned that should help guide future interventions.

Strategy

**Rapid-response.** Fast mechanisms of technical and financial assistance have proved essential in giving support to national rule of law projects run by the UNDP, and in helping these adapt to changing local conditions and alterations in donor practice. For example, in countries where there is an extreme scarcity of human resources capacity to address deficiencies in the rule of law and access to justice needs, support to staffing in the short-term until national authorities are able to take over has been critical. It is also critical that the design of the project incorporates a strategy for national authorities to take over.

**Development approach.** It is vital to have a flexible, development-oriented approach such as that provided by the Global Programme to ensure that attention and resources are directed to countries that are traditionally neglected by donors (e.g. the CAR), or which are wholly treated from the perspective of geopolitical security criteria. One consequence is that the UNDP is becoming extensively involved in activities that are part of the broader penal system, such as policing and prisons, and may even be drawn towards issues of military reform. With regard to the latter, in Guinea Bissau substantial components of SSR, which include as a priority component military reform, were part of the UNDP project developed in 2008, while the current project features a national plan for public awareness-raising of SSR. Likewise in Eastern Chad, a representative of MINURCAT noted in an interview that the new legal aid clinics might at some stage have to deal with cases involving crimes by military officers.

**Local actors.** The use of paralegal groups and CSOs to dispense justice is a sound method of remediying capacity and financial gaps over the short to medium term. Support of these groups extends the reach of the justice system, helping to reach rural communities which otherwise might not have access to such legal services.

**Implementation modalities.** The adoption of the National Execution/National Implementation Modality, whereby resources are channeled through national authorities, should be considered for countries where states have adequate capacities and oversight mechanisms. In Sri Lanka, where national capacities are adequate or strong and where relations between the international community and the government are tense on issues related to the justice sector/human rights, this modality provided a successful vehicle for project implementation. Operating through the stewardship of the counterpart ministry has enabled the project to access sensitive areas, or areas where other international organizations cannot operate.

**National-international linkages.** It is useful to combine relations with national authorities with links to international expertise on legal assistance. A seminar held in Brussels in 2009, conducted through the facilitation and input of two international legal NGOs, sought to clarify
the functions and workings of legal aid ahead of the roll-out of the scheme in Eastern Chad. UNDP staff in-country were also furnished with contacts to experts on legal aid in other countries as a result of the Global Programme’s networks, and took part in a regional seminar on legal aid in Dakar organized by the Programme in cooperation with the UNDP Regional Service Center and UNICEF.

**Operations**

*Procurement and recruitment.* Procurement and recruitment processes and procedures are challenging given UNDP rules and regulations. Large projects have responded to these challenges by recruiting project operations (procurement and human resources) staff to work for the project, in close cooperation with the CO operations team. A specific area of difficulty in this respect is procurement. Post-earthquake Haiti is an example, where procurement was delayed significantly due to the CO procurement section being overloaded with work resulting in the ROL project not being able to deliver in terms of procurement, as planned.

In terms of recruitment of advisors and managers, it is important to keep in mind that different skill sets and knowledge are required in a technical advisor as compared to a manager. The same applies to staff serving in a line function as compared to an advisor. Given these different skill sets, it is important to carefully consider the capacities of individuals recruited to serve in one capacity when asking them to serve in another. Furthermore, the mixing of these roles may not be appropriate.

*Country office capacity.* With the understanding that not all COs possess the same level of expertise to work on justice and security issues, the Global Programme should seek opportunities to support regional bureaus and CO management teams to build CO capacities. One approach might be to occasionally include relevant CO members on field missions to other countries with similar development contexts. This may help to build CO capacity, as well as to alleviate some of the burden on the staff of the Global Programme by creating a broader global network.

**3.10 Overall Conclusions and Recommendations**

As the preceding sections have established, the key contribution of the Global Programme have thus far been its capacity to catalyse the design and implementation of rule of law projects in a host of crisis countries. At this stage in its development, the Programme can claim an ample collection of ongoing projects and reform initiatives.

At the same time, funding constraints, the review and restructuring of the BCPR, and the ongoing debate about the division of justice and security responsibilities within the UN system make it essential for the Global Programme to take stock of its work, and possibly redirect its future efforts on the basis of current capacity limits and a changing institutional context. It must also decide how to proceed in countries where there are serious doubts over the financial and political sustainability of its projects, and resolve a number of pressing strategic issues relating to the UNDP’s role with regards to SSR and its partnerships with different local actors in the formal and informal judicial systems.
Structure and role

Capacity limits and handovers. While there are uncertainties over the future structure of the BCPR, and thus of the precise shape and size of the team implementing the Global Programme due to the current review and restructuring of BCPR, there is little doubt that the Global Programme team is at present overstretched. The small staff size, the large number of countries served, and the level and type of support required – with frequent field visits, numbering up to two or three a year per country – mean that the team is at the limits of its capacity, and that the quality of service may decline going forward into the second half of the current Programme’s lifecycle. One possible solution is to increase the number of technical officers within the Global Programme team. Another option is to improve operational support within BCPR in support of the Global Programme. The Country Support Management Team as envisaged in the new BCPR functional organizational chart could play an important role in this regard. Alternatively, it is advisable to define an exit strategy from some countries that are well capable of moving forward without Global Programme support, allowing for a more focused and targeted approach.

Strategic reflection. A process of strategic reflection is needed not only to assess the lessons learnt from project activities so far, but also to analyze the validity of the five programmatic areas of the Global Programme. Close analysis of the country projects suggest that only three of these are being systematically met: those regarding early recovery, women’s security and justice and capacity development. Although the Global Programme is not a research-oriented tool, in the interests of an informed and strategic approach to justice and security, efforts should be made to accumulate and disseminate to Programme staff and country project managers the main results of work conducted so far. As part of this, general operational guidelines and practical briefings could be prepared on the following: legal aid, prevention of SGBV, monitoring and evaluation, capacity building in courts, interfaces with traditional justice and civil society, as well as encouragement of democratic oversight. Some of these issues are discussed in the thematic section below.

Baseline data. Securing baseline data in countries where a project is operating is essential. Large scale multi-indicator M&E might remain impossible in these contexts due to the lack of verifiable police and court data, and the difficulty of carrying out opinion polls, but projects must still conduct some form of survey at their inception to gauge future progress. The survey should be tailored by the in-country project to its objectives, with the assistance of the Global Programme, and not to a standard checklist designed for all countries. This will ensure greater feasibility and ownership by project managers.

Presence and planning. It is suggested that, in some countries, more missions from the Global Programme would be helpful, at least once every three to four months, as the physical and intellectual presence of Global Programme staff in meetings with stakeholders reinforces the importance the organization at the global level attaches to the rule of law. This kind of presence cannot be replaced by teleconferences. Furthermore, it was also confirmed that while the Global Programme is very effective in providing technical and financial expertise, more can be done to better inform COs on its planned activities. For example, work plans to reflect activities and
events of the Global Programme that will take place during the course of the year, shared with UNDP COs at the beginning of the year and updated regularly, would be helpful for the purposes of planning by UNDP COs.

**Sustainability**

*Strategic sustainability.* Strong project design, including feasible implementation plans, objectives and outcome measurement, are essential facets of rule of law interventions. A further critical aspect of design is ensuring that adequate mechanisms are built into projects so that national partners are able to take over in the wake of the reduction or withdrawal of international assistance. In this respect, it is crucial to note that the rule of law, as one of the principal public goods underwritten by the state, faces numerous challenges from political, military and criminal spoilers in post-conflict countries. While the Global Programme has helped secure extensive buy-in for its rule of law support from partners in government and civil society – for example, helping to construct long-term plans for judicial reform - it also faces political realities that perpetuate structures of impunity and institutional weakening. These include rebel activities, rival military factions, attitudes of political elites and also traditional local power structures that are opposed to the strengthening of the formal judicial system or improving the position of women. Increased dialogue and advocacy with political actors, in partnership with the DPKO and other UN agencies, is essential to entrench the progress that has been made, and will require reinforcement through strategic guidance from the Global Programme.

*Human capital and skills sustainability.* Human capital and skills development are the bedrock of the Global Programme insofar as national capacity development is essential to ensuring long-term sustainability. The review noted that extensive efforts have been made to establish training opportunities and skills transfers, for example, to young lawyers in numerous contexts, including Eastern Chad. It is also to be expected that national staff on a number of projects will continue to provide key linkages between CSOs and government authorities in these countries.

*Financial sustainability.* In undertaking justice sector reforms, it is critical to consider the significance of a country’s level of economic development to the sustainability of these interventions, and the reforms that must be made to state budget allocations and the tax base in order to guarantee their continuity. If justice mechanisms are not affordable, longer term improvements in the justice sector will be hindered. There are serious limits to assessing the impact of rule of law initiatives in the short term, since structural impact can only be tracked over a longer period of time. Whereas technical sustainability has been ensured in many cases, financial sustainability has not yet been achieved due to fiscal problems at the government level. This problem is particularly acute for the Global Programme given its extensive engagement in a number of least-developed countries that are also donor orphans, and its substantial support for numerous CSOs to cover the gaps in legal service provision.

*Country criteria.* While the three previous points refer to project design and in-country requirements for sustainable rule of law projects within countries, the capacity limits of the Global Programme discussed above indicate that plans should be prepared for the continued oversight of rule of law projects, possibly through the involvement of other parts of the BCPR and UNDP. This may require the establishment of a set of criteria for the handover of
responsibility for countries, or much closer collaboration with other relevant departments such as BDP and Regional Bureaus.

**Thematic issues**

*Gender:* SGBV, including domestic violence has been a main focus for UNDP rule of law projects and progress is evident in ensuring that justice is delivered and support mechanisms put in place for victims of SGBV. Despite the overall positive performance, interviews in various contexts, such as Haiti and Eastern Chad, suggest that in order to comprehensively tackle issues of Women’s Empowerment and Gender Equality, projects should also focus on promoting more women’s involvement in decision-making positions as providers of services in the justice sector, such as encouraging and training more women to enter the police force and become lawyers, as well as addressing reporting requirements based on sex, age and location disaggregated data.

*Relations to SSR.* In many case studies, UNDP has been drawn towards an increasing involvement in a wide range of SSR activities. In some cases, this engagement is amplified by the fact that the country receives few resources from other donors and agencies, or because it is expected that UNDP will remain present in highly complex and dangerous contexts (e.g Somalia, Haiti, Eastern Chad). In other cases, the country project may not involve extensive security sector initiatives, but may still depend on the success of SSR for the future of its own rule of law activities (e.g. Guinea Bissau). In all such cases, it is essential that the Global Programme prepare a strategy for its engagement in SSR, which conforms to its mandate and to reality on the ground. The Programme should also continue to encourage partners’ debate on the appropriate definition of SSR so as to make clear the unavoidable links between work on justice and security. This debate should start within UNDP as it is evident that not all within the organization, including senior managers, are aware of these subtle, albeit important, distinctions. This is critical for managers to better understand to what extent they can engage in SSR activities.

*Lead roles.* In this respect, a redefinition and apportionment of lead roles in the areas of rule of law are necessary in the aftermath of the 2006 decision of the Secretary General on respective mandates. In 2006, the Secretary General’s decision on the rule of law set out the terms of reference for two Rule of Law mechanisms: (a) the Rule of Law Coordination and Resource Group and (b) its secretariat, a small Rule of Law Unit. The ROLCRG became the body of the UN that provides strategic direction, focusing on justice-related elements of the rule of law agenda. It has been relevant and effective. Since 2006, however, many developments on the ground demonstrate that UNDP has become an increasingly strong actor and partner to DPKO in rule of law, access to justice and security. As a result, the decision stating that DPKO will be the lead in coordinating ROL activities in peacekeeping contexts should be reviewed to provide flexibility and allow for an assessment on a country case-by-case basis as to which organization (DPKO or UNDP) is best suited to assume the lead role in facilitating coordination.

*Traditional justice.* UNDP should explore a greater and more structured engagement with traditional justice, which often dispenses more than 70 percent of a country’s judicial services. This is too great a proportion to be ignored. Dialogue with local Muslim Courts as a way of
enhancing cooperation on issues related to women’s rights has shown positive results in Sri Lanka. In other contexts, such as Guinea Bissau or Sierra Leone, the relationship with traditional systems of justice has been more problematic. A flexible set of guidelines as to how relationships with traditional sources of authority and justice should proceed, building on the work of UNDP’s BDP, are needed to orientate the work of national programmes. More broadly, a decentralized approach can be reinforced by work with universities, and with local justice and security sector providers. Universities provide a forum for research and debate with young and engaged minds on how to strike a balance between the two systems, while decentralized approaches are key to bringing justice to the entire population.

**Economic recovery linkages.** Access to justice cannot be obtained to its full potential or sustained unless it is linked with programmes aimed at increasing economic power for vulnerable and disadvantaged groups. Most disadvantaged groups cannot afford to pay for legal services, or the transportation and accommodation costs related to seeking justice. Linking the ROL projects supported by the Global Programme to UNDP’s economic recovery projects/agenda will ensure a stronger institutional response to achieving legal empowerment for the poor. Among the reviewed countries, some UNDP COs have achieved linkages between the two programmes, whereas in others these have not been made. The Global Programme should consider as part of its technical assistance that of assisting COs in making the link between ROL and economic activities, in other words it should explore linking the beneficiaries of two projects/programmes. It is critical that rule of law, justice and security interventions ensure long-term approaches that are sustainable and able to facilitate linkages with economic and social projects, as part of long term stabilization, peace building and human security initiatives.

**Transitional justice.** To date, of the Global Programme’s five programmatic areas, transitional justice is the area with the least engagement. Of the countries reviewed, only the work in BiH included a transitional justice component. However, the Global Programme team has indicated that additional transitional justice interventions are taking place in Colombia, the Solomon Islands, Nepal, and potentially Uganda in the near future. This limited engagement by the Global Programme is not surprising given the sensitive nature of transitional justice and the recognition by the Global Programme that the Office of the High Commissioner for Human Rights is the natural lead in the UN system. It is crucial to ensure that the transitional justice process is nationally owned, government-led, and receives support and engagement from civil society actors. Furthermore, the success of transitional justice initiatives is in large part affected by the timing of interventions. Taking into account sensitive political events, such as elections, as well as the readiness of government and civil society to address such issues, greatly improves the chances for success.

**Incentives to legal aid.** If legal aid is not available to the economically and socially disadvantaged, the integrity of the justice system is questionable and its effectiveness challenged. Given that legal aid has traditionally been publicly funded, and is not seen as a lucrative profession by lawyers, more focus at the policy level is required in order to encourage national institutions to acknowledge legal aid work by law students and recently graduated lawyers. In conflict and post-conflict countries governments have few resources and cannot afford to fund legal aid for disadvantaged groups, or do not wish to for political reasons. It was observed that in
some settings, such as Gaza, students work with lawyers to provide legal aid and are accredited with points in their course work, whereas in Sri Lanka the work of recently graduated law students in providing legal aid is not recognized by the legal institutions. A sound and effective legal aid system should also encourage governments to make budgetary provisions for funding this service.

*Integrated Missions.* In countries with the presence of a peacekeeping mission that operates under the framework of an integrated mission\(^\text{15}\), findings suggest that where the Deputy Special Representative to the Secretary General (DSRSG)\(^\text{16}\) - also the Resident Coordinator (RC), and Humanitarian Coordinator (HC) - has professional experience and exposure to UN development and humanitarian work, the relations and cooperation between DPKO and the United Nations Country Team (UNCT) are better than in situations where the DSRSG is not conversant with UN programmes, funds and agencies work. The case of Liberia is a case in point.

**Operations**

*Project staff motivation.* Overall findings suggest that the Global Programme’s effort to ensure staff motivation has been effective: project personnel in the countries reviewed are motivated, pro-active, dedicated and committed. However, to further enhance motivation and allow for cross fertilization as well as innovation, the Global Programme should explore the possibility of swapping national ‘rule of law’ project staff between ROL projects globally for a three to a six-month period in a selective and well-targeted fashion. This could positively contribute to the performance of the Global Programme.

*Focal points.* The Global Programme should develop and share a list of its country and HQ level ROL focal points with its partners (other UN agencies, multilateral bodies and bilateral donors) as a means of enhancing fluid communications and information sharing between different partners working in the area of rule of law.

*End-of-Programme Evaluation.* Given that the scope of the mid-term review does not include a cost-benefit analysis, as it is deemed inappropriate at this point in time of the programme, it is recommended that the final review of the Global Programme evaluates the resource implications (efficiency) of supporting rule of law, justice and security activities in conflict and post-conflict settings, and cost-benefit analysis of the support that is provided by the rule of law programme in comparison with other similar programmes in the field.

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\(^\text{15}\) According to the revised Note of Guidance on Integrated Missions of 17 January 2006, drafted by DPKO at the request of the Secretary General, integration is the guiding principle for the design and implementation of complex UN operations in post-conflict situations and for linking the different dimensions (political, development, humanitarian, human rights, role of law, social and security aspects) into a coherent support strategy.

\(^\text{16}\) The DSRSG is responsible for both UN mission components and the UN Country Team (UNCT) of specialized agencies, and coordinates and manages their activities.