

Strengthening the rule of law in crisis-affected and fragile situations



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**A UNDP global programme for justice and security
(Phase II)**

2012-2015

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Cover photograph: *A mobile legal aid clinic in Sri Lanka facilitates access to much needed official documentation for conflict-affected communities* (UNDP Photo / UNDP Sri Lanka).

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Strengthening the rule of law in crisis-affected and fragile situations: a UNDP global programme for justice & security

Country: Global Programme (25 focus countries)
Expected Outcome(s)/Indicator(s): **UNDP Strategic Plan**

Focus Area 3: Crisis Prevention and Recovery

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

GP Objective: Strengthen the rule of law in priority crisis-affected and fragile situations during the period 2012 - 2015.

Output 1: Provide technical, operational and financial support to focus UNDP programmes engaged in rule of law assistance in crisis-affected situations.

Output 2: Support a preventative, or conflict sensitive, approach to conflict and violence through rule of law assistance in fragile contexts.

Output 3: Increase UNDP and UN capacity to deploy rule of law expertise rapidly in crisis-affected and fragile situations.

Output 4: Strengthen UN-wide joint programming and joint initiatives on rule of law.

Output 5: Foster UN-wide policy development and coordination on rule of law.

Output 6: Strengthen monitoring and evaluation capacities for in-country rule of law programming.

Executing and Implementing Agency: UNDP

Programme Manager: Mr Alejandro Alvarez, Rule of Law, Justice & Security Adviser, UNDP-BCPR

BRIEF DESCRIPTION

Rule of law is a core pillar of UNDP's work, and is critical to peacebuilding. During a crisis, national and local capacities must be empowered to tackle impunity and respond to immediate justice and security needs. In the aftermath of crisis, and in fragile situations, unobstructed access to legitimate rule of law institutions is a decisive factor in efforts to rebuild societies, and prevent a downward spiral into violence or conflict. UNDP's engagement in this area seeks to enhance physical and legal protection of people and communities, ensuring legal representation, access to justice and empowerment of communities and civil society. Programmes work to develop capacities of justice and law-enforcement institutions, and ensure that security providers are subject to civilian oversight. Particular emphasis is placed on tackling sexual and gender-based violence in situations affected by conflict and fragility.

Based on six key programme areas, this Global Programme forms the blueprint for UNDP's engagement on rule of law assistance in crisis-affected and fragile situations. Building on the successes of its predecessor, this second phase of the Global Programme redoubles UNDP's support in this important area. It provides technical, operational and financial support to UNDP Country Offices to implement comprehensive rule of law, justice and security programmes in countries affected by conflict, disaster, violence and fragility. In responding to requests from host governments for rule of law assistance, UNDP recognises the importance of national ownership and early foundations towards long term peace and development.

This Global Programme also represents a framework for UNDP's renewed contribution to strengthening the UN to work together in this important area. Phase II reflects UNDP's commitment to maximise its comparative advantages in the service of the whole UN system, and to be a catalyst for common approaches.

Project Title: Strengthening the rule of law in crisis-affected and fragile situations: a UNDP global programme for justice and security

Total Budget: USD 90,000,000.00

Programme Period: January 2012 - December 2015

Management Arrangement: DIM

ACRONYMS

AVR	Armed Violence Reduction
BCPR	Bureau for Crisis Prevention and Recovery (UNDP)
BDP	Bureau for Development Policy (UNDP)
CO	Country Office (UNDP)
CPR	Crisis Prevention and Recovery
DPKO	Department for Peacekeeping Operations
GA	(United Nations) General Assembly
IMPP	Integrated Missions Planning Process
ISF	Integrated Strategic Framework
RoLJS	Rule of Law, Justice & Security
MDGs	Millennium Development Goals
MINUSTAH	United Nations Stabilisation Mission in Haiti
NGOs	Non-Governmental Organisations
OCHA	(United Nations) Office for the Coordination of Humanitarian Affairs
OHCHR	(United Nations) Office for the High Commissioner for Human Rights
PBF	(United Nations) Peacebuilding Fund
PBSO	(United Nations) Peacebuilding Support Office
RC/HC	(United Nations) Resident Coordinator/Humanitarian Coordinator
RoLCRG	Rule of Law Coordination & Resource Group
SALW	Small Arms and Light Weapons SC (United Nations) Security Council
SGBV	Sexual and Gender Based Violence
SSR	Security Sector Reform
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNHCR	(Office of the) United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
UN WOMEN	United Nations Entity for Gender Equality and the Empowerment of Women

EXECUTIVE SUMMARY

The poorest countries in the world are overwhelmingly those most affected by conflict and most vulnerable to natural hazards – crises that shatter basic human security and access to justice for millions of people around the globe. Moreover, the legacies of conflict and disaster – including injustice, poverty and insecurity – are frequently among the root causes of regression into violence and instability. In such contexts, entire populations are plunged into chaos, human rights are systematically denied, women are raped, families and communities are uprooted from their homes and livelihoods, and national authorities are often unable - or unwilling - to provide protection. Against such a backdrop, strengthening the rule of law is essential – and the implications of failing to do so are far reaching.

The rule of law is based on justice and security – two of the most essential prerequisites for sustainable peace and development. In January 2008, the United Nations Development Programme (UNDP) launched its *Global Programme for Strengthening the Rule of Law in Conflict and Post-Conflict Situations*, 2008-2011. This formed the blueprint for UNDP's engagement on rule of law in crisis-affected contexts. During its four-year lifespan, the Global Programme 2008-2011 built or supported comprehensive justice and security programmes in more than 20 conflict or post-conflict situations,¹ carving out a total programming portfolio of over USD 220 million,² and making UNDP one of the largest service providers on rule of law in the United Nations (UN) system.

From Afghanistan to Nepal to Somalia, UNDP rule of law programmes are delivering tangible results on legal aid, tackling sexual and gender-based violence (SGBV), enhancing justice and security service provision, strengthening security sector governance, and supporting transitional justice processes. Joint programmes with DPKO, UNHCR, UNODC and UN Women continue to deepen impact on the ground where it is most needed, particularly in UN mission areas such as Haiti, Liberia, South Sudan and Timor-Leste. Assistance responds to urgent needs for justice and security, and simultaneously lays the foundations for recovery and long term development.³

Strengthening the rule of law is a long term endeavour, and the need to sustain this support is acute. Acknowledging the major results achieved to date, an independent mid-term review of the Global Programme 2008-2011 also noted the need to deepen further UNDP's rule of law assistance in order to ensure lasting impact, as well as the need to extend support to hitherto under-addressed aspects of this work.

This programme document represents the basis for initiating “**phase II**” of UNDP's *Global Programme for Strengthening the Rule of Law*, for 2012 through 2015, and details its strategic

¹ The 20 focus situations for the Global Programme 2008-2011 were as follows: Afghanistan, Bosnia i Herzegovina, Burundi, the Central African Republic, Chad, Colombia, the Democratic Republic of Congo, Guinea Bissau, Guinea (Conakry), Haiti, Iraq, Kosovo (UN administered territory), Liberia, Nepal, the occupied Palestinian territory, Sierra Leone, Somalia, Sri Lanka, Sudan (including South Sudan) and Timor-Leste. In addition, the Global Programme 2008-2011 provided targeted technical support in several other countries, including Comoros, Egypt, Guatemala, Lebanon, Libya, Pakistan, the Solomon Islands, Tunisia, Uganda and Yemen.

² Generous funding was provided in the form of ‘earmarked’ contributions from the governments of The Netherlands, Australia, Canada, France, Germany, Norway, Sweden, the United Kingdom and the United States of America. In addition, important contributions to UNDP rule of law programmes at Country Office level were provided by the European Union and the governments of Belgium, Brazil, Denmark, Ireland, Japan, Luxembourg, Portugal, Spain and Switzerland.

³ In-country results achieved are detailed in consecutive annual reports on the Global Programme 2008-2011 (see for instance the 2010 Annual Report on the Global Programme, available at: <http://www.beta.undp.org/undp/en/home/librarypage/crisis-prevention-and-recovery/2010_annual_reportonundpsruleoflawglobalprogramme.html>, accessed 1 December, 2011).

approach. **Phase II builds on the experiences of its predecessor, consolidating UNDP's support on rule of law, justice and security assistance further, and seeking to empower and enable the whole UN system to deliver together more effectively.** It looks to enhance a joint approach to strengthening the rule of law and act as a catalyst for the broader UN system. In doing so, it embraces a comprehensive approach to rule of law assistance, emphasising protection and development, prevention and recovery. Phase II also draws on the experience and results of its sister programme, UNDP's global rule of law programme supporting *Access to Justice for Human Development*. In particular phase II has a stronger emphasis on strengthening the rule of law to prevent violent conflict, particularly in fragile and transitional environments. It also capitalises on the policy development experience and architecture funded through the *Access to Justice for Human Development* programme in order to ensure long-term and sustainable support to UNDP rule of law programmes. Through the Global Programme, UNDP encourages policy coherence across the UN system, enhancing joint approaches to rule of law and catalysing the broader UN system.

Phase II of the Global Programme is being presented at a time when global policy developments have reinforced the need to improve the capacity provided by the UN to tackle these important issues, as identified in the 2011 independent report of the UN Senior Advisory Group on *Civilian Capacity in the Aftermath of Conflict*,⁴ in which UNDP's comparative advantages in carrying forward this agenda as part of the are clearly recognised.

The *Global Programme for Strengthening the Rule of Law in Crisis-Affected and Fragile Situations, 2012-2015*, outlines UNDP's renewed efforts and services to advance justice and security in countries profoundly affected by violence and instability. Drawing on lessons learned from some of UNDP's most innovative and comprehensive rule of law programmes, it seeks to expand on these in-country experiences. In keeping with the philosophy of its first incarnation, phase II of the Global Programme establishes close linkages between protection and the rule of law, and between humanitarian action and development principles. Through an approach tailored for crisis, post-crisis and fragile situations, it focuses on **six key programme areas, as follows:**

1. **Access to security and justice during an on-going conflict or immediate post-crisis recovery.** UNDP will strengthen national capacities to enable communities and individuals to access justice and peaceful dispute resolution mechanisms. UNDP will support to national and local stakeholders to respond to the plight of populations and communities during a conflict or immediately following a crisis, preventing and addressing violations of physical, legal and material security whilst simultaneously laying the foundations for recovery.
2. **Women's security and access to justice.** Based on Security Council Resolutions 1325, 1820 and 1888, key reports of the UN Secretary-General and UNDP's Eight-Point Agenda for Women's Empowerment and Gender Equality in Crisis Prevention and Recovery, UNDP will place emphasis on ensuring access to justice and security for women, in particular for survivors of sexual and gender based violence (SGBV).
3. **Capacity development of key justice and security institutions.** UNDP will provide technical and financial assistance to support capacity development of critical justice and security institutions (such as the judiciary and prosecution services, line ministries, the police/law-enforcement and corrections), to ensure justice and security service delivery and institutional strengthening.

⁴ Independent Review of the UN Senior Advisory Group: *Civilian Capacity in the Aftermath of Conflict* (United Nations, New York, 2011) [hereinafter CivCap Review 2011].

4. **Transitional justice.** UNDP will support national stakeholders and communities in addressing legacies of violations of human rights and international humanitarian law through a broad panoply of proven transitional justice measures, including truth commissions, criminal prosecutions, reparations and memorialising. UNDP will support national governments in establishing legal and systemic complementarity with the International Criminal Court within the broader framework of strengthening the rule of law.
5. **Armed violence reduction and citizen/community security.** Community-based approaches to armed violence reduction will be escalated in complement to work strengthening access to justice and encouraging arms control. The implementation of community security and citizen security approaches should support national policy, planning and capacity development to tackle violence, ensure security and uphold the rule of law. Internal coordination will be strengthened to implement national security and justice policies and ensure compliance of domestic legislation with international laws, including those governing small arms and light weapons.
6. **Rule of law for economic recovery.** UNDP will place a renewed focus on livelihoods and economic recovery in crisis-affected and fragile settings, recognising the importance of the legal means required to address issues such as housing, land and property, access to employment for women, men and youth, as well as civil documentation to address economic and social discrimination. Where appropriate, UNDP will also support legal empowerment approaches to support economic recovery, in particular for disadvantaged groups that lack legal access.

On the basis of on-going assistance and new requests from UNDP Country Offices, at least 25 focus countries will benefit from Global Programme support targeting the six programme areas identified above.⁵ At the same time, the Global Programme retains the flexibility to respond quickly to emerging crises and situations of particular need as they arise – and is well placed to do so.

In terms of its implementation strategy, the Global Programme also identifies six outputs as the bases for allocating resources (see pages 29 to 36 of this programme document, and the results and resources framework (RRF), pages 38 to 41). The principal outputs of the Global Programme remain concerned with the provision of high-quality support to UNDP Country Offices to ensure results at the country level. In support of this overarching focus, explicit attention is also given to issues of rapid deployment of expertise, strengthening joint programming and joint approaches, and the importance of monitoring and evaluating results.

The Global Programme is managed by UNDP's Bureau for Crisis Prevention and Recovery (BCPR), and draws on and complements broader capacities and expertise elsewhere in UNDP and the UN system, providing a basis for strong, transparent and effective partnerships.

⁵ The indicative list of 'focus countries' is provided below on page 25 of this programme document.

PART I:
Background &
The Global Programme 2008-2011

BACKGROUND

The Rule of Law in Crisis-Affected and Fragile Situations

In crisis-affected and fragile situations the rule of law is often profoundly undermined, and injustice and insecurity are allowed to flourish. In countries immersed in armed conflict, women and children are subjected to sexual violence – sometimes on a massive scale – and large segments of populations are denied their most basic human rights. In the aftermath of a conflict, the legacies of war include capacity deficits and mistrust in essential justice and security providers and institutions. The fallout from ‘natural’ disasters can be no less catastrophic, devastating national capacities to provide security and protection and foster development. More broadly, fragile states, characterised by weak national capacities and/or weak legitimacy, leave citizens vulnerable to a whole range of threats to their basic security, including prevalent criminal violence, organised crime and widespread corruption in a context of impunity. For millions of women, men, girls and boys, basic citizen security and equitable access to justice - cornerstones of sustainable peace and development - seem far off hopes.

In situations of on-going armed conflict, the society is partly, or wholly, reduced to a theatre of gross violations of human rights and international humanitarian law. Constitutional rights are superseded by emergency laws and civilian courts by *ad hoc* military tribunals, and armed actors tend to be the principal agents of “law and order.” Military expenditures dominate national resources and budget allocations, while limited means, if any, are allocated to basic services and opportunities for economic prosperity. Police, courts and prisons suffer major capacity and competence gaps, and lack the incentives (or simply the operational tools) to guarantee and protect human rights. Concurrently, civil society organisations with the power to provide oversight and to effect change have often been marginalised or repressed, or have grown fragmented due to unrest. In such contexts, the political and military environment is rarely conducive to respect for professional integrity and legal imperatives. At the same time, traditional conflict resolution mechanisms are often marginalised by militarisation. In the absence of state protection under the law, small arms remain the only means of protection at hand for communities, the widespread use of which profoundly affects the social structure. Frustrated youth and men seek to shift power-balances with the help of the gun, and women run a higher risk of being subjected to sexual violence. Against these realities, physical protection and security remain absolute priorities for communities caught up in an armed conflict.

In the aftermath of conflict or disaster, the organised return of displaced populations depends on conditions for security, alongside access to justice, basic services and livelihoods and, eventually, opportunities for socio-economic development. At the same time, return movements can trigger disputes over land, water and property, and open opportunities of economic exploitation. This, in turn, can aggravate existing problems of legal illiteracy, unemployment, marginalised and weakened statutory structures and traditional conflict resolution mechanisms. Following a crisis, institutional and professional capacities to resume or establish functional, effective and accountable justice and security systems are often lacking, and mistrust in formal institutions is often high. Lawyers, judges, prosecutors, police, prison officers, legislators and civil servants operate in dysfunctional environments, where salaries, tools and positive incentives are rare commodities, and where perceptions of and commitment to legal imperatives have been altered or misconstrued. In addition, in post-conflict situations the problem is often compounded by an inflated military apparatus, and large numbers of former combatants whose reintegration is contingent on these same concerns. Where military and security institutions have been dominant in a society, ensuring that these are brought within the democratic framework is a major challenge, which can be stoically resisted by those ‘spoilers’ who continue to profit from instability. The

demand for restorative justice and truth-finding is also essential to reconciliation in the wake of past atrocities and injustices, and rebuilding trust between the state and its people.⁶

In fragile situations, where institutional capacity or legitimacy of rule of law institutions is undermined, the risk of lapsing or relapsing into conflict or high levels of violence is often severe. Uneven distribution of resources, political and economic marginalisation, discriminatory policies, systematic human rights violations, and widespread criminal violence are clear indicators of a breakdown in the rule of law. Experience has shown that fragility can come in a number of forms: in addition to political instability and institutional weaknesses, high levels of criminal violence may be perceived as an aspect of fragility.

Across these contexts, the gaps in the rule of law sector may be vast, encompassing a number of areas ranging from law enforcement, corrections and the judiciary, to the protection of communities and the displaced, as well as highly disputed issues such as compensation, land tenure, property rights and many others.⁷ The magnitude of destruction wrought by conflict and disaster is such that shattered institutions are frequently unable to respond to the basic protection needs of vulnerable communities and individuals, and crime is perpetrated with impunity. Beyond crime, economic exploitation and abuse of vulnerable populations is rampant without protections against exploitation of labour, land and property rights. Institutional capacity deficits, endemic corruption, proliferation of small arms, and weak civil society organisations are all pivotal issues. By developing capacities in the justice and security sectors, raising awareness and building civil society, United Nations rule of law assistance serves both to enable responsible national rule of law institutions to provide stability, accountability, efficiency and oversight, and simultaneously to empower communities to claim their rights. Accordingly, for the United Nations, rule of law is both a fundamental aim of the Organisation, and a means to achieve its ends.⁸

The United Nations and Rule of Law Assistance

The rule of law is a core principle of the United Nations' mission to provide security, foster development, and protect human rights.⁹ It is also a key element of peacebuilding.¹⁰ Since 2004, successive reports of the UN Secretary-General have stressed the critical importance of rule of law, justice and security in conflict and post-conflict situations,¹¹ while member states, regional and international organisations and NGOs are all variously seized of issues in this field.

⁶ 2004 report of the UN Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies (UN Doc. S/2004/616), 23 August, 2004.

⁷ According to Decision No. 2006/47 of the Secretary General's Policy Committee (24 November, 2006), Rule of Law in the context of conflict and post-conflict settings includes the following sectors: transitional justice; strengthening of national justice systems and institutions, including police and law enforcement agencies and prisons; and other priority areas such as victim and witness protection and assistance, anti-corruption, organised crime, trans-national crime, and trafficking and drugs.

⁸ Report of the UN Secretary-General: 'Strengthening and Coordinating United Nations Rule of Law Activities' (UN Doc A/63/226), 6 August, 2008.

⁹ 2005 World Summit Outcome Document (UN Doc. A/Res/60/1), 24 October 2005.

¹⁰ 2009 Report of the UN Secretary-General on peacebuilding in the immediate aftermath of conflict (UN Doc. A/63/881-S/2009/304), 11 June 2009.

Report of the UN Secretary-General (SG): 'The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies' (UN Doc. S/2004/616), 23 August, 2004; Report of the UN SG: 'Uniting Our Strengths: Enhancing United Nations Support for the Rule of Law' (UN Doc A/61/636-S/2006/980), 14 December, 2006; Report of the UN SG: 'Strengthening and Coordinating United Nations Rule of Law Activities' (UN Doc A/63/226), 6 August, 2008; Report of the UN SG: 'Annual Report of the SG on Strengthening and Coordinating UN Rule of Law Activities' (UN Doc. A/64/298), 17 August, 2009; Report of the UN SG: 'Second Annual Report of the SG on Strengthening and Coordinating UN Rule of Law Activities' (UN Doc. A/65/318), 20 August, 2010.

The UN is engaged in an on-going process to strengthen its attention to the rule of law at the national and international levels. Following the commitment to the rule of law expressed in the outcome document of the 2005 World Summit, this issue was placed prominently on the agenda of the UN General Assembly, with resolutions on the rule of law adopted annually.¹² The UN Security Council has also held regular thematic debates on the subject,¹³ and adopted a series of resolutions emphasising the importance of the rule of law in the context of women, peace and security,¹⁴ children in armed conflict,¹⁵ protection of civilians in armed conflict,¹⁶ and counter terrorism.¹⁷ Consensus has emerged that the rule of law must be promoted at both national and international levels, and should be based on the UN Charter, international human rights law and principles of good governance.

The primary responsibility to respect the rule of law and protect human rights at the national level lies with Member States. Accordingly, United Nations entities are now providing rule of law assistance to national counterparts in over 150 countries, spanning every region of the world. With multiple actors in this field, there is also a trend towards joint and comprehensive approaches, especially in conflict and post-conflict situations. As a matter of policy, UN entities are increasingly working together to ensure more effective programming in this area.¹⁸

With the publication of the World Bank's *World Development Report 2011: Conflict, Security and Development*,¹⁹ the multilateral and bilateral focus on justice and security results has been heightened as fundamental to preventing fragility and recurring violence. Member States' perspectives on justice and security assistance have also evolved, and expectations are raised regarding delivery of results on the ground in fragile and conflict-affected settings. The UN's in-house expertise in this area has increased over recent years, and UNDP's programmatic involvement has grown substantively (especially but not only in crisis and post-crisis contexts).

The 2011 independent report of the UN Senior Advisory Group on *Civilian Capacity in the Aftermath of Conflict*, and the UN Secretary-General's subsequent report nevertheless found critical capacity gaps in certain key areas of international rule of law assistance, including criminal justice, judicial and legal reform and corrections.²⁰ In light of these findings, system-wide efforts are underway to enhance the delivery of effective rule of law assistance at country level.

This demonstrates the concerted efforts of UN Member States, departments, agencies, programmes and funds engaged in rule of law assistance. UN entities are increasingly recognising their comparative advantages in supporting a shared objective of strengthening the rule of law, which is reflected in efforts to carry out joint programming. It affirms a collective will to recognise justice and security as imperatives for the prevention of violent conflict, and the foundation of recovery efforts and the basis for sustainable human development.

12 A/RES/61/39 (December, 2006), A/RES/62/70 (January, 2008), A/RES/63/128 (January, 2009), A/RES/64/116 (January, 2010), A/RES/65/32 (January, 2011).

13 S/PRST/2003/15 (September, 2003), S/PRST/2004/2 (January, 2004), S/PRST/2005/30 (July 2005), S/PRST/2006/28 (June, 2007), S/PRST/2010/11 (June, 2010).

14 S/RES/1325 (October, 2000), S/RES/1820 (June, 2008), S/RES/1888 (September, 2009).

15 See, for example, S/RES/1612 (July, 2005), S/RES/1882 (August, 2009).

16 See, for example, S/RES/1674 (April, 2006), S/RES/1894 (November, 2009).

17 See, for example, S/RES/1456 (January, 2003), S/RES/1566 (October, 2004), S/RES/1904 (December, 2009).

18 As a matter of policy, the call to engage more on joint programming is made explicit in Decision No. 2006/47 of the Secretary General's Policy Committee (24 November, 2006), and Decision No. 2007/11 of the Secretary-General's Policy Committee (16 February, 2007), on rule of law and Security Sector Reform respectively.

19 *World Development Report 2011: Conflict Security and Development* (The World Bank, Washington, DC, 2011) [hereinafter *World Development Report 2011*].

20 CivCap Review 2011, p.19; 2011 report of the UN Secretary General on Civilian Capacity in the Aftermath of Conflict (UN Doc. S/2011/527), 19 August, 2011, at para. 56.

UNDP'S GLOBAL PROGRAMME FOR STRENGTHENING THE RULE OF LAW IN CONFLICT AND POST-CONFLICT SITUATIONS, 2008-2011

The rule of law is based on justice and security, and lies at the centre of UNDP's mandate. UNDP responds to requests from host governments for capacity support to promote Crisis Prevention & Recovery and Democratic Governance.²¹ In January 2008, UNDP launched its *Global Programme for Strengthening the Rule of Law in Conflict and Post-Conflict Situations*²² ("Global Programme 2008-2011"), managed and implemented by the Bureau for Crisis Prevention and Recovery (BCPR). Through this programme UNDP renewed its commitment to forging global partnerships and making an impact on the ground, even in the most challenging of settings. A strong results-driven approach was applied to rule of law, justice and security assistance.

In the course of its lifespan, the Global Programme 2008-2011 worked to develop multi-year rule of law programmes in over 20 countries or territories most profoundly affected by conflict,²³ providing comprehensive operational, technical and financial support to UNDP country offices and their national partners. Capitalising on UNDP's unique role in the UN system – its presence in all development contexts (peacekeeping, peacebuilding and transitions), its coordinating role through the UN Resident Coordinator (RC), and its well established rule of law, justice and security expertise – the Global Programme 2008-2011 focussed UNDP's commitment to assist governments and societies to transition from crisis to peacebuilding to development. At the same time, it emphasised UNDP's responsibility to maximise its comparative advantages in the service of the whole UN system, and be a catalyst for common approaches.

The Global Programme 2008-2011 underscored UNDP's support for a coherent approach to peacebuilding, through the formation of strong partnerships with peacekeeping and special political missions, as well as with the Peacebuilding Support Office (PBSO). In its first three years, the Global Programme enabled UNDP to become the main implementer of PBF funding on rule of law, mobilising over USD 43.5 million in Peacebuilding Fund (PBF) support. UNDP is now administering over 60 per cent of PBF funding on rule of law.

With support from the Global Programme 2008-2011, in-country rule of law programmes have enhanced the physical and legal protection of people and communities, ensuring legal representation, access to justice, and empowerment of individuals and civil society. Across different regions of the globe, national capacities of justice and law enforcement institutions have increased, and security providers have been subjected to civilian oversight. UNDP rule of law programmes are now delivering tangible results on legal aid, addressing sexual and gender-based violence (SGBV), justice and security service provision, security sector governance, and transitional justice. Some key examples of results include the following:

- To enhance access to justice, UNDP rule of law programmes have established mechanisms for free legal aid to serve conflict-affected communities, with a particular focus on access to justice for women. In Sri Lanka, this support enabled the Legal Aid Commission to establish functioning offices across the country; in Nepal, it facilitated the establishment of community-based paralegal programmes and mobile legal aid clinics to provide free legal services, and mediation centres which have been instrumental in resolving disputes at the community level.

²¹ UNDP Strategic Plan 2008-2011/DP/2007/43, 16 July 2007, paragraphs 84 and 102.

²² 'Strengthening the rule of law in conflict and post-conflict situations: a global UNDP programme for justice and security 2008-2011' (UNDP, New York, 2008).

²³ See the list of the focus situations for the Global Programme 2008-2011, *supra* note 1.

- Responding to SGBV was a core focus area of the Global Programme 2008-2011. In 2010 alone, rule of law assistance in Sierra Leone, Somalia and Nepal, enabled over 3000 survivors of SGBV to receive access to justice services, while a strategic partnership between UNDP and Avocats Sans Frontières in DRC helped the South Kivu Bar Association to launch a pro bono office providing legal aid for victims. As a result of UNDP's efforts, local courts in Sierra Leone pronounced 45 convictions for SGBV-related crimes in 2010, compared with none at all just two years before. In DRC, meanwhile, UNDP's assistance led to the first prosecutions of military personnel for crimes related to sexual violence.
- Capacity development support to government ministries, police, judiciaries and corrections has led to notable improvements in justice and security service delivery across the 20 focus situations of the Global Programme 2008-2011. Infrastructure projects in Haiti and Liberia increased court and police facilities; technical and operational support in Burundi, Colombia and Somalia improved the efficiency and outreach of service providers; and education and training boosted the numbers of legal and security professionals deployed in the Central African Republic and the Democratic Republic of the Congo.
- Improved civilian and judicial oversight of the security sector has also increased accountability and transparency in focus countries. In Kosovo, UNDP's support to the Parliamentary Oversight Commission for Internal Affairs and Security (POCIAS) enabled the Committee effectively to review legislation designed to improve oversight and accountability mechanisms for security institutions. In Timor-Leste, through embedded technical expertise from UNDP, the Office of the President was strengthened to oversee the security sector through the review and control of legislative frameworks for security institutions.
- In the area of transitional justice, UNDP assisted the Government of Bosnia i Herzegovina with the drafting of the National Transitional Justice Strategy, facilitating the role of civil society and the inclusion of dialogue with victims' organisations. In Colombia, UNDP was instrumental in supporting the drafting of the game-changing Victims and Land Restitution Law and ensuring implementation of the Justice and Peace Law, as well as supporting the National Commission for Reparation and Reconciliation to provide advice and assistance to some 2874 victims in just one year.

In the first phase of the programme, efforts to expand in-country joint programming on rule of law were further intensified, with successful examples of collaboration developed in several peacekeeping and peacebuilding settings, notably the joint *Programme to support the Détachement Intégré de Sécurité* (a special police force tasked to patrol refugee and IDP camps in Chad), and the joint *Jonglei Justice Programme* in South Sudan. Following the 2010 earthquake in Haiti, assistance from the Global Programme 2008-2011 moreover enabled UNDP and DPKO (MINUSTAH) to develop a joint *Programme for Rule of Law, Justice and Security*, which helped tackle immediate needs such as legal assistance for crime victims and basic court and police infrastructure.

More broadly, the Global Programme 2008-2011 enabled UNDP to become a strong partner on rule of law, justice and security, and a catalyst for bringing together the UN family to optimise resources and build capacity in-country. By the end of 2010, the programme had facilitated institutional partnerships or joint programming on rule of law, justice and security in 14 countries with UN and other international partners, including the Department for Peacekeeping Operations

(DPKO), the Office of the High Commissioner for Human Rights (OHCHR), the Peacebuilding Fund (PBF) / the Peacebuilding Support Office (PBSO), the UN Office on Drugs and Crime (UNODC), the UN Entity for Gender Equality and the Empowerment of Women (UN Women), and the European Union (EU). In this regard, the Global Programme has been successful in facilitating the UN to work together more closely.

In addition, the Global Programme 2008-2011 provided the vehicle for UNDP to contribute to policy debates around rule of law, justice and security with other key UN actors, and to support international consensus-building towards collective action in this area. As the main mechanism for UNDP to engage in policy formulation on rule of law at the global level, the Global Programme 2008-2011 enabled UNDP to advocate maximising this “one UN” approach to rule of law assistance. UNDP is a core participant in the United Nations Rule of Law Coordination and Resource Group (the RoLCRG), an inter-agency mechanism composed of nine UN entities, established in early 2007 to enhance overall coherence and coordination of the UN’s efforts on rule of law, including with regard to technical assistance and capacity development. UNDP is also co-chair (along with DPKO) of the Inter-Agency Security Sector Reform Task Force, an entity more specifically tasked to ensure system-wide coherence on SSR, under the broader framework of the rule of law. At the same time, UNDP is supporting the roll-out of the ‘Team of Experts’ of the Special Representative of the Secretary-General on Sexual Violence in Conflict, envisioned under Security Council Resolution 1888 for rapid deployment ‘to situations of particular concern with respect to sexual violence in armed conflict,’ in order ‘to assist national authorities ... to strengthen the rule of law.’²⁴

Against this background, the Global Programme 2008-2011 contributed to build a UN-wide community of practice on rule of law, sharing experiences and lessons learned at the programme and policy levels. Together with UN and donor partners, UNDP now plays a catalytic role in advancing a shared vision of security providers that are accountable to civilian oversight, and justice providers that are empowered to protect human rights.

Consecutive annual reports on the Global Programme 2008-2011 provide rolling data and comprehensive information pertaining to the programme’s in-country and global achievements, while an independent mid-term review (MTR) of the programme, conducted in 2010, affords an objective evaluation and assessment of its strategic thinking and implementation. In addition, UNDP-BCPR’s Multiyear Results Framework (MYRF) has provided indicators and annual milestones against which to measure and report on in-country results with regularity. Together with accumulated lessons learned since the Global Programme’s inception, these important exercises provide the critical basis from which to carry this work forward beyond 2011.

The following section of this Global Programme document provides more detailed contextual information pertaining to the overriding rationale of the Global Programme’s second phase and the core issues at play. In doing so it further elucidates on the three levels of projected engagement for the Global Programme – conflict-affected situations, disaster-affected situations and fragile contexts. The document goes on to itemise each of the six key ‘programme areas’ of phase II of the Global Programme, before proceeding, in the ‘Programme Strategy’ section, to consider the modus operandi of the Global Programme for engaging to address these concerns in practice.

²⁴ Resolution 1888 of the UN Security Council (UN Doc. S/RES/1888), 30 September, 2009, at para. 8.

PART II:

The Global Programme Phase II

RATIONALE: A SECOND PHASE OF THE GLOBAL PROGRAMME

Consolidating the rule of law, especially in situations marred by instability, is a protracted process which can take decades to achieve. Yet even the most incremental progress is essential to protect those most at risk, and to help overcome cycles of violence. Despite the progress made during the Global Programme 2008-2011, there is an on-going need for sustained, coordinated and comprehensive rule of law assistance in crisis-affected and fragile situations.

This programme document outlines the strategic approach to carry forward UNDP's rule of law work in crisis-affected and fragile settings from a global perspective, in the form of a second phase of the Global Programme, operating from 2012 through 2015 ("phase II"). This strategic approach is based on UNDP's own in-country experiences over the course of the implementation of the Global Programme 2008-2011. It also takes into account a number of other significant developments, including the essential thinking to have emerged in the form of the *World Development Report 2011* (WDR), and the key messages to come out of the independent report of the UN Senior Advisory Group on *Civilian Capacity in the Aftermath of Conflict* (CivCap Review).

As the previous section of this programme document indicates, the United Nations recognises well that effective and accountable rule of law institutions are foundational for peacebuilding. Indeed the UN Secretary-General's 2009 Report on Peacebuilding in the Immediate Aftermath of Conflict lists "support to basic safety and security, including [...] strengthening the rule of law and initiation of security sector reform" amongst the foremost peacebuilding priorities.²⁵ Importantly, this emphasis has increasingly found expression in the mandates of UN missions. Physical and legal protection, access to justice and legal empowerment at the community and individual level are all essential for achieving peace dividends. Simultaneously, peacebuilding must be predicated on institutional strengthening. These notions were at the heart of the Global Programme 2008-2011, and remain the core vision of UNDP's development approach to rule of law assistance.

There is also increasing recognition that characteristics such as injustice, poverty and insecurity are not simply products of conflict and fragility, but are also among the root causes of renewed cycles of violence and instability. Most recently, the WDR has emphasised that recurring cycles of civil conflict or organised criminal violence threaten development locally and regionally, and are responsible for much of the global deficit in meeting the Millennium Development Goals.²⁶ Consequently the WDR identifies rule of law as a central concern for development, stressing that injustice, corruption, unemployment, poor governance and human rights abuses can all lead to violence, undermining development progress. Based on this understanding of the causes of fragility, the report promotes work on justice, security and jobs as the key ways to overcome cycles of conflict and promote development.²⁷ This analysis forcefully underscores the importance of key features of UNDP's rule of law programming – notably, an understanding of the detrimental effects of conflict for development prospects; an appreciation of the need to strengthen the nexus between justice and security programmes; and an approach to enhancing justice and security service delivery within the broader governance and economic recovery context. While there is often little substantive difference between the impact of political conflict and that of high levels of criminal violence, the challenges faced in conflict, post-conflict, post-disaster and fragile situations vary, and responding to these challenges requires a sound understanding of the individual context, its requirements and priorities.

²⁵ 2009 Report of the UN Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict (UN Doc. A/63/881-S/2009/304), 11 June 2009.

²⁶ *Ibid.*, at pp. 46 and 62.

²⁷ *Ibid.*, esp. pp. 145-174.

The above realities, in concert with the recognition that consolidating the rule of law in such situations is a long-term endeavour, reinforce the conviction embodied in this Global Programme that the need remains to deepen and sustain United Nations' rule of law assistance in crisis-affected and fragile situations. This was made critically clear in the CivCap Review, which identifies the restoration of justice and security as core tasks for sustainable post-conflict recovery.²⁸

The CivCap Review provides a series of recommendations for the United Nations to strengthen its ability to respond effectively in the wake of conflict, optimising resources for sustainable peace.²⁹ The review report recognises UNDP's comparative advantages in key areas of rule of law capacity development assistance. The report highlights UNDP's expertise in the justice sector, as well as with regard to aspects of security sector governance and oversight, and community violence reduction.³⁰ It also reasserts UNDP's comparative advantage on recovery and on national capacity development.³¹ More broadly, the CivCap Review recognises the importance of national ownership, astute partnerships, extensive civilian expertise, and the ability to ensure a rapid and flexible response.³²

This second phase of the Global Programme represents UNDP's global contribution to advancing this agenda as it relates to rule of law, justice and security. UNDP's considerable experience in transitional contexts provides a wealth of expertise from which to help carry forward these important national and international priorities. This represents a comparative advantage to be placed in the service of the whole UN system. Continued investment is required, and strong monitoring and evaluation capacities must ensure that policy continues to be informed by empirical realities on the ground, and that assistance is both effective and accountable.

The mid-term review of the Global Programme 2008-2011 noted areas of particular achievement, as well as aspects upon which UNDP needs to build in order to secure lasting impact in focus countries. This second phase of the Global Programme incorporates these findings and proposed refinements to the fullest extent possible, providing a consolidated vision for UNDP rule of law assistance in crisis-affected and fragile situations.

Support to in-country programming remains the first and foremost priority, and efforts to promote and design joint approaches and programmes with other UN entities will continue to be strengthened. On the basis of the MTR, and as experiences in Haiti, Pakistan and Côte d'Ivoire in 2010 and the Arab States region in 2011 have underscored, the Global Programme must retain the flexibility to respond to changing contexts as they emerge. As such, provision for flexibility in engagement has been incorporated into the design of the second phase of the Global Programme. This will also enable UNDP to develop its focus on strengthening rule of law as a means of prevention, through contributing to the reduction of armed violence, access to justice and support to political and governance transitions to encourage access to and enforcement of the rule of law.

The MTR also pointed to the need for better synergies between rule of law and security interventions and other crisis-related response areas – in particular with regard to issues of economic recovery and livelihood outcomes for the poor. On this basis, the Global Programme

²⁸ CivCap Review 2011, at p. 20.

²⁹ This process has already been initiated through in the 2011 report of the UN Secretary-General on civilian capacity in the aftermath of conflict (UN Doc. S/2011/527), 19 August, 2011. See especially paras. 53-57.

³⁰ CivCap Review 2011, pp. 53 onwards.

³¹ *Ibid.*

³² The acronym 'OPEN' is used to refer to these four brackets of recommendations: Ownership, Partnerships, Expertise, and Nimbleness. *Ibid.*, at p. 3.

will strengthen its work on those aspects of the rule of law linked to enhancing economic recovery, both in post-conflict and post-disaster settings. Civil matters related to land and securing tenure, labour, as well as access to and (re)possession of personal documentation will be part of renewed efforts to strengthen the rule of law as part of a larger, more comprehensive approach to peacebuilding and recovery.

Finally, acknowledging the challenges involved, the MTR was clear in its recommendation to strengthen systematic monitoring and evaluation (M&E) of UNDP's in-country rule of law programmes and their impact. On this basis, the new phase of the Global Programme will allocate resources specifically to bolstering M&E capacities (including national capacities to monitor improvements in the relevant sectors), ensuring systematic collection of baseline data and production of results-oriented reporting at the country level.

In 2011, UNDP's Bureau for Crisis Prevention and Recovery has also undergone a major structural reconfiguration, designed to enhance further the effectiveness of its support in order to respond better, and more strategically, to the ever-growing demand for its services from UNDP programme countries. The strategic approach articulated in this Global Programme document furthermore reflects this transformation, which, amongst other key developments, integrates the Bureau's armed violence reduction (AVR) and citizen security work into its rule of law portfolio. This development better combines and enhances UNDP's support to institutional development of justice and security with community based work to improve citizen security, prevent violence and address the drivers of conflict.

Phase II of the Global Programme is therefore initiated against the backdrop of a propitious context, both external and internal. It will build on the results achieved during its first phase, ensuring that UNDP's mandate, capacity and vision in the area of rule of law is optimised to its full potential to the advantage of the whole UN system and the people who it is in place to serve.

SIX PROGRAMME AREAS

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

Guided by the background and context outlined above, lessons learned from the successes and challenges encountered during the implementation of the Global Programme 2008-2011, and important UN system-wide policy developments over recent years, including the 2011 CivCap Review, phase II of the Global Programme will hone its focus on the six key programme areas detailed below. The programme areas are nevertheless closely interrelated, and will be implemented accordingly.

The six programme areas are fully aligned with the projected outcomes of the UNDP Strategic Plan. As per the directives of the UNDP Administrator's *Agenda for Organisational Change*, the Global Programme is committed to monitoring the impact of its support. Performance indicators and targets at the country level form part of UNDP's corporate reporting in this regard. Accordingly, the Global Programme is guided also by UNDP-BCPR's corporate Multi Year Results Framework (MYRF), the relevant indicators of which are annexed at the end of this programme document.

SIX PROGRAMME AREAS:

PROGRAMME AREA 1: Access to security and justice during an active conflict or immediate post-crisis recovery

In situations of on-going conflict or immediate post-crisis recovery, physical protection and security remain absolute priorities for affected communities. Here, access to justice and provision of basic security can help resolve tensions and lay the foundations for peace. As such, recovery must begin as early as possible - even in the context of an on-going or immediate post-crisis situation. Guided by development principles, this process originates within the time frame of emergency intervention, and must be aligned with humanitarian responses.³³ Accordingly, priorities will be differentiated.

During or immediately following a conflict or disaster, priorities in the rule of law sector will centre on addressing the immediate protection, justice and security needs of crisis-affected populations.³⁴ Aligned with the broader UN objective of the protection of civilians during armed conflict, this will entail a linkage between protection and the rule of law, and a close partnership with humanitarian partners, including OCHA, OHCHR, UNHCR, UNICEF and humanitarian NGOs.

Support will be geared towards empowering national and local stakeholders (rule of law institutions, civil society, crisis-affected and displaced communities) to counter the rule of law vacuum through peaceful mechanisms, paving the way for institutional reform in the recovery

³³ A fuller elucidation of this approach can be found in: IASC Cluster Working Group on Early Recovery, 'Guidance Note on Early Recovery' (IASC, Geneva, 2008), at p. 9.

³⁴ Where an effective rule of law regime is absent or severely weakened by armed conflict or disaster, the term 'protection' describes immediate and medium-term activities to protect individuals and groups from abuses and violations of international law.

phase. At the same time, ensuring delivery of essential justice and security services *during* a crisis can help resolve tensions and prevent an escalation of violence. UNDP's experiences of strengthening the rule of law during an on-going crisis in countries ranging from Sudan to Afghanistan have demonstrated that this is possible.

The emphasis in such contexts will necessarily be placed at the community level. With assistance from the Global Programme phase II, sample activities would include legal aid and assistance provision at the community level; capacity building of civil society, community based organisations (CBOs) and paralegals; community-based policing to enhance physical protection of populations; targeted infrastructural support; support to decentralisation of services (lawyer's associations, courts, police stations/posts at regional/district/village level). In addition, UNDP will seek to extend the outreach of rule of law institutions and personnel to populations affected by crisis (e.g. through mobile legal clinics and courts, village police posts, etc.) in a manner which is sustainable. Efforts will also be made to engage traditional justice mechanisms to promote access to justice and dispute resolution. Moreover, work to enhance justice, human rights and legal awareness/sensitisation will incorporate support to media, CBOs, women's groups, rural/farmers' associations, and similar entities. These efforts should seek to strengthen community security and confidence between civilian populations and the state.

PROGRAMME AREA 2: Women's security and access to justice

Strengthening women's security and access to justice is a thematic area carried over from the Global Programme 2008-2011.³⁵ SGBV and domestic violence are often manifested in situations affected by armed conflict, where national and local capacities to tackle these problems may be lacking or undermined. This focus area became increasingly pertinent with the passing of UN Security Council Resolutions on Women, Peace and Security – in particular UN SC Resolutions 1820³⁶ (2008), 1888³⁷ (2009), and 1960³⁸ (2010), which focus on combatting impunity for sexual violence in conflict. Importantly for UNDP, Resolution 1820 urges UN entities to support '*the need for development and strengthening of the capacities of national institutions ... and of local civil society networks in order to provide sustainable assistance to victims of sexual violence in armed conflict and post-conflict situations*'³⁹

Given the positive results achieved, and the on-going need, efforts to strengthen women's security and access to justice will continue to be prioritised 2012-2015. Support for provision of legal aid, assistance and representation for women in accessing their rights will be stepped up (with regard to SGBV, as well as inheritance, family disputes etc.). UNDP will seek to strengthen the capacities of lawyers' networks and bar associations, and where appropriate national human rights institutions, to provide legal representation and responses, and social workers to provide psycho-social support to victims of SGBV, working closely with humanitarian colleagues (e.g. UNFPA, UNICEF). Capacity development and training of criminal justice actors (police officers, military investigators, prosecutors, judges, lawyers, paralegals, and prison officers) to investigate, prosecute and respond effectively to SGBV will be sustained. In addition, support will be provided for legal and procedural reform with regard to the effective investigation and prosecution of SGBV-related cases.

³⁵ The contribution of UNDP programmes supported by the Global Programme 2008-2011 with regard to "access to justice and security for women and girls, especially victims of sexual violence" was also recognised by the UN Secretary-General in his 2009 *Report pursuant to Security Council 1820* (UN Doc. S/2009/362), at para. 44.

³⁶ UN Security Council Resolution 1820 (UN Doc. S/RES/1820), 19 June, 2008.

³⁷ UN Security Council Resolution 1888 (UN Doc. S/RES/1888), 30 September, 2009.

³⁸ UN Security Council Resolution 1960 (UN Doc. S/RES/1960), 16 December, 2010.

³⁹ UN Security Council Resolution 1820 (UN Doc. S/RES/1820), 19 June, 2008, at para. 13.

At the same time (and closely linked to Programme Area 6 below) women are key actors for change and development in their communities and countries, and must be empowered to drive change through integrated participation in the justice and security sectors. Programmes will target building the capacities and opportunities for women to participate in justice and security sector institutions, such as police, correctional, legal and judicial professionals. In Afghanistan, for instance, UNDP's efforts over recent years have led to increased representation of women in the police service – up 10 per cent in 2011 alone.

Legal sensitisation, information and awareness regarding women's rights and SGBV will also be provided, with efforts to promote confidence-building measures, including awareness-raising and policy dialogue with local government officials, army, and militia and rebel groups. Overall, UNDP will seek to promote national ownership and coordination on women's access to justice and security, whilst simultaneously supporting UN-wide inter-agency efforts (e.g. the 'Team of Experts' of the SRSB for Sexual Violence), and other UN actors in this field (e.g. UNWOMEN and UNFPA).

PROGRAMME AREA 3: Capacity development of key justice and security institutions

Effective and accountable rule of law institutions are essential for sustainable protection and development. They represent core elements of responsible democratic governance and provide the conditions upon which to pursue a more comprehensive development agenda. Conversely, weak institutional legitimacy and/or capacity in the justice and security sectors can be a key contributor to violence,⁴⁰ which undermines development. As such, capacity development of rule of law institutions (formal and informal) is essential to extend protection and deliver sustainable justice and security service delivery. In post-conflict situations in particular, this can go far in restoring confidence between communities and the state, and consolidating peace.

Under phase II of the Global Programme, police, prosecution, judiciary, legal representation, corrections institutions, and line Ministries, will be supported to establish building accountable, effective and responsive justice and security institutions, addressing the full criminal justice continuum. Attention will be placed on ensuring the political conditions to enable independent judiciaries to provide impartial, efficient and proportionate justice, and to ensure that security providers, police and corrections officers adhere to the minimum standards of human rights and decency in their treatment of individuals coming into contact with the justice system. Enhancing civilian and democratic oversight of the security sector - a key aspect of security sector governance / security sector reform - will also be a priority.⁴¹

National legal frameworks for justice and security will be strengthened, and support provided to the creation and/or capacity development of National Human Rights Institutions (NHRIs). Assistance will seek to strengthen capacities of line Ministries (e.g. Justice and Interior) for policy development and strategic planning, and to improve national capacities for development aid coordination for the rule of law, justice and security sectors. National inter-governmental planning strategies will be supported (e.g. on anti-corruption, sexual violence, crime prevention, civilian arms control, promotion of and respect for human rights etc.).

⁴⁰ World Development Report 2011, at p. 84.

⁴¹ According to Decision No. 2007/11 of the Secretary-General's Policy Committee (16 February, 2007), "The objective of a UN approach to SSR is effective, accountable and sustainable security institutions operating under civilian control within the framework of the rule of law and respect for human rights. [...] The focus should be on executive security agencies, armed forces, police and law enforcement agencies, relevant line ministries and judicial and civil society oversight bodies.

Work to enhance the competencies of justice actors and the independence of judiciaries will be significant, with institutionalised legal and judicial/prosecutorial education and training facilities and capabilities improved. Bar associations and professional lawyers' networks will be strengthened, and court management and administration enhanced. At the same time, focus will be given to the relationship between formal and informal or religious-based justice systems, and to strengthening of informal systems.⁴² Specialised policing units that target particular situational needs will also be supported. Assistance with effective career and human resource management, internal discipline and conduct management will be provided. Strategic communication and capacity needs will be addressed, and institutionalised training facilities and curricula developed. Moreover, effective management and administration of prisons will be prioritised and alternatives to imprisonment considered.

UNDP will continue to promote civilian oversight and accountability of security providers through parliamentary committees, judicial institutions, NHRIs, relevant ministries (such as the Ministry of Finances and Audit Courts), CSOs and NGOs, and to facilitate nationally led security sector assessments and consultation processes. Oversight bodies participating in policy development and critique with watchdog or pedagogical functions to promote transparency will have an essential role to play in this regard.⁴³ Assistance will also be provided to develop internal control tools and mechanisms, such as codes of conduct, and effective internal discipline units to foster public trust and confidence (e.g. inspector general offices and discipline boards).

PROGRAMME AREA 4: Transitional justice

Transitional justice refers to a broad set of post-conflict measures that address the legacy of war crimes, crimes against humanity and gross human rights violations, provide access to justice for victims, and facilitate a community-wide process of dealing with the past in a way which allows a society to move forward. Based on the UN Secretary-General's 2004 report on the *Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*,⁴⁴ and lessons learned from practice in the field, UNDP's approach to transitional justice focuses on i) capacity development of national stakeholders to consult and implement transitional justice processes and mechanisms; ii) addressing conflict-related crimes and human rights violations as a part of a comprehensive approach towards strengthening rule of law institutions; and, iii) assisting society's efforts to come to terms with the legacy of gross human rights abuses or armed violence through facilitation of multi-stakeholder dialogue, wider truth-seeking mechanisms, and links to victim support.

The overarching objective of UNDP's engagement in this area is to provide the practical linkage between transitional justice and development programming, strengthening national capacities for dealing with the past (including prosecution of serious crimes, truth-telling and reconciliation, and provision of adequate redress for victims), utilising development approaches and resources. At the explicit request of national counterparts, UNDP's transitional justice engagements will continue to undertake activities tied to capacity development of national institutions and civil society organisations. UNDP's assistance in supporting the design of transitional justice mechanisms is accordingly anchored in national processes and oriented towards international norms and

⁴² While the definition of 'informal justice systems' is an undoubtedly complex one, the term is here taken generally to refer to forms of disputes resolution outside the formal legal/court system. It is worth noting that while such systems often employ normative frameworks based on custom or religion, they may draw on elements of the national legal system and retain a degree of stability, institutionalisation and legitimacy.

⁴³ An Integrated Technical Guidance Note on *Democratic Governance of the Security Sector*, developed by UNDP under the auspices of the Inter Agency SSR Task Force, is forthcoming for publication in 2012.

⁴⁴ 2004 report of the UN Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies (UN Doc. S/2004/616), 23 August, 2004.

standards. Assistance entails inclusive and participatory consultations, confidence building, and broader capacity development of justice and security institutions.

At the global level, UNDP also fosters dialogue between international justice and human rights actors on the one hand, and rule of law, development and peacebuilding actors on the other. Accordingly, the first phase of the Global Programme undertook key initiatives in support of linking complementarity⁴⁵ and development, and reparations and development. As such, UNDP will assume an important role in the implementation of principles of positive complementarity and national capacity to process Rome Statute crimes. Under phase II of the Global Programme, UNDP is also committed to developing guidance and programmes for enhancing the delivery of reparations in development contexts in such a way that they can effectively address the health, education, property and employment related needs of victims, with special attention also given to crimes against women.

By working alongside other actors with an important presence and role in this area, such as OHCHR, UNDP's capacity development approach and presence on the ground is able to enhance cooperation in pursuit of increasingly effective programming on transitional justice.

PROGRAMME AREA 5: Armed violence reduction and citizen/community security

On average, 740,000 people die as a consequence of armed violence each year.⁴⁶ In addition to the violence perpetrated by state and non-state armed groups associated with political conflicts, criminal violence committed by civilian populations (including by gangs, bandits, youth, etc.) is a prevailing feature of conflict-affected environments,⁴⁷ exacerbating the security deficit in communities and further undermining the rule of law. Criminal violence appears also to be both a key aspect and a major cause of on-going fragility in situations not affected by inter- or intra-state armed conflict. In many Latin American countries, including Belize, El Salvador, and Honduras for instance, criminal violence has been steadily on the rise in recent years, despite political peace.⁴⁸ At the same time, the ready availability of small arms in contexts of growing socio-economic inequality, rapid urbanisation, unemployment, and the break-down of the rule of law increases the likelihood of armed violence and organised crime, which crosses borders and threatens the institutions of governance.

The human costs of armed violence are far reaching. It destroys lives and livelihoods, disrupts access to education, health and social services, reduces social and human capital by sowing fear and insecurity, and results in high economic costs owing to years of lost productivity. Crime and armed violence also contributes to "unproductive" expenditures that divert state revenue away from key services. Research suggests that developing countries may spend between 10-15 per cent of their GDP on law enforcement, as compared to 5 per cent in developed states.⁴⁹ In Guatemala, for instance, armed violence costs the equivalent of 7.3 per cent of the GDP in 2005, far outstripping spending on health or education.⁵⁰ Needless to say, the poor suffer disproportionately from this insecurity, with property loss or injury proving debilitating for poor households.

⁴⁵ 'Complementarity' here refers to complementarity between international and national courts on serious crimes.

⁴⁶ OECD - DAC, *Conflict and Fragility: Armed Violence Reduction: Enabling Development* (OECD, 2009), at p. 3.

⁴⁷ The CivCap Review remarks on "a marked increase in subnational violence and growing transnational risks such as organised crime" as key characteristics of the changing nature of conflict over the past two decades, *Civilian Capacity Review*, at p. 8.

⁴⁸ World Development Report 2011, at p. 58.

⁴⁹ OECD - DAC, *Conflict and Fragility: Armed Violence Reduction: Enabling Development* (OECD, 2009), at p. 29.

⁵⁰ *Ibid.*

As such, armed violence and inadequate citizen security have gained important attention in recent years as factors that undermine development.⁵¹ The adoption of the *Geneva Declaration on Armed Violence and Development* (2006) by 108 States, and the endorsement of the Oslo Commitments on Armed Violence (2010) provide the right political environment to call for action at the national level to implement concrete and measurable activities to reduce violence. In order to strengthen citizen security and uphold the rule of law, efforts to reduce armed violence and the proliferation of small arms have been important aspects of UNDP's programmatic interventions and global advocacy campaigns.

Through the Global Programme 2012-2015, in complement to access to justice and dispute resolution work, UNDP will continue its global advocacy campaign to ensure that States continue to be committed to implement measures to address challenges of armed violence. Moreover, UNDP will work to support, at country level, both national and local capacities to address the challenges of small arms control and armed violence reduction. At the Government level, support will be provided to build institutional capacities, including national commissions on SALW, to develop comprehensive SALW control plans and strategies that address both the supply and the demand for SALW. This can include support to strengthen capacities specialised police units for small-arms related crime, to develop central registries for weapons and military equipment, enhance border control, and the development of legislative frameworks governing small arms and light weapons, in line with states' international commitments under the Geneva Declaration and the Oslo Commitments. In addition to work at the national and local levels, UNDP support will strengthen internal coordination between various stakeholders, in particular building linkages with municipalities during the implementation stage of comprehensive SALW control, community security and AVR strategies.

At the community level, UNDP will support the capacities of communities to address challenges of armed violence and impunity. Community security programmes will be developed on the basis of perceptions of insecurity and root causes of violence, and can include 'soft' components such as awareness-raising activities, peacebuilding, social cohesion, and dispute resolution, as well as 'hard' components such as support to local authorities to develop approaches including community policing strategies, free legal assistance and community-based arms control. This support will also be linked closely to other focus areas that fall under the Global Programme 2012-2015, such as economic recovery and livelihoods. Assistance will aim to ensure the inclusion of youth in the target groups since the "youth bulge" in many developing countries presents a potential time bomb, if livelihoods issues are not addressed from the start of the programme.

PROGRAMME AREA 6: Rule of law for economic recovery in situations affected by conflict and disaster

A causal connection has often been asserted between the rule of law and national economic resilience and development.⁵² The WDR specifically emphasises that economic disenfranchisement exacerbates the risk of both political conflict and extreme levels of organised crime⁵³ – problems that simultaneously carry with them high economic and development costs.⁵⁴

Conversely, resolving issues relating to areas such as land, and employment opportunities reduces disputes and competition over natural resources, and provides legitimate livelihoods opportunities

⁵¹ See, for instance, the 2009 report of the UN Secretary-General on 'promoting development through the reduction and prevention of armed violence, (UN Doc. A/64/228), 5 August, 2009.

⁵² S. Haggard, A. MacIntyre and L. Tiede, 'The Rule of Law and Economic Development,' *Annu. Rev. Polit. Sci.* 2008.11: 205-234.

⁵³ World Development Report 2011, at p. 80.

⁵⁴ *Ibid*, at p. 65.

and incentives to abandon the gun and criminal activities. For UNDP, embedding rule of law into larger governance and economic recovery strategies is therefore essential.

UNDP's own programming experience has also revealed that access to justice cannot be obtained to its full potential unless it is linked with programmes aimed at increasing economic power for vulnerable and disadvantaged groups.⁵⁵ Such work has involved either direct engagement with the legal mechanisms required to realise socio-economic rights, or ensuring a holistic approach to justice interventions. UNDP's 'project for security and socio-economic reintegration of women survivors of SGBV in North and South Kivu (PSAR)', for instance, was specifically designed to dovetail livelihoods assistance with UNDP's access to justice work for survivors of SGBV. Meanwhile in Haiti, following the earthquake in 2010, UNDP made it a priority to facilitate access to ID cards for survivors, providing them with the legal identity to pursue jobs and economic recovery.

With these experiences in mind, under the Global Programme 2012-2015, renewed focus will be placed on economic and social rights in crisis-affected and fragile settings, recognising and understanding the importance of addressing economic and social discrimination in justice and security reforms. Efforts will be undertaken to place greater emphasis on civil justice matters such as aspects related to housing, land, property, and labour as well as access to and (re)possession of personal documentation, using legal empowerment approaches where appropriate. Within this context, particular attention will be given to women's security and access to justice, including access to employment and inheritance rights for women under the law, and the pursuit of equality and non-discrimination.

Accordingly, under the Global Programme 2012-2015 justice and security interventions will better ensure approaches that are sustainable, and able to facilitate linkages with economic and social projects as part of long term stabilisation, peacebuilding and human security initiatives. In order to facilitate this work, partnerships will be explored with other UN actors in this field, including UN HABITAT, IOM and others. This will include identifying the scope for pilot initiatives in particular countries. In addition, integrations and linkages will be developed with the work of UNDP-BCPR's Livelihoods and Economic Recovery Team to promote sustainable livelihoods in communities, contributing to local economic recovery, enhancing social cohesion and strengthening institutional capacities of the local government to deliver livelihoods sustainability.

⁵⁵ See, for instance, the Mid-Term Review of the Global Programme 2008-2011 (UNDP, 2011), at p. 29.

PROGRAMME FRAMEWORK

1. FOCUS SITUATIONS FOR THE GLOBAL PROGRAMME

On the basis of on-going assistance and new requests from Country Offices, at least 25 focus countries will benefit from rule of law services in the 6 key programme areas identified above. Priority will be given to crisis-affected and fragile situations with the following characteristics.

- a) Situations of armed conflict;
- b) Situations with a high prevalence of SGBV;
- c) Post-crisis (post-conflict or post-disaster) situations, requiring substantive support in designing comprehensive rule of law programmes; and,
- d) Fragile contexts, requiring support in one or several rule of law sub-sector(s).

Focus crisis-affected and fragile situations will include, but not be limited to following:⁵⁶

Africa	Asia & the Pacific	Latin America & the Caribbean	Europe & CIS	Arab States
Burundi Central African Republic Chad Cote d'Ivoire Democratic Republic of Congo Guinea (Conakry) Guinea Bissau Liberia Sierra Leone South Sudan	Afghanistan Nepal Pakistan Sri Lanka Timor-Leste	Colombia Haiti	Kosovo ⁵⁷ Kyrgyzstan	Iraq Libya Somalia Sudan OPT Yemen

In addition, the flexibility is retained for UNDP, under the Global Programme, to provide targeted technical, operational and financial assistance in situations of particular need, or emerging crisis, as these arise. At the time of writing, on-going developments in the Arab States present several examples of such a possibility (such as Egypt and Tunisia). Moreover, countries exhibiting elements of fragility in line with those considered above may be accorded targeted assistance in the same vein. In certain Central American contexts (such as Guatemala, El Salvador and Honduras), for instance, such assistance might seek to address specific drivers of fragility in the form of provision of assistance to, *inter alia*, armed violence reduction programming or institutional capacity development.

⁵⁶ Other crisis-affected and fragile situations may be added to this list, where demand becomes apparent.

⁵⁷ Referred to in the context of the UN Security Council Resolution 1244 (1999).

2. PROGRAMME MANAGEMENT ARRANGEMENTS

Phase II of the Global Programme will be managed by the UNDP's Rule of Law, Justice and Security (RoLJS) Unit, located in BCPR's Governance and Rule of Law Group. At the same time, it will also work with, in a complementary manner, UNDP's broader capacities and expertise – in particular the UNDP Bureau for Development Policy (BDP)'s Democratic Governance Group (Rule of Law, Access to Justice and Security, Legal Empowerment of the Poor Team) and advisors in regional centres, which will also provide policy guidance and technical assistance in the implementation of the Global Programme. Under phase II, the geographic and thematic reach of the Global Programme has been required to expand in order to meet the demand for its services – including in fragile situations. Accordingly, its implementation capacity must be enhanced, consolidating technical expertise from across UNDP to ensure a concerted effort to deepen its support.

The Global Programme will provide assistance to UNDP Country Offices to continue to develop and initiate comprehensive rule of law programmes in focus countries, as well as rolling technical advice and other broad-ranging assistance. Implementation of rule of law programmes at country level will be executed by UNDP country offices and their implementing partners, according to UNDP rules and regulations.

The principal funding mechanism for the programme will be UNDP's Thematic Trust Fund for Crisis Prevention and Recovery (CPR-TTF) – which ensures coherence in contribution- management and annual reporting. Programme achievements will be featured in Annual Reports on the programme. In keeping with the on-going practice for allocating funding to UNDP rule of law programmes and projects in-country, Global Programme resources will be channelled through the CPR-TTF and allocated through the BPAC (Bureau Project Appraisal Committee) process.

A Programme Executive Board (PEB) will oversee the implementation of the Global Programme, and annual work plans will establish implementation responsibilities across UNDP. Using the PRINCE 2 architecture, the PEB will be composed as follows:

Executive: Assistant Administrator and BCPR Director

Role description:

1. Overall direction and guidance for the programme
2. Chair Programme Executive Board meetings and reviews
3. Set management stage tolerances
4. Review delivery of programme results and objectives
5. Recommend corrective action when required

Senior Supplier: Deputy Director, BCPR

Role description:

1. Ownership of the programme from a supplier viewpoint
2. Attend Programme Executive Board meetings and reviews
3. Prioritise programme issues
4. Review exception reports and exception plans
5. Recommend corrective action when required

Senior User: Chief, Democratic Governance Group, BDP

Role description:

1. Ownership of the programme from a user (stakeholder) viewpoint
2. Attend Programme Executive Board meetings and reviews
3. Review exception reports and exception plans
4. Recommend corrective action when required

Programme Assurance: Chief, Governance and Rule of Law Group, BCPR

Role description:

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

Programme Manager: Rule of Law, Justice & Security Adviser, RoLJS Unit, Governance and Rule of Law Group, BCPR

Role description:

1. Day-to-day management of the programme
2. Strategic planning, monitoring and control
3. Reporting progress through highlight reports
4. Overall management of team members
5. Delivery of the project deliverables
6. Collaboration with BDP DGG and Regional Bureaus on programme implementation

Programme Team: 8 RoLJS Programme Specialists, 1 Programme Analyst (M&E), 2 Programme Assistants

Role description:

1. Day-to-day programme implementation, in collaboration with other UNDP capacities, as appropriate.
2. Tasked with specific deliverables according to technical expertise.

Responsible Partner: Policy Advisor and Rule of Law, Access to Justice and Security, Legal Empowerment of the Poor Team, Democratic Governance Group, BDP

Role description:

1. Support for programme implementation, in collaboration with other UNDP capacities, as appropriate.
2. Tasked with specific deliverables according to technical expertise.

PROGRAMME EXECUTIVE BOARD

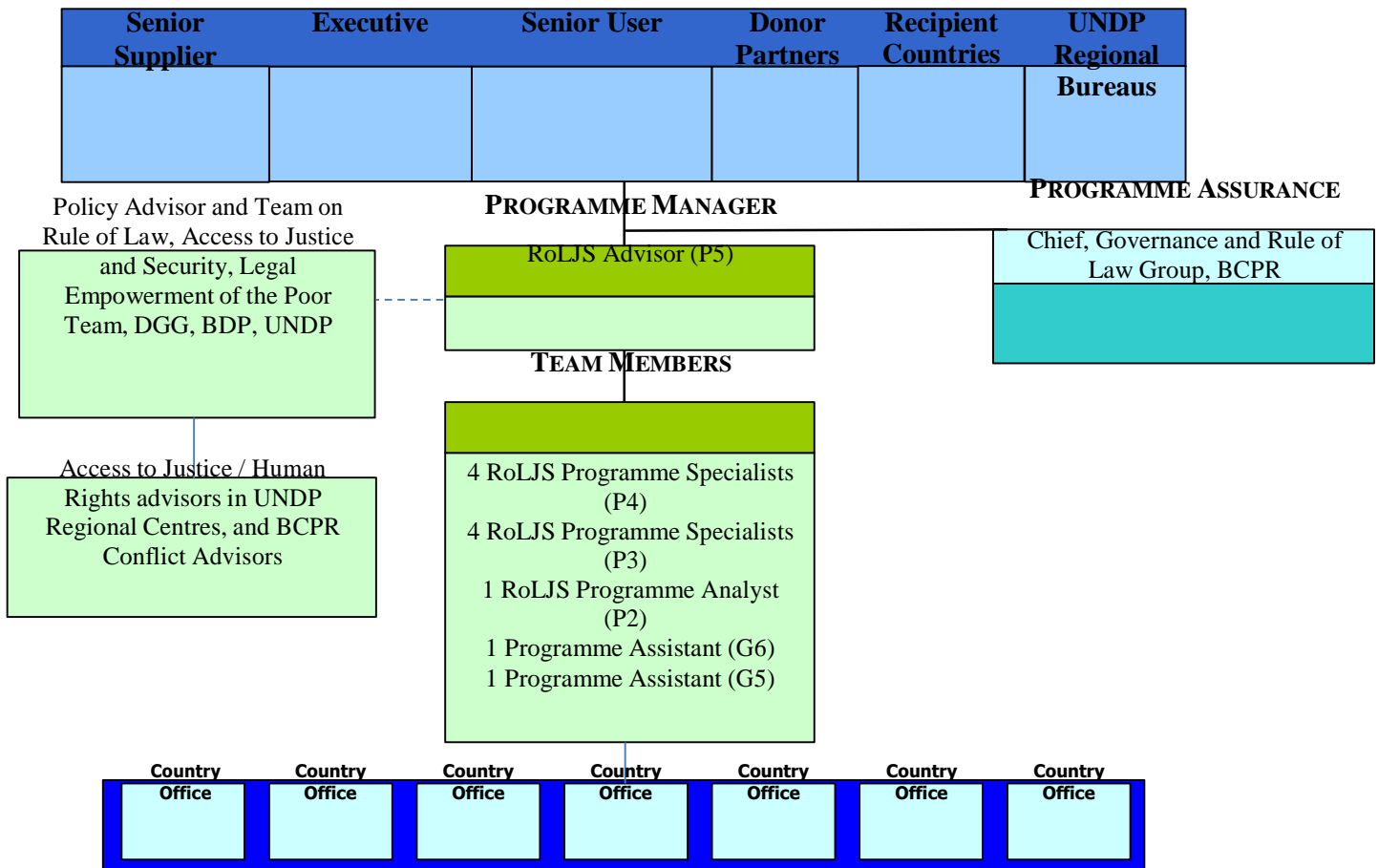


Figure 1: Programme Executive Board

The Global Programme will be based on PRINCE 2 and Result-Based Programming methodologies, and be implemented through the Direct Implementation Modality (DIM). Supported by UNDP's in-country presence and country office management and operational capacities, the DIM modality will enable a quick and flexible response in providing rule of law assistance to crisis-affected and fragile situations. The DIM modality will also create an enabling environment for seeking and applying innovative solutions and approaches, with some risk-taking and programmatic/operational experimentation. Additionally, the DIM modality will provide UNDP with direct control over Global Programme inputs and resources, and will enhance the delivery of outputs and cost-effective results, while ensuring national ownership and capacity development of national partners.

In light of the above-mentioned programme management arrangements, and based on PRINCE 2 programme management processes, specific monitoring benchmarks will apply to the Global Programme itself. These benchmarks are detailed in Annex I to this document, which provides the overall monitoring and evaluation framework for the Global Programme.

PROGRAMME STRATEGY

The approach adopted for the Global Programme consists of a six-part strategy, as detailed below in terms of six key outputs. This strategy is further reflected in the Global Programme's results and resources framework.

OUTPUT 1: PROVIDE TECHNICAL, OPERATIONAL AND FINANCIAL SUPPORT TO UNDP PROGRAMMES ENGAGED IN RULE OF LAW ASSISTANCE IN CRISIS-AFFECTED AND FRAGILE SITUATIONS

It is in its in-country assistance that UNDP has a comparative advantage vis-à-vis other international entities working to strengthen the rule of law. The primary role of the Global Programme is to ensure that UNDP Country Offices have the technical teams and operational capacities to deliver effective rule of law assistance. This remains the Global Programme's most important objective.

As was recognised by the independent mid-term review (MTR), the Global Programme represents an innovative approach to supporting country operations. From the earliest stages, the Global Programme will participate in programme design, making available good practices and expertise from other crisis-affected contexts, and catalytic 'seed funding' to kick-start projects. Rolling technical support will be provided, proactively identifying the best professionals to manage and implement projects, and assisting with resource mobilisation. As in-country programmes develop, the Global Programme will provide continuous technical support, monitor and evaluate progress, and ensures that the achievements and challenges faced in-country are known and reflected in global policy making. This approach is valued by UN colleagues in the field, as well as by national partners.

In the period 2012-2015, intensive, multi-year technical and financial support will continue to be provided in a targeted number of 'focus' situations which will continue to receive special attention. During phase II, the Global Programme will continue to concentrate its assistance in focus countries on increasing justice and security service delivery to conflict-affected populations. In crisis situations, while it is important to lay the foundations for longer term institutional development, this cannot be done at the expense of immediate needs. Accordingly, the Global Programme will prioritise ensuring provision of justice and security services for those most affected by crisis, engaging institutions as and when it is feasible to do so - with the ultimate goal of ensuring sustainability. At the same time, regional approaches will be considered to advancing rule of law development assistance.

In its phase II, the Global Programme will also seek to address some of the gaps in its support to focus countries observed by the MTR. The first of these will be to ensure a more systematic and measurable approach to capacity development and strengthening of conflict-affected institutions – in particular to contribute to governance and statebuilding efforts. As the rule of law has an inherent political dimension, better linkages between rule of law programmes and political dialogue will be established, since the rule of law can make little progress if the political dynamics are not favourable, and political actors are not empowered to drive the process forward.

Thirdly, better and more systematic support to aspects related to livelihoods and economic recovery will be pursued. Civil concerns such as legal identity, land, property and tenure are crucial to recovery and alleviating the causes of fragility, and rule of law programmes will engage more consistently in these areas. Finally, based on UNDP's accumulated experience, more consistent and better informed engagement with non-state justice and security providers will be

sought, since customary and/or religious based justice providers are often the first port of call for many people living in crisis countries.

These 25 focus countries, which are also special focus countries for all BCPR support, will receive multi-year financial, technical and operational support from the Global Programme, working together with regional justice advisers based in UNDP's regional service centres and/or regional bureaus. Support to focus countries will represent 80 per cent of the Global Programme country support budget.

OUTPUT 2: SUPPORT A PREVENTATIVE, OR CONFLICT SENSITIVE, APPROACH TO CONFLICT AND VIOLENCE THROUGH RULE OF LAW ASSISTANCE IN FRAGILE CONTEXTS

While definitions vary, the concept of fragility has been understood to refer to periods when “states or institutions lack the capacity, accountability, or legitimacy to mediate relations between citizen groups and between citizens and the state, making them vulnerable to violence.”⁵⁸

The World Development Report 2011 rightly observes that both criminal violence and political violence have a decisively negative impact on the capacity of national institutions to provide justice, security and jobs. Accordingly the WDR calls for more balanced attention to those countries suffering from high levels of societal and criminal violence as an approach to preventing a further breakdown in the society, strengthening governance and thus countering fragility. At the same time, weak institutional frameworks in fragile environments - frequently marred by corruption, impunity and a lack of accountability - have the tendency to exacerbate instability, undermining further a state's ability to uphold law, provide basic services and tackle the drivers of violence.

Responding to this negatively reinforcing symbiosis of weak institutions and violence (criminal and political), the Global Programme phase II will support a preventative approach in situations marked by fragility - using tools to strengthen the rule of law and democratic governance in order to prevent its escalation and disintegration into conflict. In particular, this will target contexts where: i) there exist high rates of crime and social and communal violence, and; ii) weak justice and security institutions and access to justice are a part or cause of political instability. In such situations, the Global Programme will provide targeted support to activities directly linked to armed violence reduction and enhancing the effectiveness, responsiveness and fairness of justice and security institutions.

Fragility - and consequently UNDP's response to fragility - occurs both at the national and the local levels. Experience shows that the most effective armed violence reduction, access to justice and citizen security interventions often take place at the local level, with the strong involvement of communities and local government, as well as national institutions such as the police, courts and the relevant ministries. Key aspects of UNDP's approach to armed violence reduction in the context of this Global Programme are outlined above in the description of Programme Area 5. Successful experiences of tackling criminal violence in developing countries will be harnessed to promote South-South cooperation in this area.

In terms of addressing institutional weaknesses in fragile contexts, the focus will be on improving the responsiveness of justice and security institutions to address violence and tackle impunity. This may include enhancing access to justice and trust in state institutions. At the same time, measures to strengthen integrity within and improve the outreach and operational competencies of justice

⁵⁸ World Development Report 2011, at xvi.

and security institutions will be important to ensure the collective disposition and organisational capacity to respond to these challenges.

Support in fragile contexts is more likely to be targeted (as opposed to multi-sectoral), and will aim at producing a demonstrable reduction in criminal and other forms of armed violence, and improvements in citizen and community security and access to justice. Before any support is undertaken in fragile contexts, an analysis and assessment of the situation, its needs, and the means to address the core elements of fragility will be undertaken with the relevant regional bureau of UNDP. To maximise the links with UNDP's democratic governance practice area and capitalise fully on UNDP's 'in-house' expertise, UNDP's Bureau for Development Policy and its Bureau for Crisis Prevention and Recovery will come together (headquarters and teams in regional centres) to work in fragile contexts, amplifying the Global Programme's capacities to provide support. The Global Programme will dedicate approximately 20 per cent of its country support budget to fragile contexts not included in the list of focus situations.

OUTPUT 3: INCREASE UNDP AND UN CAPACITY TO DEPLOY RULE OF LAW EXPERTISE RAPIDLY IN CRISIS-AFFECTED AND FRAGILE SITUATIONS

Phase II of the Global Programme will seek to increase substantially UNDP's capacity to deploy expertise at short notice to situations of urgent need. The experiences of the earthquake in Haiti and the floods in Pakistan in 2010, and the crisis in Cote d'Ivoire and revolution Tunisia in 2011, showed once again how critical it is to be able to deploy expertise and muster financial support quickly in transitions or emergencies.

In order to be able to deploy quickly, the Global Programme will ensure that a strong in-house standing capacity is in place - in terms of both immediate and extended capacity. UNDP-BCPR's Rule of Law, Justice and Security team, together with BDP's Rule of Law team and rule of law experts based in UNDP's Regional Centres, already forms a core base of professionals ready to be deployed following an emergency. The SURGE capacity⁵⁹ and other operational mechanisms established by UNDP are also now in place, and able to facilitate rapid deployments. In terms of extended in-house capacity, the Global Programme will capitalise on the established and operational network of UNDP staff around the world with relevant expertise.

UNDP has a community of practice (CoP) that is serviced by several active online platforms for professional exchange and knowledge sharing networks, regular global, regional and thematic interaction, and which will continue to be supported jointly by BCPR and BDP. In the initial 20 focus countries of the first phase of the Global Programme alone, UNDP has more than 340 qualified staff, national and international, with technical and operational expertise on rule of law. The number is far higher if one takes into account the numerous other countries where UNDP supports rule of law activities.

Since early 2010, UNDP has supported a system-wide programme for the development of professional capacity in the areas of justice and security. As a consequence, a Unified UN Rule of Law Training was piloted in 2011, working with UN entities through the RoLCRG, independent external experts, and the UN System Staff College in Turin. UNDP is ready to address more

⁵⁹ SURGE is a UNDP project, housed in BCPR, specifically designed to facilitate a more effective response immediately following a crisis. The initiative brings together expertise, both programme and operational, from different UNDP departments and bureaus to provide timely and coordinated support to UNDP Country Offices, helping them to boost their capacities quickly. SURGE advisors can be rapidly deployed to provide interim capacity, emergency funding can be mobilized at short notice, and urgent, tailored procurement assistance can be provided. The SURGE mechanism provides an experienced cadre to assist UNDP COs following a crisis and places the broader resources of UNDP at the disposal of the Country Office.

specific needs for raising professional capacity in the second phase of the Global Programme. Funding will be allocated to develop UNDP-specific training programme, encompassing international staff and national officers' needs, and crisis-sensitive and long-term development contexts. The Global Programme will maintain this parallel role, providing and identifying relevant capacities in support of UN system's collective action and in addressing capacity on the ground, at headquarters, and in the regional centres.

Structured partnerships will also be required to be able to deploy rule of law assistance at short notice. UNDP has already established a roster of experienced rule of law experts, composed of freelance individuals normally available to be deployed at short notice. Phase II of the Global Programme will seek to establish partnerships with Member States' Ministries of Justice (MoJ), or equivalent institutions. The purpose of these partnerships would be to make available, at short notice, technical expertise to be deployed for periods of 6 to 12 months. MoJs could make available judges, prosecutors and investigative police, with adequate operational agreements such as the one that UNDP has developed to support public administration in South Sudan. Additional agreements will be explored with Bar Associations and NGOs to make available lawyers (normally not employed by governments) to promote access to justice and legal representation. Legal education could also be ensured through partnerships with universities and law schools.

From 2012, stronger partnerships will be created with Member States in the area of police and corrections - in collaboration with DPKO and UNODC - in order to ensure support in areas without the presence of a UN mission, or to plan ahead for mission withdrawal. UNDP's work in countries such as Guinea, Tunisia, Somalia and Afghanistan, where strong involvements in policing issues are on-going, demonstrate the need to secure technical expertise in this area in a systematic and predictable manner.

In sum, through a strengthened and extended UNDP in-house rule of law, justice and security capacity, the formation of strong and predictable partnerships with Member States' technical institutions, and a more effective harnessing of external expertise, the Global Programme phase II seeks to enhance substantially UNDP's capacity to respond rapidly to crisis situations in the area of the rule of law, in line with the proposals articulated in the Civilian Capacity Review.

OUTPUT 4: STRENGTHEN UN-WIDE JOINT PROGRAMMING AND JOINT INITIATIVES ON RULE OF LAW

Joint programmes with other UN entities have increasingly been developed in UN mission countries, such as Haiti, Liberia, Timor-Leste and South Sudan. This is a concrete way in which the UN system is responding to the challenges to deliver better and with a greater degree of sustainability in the most complicated situations in the world. UN Joint programmes pool the assets of the Organisation (including political leadership, UN mission human resources, and UNCT/UNDP programmatic and capacity development approaches) towards a common end. Financially also, assessed and voluntary contributions come together to achieve measurable results. One of the key objectives of the Global Programme 2008-2011 was to create a vehicle for joint delivery on the ground. Consequently, with the lessons learned and a general trend towards increasing joint activities, phase II of the Global Programme will work on creating further incentives for joint programming, and facilitating the proliferation of this process.

Joint programmes are maximising the use of the Integrated Mission Planning Process (IMPP), the Integrated Strategic Frameworks (ISF) and the 'UNDAF plus'⁶⁰ - three key planning tools that are

⁶⁰ An 'UNDAF plus' goes beyond a basic development assistance framework to incorporate also political- and security-related considerations relevant in the context of UN mission settings.

bringing positive changes to UN peacekeeping operations. Recent mission planning processes in Cote d'Ivoire and South Sudan have shown the benefits of joint planning on justice and security from the outset, confirming the tendency already observed in the last three years. Nevertheless, there are a number of challenges remaining. Joint programmes are best served if they are driven from the country context - while UN coordination is often considered to represent a more top-down approach. Secondly, the operational modalities between different UN entities vary to the extent that they create administrative hurdles. A more flexible business model and support capacities need to be created. Incentives to encourage delivering as one, such as though specialised pooled funding, are insufficient. UNDP will therefore work with all parts of the system to address some of these obstacles and encourage more conducive conditions for joint programming.

In non-mission areas, UNDP has promoted joint programming with other UN entities, seeking to maximise each entity's comparative advantage – such as in Chad, where UNHCR and UNDP joined forces to provide support to the *Détachement Intégré de Sécurité*. Based on a global partnership, UNDP and UN WOMEN also have joint programmes for fighting SGBVs in Nepal, Colombia and Uganda. In phase II, the Global Programme will seek to strengthen partnerships in with OHCHR and UNODC, both entities with specific mandates and expertise relevant to rule of law assistance in crisis-affected and fragile situations, and with which UNDP has already been closely engaged.

Phase II of the Global Programme will continue to promote joint programming as a way to improve UN delivery on rule of law assistance and ensure that both short and long-term considerations are factored into sustainable support in fragile and conflict-affected environments. At the same time, joint programmes also increase national ownership and UN accountability. In mission areas, the Global Programme will only support rule of law activities that are reflected in ISF and 'UNDAF plus,' and will proactively seek DPKO and DPA's engagement and funding for joint initiatives. The Global Programme will continue to draw linkages between rule of law and peacebuilding, working strategically with PBSO/PBF to advance joint programmes against this framework. In non-mission areas, the Global Programme will be able to demonstrate, at the end of the phase, a number of programmes on which OHCHR, UNODC and UN Women successfully collaborate, complementing each other's relative strengths.

Given its particular role in the UN system – its presence across development contexts, its coordinating role through the UN Resident Coordinator (RC), and its well established expertise – UNDP has the responsibility to promote collaboration between UN entities, and related entities such as the World Bank. This may include helping to fund the activities of other UN agencies to ensure greater programming effectiveness. By actively promoting and funding joint programmes, the mechanism of the Global Programme will not be restricted to UNDP projects, but placed at the service of the entire UN system.

OUTPUT 5: FOSTER UN-WIDE POLICY DEVELOPMENT AND COORDINATION ON RULE OF LAW

The Global Programme 2008-2011 was critical in scaling up UNDP's engagement as a visible figure in UN-wide policy discussion on rule of law, justice and security. Now, UNDP is an active participant in the Rule of Law Coordination and Resource Group (RoLCRG), supporting this mechanism as the main system-wide body to ensure coherence and collaboration on rule of law - within the UN system and between the UN system and Member States. Together with DPKO, UNDP also co-chairs the Inter-Agency Security Sector Reform Task Force (IASSRTF). As mentioned above, UNDP is also co-leading the roll-out of the 'Team of Experts' envisioned under Security Council Resolution 1888 for rapid deployment 'to situations of particular concern with

respect to sexual violence in armed conflict,’ in order ‘to assist national authorities ... to strengthen the rule of law.’⁶¹

With regard to policy engagement around issues of armed violence reduction, UNDP maintains on-going engagement with the Geneva Declaration and the Oslo Commitments processes, and the inter-agency Armed Violence Prevention Programme (AVPP) which aims “to promote effective responses to armed violence through support for the development of an international policy framework founded on a clear understanding of the causes, nature and impacts of armed violence, and best practices generated from violence reduction and prevention initiatives to date.”⁶²

Under phase II of the Global Programme, UNDP will continue to engage in interagency policy developments, actively promoting collaboration amongst UN entities. In the context of the RoLCRG, UNDP will continue its work to ensure a bottom-up approach to policy development, reflecting the challenges and achievements of its work in country such that these realities continue to inform policy at the global level. In the context of the IASSRTF, UNDP brings to the system an important democratic governance perspective on security issues. Under the auspices of the Global Programme, UNDP will continue to assume its system-wide responsibility with regard to the development of policy and programming guidance, the roll out of common services such as the SSR experts’ roster and trainings, and the promotion of joint programming.

BCPR will continue to second a position into the ‘Team of Experts’ attached to the office of the SRSG for Sexual Violence in Conflict, contributing to a collective UN response in this important area. Meanwhile, on policy issues pertaining to armed violence, UNDP will maintain its engagement in the abovementioned forums, seeking to raise further the profile of this concern, strengthening the policy framework and applying pressure on states to stand by their commitments to work to reduce armed violence.

OUTPUT 6: STRENGTHEN MONITORING AND EVALUATION CAPACITIES FOR IN-COUNTRY RULE OF LAW PROGRAMMING

Evaluating the effectiveness of rule of law support is a major challenge - especially in contexts where on-going instability and shattered institutions severely impact the ability of national counterparts to collate salient information, and international actors face an up-hill battle to effect meaningful change. There is also little experience in the international community in this regard. Nevertheless, effective monitoring and evaluation (M&E) is essential to the accountability and ultimate effectiveness of all UN rule of law programming. While many bilateral donors are making efforts to enhance their capacity to measure the impact of their interventions, the majority also confess that this task is difficult, and requires sustained investment. The MTR of the Global Programme was clear in its recommendation to strengthen systematic monitoring and evaluation of UNDP’s rule of law programmes further, in particular with regard to collection of baseline data against which to measure change. Indeed, within the UN more broadly, the need for such data in order to enable greater outcome-, rather than output-, focused reporting is well recognised.⁶³

The Global Programme 2008-2011 made significant progress on M&E, through the adoption of UNDP-BCPR’s Multiyear Results Framework (MYRF). This is a bureau wide effort to strengthen UNDP’s capacity to monitor and measure results in crisis-affected countries. Strengthening Justice

⁶¹ Resolution 1888 of the UN Security Council (UN Doc. S/RES/1888), 30 September, 2009, at para. 8.

⁶² UNDP/WHO, The Global Armed Violence Prevention Programme (AVPP), Programme Document, Phase I (UNDP/WHO, 2005), at p. 6.

⁶³ Report of the UN Secretary General, ‘Strengthening and Coordinating United Nations Rule of Law Activities’ (UN Doc A/63/226), 6 August, 2008, at 16.

and Security is one of the outputs of the MYRF (output 4), which includes indicators and annual milestones, against which the Global Programme contributes to achieve results.⁶⁴ These provide the corporate milestones against which to measure and report on our in-country achievements on a regular basis (bi-annually and annually). With these mechanisms in place, the Global Programme made important progress to gather, analyse and report on results achieved by supported projects. The Global Programme will continue to utilise these mechanisms in phase II and will seek to improve them to include more analysis related to achievements. In order to make this possible, a professional position will be created in the Global Programme's team to ensure that monitoring and reporting is properly undertaken.

Since the launch of the Global Programme, significant efforts have been made to improve our capacity to measure impact. A number of baselines have been established in focus countries, including Afghanistan, Colombia, Haiti, Guinea Bissau and Guinea (Conakry). Where such initiatives can be utilised to the benefit of all relevant actors, they are most efficient and effective. In Haiti, for instance, the Post Disaster Needs Assessment (PDNA), concluded immediately following the earthquake, can be considered a common basis both for the government and international partners, setting baselines for a number of sectors, including justice and security. In Guinea (Conakry), a joint security sector assessment was conducted in May 2010, with ECOWAS, DPKO and UNOWA, against which it will be possible to assess progress in the sector as rule of law assistance continues. While these examples illustrate some progress, baseline work still needs to be more systematic, and mainstreamed in all UNDP rule of law interventions. In collaboration with its partners, UNDP - through the Global Programme - will contribute to provide greater assistance to COs in this regard.

While these developments represent considerable progress, M&E systems to date have still tended to focus more on project- or output-level reports. The challenge remains to capture and assess results at the outcome level – in other words, how project results contribute to improvements in the overall rule of law situation. This is certainly the main challenge ahead, not only for the Global Programme, but for all international assistance in the rule of law area.⁶⁵ At the same time, we acknowledge that developing and maintaining outcome-level methodologies for evaluating rule of law assistance presents significant practical challenges. To begin with, the cost is considerable, and outcome level M&E processes are demanding of significant human and financial resources. Practitioners in crisis countries are frequently faced with a lack of basic information upon which to found baselines (no court records, for example). Moreover, assessing the durability of the impact engendered by rule of law assistance requires sustained monitoring over several years. Methodologies are sometimes disputed, or insufficiently coordinated, and while buy-in from national actors is essential, this is not necessarily easy to secure.

In response to challenges, phase II of the Global Programme will continue improving M&E of results, and expand assessments and collection of baseline data. As several international actors face the same challenge regarding outcome-level M&E, the Global Programme will seek to facilitate coordinated work with all actors in developing methodologies for M&E which can be tailored to the particular context and ensure the ownership and capacity building of national

⁶⁴ Under Output 4 (National and local capacities strengthened for improved justice and security service delivery in conflict, post-conflict and fragile settings), the relevant indicators are indicators 2, 3 and 4. These are titled as follows: Indicator 2 (Access to justice increased through legal advice and representation), Indicator 3 (Improved capacities of institutions and customary law mechanisms to deliver justice & security services), and Indicator 4 (Strengthened civilian management and oversight mechanisms to ensure accountability of law-enforcement and security forces). Indicators 2 and 3 maintain a special focus on women's security and access to justice.

⁶⁵ One promising initiative in this regard, developed by OHCHR and DPKO and backed by the RoLCRG, is an on-going Rule of Law Indicator Project (RoLIP) designed to help measure delivery of criminal justice in a given country. UNDP has fed into this process and will continue to take such developments into account.

authorities in this regard. In phase II, the Global Programme will actively pursue cutting edge and innovative approaches to assessment and measurement, including as key to participatory dialogue and processes that strengthen national ownership. In order to do so effectively, the Global Programme will commission elements of this process to NGOs and think tanks, also to ensure an external assessment of the work done by UNDP. Accordingly, a portion of the Global Programme's budget is allocated specifically to improving M&E in UNDP's rule of law programming. The Global Programme will likewise place a major emphasis on developing the capacities of national partners in the area of M&E – and essential aspect of ensuring accountability and sustainability.

ASSUMPTIONS AND RISKS

It is assumed that:

- a) The demand to integrate rule of law into national development plans will increase as a central pillar of governance reform programmes and peacebuilding and conflict prevention initiatives.
- b) Requests for technical assistance by host governments will continue to increase, given the strengthened capacity of UNDP COs and headquarters on rule of law assistance.
- c) A growing understanding will continue to emerge among partner governments and donors of the importance of rule of law in ensuring sustainable peace and human development.

Risks may include:

- a) Changing political environments and national priorities, undermining or compromising capacity development.
- b) Inadequate response to resource mobilisation efforts, hampering capacity to react to the increasing demand from the Country Offices and host governments.
- c) Unpredictable management and/or financial constraints within Country Offices.
- d) Challenges in identifying highly qualified and experienced rule of law experts with whom to partner for rapid deployment.
- e) Lack of buy-in from Country Offices in taking advantage of UNDP rule of law services.
- f) Weak inter-agency engagement from partners at headquarters and country level.
- g) Lack of operational or technical capacities in Country Offices.
- h) Changing priorities within the international community, weakening efforts to incorporate the rule of law in recovery, peacebuilding, and tackling fragility.

Proactive measures to address risks:

- a) Increase advocacy efforts to sensitise bilaterals in supporting rule of law programming in crisis-affected and fragile settings.
- b) Maintain the highest quality of UNDP rule of law staff at headquarters level, including through opportunities for training and development of expertise.
- c) Ensure sustained resource mobilisation efforts.
- d) Engage with UNDP Country Offices in a proactive and service oriented manner, to ensure awareness of UNDP's strengthened services and support (the demand is currently very high and continues to grow).
- e) Assume a positive approach to inter-agency coordination, particularly the Rule of Law Resource and Coordination Group and the Inter-Agency SSR Task Force, actively contributing to joint planning, joint missions and joint programming, as well as joint reviews with critical partners (DPKO, OHCHR, UNICEF, UN Women, etc.) and core donor partners.
- f) Strengthen the roster of rule of law experts for rapid deployment through associated expert networks and stand-by capacity.
- g) Provide a comprehensive support package to UNDP Country Offices, including SURGE capacity, technical assistance, operational tools and strategic guidance.
- h) Increase partnerships with UN sister agencies, specialised NGOs, research institutes and academic institutions to mobilise technical expertise, undertake reviews of the work plan and prioritise commitments.
- i) Engage with relevant national and local stakeholders to ensure national ownership in making the rule of law central to conflict prevention, conflict mitigation and peacebuilding.
- j) Increase advocacy efforts in inter-governmental forums to bring international community's attention to the rule of law and to promote rule of law assistance in the early stages of recovery, and peace-building initiatives.

RESULTS AND RESOURCES FRAMEWORK

OUTPUTS	ACTIVITIES	Partners		
			Description	Amount
OUTPUT 1: Provide technical, operational and financial support to focus UNDP programmes engaged in rule of law assistance in crisis-affected situations.	1.1. Assist UNDP COs in designing coherent, comprehensive and sequenced ROL programmes in crisis- and post-conflict countries.	UNDP (BCPR/BDP) COs, Host Governments, Development Partners, UN agencies	Staffing and travel, associated expert networks / consultancies	
	1.2. Ensure that COs have the financial resources and the available expertise to engage effectively and constructively with host governments as well as other national and international partners.		Programmatic funding allocations, staffing.	
	1.3. Provide policy advice and technical support to COs and host governments on assessments, programme and project design, resource mobilisation, policy dialogue and training.		CO support missions, training, practitioners' meetings, technical support	
	1.4. Advocate for COs in order to bring international community's attention to critical situations on rule of law, justice and security.			
	OUTPUT 1 SUBTOTAL			48,000,000.00
OUTPUT 2: Support a preventative approach to conflict and violence through rule of law assistance in fragile contexts.	2.1. Provide targeted support to UNDP country programmes to develop and implement armed violence reduction projects and initiatives to improve community security and reduce small arms and light weapons.	UNDP (BCPR/BDP) COs, Host Governments, Development Partners, UN agencies	Programmatic funding, contracts - Associated Expert Network	

	2.2. Provide policy advice and technical support to COs and host governments on assessments, programme and project design, resource mobilisation, policy dialogue and training.		Subcontracts - Partnerships with Centres of Excellence	
	2.3. Support development of national capacities to strengthen integrity in justice and security institutions in fragile situations and combat impunity		Conferences / Training	
	2.4. Support measures to enhance the responsiveness of justice and security institutions, contributing to citizen security and access to justice.		TBC	
	2.5 Support in-country implementation of the Geneva Declaration and Oslo Commitments.		TBC	
	OUTPUT 2 SUBTOTAL			
OUTPUT 3: Strengthen UNDP and UN-wide capacities for rapid deployment of rule of law expertise and assistance in to crisis-affected situations.	3.1. Provide emergency allocation funding to respond to the sudden onset of crises. Support post-conflict and post-disaster needs assessments.	UNDP (BDP, BCPR, Regional Bureaus, COs), other UN agencies, Member States, academic institutions and NGOs.	Emergency funding	
	3.2. Develop and utilise training programmes to deepen UNDP in-house expertise, in conjunction with other actors. Ensure that the full capacity of UNDP (BCPR, BDP, Regional Bureaus and COs) is harnessed to respond to the onset of sudden crisis.		Training, conferences	
	3.3. Strengthen the associated expert network of qualified professionals (retainers) able to provide assistance to COs in both general and specific issues, sharing UNDP perspective and available to make missions in a short notice.		Contractual services and travel	
	3.4. Strengthen institutional partnerships with Member States’ technical departments and		Contractual services and travel	

	academic institutions in order to tap into capacities for rapidly deployable expertise.			
	3.5. Deepen partnerships (MOUs, etc.) with other UN agencies to maximise collective UN ability to respond to crises.			-----
	OUTPUT 3 SUBTOTAL			13,000,000.00
OUTPUT 4: Strengthen UN-wide joint programming and joint initiatives on rule of law.	4.1. Promote and initiate joint-programmes on ROLJS with other UN entities (in particular DPKO and DPA), as well as national and international partners in all UN mission areas.	DPKO, DPA, PBSO, other UN agencies, regional organisations and bilateral partners	Travel, contractual services, staffing and programmatic funding contributions.	
	4.2. Strengthen partnerships and joint operations with other UN agencies and departments such as DPKO, UNICEF, UNODC, OHCHR and UN Women, including through common assessments and participation in joint assessment missions, etc.			
	4.3. Strengthen partnerships with PBSO.			
	4.4 Provide funding for the projects of other UN agencies / programmes.			
	SUBTOTAL OUTPUT 4			10,000,000.00
OUTPUT 5: Foster UN-wide policy development and coordination on rule of law.	5.1. Provide substantive leadership in the Rule of Law Coordination and Resource Group.		Contractual services, staffing and programmatic funding contributions	
	5.2. Co-chair and provide substantive leadership in the Inter-Agency SSR Taskforce.			
	5.3. Contribute substantively to the SRSG’s Team of Experts on sexual violence in conflict.			

	5.4. Provide support to take forward the agenda of the Civilian Capacity Review.			
	5.5. Continue to engage in policy forums related to armed violence prevention (AVPP, Geneva Declaration).			
	5.6. Continue to contribute to a global community of practice on rule of law, through policy guidance and sharing experiences.			
	5.7. Establish and/or strengthen partnerships with universities, NGOs, international organisations, research institutes and governments, both from the North and South, for creating validating and testing/piloting policy guidelines and tools in the service of the whole UN rule of law community.			
	3,000,000.00			
OUTPUT 6: Ensure strong monitoring and evaluation capacities for in-country rule of law programming.	6.1. Support the development of indicators and frameworks to assess progress in the rule of law sector in crisis-affected and fragile situations.		Contractual services, Contracts - Associated Expert Network	
	6.2. Promote monitoring and evaluation that seeks to measure outcome-level change at country level.			
	6.3. Develop policy guidance and commission baseline studies and follow-up assessments to gage progress in-country, including through the development of national capacity.			
	6,000,000.00			
	GRAND TOTAL		90,000,000.00	

ANNEX 1: MONITORING AND EVALUATION FRAMEWORK

I. MONITORING AND EVALUATION BENCHMARKS / TIMELINE

Phase II of the Global Programme will include monitoring and evaluation benchmarks as follows:

M&E BENCHMARKS/TIMELINE	2012				2013				2014				2015			
	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4
An <i>Issue Log</i> will be updated to facilitate tracking and resolution of potential problems or requests for change.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
A <i>Risk Log</i> will be regularly updated by reviewing the external environment that may affect the programme implementation.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
A <i>Programme Lessons Learned Log</i> will be activated and regularly updated to ensure on-going learning and adoption within the organisation, and to facilitate the preparation of the Lessons Learned Report at the end of the Programme.		X		X		X		X		X		X		X		X
A <i>Quality Log</i> will record progress towards the completion of activities.			X				X				X				X	
An <i>annual programme review</i> will be conducted by the PEB during the fourth quarter of each year to assess the performance of the programme. The review will involve key programme stakeholders (i.e. national partners, donors, UN agencies, specialised organisations) and will focus on achievements, challenges and validation of annual work plans.				X				X				X				X
<i>Updates and briefings</i> will be provided on a rolling and regular basis to donor partners throughout the programme life-cycle, including half-year strategic review and progress evaluation sessions.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
An <i>external mid-term review</i> will be conducted to review the successes and challenges of the programme's implementation.								X	X							

II. GLOBAL PERFORMANCE INDICATORS AND TARGETS

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

ANNEX 2: MULTI-YEAR RESULTS FRAMEWORK

As noted earlier, indicators and targets at the country level form an essential part of UNDP-BCPR's accountability to donors. Accordingly, the Global Programme is guided also by UNDP-BCPR's corporate Multi Year Results Framework (MYRF), which is regularly updated and reported on an annual and bi-annual basis. The relevant indicators and milestones are annexed below.⁶⁶

Relevant MYRF Output 4 Reporting	
OUTPUT 4: National and local capacities strengthened for improved justice and security service delivery in conflict, post-conflict and fragile settings	
Indicator 4.1: Countries improve capacities to control small arms proliferation and mitigate armed violence (AV)	
Milestone 4.1.1: National authorities in 12 countries produce annual crime, violence or arms import/export reports and at least 10 of those formulate and implements policies and programmes based on this.	
Indicator 4.2: Improved capacities of institutions and customary law mechanisms to deliver justice & security services	
Milestone 4.2.1: From the year before, in the selected areas/countries (20 countries in total), justice and security services reach out to 10 per cent more (total 30% for three years) conflict affected people, and/or increase justice decisions by 10 per cent (total 30% for three years).	
Indicator 4.3: Strengthened civilian management and oversight mechanisms to ensure accountability of law-enforcement and security forces	
Milestone 4.3.1: Civilian/judicial oversight mechanisms establish or enhance relevant practices and functions (i.e. legislative, administrative, policy related, budgetary) in 6 countries in total.	
Indicator 4.4: Number of countries effectively responding to Gender-based and Sexual violence in conflict by providing justice (e.g. informal and formal legal aid) and security(e.g. local security plans) services to women	
Milestone 4.4.1: In 8 target conflict-affected countries local measures (e.g. local security plans, security arrangements organized by the community leaders) to provide security for women are implemented and/or formal and informal legal aid mechanisms put in place or enhanced.	

⁶⁶ The milestones in this table are drawn from the 2012 reporting framework, and are indicative only of forthcoming milestones for the period 2013-2015, which are not yet finalised.