GLOBAL PROGRAMME ON STRENGTHENING THE RULE OF LAW IN CONFLICT AND POST-CONFLICT SITUATIONS

Building peace through justice and security
United Nations Development Programme (UNDP)

UNDP is the United Nations’ global development network, advocating for change and connecting countries to knowledge, experience and resources to help people build a better life. We are on the ground in 166 countries, working with them on their own solutions to global and national development challenges. As they develop local capacity, they drew on the people of UNDP and our wide range of partners.

Front cover photograph, ‘Police training in Somalia,’ courtesy of UNDP Somalia.
Inside cover photograph courtesy of UNDP Guinea Bissau.

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For further information please contact:
United Nations Development Programme
Bureau for Crisis Prevention and Recovery
One United Nations Plaza
New York, NY 10017, USA
www.undp.org/cpr

Since 2008, UNDP's Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Situations (the Global Programme) has worked to make an impact on the ground and a lasting difference in people's lives. This objective permeates every activity of the Global Programme – be it our country office support, inter-agency partnerships or global policy-making.¹

Resting on the two pillars of justice and security, the Global Programme offers comprehensive operational, technical and financial support to UNDP Country Offices (COs), seeking to build their capacities to implement comprehensive rule of law, justice and security programmes. UNDP's tight network of over 160 Country Offices provides the avenue through which this assistance reaches institutions and communities. To this end, COs receive a comprehensive support package, starting with project design and initiation and continuing throughout the programme cycle. By the end of 2010, all 20 priority countries of the Global Programme were receiving support, details of which are provided in more detail in Part II of the complete Annual Report.

The Global Programme also enables UNDP to engage in global policy formulation on rule of law, justice and security, advancing partnerships with the broader UN system and member states. UNDP's approach, niche and core activities in this regard in 2010 are contained in the section of this report entitled "The United Nations and Rule of Law Assistance: The Role and Contribution of UNDP." UNDP is committed to strengthening these partnerships, contributing to policy-making, and ensuring results-based reporting and evaluation, measuring success through demonstrable impact on the ground.

In line with UNDP's Strategic Plan 2008-2011 and drawing on its past and current programming, the UNDP Global Programme seeks to provide high quality support, including:

- Responding rapidly and effectively to programme countries in providing rule of law assistance in conflict and post-conflict situations;
- Recruiting UNDP staff with proven expertise in rule of law programming in conflict and post-conflict situations to the restructured UNDP/BCPR Rule of Law, Justice & Security Unit and in Country Offices programmes;
- Providing assistance with programme design (including seed-funding) and rolling technical advice to UNDP Country Offices to initiate and implement comprehensive rule of law programmes;
- Contributing to integrated and coherent UN system-wide assistance and coordination on rule of law, justice and security; including, engaging in joint UN planning and programming; and,
- Optimising existing resources through optimal cross-Bureau collaboration within UNDP.

In particular, the Global Programme assists UNDP to deliver in the following areas:

1) Empowering national capacities and stakeholders (institutions, civil society, displaced populations) to address legal aid and sustainable protection in conflict situations and lay the building blocks for justice and security sector reforms;

2) Strengthening Women's Security and Access to Justice based on Security Council Resolutions 1325, 1820 and 1888, and on UNDP's Eight-Point Agenda for Women's Empowerment and Gender Equality;

3) Conducting capacity development of key Justice and Security institutions, such as the Judiciary, Ministry of Justice, Prosecutor's Office, Law-enforcement, Corrections and Customary Law mechanisms;

4) Supporting transitional justice processes (i.e. prosecutions, reparations, truth-seeking, vetting, etc.); and,

5) Supporting confidence building measures to restore trust and revive non-violent conflict resolution mechanisms, informal and formal.

Global Programme Resources (2008-2011)

Netherlands
CPR-TTF
Sweden
Germany
Australia
Norway
France
UN Action
Canada

Global Programme Expenditures (2008-2011)

Countries Receiving PBF Support
(RoL & SSR projects implemented by UNDP)

The initial 2008 list of ‘Priority Countries’ of the Global Programme was intended to be indicative only. In 2010, Guinea replaced Uganda on this list. This decision was taken on the basis of increasing requests and opportunities for furthering engagement in Guinea. Meanwhile circumstances in Uganda were not proving sufficiently conducive to warrant sustained support from the Global Programme. Already, assistance in Guinea is seeing promising results.

The Global Programme supports and monitors the resources and the expenditures of 36 projects in 18 UNDP Country Offices through ATLAS (UNDP’s financial system).

327 UNDP Rule of Law project staff working in 18 conflict/post-conflict settings: 80 international staff members and 247 national staff members.
UNDP Global Programme: Strengthening the Rule of Law in Conflict & Post-Conflict Situations

Country Office Support Missions in 2010

- Haiti
- Afghanistan
- Timor-Leste
- DRC
- PAPP
- Sudan
- Liberia
- Uganda
- Guinea (Conakry)
- Chad
- Guatemala
- Kosovo
- Burundi
- Nepal
- CAR
- Sri Lanka
- Kenya
- Iraq
- Yemen
- Bosnia
- Somalia

Global Programme Allocations per Region

- Latin America; 15%
- Africa; 28%
- Europe; 12%
- Asia Pacific; 15%
- Arab States; 30%

Rule of Law staff on the ground in Global Programme focus countries*

- International male; 54
- National female, 91
- National male; 156
- International female; 26

* Country offices included in this overview are: Bosnia and Herzegovina, CAR, Chad, Colombia, DRC, Guinea, Guinea-Bissau, Haiti, Iraq, Kosovo, Liberia, Nepal, OPI, Sierra Leone, Somalia, South Sudan, Sri Lanka, and Uganda.

117 is the total number of women working in 18 UNDP Country Offices on Rule of Law projects; 26 of them international staff members and 91 national staff members.

US$64.8 million = Total Global Programme financial resources 2008-2011.

346 = number of days spent by RoLJS staff providing in situ support at the request of 21 UNDP Country Offices in 2010.

US$ 38.9 million = PBF contribution to Rule of Law and Security programming managed by UNDP. The countries receiving PBF funds are Burundi, CAR, Chad, Comoros, DRC, Guinea (Conakry), Haiti, Liberia, Sierra Leone, Somalia and Uganda.

US$ 221,103,324
Total budget value of projects initiated through the Global Programme

US$ 630,071,477
Total UNDP rule of law programming value for Global Programme priority countries:

US$ 1,910,159,864
Total UNDP rule of law programming value for Global Programme priority countries, including UNDP administered trust funds (Afghanistan and Liberia)
2010 Highlight Results

The Global Programme continues to strengthen UNDP’s rule of law, justice and security portfolio, strengthening UNDP’s role as the largest service provider on rule of law in the UN system. In 2010, in-country programmes have delivered tangible results on national capacity building for strengthened justice and security service provision, legal aid, accountable security sector governance, and addressing sexual and gender-based violence (SGBV).

Promoting Access to Justice

UNDP rule of law programmes have helped establish mechanisms for free legal aid to serve conflict- and crisis-affected communities, with a special focus on women’s access to justice.

- In Sierra Leone, Somalia and Nepal, over 3000 survivors of SGBV received access to justice in 2010. (More on the Global Programme’s work fighting SGBV on page 18 of the full version of the Annual Report).

- In Chad, the Chadian Bar Association with support from UNDP and MINURCAT established a “Maison des Avocats” (Lawyers’ House) in Abéché. 24 lawyers, including 3 women, have been deployed and have followed 141 cases (74 criminal cases, 44 civil cases, 23 social cases) pending before courts and tribunals. These cases relate to human rights violations, SGBV, land disputes and civil cases. In addition, the Lawyers’ House advised more than 1200 people on dispute settlement and access to legal aid.

- In the Democratic Republic of Congo, legal aid clinics were established in Walikale, Goma, and 6 localities in South Kivu. An additional 5 legal aid clinics have been established with the Kisangani Bar Association and are fully functional in Bunia, Mahagi, Kasenyi, Nizi and Fataki. 40 trained students and 116 community paralegals are regularly deployed at territorial level.

- In Kosovo, 5 legal aid offices were made fully operational in Gjakove/Djakovica, Dragash/Dragas, Ferizai/Urosevac, Gračanica/Gračanić and North Mitrovica/ Mitrovicë. A Legal Aid Office was opened in North Mitrovica in April 2010, after extensive negotiations with national and international partners. The new Legal Aid Offices have improved legal aid outreach, and legal aid services were provided to 1500 people (35% being women and 24 % from ethnic minorities).

“Without UNDP, there would be no justice in this country”

- Madame Julia Sarkodie Mensah, Consultant Master & Registrar of the High Court, Sierra Leone.
• In Nepal, community-based paralegal programmes were expanded to 70 villages, mobile legal aid clinics provided free legal services and information to 1524 people (80% women), and community mediation centres successfully resolved 60% of the 230 cases registered.

• In Sierra Leone, with support from UNDP, the Bar Association’s legal aid mechanism (the country’s first ever legal aid scheme) provided legal aid services to 953 beneficiaries in 820 cases. 80 CSOs received training and are providing basic legal first aid at community level. The Scheme’s experiences have informed the development of a new national Legal Aid Bill to be enacted as the primary legal framework for legal aid service provision in Sierra Leone.

• In Somaliland, Somalia, the legal aid provided by the Somaliland Lawyers Association, the Hargeisa Legal Clinic and the Amoud Legal Clinic was expanded to all regions, doubling the number of recipients, in particular amongst marginalised groups. With UNDP’s support, they have assisted 6290 clients – a high proportion of whom were IDPs, children, women and minorities. The Somaliland Women Lawyers Association, provided legal aid to a further 601 clients (474 of them women). In South-Central Somalia, through the Coalition of Grass-Roots Women’s Organisations and the Association of Somalia Women Lawyers, 573 clients benefited from legal-aid services, leading to the acquittal and/or release of 237 detainees.

• In Sri Lanka, UNDP support enabled the Legal Aid Commission (LAC) to establish 5 new offices, dealing specifically with criminal cases. The LAC undertook 1684 consultations, 1014 court appearances, 123 police visits, and 187 bail applications through 58 centres across the country. 424 Grama Nildhari districts received access to paralegal services. The legal aid scheme targeting the prisons located at Colombo, Kaluthara, Wariyapola and Kandy provided awareness and assistance to 7465 inmates.

Expanding In-Country Joint Programming

UNDP is working closely with DPKO and other UN entities on the ground in Chad, the Democratic Republic of Congo, Haiti, Liberia, South Sudan and Timor-Leste.

For example:

• Following the earthquake in Haiti, UNDP and DPKO (MINUSTAH) developed a Joint Programme for Rule of Law, Justice and Security (budgeted at US$ 60.2 million)

• In Chad, UNDP and UNHCR initiated the Joint Support Programme to the Détachement Intégré de Sécurité ¹

¹ The DIS is a Chadian national police force created by Security Council Resolution 1778 (2007) and Chadian Presidential Decree 1131/PR/08 to ensure the protection of refugees and IDPs in camps as well as humanitarian staff.
Improving Justice and Security Service Delivery

To improve justice and security service delivery, UNDP provides capacity development support to relevant ministries, and works closely with the police, the judiciary and corrections. In 2010, UNDP facilitated infrastructure projects to increase court or police facilities (i.e. Haiti, Liberia), provided technical and operational support to increase the capacity and efficiency of justice and security providers (i.e. Somalia, Colombia, Burundi), and boosted the numbers of legal and security professionals trained and deployed in-country (i.e. Democratic Republic of Congo, Central African Republic):

- In Bosnia and Herzegovina, to increase justice delivery, efficiency of case proceedings, and advice and representation for victims and witnesses, UNDP supported the establishment of the Witness Support Offices in 2 cantonal courts and prosecutors’ offices. Concurrently, the development of the National Strategy for Transitional Justice has progressed, technically supported by UNDP.

- In Burundi, 6 courts were completely rehabilitated and equipped. In the northern provinces of Burundi where UNDP implemented a pilot project on court administration, judicial performance improved significantly. 1000 copies of a ‘guide des infractions électorales’ were produced and distributed. All magistrates in Burundi (over 4000) were trained in the use of the guide during the contentious electoral period, with 82 electoral offences subsequently processed. Electoral courts played an important role in peacefully resolving disputes.

- In the Central African Republic, UNDP supported local courts in Bossangoa, Batangafo, Bocaranga and Paoua to organise hearings in rural areas for the first time. In Bossangoa, this allowed the adjudication of 33 cases of misdemeanours and to investigate 7 criminal cases. Bocaranga’s district court adjudicated 90 cases and another 5 criminal cases. In Paoua, the court to received 4553 claims for personal documents, with 1553 claims adjudicated.

- After 4 years with no sessions in Eastern Chad, the second circuit session of the criminal court of Abéché began, with support from UNDP and MINURCAT, addressing 34 criminal cases and 67 suspects charged with multiple offences.

- In Colombia, UNDP supported 1200 victims to be represented in the first judicial reparation proceeding, through 63 legal advisers and psychological experts working in 6 conflict affected regions. In Eastern Antioquia, mobile units for victim’s assistance have provided services in legal, social and psychological issues to some 4,000 victims of the conflict.

- In North Kivu in the Democratic Republic of Congo, 68 police investigators from the National Congolese Police were sworn in after training received from UNDP, quadrupling the number of criminal investigators in this province. In Walikale and Rutshuru, UNDP has also supported mobile courts organised by Goma’s Military Tribunal. 9 cases have been tried in public hearings in Walikale, including cases of rape, murder, arbitrary arrest and illegal detention. In Rutshuru, 15 cases have been tried, including 8 cases of sexual violence.

- Through UNDP’s support in Guinea Bissau, the 5-year National Policy for the Justice Sector and Strategic Development Plan was developed, with an emphasis on improving justice service delivery for women and children. The legal aid decree law has been drafted and approved with the support of UNDP, enabling implementation of the strategy. Pilot Access to Justice Centres will be supported by UNDP, and gradually handed over to the government.

- In Haiti, UNDP has been working intensively with counterparts to re-establish core justice and security services following the destruction wrought by the earthquake in January 2010, including through provision of infrastructure and equipment. 7 pre-fabricated buildings were erected as temporary offices for the Ministry of Justice and Public Security (MIPS), and 1200 m2 of temporary office space was provided for MIPS staff and the Haitian National Police (HNP). UNDP also supported the Minister’s concept of mobile courts.

- In Kosovo (UN Administered Territory), in 2010 all candidates of the 2nd and 3rd generation of the UNDP-supported Initial Legal Education Program ILEP were recommended for appointment as judges or prosecutors. Additionally, UNDP supported the establishment (legal framework, guidelines, equipment and training) of the Kosovo Mediation Commission and its Secretariat to enable an effective Mediation Service to be established and therefore court users to avoid lengthy court proceedings.

- In Liberia, support to the capacity of prosecutors has resulted in an increase in cases being prosecuted. During the February Term of Court, prosecutors tried 110 cases; in the May Term, 200 cases were prosecuted (over 50% more than in 2009).
UNDP Global Programme: Strengthening the Rule of Law in Conflict & Post-Conflict Situations

Ensuring effective civilian / judicial oversight of the security sector is vital to ensure accountability and transparency.

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, the Office of the President was strengthened to oversee the security sector through the review and control of legislative frameworks for security institutions.

Security Sector Governance

• In the occupied Palestinian territory, UNDP supported the development and implementation of individual work plans for each unit of the Ministry of Justice, as well as internal planning, monitoring and evaluation mechanisms to enable the Ministry to plan and manage its service delivery more effectively. UNDP provided technical support to the Ministry of Justice to prepare a modern draft Penal Code and to build institutional links with Birzeit University’s Institute of Law, the legal advisors to the Prime Minister and the President, and Palestinian Legislative Council civil service staff.

• In Somalia, With UNDP’s support, 2905 police were trained across the country (including new police recruits, skills and management training). UNDP helped to establish Police Advisory Committees as independent oversight mechanisms, which now monitor, mentor and train police force and prison personnel on gender, human rights, and how to treat detainees with dignity.

• In Sierra Leone, UNDP funded mobile courts in the Southern Province, bringing magistrates and judges to 3 new towns for the first time as part of the Southern court circuit. In their first three months in service 77 cases were heard and 31 concluded.

• In Sri Lanka, UNDP financial and technical support enabled 39 court houses to be re-established in the north and east of the country, and the training of 228 judges and lawyers.

• In Timor-Leste, the recruitment of international justice actors has complimented UNDP’s provision of logistical and administrative support to improve the capacity of the central and district justice institutions to deliver justice services. As a result, 3770 new prosecution cases were registered and 3712 processed. Provision of justice through mobile courts was also increased, hearing 12 criminal cases in 4 districts in the last 2 months of 2010.

• In Guinea (Conakry), the criminal court system (cour d’assises) has been reactivated and held sessions after several years of paralysis, with technical and logistical support by UNDP (through a PBF supported project). After three years without justice decisions in criminal cases, 115 criminal cases have been presented to court. Alleged drug smugglers have been brought before the court, with 2 judgments rendered in such cases.

2010 Highlight Results

Roman and Gangadevi, receive their ‘official’ marriage documentation after 40 years, multiplying opportunities for them and their children, with the assistance of a UNDP-sponsored mobile legal aid clinic in Sri Lanka.
RULE OF LAW is a core principle of the United Nations’ mission to provide security, foster development, and protect human rights. It is also a top priority on the peacebuilding agenda. 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, while member states, regional and international organisations and NGOs are all variously seized of key issues in this field.

In countries affected by crisis or conflict, the gaps in the rule of law sector are vast, and encompass a number of areas, from law enforcement, corrections and the judiciary, to the plight of communities and the displaced, as well as highly disputed issues such as compensation, land tenure, and many others. The magnitude of destruction wrought by conflict and natural 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. Capacity deficits, endemic corruption, proliferation of small arms, and weak civil society organisation are all pivotal issues, which need to be addressed in a coherent and mutually reinforcing manner. By helping to develop capacity in the justice and security sectors, raise awareness and build 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 an aim of the Organisation, and a means to achieve its ends.

In a statement before the UN Security Council in June 2010, the Deputy Secretary-General, Dr. Asha-Rose Migiro, echoed by representatives of donor countries, recognised the contribution made in this area by UNDP’s Global Programme, through which UNDP has consolidated its role as the largest service provider on rule of law, justice and security in the UN system. On justice issues, UNDP has a traditional role and long-standing experience promoting human rights and access to justice, together with legislative and judicial reform, and strengthening criminal justice systems at every stage of the penal chain - from investigation through prosecution and rehabilitation. UNDP has also carved out an important niche and comparative advantage on addressing Sexual and Gender-Based Violence (SGBV) from a legal perspective through, inter alia, legal aid. On issues related to security sector governance (SSG), UNDP has extensive expertise assisting national authorities to strengthen democratic governance of security institutions as way to strengthen the rule of law. UNDP’s policy and approach on SSG is captured in more detail in the ‘In Focus’ piece on page 30 of the main report.

However, UNDP is one of several UN entities engaged in rule of law activities. Responding effectively to the challenges on the ground requires joint efforts from
multiple actors, and effective coordination. In addition to partnering with host governments, civil society actors and communities, UNDP actively supports a coherent, UN-wide approach to rule of law programming, both at the country and the global level.

The Global Programme is a vehicle for UNDP to engage in 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 such, UNDP is a core participant in the Rule of Law Coordination and Resource Group (RoLCRG), a coordination body for nine UN entities chaired by the Deputy Secretary-General. In 2010, UNDP reassumed its role as co-chair of the Inter-Agency Security Sector Reform Task Force (SSR TF), together with DPKO. Under the Global Programme, 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.’

UNDP’s involvement in each of these forums in 2010 is captured in more detail in the complete Annual Report.

The broad priority for UNDP, in terms of policy in 2010, was to maximize one-UN approaches to rule of law assistance. Because of its presence in all development contexts (peacekeeping, peacebuilding and transitions), and its well established rule of law and security expertise, UNDP is uniquely positioned to assist governments and societies to transition from crisis to peacebuilding to development. This unique position also entails the responsibility to maximize UNDP’s comparative advantages in the service of the whole UN, and to be a catalyst for common approaches.

For this reason, in 2010, through its Global Programme, UNDP decided to increase efforts to strengthen common approaches in UN mission areas, with the purpose of improving the effectiveness of UN assistance, and preparing the transition from peacekeeping to peacebuilding and development phases. Joint programming with DPKO in peacekeeping areas (including in Haiti, the Democratic Republic of Congo and Liberia), and joint initiatives and approaches in other crisis contexts (collaborating with DPA in Guinea, and with UNHCR in Chad) has been a priority. In 2010, several joint programmes have been developed and/or begun implementation. While it is still too early to distil particular lessons from these experiences, UNDP is convinced that there should be no turning back from the joint programming experience, as it provides clear and nationally-owned outcomes and outputs, and determines well defined responsibilities for each UN actor on the ground, based on their capacities and comparative advantages. Joint programming makes UN actors more accountable and UN rule of law assistance more effective.

Acknowledging the importance of investing on justice and security development in peacebuilding contexts, PBF/PBSO/PBC are playing important roles on supporting rule of law assistance. UNDP is the primary recipient of PBF funds, which also entails the responsibility to lead the UN response in peacebuilding contexts in this area, and to ensure that the whole UN family works together in support of the same principles. In 2010, building on lessons learned, UNDP, through the Global Programme, engaged early in designing programmes for PBF engagement. This early engagement proved effective in maximising the catalytic character of PBF funding. The cases of Chad, Guatemala, Guinea (Conakry), Liberia, and Somalia are good examples of this. Stronger dialogue on rule of law and security issues between UNDP and PBF/PBSO is aimed at improving results orientation, monitoring and evaluation.

At the start of 2010, the General Assembly of the United Nations reiterated its conviction that the ‘advancement of the rule of law at the national and international levels is essential for […] the protection of all human rights and fundamental freedoms.’ The Global Programme has continued to engage member states in 2010, consulting on UNDP’s response to the earthquake crisis in Haiti, and liaising with donor partners at the Programme’s Executive Board meeting in June. The Global Programme also continues to facilitate engagement between UNDP Country Office programmes and bilateral donors, encouraging open partnerships and a steady exchange of ideas and information.

In sum, UNDP’s role and contribution in this area is both catalytic and programmatic, and maintains a primary emphasis on maximising collective impact of UN efforts on rule of law, justice and security on the ground.
Without the financial support and close collaboration of donor governments, UNDP’s Global Programme on Rule of Law would not have been possible. By investing in the Global Programme our donors have helped to bring about the impact and changes in people’s lives demonstrated in this Annual Report. Through the Global Programme’s philosophy of partnerships and cooperation, our donors simultaneously invest in the efforts of the entire UN system to advance the rule of law in situations where it is most needed. Special thanks should go to the government of The Netherlands, our leading and most engaged partner, who have supported the Global Programme since its inception. Our gratitude also goes out to the governments of Australia, Canada, France, Germany, Norway, Sweden, the UK, and the USA for providing earmarked contributions to the Global Programme, through UNDP’s CPR Thematic Trust Fund. In addition, generous contributions to UNDP rule of law projects at Country Office level have been provided by the European Union, and the governments of Belgium, Brazil, Denmark, Ireland, Japan, Luxembourg, Portugal, Spain and Switzerland.