



**SUDAN MULTI DONOR TRUST FUND  
FINAL PROJECT PROPOSAL**

**THE RULE OF LAW SECTOR  
CAPACITY BUILDING OF THE SUDAN JUDICIARY**

**28 FEBRUARY 2006**

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## 1. Cover Sheet

### **The Rule of Law Sector** **Capacity Building of the Sudan Judiciary**

Applicant	The Judiciary of the Sudan (National and Northern States)
Brief Description	Based on the Joint Assessment Mission Cluster 2 Report (JAM) and the Comprehensive Peace Agreement (CPA) - to which the Judiciary has been an active and substantive contributor - this Project will help build the capacity of the Judiciary of Sudan (National and Northern States). The project will be implemented over three years with funding from the Multi Donor Trust Fund (MDTF) and the Government of National Unity (GoNU), and with technical support from the United Nations Development Programme (UNDP) and implementing partners.
Project Development Objective	The objective of this Project is to strengthen the capacity of the Judiciary to: enhance its independence; build the knowledgebase of judges; and, empower the judiciary to effectively and fairly apply the law and deliver justice.
Performance Indicators:	(1) National Judicial Service Commission equipped and operationalized; (2) Judicial training curricula and materials developed; (3) 400 judges at the central-level trained in modern legal analysis and application, constitutional law, international human rights, and comparative international experiences along with Sudanese cultural values and traditions; (4) 800 judges at the state-level trained in topics listed above; (5) Selected state courts rehabilitated; (6) National Legal Training and Resource Center established and operationalized; (7) Existing Judiciary training facilities rehabilitated.
Sector	Rule of Law
Location	This Project will cover North Sudan with emphasis on Khartoum, Abyei, Blue Nile, Southern Kordofan, and Eastern Sudan.
Total Project Cost	Total Project Cost: US\$18 million. MDTF: US\$13 million; GoNU: US\$5 million.
Implementing Agency	The Judiciary in collaboration with UNDP.
Implementing Period	2006 – 2008 (3 years)
Contact for further information	The Judiciary: Hon. Dr. Wahbi Mohammed Mokhtar, Supreme Court Judge; cellular phone: 0912556427. Hon. Benjamin Baak Deng, Supreme Court Judge; cellular phone: 0912628845.

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## **2. Strategic Context and Rationale**

### **2.a. Key Development Issues**

With the current implementation of the Comprehensive Peace Agreement (CPA), and the adoption of the Interim National Constitution (INC), Sudan has entered an important transitional phase in which legal and judicial reform will play a critical role in promoting sustainable peace. The Judiciary will be instrumental in translating the principles and promises of the CPA and the INC into tangible realities in post-conflict Sudan. In order to implement the CPA, and effectuate the mandate of the INC—including the establishment of the National Judicial Service Commission (NJSC)—significant work must be done to embolden the Judiciary’s legal, technical, and operational competence.

The need to build the Judiciary’s capacity in modern legal analysis and application, especially as it relates to the INC, and support judicial awareness of international human rights norms, is critical at the Government of the National Unity (GoNU), state, and community levels (where access to courts, and to justice, needs significant support). Through a carefully crafted and comprehensive program, this Project will:

- Build the capacity of the NJSC to deliver services in the Governance and Rule of Law Sector based on judicial independence, impartiality, transparency, and international standards.
- Build the capacity of the Judiciary (at the central and state level) to implement and integrate commitments to rule of law under the CPA through comprehensive judicial training and creating a pool of qualified national trainers and appropriate training curriculum.
- Ensure the sustainability of the transfer of knowledge through the establishment of the National Legal Training and Resource Center and the rehabilitation of the Judiciary’s existing training facility.
- Improve the delivery of judicial services by rehabilitating selected court facilities.

UNDP’s Rule of Law Unit—which has already established a comprehensive Rule of Law Program in the North (including programming in the West, East, and the three areas)— works closely with the Ministry of International Cooperation, the Judiciary, the Ministry of Justice, and the Federal Chamber is uniquely positioned to accomplish these important objectives.

### **2.b. Rationales for MDTF Involvement**

The CPA, Chapter II, Part II mandates the creation of a National Judiciary (2.11) and a Judiciary of Southern Sudan (3.7). This structure is reflected and reaffirmed in the INC, Part Five, Chapter II and Part Eleven, Chapter IV. While the MDTF-South has approved funding for the Government of Southern Sudan (GoSS) Judiciary, this Project seeks funding from MDTF- National for the GoNU Judiciary. This Project is particularly appropriate for MDTF funding and is in line with the criteria articulated in the MDTF Project Processing Guidelines because:

- This Project addresses key issues in the Framework for Sustained Peace, Development and Poverty Eradication. As articulated in the Joint Assessment Mission (JAM), strengthening the rule of law will require building confidence in legitimate and transparent justice institutions.
- The Government considers capacity building in the rule of law sector a priority area. The Judiciary, the Ministry of International Cooperation and the Ministry of Finance, have expressed its support and commitment to this Project, and the Ministry of Finance has agreed to contribute US\$5 million to the Project budget.
- This Project is consistent with Government policies in the rule of law sector and helps effectuate the overarching objectives embodied in the CPA.
- This Project's focus on enhancing the sustainable capacity of the Judiciary to deliver justice will have a long-term impact on Sudan's reconstruction.

This Project will not engage in legal reform activities, instead focusing on judicial practice and jurisprudence, recognizing that the former activities fall under the mandate of the National Ministry of Justice.

This Project will operate in dialogue with ongoing rule of law programs funded by the international community. Existing programs, including those managed by UNDP's Rule of Law Unit, focus on confidence building and augmenting communities' access to justice at the grass-roots level. While this Project's work will feed into the successes of existing programs, no existing program provides support to the operationalization of the NJSC or the kind of comprehensive judicial training at the heart of this Project. Furthermore, while some programs are facilitating minor rehabilitation of discreet judicial facilities, no program has engaged in a major infrastructure building initiative to support the sustainability of work in the rule of law sector. As such, there is a clear need for the kind of cohesive, multi-tiered support to the Judiciary embodied in this Project. Since this type of capacity-building requires funding beyond levels accessible through bilateral channels, MDTF's support is critical.

### 3. Project Description

#### 3.a. The Project Development Objectives and Key Performance Indicators

As the Judiciary's work depends on public awareness of, and respect for, judicial process, the Judiciary's ability to resolve conflicts and foster respect for the rule of law is inextricably tied to its institutional independence and transparency. Maintaining professional technical personnel and revamping the organization of judicial bodies, while simultaneously improving the managerial capacity of actors within those bodies, is critical to ensuring the effective and timely administration of justice.

**This Project's overarching goal is to strengthen the capacity of the Judiciary to: enhance its independence; build the knowledgebase of judges; and, empower the judiciary to effectively and fairly apply the law and deliver justice.**

The NJSC will play a particularly important role in ensuring the independence of the Judiciary. UNDP has been entrusted to support the NJSC in carrying out its mandate. Through technical advisory support, this Project will build the capacity of

the NJSC to manage an independent judicial system and address any needs or concerns as they arise. Judicial and financial management training will help the NJSC as it begins its important work.

At present, the Judiciary’s selection program for judges does not provide comprehensive professional training. Newly appointed judges are only required to apprentice with a sitting judge for one-year prior to taking the bench. No other international organization has undertaken legal capacity building for the central and state level of the Judiciary.<sup>1</sup> This Project will empower judges, through in-depth training, to build the capacity of the Judiciary to implement and integrate commitments to the Rule of Law Sector under the CPA.

This Project will also work to improve existing facilities, and establish new institutions, to foster the development of skills, ensure the sustainability of training, and carry forward best practices. The Judiciary currently lacks adequate infrastructure to institutionalize training and continuing education for sitting and future judges. By establishing the National Legal Training & Resource Center, and rehabilitating the Judiciary’s existing training facility, this Project will ensure the sustainability of the transfer of knowledge.

Courts can only function if courthouses are functional. Recognizing the disrepair of certain court facilities (and the complete absence of such facilities in some communities), this Project will improve the delivery of judicial services through rehabilitating selected court facilities.

### **Project Objectives, Outputs, and Key Indicators**

<b>COMPONENT 1: SUPPORT FOR THE NATIONAL JUDICIAL SERVICE COMMISSION</b>		
<b><u>Project Objective</u></b>	<b><u>Outputs</u></b>	<b><u>Key Indicators</u></b>
Build the capacity of the NJSC to deliver services in the rule of law sector based on judicial independence, impartiality, transparency, and international standards.	NJSC positioned to build the Judiciary’s independence, impartiality, and transparency	NJSC drafts and adopts an action plan outlining its course of work to ensure judicial independence, functionality, and technical and managerial competence.
	Offices operational	Eight offices equipped (e.g. furniture, computers, internet, etc.)
	Heightened judicial awareness of, and engagement with, decentralized modes of judicial operation	Nine workshops conducted on decentralized judicial operations
	Broader judicial understanding of relevant comparative international legal experiences	Three study tours for 20 judges to observe and study judicial procedures in India, South Africa, and the United States

<sup>1</sup> ATOZ, a British consulting firm, is currently providing training on information-technology and English language skills to members of the Judiciary under a contract with DFID. Max Planck Institute is also engaged in some activities with the Ministry of Justice and the Constitutional Court. However, none of these programs include work with the NJSC, judicial training, or the rehabilitation of judicial facilities.

	Judicial and financial management capacity of NJSC staff members built	One training course on judicial management conducted (for 20 NJSC staff members)
		One training course on financial management conducted (for 20 NJSC staff members)

**COMPONENT 2: JUDICIAL TRAINING (CENTRAL AND STATE LEVEL)**

<b>Project Objective</b>	<b>Outputs</b>	<b>Key Indicators</b>
Build the capacity of the Judiciary (at the central and state level) to implement and integrate commitments to the Rule of Law Sector under the CPA.	Judges' knowledgebase, operational capacity, and overall managerial competence to ensure greater fairness, transparency, impartiality, and effectiveness enhanced.	Surveys of trainees at completion of judicial trainings indicate improvement of participant's knowledge of international and national best practices (in comparison to responses provided by the trainees at the commencement of each training session).
		Court user surveys indicate an improvement in the perception among litigants of the judiciary's capacity to adjudicate independently, fairly, and efficiently <sup>2</sup>
	Judges at the central and state level trained in modern legal analysis and application, constitutional law, international human rights and comparative international experiences along with Sudanese cultural values and traditions	400 judges trained at the central level
		800 judges trained at the state level
Training of trainers to conduct future trainings	20 trainers identified as national trainers and appropriately trained	
Training curriculum and materials developed	Training manual produced	

**COMPONENT 3: ESTABLISHMENT OF THE NATIONAL LEGAL TRAINING & RESOURCE CENTER (NLTRC) AND REHABILITATION OF THE JUDICIARY'S EXISTING TRAINING FACILITY**

<b>Project Objective</b>	<b>Outputs</b>	<b>Key Indicators</b>
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<sup>2</sup> A questionnaire will be developed and distributed among a representative sample of court users to evaluate their perception of the independence, impartiality, and effectiveness of the court in dealing with their case.

Ensuring the sustainability of the transfer of knowledge through the establishment of the National Legal Training and Resource Center and the rehabilitation of the Judiciary’s existing training facility.	Increased capacity of the Judiciary to carry forward judicial training encompassing principles of judicial independence, impartiality, transparency, and effectiveness.	Development of NLTRC programming plan, including a strategy to reach out to relevant communities.
	NLTRC established	Timely construction of NLTRC facility in Wad Madeni
	Existing Judiciary training facility upgraded	Timely rehabilitation of existing Judiciary training facility in Khartoum
<b>COMPONENT 4: REHABILITATION OF COURT FACILITIES IN SELECTED STATES</b>		
<b>Project Objective</b>	<b>Outputs</b>	<b>Key Indicators</b>
Improve the delivery of judicial services through rehabilitating selected court facilities.	Improved working conditions for the Judiciary to improve the quality of judicial services and the administration of justice.	Timely rehabilitation of court facilities in Khartoum, Abyei, Blue Nile, Southern Kordofan, and Eastern Sudan.

### 3.b. Project Components

The Project consists of the following components:

#### 1. SUPPORT FOR THE NATIONAL JUDICIAL SERVICE COMMISSION (NJSC)

Following the adoption of the INC, the NJSC - headed by the Chief Justice of Sudan - is mandated to undertake overall management of the national judicial system. This includes coordinating the relationship of judiciaries at the national, Southern Sudan and state level, as well as the approval, appointment, and dismissal of judges.

This Project will support a series of activities enabling the NJSC to study various models of judicial management from around the world. In view of the new challenges facing the Sudan judicial system—and the complexities resulting from a decentralized judicial structure—lessons learned will be drawn from other relevant decentralized systems (including South Africa, India, and different decentralized models).

This Project will support the establishment of the NJSC Secretariat through the provision of equipment, training, and technical support to the NJSC’s long-term strategic planning, including: human resource development, quality management, and improved access to justice.

#### 2. JUDICIAL TRAINING (CENTRAL AND STATE LEVEL)

This Project will enhance judges’ legal and managerial capacity by providing training at the central and state level. Training in modern legal analysis and application will include topics in constitutional law, international human rights

norms, and comparative international experiences. Managerial capacity training will cover topics including court administration and case management.

Selected individuals will receive additional specialized training as trainers in order to broaden the Project's training impact and to ensure its sustainability. The Project will also develop training materials and curriculum for future trainings.

**3. ESTABLISHMENT OF THE NATIONAL LEGAL TRAINING & RESOURCE CENTER AND REHABILITATION OF THE JUDICIARY'S EXISTING TRAINING FACILITY**

This Project will establish the National Legal Training and Resource Center (NLTRC) that will provide a forum for discussion of national, regional, and international legal issues. The NLTRC will house a state-of-the-art legal reference library, lecture rooms for training, and internet facilities. The NLTRC's programming will be developed by the Judiciary in partnership with academic institutions, including the faculty of law at major universities. The NLTRC will be managed by the Judiciary and will be accessible to all legal practitioners nationwide.

**4. REHABILITATION OF SELECTED COURT FACILITIES**

The Project will undertake minor rehabilitation of facilities in Khartoum, Abyei, Southern Kordofan, Blue Nile, and Eastern Sudan in order to improve the delivery of judicial services.

**3.c. Project Costs by Component**

The Project's total estimated cost is US\$18 million. This money is budgeted as follows:

<b>Project Components</b>	<b>Activities</b>	<b>Cost (in USD)</b>
<i>SUPPORT FOR THE NATIONAL JUDICIAL SERVICE COMMISSION (NJSC)</i>	Consultants	\$150,000
	Workshops and Seminars	\$400,000
	Furniture and Equipment	\$550,000
	Training on Judicial Management	\$600,000
	Operational support	\$300,000
	<b>Component Subtotal</b>	<b>\$2,000,000</b>
<i>JUDICIAL TRAINING (CENTRAL AND STATE LEVEL)</i>	Training Budget	\$8,000,000
	Training Evaluation	\$100,000
	Training Materials, and Curriculum Development	\$900,000
	Operational support	\$500,000
	<b>Component Subtotal</b>	<b>\$9,500,000</b>
<i>ESTABLISHMENT OF THE NATIONAL LEGAL RESOURCE &amp; TRAINING CENTER AND REHABILITATION OF THE JUDICIARY'S EXISTING TRAINING FACILITY</i>	Construction	\$4,000,000
	Equipment	\$1,000,000
	<b>Component Subtotal</b>	<b>\$5,000,000</b>

<i>REHABILITATION OF SELECTED COURT FACILITIES</i>	Construction/Rehabilitation Costs	\$1,400,000
	Operational support	\$100,000
	<b><i>Component Subtotal</i></b>	<b><i>\$1,500,000</i></b>
<b><i>GRAND TOTAL</i></b>		<b><i>\$18,000,000</i></b>

In a cost-sharing agreement with the Government, it has been agreed that the GoNU will contribute US\$5 million (US\$3 million in 2006; US\$2 million in 2007) and MDTF will contribute \$13 million over the Project's three-year lifespan. The Government has also agreed to make in-kind contributions of land for the establishment of the NLTRC.

#### 4. Implementation

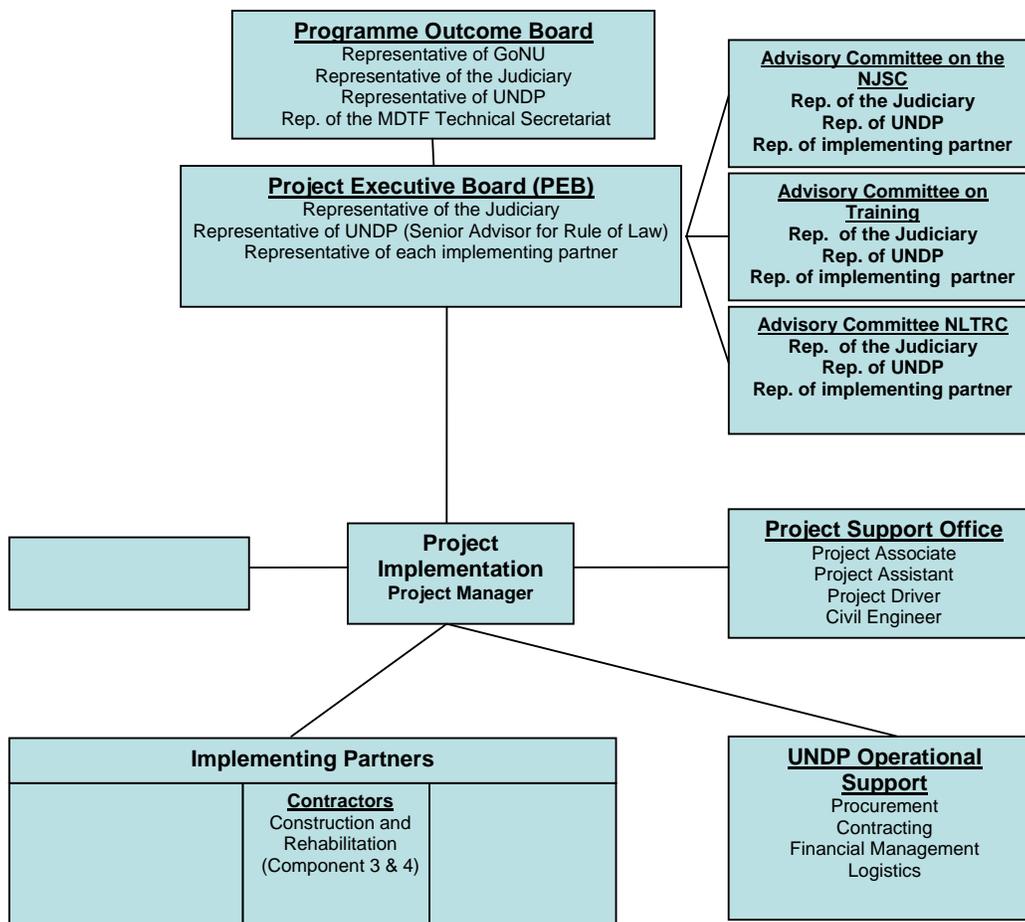
##### 4.a. Institutional and Implementation Arrangements

The implementation modality of this Project emphasizes and ensures national ownership of Project activities and programmes.

This Project will be managed and implemented jointly by the Judiciary and UNDP. The Project Executive Board (PEB) will supervise the overall management, monitoring and evaluation of the Project. The PEB is composed of one representative from each of the following: the Judiciary, UNDP, and other implementing partners.

At the conclusion of the three-year lifespan of the Project, the PEB will report outcomes to the **Programme Outcome Board** composed of one representative of each of the following: the GoNU, the Judiciary, UNDP, and the MDTF Technical Secretariat. See Figure 1. The Programme Outcome Board will ensure that the Project's overall goals are achieved.

**Figure 1**



The **Project Executive Board (PEB)** will guarantee the national ownership of the project and will bear ultimate responsibility for making executive management decisions, including approving potential Project revisions. The PEB will supervise and guide the Project Manager through any obstacles or problems that may arise. The PEB will be comprised of:

- One representative of the Judiciary, appointed by the Chief Justice, who will chair the PEB, ensuring that the Project’s beneficiaries are represented;
- One representative of UNDP (Senior Advisor for Rule of Law);
- One representative of each of the implementing partners, ensuring that the providers are involved in formulating project guidance;

Three **Advisory Committees** will be created to provide expert advise to the PEB:

- Advisory Committee on the National Judicial Service Commission;
- Advisory Committee on Training;
- Advisory Committee on the National Legal Training and Resource Center and Rehabilitation of Facilities

The Advisory Committees are intended to serve as a resource to the PEB. They will focus on specific Project components in order to provide expert advice to the PEB on activities in their respective focus area. The Advisory Committees will be convened regularly and coordinated by the Judiciary that bears ultimate responsibility for bringing the views and directions of the Advisory Committees to the PEB for consideration and decision-making.

A **Project Manager** will be recruited immediately after the establishment of the PEB. S/he will be responsible for day-to-day management and decision-making for the Project, including reporting to the PEB (as detailed below). The Project Manager will oversee the implementation of all Project activities and finances.

The **UNDP Program Officer** will provide management support to the Project Manager, serve as a liaison between the Project Manager and UNDP, and ensure that the Project's activities are in line with the Project Results and Resource Matrix.

The bulk of Project activities will be implemented by the three main **Implementing Partners**, under the supervision of the executive management of the PEB and the Project Manager. The Implementing Partners include:

- **International training institute**

The international training institute will be identified to be responsible for implementing the capacity building component of this Project, including the extensive training program for judges (at the central and state levels) and development of training materials and curriculum. The international training institute will report to the Project Manager. The institute's progress and financial reporting will be synchronized within the Project's overall reporting plan (detailed below). In addition, the institute work will be independently evaluated at the completion of the Project..

- **Management Consultants**

Consultants will be identified and tasked with providing technical advisory support, training, and financial management support to the establishment and operationalization of the NJSC (Component 1).

- **Construction Contractors**

Contractors will carry out the construction of the NLTRC (Component 3) under GoNU contracting procedures. Daily supervision of the construction work will be handled by an independent civil engineer based in the Project Support Office. The civil engineer will be responsible for submitting progress and financial reports synchronized with the overall reporting requirements of the Project (detailed below). The rehabilitation of selected court facilities (Component 4) will be carried out by contractors under UNDP contracting procedures.

- **Project Support Office**

The Project Manager will be supported by a Project Support Office located at the Judiciary. The Project Support Office will be composed of a Project Associate, Project Assistant, Civil Engineer, Project Driver, and other staff as required. The Project Support Office will assist the Project Manager with contracting new staff/partners/consultants, procurement of equipment, and financial management.

Project management will be aided by ATLAS, UNDP’s management information support application. ATLAS provides the following:

- Full financial accountability and transparency;
- Linking UNDP’s global mandates with country outcomes, outputs, activities and resources;
- Project management and monitoring support by facilitating planning, benchmarks, deadlines, risks, and lessons learned.

#### 4.b. Procurement Arrangements

Procurement for the NJSC (Component 1), training (Component 2), and rehabilitation of court facilities (Component 4) will be performed under UNDP’s standard procurement procedures, rules, and regulations. The PEB will undertake the following procurement-related responsibilities: (1) identify, and subcontract with, implementing partners; (2) equip and furnish NJSC offices; (3) recruit consultants to provide necessary services; and, (4) recruit the Project Manager and staff for the Project Support Office. See Annex 1 (Project Results and Resource Matrix).

Procurement for the NLTRC (Component 3) will be performed by the GoNU according to their procedures, rules, and regulations. GoNU will undertake the following procurement-related responsibilities: (1) identify, and subcontract with, a construction company to build the NLTRC; and, (2) recruit the civil engineer. See Annex 1 (Project Results and Resource Matrix).

#### 4.c. Financial Management Arrangements

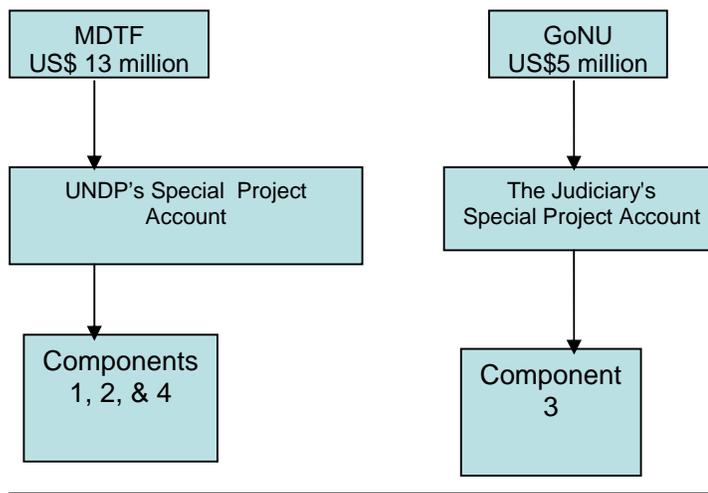
Financial Contributions. Funds for the NJSC (Component 1), training (Component 2), and rehabilitation of court facilities (Component 4) will be provided by MDTF and managed by UNDP, under UNDP’s financial regulations and procedures. Funds for the NLTRC (Component 3) will be provided by the GoNU and managed by the GoNU Judiciary.

Fund Flow. A grant agreement will be executed between MDTF and UNDP, and co-signed by the GoNU, in accordance with MDTF policies. Under this agreement, MDTF will transfer Project funds (US\$13 million) directly to the UNDP Special Project Account. Also pursuant to this agreement, GoNU will transfer Project funds (US\$5 million) to a Special Project Account in the Judiciary. These funds will be distributed by the Judiciary to cover costs for Component 3. The Project Manager, acting under the executive oversight of the PEB, will be responsible for coordinating disbursements.

An advance will be provided by the MDTF into the UNDP Special Project Account equivalent to six months anticipated expenditures. The initial advance has been set at US\$ 3.0 million. The yearly projections of cash flows are the following:

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Source of Funds</u>
Component 1	\$1,000,000	\$500,000	\$500,000	MDTF
Component 2	\$4,000,000	\$3,000,000	\$2,500,000	MDTF
Component 3	\$3,000,000	\$2,000,000	-----	GoNU
Component 4	\$1,000,000	\$250,000	\$250,000	MDTF
<b><u>Total</u></b>	<b><u>\$9,000,000</u></b>	<b><u>\$5,750,000</u></b>	<b><u>\$3,250,000</u></b>	

### Project Fund Flow



The grant agreement signed between the MDTF and UNDP will detail the terms and conditions of the financial management arrangements.

These will be in accordance with the Memorandum of Understanding between the World Bank and UNDP of November 17, 2003 which is valid for a period of four years. This MOU requires that all grant agreements signed after this date include the following standard covenants covering accounting and auditing:

“a) the Recipient shall maintain or cause to be maintained a financial management system, including records and accounts, and prepare financial statements in accordance with consistently applied accounting standards acceptable to the Bank, adequate to reflect the operations, resources and expenditures related to the Activities.

b) Upon the Bank’s request, the recipient shall: (i) have the financial statements referred to in subparagraph (a) above audited for the period indicated in the Bank’s request, in accordance with auditing standards acceptable to the bank, by independent auditors acceptable to the bank; (ii) furnish to the bank as soon as available, but in any case not later than six months after the date of the Bank’s request for such audit, (A) certified copies of financial statements referred to in subparagraph (a) above for such period, as so audited and (B) an opinion on such statements by said auditors in scope and detail satisfactory to the bank; and (iii) furnish to the bank such other information concerning such records and accounts and audit of such financial statements and concerning said auditors as the bank shall have reasonably requested.

c) For all expenditures with respect to which withdrawals from the Grant Account were made on the basis of report based disbursements, the Recipient shall: (i) retain, at least until one year after the end of the fiscal year in which the last withdrawal from the Grant Account was made, all records, (contracts, orders, invoices, bills, receipts, and other documents) evidencing such expenditures; (ii) furnish to the Bank

other relevant information concerning such records as the Bank shall have requested; and (iii) ensure that such reports are included in any audit that the bank may have requested pursuant to subparagraph (b) above.”

The above clause needs to be suitably adapted to make it applicable to the grant agreement between the MDTF and UNDP. MDTF agrees that UNDP’s Financial Regulations and Rules would form the basis for compliance with its financial management requirements, and that the audit compliance would be as per the specific provisions listed above.

#### 4.d. Monitoring and Reporting

The PEB, assisted by the UNDP Program Officer, will systematically monitor Project progress on behalf of UNDP and GoNU. The Project Manager will be required to regularly report to and seek the PEB’s approval for proceeding to the next step of the Project work-plan.

The Project Manager will utilize the following monitoring and reporting tools:

Reporting. The Project Manager will be required to regularly report to the PEB, as follows:

- **Quarterly Reports** advising the PEB of progress made, forming the basis of the PEB’s quarterly reports to the MDTF Technical Secretariat;
- **End-of-Year Reports** documenting progress made during each year and alerting the PEB of any issues requiring attention. These reports will ensure that Project progress is included in UNDP’s annual project review with the Government of Sudan and in UNDP’s global results reporting.

Implementing partners will be required to regularly report to the Project Manager, as follows:

- **Quarterly Reports** advising the Project Manager of activities and lessons learned. These reports will inform the development and execution of the Project and will serve as the basis of the Project Manager’s quarterly reporting to the PEB.

Monitoring Tools. The Project Manager will utilize a variety of monitoring tools, including:

- Facilitating external evaluations, field visits, and reviews;
- Maintaining a Project Risk and Issues Log tracking risks facing the Project and detailing their severity, likelihood, and appropriate mitigation options. The PEB will regularly review the Project Risk and Issues Log for appropriate action.
- Maintaining a Lessons Learned Log, the contents of which will be fed into all regular reports, as well as the final project evaluation prepared by an independent consultant.

In addition to the monitoring and reporting tools listed above, at the conclusion of Project’s lifespan, UNDP will contract with an independent consultant to provide a comprehensive review of Project activities.

#### 4.e. Sustainability and Critical Risks

Sustainability. This Project incorporates sustainability principles throughout its programmatic components. Given the pivotal role of the NJSC in promoting the

independent, transparent, and efficient delivery of justice, the NJSC will necessarily play a central role in any sustainability efforts. The Project's provision of organizational and financial management training to the NJSC, along with facilitating its strategic decision-making through study tours and workshops, ensures the sustainability of the Project's work to equip the NJSC with the knowledge and operational skills to preserve the independence, transparency, and efficiency of the judicial system beyond the lifespan of the Project (Component 1). At the heart of the Project's training component is a firm commitment to the training of trainers in order to ensure the transfer of knowledge beyond the Project's lifespan (Component 2). The development of training materials and curricula further support the Project's transfer of knowledge and its sustainability. The Project also includes significant work on physical facilities, including the establishment and operationalization of the NLTRC, designed to facilitate judicial training and embolden the work of legal practitioners well beyond the lifespan of the Project (Component 3 & 4).

Additionally, the Project transfers knowledge and skills based on: (i) promoting a replicable module of learning by doing (i.e. training local trainers and on-the-job training); (ii) prioritizing result-based activities and partnerships; (iii) weaving reiterative elements into program design; and, (iv) making the consolidated information and knowledge developed under the Project available after Project completion.

Furthermore, the linkages of this Project to ongoing UNDP Rule of Law programs (focusing on capacity building of legal aid and law-enforcement institutions) will reinforce sustainability.

Critical Risks. Project risks and expected mitigation measures are summarized below:

Risks	Risk Mitigation Measures
External interference; Resources not provided within agreed timeframe; Procedural delays	The Project has been endorsed by the Judiciary, the Ministry of Finance and the Ministry of International Cooperation. The capacity and structure of UNDP's Rule of Law Unit is already in place.
Ineffective performance by implementing partners	In addition to internal oversight mechanisms, the Project design carefully creates mechanisms to monitor and evaluate the work of implementing partners and, as needed, take appropriate managerial action.
Ineffective participation by judges	Through regular consultations, interviews, assessments, and evaluations the judges will be able to express needs and concerns so as to immediately address any potential obstacles to participation.
Situations beyond the Project's control prevent the newly-trained judges from applying their knowledge	UNDP Rule of Law has developed a very effective and collaborative partnership with relevant GoNU ministries and institutions. UNDP is actively involved in supporting the CPA preparatory team on the NJSC, responsible for drafting regulations regarding the management structure of the Judiciary.
The transitional environment of Sudan makes the training provided obsolete	The Project's emphasis on sustainability, including the establishment and operationalization of the NLTRC ensures continuous training and capacity building.

## **5. Social Issues**

This Project will equip the Judiciary with the tools necessary to effectuate the principles and promises of the CPA and the INC.

The Judiciary has played a key role in developing this Project's conceptual and structural framework. Their involvement evinces a strong commitment to enhancing the capacity of the Judiciary to increase access to justice and strengthen communities' confidence in the judicial system. By focusing on training and the rehabilitation of facilities, this Project will increase the Judiciary's capacity to resolve conflicts equitably, efficiently, and peacefully. This will promote a culture of respect for basic human rights and the rule of law. Furthermore, the Project incorporates gender awareness into its programming, with the aim of assisting institutions and legal practitioners to promote gender justice and equity.

## **6. Conclusion**

This Project will increase access to justice for the citizens of Sudan, which, in turn, will lead to greater opportunities for peaceful conflict resolution. By building a substantive knowledgebase and improving the operational capacity of the Judiciary and legal professionals, the Judiciary will be empowered to maintain its independence and effectively resolve disputes on the basis of transparency and impartiality in accordance with domestic law and international standards. This Project demonstrates the commitment of the GoNU to ensuring judicial independence and implementing the principles at the heart of the CPA and the INC.

7.

### Annex 1 : Project Results and Resource Matrix

**Outcome:** Enhanced access to justice for the citizens of Sudan through capacity building of the Judiciary and legal professionals.

EXPECTED OUTPUTS	PLANNED ACTIVITIES	TIMEFRAME (quarters)												RESPONSIBLE PARTY	PLANNED BUDGET		
		1	2	3	4	1	2	3	4	1	2	3	4		Source of Funds	Budget Description	Amount (\$'000)
<b>ESTABLISHMENT OF PROJECT EXECUTION AND SUPPORT OFFICE</b>	Recruit Project Manager, Project Associate, Project Assistant, and Driver	x	x	x	x	x	x	x	x	x	x	x	x	UNDP	MDTF		\$741,000.00
	Operationalize and equip offices		x	x	x	x	x	x	x	x	x	x	x	UNDP	MDTF		\$89,033.00
	Evaluation												x	UNDP	MDTF		\$69,300.00
	Operational costs																\$45,238.00
	Bank charges																\$5,429.00
	<b>Subtotal</b>																<b>\$950,000.00</b>
<b>SUPPORT FOR THE NATIONAL JUDICIAL SERVICE COMMISSION (NJSC)</b>	Contract with lead consultants	x	x	x	x	x	x	x	x	x	x	x	x	UNDP	MDTF		\$140,400.00
	Organize workshops, seminars	x	x			x					x			UNDP will contract with a national institute (to be identified)	MDTF		\$408,934.00
	Equip NJSC offices, IT	x	x											UNDP	MDTF		\$560,000.00
	Conduct training on operational and financial management			x	x	x	x	x						UNDP will contract with a training institute (to be identified)	MDTF		\$500,000.00
	Operational costs																\$80,952.00
	Bank charges																\$9,714.00
<b>Subtotal</b>																<b>\$1,700,000</b>	
<b>JUDICIAL TRAINING (CENTRAL AND STATE LEVEL)</b>	Contract with training institute	x	x											UNDP	MDTF		\$8,000,000.00
	Train 400 judges at central level	x	x	x	x	x	x						International training institute	MDTF			
	Train 800 judges at state level							x	x	x	x	x	x	Int. training institute & national trainers	MDTF		
	Training of national trainers									x	x	x	x	International training institute	MDTF		
	Organize study tours						x	x						International training institute	MDTF		



## Annex 2 : Detailed Budget

Description	Quantity	Months	Total Cost	Component Cost
<b>Project Support</b>				
Project Manager	1	36	\$466,000	
Project Associate	1	24	\$103,000	
Project Assistant	1	36	\$62,000	
Civil engineer	1		\$9,033	
Administrative support	1	24	\$24,000	
Driver	1	36	\$29,000	
Office equipment	4	1	\$20,000	
Vehicles	1		\$25,000	
Office running costs	1	36	\$28,000	
Vehicle running costs	1	36	\$14,000	
Miscellaneous			\$50,000	
Evaluation			\$69,300	
				\$899,333
<b>Component 1: NJSC</b>				
Lead consultants	4	24	\$140,400	
Workshops and seminars	9		\$408,934	
Equipment			\$560,000	
Training			\$500,000	
				\$1,609,334
<b>Component 2: Training</b>				
International training institute contract			\$8,000,000	
Evaluation			\$99,713	
Training materials and curriculum			\$893,620	
				\$8,993,333
<b>Component 3: NLTRC</b>				
Construction			\$4,000,000	
Equipment			\$1,000,000	
				\$5,000,000
<b>Component 4: Rehab. Courts</b>				
Construction			\$150,000	
Equipment			\$654,667	
				\$804,667
UNDP GMS (5% of MDTF funding)				\$619,048
Bank charges (0.6%)				\$74,286
<b>Total</b>				<b>\$18,000,000</b>
GoNU				\$5,000,000
MDTF				\$13,000,000



## CALL FOR PROPOSAL ANNOUNCEMENT

The Office of the Resident Representative of the United Nations Development Programme (UNDP), Khartoum is seeking qualified institutions for the following assignment:

Assignment:	<b>Capacity Building of the Judiciary - Training Institute for Legal Training Project</b>
Organization:	<b>UNDP</b>
Section/Unit:	<b>Rule of Law Unit</b>
Contract Type:	<b>Institutional Contract</b>
Assignment Duration:	<b>18 months (with possibility of extension)</b>
Starting Date:	<b>March 2006 – September 2007</b>
Closing Date:	<b>25 February 2006</b>
E-mail applications to:	<a href="mailto:hr.sd@undp.org">hr.sd@undp.org</a> and <a href="mailto:nahid.hussein@undp.org">nahid.hussein@undp.org</a>
Or Submit Applications to this Address:	Interested firms/institutes should submit updated P11 or CV addressed to the Human Resources Manager, UNDP Office – Gamaa Avenue.  Only short listed firms/institutes will be contacted for interview.

### Context

With the signing of the Comprehensive Peace Agreement (CPA) and the adoption of the Interim National Constitution (INC), Sudan has entered an important transitional phase - a phase in which legal and judicial reform is an instrumental element for promoting sustainable peace. As recommended by the Joint Assessment Mission (JAM), strengthening the Rule of Law will require improvement of the judicial capacity. In line with the outcome of the JAM Cluster 2 assessment, this will require, *inter alia*, a greater awareness and in-depth understanding of the INC and human rights; legal references; and, court management and traditional courts performances. In close collaboration with the Government of Sudan, UNDP has developed a project, which aims at enhancing the substantive legal knowledge of judges through a comprehensive training programme. The training is to be conducted in Arabic and English and will encompass:

- Design and delivery of training, curricula and handbooks
- Development of lessons learned publications

- Study tours

The training will target 400 judges at the central level in Khartoum and 800 judges at state level - selected on the basis of competence, commitment and degree of responsibility/seniority and jurisdiction for a period of 18 months. The overall objective of the programme is to conduct a comprehensive training of judges in practical court skills, legal imperatives and international standards.

### **Functions & Key Results**

Under the overall management of UNDP/Rule of Law Unit, and working in close collaboration with the Sudanese judiciary and institutions relevant to the project, the institute is tasked with providing in-depth training on the following:

- Court administration and case flow management
- Criteria for an accurate recording of testimony
- Capacity to present a convincing argument, and write a well-reasoned and argued opinion
- Skills to oversee execution of judgments
- An in-depth understanding of their role in the justice system
- Constitutional law
- Specific constitutional law issues in Northern Sudan in view of the interface between Common Law, *sharia* law, and customary law
- The role and status of the judiciary
- International human rights norms and standards and international criminal law
- Legal analysis and judicial drafting
- The different actors of criminal procedures and case management in criminal cases
- Jurisprudence, appeal and cassation
- Comparative criminal justice systems
- Evidentiary techniques in comparative criminal justice systems
- International crimes (anti-drug, anti-organized crime, anti-terrorism convention)
- International standards and best practices in other post-conflict countries
- Building constituencies for judicial reform

### **Expected Outputs**

- Criteria for selection of participants and training methods developed
- Training curricula and bench-books developed
- Training of 400 judges at the central level and 800 judges at the state level conducted
- Study tours in two different countries conducted

### **Proposed Timeframe**

- March 2006- September 2007 (18 months)

### **Capacities**

- Capacity to develop training materials and curricula
- Capacity to conduct and manage financial and administrative aspects of the training
- Adequate availability of experienced staff/ trainers in the above mentioned fields

- Capacity to establish quick presence in the Sudan
- Experience of post-conflict situations.

## Annex 4 : Concept Note on the NJSC

United Nations Development Programme  
Rule of Law Unit



### Concept Note on the Support to the Establishment of the National Judicial Service Commission (NJSC)

#### **1. Introduction**

With the signing of the CPA and the adoption of the INC, Sudan has entered an important transitional phase – a phase in which legal and judicial reform is an instrumental element for promoting sustainable peace. As recommended by the JAM, strengthening the Rule of Law will require improvement of the judicial capacity. In line with the outcome of the JAM Cluster 2 assessment, this will require, *inter alia*, a greater awareness and in-depth understanding of the Interim National Constitution and human rights; legal references; and, court management and traditional courts' performances. In close collaboration with the Government of Sudan, UNDP has developed a two-tier approach aimed at enhancing both the substantive legal knowledge and the over-all management of the judiciary. This will be achieved through two simultaneous interventions:

- Project Proposal on the Judiciary.

This project seeks to provide substantive legal training for judges at the national and state level in modern legal analysis and application; constitutional law; international human rights law; comparative international experiences; and, Sudanese cultural values and traditions. The sustainability of this training will be ensured through the establishment of a full-fledged National Judicial Resource and Training Center.

- Support to the National Judicial Service Commission.

In close coordination with UNMIS Rule of Law Unit, this will entail a catalytic role, providing technical support, organizing workshops/roundtables, and supporting dissemination and awareness raising. Through technical and operational support, these activities seeks to identify various models of judicial service management, and support the establishment of the NJSC secretariat. UNDP support will also target a longer process of strategic planning for the National Judiciary Service, all while the Judiciary will be trained on management, operations, national and international standards and practices. This note intends to define the specific support to NJSC.

#### **2. Recent Developments**

Following the adoption of the National Interim Constitution on 9 July 2005, the National Judicial Service Commission - headed by the Chief Justice of Sudan - is mandated to undertake the overall management of the national judicial system. This also includes the coordination of the relationships between judiciaries at the National, Southern Sudan and State level, as well as the approval, appointment and dismissal of judges. The newly adopted

Bill of the National Judicial Service Commission 14 August 2005 outlines the structure and the terms of reference.

### **3. The National Judicial Service Commission**

The National Judicial Service Commission (NJSC) aims to replace the current High Judicial Council with a new entity that will be responsible for selection, appointment, promotion, discipline and dismissal of judges and justices. According to the newly adopted Bill of the National Judicial Service Commission, the Chief Justice will act as president the following representative will serve as members:

1. The Chief Justice
2. Three Deputies of the Chief Justice
3. The Federal Minister of Justice
4. The Federal Minister of Finance
5. The Legal Advisor for the Government of Southern Sudan
6. The Chair of the Legal Committee at the National Assembly
7. The Chair of the Legal Committee at the State Legislative Council
8. The Chair of the Legal Committee of the Southern Sudan Council
9. The Dean of the Faculty of Law of the University of Khartoum
10. Two representatives from the Bar Association (North & South)
11. Three members to be appointed by the Presidency (*to be confirmed*).

### **4. UNDP Programme Outcome**

Through the implementation and successful completion of the proposed programme the Sudan Judiciary will be professionally coordinated and staffed with competent, competitively selected, transparent and accountable staff.

In specific, the proposed outputs are as follows:

#### Output 1: The National Judicial Service Commission Operationalized (1 year)

In view of the above developments, UNDP intends to support the operationalization of the new NJSC by means of *providing technical advisory services* to the new body, focusing on its mandate, structure, operations and long-terms development.

Therefore, UNDP will support a series of events and activities that will enable the NJSC *to study, discuss and deliberate various models* of judicial service management from around the world. In view of the new challenges facing the Sudan judicial system and the complexities resulting from having a national, and two sub-national structures, particularly those models that are developed in a de-centralized systems (USA, Mexico and India are suggested) will be highlighted.

Through this knowledge, and supported by a highly consultative process, the NJSC will be in a position *to decide on its internal structures*, its operating principles and procedures, its staffing needs as well as its need for information and database support. These issues will be deliberated in meetings and workshops held in North and South Sudan and concluded by a final national workshop, the output of which will go as recommendation to the Chief Justice.

After this preparatory phase, UNDP will support the *establishment of the NJSC Secretariat* with the necessary equipment, systems and training support. It is expected that one year after the start of its operations, the secretariat will be able to work independently and financed from Government resources.

Once the NJSC is operational, UNDP will support a longer process of *strategic planning* for the National Judiciary Service Commission aiming at detailing its goals for the three years ahead, including key factors like: human resource development (including education); quality

assurance (transparency, anti-corruption); and, accessibility of the judiciary system. The long term strategic plan will also yield key areas of future support that the judiciary system may require from UN or from other sources.

Output 2: Completed training of the judiciary in management, operations, national and international standards and practices.

As the system for management of the Judiciary system in Sudan is deliberated and developed, the programme intends to ensure that the new management structures and operating principles and procedures are indeed used by the Judiciary country-wide. Consequently, the programme will focus on *disseminating relevant information* to the Judiciary on all levels in the country, while soliciting their inputs.

In addition, the programme will develop *tailored training curricula* that instruct both judges and the supporting staff regarding the implications for their daily work. The UNDP will work on this in close collaboration with other UN agencies and the Government of Sudan tackling civil service reform and civil service training.

While the initial testing and roll-out of the trainings is expected to require external financial support, after one year the Government will take over the financial budget of these activities.

## **5. Programme Strategy**

The challenges for the judicial system in Sudan are daunting. The added complexity of National and sub-national structures need to be addressed with maximum sensitivity. Therefore, the programme will be very inclusive and implemented through continuous consultations and dialogue in order to ensure that the changes have a broad platform among judges and justices. The programme will focus on results in terms of a functioning judiciary system that delivers practical justice to people - rather than on cosmetic changes that make no difference in day-to-day life. The programme will be sensitive to religious and cultural differences in and between regions. It will pay particular attention to female judges and justices and will prioritize those areas of the judicial system where maximum impact of women's justice can be expected. UNDP will manage the programme under its Direct Execution modality (DEX) while ensuring full coordination with the JNTT and the office of the Chief Justice. An advisory body for the programme is expected to be set up by the Chief Justice. UNDP will employ a Judicial Adviser to manage and implement the programme, supported by a small programme implementation team.

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## Annex 5.1 : Terms of Reference of the Project Manager

**Job Title:** Project Manager  
**Section Unit:** Rule of Law Unit  
**Duty Station:** Khartoum  
**Post Level:** ALD 4

### **Background:**

With the signing of the Comprehensive Peace Agreement (CPA) and the adoption of the Interim National Constitution (INC), Sudan has entered an important transitional phase – a phase in which legal and judicial reform is an instrumental element for promoting sustainable peace. As recommended by the Joint Assessment Mission (JAM), strengthening the Rule of Law will require improvement of the judicial capacity. In line with the outcome of the JAM Cluster 2 assessment, this will require, *inter alia*, a greater awareness and in-depth understanding of the INC and human rights; legal references; and, court management and traditional courts performances. In close collaboration with the Government of Sudan, UNDP has developed a project aimed at enhancing both the substantive legal knowledge and the over-all management of the judiciary. This will be achieved through the following simultaneous interventions:

*- Support for the National Judicial Service Commission (NJSC)*

Following the adoption of the Interim National Constitution on 9 July 2005, the National Judicial Service Commission - headed by the Chief Justice of Sudan - is mandated to undertake the overall management of the national judicial system. This also includes the coordination of the relationships between judiciaries at the National, Southern Sudan and State level, as well as the approval, appointment and dismissal of judges. The newly adopted Bill of the National Judicial Service Commission 14 August 2005 outlines the structure and the terms of reference. Through this project UNDP will provide support that will take the form of provision of technical advisory services, addressing the mandate, structure and operational capacity of the NJSC.

*- Training of Judiciary and Minor Rehabilitation in the State of Khartoum*

The Project will enhance the legal and professional knowledgebase and perceptions of legal imperatives amongst judges by providing training in modern legal analysis and application, especially as it relates to the constitutionality of the jurisdiction, international human rights norms and standards, along with comparative international experience. The Project will also entail minor rehabilitation and logistical support to manage courts and service delivery in an efficient and effective way.

*- Training of the Judiciary at State level and minor rehabilitation*

In tandem with institutional capacity building of the Judiciary at the Government of National Unity (GoNU) level, the Project will also build the capacity of the Judiciary at state level to ensure that central capacity building cascades down to communities, and strengthens the delivery of legal recourse at the grass-roots level. As outlined above, this will include modern legal analysis and application, constitutional law, international human rights and comparative international practices, along with Sudanese cultural values and traditions, as well as management and administration of judges at the state-level and minor rehabilitation of court houses.

*– Establishment of a Legal Resource and Training Centre*

A Legal Resource and Training Centre will also be established. Existing facilities at universities and the Centre will make available a detailed training curriculum and an upgraded library with reference literature, a modern legal resource centre and internet, while also providing a forum for professional discussion in the legal field and lecture rooms for training courses. The Legal Resource and Training Centre will be made accessible to members of the judiciary and legal practitioners, and will also link to academic institutions, notably the Faculty of Law at major universities.

**Job Descriptions**

To this end UNDP is seeking a motivated candidate to undertake the management of this project. Under the overall supervision of the Deputy Resident Representative (Programme), and the direct supervision of the Team Leader of Rule of Law and working closely with the Programme Officer (Judiciary), the incumbent will substantially contribute to the programmatic development and implementation of the UNDP Project. This entails:

- Manage the above mentioned project, including supervising and monitoring substantive implementation and oversee all administrative and financial matters pertaining to the project.
- Prepare annual work plans, project reports, drafting terms of reference and ensure approval;
- Contribute to the Multi Donors Trust Fund (MDTF) project document on Capacity Building of the National judiciary, through the UNDP Rule of Law Unit and the Technical Team.
- Produce timely reports - financial and progress reports - as required by the reporting system of the Capacity Building of Judiciary Project
- Perform quality control functions for the project, including assessing impact and effectiveness, tracking outputs and results, and ensure timely and efficient delivery of project outputs through a client-satisfaction approach;
- Supervise requisitions, purchase orders and payment requests in ATLAS, and ensure monthly delivery updates to the Team Leader on financial delivery performance;
- Liaise and coordinate the appropriate activities with the Judiciary, UN agencies, national and international Institutes;
- Any other duties, as assigned by the Team Leader of Rule of Law.

**Outputs**

- Contribution to the MDTF project document on Capacity Building of the National Judiciary and substantive contribution to the development of the project work-plan;
- Implementation of the activities and delivery of services within the timeframe of the project.

**Qualification:**

Advanced university degree or equivalent in Law/International Relations/Political or Social Science.

**Relevant Experience:** A minimum of 10 years of progressive experience in project management; Proven and extensive track record in Rule of Law and/or judicial system capacity building and development programming.

**Other competencies:**

Excellent knowledge of the evolving political situation in Sudan, with particular focus on Rule of Law; Experience of working with government authorities as well as ability to handle confidential and politically sensitive information; Ability to translate challenges faced in a complex environment into strategic planning and implementation and sustainable recovery; Excellent drafting skills; Demonstrated initiative and perseverance; Self-starter, highly motivated and comfortable in a multi-cultural, multi-racial team setting; Results driven, ability to work under pressure and to meet strict deadlines; and, Strong diplomatic, catalytic and team-building skills.

**Past experience with UNDP in similar positions would constitute an advantage.**

**Languages: Excellent written and spoken English. Arabic language an asset.**

## **Annex 5.2 : Terms of Reference of the NJSC Consultant**

**Consultancy: Support to National Judicial Service Commission (NJSC)**

**Duty Station: Rule of law Unit/ Sudan (Khartoum)**

### **Background:**

In post-conflict Sudan, the national Judiciary is expected to play an instrumental role to translate the principles of the CPA into tangible and sustainable results. The establishment of the National Judicial Service Commission and the strengthening of the judiciary will be instrumental to this process.

The National Judicial Service Commission will form the basis of judicial capacity building programmes at national level. Working closely with the members of the Commission Preparatory Team (CPTs) for the National Judicial Service Commission, UNDP has already commenced some initial activities, such as the development of a concept note on support to the NJSC, endorsed by the Parties, and the organization of a roundtable on the NJSC. Continued support will take the form of provision of technical advisory services, addressing the mandate, structure and operational capacity of the NJSC.

To this end, UNDP will support a series of activities that will enable the NJSC to study, discuss and deliberate various models of judicial service management from around the world. In view of the new challenges facing the Sudan judicial system and the complexities resulting from having a national, and two sub-national structures, lessons learned will be drawn from other de-centralized systems.

Through this knowledge, and supported by a highly consultative process, the NJSC will be in a position to decide on its internal structures, operating principles and procedures, staffing needs as well as the need for information and database support. These issues will be deliberated in meetings and workshops held in North and South Sudan and concluded by a final national workshop. The conclusions will be presented as recommendations to the Chief Justice, who chairs the NJSC.

Following the preparatory phase, UNDP will support the establishment of the NJSC Secretariat by providing the necessary equipment, systems and training support. It is expected that, the secretariat will be fully functional, independent and financed from Government resources within one year from its establishment. This will be followed by technical support to the NJSC's long-term strategic planning, identifying three-year goals and key factors, such as: human resource development (education and training); quality assurance (transparency); and, accessibility to the judiciary system. The long-term strategic plan will also yield key areas of future support, which the judiciary system may require from the UN.

Support to the NJSC will be followed by the implementation of a comprehensive capacity building project for the Judiciary (funded by MDFT). The Project will enhance the legal and professional knowledgebase and perceptions of legal imperatives amongst judges by providing training in modern legal analysis and application, especially as it relates to the constitutionalism of the jurisdiction, as well as awareness raising on international human rights norms and standards, along with comparative international experience. The Project will also entail minor rehabilitation and logistical support to manage courts and service delivery in an efficient and effective way. To this end, UNDP have developed a comprehensive programme, which will initially be implemented at national level and, subsequently, be extended to state level

### **Job Description:**

Working closely with the Programme Officer (Judiciary), the Consultant will provide support to the Commission Preparatory Team (CPT) on the National Judicial Service Commission (NJSC), and will contribute to MDTF project document on capacity building of the National judiciary through support to NJSC and UNDP Rule of Law. The activities will be conducted on the basis of the Comprehensive Peace Agreement (CPA) and Joint Assessment Mission (JAM) Cluster Reports 1 and 2.

The Consultant will be tasked with the following duties and responsibilities:

- Based on the INC and the ICSS, analyse the national and sub-national structure in the Sudan and provide policy and technical advice to CPT and JNTT on detailed mandate, functions and coverage of the NJSC as relates to GNU and GoSS;
- Provide technical recommendations to the CPT on the NJSC on organisational structure, staff qualifications and experience; work procedures of the NJSC;
- Provide recommendations to CPT and JNTT on advisory services and reporting;
- Support monitoring, coordination and liaison between the NJSC and other Judicial structures;
- Provide a narrative on recommendations and principles, which will need to be covered in enabling legislation and policies for NJSC;
- Participate in drafting (if required) or comment on the draft recommendations to be produced by the CPT on the NJSC;
- Substantively contribute to workshops and seminars organized by CPT, to discuss the recommendation with relevant stakeholders;
- Provide and advise on lessons-learned and best practices to the CPT on the NJSC; and
- Organize discussions on the MDTF proposal with all relevant stakeholders, and incorporate feedback and comments as appropriate.

### **Outputs:**

- Substantive contribution to the report/recommendations of CPT on mandate and function of NJSC, including a narrative report on the recommendations.
- Contribution to the MDTF project document on Capacity Building of the National judiciary, through support to CPA National Judicial Service Commission and the UNDP Rule of Law Team.

### **Requirements:**

- Advanced university degree in law (LLM);
- At least 10 years' professional, relevant, experience;
- Proven experience in promoting the rule of law and human rights in post-conflict situations;
- Previous United Nations' experience
- Excellent drafting skills;
- Fluency in English;
- Previous experience of Sudan an asset;
- Diplomatic and negotiation skills, capable of handling politically charged situations;
- Dedicated to the principles of the United Nations;
- Excellent communication skills, strong team player and self-starter;
- Ability to work under pressure and to meet strict deadlines.

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## Annex 5.3: Terms of Reference of the Project Associate

<b>Job Title:</b>	<b>Project Associate</b>
<b>Section Unit:</b>	<b>Rule of Law Unit</b>
<b>Duty Station:</b>	<b>Khartoum</b>
<b>Post Level:</b>	<b>NOA</b>
<b>Duration:</b>	<b>One Year (with possibility of extension)</b>

### **Background:**

With the signing of the Comprehensive Peace Agreement (CPA) and the adoption of the Interim National Constitution (INC), Sudan has entered an important transitional phase – a phase in which legal and judicial reform is an instrumental element for promoting sustainable peace. As recommended by the Joint Assessment Mission (JAM), strengthening the Rule of Law will require improvement of the judicial capacity. In line with the outcome of the JAM Cluster 2 assessment, this will require, *inter alia*, a greater awareness and in-depth understanding of the INC and human rights; legal references; and, court management and traditional courts performances. In close collaboration with the Government of Sudan, UNDP has developed a project aimed at enhancing both the substantive legal knowledge and the over-all management of the judiciary. This will be achieved through the following simultaneous interventions:

*- Support for the National Judicial Service Commission (NJSC)*

Following the adoption of the Interim National Constitution on 9 July 2005, the National Judicial Service Commission - headed by the Chief Justice of Sudan - is mandated to undertake the overall management of the national judicial system. This also includes the coordination of the relationships between judiciaries at the National, Southern Sudan and State level, as well as the approval, appointment and dismissal of judges. The newly adopted Bill of the National Judicial Service Commission 14 August 2005 outlines the structure and the terms of reference. Through this project UNDP will provide support that will take the form of provision of technical advisory services, addressing the mandate, structure and operational capacity of the NJSC.

*- Training of Judiciary and Minor Rehabilitation in the State of Khartoum*

The Project will enhance the legal and professional knowledgebase and perceptions of legal imperatives amongst judges by providing training in modern legal analysis and application, especially as it relates to the constitutionality of the jurisdiction, international human rights norms and standards, along with comparative international experience. The Project will also entail minor rehabilitation and logistical support to manage courts and service delivery in an efficient and effective way.

*- Training of the Judiciary at State level and minor rehabilitation*

In tandem with institutional capacity building of the Judiciary at the Government of National Unity (GoNU) level, the Project will also build the capacity of the Judiciary at state level to ensure that central capacity building cascades down to communities, and strengthens the delivery of legal recourse at the grass-roots level. As outlined above, this will include modern legal analysis and application, constitutional law, international human rights and comparative international practices, along with Sudanese cultural values and traditions, as well as management and administration of judges at the state-level and minor rehabilitation of court houses.

*– Establishment of a Legal Resource and Training Centre*

A Legal Resource and Training Centre will also be established. Existing facilities at universities and the Centre will make available a detailed training curriculum and an upgraded library with reference literature, a modern legal resource centre and internet, while also providing a forum for professional discussion in the legal field and lecture rooms for training courses. The Legal Resource and Training Centre will be made accessible to members of the judiciary and legal practitioners, and will also link to academic institutions, notably the Faculty of Law at major universities.

**Job Description**

To this end UNDP is seeking a motivated candidate to serve as Project Associate, under the overall supervision of the Project Manager. This entails:

- Administration and implementation of project strategies, adapts processes and procedures
  - Support to management of the project
  - Administrative support to the Project
1. Ensures **administration and implementation of project strategies, adapts processes and procedures.**
  2. Presentation of information/ reports for identification of areas for support and interventions.
  3. Provides effective support to **the project management.**
  4. Presentation of thoroughly researched information for formulation of project programme, preparation of project documents' drafts, work plans, proposals on implementation arrangements.
  5. Follow up on performance indicators/ success criteria, targets and milestones, preparation of reports.
  6. Analysis of the situation in the project, identification of operational and financial problems, development of solutions.
  7. Assist in project substantive monitoring; prepare comments of designated aspects of project progress as an input to programme monitoring.
  8. Assist, coordinate, facilitate, and maintain communications between UNDP project and implementing partners and beneficiaries regarding all issues related to the activities of the project.
  9. Responsible for the organization of workshops and seminars.
  10. Assist in financial monitoring of the project, monitoring of expenditures and preparation of budget revision and expenditure reports as needed.
  11. Oversee administrative matters of the project.

**Qualification:**

University degree in Law/International Relations/Political, Social Science, or relevant field.

**Relevant Experience:** A minimum of 4 years of progressive experience in project management; Proven and extensive track record in Rule of Law and capacity building and development programming.

**Other competencies:**

Excellent knowledge of the evolving political situation in Sudan, with particular focus on Rule of Law; Experience of working with government authorities as well as ability to handle

confidential and politically sensitive information; Ability to translate challenges faced in a complex environment into strategic planning and implementation and sustainable recovery; Excellent drafting skills; Demonstrated initiative and perseverance; Self-starter, highly motivated and comfortable in a multi-cultural, multi-racial team setting; Results driven, ability to work under pressure and to meet strict deadlines; and, Strong diplomatic, catalytic and team-building skills.

**Past experience with UNDP in similar positions would constitute an advantage.**

**Languages: Excellent written and spoken English. Arabic.**