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Resilient nations.*

UNDP SOUTH SUDAN

Access to Justice and Rule of Law Project

FINAL EVALUATION REPORT

DECEMBER 30, 2019

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ACRONYMS

A2JROL	Access to Justice and Rule of Law project
CEPO	Community Empowerment for Progress Organisation
COPE	Community Organisation for Peer Educators
CPA	Comprehensive Peace Agreement
CPD	Country Programme Document
CRA	Compensation and Reparations Authority
CSO(s)	Civil Society Organisation(s)
CTA	Chief Technical Advisor
CTRH	Commission for Truth, Reconciliation and Healing
ECC	Emergency Call Centre
FGD(s)	Focus Group Discussion(s)
GBV	Gender Based Violence
GRSS	Government of the Republic of South Sudan
HCSS	Hybrid Court of South Sudan
IIAG	Ibrahim Index of African governance
IP(s)	Implementing Partner(s)
INGO(s)	International Non-Governments Organisation(s)
JCC(s)	Justice Confidence Centre(s)
JoSS	Judiciary of South Sudan
LRC	Law Reform Commission
MoJCA	Ministry of Justice and Constitutional Affairs
MTE	Mid-term Evaluation
NPSSS	National prison Service of South Sudan
PBF	Peacebuilding Fund
PCRC(s)	Police Community Relations Committee(s)
PoC	Protection of Civilians
R-ARCRSS	Revitalised Agreement on the Resolution of Conflict in the Republic of South Sudan
RTGoNU	Revitalised Transitional Government of National Unity
SDG(s)	Sustainable Development Goal(s)
SFCG	Search for Common Ground
SGBV	Sexual and Gender Based Violence
SPU	Special protection Unit
SSNPS	South Sudan national Police Service
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNMISS	United Nations Mission in South Sudan
UNPOL	United Nations Police
UPR	Universal Periodic Review

Introduction

UNDP commissioned the final evaluation of the Access to Justice and Rule of Law (A2JROL) project to support accountability to national stakeholders and its partners, as well as serving as a means of quality assurance and lessons learning. The evaluation was undertaken by a team of two consultants over a period of 30 working days from 24 September to 5 December 2019.

Scope and objective

The evaluation covered the project implementation in Aweil, Bor, Juba, Torit, Wau and Yambio over the period from October 2017 to 30 June 2019. The objectives of the evaluation were:

- a) To determine the relevance and strategic positioning of UNDP's Access to Justice and Rule of Law Project and whether the initial assumptions were still relevant;
- b) To assess (i) the progress made to date towards UNDP's Country Programme Document (CPD) and project results and whether there were any unintended results and (ii) what can be derived in terms of lessons learned for ongoing and future UNDP support towards access to justice and rule of law initiatives in South Sudan;
- c) To review the frameworks and strategies that UNDP and partners devised to deliver the access to justice and rule of law initiatives, including capacity building of national institutions and whether they were well conceived for achieving planned objectives;
- d) Analyse the extent to which the project enhanced application of a rights-based approach, gender equality and women's empowerment, social and environmental standards and participation of other socially vulnerable groups such as children and the disabled; and
- e) To assess the overall contribution of the project to rule of law and human rights observance in the country and whether there were indications of sustaining the results generated by the project.

Evaluation method

The evaluators used a number of methods to establish the extent of progress towards expected results, including specifically, perspectives of implementing partners and beneficiaries, review of official files and reports, individual and focus group discussions (FGDs) with a range of stakeholders as well as field visits to project sites. A total of 63 key informants were consulted, as well as 4 focus group discussions with a total of 33 project beneficiaries.

Limitations

The evaluators were able to field visits to Aweil, Wau and Yambio, but could not visit Bor and Torit due to challenges with flight schedules. Secondly, some of the community beneficiaries did not speak English and used their local languages and dialects, some of which even the

national consultant did not comprehend. The evaluators therefore relied on translation support from either the UNDP field-based staff or government officials, which potentially compromised the independence of the evaluation as community beneficiaries may not have felt free to express their views candidly in the presence of government officials. To mitigate this challenge, the evaluation tried as much as possible to triangulate information obtained in the states.

Project description

The project started in October 2017 and was planned to end on 31 March 2020. It had a planned budget of US\$ 45,683,422 of which \$16,867,683 (36.9%) was funded by Netherlands (\$10,228,357); United States Bureau of International Narcotics and Law Enforcement Affairs (INL) (\$3,950,425); Germany (\$2,350,000); Japan (\$740,000). UNDP's plan was to strengthen the rule of law sector, by increasing and expanding the availability, affordability, adaptability and acceptability of justice services in South Sudan by delivering the following three outputs:

- 1) Functions and capacity of rule of law institutions enabled to deliver accountable, effective and equitable justice services.
- 2) Measures in place and implemented in the rule of law sector to prevent and respond to sexual and gender-based violence.
- 3) Human rights and transitional justice mechanisms strengthened to monitor and respond to the promotion and protection of citizen's rights.

Evaluation findings

Finding 1. The project addresses the critical need for justice for disadvantaged and vulnerable groups. While the project could not address the underlying causes for the lack of rule of law and weak justice delivery system in the country, it provided critical needs for transitional justice, as well psycho-social support, legal aid and access to justice for the most disadvantaged, especially women and girls who were victims and survivors of sexual and gender-based violence (SGBV).

Finding 2. The project is aligned to SDGs, in particular Goal 16: Peace, justice and strong institutions. The project design included six components, which were aligned to **SDG 16** 'Promoting **peaceful and inclusive societies** for sustainable development, provide **access to justice** for all and build **effective, accountable and inclusive institutions** at all levels'.

Finding 3. The project is aligned with national priorities, in particular the Revitalised Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCRSS). The project was aligned with the Transitional Constitution of the Republic of South Sudan (2011), of which the Bill of Rights gives all basic rights to citizens, including the right to **legal aid**. The project was also aligned to the R-ARCRSS, which *inter alia*, provided for the establishment of transitional justice institutions.

Finding 4. Overall, the project achieved its intended results and contributed towards planned country programme outcomes. Most of the project's planned targets were achieved, particularly with regards to upstream work for development of policies and legislation; although some of the outputs were not followed through due to weak government capacity or political will to implement them - for example, the Legal Aid Bill has not been enacted into law.

Finding 5. Field level collaboration and synergy between projects was weak.

UNDP was implementing the Peace and Community Cohesion (PACC) project in the same states where the A2J project was being implemented and some interventions cut across both projects. Some interventions such as the community policing component funded by Embassy of Japan funds operated under one budget line. However, there was no formal mechanism for field-based project officers to share information and enhance collaboration.

Finding 6. The project experienced staffing challenges, especially in field offices. At the time of this evaluation, there was no Project Manager, with the Chief Technical Advisor (CTA) doubling up for that function; while at the field level, except for Yambio, the other states did not have the full complement of two project officers, including the Law Enforcement Officer (with police background) and a Rule of Law Officer (with legal background).

Finding 7. Field offices were not adequately involved in the planning of activities. Lack of involvement of field officers in activity planning sometimes resulted in inappropriate activities that were not align to the realities on the ground, including for example providing computers to institutions that could not use them due to lack of electricity.

Finding 8. The project had high delivery of available resources, although financial reporting changed every year reflecting the disjointed nature of interventions. The project had average delivery rate of 70% of available resources, although there was inconsistent financial reporting from year to year.

Finding 9. The project had well defined sustainability plan and exit strategy, but national capacity for upscaling is weak. Some of the project's critical assumptions did not materialise and increased the risk that project may not be sustainable, including for example, implementation of the R-ARCRSS.

Finding 10. Gender equality and human rights were integral to the design and adequately integrated in implementation. Gender equality and human rights were integrated in the project design, in particular the interventions about the Special Protection Unit (SPU) within the South Sudan national Police Service (SSNPS) were specifically designed to address issues of SGBV and human rights violations.

Factors that affected achievement of results

- Weak government capacity, especially at state level.
- High turnover of key staff in government.
- Weak support to field offices, including project staffing.
- Short-term funding to IPs.
- Capacity of partner CSOs.

Lessons learned

1) Effective ‘rule of law’ cannot operate in isolation. For ‘rule of law’ to flourish, necessary enabling conditions must prevail, including (a) a functional, independent and impartial judiciary, (b) free legal aid for those who cannot afford to pay for it, (c) availability of social and economic facilities for citizens to enjoy and protect, and (d) awareness and knowledge by citizens of their rights under the law.

2) Project effectiveness may be compromised if interventions are not informed by the realities on the ground. If field officers are not involved in activity planning, they are deprived the opportunity to provide real time information about what is possible and not possible.

3) Inappropriate selection of beneficiaries may cause more harm than good. When there is a flow of benefits from the project to beneficiaries, it is critical that the selection criteria is transparent and developed to send the correct signals.

4) Implementing partners (IPs) may not be able to achieve impact if funding is for short term. Changing mindsets and behavior requires long-term efforts, and IPs may not be expected to achieve desired impact with short term funding for six months.

5) When starting from a low base, there workshop may not effectively develop individual capacities. When the aim is to induce behavior change, it is unlikely that workshops can achieve this in three days or less, particularly given the low base in terms of literacy and educational achievement that the participants may be coming from.

6) Project success ultimately depends on government’s commitment to sustain, upscale and replicate. As the project’s coverage is small due to resource constraints, success largely depends on government’s capacity and willingness to upscale and replicate.

Recommendations

Recommendation 1. UNDP must change its business model and adopt more of integrated programming. UNDP should review its strategy and adopt the integrated programming approach, whereby they target specific states or groups and provide them with a comprehensive set of interventions to ensure impact.

Recommendation 2. UNDP should strengthen collaboration between its projects both at CO and field levels.

UNDP should ensure that its project complement each other by establishing synergies during project design and planning of interventions at the country level. At the field level, field-based project staff should work more closely, including sharing information.

Recommendation 3. Project management must involve field officers in planning of activities. Field officers should be involved in planning of activities as they have better grasp and understanding of the conditions on the ground, including interventions that are likely to attract government and counterpart commitment.

Recommendation 4. UNDP should invest more resources in infrastructure development. In most institutions that were visited, the one common request was for infrastructure, and given the lack of infrastructure in the states, UNDP should prioritise this.

Recommendation 5. UNDP should review its capacity-building approach to make it more responsive to the conditions in the country. The workshop approach currently being used by the project is more suitable for ‘capability’ building rather than capacity building. Capability building refers to the transfer of skills and knowledge required for a particular task; while capacity building should be more comprehensive and involve developing individual or organization’s ability to absorb change effectively.

Recommendation 6. Increase the funding timeframe for implementing partners. UNDP should review and increase the funding timeframe to at least one year in order to realise impact from interventions.

Recommendation 7. Establish and enforce adherence to beneficiary selection criteria. UNDP should ensure that its beneficiary selection criteria is transparent, understood and adhered to in order not to give wrong signals and encourage harmful behaviours.

Recommendation 8. UNDP should strengthen community awareness on volunteerism and avoid encouraging dependency. PCRC members that were visited expected a ‘reward’ for their voluntary service. On the other hand, it was also noted that some police officers joined the SPU under the false impression and expectation that UNDP will subsidise their salaries.

Finding 9. Government commitment should be clearly articulated in the project document. The key success factor rests with the government at state level to ensure that the rule of law institutions are functional and operating. The government’s commitment and contribution must therefore be clearly spelt out in the project document so that project management can monitor performance and accordingly.

The United Nations Development Programme's (UNDP) corporate policy is to evaluate its development cooperation with the host government on a regular basis in order to assess whether and how UNDP interventions contribute to the achievement of agreed outcomes, i.e. changes in the development situation and ultimately in people's lives. UNDP defines an evaluation as 'an assessment, as systematic and impartial as possible, of an activity, project programme, strategy, policy, topic, theme, sector and operational area or institutional performance'¹. A final evaluation is summative in nature and therefore its focus is on outcomes.

This report is the final evaluation of the Access to Justice and Rule of Law (A2JROL) project. The evaluation was commissioned by UNDP to support accountability to national stakeholders and its partners, as well as serving as a means of quality assurance and lessons learning. The evaluation was undertaken by a team of two consultants over a period of 30 working days from 24 September to 30 December 2019.

The report is structured in six chapters as follows.

- ❶ Chapter 1 introduces the report and includes discussion on the evaluation's objectives, scope and methodology;
- ❸ Chapter 2 contains a description of the development challenge in South Sudan, including an overview of the government's priorities and strategies;
- ❸ Chapter 3 describes the A2JROL project and a discussion of UNDP's interventions;
- ❹ Chapter 4 contains the evaluation findings;
- ❺ Chapter 5 provides a discussion of the project's best practices and lessons learnt;
- ❻ The report ends with Chapter 6, which contains the evaluators' conclusions and recommendations.

1.1. Purpose, objectives and scope

This section contains a description of the purpose, objectives and scope of the evaluation as provided in the evaluation terms of reference (TORs), and as agreed between UNDP and the consultants during the inception phase.

1.1.1. Purpose of the evaluation

Based on review of the evaluation terms of reference (TORs), the overall purpose of this end-term evaluation is to assess the project's contribution towards *"increasing and expanding the availability, affordability, adaptability and acceptability of justice services in South Sudan"*. The evaluation was summative in nature, forward looking and utilisation focussed, and also

¹ UNDP Evaluation Policy

aimed to elaborate lessons and best practices to inform any future programming after the end of the project in March 2020.

As a summative evaluation, it also served to fulfil UNDPs accountability to donors, national stakeholders and partners through an impartial assessment of the results achieved to date, including gender equality results of the project. The evaluation also assessed whether the project remained relevant to the ever changing context, especially following the signing of the revitalised Agreement on the Resolution of Conflict in South Sudan (R-ARCSS); and, to determine the extent to which the project was contributing towards attaining the expected results.

The findings and recommendations of the evaluation were aimed to inform the key stakeholders of this evaluation, including relevant ministries and institutions of the Government of the Republic of South Sudan (GRSS), funding partners - Netherlands, Japan, Sweden, the Peacebuilding Fund (PBF), UNDP and other UN agencies.

1.1.2. Objectives of the evaluation

The specific objectives of the final evaluation as outlined in the TORs were:

- f) To determine the relevance and strategic positioning of UNDP's Access to Justice and Rule of Law Project and whether the initial assumptions were still relevant;
- g) To assess (i) the progress made to date towards UNDP's Country Programme Document (CPD) and project results and whether there were any unintended results and (ii) what can be derived in terms of lessons learned for ongoing and future UNDP support towards access to justice and rule of law initiatives in South Sudan;
- h) To review the frameworks and strategies that UNDP and partners devised to deliver the access to justice and rule of law initiatives, including capacity building of national institutions and whether they were well conceived for achieving planned objectives;
- i) Analyse the extent to which the project enhanced application of a rights-based approach, gender equality and women's empowerment, social and environmental standards and participation of other socially vulnerable groups such as children and the disabled; and
- j) To assess the overall contribution of the project to rule of law and human rights observance in the country and whether there were indications of sustaining the results generated by the project.

1.1.3. Scope of the evaluation

The evaluation covered the project implementation in Aweil, Bor, Juba, Torit, Wau and Yambio over the period from October 2017 to October 2019. The scope also covered project

processes, including design, implementation, monitoring and evaluation of results. It also focused on performance and progress of indicators as agreed with UNDP's funding partners. In addition to assessing the relevance, effectiveness and efficiency of the project, the evaluation also:

- a) Explored the key factors that contributed to achieving or not achieving of the intended results;
- b) Determined the extent to which the project contributed to building capacities, addressing crosscutting issues of gender and human rights, forging partnership at different levels, including with government, donors, UN agencies, and communities;
- c) Potential sustainability of the project for continued realisation of results; and
- d) Drew lessons learned and best practices and made recommendations for future programming of projects of similar nature.

The evaluation also assessed the synergy between the A2JROL project and other UNDP initiatives contributing towards the same outcome areas, in particular the Peace and Community Cohesion (PACC) project.

1.1.4. Methodology

Overall approach. The evaluation was undertaken in four phases: (a) Inception phase – to agree evaluation plan between the evaluators and the evaluation commissioners, (b) data collection – to collect evidence from multiple sources; (c) analysis and drafting – to analyse the data and draw relevant findings, lessons and conclusions; and (d) reporting – to finalise and submit the evaluation report.

To establish the extent of progress towards expected results, the evaluators used qualitative approach including collation of perspectives of implementing partners and beneficiaries, review of official files and reports, individual and focus group discussions (FGDs) with a range of stakeholders as well as field visits to project sites.





Data Collection Methods. Data collection consisted of both primary and secondary data collection. Secondary data was collected mainly during the inception phase to understand the context in which the project was being implemented. It also outlined the tools that were used for data collection. The list of documents reviewed is in Annex 1.





More than 65 individuals were consulted using semi-structures individual and group interviews. The individuals were drawn from government and civil society implementing partners as well as direct project beneficiaries. The list of individuals consulted is in Annex 2.

Data analysis. Project performance was rated based on the progress made towards the planned targets using four-color scale (Table 1) whereby (i) if performance exceeded 80% of

planned target, it was rated as **achieved**; (ii) if performance was 60 – 79% of planned target, it was rated as **Modest progress**; (iii) if performance was 45- 59% of planned target, it was rated as **Weak progress**; and (iv) if performance was below 45 percent of planned target, it was rated as **Challenged**.

Table 1. Output assessment tool

Outcome 1. <State the outcome as per the ZUNDAF and annual work plans>				
Indicators	Baseline	Target	Progress achieved	Evaluation Assessment*
Indicator 1.1. # of legislative reviews informed by international standards and norms	0	2017 – 2018 – 2019 -	< Up-to-date data of the indicator>	< Either  Or  Or  Or 
Indicator 1.2.				On track
Indicator 1.3.				

NB:  Achieved >80% of target;  Modest progress, >60%; Weak progress, >45%  and (iv) Challenged, < 45%. 

1.1.5. Limitations

Due to challenges in flight schedules, the evaluators were unable to visit Bor and Torit as per plan. However, the field visits to Aweil, Wau and Yambio were very intensive and covered a wide range of stakeholders, including beneficiaries. In particular, the evaluators made sure to meet with representatives of Implementing Partners (IPs), target institutions and community beneficiaries for all of the project's components.



Figure 1. SGBV and crime awareness campaign at Lotuko (Odikiye) in Torit; 12 June 2018 (Courtesy UNDP)

2.1. Background

Conflicts in South Sudan go back centuries and reflect the antagonism between different socio-cultural groups based on political, social and economic grievances. In the 16th century, Sudan was part of the Ottoman Empire, which collapsed and gave way to Anglo-Egyptian rule in 1898. During the Ottoman and the Anglo-Egyptian rule, southern Sudan was in the Equatoria Province, where a slave trade existed. Systemic underdevelopment and government neglect sparked the 1955 Anya-Nya I rebellion in which the southerners demanded regional autonomy and more political representation².

When eventually Sudan gained its independence in 1956, it was divided along ethnic, regional and religious lines. Racial supremacy increased tensions and resistance from non-Arabs, leading to civil conflicts in southern Sudan, the Nuba Mountains and Darfur. The Addis Ababa Agreement of 1972 ended the Anya-Nya I (1955-1972) civil war. Following a mutiny in the Upper Nile region in 1978, the second civil war, Anya-Nya II, began in 1983 and ended with the signing of the Comprehensive Peace Agreement (CPA) in 2005.

The CPA gave semi-autonomy to southern Sudan, but arrangements were made for interim governance until July 9, 2011. This period marked six relatively stable years of an autonomous region of south Sudan. In the referendum in January 2011, 99% of the population voted in favour of independence and on July 9, 2011 the Republic of South Sudan was born. Renewed conflicts broke out in December 2013 and July 2016 on the back of a political power struggle between the incumbent President and his former deputy who was accused of attempting a coup d'état.

Various levels of violence, including intra-communal violence have characterised the country's fractious politics and ethnic polarisation. At the root of this conflict is widespread corruption, weak governance systems, mismanagement of public funds, suboptimal service delivery, and weak economic growth.³ A number of peace agreements have been signed over the course of the war but they have been repeatedly violated. The signing of Revitalised Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS) in September 2018, has brought renewed impetus towards stabilizing the fragile situation in the country. While reported incidents of conflict have decreased somewhat since the new deal, the situation in South Sudan remains highly unstable and outbreaks of violence continue.

² AfDB (2018); The political economy of south Sudan, p 5-7

³ A2J project document, p2

Due to its long history of armed conflict, South Sudan lacked the institutional and professional capacity to immediately resume or establish a functional, effective and accountable justice and security system, or the means for rights bearers to access justice.⁴ In the project document, UNDP also noted that the weak legal, regulatory, policy and institutional framework further hindered capacity of rule of law institutions to provide service in accordance with national and international standards of rights, justice and equality. Lawyers, judges, prosecutors, police personnel, prison personnel, legislators and civil servants operated in a dysfunctional system, where salaries, equipment and positive incentives were irregular, and where perceptions and commitment to legal imperatives had been battered.

Customary courts remained the choice for settling disputes, including family matters, community problems, land and resource issues, and those relating to women's rights.⁵ However, the degree to which customary justice systems contributed to better access to justice and increased realisation of rights was limited. Lack of due process, inconsistent and arbitrary or discriminatory decision making, non-compliance with national and international human rights standards, and humiliating or excessive punishments that can be prevalent in customary justice systems produced very unsatisfactory results.

Citizens lacked access to fair, efficient and responsive justice systems which are key to effective governance and the rule of law. Without access to justice, people – especially the poor and disenfranchised – were unable to realize their rights, challenge discrimination, or hold decision-makers accountable. Citizen's inability to access the justice system provided for determination of rights and obligations was bound to result in denial of the guarantee contained in the Transitional Constitution of South Sudan (2011) both in relation to equality before law as well as equal protection of rights.

The increasing prevalence of sexual and gender-based violence (SGBV) in South Sudan left a legacy not only on individual survivors, but also on entire communities.⁶ Often, women were disempowered and deprived of their rights, voice and agency, which consequently increased their vulnerability. Moreover, women were often unaware of their rights, and often lacked legal protection and access to mechanisms by which their grievances could be remedied. Where women were not able to claim their rights and obtain recourse for violations of their rights, establishing effective, efficient and fair justice systems was needed, for example, to ensure that women were able to seek justice when denied inheritance.

⁴ Ibid., p 6

⁵ Ibid.

⁶ Ibid.

2.2. Key challenges for access to justice in South Sudan

South Sudan's Human Development Index (HDI) value for 2017 is 0.388— which put the country in the low human development category—positioning it at 187 out of 189 countries and territories. Between 2010 and 2017, South Sudan's HDI value decreased from 0.413 to 0.388, a decrease of 6.1 percent.⁷ With respect to rule of law and justice sector, the Ibrahim Index on African Governance (IIAG) ranked South Sudan 53rd out of 54 countries (Table 2).⁸

Table 2. South Sudan Score/ranking by IIAG - 2017

	Score/100 (2017)	Rank/100 (2017)	Trend (2011-2017)
<i>Overall Rule of Law</i>	23.2	51	-13.6
<i>Independence of the Judiciary</i>	21.4	45	+5.5
<i>Independence & Transparency of the Judicial Process</i>	12.5	46	0.0
<i>Access to Justice</i>	12.7	52	-13.9
<i>Overall Participation and Human Rights</i>	21.1	52	-7.5
<i>Participation</i>	12.1	53	-14.8
<i>Rights</i>	17.0	50	-9.8
<i>Gender equality</i>	34.2	49	+2.1

The above Table shows that the country has a number of gaps to address and was way behind other African countries. One International Non-Governmental Organisation (INGO) that also works in the justice sector in South Sudan undertook a baseline study in 2017 and reached the following conclusions.⁹

Gaps and challenges

- (a) *The Transitional Constitution of South Sudan has numerous provisions on human rights but the protection of these rights has been a challenge. The South Sudan's 2015 peace agreement did not provide for a list of procedures for implementing of the constitution;*
- (b) *The Republic of South Sudan has not yet established a formal justice system that can provide access to justice for all its civilians in all parts of the country.¹⁰ There are no courts that routinely hear cases in rural areas. Accessibility of the formal justice system throughout the remaining states is restricted to very few areas, which are urban and wealthy;*

Capacities of stakeholders in supporting access to justice

- (a) *Overall capacity of legal clinics to offer free legal services to citizenry in key target areas is high;*

⁷ UNDP (2018), Briefing note for countries on the 2018 Statistical Update: South Sudan

⁸ Ibrahim Foundation (2018), Snapshot: South Sudan – 2018 Ibrahim Index on African Governance

⁹ Baseline Evaluation of the “Facilitating Access to Justice in South Sudan” Project Prepared For Search for Common Ground (SFCG), August 2017; p 8-10

¹⁰ Cited from: South Sudan Law Society, Search for a New Beginning: Perceptions of Truth, Justice, Reconciliation and Healing in South Sudan, June 2015

- (b) *The capacity of the Ministry of Justice’s Directorate of Legal Aid and Human Rights to execute its functions as related to legal aid provision is moderate;*
- (c) *There is no comprehensive policy on legal aid provision, and there is ineffective enforcement of existing requirements in the transitional constitution and other legal documents despite numerous efforts made by the state and non-state actors to enhance access to justice in South Sudan, including through provision of legal aid;*
- (d) *There is poor coordination among legal and justice actors, including divergent strategies and goals, coordination across Ministries and institutions, especially in the criminal justice sector, is considered very weak mainly due to the lack of inter-agency cooperation or, alternatively, single agency leadership with the guidance of a multi-stakeholder steering committee.*

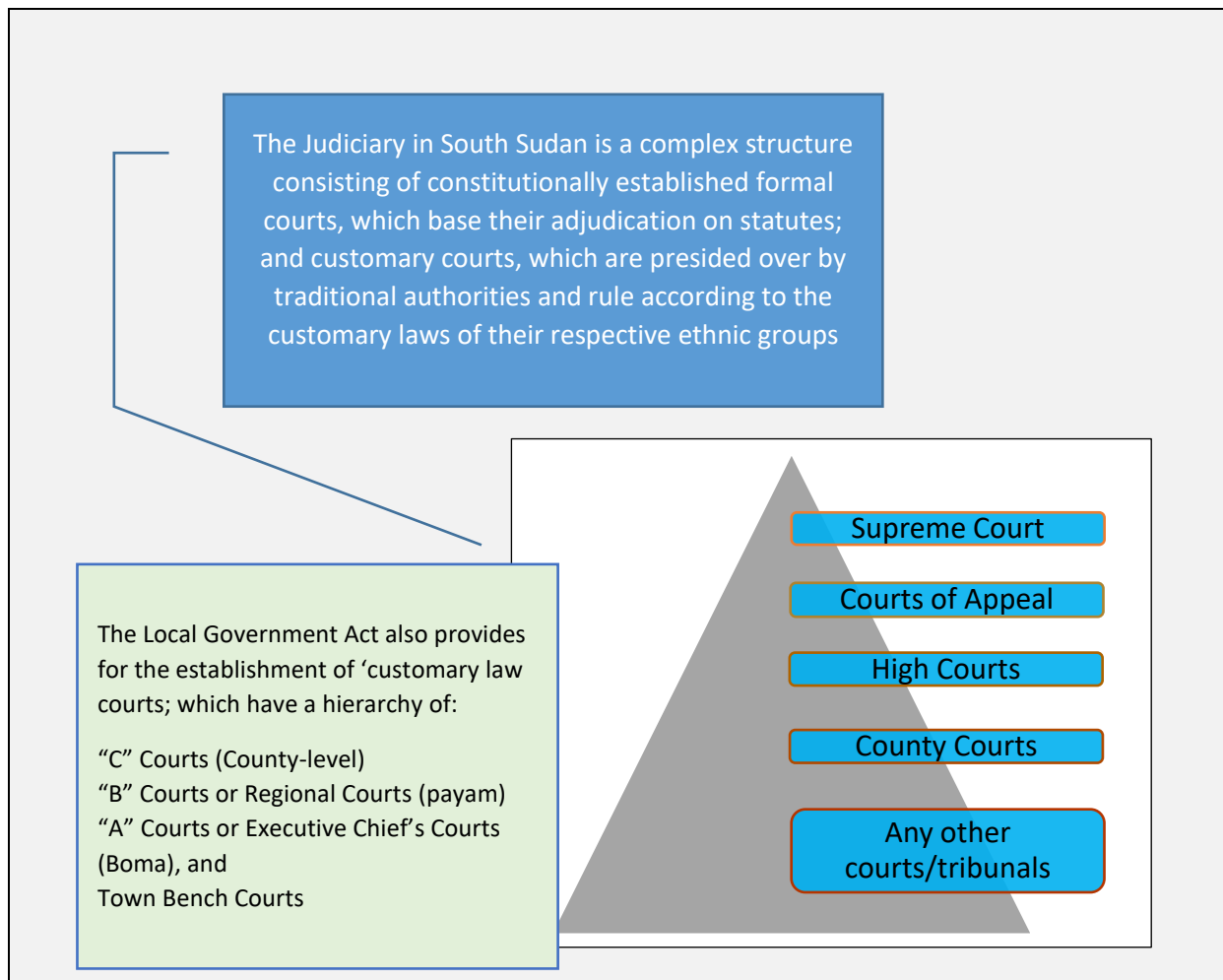


Figure 2. Judiciary of South Sudan

The Access to Justice and Rule of Law Project sought to address the challenges outlined in Chapter 2 above by focussing on:

- a) Institutional capacity building through ongoing and entrenched technical assistance and training;
- b) Enhancing citizens' accessibility to justice through awareness raising initiatives to improve the understanding, attitudes and trust of the public in the ability of the State to provide quality justice services;
- c) Improving State accountability through monitoring of justice services and greater adherence to human rights standards;
- d) Enhancing coordination and dialogue between State and non-State entities to improve the responsiveness of State policies to the needs of the people;
- e) Enhancing the capacity of civil society actors to provide monitoring oversight of justice institutions, increasing their accountability and ensuring a human scope to government policy; and
- f) Advocacy on transitional justice priorities, and improved public legal awareness; all of which are critical to long-term peace and stability.

The project had initial planned budget of US\$ 45,683,422 funded as shown in the box below. The project started in October 2017 and was due to end on 31 March 2020 with planned implementation covering Aweil, Bor, Juba, Torit, Wau and Yambio. The project plan was to strengthen the rule of law sector, by increasing and expanding the availability, affordability, adaptability and acceptability of justice services in South Sudan. To achieve this, UNDP aimed to deliver the following three outputs:

	US\$
Total resources required	45,683,422
Total allocated:	
Netherlands	10,228,357
Japan	740,667
Germany	2,350,000
Norway	598,234
INL	3,950,425
Unfunded	28,815,739

- 4) Functions and capacity of rule of law institutions enabled to deliver accountable, effective and equitable justice services.
- 5) Measures in place and implemented in the rule of law sector to prevent and respond to sexual and gender-based violence.
- 6) Human rights and transitional justice mechanisms strengthened to monitor and respond to the promotion and protection of citizen's rights.

3.1. Project scope

The project's geographic coverage included those areas where UNDP was already present or had implemented interventions during the first phase (2013 – 2016). These areas included

Aweil, Bor, Juba, Torit, Wau and Yambio. UNDP also planned to cover Bentiu, Maalakal and Rumbek if the security situation improved sufficiently to permit access to those areas.

In areas where the project could not maintain a permanent staff presence, UNDP planned to engage civil society partners as its Implementing Partners (IPs). These areas included, Jonglei, Lakes, Unity, Upper Nile and Warrap. The partnership with CSOs therefore effectively implied that the project's coverage was national in terms of the 10 former states.¹¹

The project included a number of components, including (a) transitional justice outreach, (b) establishment of victim support groups, support to Police Community Relations Committees (PCRCs), Special Protection Units (SPUs) and provision of Legal Aid services to vulnerable groups, including particularly victims and survivors of sexual and gender based violence (SGBV).

3.2 Project strategy and theory of change

The project strategy was based on influencing behaviour change through targeted capacity building and awareness raising of both rights-holders and duty-bearers as illustrated in the theory of change model (Fig. 3).

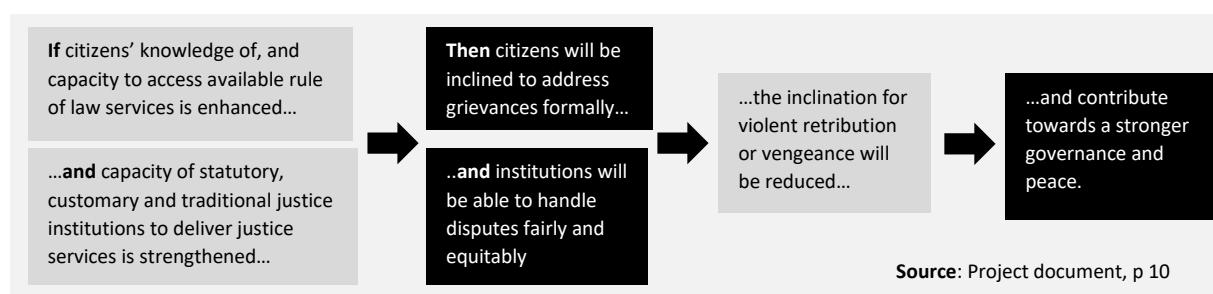


Figure 3. Project theory of change

3.3 Project results, monitoring and evaluation framework

The project was developed to contribute towards UNDP's CPD (2016 – 2017) outcome: Peace and governance strengthened. The outcome had 3 indicators: (i) Number of targeted governance and security reforms implemented; (ii) percent of citizens who report increased personal safety and security, disaggregated by gender; and (iii) percentage of transitional governance mechanisms with participation of CSOs and media. The project also contributes to UNDP's CPD 2018 – 2021 as well as the Strategic Plan 2018 -2021, in particular, Signature Solution 2: Strengthen effective, inclusive and accountable governance.

¹¹ The former 10 states were: Central Equatoria, Eastern Equatoria, Western Equatoria, Jonglei, Lakes, Upper Nile, Unity, Warrap, Northern Bahr el ghazal and Western Bahr el Ghazal. UNDP has permanent staff presence in five of these.

Table 4. Project results, monitoring and evaluation framework

Output	Output Indicators	Baseline (2016)	Annual Targets				Final
			2017	2018	2019	2020	
Functions and capacity of rule of law institutions enabled to deliver accountable, effective and equitable justice services.	1.1. # of legislative reviews informed by international standards and norms	0	3	3	3	1	10
	1.2. Proportion of back logged cases resolved through the mobile court system disaggregated by sex	0	50	200	400	50	700
	1.3. Proportion of inmates who indicate that they will have been adequately rehabilitated for reintegration into society when released	1/226	10/350	125/450	125/550	40/100	300/600
	1.4. Proportion of customary courts upholding human rights principles in their judgements	0	-	25%	40%	50%	50%
Measures in place and implemented in the rule of law sector to prevent and respond to sexual and gender-based violence.	2.1. # of indigent persons accessing legal aid services disaggregated by sex	769 289 (Female)	50	2,000	2,000	1,000	5,050
	2.2. # of SGBV survivors benefiting from SGBV responsive mechanisms	131	200	300	500	--	1,000
	2.3.1. % of women and men who say they trust the police	--	25%	40%	50%	60%	60%
	2.3.2. % increase in security in JIP deployment areas	--	25%	40%	50%	60%	60%
	2.3.3. # of improvements in coverage of (a) community-oriented and (b) gender-sensitive policing services	0	5	5	5	5	20
Human rights/transitional justice mechanisms are strengthened to monitor and respond	3.1. # of persons served through the victims' support groups	2	1	2	2	2	7
	# of persons reached through public outreach programmes on transitional justice services						

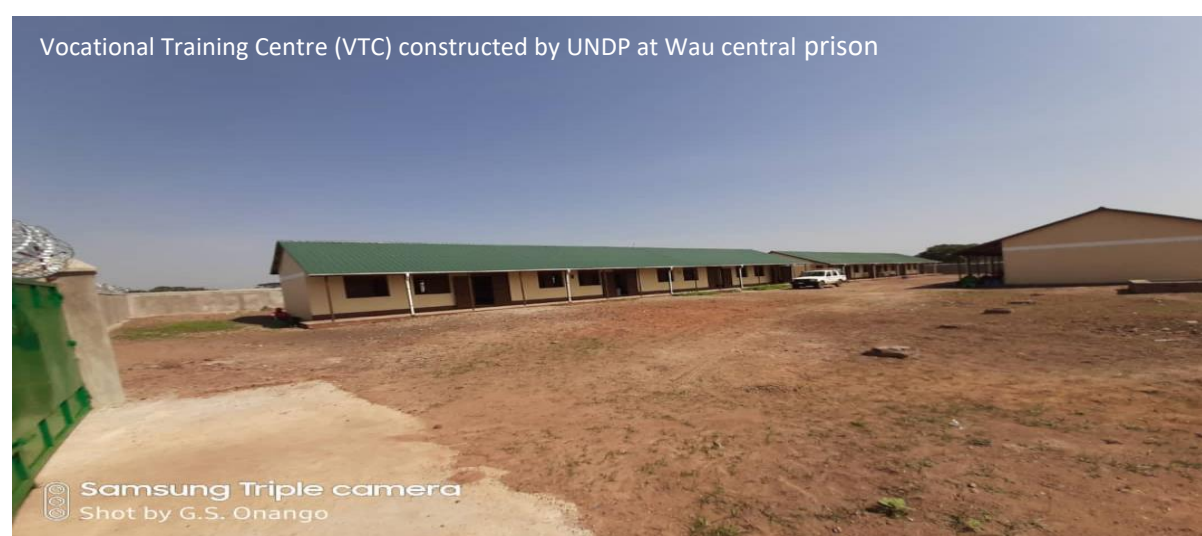


Figure 4. Vocational training centre at Wau central prison

4.1 Relevance

Finding 1. Although the project did not address underlying causes for the lack of rule of law, it addresses the critical need for justice for disadvantaged and vulnerable groups

The prolonged conflict situation in South Sudan has exposed many people and communities to high risk of displacement and other forms of physical and emotional insecurity. Women and girls in particular are exposed to high risk of sexual and gender-based violence (SGBV). In Wau town for example, during a period of approximately six months (April – October 2019), well over 200 cases of rape¹² and other forms of gender-based violence (GBV) were reported to the UN-supported ‘One-stop centre’, which provides psycho-social counselling, medical treatment and legal aid services to survivors of SGBV (see also section 4.2.3 below for detailed elaboration of one stop centres).

The project was not designed to address the fundamental governance challenges facing the country, which are the underlying causes for the lack of rule of law and weak justice delivery system in the country. Some of these challenges for example, include the resolution of political differences and enforcement of the peace agreement by the two major political parties. These are issues that are handled at the highest level within the UN system, including in the UNCT and the Security Council. At the same time however, there is that woman or girl in the remote areas of the country who has been sexually abused. She needs counselling, medical attention and justice in order to achieve closure and move on with her life. This is where the project has provided the most value added.

In the words of one senior government official in Yambio, “without UNDP, there can be no rule of law in South Sudan”. This project has therefore proven that basic services, including particularly justice and rule of law can be accessed by the most disadvantaged groups if there is relative peace and security, even if government capacity may be weak.

Finding 2. The project is aligned to SDGs, in particular Goal 16: Peace, justice and strong institutions

SDG 16 is about ‘Promoting **peaceful and inclusive societies** for sustainable development, provide **access to justice** for all and build **effective, accountable and inclusive institutions** at all levels’.

¹² This translates to an average of two rape cases every day

The project design included six components, which fit neatly into the categories as highlighted above. In partnership with CSOs, UNDP undertook outreach activities within communities to raise awareness and also generate participation for the implementation of Chapter 5 of the peace agreement that addresses issues of transitional justice and reparations. The project also had components for provision of legal aid services as well as sensitisation of customary court systems to issues of human rights and gender equality, thereby contributing to enhance access to justice.



Finally, the project also supported components for strengthening institutional and individual capacities within the SSNPS, Ministry of Justice and Constitutional Affairs (MoJCA, Judiciary of South Sudan (JoSS) and Law Review Commission LRC), which addresses SDG goal 16 on peace, justice and strong institutions.

Finding 3. The project is aligned with national priorities, in particular the Revitalised Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS).

The project is aligned with the Transitional Constitution of the Republic of South Sudan (2011). Part II of the Constitution provides for the Bill of Rights, which gives all basic rights to citizens. Section 136, subsection 3 of the constitution also provides that “Public Attorneys and Legal Advisors ...shall recommend law reform, strive to protect public and private rights, advise on legal issues and **shall render legal aid**” (authors’ emphasis). In this regard, legal aid is therefore a constitutional right. Key informants in the judiciary sector noted however that there were gaps at the policy and legislative levels which affected access and provision of legal aid. There was no Legal Aid policy and the Legal Aid Bill has stalled in parliament and was still to be enacted into law. While the project focused on access to legal aid for vulnerable and disadvantaged groups, UNDP should also support efforts to ensure that appropriate legislative and policy frameworks are put in place for citizens to enjoy this right.

One of the provisions of the R-ARCSS is the establishment of the Revitalized Transitional Government of National Unity (RTGoNU), which in turn ‘will establish through legislation the following transitional justice institutions, ensuring that at least 35% of their members are women:¹³

- ❶ The Commission for Truth, Reconciliation and Healing (CTRH);
- ❷ The Hybrid Court for South Sudan (HCSS), an independent hybrid judicial body; and
- ❸ The Compensation and Reparation Authority (CRA)’.

¹³ Summary of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), Chapter 5, p 18

UNDP supported a coalition of over 40 CSOs that make up the Transitional Justice Working Group, whose mandate is to generate a national dialogue and participation on implementation of Chapter 5 of the R-ARCSS, including developing the legislation for each of the three elements. UNDP supported (i) development of the strategy for the group, (ii) training on transitional justice, and (iii) community outreach. In Yambio, three CSOs were involved in the community outreach – Foundation for Democracy and Accountable Governance (FoDAG), Community Organisation for Peer Educators (COPE), and Community Empowerment for Progress Organisation (CEPO). The CSOs were provided with a small grant of US\$20,000 to implement community outreach over a period of six months. The CSOs noted that six months was not sufficient for them to achieve meaningful impact, because in the first month or two, they will be trying to establish themselves in the community. When they gain the communities' confidence, they then realise that have just over three months to achieve expected results, which is hardly enough, given the complex nature of the issues they are dealing with.

On the other hand, UNDP noted that these activities were designed to support implementation of the R-ARCSS which had a timeline up to November 2019. As such the funding was allocated within that same timeframe.

4.2 Effectiveness

This section contains the evaluators' assessment on the project's effectiveness towards planned results. It also addresses the questions raised in the TORs, including particularly the following:

- To what extent have project results been achieved or has progress been made towards their achievement? Were there any unintended results?
- What factors have contributed to achieving or not achieving intended country programme outputs and outcomes?
- In which areas does the project have the greatest and fewest achievements? Why and what have been the supporting factors? How can the project build on or expand these achievements?

Finding 4. Overall, the project achieved its intended results and contributed towards planned country programme outcomes




Based on the project's theory of change (see Fig 2), UNDP's strategy aimed to inculcate within communities, a culture whereby 'the inclination for violent retribution or vengeance will be reduced'. Compared to the rest of the country, the six target states enjoyed relative peace

and security, which also enabled UNDP's presence in those areas. However, the overall goal encapsulated in the project's 'theory of change' was a rather long term goal for which UNDP alone cannot take full attribution. The practice of vengeance was not completely eradicated (see case study) however, as communities were still prone to use customary justice systems to resolve various forms of conflict in the absence of formal justice systems due to shortage of judges across the country. Nonetheless, at least in the target states, the numbers of reported cases were increasing, indicating that the communities were more inclined to use formal justice systems. In Aweil for example, the Legal Administration noted that UNDP support for office equipment, including installation of solar system, office computer and printers had contributed to improved case management system. Their records indicated that in 2018, a total of 3,738 cases¹⁴ had been formally reported for trial (includes both criminal and civil cases); while as at October 2019, a total of 2,699 cases were reported.

In Wau, a boy aged 10 years was alleged to have caused the death of an 8-year old boy when he pushed him into the well from which they were drawing water. The accused denies the charge. The court recommended that the accused boy (10 year old) should be kept at the juvenile detention centre for protection from retaliation by the bereaved family.

Project Output 1. Functions and capacity of rule of law institutions enabled to deliver accountable, effective and equitable justice services.

Table 3. Assessment of Project performance on Output 1

Indicators	Progress achieved	Evaluation Assessment
1.1. # of legislative reviews informed by international standards and norms Baseline: 0 Target: 10	<ul style="list-style-type: none"> - 4 strategic documents were developed – JoSS 3-year Strategic Plan; Judicial Code of Ethics; Strategy for Joint Integrated Police (JIP); and Policy paper on reducing prolonged and arbitrary detention. - 3 legislations were reviewed, and two bills were drafted - Petroleum Act, the Local Government Act and the Banking Act; and drafted Legal Aid Bill and Internally Displaced Persons Bill. 	 Target was achieved
1.2 % of back-logged cases resolved through the mobile court system disaggregated by sex Baseline: 0; Target: 700	<ul style="list-style-type: none"> - 429 (35% female) released from detention through mobile courts in Ruweng and Aweil; - 306 out of a total of 543 backlogged cases were resolved by 12 mobile courts in Bentiu, Cuiebet, Kapoeta, Kuajock, Pibor, Ruweng, Terekeka, Yambio and Yirol. 	 Target was achieved
1.3 % of inmates who indicate that they will have been adequately rehabilitated for reintegration into society when released Baseline: 1/226 Target: 300/600 (50%)	<ul style="list-style-type: none"> - A total of 729 inmates (66 female) were trained out of which 75 (7 females) that were released had obtained employment; - All inmates that were undergoing training felt that they will be adequately rehabilitated and reintegrated into society. 	 Target was achieved
1.4 % of customary courts upholding human rights principles in their judgements Baseline: 0 Target 50%	The survey is scheduled for 2020.	No data

¹⁴ These numbers are for the greater Northern Bahr el Ghazal (includes Aweil, Aweil East and Aweil West).

Based on assessment of the output indicators, the project's planned targets were achieved. It is noteworthy however, that some of these project outputs have not been implemented due to lack of government capacity or political will to implement. For example, the Legal Aid Bill has not been enacted into law, and the Local Government Act still reflects 'Southern' Sudan rather than South Sudan, which is the official name of the republic.

The targets regarding the rehabilitation and reintegration of inmates was achieved. All inmates undergoing training at the time of the evaluation strongly felt that this training would give them a 'good starting point' when they go back to society. They also noted that they had chosen their respective areas of skills training based on their interests and also their perceptions about where opportunities for employment as well as self-employment. However, key informants noted that the project was unable to keep track of inmates who went out of Juba after their release. In addition, the starter kits that the project planned to give to inmates on their release were still under procurement at the time of drafting. There were however examples of released inmates in Juba who were doing quite well. The evaluators also noted that a number of the inmates had been hired by the project as instructors – 3 in Juba and one in Wau.

UNDP supported the following rule of law institutions at central level and in the target states: Ministry of Justice and Constitutional Affairs (MoJCA), JoSS, Law Reform Commission (LRC), Legal Administration, SSNPS, NPSSS and Traditional authorities.

4.2.1 Legislation and legal aid component

UNDP supported training of MoJCA personnel, including training of trainers to enable the government to upscale this training to the states. Training was also provided on gender equality targeting prosecutors to enhance their awareness and capacity for gender-sensitive prosecution. Furthermore, in collaboration with the Government of Norway, UNDP also supported the renovation of the College of Law at the University of Juba.

In addition to training of personnel, office equipment, including computers and printers were provided and as a result, the Ministry now has an integrated case management system covering all states.

UNDP supported the Law Reform Commission with training on legal drafting. This contributed to drafting of legislation including the Legal Aid Bill and other bills. The evaluation noted that the Legal Aid Bill was yet to be enacted into law. Key informants also noted that there was no policy on Legal Aid, although this was a constitutional provision. UNDP should support efforts to establish the Legal Aid policy, particularly as it is also providing legal aid to survivors of SGBV. Key informants also observed that the training on legal drafting was very short term (5-day workshop) and was generally not enough given that the country was starting from a very low skills base.

UNDP also supported the Legal Administration in the target states. The evaluators observed however that some of these institutions were provided with office equipment (computers, etc., but did not have electricity to utilise that equipment. This was the case in Wau. This was likely because project planning was done centrally in Juba without taking due consideration and inputs from the field offices. As noted above in the case of Aweil, case management system had improved significantly in all states. Some of the states lacked internet access and therefore had difficulty sending reports to the headquarters in Juba. In the case of Aweil, they had to resort to using a flash drive as and when they found someone flying to Juba. Clearly this is not the best of options as it compromised the security and confidentiality of information.

4.2.2 Judicial component and mobile courts

In the judiciary, UNDP supported the training of judges at all levels, including in the states. UNDP also provided judges with their ‘tools of the trade’, i.e. various statutory books such as the Penal Code, Criminal Evidence and Procedure Act, etc. The courts were also provided with computers and other office equipment to enhance their case management.

UNDP also supported mobile courts in the states that had accumulated high backlog of cases or lacked judicial infrastructure. In 2017 alone, 429 persons (35% female) were released from detention through the mobile court system;¹⁵ while in 2018, 12 mobile courts were organised in Bentiu, Cuibet, Kapoeta, Kuajock, Pibor, ruweng, Terekeka, Yambio and Yirol, and resolved 306 cases out of a total backlog of 543 cases.¹⁶ Key informants noted that mobile courts were very effective, and in the states where they had been to, they had cleared all the cases serve for those in which one of the parties may not have been available. This was particularly a challenge especially in pastoralist communities. Another challenge was related to the court’s mobility, which was often constrained during the wet season.

Key informants also noted that the members of the mobile court were given us\$67/day as allowances, which they said was not enough to support accommodation, food and incidental expenses. They also noted that the court was in situ for a maximum period of one month, and this too was sometimes not enough to clear all the backlogged cases effectively.

There was however a shortage of judges across the board, which had overall effect of accumulating backlog in a short period of time. In Wau, for example, the evaluators heard that out of established three posts for high court judges, there was only one high court judge and a county judge with high court powers. Furthermore, according to law, each state should have three high court judges, but many of the newly established states did not have any. This

¹⁵ Project Annual Report (2017) p 9

¹⁶ Project Annual Report (2018), p 8

was the case in Aweil, Wau and Yambio. In Yambio particularly, there was no high court judge, while in Aweil and Wau, the judges there had to also cover the newly established neighbouring states which had no judges.

4.2.3 Community policing

UNDP provided capacity building and technical support to the SSNPS, including through maintaining a presence in the Inspector General's Office to coordinate the support provided by the UN system agencies, including the United Nations Police (UNPOL). The UN (including UNDP). Initially provided capacity building and technical support to the Joint Integrated Police (JIP), including providing service equipment such as two-way communication radios and office equipment. However, the JIP was not included in the R-ARCSS arrangement, and so UNDP shifted its support to the SSNPS. UNDP has provided infrastructure support, including renovation of some police posts. This component of the project was funded by the Embassy of Japan.

In Yambio, the project constructed the police post for the Special Protection Unit (SPU). UNDP also collaborated with other UN agencies to enhance this support. At the SPU post in Aweil, the United Nations Children's Fund (UNICEF) constructed sanitation facilities (toilets) for the police post. At the time of the field visit, the toilets were out of service due to overflowing, while the SSNPS did not have a budget for maintenance. In WAU, UNDP collaborated with the UNPOL United Nations Mission in South Sudan (UNMISS) for construction of a police station in Hai Kosti community.

SPUs were established and functional in all the target states, and were provided with office equipment, including computers, printers and furniture. However, some of this equipment was no longer in use because of wear and tear. These SPUs are manned by trained police officers to provide a conducive and supportive environment for survivors and victims of SGBV to report. The United Nations Population Fund (UNFPA) also established one-stop centres at the main hospitals where survivors/victims get medical and psycho-social support. UNDP collaborates with UNFPA and supports their operational activities such as stationery and computers for data management. The project also funded some of the CSOs that provide services to the 'one-stop centres' as well as the state Ministries of Gender that directly collaborate to address the challenges of women and girl survivors of SGBV.

UNDP also provided support for community policing, to enhance relations between the police and the communities that they serve. This support involved training SSNPS personnel in community policing, as well as undertaking community awareness and establishment of Police Community Relations Committees. 14 PCRCs were established in Aweil, while in Wau UNDP and SSNPS had target to establish 11 PCRCs



with four already established at the time of drafting. The PCRC's comprised of community

members providing voluntary service including neighbourhood patrols and providing information to the police. The composition of the PCRCs varied, but always included the traditional leader (usually as chair), the local head of police (secretary) women and youth. The evaluation had opportunity to meet with PCRC members in Aweil, Wau and Yambio, and noted that their respective membership had a good gender balance as well as youth participation as reflected by the data above.

	Men		Women		Total
	>35	youth	>35	youth	
<i>Aweil</i>	10	5	13	2	30
<i>Wau</i>	4	1	3	1	9
<i>Yambio</i>	7	4	11	1	23

With regards to effectiveness, the PCRCs had helped to improve relations between the police and communities. Community members that were consulted during this evaluation noted that they had benefitted from awareness outreach activities and had better understanding about the need for mutually beneficial partnership between the community and police. However, the evaluation noted that there was general lack of understanding for the concept of volunteerism with PCRC members requesting to be paid an 'incentive' or to be provided with some 'motivation', including some sort of uniform, offices and office equipment.

UNDP also continued support the Emergency Call Centre (ECC) which was established in Juba in 2014. In collaboration with UNPOL, UNDP provided emergency response training, and equipment for the response teams. The SSNPS said that in 2019 alone, the ECC had responded to over 5,800 calls in Juba. They also said that the motor cycles provided by UNDP had enabled the police to reduce average response time to about 7 minutes after receiving a distress call.

The ECC was expanded to Wau in February 2019. UNDP provided all the equipment for the ECC, including two vehicles, radios and call receivers, computers and furniture. The ECC experienced network problems which only worked for three days after the handover. At the time of this evaluation, UNDP was in the process of finalising the process to get technical experts to go and fix the network problem. Through their commitment and innovation, the ECC police officers have continued to work using their personal mobile phones to receive calls

from the community. The county Commissioner in Wau was very supportive, ensuring that the vehicles are maintained while also providing fuels and lubricants to keep the vehicles on the road.

4.2.4 Rehabilitation of offenders

UNDP collaborated with the NPSSS to provide vocational training to inmates as part of their rehabilitation and reintegration into society after completing their sentences. As at October 2019, the Vocational Training Centre (VTC) at Juba Central Prison had completed four batches of training and graduated 729 inmates trained out of which 66 were women. The VTC offers twelve courses¹⁷ which run for six months, and is accredited by the Ministry of Education, which ensures that the training is nationally recognised.

Some of the inmates that had completed training and since been released were employed by the project as instructors at the VTC. The major challenge in the VTC was lack of electricity. The installed solar system did not have capacity to support all the courses at the same time, and at the time of this evaluation, some of the batteries needed replacement. The motor mechanics section was using a non-functional engine for their practicals, which is not ideal for training. The VTC also faced challenges with regards to purchase of consumables for all its sections, e.g. wood for the carpentry section, etc. They were selling some of the units such as furniture that was produced during the course of training, but this did not provide enough resources for purchase of consumables.

The project also noted that they were not able to keep track of all released inmates, especially those that went out of Juba; but in Juba, there were a number of released inmates who had since found employment or had started their own small business. Furthermore, the project planned to provide toolkits for released inmates as starter kit, but this had not yet been done. At the time of this evaluation, a total of 53 released inmates were undergoing entrepreneurship training, and on completion, they would then be given the starter kits which were said to be under procurement.

In 2018, UNDP supported the expansion of the VTC to Wau, and constructed a new VTC which is located next to the Juvenile Centre and about 2.4 km from the main prison complex. The construction of the VTC was completed in July 2019 (Fig 4) and has been equipped for eight courses. However, full scale training had not started because the NPSSS did not have transport to bring inmates to the VTC.

At the time of this evaluation, there were about 30 juveniles undergoing training at the VTC. The evaluation noted a number of problems associated with the training of juveniles.

¹⁷ Courses offered: (i) carpentry and joinery, (ii) building and construction, (iii) hair dressing and beauty therapy, (iv) electrical installation, (v) metal fabrication and welding, (vi) auto mechanic, (vii) tailoring and fashion, (viii) Bakery, (ix) food processing, (x) plumbing, (xi) agriculture, and (xii) information technology.

Firstly there were under-age juveniles (aged 9 years and 10 years) that were taking the training. According to South Sudan law, the minimum age of criminal responsibility is 12 years. By accepting juveniles below the age of criminal responsibility, UNDP is indirectly condoning the detention of children.

Secondly, some of the juveniles undertaking the training had not yet been sentenced. This creates opportunities for rent-seeking behaviour whereby officials may bring non-inmates to the VTC.

Thirdly, some of the juveniles had been convicted of rape, and by giving them training as well as starter kits upon release, this may send wrong signals to the community that crime pays.

Project Output 2. Measures in place and implemented in the rule of law sector to prevent and respond to sexual and gender-based violence.

Through project support, a litigation casebook was developed as a resource guide for legal aid providers and judges, which addressed a critical gap given the lack of legal Aid legislation and policy as noted earlier.



UNDP also supported legal and human rights awareness, including legal aid and counselling to disadvantaged groups to enhance their access to fair trials, redress and remedies for injustices. Seven CSOs were engaged and provided with small grants of between US\$20,000 – US\$30,000 over a period of six months. The objective of the grants was for the CSOs to establish Justice Confidence Centres (JCCs) in the target states. The JCCs provided free legal aid and related services to individuals that cannot afford legal representation, in particular victims and survivors of SGBV. In 2017, the project reported that a total of 2,008 individuals (789 women) had accessed free legal aid services through the JCCs. In 2018, an additional 3,971 people (44.4% female) had accessed the services.

In Wau, the evaluators noted that a One stop centre was established by one CSO supported by the United Nations Population Fund (UNFPA) to provide medical, legal and psycho-social support to survivors of SGBV. Between April – October 2019, the centre had received 198 cases out of which:

- 53 were under investigation;
- 23 were undergoing trial in court;
- 21 perpetrators were convicted and sentenced

Table 5 below provides the evaluators' assessment of Output 2 indicators based on the agreed rating scale.

Table 4. Assessment of project performance on Output 2

Output 2. Measures in place and implemented in the rule of law sector to prevent and respond to sexual and gender-based violence.				
Indicators	Baseline	Target	Progress achieved	Evaluation Assessment*
2.1. # of persons accessing legal aid services disaggregated by sex	769 ^{Total} ; 289 ^{Female}	5,050	Total - 5,979 Women – 2,552 (42.7%)	 Achieved
2.2. # of SGBV survivors benefiting from SGBV responsive mechanisms	131	1,000	2017: 1,324 (771 Women) 2018: 1,118 (575 women)	 Achieved

UNDP also partnered with the Embassy of Germany to provide ‘emergency support to conflict affected people and vulnerable groups’. This component of the project was undertaken from January 2017 to September 2018, and was implemented only in Bor and Juba. A total of 627 people (518) women received practical skills training in tailoring, computers, carpentry and masonry. On completion of the training they were each given a tool kit in line with the skill they had trained for, and were able to establish individual micro enterprise inside the Protection of Civilians (POC) camps.

UNDP also provided technical support to the Ministry of Gender, Child and Social Welfare to establish the Child marriage taskforce, which contributed to ensure forced marriages were included in the Child Act (2018).

Project Output 3. Human rights/transitional justice mechanisms are strengthened to monitor and respond to promotion and protection of citizen's rights.

UNDP supported a consortium of 40 CSOs to undertake community outreach for implementation of Chapter 5 of the R-ARCSS, involving the establishment of the Commission for Truth, Reconciliation and Healing (CTRH), the Hybrid Court for South Sudan (HCSS), and the Compensation and Reparation Authority (CRA).

Consultations on development of CTRH legislation were held in 17 locations, including in three refugee camps (Jebel Awlia in Sudan; Kakuma in Kenya and Gambela in Ethiopia), with participation of 4,610 individuals (1,929 of them women).



UNDP reported in 2018 that 7,446 citizens (48% female) were reached and participated in transitional justice outreach initiatives including training, awareness raising and information dissemination.

Through UNDP support, victim support groups for survivors of human rights violations, in particular SGBV survivors were established in all the target states. In Yambio, the evaluation noted that due to expanded membership, one of the support groups had split into four sub groups. The sub-groups had also started engaging in group savings/loan schemes, whereby members contribute to a common fund and take turns to access the funds for livelihood and

income generating activities. This is a good community initiative which UNDP could use as an entry point to further enhance its impact with survivor support groups.

Table 6 below provides the evaluators' assessment of Output 3 indicators based on the agreed rating scale.

Table 5. Assessment of project performance on Output 3

Output 3. Human rights/transitional justice mechanisms are strengthened to monitor and respond to promotion and protection of citizen's rights.				
Indicators	Baseline	Target	Progress achieved	Evaluation Assessment*
3.1. # of persons served through the victims' support groups	2	7	472 people (198 female) were served in victims' support group trainings.	 Achieved
3.2. # of persons reached through public outreach programmes on transitional justice services	0	300	7,446 people (48 percent women) were reached	 Achieved

Finding 5. Field level collaboration and synergy between projects was weak

UNDP was implementing the Peace and Community Cohesion (PACC) project in the same states where the A2J project was being implemented and some interventions cut across both projects. For example, the Embassy of Japan funds both projects for the community policing component and they operate under one budget line for common activities, such as for example police training and establishment of PCRCs.

There were also interventions where both projects benefited from the activities of the other, such as for example when issues of peace and community cohesion are discussed at the Rule of Law forum organized under the A2J project. In 2018, UNDP also undertook a conflict analysis in Wau that benefitted both projects. The projects also conducted joint workshops to build capacity of the Council for Traditional Authority Leaders (COTAL) in the states.

This collaboration was driven at the country office (CO) level. At the field office level, the evaluation found that project staff were working in silos. There was no formal mechanism for them to share information between UNDP projects, let alone with other UN agencies. When the evaluators visited Aweil for example, the A2J field officer was out of state and other UNDP project staff present had no idea about the project's activities or implementing partners.

4.3 Efficiency

This section addresses the following evaluation questions as per the TORs:

- To what extent was the project management structure as outlined in the project document efficient in generating the expected results?

- To what extent have the UNDP project implementation strategy and execution been efficient and cost-effective?
- To what extent has there been an economical use of financial and human resources? Have resources (funds, human resources, time, expertise, etc.) been allocated strategically to achieve results?

Finding 6. The project experienced staffing challenges, especially in field offices

Based on the planned management structure, the project was to be fully decentralised to field level with two project officers in each state – Law Enforcement Officer (with police background) and a Rule of Law Officer (with legal background). At the headquarters, the management structure included a Project Manager supported by the Chief Technical Advisor (CTA).

At the time of this evaluation, there was no Project Manager in Juba, with the CTA doubling up for that function. An in depth management audit was beyond the scope of this evaluation, but as a general rule, concentration of power in one individual can be stressful for the affected individual, and may lead to delays in decision-making as well as lack of decisions when the individual is away for one reason or another.

At the field level, the evaluation noted that except for Torit and Yambio, the other states did not have the full complement of two project officers. This affected activity implementation in various ways, but most notably, some activities could actually be stopped when the field officer was away. For example in Wau, the evaluation noted that the monthly Rule of Law Forum was not done in October for the simple reason that the Project Field Officer was out of state.

The evaluation also noted that UNDP did not have offices in Bor¹⁸ and Wau, and the field offices worked from their vehicles or accommodations. As outlined in the project document, “...the project does not envisage establishing project offices at sub-national levels. UNDP will closely liaise with UNMISS and other UN agencies on cost-sharing arrangement to utilise their operational and security assets and avoid establishing parallel field operations”.¹⁹

The evaluation noted however that such cost-sharing arrangements were not effectively being implemented. In Aweil for example, UNDP was leasing an office from UNICEF, but they did not enjoy the cleaning services, and in fact the office had not been cleaned for over a year. Given the visibility of UNDP in general and the A2J ROL project in particular, this lack of offices for the field project offices in Bor and Wau was a cause for concern.

¹⁸ UNDP noted that there were ongoing discussions with UNMISS to establish an office in Bor

¹⁹ Project document, p 27

Finding 7. Field offices were not adequately involved in the planning of activities

Throughout this report, the author has outlined instances where project activities have sometimes appeared to be at variance with the realities on the ground. For example, there were instances where computers were issued to an institution that does not have access to power. This was the case for the Legal Administrator in Wau, where the planned solar system was under procurement. In other examples, the evaluation noted that some workshops were conducted where the participants were sometimes incapable of assimilating the issues that were being presented. For example, the evaluation heard reports that some of the serving members of SSNPS were illiterate in English, and sometimes even in Arabic. This was also the case with some traditional leaders that were issued with legal books such as the penal code despite that they have no jurisdiction over criminal cases.

These gaps are a result of lack of involvement of field officers in activity planning. Field officers that were interviewed noted that activities were planned in Juba and handed to them for implementation without their input. This resulted in the gap where the activities do not align to the realities on the ground.

Some key informants also observed that UNDP should change its business model. They noted that justice and rule of law do not happen in a vacuum. For example, the expectation that a community where there are no basic services, and government is not visible at all with respect to providing basic public services; and where the livelihood of communities is challenged by such issues as conflict or climate change effects. It would be hard to expect that rule of law and justice can be achieved in such communities. UNDP should develop strategies that will address the communities' challenges in a holistic manner and create an enabling environment for rule of law to flourish.

Finding 8. The project had high delivery of available resources, although financial reporting changed every year reflecting the disjointed nature of interventions

The project had average delivery rate of 70% of available resources (Table 7). Given there was still about six months remaining to implement activities, the evaluators were of an opinion that the project was capable of achieving the 80% threshold for UNDP delivery.

Table 6. Project delivery by donor

Donor	Planned budget (\$)	Funded (US\$)	Expenditure (US\$)	Delivery rate (%)
<i>Netherlands</i>	10,228,357	8,327,794	8,290,346	99.55%
<i>Sweden</i>	500,000	500,000	375,532	75.11%
<i>Japan</i>	1,996,667	1,996,667	1,648,279	82.55%
<i>Germany</i>	2,287,090	2,287,090	2,119,537	92.67%
<i>Norway</i>	606,597	606,597	500,849	82.57%
<i>INL</i>	5,893,158	5,893,158	1,508,272	25.59% ²⁰
<i>PBF</i>	1,286,110	1,136,110	293,305	25.82%
<i>UNDP</i>	773,199	773,199	490,482	63.44%
Total	\$23,571,177	\$21,520,614	\$15,226,602	70.75%

While financial data was available as per each donor, the evaluators were unable to group expenditures by project outputs. This was partly because of inconsistencies in the financial reporting format. In 2017, the project financial data was for 15 activities under four outputs, namely (1) Access to justice to citizens, (2) Reduction of case backlog, (3) Support harmonisation, and (4) Capacity development.

However, in 2018, the reporting format changed, and 11 activities were reported on under the three project outputs namely, (1) Functions and capacity of rule of law institutions enabled to deliver accountable, effective and equitable justice services, (2) Measures in place and implemented in the rule of law sector to prevent and respond to sexual and gender-based violence, and (3) Human rights and transitional justice mechanisms strengthened to monitor and respond to the promotion and protection of human rights.

4.4 Sustainability

This section presents the evaluators' assessment of the likelihood that beneficiaries will continue to enjoy the benefits arising from the project's processes and results after end of funding. The specific questions as per the evaluation TORs were as follows:

- What indications are there that the project results will be or has been sustained, e.g., through requisite capacities (systems, structures, staff, etc.)? Does the project have well-designed and well-planned exit strategies?
- Are there any financial, social or political risks that may jeopardize sustainability of project outputs and the project's contributions to country programme outputs and outcomes?
- To what extent do mechanisms, procedures and policies exist to allow primary stakeholders to carry forward the results attained on gender equality, empowerment of women, human rights and human development?

²⁰ The United States' INL pulled out its funding in 2018 and balance of funds were returned

Finding 9. The project had well defined sustainability plan and exit strategy, but national capacity for upscaling is weak

The project strategy was to establish the sustainability mechanism at three levels as follows:²¹

- **Enabling environment**, by engaging frontline rule of law actors working on developing, implementing and executing policies and legislation. The project also planned to prioritise capacity development at national and sub-national levels to entrench the gains realized from project interventions.
- **Institutional level**, by working with existing state and non-state institutions; and not creating any parallel structures. This was premised on the assumption of sufficient political will for implementing the R-ARCSS as well budget allocations to the sector.
- **Individual level**, by empowering rights-holders to participate in rule of law processes and strengthening coordination capacity of duty-bearers to entrench a sector-wide approach.

Some of the project's critical assumptions failed to materialise however, and this increased the risk that project may not be sustainable.

In the first place, the assumption that political will for implementing the R-ARCSS would lead to increased allocations to the sector did not materialise. At the time of the evaluation, some of the frontline actors, in particular the SSNPS had not been paid their salaries for up to seven months.

- Lack of stationery (Form 6, 8 and 13) that are used by police to record cases as they are reported
- Lack of budget for maintenance and repair of equipment such as generators that provide power.

Many of the institutions lacked an operational budget as illustrated by the examples in the above box.

Furthermore, the project capacity-building approach was based on workshops. However, due to the low base from which some of the intended beneficiaries were starting, workshops may not have been the best approach for their skills development. For example, the LRC noted that they attended a 3-day workshop for training on legal drafting, and this was not enough time to impart the required skills to their membership.

With regards to the empowerment of right-holders, this was affected by lack of opportunities for livelihoods and other basic services. For example, as noted earlier, members of PCRCs expected to be rewarded for their efforts, which was a reflection that they had unfulfilled needs which interfered with their ability to focus on voluntary service.

The combined effect of all these factors was that there was no attempt at all to upscale, let alone replicate any of the project's interventions. Within the VTCs established in the prisons,

²¹ Project document, p 25

the project had undertaken training of trainers for prison staff in order to ensure sustainability. However, without UNDP support, it is questionable if these processes will continue as government could not provide basic support to purchase consumables for the training.

The evaluation also noted that some of the CSOs that were engaged lacked either capacity or focus. For example, two of the CSOs that were consulted (in Aweil and Juba) said they were working in multiple and diverse sectors, including access to justice, youth empowerment, food security, HIV and AIDS, gender equality, human rights and climate change. They also noted that they had challenge of retaining staff due to the short-term nature of the small grants, further indicating a lack of institutional and organisational capacity.

4.5 Crosscutting issues

Finding 10. Gender equality and human rights were integral to the design and adequately integrated in implementation

Gender equality and human rights were integrated in the project design. In particular the interventions about the SPU within the SSNPS were specifically designed to address issues of SGBV and human rights violations.

The evaluation noted that without exception, women were often in the majority across all the interventions. With respect to community policing, the majority of participants in the PCRCs were women. It was also observed that the head of the SPU in Aweil, Wau and Yambio were all women police officers. This was a good thing because majority of the cases that were handled by the SPU related to crimes of rape and other gender-based violence (GBV) cases, and survivors, in particular young women and girls were more likely to be able to discuss the details with other women rather than male police officers. The SSNPS noted however, that investigation capacity within the female members of the police was very low, and there was need for more targeted training in that area.

In the area of human rights, UNDP partnered with the Human Rights Division (HRD) of UNMISS who had a responsibility to monitor and report on human rights conditions in the country. As a result of these monitoring reports, they conducted joint awareness and capacity building trainings, especially for traditional leaders.

UNDP also partnered with the South Sudan Human Rights Commission (SSHRC), including support for the development of an Action Plan for implementation of the Universal Periodic Review (UPR) recommendations.

4.6 Factors that affected achievement of results

The foregoing analysis and findings generally show that the project achieved its immediate results in terms of output indicators. However at the outcome level, we have to go back to the project theory of change to make an objective assessment if indeed the intended results have been achieved.

As illustrated in Figure 3 above, the intended outcome is to realise a situation where “citizens’ inclinations for retribution and vengeance is reduced, in part because rule of law institutions are able to handle disputes fairly and equitably, and also because citizens have confidence in those institutions”. Clearly this is a long term goal, which can only be realised when all other pieces fall in place, including peace and stability in the country.

The report has highlighted the progress made to improve access to justice and rule of law by disadvantaged groups. However, the rule of law institutions still lack capacity to deliver quality services. For example, there were still reports of citizens seeking to obtain criminal justice from the traditional court systems, which do not have such jurisdiction. This is an indication of both lack of capacity within the formal system, and also partly lack of confidence in the formal system.

Outlined below are some of the major factors that affected the project’s ability to realise its long term intended results.

- **Government capacity is weak, especially in the states.** Ultimately justice and rule of law have to be delivered through state institutions. Presently, the government has not demonstrated capacity to fulfill this role. The shortage of judges and prosecutors across the judiciary is more a function of poor conditions of service than anything else. Organisational capacity such as budgets for running costs for all sector ministries is at its lowest. The police have to rely on ‘handouts’ of paper stationery from UNMISS, who in Aweil for example, ration them to five per day. Even in the traditional courts, only the Paramount Chief receives a monthly salary of 1,000 South Sudanese Pounds (which is less than US\$50); yet the Local Government Act provides that Head Chiefs of the ‘B’ Courts should sit as members of the ‘C’ Court which is chaired by the Paramount Chief.²²
- **High turnover of key staff in government institutions.** In quite a number of the institutions that were visited by the author during the course of this evaluation, the opening line by key informants was “I have only been here a few months”. This was reflective of the high turnover of key staff. According to project field officers, ‘every time there is a change of personnel, we have to start afresh to introduce the project to the incumbent, and this may take several meetings’. The evaluation also noted that

²² Local Government Act, Section 99, sub-section 4 (a) and (b) – p49

police officers that are trained in SPU duties were not staying in part because they had misplaced expectations that SPU personnel are paid salaries by UNDP. When they realized that this was not the case, they requested to be transferred to other units where they may be opportunities for 'rent-seeking', such as Traffic section.²³

- **Weak support to field offices, including project staffing.** As noted earlier, field staff were not always involved in activity planning. This created a disjoint between planned activities and realities on the ground, such as for example providing computers to institutions with no power or capacity to utilize them. Most of the field offices had only one field officer instead of two as per the project design. This affected continuity of activities given that international staff have to go on R&R every six weeks.
- **Short-term funding to IPs.** The small grants that UNDP provided to CSOs to implement activities were for six months, which was not sufficient to achieve any impact. Based on their feedback, most IPs were of the opinion that funding should be provided for a minimum period of one year in order for them to have impact.
- **Capacity of partner CSOs.** Some of the CSOs lack organisational capacity and focus. For example, in Aweil, the evaluators asked the CSO who said they did human rights monitoring at the prison and found that they did not have a check list of the standard rights that needed to be monitored.



Figure 5. Office equipment provided by UNDP to High Court in Wau

²³ It appears that this was an 'open secret' acknowledged even at the highest levels in the police force.

Project implementation has been analysed in the previous chapter, including an assessment of UNDP's results. Further to that, there are a number of lessons that were generated during the implementation, which could inform future programming and/or add to UNDPs learning and knowledge in general. While some of the lessons were flagged out in the analysis, this chapter identifies the major lessons that were critical for the project's success.

1) **Effective 'rule of law' cannot operate in isolation.** Rule of law essentially defines the state of affairs obtaining in the country at any given point in time. For 'rule of law' to flourish, there are necessary conditions that must prevail as enabling factors. Firstly, there must be a functional, independent and impartial judiciary. Secondly the state must be able to provide free legal aid for those who cannot afford to pay for it. Thirdly, there should be available social and economic facilities for citizens to enjoy and protect. Fourth, the citizens must be well informed and aware of their rights under the law. If some of these conditions are not there, the rule of law cannot operate effectively. This means UNDP should reconsider its strategy and either develop a comprehensive package that addresses the missing link, or develop effective partnerships to ensure that other state and non-state actors complement its interventions by addressing these conditions.

2) **Project effectiveness may be compromised if interventions are not informed by the realities on the ground.** It is critical that field officers are involved in activity planning so that they provide real time information about what is possible and not possible. In South Sudan, the state and county administrations have their own development priorities, which have to be aligned to. Some key informants noted for example that the County Commissioner may wish to prioritise community policing in some payams, where there may be high crime prevalence but no police stations/posts. In such cases, the field officers will know what interventions to prioritise and their sequencing in order to achieve maximum impact.

3) **Inappropriate selection of beneficiaries may cause more harm than good.** When there is a flow of benefits from the project to beneficiaries, it is critical that the selection criteria is transparent and developed to send the correct signals. In the case of selection of inmates for VTC training for example, the evaluation noted that in Wau, the project did not strictly adhere to the established criteria. For example, there was one 17-year old boy who was accused of rape and had not yet been sentenced but was already enrolled for the training. Being that the inmates will receive a starter kit on their release, this may inadvertently encourage rape instead of discouraging it.

4) **Implementing partners (IPs) may not be able to achieve impact if funding is for short term.** The project interventions mostly involved changing the behaviors and practices that were deeply entrenched in traditions and cultures. For example, in some communities, rape was not strictly considered as a criminal case; and perpetrators could get away with it as long as they promise to 'marry' the victim and pay the dowry. Changing mindsets and behavior

requires long-term efforts, and IPs may not be expected to achieve desired impact with short term funding for six months.

5) **When starting from a low base, there workshop may not effectively develop individual capacities.** Capacity building workshops are intended to impart new skills to participants. However, when the aim is to induce behavior change, it is unlikely that this can be achieved in three days or less, particularly given the low base in terms of literacy and educational achievement that the participants may be coming from. The evaluators heard many instances whereby beneficiaries were reluctant to participate in workshops if there was no guarantee of an 'incentive' such as for example, payment of per diem.

6) **Project success ultimately depends on government's commitment to sustain, upscale and replicate.** In terms of its coverage, the project is very small. Even within the target states, level the project's coverage is still small. In Wau for example, the evaluators noted that there were 15 counties; and according to the Local Government Act, a county must have a minimum of five payams, while also a payam must have at least five bomas. Given that there will be potentially at least one traditional leader (chief) in every boma, this means that there are potentially 375 traditional chiefs in Wau state, yet only 71 of them had attended the training provided by UNDP for traditional leaders. The project's value therefore resides in its catalytic potential for upscaling and replication by government and other non-state actors.



Figure 6. Victims Support Group in Yambio

This chapter presents the evaluators' conclusions and recommendations based on the foregoing analysis and findings.

6.1 Conclusions

The foregoing analysis has shown that the project achieved its intermediate results in terms of project outputs although the intended outcomes were still a long way from being realised. Based on analysis of all the factors, including the prevailing socio-economic conditions in South Sudan and UNDP's operational environment, the evaluators made the following conclusions.

Firstly, the project's contribution can be viewed from two perspectives. On one hand, the project seeks to contribute at a higher level to the broader governance sector, including promotion and respect for human rights, gender equality and rule of law. These outcomes are possible only in a context where other necessary conditions are in place. The case study in the box illustrates some of the complex issues in South Sudan, including lack of social cohesion as well as volatile environment just waiting for the right 'trigger' to escalate issues to extremes. In the present environment therefore, given the scope of the project in terms of its geographic coverage and government capacity for upscaling and replication, it is not likely that these higher level

On March 2019, violence erupted between Luo populations in Jur River and Dinka cattle keepers from neighbouring areas in Rocrocdong and Kuajena. A Cattle herder had sexual intercourse with a married woman from the Luo population who are natives of the area. The act was considered as objectionable to the norms and values of the native community, and it was regarded as adultery. The case was reported to the police and the cattle herder was arrested. A few days later, the cattle herder was released, and it was alleged that no compensation was given for the action committed by the cattle herder. The decision by the authority annoyed the Luo population and they lost trust in the authority. Luo population decided to take the law into their hands and killed the cattle herder. The action sparked tension between the two communities, each wanting to revenge for their lost ones. Violence erupted and targeted killings of 400 civilians, sexual violence, looting and destruction of property. About 25,000 people were displaced as a result of this incident.

Story as narrated by UNMISS senior management, Wau.

outcomes will be realised. While it is possible that the project will provide awareness, what is questionable is how long it will take for that awareness to lead to behaviour change.

Secondly, the project is also providing direct basic service to disadvantaged groups. By targeting the victim and survivor of SGBV, providing them with medical attention, psycho-social counselling and legal aid, the project is contributing to the UN's core principle of 'leave no one behind'.

In view of the above, the evaluators were of the opinion that, despite its challenges and shortcomings, the project addresses a critical need for vulnerable groups. As noted earlier,

without these interventions by UNDP and other partners, the situation in South Sudan would be absolute chaos as illustrated by the Jur River incident above.

6.2 Recommendations

The overall evaluators' **recommendation to UNDP and donors is to continue the project** and develop the successor phase 3 when the current phase ends in March 2020. The project is addressing a critical gap, especially for the most vulnerable and disadvantaged groups, who otherwise would have no hope of enjoying their basic rights under the 'rule of law', i.e. (1) the country must be governed by law, not by force; (2) the law must apply to everyone, no one is above the law; (3) the law must treat everyone equally; (4) the processes for enacting and applying laws must be fair and transparent; and (5) the law must protect basic human rights.

The evaluators also make the following nine (9) specific recommendations.

Recommendation 1. UNDP must change its business model and adopt more of integrated programming.

As elaborated earlier (Lesson 1), rule of law cannot exist in isolation, and can only flourish when certain enabling conditions are available. For 'rule of law' to flourish, there are necessary conditions that must prevail as enabling factors, including a functional, independent and impartial judiciary; free legal aid for those who cannot afford; and availability of social and economic facilities for citizens to enjoy and protect. UNDP should ensure that its programming addresses these essential conditions through integrated programming across relevant thematic areas and projects. UNDP should therefore review its strategy and adopt the integrated programming approach, whereby they target specific states or groups and provide them with a comprehensive set of interventions to ensure greater impact. The idea of geographical equity by spreading available resources thinly in order to cover many states may not produce the desired impact.

Recommendation 2. UNDP should strengthen collaboration between its projects both at CO and field levels.

By adopting integrated programming approaches, UNDP should ensure that its project complement each other by establishing synergies during project design and planning of interventions at the country level. At the field level, field-based project staff should work more closely, including sharing information. The CO should facilitate this by establishing a formal system and structure for weekly meetings (Finding 5). UNDP should also take the lead to extend this mechanism across other UN agencies in order to strengthen synergies between its projects and interventions of other UN agencies.

Recommendation 3. Project management must involve field officers in planning of activities. Field officers have better grasp and understanding of the conditions on the ground,

including interventions that are likely to attract government and counterpart commitment. If field-based project staff are not involved in planning of activities, the project runs the risk of a ‘one-size-fits-all’ approach where interventions are not differentiated to suit the differences and challenges between states.

Recommendation 4. UNDP should invest more resources in infrastructure development.

One of the major challenges facing the country is lack of infrastructure. The evaluators visited the “C” court in Wau and observed that the infrastructure lacks amenities such as lighting and air conditioning. In almost all the institutions that were visited, the one common request was for infrastructure. In Aweil, Ministry of Education, Gender and Social Welfare requested that UNDP consider support to complete their office block which the government had started constructing but could not complete due to budget constraints.

Recommendation 5. UNDP should review its capacity-building approach to make it more responsive to the conditions in the country.

South Sudan has very low human capital. Some reports noted that at the time of its independence in 2011, less than 2 percent of the population had any high school education. In such an environment, there is need to do an initial capacity needs assessment, followed by capacity evaluation to determine whether, and to what extent the capacity development is achieving intended results. The workshop approach currently being used by the project is more suitable for ‘capability’ building rather than capacity building. Capability building refers to the transfer of skills and knowledge required for a particular task; while capacity building should be more comprehensive and involve developing individual or organization’s ability to absorb change effectively.

Recommendation 6. Increase the funding timeframe for implementing partners. For the most part, the work of CSOs involves several steps – establishing trust and acceptance, building awareness, developing capabilities for planned tasks, mentoring and tutoring, monitoring performance, and consolidating gains. Given the conditions in the country, including challenges with access, mobility and high levels of mistrust among communities, these tasks cannot be effectively undertaken and completed within a short six month timeframe. UNDP should review and increase the funding timeframe to at least one year in order to realise impact from interventions.

Recommendation 7. Establish and enforce adherence to beneficiary selection criteria. For those interventions where the project has to select beneficiaries based on prescribed criteria, UNDP should ensure that the criteria is transparent, understood and adhered to. For example, when it comes to the VTC in prison, clearly many inmates will prefer to spend time at the VTC rather than in the harsh conditions of the prison, therefore there must be clear and strict criteria for selection. In addition, the criteria must ‘do no harm’ by sending wrong message that crime pays.

Recommendation 8. UNDP should strengthen community awareness on volunteerism and avoid encouraging dependency. In many instances, the evaluators observed that community members and sometimes even service providers did not fully appreciate the notion of voluntary service. For example, almost all PCRC members that were visited expected a 'reward' for their voluntary service. On the other hand, it was also noted that some police officers joined the SPU under the false impression and expectation that UNDP will subsidise their salaries.

Finding 9. Government commitment should be clearly articulated in the project document. The key success factor as noted throughout this report rests with the government at state level to ensure that the rule of law institutions are functional and operating. The government's commitment and contribution must therefore be clearly spelt out in the project document so that project management can monitor performance and accordingly.

ANNEXES:

Annex 1. Documents reviewed

1. UNDP (2017); Project Document: Support to Access to Justice and Rule of Law in South Sudan
2. Third Party Cost Sharing Agreement between the Federal Republic of Germany and UNDP
3. German Proposal: Application for the award of a non-repayable or conditionally-repayable grant from Federal Foreign Office funds
4. Minutes of Partner Coordination meeting – 30 November 2017
5. UNDP (2018), Concept Note: Recovery and Stabilization Project
6. UNDP: Emergency Support to Vulnerable Groups and Joint Integrated Police (JIP)
7. UNDP (2017), Concept Note: Emergency Support to Women and Vulnerable Groups through Improved Law Enforcement Capacity, including Joint Integrated Police
8. UNDP (2018), Emergency Support to Vulnerable People in South Sudan and Joint Integrated Police II
9. UNDP (2018), Request for extension of the ‘Emergency support to conflict affected people and vulnerable groups in Juba and Bor’ project
10. UNDP Concept Note for Strengthening SGBV Referral Paths in South Sudan
11. Annual Report (2017), Support to Access to Justice and Rule of Law Project in South Sudan
12. Progress Report: Access to Justice and Rule of Law Project; January – June 2018
13. Progress report: Access to Justice and Rule of Law Project, Quarter 2 Report
14. Emergency Support to Conflict Affected People and Vulnerable Groups in Juba and Bor: Final report, January 2017 – September 2018.
15. Annual Report (2018), Support to Access to Justice and Rule of Law Project in South Sudan
16. Relocation of the University of Juba, College of Law from Khartoum to Juba Addendum to the Final Project Report - Prepared for the Government of Norway and Germany
17. Emergency Support to Women and Vulnerable Groups through Improved Law Enforcement Capacity, including Joint Integrated Police (Phase V), Final Report: march 2018 – March 2019
18. Emergency Support to Women and Vulnerable Groups through Improved Law Enforcement Capacity, including Joint Integrated Police Phase V; Mid-Term Report, November 2018

19. Strengthening SGBV referral Paths in South Sudan: Final Report , October 2016 – December 2017

Annex 2. Individuals consulted

#	Name	Institution	Title
JUBA - State Institutions			
1	Maj Gen. Daniel Justin	SSNPS	Director moral orientation
2	Kulang Jeroboam	JOSS	Judge
3	Filberto Mayout Mareng	MOJCA	Director Public Prosecutions
4	Sabuni Samuel	NPSSS –VTC	Instructor
5	Jovan James	NPSSS-VTC	Instructor
6	Changkuoth Beal Diev	LRC	Executive Director
Yambio			
7	Angelo Sebit	Legal Administration	Head of Legal Administration
8	Col. Achol Kul Muga	SSNPS	State Director
9	John Zeburona	Gender and Social Welfares	Director General
CSOs			
10	Joseph Kinaro	FACE	Executive Director
11	Ochieng Bernard	Hope for Restoration	Executive Director
12	James David Kolok	FODAG	Executive Director
13	Justin Anthony Ngbopai	CEPO	Program Manager
14	Gordon Kumbangako Boso	COPE	Executive Director
15	Voice John Peter	SPIDO	Administrator
16	Frank Taban Justice	SPIDO	Para law
UNDP and UN partners			
17	Kamil Kamaluddeen	UNDP	Country Director
18	Karungi Peruth	UNDP	Law Enforcement Advisor
19	Rowland Cole	UNDP	Senior Rule of law Advisor
20	Lucy Elundah	UNDP	Law Enforcement Advisor
21	Judy Wakahiu	UNDP	PACC Project Manager
22	Annie Rasidi Mulumba	UNMISS-HRD	Human Right Officer
23	Hamid khatir	UNDP	Rule of Law Officer
24	Albert Morris	UNMISS-HRD	Human Right Officer
25	Roman Rodyoishin	UNPOL	Police Advisor
26	Tony Immowon	UNPOL	Police Advisor
27	Shaleni Susan Chand	UNPOL	Police Advisor

	Donors		
28	Ayumi Hama	Japan	1st Secretary
29	Norke Rüter	Netherlands	1st Secretary Political Affairs
30	Roselyn Gama	Netherlands	Policy Officer –Gender
31	Christiane Kivy	Norway	Programme Officer
	Aweil		
32	George Kadimba	UNDP	Rule of Law Advisor
33	Joseph Machok Makak	UNMISS-HRD	Human Rights Officer
34	Ayimo Nsan	UNPOL	Community Policing officer
35	Maj. Adim Ayok Adim	NPSSS	Director of Community Policing
36	Deng Ajiing Dau	NPSSS –SPU	GBV focal Person
37	Ayak Agiu Bol	NPSSS-SPU	GBV Focal Person
38	Hon. Deng Ayom Ayom	Local Government	Aweil State Minster
39	Clement Manyuat	Local Government	Director General
	FGD, 1 Chief, 5 women and 3 men PCRC		
40	Simon Wang	Legal Admin	Director of Legal Admin
41	Daudi Uttom	Legal Admin	Prosecutor
42	Ali Teek Ajing	Legal Admin	Case Management Officer
43	Bulis Ngualé	HeRY – JCC	State Coordinator
44	James Apunjurae	HeRY – JCC	Area Coordinator
45	Akot Anguei Akot	Social Development	Director General
	Wau		
46	Edward Wade Ubul	Local government and Law enforcement	Director General
47	Aban Tong	JOSS	High court Judge
48	Kalifah John	Community policing	Director community policing
49	Simon Luka	Community policing	Deputy community policing
50	Christine William Hassan	Community policing	GBV Focal person
51	N.A Rwang	UNPOL	Police Advisor
52	Asunta James	SSNPS-SPU	Director General
53	Dominic Sebit	SSNPS-SPU	GBV Focal Person
54	Sebit Duniya	Legal admin	Acting head of Legal Admin
55	Annie Denial	Gender and Social welfare	Director General
56	Maj. Gen. Marko Ranga Akwai	Prison	Director General
57	Lina Balinaba	One stop Centre	Focal Person
58	Roselyn Peter	One stop Centre	Councilor
59	Col. Richard Biajo	ECC	Director General
60	Alfonso M	UNMISS-HRD	Human Rights Officer
61	Camille Jacquot	UNMISS-HRD	Human Rights Officer
62	John Taban	CSHRO	Team leader
63	Jalateng Moses	CSHRO	Associate Team Leader

	FGD, PCRC, 4 women and 4 men	
	FGD customary leaders, 8 men	

Annex 3. Evaluation Terms of Reference

1. Background

South Sudan's history is characterised with conflicts, weak governance systems, mismanagement of public funds, suboptimal service delivery, and weak economic growth. The signing of Revitalised Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS) in September 2018, coming at the backdrop of many failed attempts to restore peace since the December 2013, brought renewed impetus towards stabilizing the fragile situation in the country.

Emerging from an era of armed conflict, South Sudan lacks the institutional and professional capacity to immediately resume or establish a functional, effective and accountable justice and security system, or the means for rights bearers to access justice. Weak legal, regulatory, policy and institutional framework further hinders capacity of rule of law institutions to provide service in accordance with national and international standards of rights, justice and equality. Lawyers, judges, prosecutors, police personnel, prison personnel, legislators and civil servants operate in a dysfunctional system, where salaries, equipment and positive incentives are irregular, and where perceptions and commitment to legal imperatives have been battered.

Customary courts remain the choice for settling disputes, including family matters, community problems, land and resource issues, and those relating to women's rights. However, the degree to which customary justice systems contribute to better access to justice and increased realisation of rights is limited. Lack of due process, inconsistent and arbitrary or discriminatory decision making, non-compliance with national and international human rights standards, and humiliating or excessive punishments that can be prevalent in customary justice systems produces very unsatisfactory results.

Citizens lack access to fair, efficient and responsive justice systems which are key to effective governance and the rule of law. Without access to justice, people – especially the poor and disenfranchised – are unable to realize their rights, challenge discrimination, or hold decision-makers accountable. Citizen's inability to access the justice system provided for determination of rights and obligations is bound to result in denial of the guarantee contained in the Transitional Constitution of South Sudan (2011) both in relation to equality before law as well as equal protection of rights.

The high prevalence in SGBV in South Sudan will leave a legacy not only on individual survivors, but also on entire communities. Often, women are disempowered and deprived of their rights, voice and agency, which consequently increases their vulnerability.³⁶ Moreover,

women are often unaware of their rights, and often lack legal protection and access to mechanisms by which their grievances can be remedied. Where women are not able to claim their rights and obtain recourse for violations of their rights, establishing effective, efficient and fair justice systems is needed, for example, to ensure that women are able to seek justice when denied inheritance.

Having gone through decades of violence, South Sudan requires a holistic response to the recent widespread violence that fosters national healing and puts an end to the cycle of violence. The Access to Justice and Rule of Law Project seeks to address the above challenges by focussing on: a) Institutional capacity building through ongoing and entrenched technical assistance and training; b) Enhancing citizens' accessibility to justice through awareness raising initiatives to improve the understanding, attitudes and trust of the public in the ability of the State to provide quality justice services; c) Improving State accountability through monitoring of justice services and greater adherence to human rights standards; d) Enhancing coordination and dialogue between State and non-State entities to improve the responsiveness of State policies to the needs of the people.; e) Enhancing the capacity of civil society actors to provide monitoring oversight of justice institutions, increasing their accountability and ensuring a human scope to government policy; and f) Advocacy on transitional justice priorities, and improved public legal awareness; all of which are critical to long-term peace and stability.

With funding from Netherlands, Japan, the Peacebuilding Fund, Germany, UNDP and Sweden, the project started in October 2017 and will end on 31 March 2020 and has a budget of US\$ 45,683,422. It covers Torit, Yambio, Aweil, Juba, Wau and Bor. Aiming to strengthen the rule of law sector to increase and expand the availability, affordability, adaptability and acceptability of justice services in South Sudan, the project focusses on three outputs:

1. Functions and capacity of rule of law institutions enabled to deliver accountable, effective and equitable justice services.
2. Measures in place and implemented in the rule of law sector to prevent and respond to sexual and gender-based violence.
3. Human rights and transitional justice mechanisms strengthened to monitor and respond to the promotion and protection of citizen's rights.

To achieve these outputs, the project works closely with government, other UN agencies, and civil society organizations to implement project activities, deploys UN staff into the field to work closely with actors on the ground, and works with government at the highest levels to build legislative and regulatory capacity.

The project aligns with the following development frameworks: South Sudan 2040 Vision: promoting supremacy of the rule of law and separation of powers, recognition of human rights and fundamental freedoms, justice and equality for all, and promoting accountability and transparency in governance; Sustainable Development Goals (SDGs); mainly SDG 16 that aims to strengthening the rule of law, access to justice by vulnerable groups and promoting effective, accountable and inclusive justice institutions; UNDP Strategic Plan (2018-2021)

Signature Solution 2: Strengthen effective, inclusive, and accountable governance. 2019-2021 United Nations Cooperation Framework and UNDP Country Programme Document; (CPD) outcome 1: “The South Sudanese population, particularly the most vulnerable groups, benefit from strengthened peace infrastructures and accountable governance at the national, state and local level.”

2. Purpose of the Mid Term Evaluation

The Support to Access to Justice and Rule of Law Project in South Sudan project ends in March 2020. This mid-term evaluation is being conducted at the request of the national government and UNDP to assess the project’s contribution towards *“increasing and expanding the availability, affordability, adaptability and acceptability of justice services in South Sudan”*. The evaluation is formative in nature, forward looking and utilisation focussed, and will elaborate lessons and best practices to inform the remaining project implementation period (until March 2020). As per the Organisation for Economic Co-operation and Development’s (OECD) Development Assistance Committee (DAC) criteria, this evaluation will assess relevance, effectiveness and efficiency, potential sustainability and impact of the project. The evaluation will assess the intended and unintended outcomes of the Access to Justice and Rule of Law Project and recommend strategies to enhance operational and programmatic effectiveness until project end.

The findings and recommendations of the evaluation will inform the key stakeholders of this evaluation who are the relevant ministries and institutions of the Government of the Republic of South Sudan, funding partners - Netherlands, Japan, Sweden, the Peacebuilding Fund, UNDP and other UN agencies

UNDP commissioned this formative mid-term evaluation to serve as an important accountability function, providing UNDP, donors, national stakeholders and partners with an impartial assessment of the results generated to date, including gender equality results of this project. Specifically, the evaluation will assess whether the project remains relevant to the ever changing context, especially following the signing of the R-ARCSS and suggest any redesign if needed, determine the extent to which the project is contributing towards attaining the set results and if the results are produced in the most efficient manner, identify lessons learned and best practices to overpass challenges and achieve set results.

3. Scope and objectives.

3.1 Scope

The mid-term evaluation will cover the period of October 2017 -31 March 2019, in the following geographic locations; Torit, Yambio, Aweil, Juba, Wau and Bor. The evaluation will cover programme conceptualisation, design, implementation, monitoring and evaluation of results. The evaluation will also focus on performance of indicators agreed with all funding partners. In addition to assessing the relevance, effectiveness and efficiency of the project, the mid-term evaluation will; a) explore the key factors that have contributed to the achieving or not achieving of the intended results; b) determine the extent to which the project is

contributing to building capacities, addressing crosscutting issues of gender and human rights, forging partnership at different levels, including with government, donors, UN agencies, and communities; c) potential sustainability of the project for continued realisation of results; and d) draw lessons learned and best practices and make recommendations for future programming of projects of similar nature.

The evaluation will also assess the synergy between the Access to Justice and Rule of Law Project and other UNDP initiatives contributing towards the same outcome areas; Peace and Community Cohesion, Support to Public Administration and Recovery and Stabilisation.

3.2 Objectives

Specific evaluation objectives are to:

- i. Determine the relevance and strategic positioning of UNDP's Access to Justice and Rule of Law Project and whether the initial assumptions are still relevant
- ii. Assess a) the progress made to date towards CPD and project results and whether there were any unintended results and b) what can be derived in terms of lessons learned for ongoing and future UNDP support towards access to justice and rule of law initiatives in South Sudan
- iii. Review the frameworks and strategies that UNDP and partners devised to deliver the access to justice and rule of law initiatives, including capacity building of national institutions and whether they are well conceived for achieving planned objectives.
- iv. Analyse the extent to which the project enhanced application of a rights-based approach, gender equality and women's empowerment, social and environmental standards and participation of other socially vulnerable groups such as children and the disabled.
- v. To assess the overall contribution of the project to rule of law and human rights observance in the country and whether there are indications of sustaining the results generated by the project.

3.3 The Evaluation Questions

The following key questions will guide the mid-term project evaluation:

Relevance

- To what extent was the project in line with the national development priorities, the country programme's outputs and outcomes, the UNDP Strategic Plan and the SDGs?
- To what extent does the project contribute to the theory of change for the relevant country programme outcome?
- To what extent does the project contribute to gender equality, the empowerment of women and the human rights-based approach?
- To what extent has the project been appropriately responsive to political, legal, economic, institutional, etc., changes in the country?

Effectiveness

- To what extent have project results been achieved or has progress been made towards their achievement?
- To what extent did the project contribute to the country programme outcomes and outputs, the SDGs, the UNDP Strategic Plan and national development priorities?
- What factors have contributed to achieving or not achieving intended country programme outputs and outcomes?
- In which areas does the project have the greatest and fewest achievements? Why and what have been the supporting factors? How can the project build on or expand these achievements?
- Were there any unintended results

Efficiency

- To what extent was the project management structure as outlined in the project document efficient in generating the expected results?
- To what extent have the UNDP project implementation strategy and execution been efficient and cost-effective?
- To what extent has there been an economical use of financial and human resources? Have resources (funds, human resources, time, expertise, etc.) been allocated strategically to achieve results?

Sustainability

- What indications are there that the project results will be or has been sustained, e.g., through requisite capacities (systems, structures, staff, etc.)?
- Are there any financial, social or political risks that may jeopardize sustainability of project outputs and the project's contributions to country programme outputs and outcomes?
- To what extent do mechanisms, procedures and policies exist to allow primary stakeholders to carry forward the results attained on gender equality, empowerment of women, human rights and human development?
- Does the project have well-designed and well-planned exit strategies? What could be done to strengthen exit strategies and sustainability?

Partnership strategy

- To what extent are partnership modalities conducive to the delivery of outputs?
- Are there current or potential complementarities or overlaps with existing partners' programmes?
- How effective has UNDP been in partnering with civil society (where applicable) and the private sector to promote the institutional capacity enhancement initiative in the country

Human rights

- To what extent have poor, indigenous and physically challenged, women and other disadvantaged and marginalized groups benefited from the project?

Gender equality

- To what extent have gender equality and the empowerment of women been addressed in the design, implementation and monitoring of the project?
- Is the gender marker data assigned to this project representative of reality?
- To what extent has the project promoted positive changes in gender equality and the empowerment of women? Were there any unintended effects?

Based on the above analysis, the evaluator is expected to provide overarching conclusions on the project results in this area of support, as well as recommendations on how the UNDP South Sudan Country Office could adjust its programming, partnership arrangements, resource mobilization strategies, and capacities for similar future initiatives.

4. Methodology for Evaluation:

The mid-term evaluation of the Access to Justice and Rule of Law Project will be carried out in accordance with the UNDP Evaluation Guidelines and Policy, United Nations Evaluation Group Evaluation Norms and Ethical Standards. as well as UNDPs' Strategic Plan, 2018-2021. The evaluation will also be in line with the OECD/DAC evaluation principles and guidelines and fully compliant with the DAC Evaluation Quality Standards. The evaluation will employ qualitative and quantitative methods to assess the project based on the criteria above and to make recommendations for the remaining implementation period.

The evaluation will be carried out by a team of independent evaluators: International consultant (Team leader) supported by National consultant and will engage a broad range of key stakeholders and beneficiaries, including government officials, donors, civil society organizations including youth and women's organizations and UNDP staff. This evaluation is expected to take a "theory of change" (TOC) approach to determining causal links between the initiatives that UNDP South Sudan has supported and observed progress in access to justice and rule of law at the national and subnational levels. Evidence obtained and used to assess the results of UNDP support should be triangulated from a variety of sources, including verifiable data on indicator achievement, existing reports, and technical papers, stakeholder interviews, focus groups, surveys and site visits as applicable.

4.1 Data Collection

The mid-term evaluation of the Access to Justice and Rule of Law Project will be carried out through a wide participation of all relevant stakeholders stated above and representatives of the United Nations Mission in South Sudan (UNMISS) and UN agencies including United Nations Population Fund (UNFPA), UN Women, United Nations High Commissioner for Refugees (UNHCR), Office of the United Nations High Commissioner for Human Rights (OHCHR). Field visits to selected project sites and briefing and debriefing sessions with UNDP and the government officials, as well as with development partners are envisaged. Data collected should be disaggregated (by sex, age and location), where possible.

In order to use existing sources/information and avoid duplication, data will be mainly collected from various information sources through a comprehensive desk review that will

include the analysis of relevant documents, information, data/statistics, triangulation of different studies etc. Data will also be collected from stakeholder key informants through interviews, discussions, consultative processes, and observations in field missions.

The valuation will benefit from and optimally use the data collected through other evaluation exercises, such final evaluation of the previous phase of the Access to Justice and Rule of Law Project, programmatic surveys/evaluations, donor reports, outcome evaluations to determine the effectiveness of the project in supporting the achievement of national priorities. The final evaluation should also take into account the lessons learnt from other relevant evaluations in terms of response to the national development priorities in conflict settings; creating a common, coherent and results-oriented strategy for successor programmes; and facilitating joint and portfolio programmes to the extent possible (reducing overall transactions costs).

4.2 Expected Deliverables:

Under the guidance and supervision of the Access to Justice and Rule of Law Project Manager, in consultation with the Partnership and Management Support Unit, and the final evaluation reference group, the International Consultant (team leader) with support from the national consultant will deliver the following:

- i. **Inception report:** The evaluator will prepare an inception report that details the evaluator's understanding of the evaluation and how the evaluation questions will be addressed. This is to ensure that the evaluator and the stakeholders have a shared understanding of the evaluation. The inception report will include the evaluation matrix summarizing the evaluation design, methodology, evaluation questions, data sources and collection analysis tool for each data source and the measure by which each question will be evaluated. The inception report will be discussed and agreed with partners and UNDP country office before the evaluator proceed with site visits
- ii. **Draft mid-term evaluation report** - The consultant will prepare the draft evaluation report cognisant of the proposed format of the report and checklist used for the assessment of evaluation reports. The report will be submitted to the evaluation reference group through the project manager for validation. Comments from the reference group and stakeholders will be provided within 10 days after receiving the draft report. The evaluator will produce an 'audit trail' indicating whether and how each comment received was addressed in revisions to the final report.
- iii. **Final mid-term evaluation Report.** The final report (30 pages) will include comments from the reference group and other stakeholders will be submitted 10 days after receiving all comments.

Time frames for the evaluation Activity	Deliverable	Time allocated
Evaluation design, methodology and detailed work plan	Inception report	5 days
Inception meeting		

Documents review and stakeholder consultations	Draft report	20 days
Field Visits		
Data analysis, debriefing and presentation of draft Evaluation Report		
Validation Workshop		
Finalization of evaluation report incorporating additions and comments provided by all stakeholders and submission to UNDP South Sudan.	Final evaluation report	5 days
Total number of working days		30 days

5. Evaluation team and competencies required

The evaluation team will comprise one international consultant (Team Leader) and national consultant who were, at no point directly associated with the design and implementation of any of the activities associated with the outcomes.

Functional competencies

- Minimum Master's degree in Law, Public Policy and Management, Public Administration, Development studies, International Development, or any other relevant university degree;
- Extensive expertise, knowledge, and experience in the fields of access to justice and rule of law, community security, conflict prevention, peace building and reconciliation, governance, inclusive participation, gender mainstreaming and human rights promotion
- Minimum 10-15 years of professional experience in areas of democratic governance, rule of law, access to justice international human rights law or international relations, regional development, gender equality and social services.
- At least 5 years of experience in conducting evaluations of national rule of law and human rights institutions or government and international aid organisations
- Direct experience working with police uniformed forces and other rule of law and justice institutions is an added advantage
- Excellent writing skills with a strong background in report drafting;
- Demonstrated ability and willingness to work with people of different cultural, ethnic and religious background, different gender, and diverse political views;
- Ability to use critical thinking, conceptualize ideas, and articulate relevant subject matter concisely.

Corporate competencies

- Demonstrated integrity by upholding the United Nations' values and ethical
- Appreciate differences in values and learning from cultural diversities;
- Promotes UNDP vision, mission and strategic goals;
- Displays cultural, gender, religion, race, nationality and age-based sensitivity and adaptability;

- Demonstrates diplomacy and tact in dealing with sensitive and complex situations.

Professionalism

- Demonstrates professional competence and mastery of subject matter;
- Demonstrated ability to negotiate and apply good judgment;
- Is conscientious and efficient in meeting commitments, observing deadlines and achieving results.

Planning and organizing

- Establishes, builds and maintains effective working relationships with colleagues to achieve the planned results.

6. Implementation arrangements

UNDP South Sudan Country Office will select the evaluator through an open process in consultation with the partners. UNDP will be responsible for the management of the Consultant and will in this regard designate focal persons for the evaluation and any additional staff to assist in facilitating the process (e.g., providing relevant documentation, arranging visits/interviews with key informants, etc.) The UNDP will take responsibility for the approval of the final evaluation report in liaison with the partners.

A designated project focal point will assist the Consultant in arranging introductory meetings with the relevant parties in UNDP, partners and government and civil society. The Consultant will take responsibility for setting up meetings and conducting the evaluation, subject to advanced approval of the methodology submitted in the inception report. The UNDP Country Office will develop a management response to the evaluation within two weeks of report finalization.

The Task Manager will convene an Evaluation Reference Group (ERG) comprising of technical experts from partners and UNDP to enhance the quality of the evaluation. The ERG will review the inception report and the draft evaluation report to provide detail comments related to the quality of methodology, evidence collected, analysis and reporting. The Panel will also advise on the conformity of evaluation processes to the UNEG standards. The evaluator is required to address all comments of the Panel completely and comprehensively. The Evaluator will provide a detail rationale to the advisory panel for any comment that remain unaddressed.

7. Duty Station

- The consultant will work full time, based in UNDP South Sudan. Office space and limited administrative and logistical support will be provided. The consultant will use her/his own laptop and cell phone.
- The consultant will report to the Access to Justice and Rule of Law Project Manager and the evaluation reference group that will review progress and will certify delivery of outputs.

8. Scope of Price Proposal and Schedule of Payments

The international consultant shall be paid the consultancy fee upon completion of the following milestones: 30% after adoption of the inception report; 30% after acceptance of the draft report and 40% after the approval of the final report.