

Developing DARFUR: A Recovery & Reconstruction Strategy



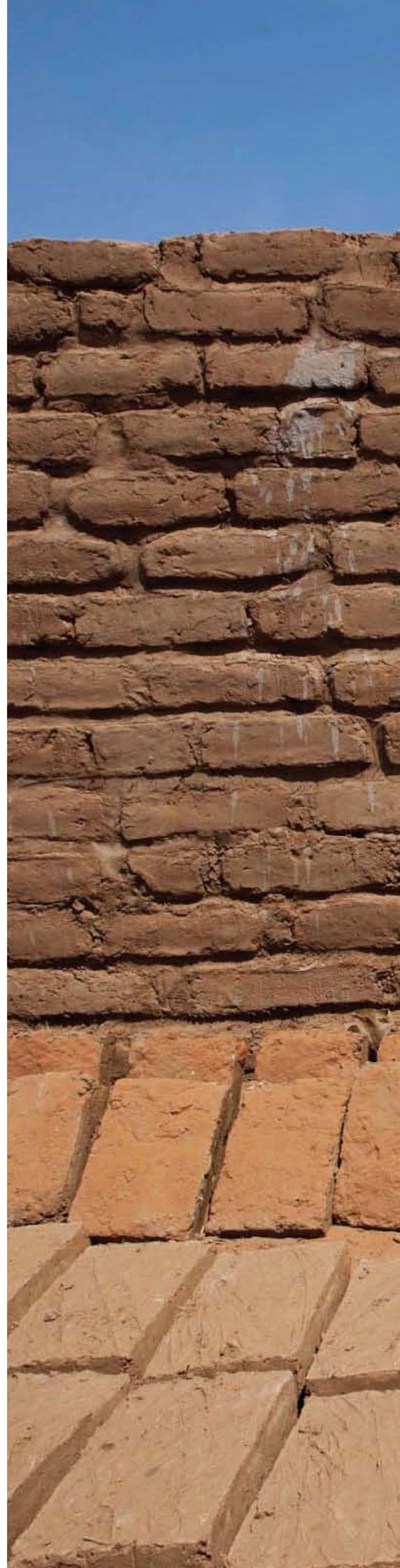


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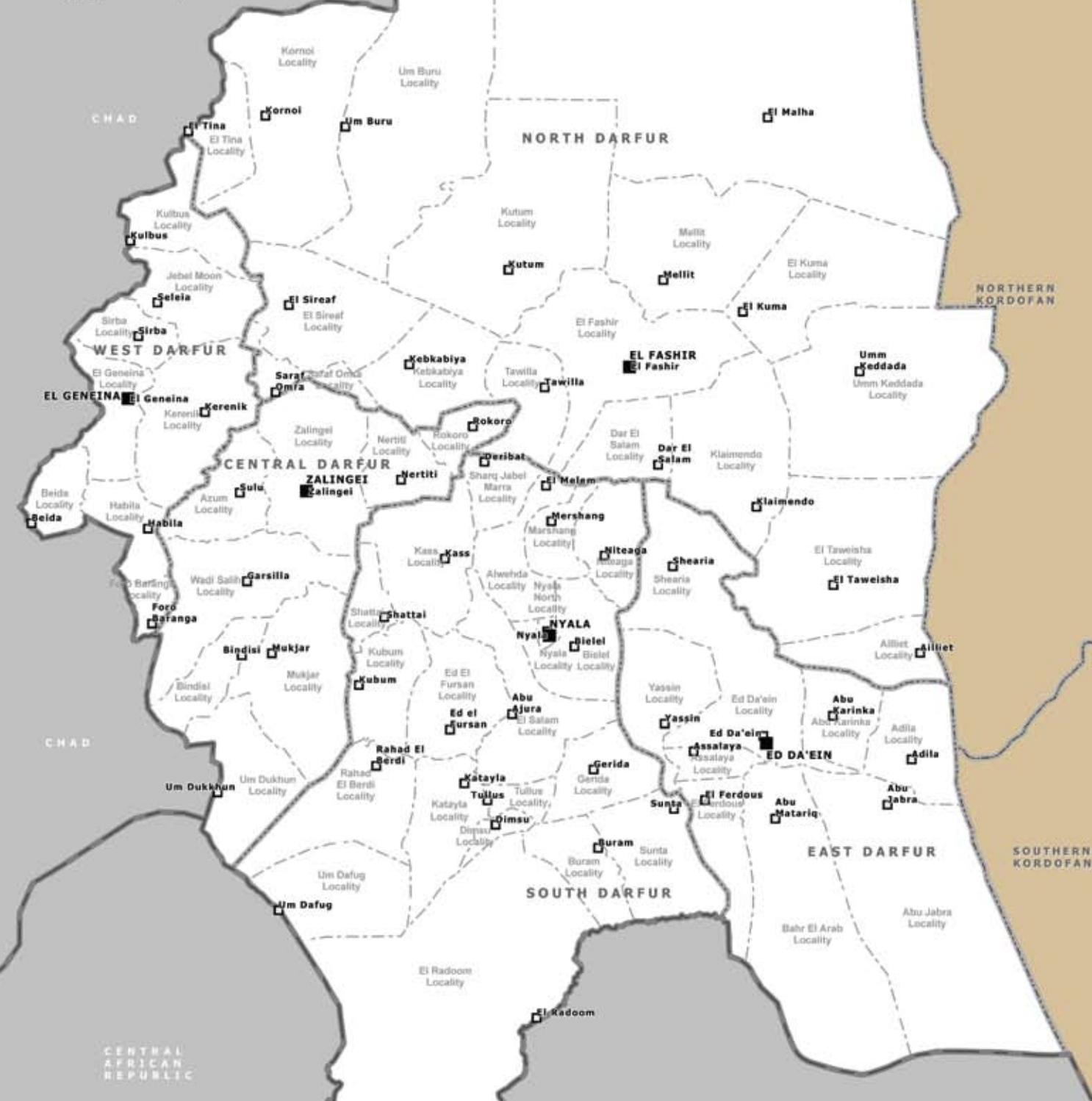
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The exchange rate used throughout this document is **SDG4.398 : US\$1** based on the average Central Bank of Sudan rate in January 2013



Legend

■ State capitals (OCHA, 2011)

▣ Locality Headquarters, 2011

Sources: Bureau of Local Government, El Fashir & Nyala

□ Dept. of Planning, State Ministry of Finance, El Geneina

Legend - Administrative layers

International boundaries, 2007

Source: Sudan Interagency Mapping Group

■ Sudan

▣ Neighbouring Countries

State boundaries, 2012

Sources: Census 2009, www.sudan.gov.sd

▣ Darfur states (West-Central & South-East Darfur boundary Unverified)

▣ Other states of Sudan

Locality boundaries, 2012 (Work in progress)

Sources: Bureau of Local Government, El Fashir & Nyala

▣ State Ministry of Physical Planning and Survey, El Geneina

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PREFACE AND ACKNOWLEDGEMENTS

Government of Sudan

The Government of Sudan is pleased to present *Developing Darfur: A Recovery and Reconstruction Strategy*. This is the main outcome of the Darfur Joint Assessment Mission (DJAM), in accordance with Article 32 of the Doha Document for Peace in Darfur (DDPD). The document reflects enormous efforts by all involved to help ensure a strategy for sustainable development in the Darfur Region. The Government of Sudan is grateful for the technical and financial support provided by our international partners to conduct the DJAM. Our very special thanks and gratitude go to the State of Qatar for their support to peace, recovery and development in Darfur, which has proved invaluable. We also recognise the United Nations Development Programme (UNDP) for its leadership in the assessment of Darfur and the drafting of the report. We wish to thank all who have taken part in this process - please note the list of DJAM contributors that follows.

We take this opportunity to reiterate our firm, political commitment to the implementation of the DDPD and our continuing support to the peace and development process in the Darfur Region. We are fully cognisant of the risks and assumptions articulated within this document and the severity of the consequences should they be overlooked. To ensure that the 2011 DDPD and 2012-2013 DJAM are brought to fruition, the development and recovery projects detailed in this document will be pursued alongside efforts to meet the political, economic and social aspirations of the Darfuri people. The Government of Sudan is committed to fulfilling both the technical and monetary obligations agreed in the DDPD, including making every effort to foster the most favourable and enabling environment possible to fully implement the stated actions. We recognise that this requires stringent endeavours to encourage additional signatories to the DDPD, while simultaneously facilitating consistent and expedient access throughout Darfur.

Regardless of national austerity measures, we recently provided a letter of credit for US\$165 million of support. Measures are underway to ensure that our entire financial obligation of US\$2.65 billion in development funds to Darfur will be delivered over the next six years. In tandem with our commitment, we wish to call upon all

international partners, State Governments, UN Agencies, financial institutions, funds and the private sector, to extend their support to the reconstruction, recovery and development of Darfur.

HIS EXCELLENCY ALI OSMAN MOHAMMED TAHA - VICE-PRESIDENT

State of Qatar

The State of Qatar welcomes the presentation of *Developing Darfur: A Recovery and Reconstruction Strategy*. The strategy presented here provides the substantive background for the International Donor Conference for Reconstruction and Development in Darfur in Doha, Qatar. It is our pleasure to support the DDPD process and recovery in Darfur through the DJAM and the international conference; our engagement will continue in the years that follow. This strategy presents an opportunity to reaffirm the world's commitment to the people of Darfur. While we endeavour to effectuate change through financial support and the coordination of the international conference, we are only one of the many vital partners that must coordinate and pledge solidarity to help rebuild Darfur. The sustainable reconstruction and development of Darfur rests on the implementation of the strategy presented in this report and the dedication of the Government of Sudan and the international community towards implementing it.

HIS EXCELLENCY AHMAD BIN ABDULLAH BIN ZAID AL-MAHMOUD -
DEPUTY PRIME MINISTER

Darfur Regional Authority

The Darfur Regional Authority proudly presents *Developing Darfur: A Recovery and Reconstruction Strategy*. This is a needs-based report resulting from broad consultation and engagement with those most affected by the conflict in Darfur, as well as local, national and international actors. The report articulates a prosperous vision for Darfur's future, reflecting and learning from the past, as well as taking into consideration events that have occurred since the signing of the DDPD. We now cast our eyes forward to a peaceful and productive future. Admittedly, the road ahead for development in Darfur is a challenging one - but the objectives, outlined in this report, are wholly achievable through the solidarity of our national and international partners. Our confidence

For the Adoption of Doha Document

Doha 13 Sha'ban 1432 AH, corresponding to July 14th 2011 - موافق : ١٤ يولييو ١٤٣٢ هـ



is strengthened by the consistent support Darfur has received to date. Our current hope is sustained by the strategy presented in this report and your continued support towards its implementation. We commit to provide our international and local partners unrestricted access to Darfur and our fullest assistance in pursuit of our shared goal.

The Darfur Regional Authority extends our sincere thanks to each individual and agency that worked to make the 2012-2013 DJAM and this strategy possible and whose dedication has resulted in your participation in the International Donor Conference for Darfur. Collaboratively, the contributions resulting from this conference will be reflected in the brighter hopes among the people of Darfur.

HIS EXCELLENCY ELTIGANI SEISI MOHAMMED ATEEM - CHAIRMAN
DARFUR REGIONAL AUTHORITY

United Nations Development Programme

The United Nations Development Programme, acting in coordination with its United Nations' partner agencies, funds and programmes, stresses our collective commitment to Darfur's development. We consider that *Developing Darfur: A Recovery and Reconstruction Strategy* offers a timely and much needed opportunity to strengthen and sustain immediate and long-term development efforts in Darfur. This Strategy reflects the needs and aspirations of the people of Darfur and, in contributing to overall development in Sudan, enhances peace in the region and beyond.

We are resolute in our commitment to work with the national and local authorities to ensure the successful delivery of the Strategy's priorities. This outcome will require the cooperation of all parties to manage the many current challenges and those that will arise. For the United Nations to be able to provide the desired partnership effectively, an enabling environment in Darfur has to prevail that allows, *inter alia*, for freedom of movement, of interaction with local and international partners and for an unimpeded and efficient resource base. We are confident that this enabling environment is in the minds and plans of all concerned, since without it the task ahead will be difficult to achieve and the expectations of the people of Darfur, indeed the Sudanese, will not be fully met.

We wish to thank the Government of Sudan and the Darfur Regional Authority, for guiding this work so closely and constructively. We thank the Qatari Government for its generous and tireless support and we thank the

many agencies and individuals who have provided solid and valuable contributions to the development of the Strategy. Finally, we deliver our most profound thanks to the people of Darfur, who have endured so much, helped so much and expect so much from us. We hope that we will all meet their expectations to the best of our abilities and means.

ALI AL-ZA'TARI - UNDP RESIDENT REPRESENTATIVE, AND UN RESIDENT AND HUMANITARIAN COORDINATOR FOR SUDAN

African Union-United Nations Hybrid Operation in Darfur (UNAMID)

The 2012-2013 DJAM, which culminated in the production of the document *Developing Darfur: A Recovery and Reconstruction Strategy*, is an important step in the implementation of the DDPD and a strong basis for concrete measures towards recovery and development in Darfur. UNAMID's technical and logistic support to the DJAM process in particular and the DDPD in general is in line with the mandate of the Mission. The support also illustrates the continued commitment of the international community to the DDPD and Darfur, as reflected in the relevant AU Peace and Security Council Communiqués and UN Security Council resolutions. These invariably welcome the Doha Document for Peace in Darfur as an important step forward in the Darfur peace process and the basis for achieving comprehensive settlement of the conflict in Darfur. They call on UNAMID to support its implementation and on the parties to deliver on the commitment made in the Document.

This Strategy document represents the collective vision for development and economic recovery of the people of Darfur, as stakeholders, and their partners from the international community. It further strengthens the basis for UNAMID's continued involvement and assistance to the peace process through, in particular, the Integrated Strategic Framework for United Nations system-wide support to the DDPD, which was jointly developed by the Mission and the United Nations Country Team in Sudan. UNAMID encourages the timely and effective implementation of the *Darfur Development Strategy* presented in this document, towards achieving a comprehensive and durable peace and development in Darfur. UNAMID will continue to provide logistics and technical advice towards reaching this goal.

HER EXCELLENCY AÏCHATOU MINDAOUDOU SOULEYMANE - ACTING JOINT AU-UN SPECIAL REPRESENTATIVE/HEAD OF UNAMID, AND JOINT AU-UN CHIEF MEDIATOR AD INTERIM FOR DARFUR





SPECIAL RECOGNITION

As Chairman of DRA, Dr. Eltigani Seisi Mohammed Ateem, wishes to thank the United Nations Agencies, Funds and Programmes in Sudan, the World Bank, the African Development and the Joint United Nations, African Union Peace Keeping Force (UNAMID) and the State of Qatar for their leadership of the process and pioneering the Darfur Joint Assessment Mission. The DRA wishes to thank, in particular, Ali Al-Za'tari (United Nations Resident and Humanitarian Coordinator in Sudan) and Sayed Aqa (UNDP Country Director) for their commitment and support to the work of the DRA and their leadership throughout the process.

The UNDP-led DJAM team that coordinated the assessment and analysis process, demonstrated utmost professionalism, extreme flexibility and extended many hours to present and refine the DJAM methodology, conduct Darfur state consultations, produce *Developing Darfur: A Recovery and Reconstruction Strategy* and support the preparations for the International Donor Conference for Reconstruction and Development in Darfur. The DRA acknowledges the dedicated work of Amin Sharkawi (UNDP Deputy Country Director) and General Coordinator for the DJAM and International Donor Conference for Reconstruction and Development in Darfur, who provided leadership, guidance, focus on achieving the tasks and strategic inputs; Pontus Ohrstedt (UNDP), DJAM Deputy General Coordinator, who provided excellent support and high-quality conflict analysis; and, Paul Symonds, DJAM Technical Coordinator, who provided substantive and thematic guidance, led the State Consultative Workshops and oversaw the drafting of strategy document to be presented at the Doha International Conference.

The final report of the DJAM process - *Developing Darfur: A Recovery and Reconstruction Strategy*- was prepared by Paul Symonds, Margaret Zimmerman and Mark Adams, based on a multitude of technical analysis and inputs by national and international experts, United Nations specialised agencies and donor partners. Paul, Margaret and Mark have produced an excellent background analysis of Darfur, the region's priorities and a comprehensive development strategy in a short period of time, while overcoming many challenges and constraints. Their efforts are to be commended; along with an extensive team of thematic working group leaders responsible for the presentation of individual thematic reports provided as annexes to this strategy. Throughout the preparation of this report, technical support was provided by Karie Hyslop.

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The DJAM and this Darfur recovery and reconstruction strategy would not have been possible without the substantial financial support of USAID, which is gratefully acknowledged. The DRA specifically thank Dr. Ahmed bin Mohammed Al Meraikhi, Director of the International Development Department at Qatar's Ministry of Foreign Affairs for his guidance and coordination of the International Donor Conference for Reconstruction and Development in Darfur, without which the conference would not be possible. Moreover, we express our gratitude to Engineer Shaheen Ali Alkaabi, Ministry of Foreign Affairs, and Mr. Abdel Aziz Abu Enin, Office of the Deputy Prime Minister, for their advice, follow-up and implementation of the conference.

For its guidance of the process, the DRA wishes to thank the Steering Committee led by the State of Qatar and its members from UNDP, the African Development Bank, UNAMID, the World Bank and the Government of Sudan. Specific recognition is made of their considerable effort at the initial stage to jump-start the process and their continued dedication in seeing it through to a successful conclusion. The DRA also would like to thank the members of the Coordinating and Planning Committee, for without their ideas and time in the initial stages of the DJAM, the *Developing Darfur: A Recovery and Reconstruction Strategy* would not have been possible.

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ABBREVIATIONS AND ACRONYMS

ALP	Accelerated Learning Programme	NCRC	National Constitutional Review Committee
ALSDDS	Agriculture and Livestock Sectors Development Strategy	NCSC	National Civil Service Commission
AU	African Union	NEC	National Electricity Corporation
BSS	Basic Social Services	NGOs	Non-Governmental Organisations
CBOS	Central Bank of Sudan	NHI	National Health Insurance
CEMP	Community Environmental Management Plan	NHRC	National Human Rights Commission
CFC	Ceasefire Committee	NISS	National Intelligence and Security Services
CIFA	Country Integrated Fiduciary Assessment	NRM	Natural Resource Management
CPA	Comprehensive Peace Agreement	OCHA	United Nations Office for Coordination of Humanitarian Affairs
CSOs	Civil Society Organisations	PAR	Portfolio at Risk
DCB	Darfur Coordination Board for Recovery, Reconstruction and Development	PCRC	Property Claims and Restitution Committee
DDPD	Doha Document for Peace in Darfur	PDF	Popular Defence Forces
DDR	Disarmament, Demobilisation and Reintegration	PHC	Primary Health Care
DDS	Developing Darfur: A Rehabilitation and Development Strategy	PPQ	Plant Protection and Quarantine
DFEC	Darfur Facility Executive Committee	PSCAP	Public Service Reform, Decentralisation and Capacity Building
DIDC	Darfur Internal Dialogue and Consultation	SAF	Sudan Armed Forces
DJAM	Darfur Joint Assessment Mission	SALW	Small Arms and Light Weapons
DLC	Darfur Land Commission	SCaT	Scale, Coverage and Timeline
DPA	Darfur Peace Agreement	SCCED	Special Crimes Court on the Events in Darfur
DRA	Darfur Regional Authority	SDDRC	Sudan Disarmament, Demobilization and Reintegration Commission
DRDF	Darfur Reconstruction and Development Fund	SDG	Sudanese Pound
DSAIC	Darfur Security Arrangement Implementation Commission	SDS2	Second Basic Education Service Delivery Study
EU	European Union	SGBV	Sexual and Gender Based Violence
EWARS	Early Warning and Response System	SHHS	Sudan Household Health Survey
FaST	Foundational and Short-Term Activities	SLA/A	Sudan Liberation Movement /Army
FAO	Food and Agriculture Organisation of the United Nations	SLA-MM	Sudan Liberation Army-Minni Minawi
FFAMC	Fiscal and Financial Allocation and Monitoring Commission	SMEs	Small and Medium Enterprises
GDP	Gross Domestic Product	SMoA	State Ministry of Agriculture
GER	Gross Enrolment Rate	SMoAR	State Ministry of Agriculture Research
GPS	Global Positioning System	SSB	Stabilised Soil Blocks
HAC	Humanitarian Aid Commission	SSR	Security Sector Reform
HIV /AIDS	Human Immunodeficiency Virus/ Acquired Immune Deficiency Syndrome	ToR	Terms of Reference
IDPs	Internally Displaced Persons	UN	United Nations
IFC	Implementation Follow-up Committee	UNAIDS	Joint United Nations Programme on HIV/AIDS
INC	Interim National Constitution	UNAMID	United Nations - African Union Mission in Darfur
INGO	International Non-Governmental Organisations	UNDP	United Nations Development Programme
IOM	International Organisation for Migration	UNEP	United Nations Environment Programme
I-PRSP	Interim Poverty Reduction Strategy Paper	UNESCO	United Nations Educational, Scientific and Cultural Organisation
IT	Information Technology	UNFPA	United Nations Population Fund
IWRM	Integrated Water Resources Management	UNHABITAT	United Nations Human Settlements Programme
JAF	Jabr Al-Darar Fund	UNHCR	United Nations High Commissioner for Refugees
JEM	Justice and Equality Movement	UNICEF	United Nations Children Fund
JSC	Judicial Service Commissions	UNIDO	United Nations Industrial Development Organisation
JTC	Joint Technical Committee	UNOPS	United Nations Office for Project Services
JTRC	Justice, Truth and Reconciliation Commission	UNWOMEN	United Nations Entity for Gender Equality and the Empowerment of Women
LJM	Liberation and Justice Movement	USAID	United States Agency for International Development
M&E	Monitoring and Evaluation	USD	United States Dollar
MDGs	Millennium Development Goals	VAT	Value Added Tax
MFI	Microfinance Institutions	VRRC	Voluntary Return and Resettlement Commission
MFS	Micro Finance System	WASH	Water, Sanitation and Hygiene
MoU	Memorandum of Understanding	WES	Water and Environmental Sanitation
MPPPU	Ministry of Physical Planning and Public Utilities	WFP	World Food Programme
MSMEs	Micro and Small to Medium Enterprises	WHO	World Health Organisation
MW	Mega Watt		

EXECUTIVE SUMMARY

After a decade of conflict and displacement, the 2011 Doha Document for Peace in Darfur (DDPD) strengthens the peace process and lays the groundwork for recovery and reconstruction. The Darfur Regional Authority (DRA), Government of Sudan and the international community recognise the need to have a coordinated and comprehensive strategy for supporting peace and development in the region. In accordance with the provisions of the DDPD, the Darfur Joint Assessment Mission (DJAM) was conducted in the latter part of 2012. Informed by the needs and priorities of communities, identified through comprehensive, consultative workshops in all five Darfur states and the refugee communities in Chad, the *Darfur Development Strategy* (DDS) evolved. The DDS, presented here, offers a sequenced, coordinated and holistic plan for equitable, sustainable and participatory development, vital to move Darfur out of a cycle of conflict and poverty, towards a stable and prosperous future. The International Donor Conference for Reconstruction and Development in Darfur in Doha on 7-8 April 2013 will reaffirm the world's commitment to the people of Darfur and to the stability of the region.

THE DARFUR CONTEXT

Darfur has long been a land riven by conflict, misunderstanding and insecurity. The underlying causative factors are complex and exist in local, regional, national and international theatres simultaneously. Simmering tensions through the 1990s exploded in 2003, as self-defence groups militarised into armed resistance and initiated a significant conflict that would ravage Darfur over the next three years. This resulted in the internal displacement of an estimated 1.7 million people, as well as a flood of 280,000 refugees, particularly non-Arabs from Western Darfur, into Chad as refugees.

Virtually the entire population of Darfur - an estimated 8 million - is arguably affected by the conflict. Apart from the 2 million that are still displaced, including refugees - 80% of whom lost everything they owned - every community, whether they be sedentary rural farmers, nomadic pastoralists, public sector workers or urban dwellers, have seen their livelihoods disintegrate and their freedom of movement and personal security severely threatened or compromised. Government services - especially health, education and water services to the rural communities - have been overloaded or stopped. The conflict damaged and destroyed infrastructure, seriously curtailed markets and disrupted trade, employment and, as confidence eroded, investment in much-needed development of the region diminished. Approximately 38% of the total population of Darfur, more than 3 million people, have received some form of monthly food aid for the past decade.

In addition to the massive conflict-driven disruption of Darfur's economy over the last ten years, Sudan's economy now also faces hurdles. Following the large economic shock caused by the loss of oil revenue due to secession of South Sudan, which led the economy to contract by 3.3% in 2011 and by a further 11.1% in 2012, the overall fiscal deficit was expected to increase to 3.7% in 2012. In the 2013 budget the funding gap stands at SDG10 billion





(US\$2.27 billion), a full one-third of the budget. Both policy reforms adopted by the Government in June 2012 that incorporate necessary austerity measures and the implementation of the recent agreement with South Sudan on oil-related issues should create a gradual improvement in Sudan's economic and financial conditions in 2013 and 2014. Nonetheless, Sudan's recovery will depend critically on continued fiscal discipline, especially a careful prioritisation of recurrent and development spending. The above factors will somewhat limit the Government's ability to support recovery and reconstruction in Darfur from its own resources.

Both the macro and regional context are cause for concern. Poverty levels in Darfur are among the highest in the country, with almost two thirds of the population falling below the poverty line. Human development indicators are among the worst in Africa. The delivery of essential services of health, education and water are severely constrained not just by the conflict but by the limited human and financial resources available to the region. Prior to the conflict and over the last ten years, Darfur States have received less than half of the fiscal transfers allocated to states with comparable population and administration. This, coupled with deficiencies in federal administration in policing, security and judiciary give continued validity to the claims of marginalisation. The region is strikingly dependent on these federal transfers, as state revenues - hampered as they are by insecurity - contribute less than 20% of the fiscal resources available. The situation is expected to be further aggravated since the formation of two additional Darfur states at the beginning of 2012. Finally, development spending within Darfur states is comparatively less than half of other states in Sudan. This inequity in Government provision will also need to be addressed in 2013, in parallel with the special funds committed under the DDPD, in order to support and maintain long-term development in Darfur.

THE DARFUR PEACE PROCESS

The numerous, diverse circumstances contributing to the conflict necessitated an intricate and lengthy peace process, which began in N'djaména in 2003, continued in Abuja in 2006 and culminated in Doha in 2009. The displacement of a large proportion of the population, the disrupted livelihoods and insecurity, have all hampered investment in human resources and physical infrastructure, thereby stifling recovery and development of the beleaguered region - a situation exacerbated by the lack of implementation of a substantive peace agreement. Following months of intensive negotiations between rebel groups and the Government of Sudan, the second peace agreement of the overarching peace process was finally achieved in Qatar in July 2011: the Doha Document for Peace in Darfur. While it is primarily an agreement between the Liberation and Justice Movement and the Government, the signatories have continued to call upon other actors and movements to sign the Agreement.

Article 31 of the DDPD delineates the main objectives of post-conflict economic recovery and development, and highlights that the strategy:

Photo by Albert González Farrán/UNAMID

“...shall aim at realising short-term and medium-term objectives in the fields of rehabilitation, reconstruction, construction and development taking into consideration urgent needs and the need to work out the basis for long-term development. Special attention shall be given to programmes and projects which will enable Darfur to speed up the transition from relief to development.”

The conditions on the ground are often difficult and the peace tenuous, but the very real needs of the people of Darfur have been articulated throughout the assessments undertaken by the DJAM. There will likely never be a time when an ideal set of conditions for recovery are apparent in Darfur. However, the momentum gathered by the DDPD should not be allowed to wane. Delays can only increase the difficulty of recovery: Darfur's population has more than doubled in the last 25 years and, due to the conflict and lack of investment, generations of youth are growing up in confined areas, unskilled and dependent on aid. The major concern of the displaced over the occupation of their land by strangers will be more difficult to remedy, as it becomes entrenched by time and usage; while continued environmental degradation due to economic necessity will only be exacerbated without corrective measures. Furthermore, it is difficult to maintain a relief-oriented international response to the humanitarian needs of Darfur without a positive plan for the future. When the DPA was signed in Abuja in 2006 by one of the powerful parties to the conflict the first comprehensive DJAM was undertaken - yet the international community deemed the situation then as “not conducive to development” and the DJAM and its recommendations were, consequently, abandoned. As a result, peace could not be sustained; conflict and uncertainty persisted for six more years. Once again, the current conditions may not be perfect, but - and it is an all-important *but* - the people are ready for change, the people want a resolution and they need help - international assistance - to overcome their pressing concerns of water, education, security and healthcare, supported by systemic and institutional improvements in Rule of Law, private sector development and natural resource management; not as a humanitarian necessity, but to enable a stable and enjoyable way of life. It would be a tragic mistake to postpone this recovery until there are a set of presumably “perfect” conditions.

Moreover, long-term provision of food and other handouts often disrupt and prolong the recovery of normal economic functions. In Darfur, many of the urban economies now exist largely to serve the humanitarian effort. Residents of IDP camps and urban areas are provided a level of service provision that did not pre-exist the conflict. As such, an increasingly detrimental reality facing Darfur is that many Darfuri are dependent upon this “life-saving,” and yet paradoxically long-term, assistance.

A key theme of the DDPD is the recognition that assistance to Darfur must evolve. The intended transition from relief to development is therefore an integral and necessary component. Given Darfur's prolonged insecurity, the majority of international assistance has quite understandably aimed to support and sustain displaced populations. Yet this protracted relief aid has done little to address the root causes of the crisis, nor has it enabled the people of Darfur and their government to more meaningfully dictate their own recovery and rehabilitation.

The literature is full of references to the two million internally displaced people (IDPs) but little on the number of communities that have been fragmented or destroyed. A recovery programme cannot address two million people individually, but it can target extensive reconstruction needs and service provision for conflict-affected communities and localities across





the five states of Darfur. It can address the rehabilitation and restoration of livelihoods centred on community co-existence. It can provide the necessary improvement in governance at the Locality and State levels to maintain the services and address the issues of land, compensation, peace, rule of law and stability, vital to sustain development. The *Darfur Development Strategy* aims to do just that.

THE EVOLUTION OF THE STRATEGY

Article 31 of the DDPD specifies the far-reaching aims and objectives of a Darfur-driven development plan. These include, *inter alia*: the need to restore peace, security, and social stability; improve government functionality at all levels; strengthen the civil administration; rehabilitate, reconstruct and construct physical, institutional and social infrastructure in post-conflict Darfur; and implement a comprehensive structural reform of health and educational institutions, especially Universities, in order to transform Darfur into a developed society in terms of technology, industry agriculture and trade.

To realise these high-reaching goals, Article 32 of the DDPD made provision for the Darfur Joint Assessment Mission. The DJAM commenced in August 2012, focusing on the priority sectors delineated in Article 31, from which ten thematic working groups were formed. These working groups comprised both lead and support agencies that included technical representatives from the UN, international organisations, international financial institutions and donors. Sudanese, especially Darfuri technical experts, formed an essential part of each thematic group. Each thematic working group reviewed the available literature - starting with the 2006 DJAM documents, then studies, budgets, plans and reports from 2006 to date - and prepared an individual Situational Analysis.

Next, in order to develop a robustly representational strategy and secure broad buy-in, the DJAM held five state-level consultative workshops in September and October 2012. Organised with the assistance of people specifically appointed by each State government, the DJAM engaged a diverse base of participants for each state workshop, including those from local NGOs, Native Administration, farmers, pastoralists, IDPs and both urban and rural populations, along with full representation from every Local Government Authority and State Line Ministry. Refugee input was received during a separate meeting in Abéché, Chad, in December 2012. The five workshops identified critical needs and priorities within each thematic area that were then integrated into a single costed framework of overall development objectives and expected outputs for the next six years. These were delineated by sequential activities deemed necessary to achieve the recovery and reconstruction of Darfur. This emphasis on pragmatic and incremental steps echoes the prominence of Article 31's short- and medium-term objectives.

After the workshops, the lead and support agencies worked to compile the ten thematic working group reports that are provided as annexes to the overall *Darfur Development Strategy*. These reports thoroughly detail sector-specific, situational challenges, corresponding objectives identified by participants and agencies and resultant costing to meet these objectives.

While these reports are necessarily articulated by theme, it is important to remember that the conflict in Darfur has multiple origins. If the root causes are to be adequately addressed, then any recovery strategy should be "integrated and comprehensive". The various Government departments and UN agencies have specific mandates, areas of expertise and interest and the tendency is to respond to problems in a sector-specific manner. This necessarily loses

Photo by Albert González Farran/UNAMID

the coherence and nuanced inter-linkage between the overlapping sectors. Moreover, this often gives rise to uneven development, impeded by lack of support from vitally necessary components of other sectors.

The division into the ten groups was a working tool to gather the information. The groups should realistically be considered as individual bricks in the support fabric of a recovery, reconstruction and development strategy. Though independent in outline, each necessarily supports others and, as such, is a vital and integral part of the overall structure. The structure itself needs to be solidly grounded on a strong foundation, built of enabling activities that will provide the essential information, skills, processes and basic physical capacity to support and maintain the desired recovery and development programmes.

The *Darfur Development Strategy* therefore recognises the shortfalls inherent within a project-based, sector-specific wish list and instead, presents an integrated, comprehensive, stakeholder-driven roadmap to holistically initiate the ambitious, yet achievable, objective outlined by the DDPD - namely, a stable, peaceful and prosperous Darfur. As evidenced in the schematic and description that follow, the independent bricks of the thematic groups lend themselves conceptually to the formation of three main pillars necessary to support the region-wide *Darfur Development Strategy*.

All aspects of recovery should not be *ad hoc* given that there are elements of all these that need be developed as an integrated programme and in a time-conscious manner. *Peace and Security* addresses land and community reconciliation issues and reintegration; *Governance* and the *Rule of Law* - without which there will be no security - are necessary for long term expansion and maintenance of service capacity, regulation and the administration of *Private Sector Development* to ensure consistent economic recovery. The latter is vital to ensure adequate revenue collection to meet the service needs and general government function. *Basic Services* are of primary public interest and, without serious investment in both physical and human resources, early gains in community reconstruction cannot be maintained. The *Development of Rural Livelihoods* and the recovery of markets and livestock improvement are vital for the *Return and Reintegration* and stabilisation of the rural sector.

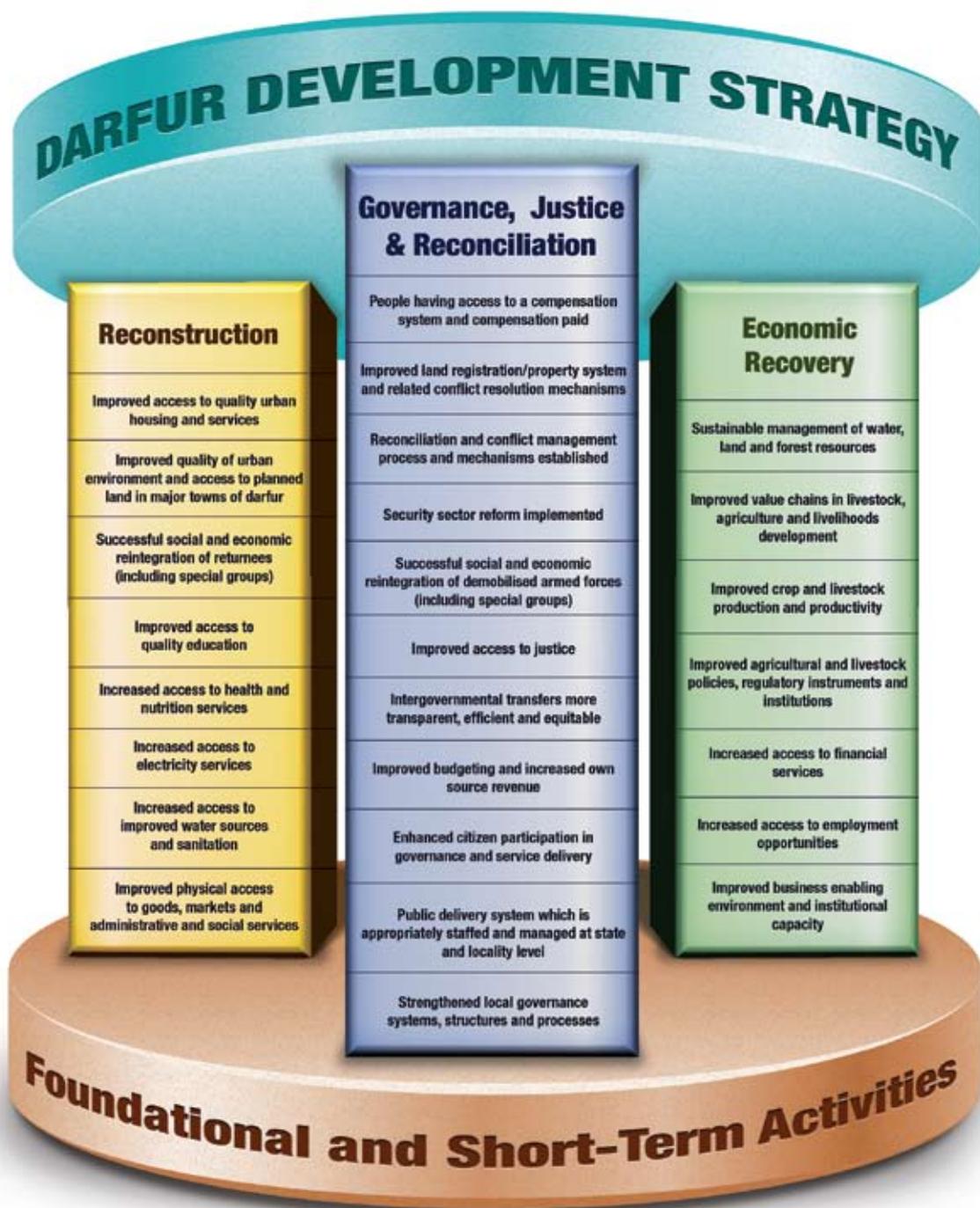
The goal was therefore to design a fully-integrated strategy supported by substantive groups of priority needs identified by the ten thematic areas, which were collated into the broad areas of *governance, justice and reconciliation, reconstruction and economic recovery* articulated in Article 31. These broad areas became the three interconnected pillars of the *Darfur Development Strategy*, soundly based on identified, immediate activities.



Individual “Themed” Recovery Building Blocks

Developing Darfur: A Reconstruction and Recovery Strategy, the document's full title, therefore presents an overview of the current situation in Darfur, articulates the Strategy's evolution and defines how it will be executed when funded. Section I provides a brief background to

the strategy development process. Section II is a detailed situational analysis of Darfur, derived from a review of the studies, plans and policies pertaining to Darfur over the last 6 years (with particular reference to the DJAM 2006 documentation, the State 5-yr plans and the



The Darfur Development Strategy

Federal Interim Poverty Reduction Strategy Paper (I-PRSP), the reports of the ten thematic working groups and the extensive consultations with both citizens and the government authorities of Darfur in September and October 2012. The amalgamated, prioritised objectives, recommended activities and outputs are presented in Section III in a costed, broad, strategic framework for the key intervention areas that considers the scale, coverage and timeline of the perceived response. Every strategy must have a starting point and the DDS is firmly built on a foundation of identified activities that require immediate funding and initiation. The management of funds, quality assurance and essential monitoring and evaluation mechanisms are all detailed in Section IV.

However, it is important when designing such a programme to be clear by what is meant by *reconstruction* and *recovery* so that all parties may be satisfied by the outcome. A simple return to the pre-conflict *status quo* is not sufficient; the political, economic and geographical circumstances in Darfur that existed before the widespread conflict in 2003 gave rise to claims of marginalisation. Conversely, setting unrealistic expectations and proposing “ideal” conditions of rural existence - characterised by full access to basic services, modern housing, communications, improved rural livelihoods and alternative employment opportunities - is unrealistic in the short-term and cannot be maintained without sustained and transparent governance, effective fiscal management and amplified indigenous investment, all of which will require years of judicious and sustained planning, training and investment.

The DDS represents a transitional programme, in order to rebuild hope and a positive outlook, along with the delivery of tangible immediate peace dividends that lays the substantial groundwork necessary for lasting development. In fact, the cumulative objective of support to the *Darfur Development Strategy* is the establishment of a comprehensive system for economic recovery, development, planning and financial management that ensures the sustainability of the DDS beyond its six-year implementation period.

The three supportive, interlinked pillars are detailed in the paragraphs that follow:

PILLAR I: GOVERNANCE, JUSTICE AND RECONCILIATION

Peace in Darfur cannot be sustained without improved governance. This entails building representative, responsive and effective government institutions that are accountable to communities who wish to transition from circumstances of conflict and displacement towards rehabilitation and recovery. The DDPD provides a good, albeit ambitious, framework for governance in Darfur. The political and legal context reflected in the DDPD has key implications for governance and accountability, as it stipulates that there shall be a federal system of government, with an effective devolution of powers and a clear distribution of responsibilities to ensure fair and equitable participation by the citizens of Sudan in general, and particularly those of Darfur.

To this end, the *Darfur Development Strategy*, through the **Governance, Justice and Reconciliation** pillar, aims to contribute policy support, technical assistance and capacity enhancement to State governments to enable them to more effectively execute their mandate, especially at the local (decentralised)

GOVERNANCE, JUSTICE AND RECONCILIATION

strengthen institutions and improve governance at Regional, State and Locality levels;

streamline budget and fiscal management structures and processes in all Ministries and Localities for sustainability and growth;

review and enhance rule of law institutions and mechanisms;

address requirements for compensation; enhance peace and security in the region; establish a culture of transparency and accountability with enhanced citizen participation;

enhance access to land

level, and thus oversee recovery of the region and initiate the revival of basic infrastructure and support to conflict-affected populations.

PILLAR II: RECONSTRUCTION

The main objective of the **Reconstruction** pillar is to support the recovery and stabilisation of war-affected populations, whose economic and social life have been severely disrupted. Fundamental to any recovery programme is the construction and restoration of physical infrastructure and basic service recovery, such as water supply in villages, schools, health posts and community policing, as well as linking communities and markets by constructing and improving vital road, rail and air links, promoting resource-efficient housing and restoring productive systems. This is all too often seen as the desirable end in itself, yet it must be closely linked to the previous pillar to ensure that infrastructure investments are well-managed and maintained. The rebuilding of the social infrastructure of Darfur - the return and re-establishment of the rural communities, the integration of people who wish to remain in the urban centres and the recovery of the residential war affected populations-is a vital component of this pillar, so that they may resume normal life and engage in productive economic activities - which, ultimately, links to the third pillar, Economic Recovery.

RECONSTRUCTION

- enhance access to basic social services, including health, nutrition, water (for humans, agriculture and livestock) and education (primary, secondary, tertiary and vocational);
- improve communications, transport and geographic accessibility;
- meet the immediate infrastructure development requirements and assess future needs;
- address the return, reintegration and/or urbanisation of individuals, households and communities, and
- improve the quality of the urban environment

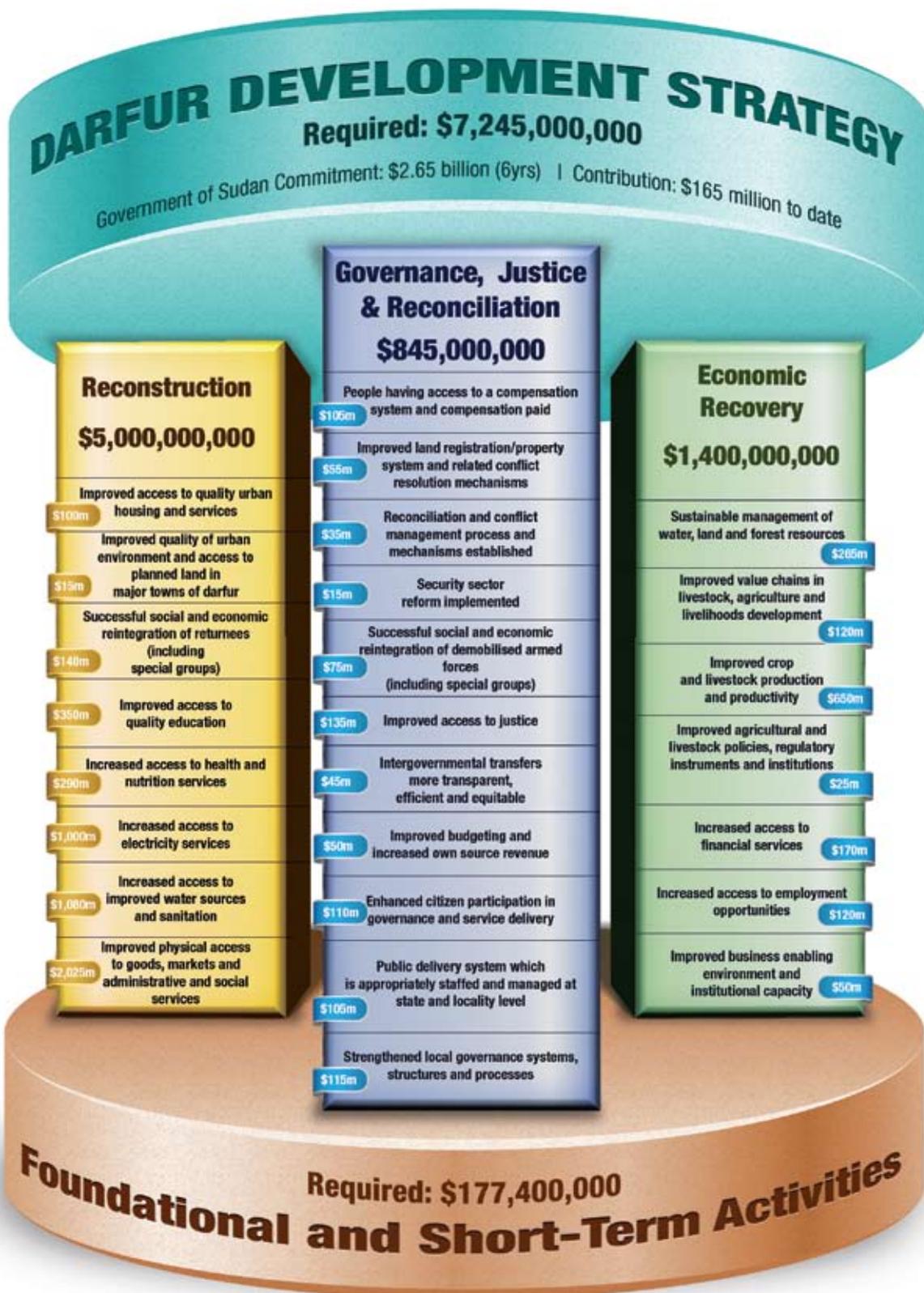
PILLAR III: ECONOMIC RECOVERY

Through directly supporting agricultural operations, demarcating stock routes, promoting alternative energy sources and improving the business climate and access to credit, the main objective of the **Economic Recovery** pillar is to contribute positively towards poverty alleviation and transitioning Darfur to development in an equitable and environmentally sustainable manner. This will be achieved by support to key livelihoods, increasing access to those key livelihoods and financial services, and ensuring the sustainability of productive sectors; the latter requiring a review and strengthening of agricultural and livestock policies, regulatory instruments and institutional arrangements in all five States. Success in these areas is vital for the generation of revenue to ensure the expansion, maintenance and quality of the Government services and physical infrastructure established under activities within the other two pillars.

ECONOMIC RECOVERY

- facilitate improvement of agriculture, livestock and rural-based livelihoods, production and productivity;
- enhance agricultural and livestock policies, regulatory instruments, and institutional arrangements;
- oversight and management of natural resources;
- improved business enabling environment and the promotion of private sector development.

Individual sector support is inadequate to ensure the success of the strategy without the recognition that the bar must be raised equally, necessitating balanced support to the development of each pillar at the same time. Ultimately, the pillars themselves - though built of related themes and independent in outline - are dependent on each other for the sustainability and development of the whole. The pillars are mutually supportive of the DDS and, as such, the equal development of each is vital to the integrity of the overall structure.



Consolidated Objectives of the Darfur Development Strategy

THE DARFUR DEVELOPMENT STRATEGY OBJECTIVES

Given the overarching objective of the DDPD is “to support the transition from humanitarian assistance to recovery and development,” the objectives of the *Darfur Development Strategy* were identified by the individual groups then amalgamated into the three-pillar approach.

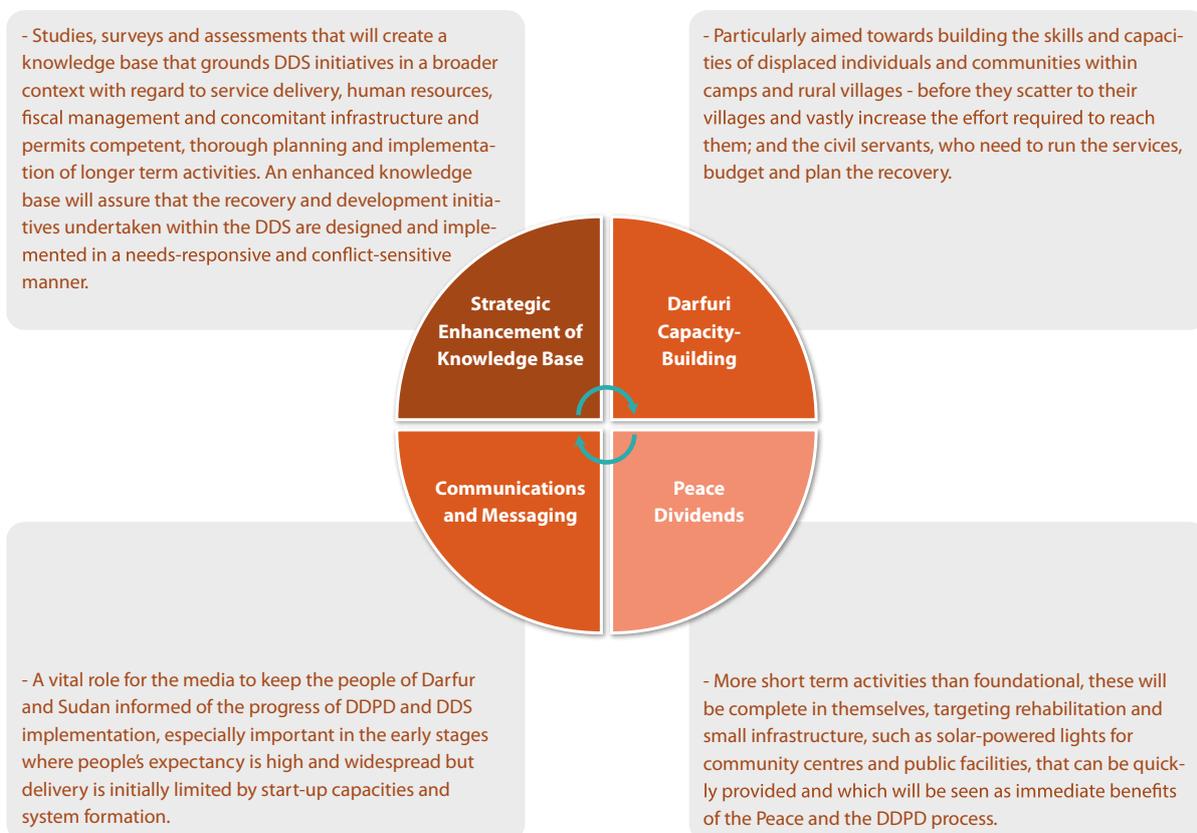
To achieve the intended objectives of the pillars, donor support is required to assist the Darfur administration and civil society through various instruments (technical assistance, program and material funding/supply, policy/dialogue development), sequentially phased throughout the six-year Strategy period.

The DDS, like any structure, must be solidly grounded on a strong foundation. The sequencing of activities is vital to the Strategy’s success, and the substantive objectives sought will not be achieved without a well-coordinated - and well-funded - plan. The three pillars are built upon enabling activities that will provide the essential information, skills, processes and basic physical capacity to support and maintain the desired recovery and development programmes.

Workshop participants identified “foundational and short-term” (FaST) activities as immediate initiatives that can, and should, be either completed within 12 months or largely established and executed during this timeframe. Most importantly, they identified those activities that are essential pre-cursors and pre-requisites for the start of longer term development programmes. The compilation of these activities advances the DJAM documentation beyond a simple “wish list” and articulates a measured and rational plan - one that is cognisant of timeliness, sequencing and available capacity.

These FaST activities will serve a few key purposes, all of which enhance the speed of transition from relief to development.

FaST activities are the initial and immediate actions that kickstart the longer term objectives of the DDS. The funds necessary for their fulfillment will be drawn from the total monies pledged: they are not a separate entity or the “minimum requirement” to meet Darfur’s recovery needs. Rather, the activities identified are simply a calculation of the most strategic and time-sensitive funding, a multifaceted investment in the form of a sequenced strategy - and insurance that peace dividends are not only paid, but maintained. They will build confidence in



Types of Foundational Activities

the process and support for the DDS, cognisant of the initial absorption capacity. Training, capacity building and confidence-building in access and stabilisation, will further change the attitudes of a critical mass of Darfuris as humanitarian beneficiaries to drivers of proactive, self- and community-based targeted recovery.

The Government of Sudan has reconfirmed its commitment over the next six years to the financial pledges stated in the DDPD. In early 2013, it provided a Letter of Credit for US\$165m to the DRA in an effort to meet its initial Obligation, as well as in-kind contributions to support the establishment and functionalisation of the DRA. Measures are underway to ensure that its additional financial obligations to Darfur are met.

The six-year plan to meet both social and infrastructural needs, totals **US\$7,245,000,000**. The Government of Sudan has committed **US\$2,650,000,000** to the DDPD over the next six years, leaving a donor requirement of **US\$4,595,000,000**, to be pledged within the same time frame. Of this total contribution, it is imperative that, in order to initiate and secure broad-level FaST activities within each of the three areas, an estimated cash sum of **US\$177,400,000** be deposited in the funding mechanism immediately, to ensure that the foundations for the longer term development within *Governance, Justice and Reconciliation, Economic Recovery and Reconstruction* are well-laid.

The very nature of the DDS requires that whatever may be generously pledged, the funds be available as and when required, over a large geographical area and through multiple channels. The management and disbursement of such funds, derived from disparate sources with, in all likelihood, specific accounting and monitoring requirements, calls for a dedicated mechanism agreed by all donors.

FUNDING MECHANISM AND GOVERNANCE STRUCTURE OF THE DARFUR DEVELOPMENT STRATEGY

Article 32 of the DDPD stipulates that “since the financial resources and expertise required to undertake such an operation are beyond Sudan’s capacity, the Parties request the international community to urgently and fully participate in this initiative and assist in the provision of necessary resources and expertise and partake in meeting the needs set for this purpose through the establishment of a Multi-Donor Trust Fund. The operational procedures of the Fund shall be determined by a supervisory body to be established by the Donors and the GoS.” This statement was reinforced during the DJAM consultations when the state governments confirmed that the State Five Year Plans were developed on the basis of an expected 80% contribution from international donors. Consequently, as part of the DJAM, the United Nations

and the World Bank have considered options for the coordination and funding of the recovery effort, based on an assessment of needs and context, initial discussions with counterparts, best practice and global experiences. The *Integrated Coordination and Financing Framework for the Implementation of the Darfur Development Strategy* aims to help the international community coordinate its support in alignment with the DDS priorities, the Government of Sudan and the DDPD.

It is unlikely that any single funding arrangement will attract a majority of the funds intended to support the recovery effort in Darfur. Rather, multiple financing channels are likely to operate that reflect the wide range of financing sources, including the Government of Sudan, Gulf donors and Arab funds, Organisation for Economic Co-operation and Development (OECD) and non-OECD (e.g. China, Turkey, etc.) bilateral donors, the European Union and the private sector itself. In line with Article 32 of the DDPD, a funding mechanism is therefore proposed that combines effective coordination with the flexibility partners require for them to contribute to the common effort. The mechanism offers 4 distinct channels to direct the various sources of funding and embeds these in the coordination mandate of the Darfur Recovery Coordination Board:

1. Coordinated bilateral funding, for donors with a preference for this modality
2. Government funding through the national budget and the Darfur Recovery and Development Fund (DRDF)
3. Private investor funding, coordinated by the High-Investment Council of Sudan
4. A new “Darfur Facility”, based on a 2 or 3-window multi-donor trust fund set up by the United Nations and the Bretton Woods Institutions in line with Article 32 of the DDPD.

The Darfur Development Strategy Coordination Board will oversee the four separate funding channels and ensure coherence with the DDS. Direct “Bilateral Funding” can continue, with the proviso that it provides the Board and its agents with copies of reports and plans and that its funded activities are in line with both the priorities and timing of the Strategy. Similar coordination requirements are placed on the range of different actors and interests working in support of the relief effort through the private sector and the government, via regular sector allocations through its national budget and specific mechanisms and allocations for Darfur. The Darfur Facility will serve as a transparent and accountable mechanism to promote the coherence and effectiveness of international partners’ support to the implementation of the DDPD, in close coordination with the DRA and the Government of Sudan. It will provide a vehicle for the government and partners to translate the pooled, financial commitments made by

the international community into tangible development results.

The main advantage of this situation is that it will allow for a flexible and rapid response. However, it also increases the need for a strong governance arrangement that can oversee the different strands of the recovery effort to avoid duplication or gaps. Therefore, the new facility will only be effective if it is appropriately embedded within a wider governance structure and with comprehensive governance arrangements that reflect the political and institutional realities of the context. With that in mind, an *Integrated Coordination and Financing Framework* is proposed to maintain flexibility and speed, while ensuring an overarching coordination of effort under joint leadership of the government and the international community.

Experience in other challenging contexts demonstrates the importance of putting in place a robust system for monitoring operational implementation, as well as the

sustainability of investments. Thus, Quality Assurance is a critical requirement for successful implementation of the DDS, for accountability over the use of funds and for the creation of sustainable capacity in Sudanese institutions. Additionally, given the implementation and oversight challenges the Darfur context presents, this framework recommends that an independent Verification Unit should also be put in place.

The latter creates a specific opportunity to utilise the University network in Darfur to create an indigenous Monitoring and Evaluation department, using a pool of Sudanese experts who will be tasked to provide monitoring and evaluation teams, with the inclusion of external experts provided by various donors as required. Part of this monitoring would be to act as a central repository for copies of all documentation from all parties involved - studies, plans, programmes and projects, along with reference documents used in the implementation of the resulting Darfur recovery.



Photo by Albert González Farran/UNAMID





SECTION

BACKGROUND

1. Introduction to Darfur

The roots of the current conflict in Darfur pre-date to the nineteenth century. The underlying factors of the conflict are complex, multi-level and exist in local, regional, national and international theatres simultaneously. The myriad circumstances contributing to the conflict and the multiple arenas in which they are played out have shaped an intricate peace process that began in N'djaména in 2003 and continued in Abuja, Nigeria in 2006, Sirte, Libya in 2007 and, since 2009, in Doha, Qatar. Recovery and development in Darfur has been fraught by the conflict-driven displacement, disrupted livelihoods and insecurity that have all hampered investment in human resources and physical infrastructure.¹ With the depletion of natural resources, continued population growth, persistent pockets of insecurity and weak institutions unable to change the status quo, it is now crucial that appropriate interventions are made, so as to break the cycle of poverty and instability and offer the population sustainable solutions that should assist in the stabilisation of the region, attract investment and aid recovery and long-term development. A systematic analysis of the Darfur conflict, peace process trajectory and the present on-the-ground conditions is required to inform any recovery and development plan.

Darfur (*land of the Fur*) comprises the westernmost area in Sudan.² Dominated by the majestic, volcanic peaks of the Jebel Marra, the region's riches lie in cattle, animal husbandry, *gum arabic*, groundnuts and natural resources, making it, potentially, one of the most agriculturally profitable areas of Sudan. Little is known of Darfur's history prior to the establishment of the Fur sultanate in the 17th century, when the region was plagued by a series of civil wars. Ultimately, Darfur fell to both Egyptian and British Imperial rule that led to its incorporation into Sudan in 1916. Being geographically and ethnically diverse from the rest of Sudan it was essentially administered independently.³ This fragmented administration continued after independence in 1956, resulting in further economic and political marginalisation from Sudan's riverian

1 UNHCR reports 1.7 million IDPs in 338 locations throughout Darfur and 280,000 refugees in 12 camps in Chad.

2 As one of the most landlocked areas of Africa, coupled with the semi-arid nature of the region, Darfur presents several challenges towards sustaining life.

3 This is evident by the inclusion of Darfur in the 1922 Closed District Act further isolating Darfur.

centre in Khartoum. Economically, Darfur's abundance of resources led it to be taxed heavily by the British but saw little returns in development or investment.⁴

Despite being home to a significant proportion of Sudan's population - and since the secession of South Sudan in July 2011 that proportion has risen to almost one-third of the total population - the region found itself under-represented politically. For decades, representation at federal government level has been inconsistent and the local Native Administration system unable to function properly. In 1994, the single province of Darfur became the three administrative states of the North, South and West. In early 2012, two new states, Central Darfur and East Darfur, were created by Presidential decree from portions of West and South Darfur and three new governors were installed. The clear geographical division of these five states belies the complex tribal structure of between 40 to 90 diverse ethnicities that make up the small villages that comprise Darfur.⁵

The Darfuri tribes exist in a delicate balance, defined by their means of subsistence, as sedentary agro-pastoralists and nomadic pastoralist herders (*abbala* and *baqqara*).⁶ The majority non-Arab agriculturalists are closely tied to the land, growing millet, sorghum, groundnuts, okra and a variety of fruits, with small livestock being an essential part of their holdings, leaving them self-contained and overwhelmingly self-sufficient.⁷ The Arab pastoralist sedentary herders of the north and southeast rely on camel and cattle herding to live. While these groups do grow produce in personal, seasonal gardens, they depend on trade with other areas in Darfur to survive.⁸ The Arab nomadic cattle and camel herders practice transhumance and migrate seasonally north during the rainy season to grazing fields and to the southern riverbeds in the dry season.⁹

Straddling the divide between the Sahara and the Sahel, Darfur has witnessed the devastating effects of desertification as productive land comes into greater demand. Whether crops are grown in Darfur's sandy or clay soils or the seasonal streambeds (*wadi*), the fertility of the land and regional rainfall determine whether people live or die. Darfur has witnessed the development of increasingly dry conditions and prolonged periods of low rainfall since 1969. Extreme droughts between 1969-1973 and 1979-1983 resulted in large-scale famine,

increased desertification and changes in migration patterns.¹⁰ Despite harsh environmental conditions, farming in Darfur has increased between 150-300% since the 1960s, depending on the crop, leading to widespread, continuous cultivation.¹¹ Consequently, field expansion and winter farming has greatly reduced the areas used by animals for grazing. This coincided with a dramatic rise in Sudan's livestock over 30 years from 27 to 135 million.¹² The tension between agriculturalists and pastoralists has been exacerbated by desertification that pushed individuals of northern and central Darfur south in search of new livelihoods, leading to armed conflicts over grazing fields and scarce water resources.¹³ As an atmosphere of armed banditry and lawlessness became commonplace, ethnic conflicts escalated across Darfur during the 1990s, made worse by government inaction and long-term, perceived marginalisation.¹⁴

By 2002, the relatively low profile fighting of the 1990s transformed into a significantly more serious conflict, as self-defence groups militarised into armed resistance groups leading to the first attacks on Government targets in February 2003. The rebel organisations of the Sudan Liberation Movement/Army (SLM/A)¹⁵ and the Justice and Equality Movement (JEM)¹⁶ were catapulted into the national spotlight and garnered favour amongst the non-Arab Darfuris. The Government of Sudan responded with a counter-insurgency campaign. Over the next three years, fighting between rebel groups and Government forces ravaged Darfur. The destruction and violence produced a large number (estimated 1.7 million) of internally displaced persons (IDPs) and the movement of an estimated 280,000 individuals, particularly non-Arabs, from Darfur into Chad as refugees.

4 Specifically, a dinya was levied on owned animals with little investment being returned.

5 J. D. Fage & William Tordoff, *A history of Africa* (2002). This number includes ethnic subgroups.

6 Report of the Int'l Comm'n of Inquiry on Darfur to the United Nations Secretary-General, Pursuant to Security Council Resolution 1564 of 18 September 2004, 20 (2005). *Abbala* refers to camel herders while *baqqara* refers to cattle herders.

7 See generally FAGE & TORDOFF, *supra* note 5.

8 *Id.*

9 *Id.*

10 Tesfaye Teklu, Joachim von Braun & Elsayed Zaki, 88 *Drought and famine relationships in Sudan: Policy implications* 28, 41 (1991).

11 Abduljabbar Abdalla Fadul, *Natural Resources Management for Sustainable Peace in Darfur*, 33-34, 37 (2006).

12 Oli Brown, Anne Hammill & Robert Mcleman, *Climate change as the "new" security threat: implications for Africa*, 83 INT'L AFF. 1141-1154 (2007).

13 *Id.*; TEKLU, VON BRAUN, AND ZAKI, *supra* note 10.

14 JULIE FLINT & ALEX DE WAAL, *DARFUR: A NEW HISTORY OF A LONG WAR* (2nd ed. 2008).

15 Initially the Fur tribe formed the Darfur Liberation Army. In February 2003 they were joined by the Zaghawa and Masalit and overran an army outpost in Golo and adopted a new name, the SLM/A.

16 Unlike the SLM/A, which was a Darfuri community based rebel group, JEM found roots in Khartoum and in regional leaders. In May 2000, *The Black Book* documenting the structural and institutional barriers created to marginalise those living in the periphery of Sudan was released. It was later revealed to have been written by JEM members. The three primary armed movements are: 1) Sudan Liberation Movement Abdul Wahed (SLA-AW), 2) Sudan Liberation Movement/Minni Minawi (SLA-MM) and 3) Justice and Equality Movement (JEM).

2. Darfur Peace Agreement and the 2006 Darfur Joint Assessment Mission

Chadian President Idriss Déby initiated the first international involvement in the Darfur peace process. After a 2003 ceasefire agreement negotiated in Abéché fell apart after just 45 days, the African Union (AU) assisted negotiations in N'Djaména for a ceasefire (8 April 2004) to allow humanitarian access to Darfur.¹⁷ Protracted negotiations took place over the next three years culminating in the May 2006 signing of the Darfur Peace Agreement (DPA) between the Government of Sudan and a faction of the SLM/A in Abuja, Nigeria.¹⁸ Unfortunately, the DPA lacked enforcement mechanisms and broke down as the security situation in Darfur deteriorated and factional fighting amongst the rebel groups increased.

However, the DPA contained sections dedicated to wealth sharing, power sharing and security arrangements. Within the wealth sharing section of the agreement, the signatories agreed “to initiate as soon as possible a Joint Assessment Mission to identify and quantify the needs of post-conflict economic recovery, development and poverty eradication program for Darfur states.” To that end, the DPA provided for the initial Darfur Joint Assessment Mission that, supported by multilateral organisations, determined the reconstruction and development needs of Darfur. From June to October 2006, fieldwork was conducted to identify key early recovery priorities and long-term reconstruction and development needs. Technical assessments, analysis and synthesis reports were largely completed by the end of 2006, when the DJAM process was suspended by the Core Coordinating Group due to insecurity.

While the work of the DJAM 2006 was never fully completed, the extensive consultations, research and lessons learnt from that process have heavily informed and influenced the present DJAM's assessment. Background volumes of analysis were compiled from the 2006 process and were released in 2007. These offer in-depth statistics and analysis that cover a spectrum of topics: environment, trade, shelter, integration of IDPs, land tenure, gender and livestock-related issues; though ultimately, the released reports did not prioritise the needs of Darfur from a development standpoint.

The DJAM 2012 therefore picks up where the 2006 assessment left off, and included extensive consultations that determined and secured broad-based ownership of the priorities that follow. The framework presented here may therefore be deemed the first complete and holistic recovery and development strategy for the Darfur region.

3. The Legal Framework of Development in Darfur

Following a series of failed peace negotiations, the African Union (AU), United Nations and the State of Qatar initiated fresh peace talks in October 2009. The following months led to hard-fought negotiations between rebel groups and the Government of Sudan, resulting in the finalisation of the Doha Document for Peace in Darfur (DDPD) at the All Darfur Stakeholders Conference in May 2011; it was subsequently signed in July 2011. While it is primarily an agreement between the Liberation and Justice Movement (LJM) and the Government of Sudan, the signatories have continued to call upon other actors and movements to sign the Agreement. The DDPD is the culmination of two-and-a-half

¹⁷ N'Djaména Ceasefire Agreement (Apr. 8, 2004) The Government of Sudan objected to US, EU and UN participation but agreed to AU mediators and international observers on humanitarian assistance only.

¹⁸ The DPA was signed by the SLA-MM (Sudan Liberation Movement/Minni Minawi).

ESTABLISHMENT OF THE DDPD COMMISSIONS

As in the case of the 2006 DPA, the 2011 DDPD provides for the establishment of a variety of institutional mechanisms that will aid in the realisation of sustainable recovery. Specifically, the peace agreement calls for commissions to address issues of security, compensation, land, reconstruction, voluntary returns and reconciliation.

These commissions vary in substantive focus but all play an important role in promoting sustainable recovery, inclusive growth and communal peace, provided that they are legally empowered, properly staffed and operate without political interference.

**DARFUR REGIONAL AUTHORITY
(ART. 10)**

years of negotiations, dialogue and consultations with the major parties to the Darfur conflict, all relevant stakeholders and international partners. In June 2011, UN Secretary General Ban Ki-Moon welcomed the DDPD as the basis to end the eight-year conflict in western Sudan. The AU and Arab League also support the DDPD.

The DDPD's seven chapters provide a comprehensive framework for peace and development in Darfur that includes the need for:

- i) establishing structures and rebuilding institutions for governance and security;
- ii) ensuring immediate, mid-term and long-term recovery of livelihoods for individuals and communities affected by the conflict (including IDPs, refugees);
- iii) supporting community dialogue, justice, truth and reconciliation mechanisms to provide durable solutions to the causes of conflict; and significantly,
- iv) identifying funding sources for all of the above through development and reconstruction funds, as well as a dedicated bank. The document includes provision for a Darfuri Vice-President and an administrative structure that includes both the state structure and a strategic regional authority; namely, the Darfur Regional Authority (DRA). The DRA assumed full function in February 2012 and hosted an All Darfur People's Conference in July 2012 to prepare for the Darfur-based internal dialogue on an inclusive peace.¹⁹

In May 2012, the Government of Sudan issued two decrees intended to expedite implementation of the DDPD. By the first it established an oversight body,

Dr. Eltigani Seisi was named as the DRA Executive Organ Chairman in September 2011 and the authority assumed full function in February 2012. The DRA Council, established in October 2012, operates as a supervisory body to monitor and organise the DRA's substantive competencies recommending legislative amendments where necessary. Specifically, the DRA Council controls all DRA budget and accountability issues and is responsible for establishing a Committee to follow the Darfur Referendum; it is also responsible for trans-boundary issues across Darfur. Compositionally, the DRA Council is comprised of 42 members, of whom 17 are LJM. The nominations for representatives for East and Central Darfur States are imminent, as of late 2012. At a recent DRA Executive meeting, the DRA Council Minister established a committee to arrange for the Council's inauguration and report presentation.

The DDPD empowers the DRA as the "principal instrument for the implementation of this Agreement" and emphasises the DRA's central role in "enhancing implementation, coordination and promotion of all post-conflict reconstruction and development projects and activities in Darfur [and also be] responsible for cooperation and coordination among the States of Darfur." To that end, the DRA assumed control over the DJAM process in August 2012 in accordance with Article 32 of the DDPD. The DDPD goes on to cite that the DRA's activities are threefold.

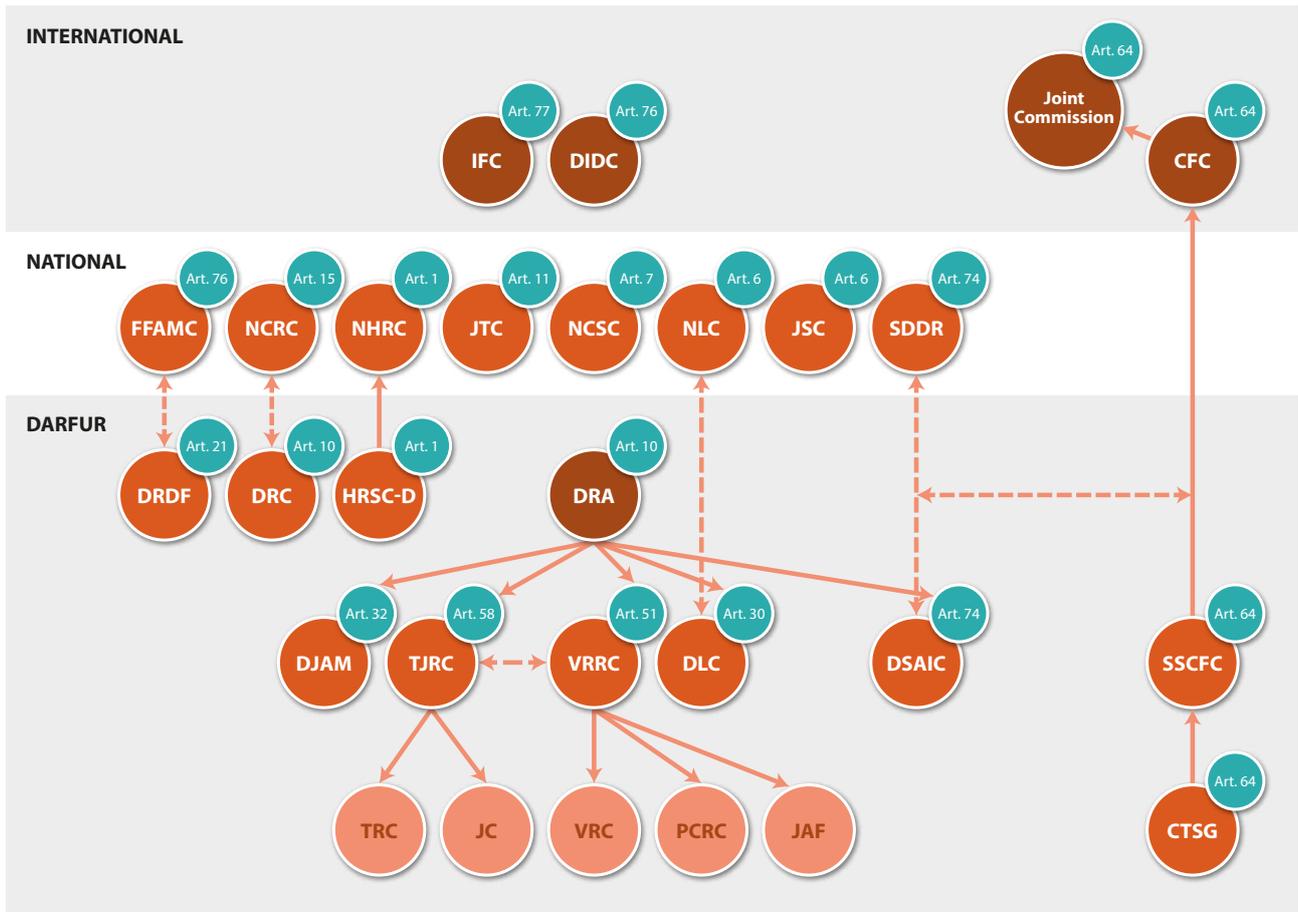
The DRA is empowered to establish its own rules of procedure and budget. However, the DRA "should not contradict or affect the exclusive powers of the states in Darfur and the Federal Government," while still having "oversight responsibility over all matters related to its areas of primary jurisdiction and competence."

The DRA is endowed substantial responsibility with regard to coordination: both to facilitate cooperation and communication among Darfur states, but also with international and regional partners on matters of reconstruction and development. In addition the commissions detailed here and the thematic areas within the DJAM, the DRA is specified "concurrent competencies in policy making and coordination" on broad-ranging realms such as: financial and economic policies; urban development and housing planning; gender policy; media, publications, mass media and radio stations; and "initiation and negotiation, upon the approval of the Government of Sudan, of international agreements on tertiary education, culture, sports, humanitarian affairs, loans and grants, trade, investment, technical assistance with foreign governments and NGOs."

At present, the Government of Sudan has made regular payment transfers to the DRA to cover costs associated with salaries, premises' rental and general office costs. While the leverage granted the DRA under the DDPD is broad, the Authority's ability to execute its mandate has yet to be fully tested. The months following the DJAM and presentation of the Darfur Development Strategy will indicate if the DRA will be encumbered by political, financial or policy constraints.

the High Follow-up Committee for Peace in Darfur, chaired by President Omar Hassan Al-Bashir. By the second decree it broadened the membership of the Darfur Peace Follow-up Office, the body established on 27 August 2012 to coordinate the activities of the Government, carried out in line with the DDPD, to include senior representatives of the Ministries of Defence, Finance, Foreign Affairs, Information, the Interior and Justice and the National Intelligence and Security Services. The decree also expanded the mandate of the Office to include contact with non-signatory movements and the development of strategies to promote peace in Darfur. At its first meeting, on 16 May, the High Follow-up Committee considered an implementation progress report prepared jointly by the Darfur Regional Authority and Darfur Peace Follow-up Office. The Darfur Peace Follow-up Office met on 4 June, during which political, security, economic and information subcommittees were established to

¹⁹ To date, the recommendations made during the All Darfur's People's Conference have yet to be finalised.



DDPD Commissions and Committees

Key:
 - - - = working relationship;
 — = supervisory role

International Commissions	Implementation Follow-up Committee (IFC) (Art. 77) Darfur Internal Dialogue and Consultation (DIDC) (Art. 76)
National Commissions	Sudan DDR Commission (SDDR) Fiscal and Financial Allocation and Monitoring Commission (FFAMC) (Art. 25) National Civil Service Commission (NCSC) (Art. 7) National Constitutional Review Committee (NCRC) (Art. 15) Judicial Service Commissions (JSC) (Art. 6) National Human Rights Commission (NHRC) (Art. 1) Joint Technical Committee (JTC) (Art. 11)
Regional Commissions	Darfur Regional Authority (DRA) (Art. 10) Darfur Referendum Commission (Art. 10) Darfur Reconstruction and Development Fund (DRDF) (Art. 21) Darfur Land Commission (DLC) (Art. 38) Voluntary Return and Resettlement Commission (VRRC) (Art. 51) Jabr Al-Darar Voluntary Return Committee Property Claims and Restitution Committee Justice, Truth and Reconciliation Commission (JTRC) (Art. 58) Truth and Reconciliation Committee Justice Committee Ceasefire Committee (CFC) (Art. 64) Sector Sub-Ceasefire Commission (SSCFC) (Art. 64) Darfur Security Arrangements Implementation Commission (Art. 74)

facilitate material implementation within specific areas of Government. Moreover, provisions within the DDPD call for the establishment of a 67-person Darfur Regional Council that has been established by Presidential Decree.

It should be noted that each State Government established Five Year Development Plans in both 2007 and 2012. These strategic plans, using the resources available to federal ministries, analysed the priorities of each state and proposed plans aimed at attaining sustainable economic and social development. Each plan gave priority to service projects involving infrastructure and basic services but also highlighted the need to establish income-generating projects to combat poverty. There is little standardisation between the plans, issues common to all are not highlighted and regional linkages and joint projects/programmes are not considered. The DRA has been given Regional Authority to oversee coordination.

4. 2012-2013 Darfur Joint Assessment Mission

As outlined in Article 32 of the DDPD, an assessment “shall be established to identify and assess the needs for economic recovery, development and poverty eradication in the aftermath of the conflict in Darfur.” The DDPD dictates that the assessment is to consider the needs in social areas and infrastructure and to determine the resources required for addressing those needs within a six-year period. It is to present those identified needs at an international donors conference. Article 10 of the DDPD transformed the transitional body established under the DPA in 2006 into the DRA and made provisions that give the DRA strategic authority to oversee the region, including both executive and legislative functions. The DRA, in tandem with a multitude of other priorities, began leadership of the DJAM process in August 2012.

4.1. Planning and Sensitisation

Following a high level, multi-party (DRA, Government of Sudan, UN Agencies and donors) sensitisation mission to the five states in August 2012, each state appointed State Focal Persons to organise the State consultations and invite participants according to an agreed list of representatives. A minimum of four participants from each locality was invited, at least one of whom was a woman. Diverse participation was sought by inviting a broad cross-section of attendees, including those who represented local NGOs, Native Administration, farmers, pastoralists, IDPs and both urban and rural populations. In addition, the DRA invited the Federal Line Ministries, not represented in the states.

Ten thematic working groups were formed out of priority sectors identified in Article 31 of the DDPD. These working groups were comprised of both lead and support agencies that include technical representatives from the UN, international organisations, international financial institutions and donors. Sudanese, especially Darfuri technical experts, formed an essential part of each thematic group. It should be noted that the division into the 10 groups was a working tool to gather the information - there is considerable overlap and interconnectivity/dependency between the thematic working groups. These should be viewed as simple bricks in the supporting pillars of recovery, reconstruction and development. Though independent in outline, each supports others and, as such, is a vital and integral part of the overall structure. The structure itself needs to be solidly grounded on a strong foundation, built of enabling activities that will provide the essential information, skills, processes and basic physical capacity to support and maintain the desired recovery and development programmes.

Each thematic working group reviewed the available literature - 2006 DJAM documents, studies, budgets reports since 2006 to date - and prepared a preliminary Situational Analysis and Results Framework.

4.2. Consultation and Priority Setting

Between 18 September 2012 and 4 October 2012, consultation workshops were held in each of the five Darfur state capitals, where group work was conducted



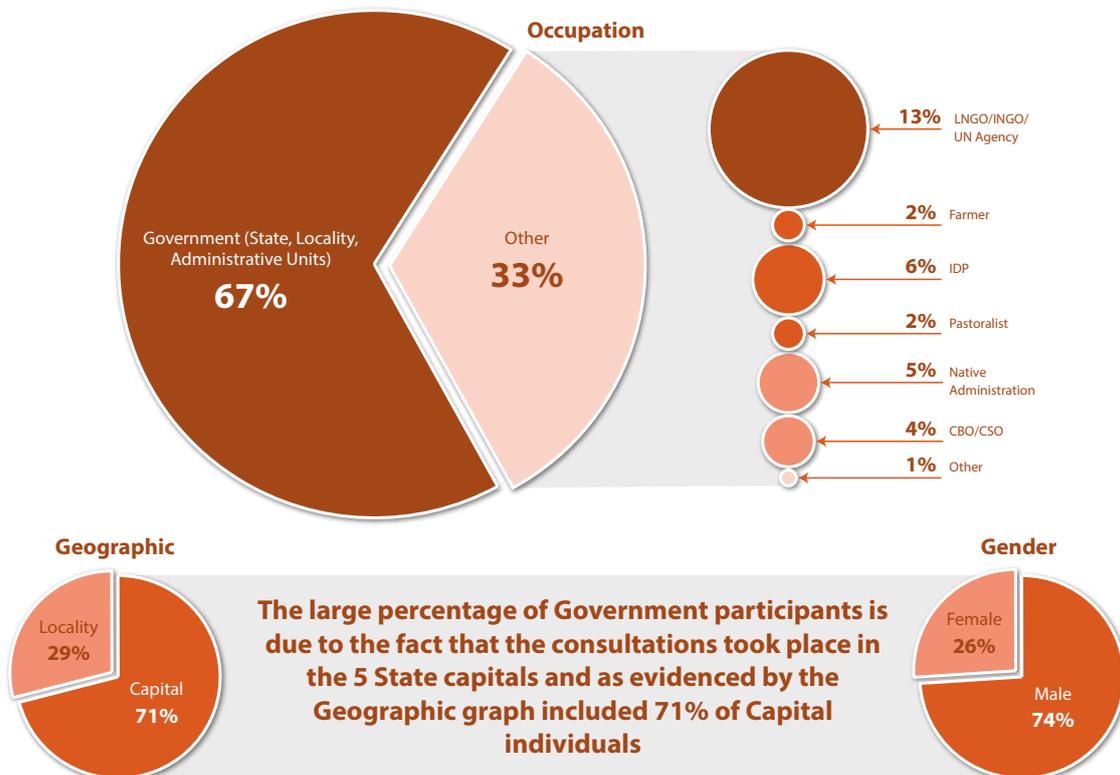
Individual “Themed” Recovery Building Blocks

within each of the above thematic areas to identify critical needs and priorities, integrate them into corresponding result frameworks, identify sequential steps towards achievement of the articulated goals and assess risk for each priority. Attention was paid towards identifying the locality of the individuals involved when assessing development priorities to allow for the determination of both the **Scale** of response, the geographic **Coverage**, as well as the starting points and a **Timeline** of implementation necessary to meet the needs of a critical mass of the population (**SCaT**).

- **Day one:** started with a plenary presentation of the process and resultant objectives to all participants, including high-level government officials and the public. The sessions that followed were comprised of a popular consultation for the public and Locality attendees, where data was collected from attendees regarding *priorities, constraints* and *risks*. Anonymous cards were used, which facilitated a substantial amount of data within a limited time and gave attendees an opportunity to provide input without fear of harassment. A consolidation of ideas/issues into composite priorities followed and this was validated by the group. The priorities were then ranked and time sequenced, which had been the primary concern of the consultations. Participants were asked to help identify three types of activities: foundational activities were those that would need to start within 6-12 months and start

the recovery process (and may be seen as tangible peace dividends), short-term activities that should be executed and completed within 24 months and long-term activities that are to be implemented within the overall DDPD-articulated framework of six years.

- **Daytwo:** was for invited government representatives to review the process completed in the public consultation and compare it also with the desk review conducted by the thematic working groups prior to the workshop. Government officials consolidated and validated the ranked priorities provided by the public from a technical viewpoint and estimated risks that might prevent execution of those activities, as well as any risk that could emerge from the non-execution of them. They also identified the appropriate instruments and the critical pathway to implement the activities, many of which aligned well with each State's Five Year Plan. These individual plans have been synthesised with the DJAM consultative findings and, where possible, relevant resource gaps identified from any to-date progress on the on-going plans.
- The **final day** of each workshop culminated in a validated list of needs, risks and outputs from all thematic working groups. Where possible, instruments required for achieving the desired outcomes were identified, as were the technical assistance, government policies and critical



State Consultation Participation Breakdown

pathways that would enable the success of the identified projects.

Salient characteristics, successes and challenges of each of the state-specific workshops are detailed within individual reports/annexes.

Within the state consultations and as a follow-up to the United Nations Entity for Gender Equality and the Empowerment of Women (UNWOMEN)'s gender-specific meeting in Khartoum, held in September 2012, a gender-specific meeting determined the gender priorities as expressed by female Darfuris during the State consultative workshop process. Generally, women raised concerns that the DDPD is not wholly gender-inclusive and felt there was a need for more attention to the topics they raised.

Subsequent to these state consultations in Darfur, the DJAM team compiled the data and presented the technical findings and preliminary costing at a three-day validation workshop in Khartoum to state and federal-level representatives. On 24 October 2012, after three days of extensive discussion within the technical areas and exploring regional and crosscutting issues, attendees validated the findings.

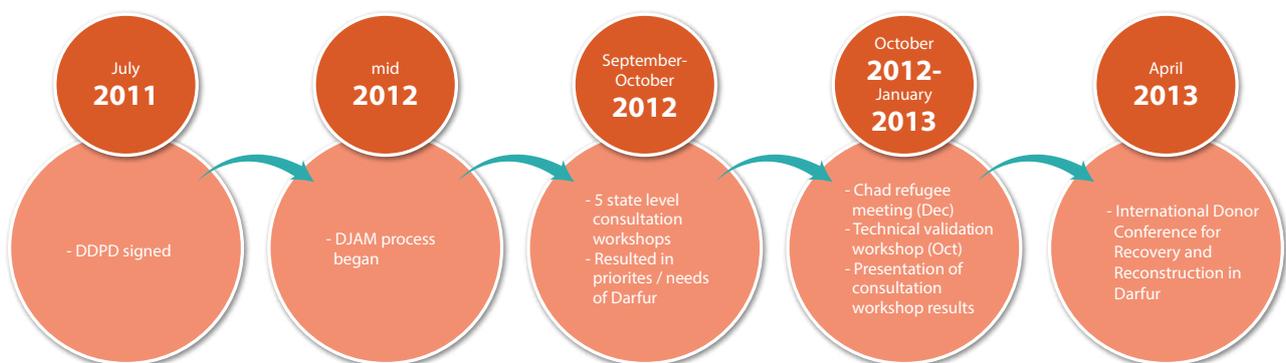
The ten validated individual thematic assessments were next consolidated in a single Darfur needs assessment that was validated on 21 November 2012 at a high-level meeting of the DRA, Federal Ministers, DDPD Commissioners and five State *Walis*, under the Chair of the Vice-President of Sudan. In December 2012, with the help of the UN High Commission for Refugees (UNHCR), the priorities of the Darfuri refugees were ascertained in a meeting in Abéché, Chad. The refugees concerns closely matched the findings of the DJAM Darfur state consultations, but highlighted security, land occupation and justice as areas needing particular attention.

4.3. Costing Methodology

Due to time constraints during the State consultative workshops, many of the activities identified as necessary to satisfy the development priorities were not adequately costed. However, individual agencies working in the region gathered a significant amount of data while in Darfur, as well as specific programming studies (notably by World Bank and World Health Organisation [WHO]) that were recently completed in the months prior to the consultations. The Government of Sudan supplied each of the Darfur States' Five Year Plans, outlining their comprehensive development strategy of the region. These State Plans were only provided in Arabic and required translation before further dissemination. Thus, having amassed all this information during the State consultative workshops, the DJAM set forth on finalising the associated cost of the expected *Darfur Development Strategy* outputs to produce a standardised funding assessment.

Following the validation of each thematic working group's proposed activities in October, a team of economists from the University of Khartoum were tasked with providing an estimated costing of these activities. The team was asked primarily to compare these objectives with those included in the newly prepared Government of Sudan's State Five Year Plans and to align all information from the plans pertinent to each objective. This formed the cost basis of each priority. The team of economists also examined any other available documents containing costing figures, as a means of establishing accuracy, and to standardise the State Plans. Moreover, personal interviews with State officials and sector experts from the UN and various Non-Governmental Organisations (NGOs) supplemented the documents.

Specifically, the economic team was asked to consider any priorities articulated in the workshops that were not



Darfur Joint Assessment Mission Timeline

within the State plans and thus needed to be separately and individually costed. Conversely, note was to be made of any activities proposed in the State Plans that were not identified as priorities during the consultations. An analysis of these “outlying” activities was considered necessary to ascertain whether they were essential to the overall recovery, performance and sustainability of the accepted priorities, and should thus be added to the overall needs and priorities presented in Section III.

5. Strategy Overview

As already shown, Darfur historically has faced development challenges. In the region's modern history, 40 years of limited investment, weak governance, scarce livelihood opportunities and natural resource exploitation have made Darfur distinctly vulnerable to conflict and continued insecurity. The existing poor physical infrastructure has been further degraded since the 2003 eruption of conflict, leaving the social fabric of Darfur severely disrupted by displacement and restricted mobility. Concerns surrounding weak governance are exacerbated when coupled with the resultant negative impact on natural resources, from which so many Darfuris sustain their livelihoods. Anxieties, as a result of both pre- and post-conflict variables, are numerous, interwoven and admittedly daunting to a donor who hopes to mend and develop the region.

Yet, the *Darfur Development Strategy* (DDS) that follows, presents a sequenced, stakeholder-driven roadmap to holistically initiate the ambitious yet achievable objectives outlined by the DDPD - a stable, peaceful and prosperous Darfur.

The objective of the DDS is to alter the conditions such that a relapse to the *pre-conflict status quo* is prevented. The political, economic and geographical setting in Darfur that existed before the conflict gave rise to the rebels' claims of “marginalisation”. Conversely, setting unrealistic expectations and proposing “ideal” conditions of rural existence - characterised by full access to basic services, modern housing, communications, improved rural livelihoods and alternative employment opportunities - is unrealistic and cannot be maintained without sustained and transparent governance, effective fiscal management and amplified indigenous investment.

It is also increasingly apparent that conscientious support to Darfur must break the present *status quo's* cycle of protracted relief and humanitarian aid dependence. The primary way to begin breaking this cycle is through augmenting the self-reliance of Darfuris and developing their abilities in management and oversight of recovery and development initiatives. The DJAM consultations concentrated on these principles, which emanate from the peace process and the DDPD.

To that end, the signing of the DDPD in July 2011 set in motion a process that ultimately aims to enable realistic recovery and development, driven for and by the people of Darfur under the guidance of the DRA. The DDPD's broad baseline objectives support voluntary return. As such, it will be essential that there is shift from humanitarian operations to early recovery and development projects that will focus particularly on return areas in Darfur, as well as overall governance and accountability. This will entail moving away from emergency programmes that target specific individuals with life-saving assistance, to government-owned and led, area-based and community focussed, programmes in fields such as basic services, infrastructure, water supply and economic opportunities, while taking into full account current and future return trends. Consequently, accurate data and statistics regarding current and future returns will be critical to devising a meaningful early recovery programme in Darfur. The DDS offers a sequenced, structured and sensible approach; pursuing time-sensitive opportunities in areas where there is stability, with communities and government representatives who are ready to engage with facilitative support.

As referenced in Section II, the DDPD also initiated or strengthened a variety of Commissions, legal frameworks, reconciliation-orientated mechanisms and governance-enhancing approaches. These are described in more detail in the pages that follow and are inherently linked to the holistic approach adopted by the DDS.

A substantial deficit within the majority of international aid to Darfur in the last decade is that it is provided “alongside” the Government of Sudan, without full consideration of complementary and capacity-building methodologies for both communities and the administrations that serve them. As a result, the following Situation Analysis paints a picture of assistance that has been provided with short-term goals in mind, with limited consideration for transition, capacity building or sustainability. This is evident not only in the predicament of those displaced but is also manifest in the disrepair of constructed facilities and parallel neglect of institutional development in the realms of governance, budget and fiscal management.

For example, while the rehabilitation and construction of schools and health facilities are vital and obvious initiatives, the DDS justifies an equal and concurrent focus on governance and fiscal management. Without concomitant capacity-building in fiscal management and progressive planning of government and local administrations, whatever is constructed will quickly fall into dereliction and disuse through understaffing and a lack of proactive maintenance.

In addition to the massive conflict-driven disruption of Darfur's economy over the last 10 years, Sudan's economy

now also faces hurdles. Following the large economic shock caused by the loss of oil revenue, due to secession of South Sudan, the economy contracted by 3.3% in 2011 and by a further 11.1% in 2012, while the overall fiscal deficit was expected to increase to 3.7% in 2012. In the 2013 budget the funding gap stands at SDG10 billion (US\$2.27 billion), a full one-third of the budget.²⁰ Both the policy reforms adopted by the Government in June 2012²¹ that incorporate necessary austerity measures, and the implementation of the recent agreement with South Sudan on oil-related issues, should create a gradual improvement in Sudan's economic and financial conditions in 2013 and 2014. Nonetheless, Sudan's recovery will depend critically on continued fiscal discipline, especially a careful prioritisation of recurrent and development spending. The above factors will somewhat limit the Government's ability to support recovery and reconstruction in Darfur from its own resources.

The reality is that Darfur requires billions of dollars in investment to provide sound economic footing. The DDS provides an opportunity to alter the dynamic of aid to Darfur. It is designed around the concept that any investments will yield a greater return when governance and capacity are built in parallel with productive infrastructure.

Ultimately, the DDS requests a total of **US\$7,245,000,000** for the six-year DDPD timeframe to address, as dictated from Article 32 of the DDPD, assessment-highlighted needs in social areas and infrastructure. The Government of Sudan has reconfirmed its commitment to the DDPD of **US\$2,650,000,000** over the coming six years. The substantive requirement of **US\$4,595,000,000** is presented in concert with a distinct and reasonable plan of action in the pages that follow, embodied by the three-pillared structure that is built upon foundational activities.

²⁰ The overall fiscal deficit rose to 1.3% of GDP in 2011 (from 0.4% the preceding year) and was expected to increase to 3.7% in 2012 and in the 2013 budget the funding gap stands at SDG10 billion (US\$2.27 billion), a full one-third of the budget. Public capital spending fell to 1.8% of GDP in 2011 and was expected to fall further to 1.3% in 2012. Inflation continued to accelerate with the month-to-month inflation rate reaching 46.5% in November 2012, threefold the pre-secession rate of inflation. Since then there has been a small easing with month-to-month inflation reducing to 44.4% in December 2012 and 43.6% in January 2013. Exports fell by 13% and imports by 8%, resulting in current account deficit of 0.5% of GDP in 2011. The trade deficit was US\$0.7 billion in the first quarter of 2012. Exports in the first quarter of 2012 (US\$940 million) remained less than one-fourth of the pre-secession level in the absence of crude oil export which previously accounted for 95% of total export.

²¹ In June 2012, the Government adopted a comprehensive reform program in response to the country's deteriorating economic situation, including an exchange rate devaluation of about 66%, tax increases, a reduction in fuel subsidies, cuts in non-priority public expenditures and a strengthening of social safety nets to cushion the impact of reforms.

The DDS implicitly acknowledges that neither capacity nor infrastructure will be built overnight and, as such, offers concrete entry points in the form of foundational activities and short-term projects that, taken together, will raise the bar of development across the whole region, ensuring a balanced approach to recovery, with particular attention to projects in return areas. Many of these foundational activities and short-term projects will yield "peace dividends" indicating to all involved that assistance to Darfur is changing - and improving. Others aim to establish the basis for longer-term recovery priorities and draw upon existing capacity (or easily strengthened capacity) for implementation, often expanding or building on lessons learned from pilot projects initiated over the last nine years. Moreover, they do not require any pre-conditions of sustained security or an inclusive peace process in order to be initiated. These are simple goals that signal steps towards more long-lasting solutions.

The corresponding immediate cash requirement for these foundational and short-term (FaST) activities, which aim to establish the groundwork within the first year for the recovery and development programmes that follow, is **US\$177,400,000**. This sum represents the initial tranches taken from the overall DDS requirement. It is essential that it be made immediately available following the conference. Cumulative details regarding these activities and their cost construction is presented in Section III.

It is proposed that a follow-up, performance assessment conference be held relatively early following the initial implementation of the DDS. This will track pledges and enable a check on the progress of reconstruction and development projects, especially the FaST activities, compare the pillar development to ensure evenness, identify gaps and provide a status update to all parties. The conference will allow for adjustment and modification of the expectations and modalities.







SECTION

SITUATIONAL ANALYSIS

While the situation analysis that follows is broad-ranging, it does not purport to be complete. Rather, the aim is to present a basic diagnostic of the current situation and key hurdles to recovery and development in Darfur. Since January 2012, Darfur comprises five States, with East Darfur and Central Darfur being created from the sub-division of South Darfur and West Darfur States respectively. There has been no increase in the overall geographical area. However, it should be recognised that most of the statistical information included in this analysis refers by default to the original three States, but that the conditions described must, by inference, apply to the new States. While the new States themselves have specific needs in the establishment of their administrations, current conditions exist throughout.

1. Darfur's Protracted Relief

In response to the humanitarian crisis in Darfur,²² the number of International Non-Governmental Organisations (INGOs) in the region rose from four in March 2003 to approximately 80 in 2004, with more than one-half billion dollars in emergency aid funding, annually. Humanitarian agencies successfully saved lives by rapidly mobilising in order to meet the basic needs for conflict-affected and displaced people. Large-scale food aid was initiated, in tandem with supply of non-food relief items to replace those basic necessities lost during displacement. IDP camps were serviced with healthcare, water, sanitation, shelter materials and educational activities - all of which served to sustain and protect those affected by the conflict.

Most of this assistance - intended primarily to provide basic services and life-saving support - still exists, almost 10 years later. Of course, speed is of the essence when responding to a life-threatening emergency. But this very factor lays the foundation for future challenges. As physical, social and political circumstances change, so should the strategy of agencies that serve affected populations. However, humanitarian responders may perceive the triggers for re-evaluating their strategy for aid delivery to be different from those used by development actors and hesitate to change their assistance methodology until specific criteria are met (e.g. security and unfettered access), despite recognising the long-term impact of their relief-focused assistance on future recovery. The resultant implications are a theme detailed in the paragraphs that follow.

²² At the height of the conflict, OCHA reported over 2 million Darfuris were displaced to reside in more than 150 camps and urban locations within the region, while 280,000 became refugees in Chad.

Protracted provision of food and other handouts often disrupt and prolong the recovery of normal economic functions. In Darfur, many of the urban economies now exist primarily to serve the humanitarian effort: coupled with additional physical infrastructure required for offices, distribution sites, storage for relief items and living quarters. There are diverse livelihood opportunities for Darfuris: they may be employed alongside humanitarian responders or supporting them as cooks, cleaners and drivers. Parallel to the expanded humanitarian-driven economy, Darfuris in IDP camps and urban areas are now provided a level of service provision that did not exist in the pre-conflict period, including primary health care, access to improved water supply, education and food distribution - entirely supported by international inputs. After years of instability and accompanying humanitarian aid, Darfuris are now accustomed to both the apparatus and modalities of international assistance.

Many Darfuris are now unfortunately, but understandably, relief-dependent. That is to say that they have been adversely affected by the long-term provision of humanitarian

assistance. This is an uncomfortable and increasingly detrimental reality facing Darfur. Estimates vary considerably, but they all indicate that at least 50% (and most probably more) of IDPs will stay in urban areas for both employment opportunities and increased service provision.²³ Children that have grown up in camps have almost no experience with agriculture, livestock husbandry and rural livelihoods. The widespread and severe deforestation around IDP camps and the widespread destruction of forest reserves²⁴ is alarming and a situation that will

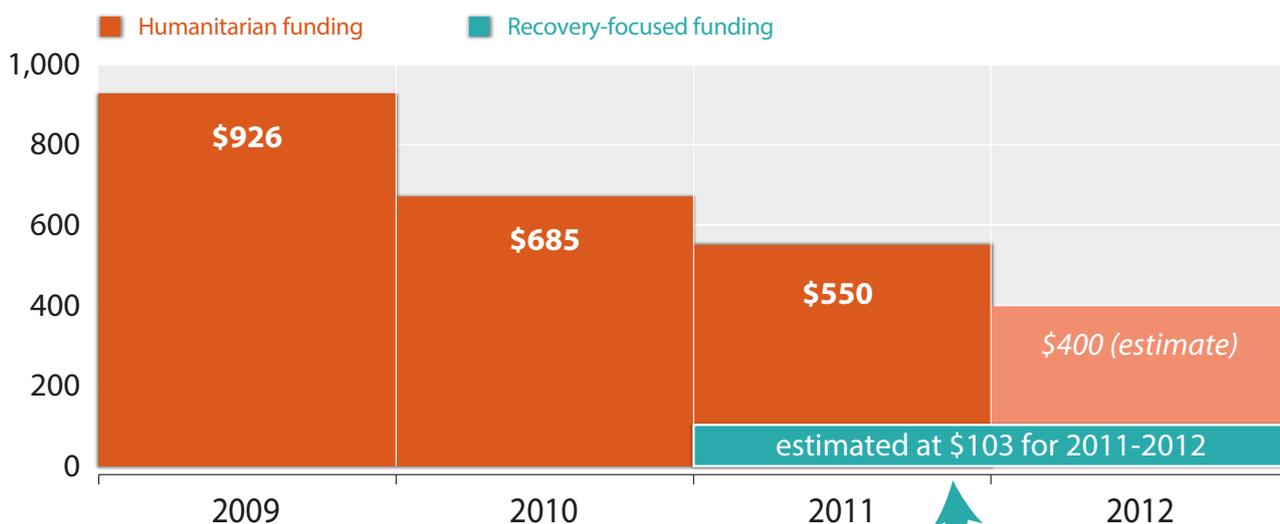
JOINT TECHNICAL COMMITTEE (ART. 11)

Established prior to the signing of the DDPD, the JTC has completed the demarcation exercise of Darfur's northern border and has submitted their final report to the Presidency and the DRA Chairperson. Final approval is pending.

²³ The proportion of the total displaced population that will remain in the urban centres is uncertain. In 2006 the DJAM estimated 30% would not go back, but more recent studies, notably by Tufts University (2010), put the figure as high as 60%. The longer the security and peace situation remains unresolved, the higher this figure will climb.

²⁴ Annexed Report from thematic working group on Natural Resource Management.

Humanitarian and Recovery-focused Funding for Darfur, 2009-2012 (estimated, in million USD)



Recovery-focused funding refers to the estimate of recovery, stabilisation and development funding in Darfur channelled through the UN, which has remained significantly smaller throughout 2011-2012

Source: UNDP, 2012. Note: Recovery-focused funding refers to the estimate of recovery, stabilisation and development funding in Darfur channelled through the UN, which remained significantly smaller throughout 2011-2012

take years of concerted planning and regeneration efforts to reclaim forest cover. Multiple water points have been drilled with little coordination and understanding of the long-term implications on the water table and water resources. Communities and those in camp settings have taken part in numerous consultations, studies and surveys. Based on these consultations, protracted and costly service provision has been offered from agencies, who view their role as sustained and vital to Darfuris, yet communities who participated perceive little dividend based on their involvement. Assistance has been provided largely without a transitional and medium-term outlook to address challenges or an effective mechanism to engage more fully with the national government.

The integration and sequencing of activities in the spectrum from relief to recovery to development has long been a challenge for both donors and implementing agencies. Of course, given the region's history as one of the world's most protracted crises and of long-term underdevelopment, donors and those agencies supporting the region feel a very justified responsibility to help meet basic needs. But the substantial expenditure to date has been focused on simply maintaining and stabilising the affected population, compared to the nominal expenditure allotted to help develop the economy for the same people. Current funding patterns neither address the underlying causes of the problem, nor initiate possible solutions for the future. While the

existing aid is certainly well-intentioned, it is largely without a holistic strategy and an appropriately long-term lens.

The *Linking Relief to Development* visual attempts to present the progression of humanitarian aid to development assistance and its differing mandates, objectives and programming methodologies. This is rarely a linear, chronological, continuum in a phase-by-phase order, progressing: from disaster to relief, to rehabilitation through to development. Rather, most humanitarian crises - and particularly that of Darfur - create a spatially dynamic situation in which many different phases may exist at the same time, a contiguum, each requiring a differentiated approach and response.

The majority of international aid to date has been humanitarian, provided under the first two Phase Classifications. Thus, it has been conducted "alongside" the host government, with limited consideration for transition, capacity building, or sustainability for both communities and the administrations that serve them. The very nature of humanitarian assistance means that it is provided with short-term goals and budgets in mind; focussing on the immediate predicament of displaced individuals and households but manifest in the apparent neglect of institutional development in the realms of rule of law, budget/fiscal management and private sector development.

Linking Relief to Development in a Conflict/Post-Conflict Environment

Political Environment	Phase Classification	Mode of Response	Intervention Level	Implementing Partners
Prior to peace agreement: Humanitarian - independent of Government if necessary	Emergency/Crisis	Humanitarian Projects for saving life	Individuals & Households	(I) NGOs UN / IOs
	Chronic Crisis	Humanitarian Projects with development objectives for sustainable livelihoods	Households & Community	(I) NGOs/NSA UN / IOs
Preparatory Cross-Party Dialogue	Preparation	Feasibility Studies, Technical Assistance, Capacity Building Programme	Government & Rebels	UN Consultants
After peace agreement Full Co-Operation with Government	Early Recovery	Development Programme Based on local needs	Community & Local Government	(I) NGOs/NSA UN / IOs
		Capacity Building Programme	Public Administration	WB (MDTF) LGAs
	Recovery, Reconstruction and Development	Sector Programmes based on National Objectives Budget Support	National and State Governments	Ministries Commercial Companies, Decentralised Authorities

Source: Adapted from *Linking Relief to Development in a Transitional State*. Paul Symonds & Jacques Prade Continental Seminar on Food Security – Africa. 12-16 March 2007. Nairobi, Kenya

Owing to the structure of the departments and institutions involved, implementation of development projects is usually dealt with by sector. If real and sustainable recovery is to be achieved, holistic programming that targets communities and local government, and recognises the vital interconnectivity of many initiatives in multiple sectors, must be employed. Such a programme must endeavour to raise the development bar equally across sectors and the region as a whole.

The *Food Assistance by type, 2009-2013* chart details a transitional, recovery-focused initiative. Direct food distribution by the World Food Programme (WFP) has been decreasing. This could be largely attributed to increased stability and the cognisance that long-term food assistance discourages self-reliance and impedes market recovery. If food aid becomes part of a family's economic livelihood practice, it artificially supports the sense of security without addressing the real issue of sustainable productivity.²⁵ As an alternative, food vouchers are increasingly provided to the most vulnerable families instead of direct food aid, transitioning towards a more nuanced and market-driven approach. Food vouchers enable vulnerable households to purchase

a diversity of basic staples in local markets; the value of the individual voucher can be catered to family size and level of vulnerability. Moreover, to ensure nutritional diversification, the vouchers require the user to select a minimum of three food items from approved merchants. The voucher approach is far less costly than direct food distribution, which often relies on imported food. Moreover, vouchers can assist in stimulating local economies and encourage their revival.

2. Situation on the Ground

2.1. Returns and Displacement²⁶

Over the past decade, Darfur has experienced the combined challenges of armed conflict, displacement, desertification and economic hardship. Of the 8 million people residing in the five states of Darfur, 1.7 million are IDPs²⁷ and approximately 280,000 Darfuri refugees remain displaced in Chad.²⁸ Most of the largest IDP camps in Darfur are located near the main towns of Nyala, El

²⁵ Paul Symonds & Dr. Ali Adam el Tahir, *Returns Study*, WFP (2010).

This report indicates, “[t]he people have become hostile to any mention of reductions, however logical - they see food aid as a right and entitlement as an IDP. In discussions with focal groups during the study, it became obvious that the concept of an end to free food distribution and an expectation of self-help and work on recovery projects, both individual and community, are not publicly appreciated by many IDPs, who see them as an abrogation of their entitlements.”

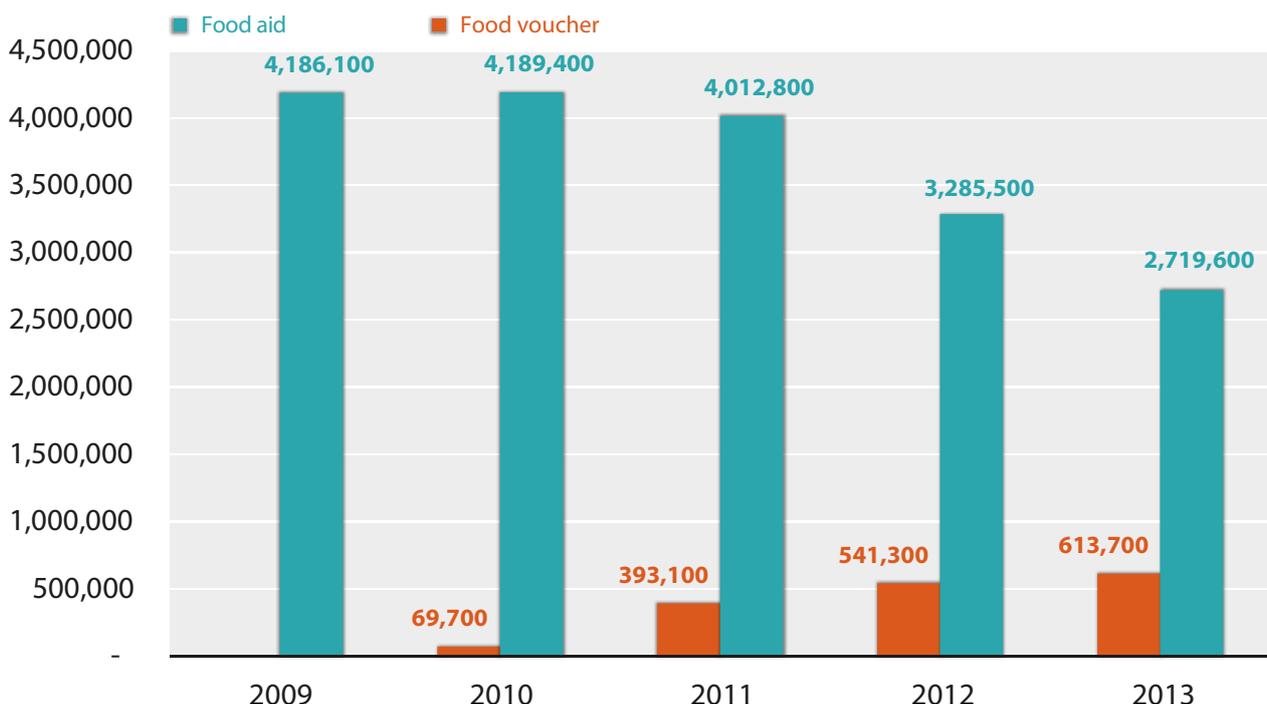
²⁶ Doha Document for Peace in Darfur, art. 17, para. 121 (July 14, 2011).

The DDPD notes, “[t]he topmost priority in the implementation of this Agreement shall be to address the needs of the areas affected by the conflict with special attention to the internally displaced persons, returning refugees and conflict-affected persons, to provide basic services and security needed to enable them return to their places of origin in safety and dignity.”

²⁷ Sudan: Humanitarian Snapshot Darfur IDP Camps, OCHA (2012), https://docs.unocha.org/sites/dms/CAP/sud07_humanitariansnapshot_a3_29feb12.pdf.

²⁸ GLOBAL APPEAL - CHAD, (2012), available at <http://www.unhcr.org/4ec230faa.html>.

Food Assistance by type, 2009-2013



Source: WFP, 2012



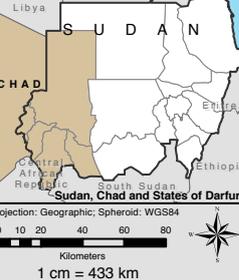
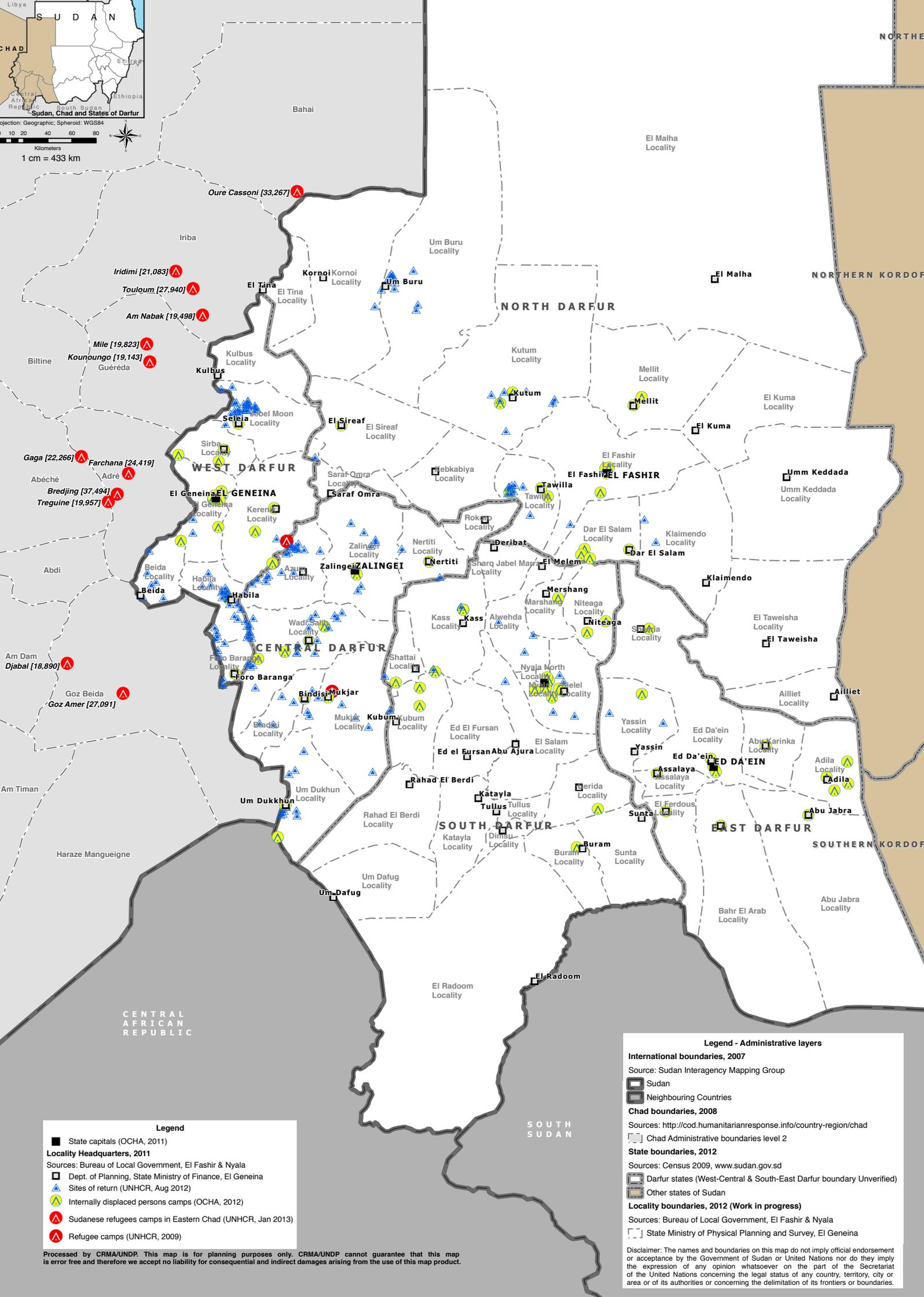
Fashir, Geneina and Zalingei and a trend of increased urbanisation is evident. It is estimated that there are more than 338 IDP locations across the Darfur region, the majority of which are located less than 60km from the area of origin of those displaced.²⁹ A general climate of volatility in Darfur has thus far prevented large scale and more lasting returns. However, owing to the close proximity of IDPs to their areas of origin, it is evident that many individuals (especially women) commute seasonally, as security allows, tending to agriculture, checking on their property, or visiting family members. In 2011, more than 140,000 IDPs and refugees were verified to have returned voluntarily to their areas of origin, while in 2012, a further 109,000 verified returns occurred.³⁰

At the political level, the DDPD states its primary objective as, “providing support to the return and reintegration process.”³¹ The UN Country Team and UNAMID are working together with the government to facilitate DDPD implementation. Additionally, the DRA’s Voluntary Return and Resettlement Commission (VRRRC) has been assigned the lead role to assist and coordinate the return process, with the help of humanitarian partners. Moreover, as mandated by the DDPD, the DRA, Government of Sudan and interagency partners have made plans for a Voluntary Returns Conference, expected to occur in Nyala in early 2013. Pre-workshops have already been successfully conducted in each State to set the groundwork for the conference.

²⁹ Annexed Report from thematic working group on Returns, Reintegration and Urbanisation; Figures from UNHCR and OCHA, 2012.

³⁰ *Id.* 109,211 individual returns, comprised of 91,554 IDP returns and 17,657 refugee returns.

³¹ DDPD, *supra* note 26, Chapter III Article 17 §121.



- Legend**
- State capitals (OCHA, 2011)
 - Locality Headquarters, 2011**
 - Sources: Bureau of Local Government, El Fashir & Nyala
 - Dept. of Planning, State Ministry of Finance, El Geneina
 - ▲ Sites of return (UNHCR, Aug 2012)
 - ▲ Internally displaced persons camps (OCHA, 2012)
 - ▲ Sudanese refugees camps in Eastern Chad (UNHCR, Jan 2013)
 - ▲ Refugee camps (UNHCR, 2009)

- Legend - Administrative layers**
- International boundaries, 2007**
 - Source: Sudan Interagency Mapping Group
 - Sudan
 - Neighbouring Countries
 - Chad boundaries, 2008**
 - Sources: <http://cod.humanitarianresponse.info/country-region/chad>
 - Chad Administrative boundaries level 2
 - State boundaries, 2012**
 - Sources: Census 2009, www.sudan.gov.sd
 - Darfur states (West-Central & South-East Darfur boundary Unverified)
 - Other states of Sudan
 - Locality boundaries, 2012 (Work in progress)**
 - Sources: Bureau of Local Government, El Fashir & Nyala
 - State Ministry of Physical Planning and Survey, El Geneina

Processed by CRMA/UNDP. This map is for planning purposes only. CRMA/UNDP cannot guarantee that this map is error free and therefore we accept no liability for consequential and indirect damages arising from the use of this map product.

Disclaimer: The names and boundaries on this map do not imply official endorsement or acceptance by the Government of Sudan or United Nations nor do they imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities or concerning the delimitation of its frontiers or boundaries.

DARFUR LAND COMMISSION (ART. 38)

Under the 2006 DPA, a Land Commission was established to: arbitrate disputes between contending parties over rights to land; make recommendations on the land reform policies to Government, including land use or traditional/historical rights to land; establish and maintain records of existing and historical land use; conduct research on land tenure; and, make recommendations on land rights and compensation. The DPA Land Commission appointed staff, began training, established liaison offices, conducted customary land tenure practices studies and started a land-use survey project to develop dynamic satellite based land-use maps. Following the 2012 signing of the DDPD, this body was transformed into the Darfur Land Commission (DLC). The DLC will work in close collaboration with the Sudanese National Land Commission to address all land tenure issues.

Customary and traditional law has broken down in most places. But, parties to the DDPD and the Government of Sudan have assured that the ownership rights of lands will be honoured and land restored to the rightful owners. But land issues are not confined only to ethnicity but also to ecology. Over time, desertification has engulfed more of northern Darfur (and climate change theory predicts that this will intensify in sub-Saharan regions). This has squeezed land-use patterns, leading to installation of fences to protect crops threatened by the even earlier movement of livestock southward, which largely cuts off normal nomadic patterns. It should be noted that part of this increasingly tense and conflict-ridden situation emanates from the current system of land allocation.

(continued on following page)

Additionally, dependent upon evolving security conditions and other factors, a Tripartite Agreement may be signed in 2013 for the voluntarily repatriation of Sudanese refugees from Chad. In July 2012, government authorities from Sudan and Chad, alongside the UNHCR, participated in a meeting in Chad with refugee leaders from 12 camps in Chad. While strong concerns persist, particularly those related to security, provision of basic services, justice, reconciliation and land occupation, refugees expressed potential interest in return should these matters be appropriately addressed.

2.1.1. IDP and Refugee Returns

UNHCR and IOM missions verified the total number of IDP and refugee or refugee-like returns in 2011 in Darfur to be 140,427 individuals (51,855 in South and East Darfur; 77,382 in West and Central Darfur; 11,190 in North Darfur). From January to December 2012, UNHCR verified a total of 109,211 individual returns to Darfur consisting of 91,554 IDP returns, and 17,657 refugee/refugee-like returns. The overall number of returnees verified in 2012 is

31,216 fewer than those verified in 2011. The overwhelming majority of refugee returnees were non-registered populations living in refugee-like situations in the border areas between Chad and Sudan.

2.1.2. Return Dynamics

According to data collected in 2011, returns are not always to exact areas of origin.³² In many cases, returnees sought locations where there were improved access to basic services and livelihood options. Permanent settlement will therefore depend upon improved security and availability of livelihood opportunities at the areas of return, as well as on the provision of basic services, including functioning health centres, schools and markets. The lack of services and infrastructure in the rural sector, whether through pre-conflict neglect or from conflict destruction is one of the main factors negatively influencing the decision to return. Based on information obtained from community-level discussions over the last six years, it is clear that many do not expect full services as a pre-condition of return, but they do expect the essentials and a visible plan for future improvement.³³ Continued nomad/farmer tensions and the lack of clear mechanisms to solve land disputes have been emphasised in the DJAM 2012 consultation as factors further endangering the sustainability of the return process.

2.1.3. Return Impediments

When asked, most IDPs continue to state that they want to return to their own lands "but...." It is this "but" wherein lies all their concerns and reasons for not returning. Without adequately addressing the underlying issues, such as land, the extent of returns will remain low. The most common of these concerns as prioritised in the recent DJAM are:

³² Annexed Report from thematic working group on Returns, Reintegration and Urbanisation, *supra* note 29.

³³ Village Assessment and Population Tracking Programme, IOM (2007).

DARFUR LAND COMMISSION, CONTINUED

2.1.3.1. Disarmament

While weapons can be carried with impunity there will be no confidence in security, thus, there must be a public surrender of weapons, specifically the heavy weapons and guns carried by armed groups and militias; though it was recognised that many parties had traditionally owned light weapons that were used in defence from cattle raiding and that it was highly unlikely that these would be surrendered. The resolution of this issue will be one of the tasks of the Darfur Security Arrangement Implementation Commission (DSAIC).

While not the principal cause of conflict in Darfur, the increasing pressure on limited resources in the face of weak governance has been a key driver of tensions between different groups at the community level. The complex land tenure system, known as the hakura system created in the 18th century by the Darfur sultans, has complicated the fight over resources. The system is based on the belief that farmers and pastoralists have equal rights to benefit from available natural resources, and on communal ownership and usage of grazing land. Both camel and cattle breeders traditionally practice transhumance. Specific, demarcated and legitimated transhumance routes (*marahil*) were followed, though the traditional system has come under increasing strain over the last few decades. Competition over natural resources and land has been exacerbated by rapid population growth and drought. Moreover, the competition for natural resources often involves a physical battle fought along tribal lines, which has in some cases been capitalised on by rebel groups and/or Government.

Disputes over access to land, water points and grazing grounds fall under the purview of the Land Commission. Many agricultural communities have been internally displaced and have taken shelter in IDP camps. Land rights and demarcation of nomadic corridors are, post-conflict, virtually absent in most places in Darfur, which in turn fuels local conflicts over resources. These disputes often turn violent due to availability of small arms. Evidence also suggests that lands of displaced people have been illegally occupied, which discourages return of the IDPs. Consequently, the DLC shall address the historical and traditional land rights of nomadic corridors to help prevent conflict escalation. At present, the former Land Commission Commissioner and staff have remained with established headquarters in Nyala, South Darfur. Unfortunately, the change of leadership and a lack of clarity regarding future actions have resulted in little forward movement for the DLC.

2.1.3.2. Eviction of Land Occupiers

This is a very sensitive issue, especially in West and Central Darfur, and in Kabkabiya and Kutum in North Darfur. The settlement of "freed land" by pastoralists, first identified during the 2006 DJAM, was again highlighted during the 2012 consultations as a major issue that continues to complicate the return of many displaced people. Thus, a requirement from the majority of affected IDPs questioned was for the eviction of the land occupiers prior to any large-scale return. The resolution of this issue will be the task of the Darfur Land Commission.

to destroy the animals crops prior to harvest unless protection money is paid. IDPs want to see the return of the rule of law, effective for everyone.

2.1.3.5. Sustainability of Returns

The long-term sustainability of returns will depend upon improved security, the provision of basic services in return areas and well-planned government-owned initiatives. Apart from insecurity, the main reasons behind unsustainable returns were found to be access to basic services (30%), food insecurity (19%) and lack of employment (17%).³⁴ Through recent participatory assessments in 2011 and 2012, as well as field missions in the five States, UNHCR has confirmed that the key obstacles to return continue to be lack of security in some areas and a need for basic services.³⁵

2.1.3.3. Freedom of Movement

IDPs state that a good indicator of security would be free access (i.e lack of harassment) to land, resources and markets; all of which are currently restricted, to a greater or lesser extent, depending on location.

2.1.3.4. Freedom from Harassment and Crop Damage

Another important indicator will be the ending of impunity for militias and land occupiers who harass IDPs during seasonal movement or natural resource collection, or who allow their

³⁴ Verification and Monitoring Unit Project, UNHCR (2010).

³⁵ Darfur Operation, UNHCR (2012).

VOLUNTARY RETURN AND RESETTLEMENT COMMISSION (ART. 51)

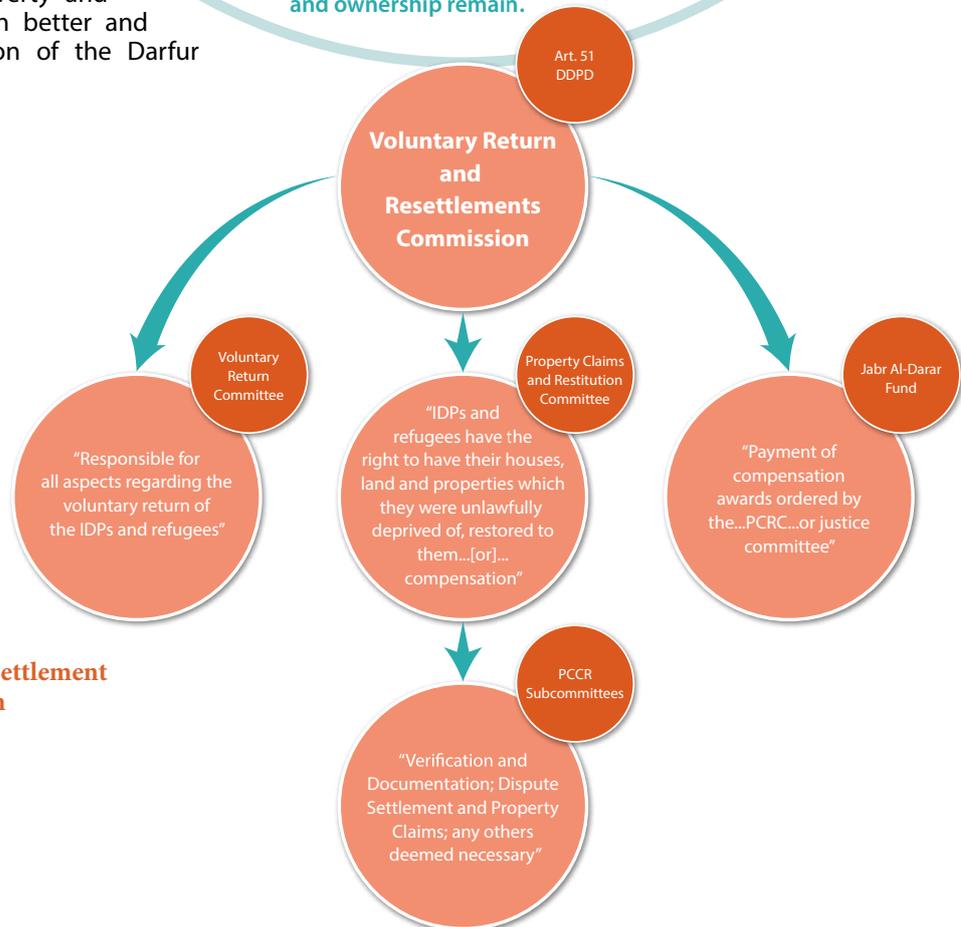
One of the primary concerns of the DRA is to promote the voluntary return of IDPs and refugees. Coupled with the return of individuals is either the restoration of their houses, land and properties or alternatively rightful monetary compensation. Thus, the Voluntary Return and Resettlement Commission (VRRRC) is charged with encouraging individuals to return and compensating them for lost or unrestored property through the *Jabr Al-Darar Fund* (JAF). The Property Claims and Restitution Committee (PCRC) and the Justice, Truth and Reconciliation Commission (JTRC) will determine compensation amounts to be dispensed by the JAF. It is worth noting that compensation will be provided for loss of assets, such as burning of villages or houses, killings, lands, rape and other physical or mental injuries.

During the Darfur consultations, some individuals (especially women) expressed concern over receiving compensation in the form of livestock, due to the fact that it would make them a target for armed groups. Should an option of restitution through livestock be considered, attention must be paid to the types of livestock and relationship to the environment, health and other factors. For example the provision of goats would negatively impact the environmental goals of reforestation, whereas provision of sheep would not. There is also the issue of stocking rates and overall carrying capacity - the animals should come primarily from a redistribution of existing Darfur stock, rather than additional stock supplied from outside Darfur.

Given the problems associated with livestock as compensation, the most viable alternative has been in-kind compensation, in the form of urban plots of land. This includes a minimum timeline for occupation and the construction of a house, prior to receiving a deed to the land. This condition is to ensure maximum investment and minimise turnover. These forms of in-kind contributions have already been tested in Nyala and are now expanding to Geneina, where IDPs have the opportunity to obtain land and full local citizenship (meaning access to social services of that area), in exchange for giving up camp rights (including provision of food, water, education, etc). However, questions regarding land title and ownership remain.

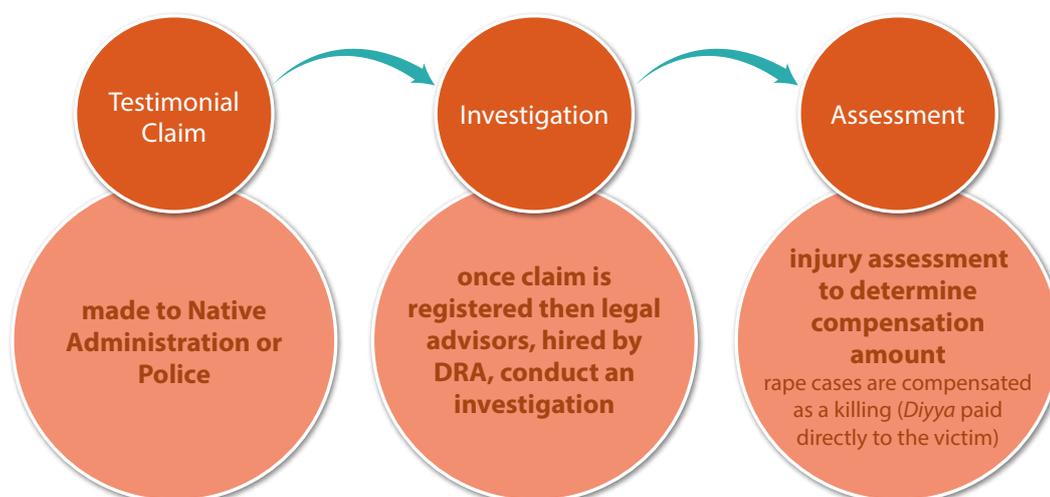
2.2. Infrastructure

IDPs expect increased service provision in areas of return and construction of infrastructure is a tangible component that will indicate progress in this realm. Community infrastructure includes wells/*hafirs*, markets and community centres, while those for individual use include homes, latrines, granaries and production mechanisms, such as water harvesting systems. Addressing rural isolation by improving access to basic and appropriate infrastructure remains a crucial element in reducing poverty and sustaining peace through better and more inclusive integration of the Darfur region.



Voluntary Return and Resettlement Commission Composition

Compensation Process



While it is easy to reference the rebuilding of homes, the very scale of the need is daunting. As pointed out in the 2006 DJAM, prior to the conflict the construction of individual houses (*gutia* - sleeping house, *tukuls* - kitchen and *rakubas*- open air hut), shallow wells and fences depended almost entirely on the utilisation of natural resources, such as trees and grasses. This, coupled with the consumption of fuel wood for both domestic and commercial use, had already led to acute, widespread deforestation and its increasingly negative effect on the environment. Should every destroyed rural house be rebuilt in the traditional manner, utilising trees and grasses, then 12-16 million trees would be required. This would result in further major deforestation, where indeed the resource was available. However, due to the dramatic uptake in burnt brick construction throughout Darfur and the massive employment of IDPs this industry has engendered, the returning IDPs have expressed the desire for burnt brick construction in all locations.³⁶ This trend is reinforced by the model villages, both extant and proposed and the “service centres” currently under construction in rural return locations that are all utilising the “red” brick. These require tonnes of firewood (7 tonnes /50,000 bricks) and major transport capacity for both the raw materials and the delivery of the finished product - all of which are destructive to the environment.

The need for identifying alternative construction solutions is thus a priority, particularly the use of stabilised soil blocks (SSB). The latter have been successfully tested in Darfur: they are 30% cheaper than fired bricks and their production consumes 50% less water. The DJAM 2006 recommended training in SSB production within the IDP camps prior to return and the procurement of suitable

machines for returning clusters to use in reconstruction. It also recommended the survey and development of sources of suitable binding agents (Pozolonic Cements from volcanic ash, sourced locally). The survey has not yet been initiated, but United Nations Human Settlements Programme (UNHABITAT) has trained 880 trainers and 2,500 unemployed youth artisans in SSB production in Darfur. The current plan for return construction is to give one manual press machine to every five IDP families returning to villages. Each machine can produce up to 300 blocks per day.

2.2.1. Conflict Driven Urbanisation

The influx of IDPs to major cities has contributed to an accelerated urbanisation process, putting enormous pressure on government authorities and limited urban services. Additionally, after nine years of displacement and access to free and improved services, many of the displaced have become increasingly accustomed to urban settings and humanitarian assistance (particularly youth and women with young and school age children). It is generally expected that a large proportion³⁷ of the IDPs may wish to remain and settle in urban areas, both because of improved services and potential income-generating opportunities.³⁸

³⁷ The percentage return is the subject of wide speculation. UNHCR will conduct Intention to Return Surveys in the Camps in 2013. They have identified 177 return locations but the level of return varies from 10%-80% of the original population, mostly of the lower order. There is much discussion of families splitting, maintaining an urban house for the vulnerable and school age children, as well as rehabilitating their rural farm and village house. There are a growing number of families who will not return - mainly those with poor rural prospects who see urban life as having better income possibilities.

³⁸ From 2005 - 2010 IOM undertook verification of return voluntariness and appropriateness assessments through the International Organisation for Migration Verification and Monitoring Unit in North

³⁶ Symonds and Tahir, 2010, meeting with IDP *sheiks* in Habila West Darfur.

**VOLUNTARY RETURN AND
RESETTLEMENT COMMISSION (ART. 51),
CONTINUED**

The State Ministry of Physical Planning and Public Utilities donates the land and the Governor has waived associated legal fees. Selected training institutions in Darfur have been trained in building houses with eco-bricks, skills which are in turn taught to IDPs to support them in constructing eco-friendly homes. To participate in the project, individuals must reside on the land and are prohibited from selling it for approximately 10 years. Overall there has been great success in the project, as IDP's note that there is greater potential for re-building their lives in the longer term and female IDP's note that security is better than inside the camp. If such a model for compensation is utilised, then it will be necessary to consider land-holding rights under the current laws particularly with respect to the ability of women to hold property deeds.

Additionally it is important to keep in mind the two different types of IDPs: those who fled the conflict with nothing, and lost all possessions; and those who, knowing that conflict was coming to their area, packed their possessions and brought them to camps. Both will likely still have lost property. However, many of those who left early did not lose livestock and other material possessions.

At present, the VRRRC has been established and has facilitated five state consultation workshops in preparation for an all Darfur Return Conference, which is forthcoming. As part of the JAF, Commission staff have reported that US\$500,000 of the DRDF was said to have been delivered from the Ministry of Finance, via the DRA, however, funds have not been transferred to the Commission.

Urbanisation will put pressure on the local authorities, as Darfur's urban settlements are presently unable to provide proportionate basic services and livelihood opportunities for the growing population; a situation which has the potential to perpetuate both health concerns and unrest.³⁹ Livelihood implications are discussed in greater detail in Section 2.4. There is an urgent need for urban planning, increased and strategically located services, a review and improvement/increase in budgets and capacity, private sector job creation and recognition of realistic (other than aid-dependent) work opportunities and resultant absorption rates.

Urban planning processes in Sudan involve three

and South Darfur. Apart from insecurity, the main reasons behind unsustainable returns were: access to basic services (30%), food insecurity (19%), lack of employment (17%).

³⁹ Another concern is the absorption capacity of the towns - a personal comment from the Commissioner of Habila, West Darfur in July 2010 stated that only about 10% could eventually remain in urban areas, given the lack of employment opportunities. Additionally, many livelihoods are built upon the humanitarian response, which is not a long-term livelihood option.

levels: 1) national-level - headed by the National Council for Physical Planning; 2) state-level - Ministry of Physical Planning and Public Utilities (MPPPU) that recognises the differences between urban and rural areas, operating on land uses and subdivisions, density control and supply of major infrastructure (roads, drainage, etc); and, 3) local-level - responsibility of the Locality government, acting on revenue collection, public services and through MPPPU branches for local infrastructure, building and sanitation control. In practice, there is a disconnect between central planning and local agendas.

The growth of urbanisation in Sudan is believed to be strongly driven by migration from the rural areas. In the recent past, conflict and drought-induced displacement have added an additional imprint to the urban realities in most towns across the country.

Since the mid-1970s, the population of Darfur has increased six-fold from 1.3 million to approximately 8 million. Viewed on its own, the demographic transition is alarming. However, against the stark realities of economic pressure and environmental stress, the inability of the urban settlements to provide proportionate basic services and livelihood opportunities for the additional population portends serious challenges that have the potential to perpetuate crisis in the region. It is against this background that urban planning continues to acquire prominence in the quest for durable solutions for return and resettlement.

Existing urbanisation policies sometimes lack a national vision and the application of the "site and services" concept in Darfur and other parts of Sudan has created challenges in urban areas, particularly resulting in low-density city centres without adequate access to basic social services. A shift in urban and regional policies, encouraging the development of intermediary villages and small towns and enhancing regional development is being reflected in the political agenda of different states of the country. Such policies require a clear strategy to address simultaneously both urban and rural development, including the return villages, creating incentives for development and establishing improved livelihood conditions.

Additionally, the current demographic concentration in a few capital cities of Darfur underscores the need to plan for multi-ethnic, peace-promoting and income-generating urban development mechanisms. Urbanisation, if properly managed, may however be a blessing in disguise, as it could present a meaningful opportunity for viable reintegration, peace building and stabilisation.

Darfur faced chronic under-development prior to the conflict. This is evidenced by the paucity of infrastructure: limited road access and the very poor state of existing roads that are often impassable at certain times of the year; and, the shortage or dilapidated state of public buildings, markets and water systems. There is a general lack of service and maintenance that further depreciates the majority of public infrastructure. Many Darfuris perceived the poor state of public services and infrastructure, despite the payment of taxes, as one of the root causes of dissatisfaction leading to the conflict.

The mainstreaming of environmentally sustainable practices will be a critical factor to mitigate the effects of an urbanising populace. Taking into consideration the challenges of deforestation linked to production of fired bricks for construction, as previously mentioned, the need for identifying alternative construction solutions is also a priority; the use of SSB should be increasingly encouraged in urban areas, where necessary construction skills are available.⁴⁰

40 Information provided by UN-HABITAT and UNDP-Governance and

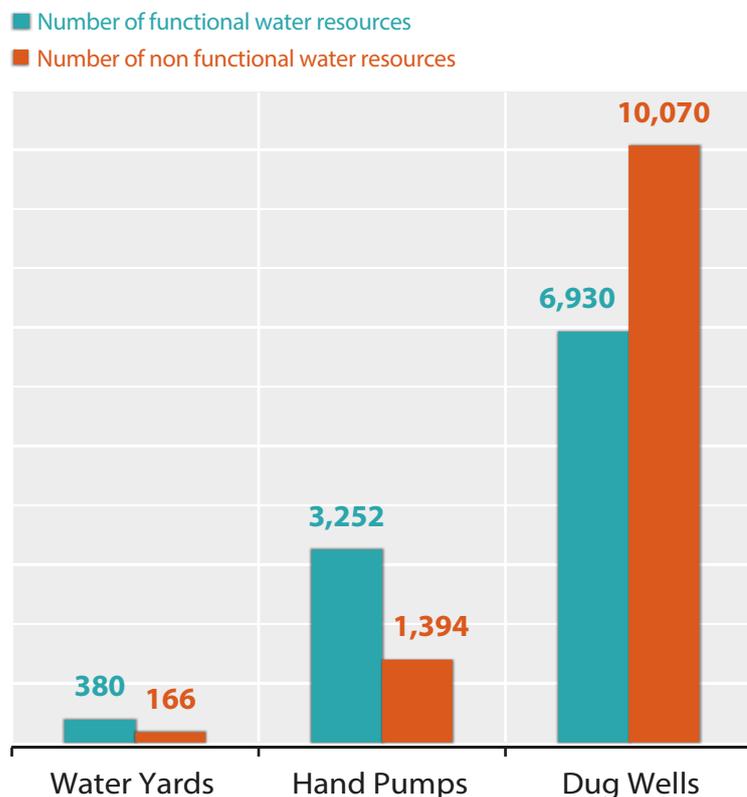
Any recovery and reconstruction program must address infrastructure. As such, infrastructure is a recurrent and predominant topic throughout this document. For the purpose of this analysis and strategy, infrastructure will be considered within three primary categories:

- **Community infrastructure:** as referenced above, community infrastructure includes wells/*hafirs*, markets, community centres and those for individual use: homes, latrines, granaries and production mechanisms, such as water harvesting systems.
- **Public infrastructure:** refers to schools, universities and vocational centres, police posts, health centres and prisons. Such infrastructure is essential to improve access to social services.
- **Access infrastructure:** refers to simple roads, bridges, transportation infrastructure and regionally-focused hardware - including power/energy, airstrips and trunk roads, railroads and media facilities. This type of infrastructure generally improves and facilitates economic activity.

It is vital to highlight two concerns that parallel infrastructure-focused issues. Firstly, that any infrastructure built must have planned and concomitant fiscal management, including maintenance costs that do not depend on external sources for upkeep and repair. Secondly, that infrastructure be planned and executed in a balanced fashion: each of the three categories is inter-

Rule of Law Unit, October 2012.

Water Resources: Functional Vs. Non-Functional



Source: Darfur Preliminary Water Assessment, World Bank, 2010

dependent. Raising the bar equally and incrementally across these types is a key component of successful growth and development.

2.3. Basic Services

2.3.1. Water

The Darfur region is located within arid to semi-arid agro-ecological zones that are characterised by low rainfall of limited and variable duration and intensity. The main water resources are seasonal surface water catchments and alluvial and deep groundwater aquifers. Many rural water systems were damaged or destroyed as part of the conflict. High population densities in IDP camps have created intense water demand, which can lead to diminished and depleted ground water, particularly when rainfall is low. The humanitarian effort entailed extensive drilling of boreholes, as an emergency measure often in concentrated locations but without coordinated hydrological and suitability surveys. As a result, the ongoing extraction volume, especially in areas where deep wells have tapped into poor aquifers, negatively affects water resources, lowering the water table and drying up some shallower wells.⁴¹

Access to *adequate* water supply for consumption⁴² in Darfur fell sharply during the period 2000 to 2006. In 2000, the rate of access averaged 85%, but by 2006 it had fallen to around 45%. Within the overall trend there was an even steeper decline in the ratio of households with piped in water, which fell from 14% to 3% during

41 Sudan Post-Conflict Environmental Assessment (2007), available at <http://200.46.218.164/eficienciaresources/documentos/ECotourism1.pdf>; Unpublished Report Darfur IDPs Groundwater Resources (2nd Round): Capacity, Depletion Risks and Contingency Planning (2009).

42 Note that the access to *adequate* water supply is different to access to *improved* water supply. Access to the former has fallen, while, as reported by the Darfur International Water Conference, access to the latter actually increased during the period of conflict - possibly reflecting the investment in basic services for IDPs and other conflict affected groups outside of the main urban centres. In this regard, in 2011 WHO estimated that 85% of IDPs living in camps had access to "good quality water".

the same period.⁴³ This fall can be taken as an indication of the rapidly increasing demand being placed on urban supplies - as a result of very high levels of rural-urban migration and displacement - and of the under-capacity and under-performance of urban supply systems in connecting to new houses.

The remainder of the population rely on public tap stands, water vendors and private wells. This low level of access yields revenues that do not meet the cost of system operation, and which, coupled with institutional under-performance, mean that neither water production nor distribution capacities have been maintained or strengthened in line with urban population growth.⁴⁴

From 2000 to 2008, access to *improved*, as opposed to *adequate*, water sources in Darfur increased from 29.1% to 44.7%, yet this increase is largely attributable to the humanitarian efforts that installed water infrastructure in IDP locations. In reality, there is no guarantee of sustained supply, nor an equitable distribution of access to water among rural, urban and nomadic communities. Water quality, especially in rural areas, is poor. Traditional hand-dug wells are open, usually untreated and are therefore frequently polluted.

Agriculture and livestock are the two key sources of livelihoods for Darfuris and are both dependent upon rainwater. It is estimated that across Darfur there exists more than 50 surface water reservoirs and 100 major *hafirs* along with numerous small storage structures and a scattering of other water harvesting schemes, along with over 400 deep borehole water yards and thousands of handpumps. Many rural water supply structures have suffered from conflict destruction and a historic lack of maintenance. Most are used for both animal and

43 Annexed Report from thematic working group on Infrastructure, citing 2006 DJAM .

44 Alan Nicol, Mohamed Abdulrahman & Nawal Hassan Osman, Pipelines and Donkey Carts - A Social and Conflict Analysis of Increased Water Availability, Access and Use in Nyala, South Darfur. (2012); Annexed Report from thematic working group on Basic Social Services.

Total Water Supply by Different Sources, Population and Per Capita Consumption in Darfur

State	Boreholes		Hafirs & Reservoirs		Hand pumps & Hand-dug Wells		Total Supply (Mm ³ /yr)	Population Human	Per capita (l/c/d)	Coverage %
	No	Mm ³ /yr	No	Mm ³ /yr	No	Mm ³ /yr				
South Darfur	254	4.2	67	5.5	2,514	2.71	12.41	3,342,235	6	30
North Darfur	153	2.35	76	7.83	1,197	1.4	11.58	1,661,859	8	40
West Darfur	20	0.33	31	5.4	576	0.62	6.36	1,537,967	4	15
Darfur	426	6.88	174	16.73	4,287	4.73	30.35	6,542,061	5	25

Source: Darfur Preliminary Water Assessment, World Bank 2010

Water Availability and Demand

State	Water Resource (WR) Available (Mm ³)			WR (Current Supply) (Mm ³)	WR Demand (Mm ³)			% of demand met	% water demanded vs. availability
	Surface water	Groundwater (Sustainable)	Total		Human Drinking Water	Livestock	Total		
South Darfur	823	1,250	2,073	12	14	76	90	13	4
North Darfur	103	106	209	12	7	42	49	24	23
West Darfur	4,016	1,010	5,026	6	8	52	60	10	1
Darfur	4,942	2,266	7,208	30	29	170	199	15	3

Source: Darfur Preliminary Water Assessment, World Bank 2010

human water supply and are in need of water treatment facilities. Their restoration - indeed an increase in the coverage of surface and sub-surface water infrastructure - will be central to successful, integrated water resource management, ideally at the catchment level. This will greatly contribute to the sustaining of peaceful co-existence among its people and is a prerequisite to supporting long-term sustainable return. This theme is explored in greater detail within Sections 2.8 and 2.9.

The table *Total Water Supply by Different Sources, Population and Per Capita Consumption in Darfur* indicates that in 2010 huge gaps remained in adequate water coverage, which dropped to as low as 25%. Average per capita water consumption estimates show that IDPs and people living in Darfur's towns and cities are better served,⁴⁵ though the Darfur daily average consumption is as low as five litres of water per person.

The *Water Availability and Demand* table shows that, on average, just 15% of water resource demand is met for humans and livestock in Darfur.

45 This is most notable in North Darfur where average urban level of consumption is 40 litres of water, per person, per day.

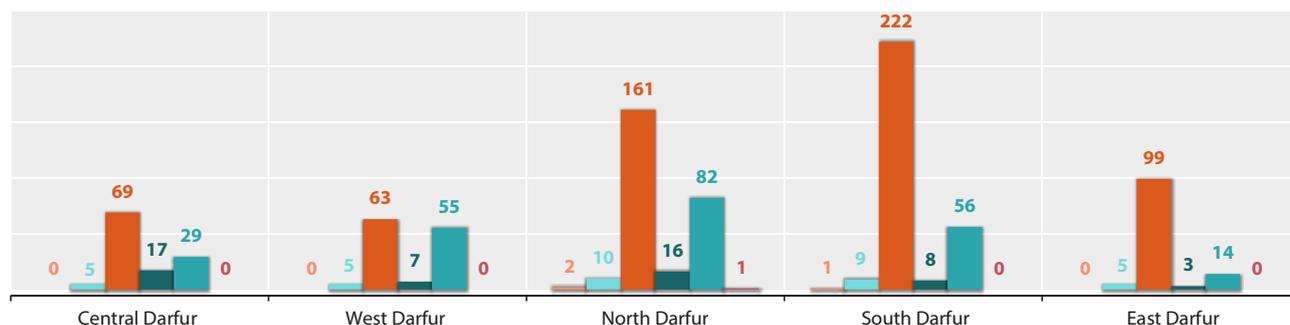
2.3.2. Sanitation

Sanitation is an additional challenge facing urban areas, as the current sewage networks in the state capitals are inadequate and ill-maintained. In rural areas, the Localities are responsible for the planning, implementation and management of environmental sanitation services. However, their limited human, technical and financial resources have largely prevented adequate service provision. Most sanitation work is being undertaken in IDP camps and host communities by UN agencies and NGOs in the form of latrine construction, solid waste management and hygiene promotion.

As of 2010, 15.7% of households in Darfur had access to improved sanitation, with the lowest percentage being 5% in South Darfur, compared to what was then the Sudan's northern States' average of 27%.⁴⁶ The same survey indicated that the 40.5% of the population in Darfur practices open defecation, versus the northern States' average of 29%. The 2006 estimate was that less than 5% of the population has access to flush latrines with septic tanks and most of these are urban residents.

46 Annexed Report from thematic working group on Basic Social Services, *supra* note 44.

Type of Health Facilities by Darfur State



Source: Health facility survey, 2010

2.3.3. Healthcare

The provision of healthcare in Darfur can best be described as a “patchwork of disparate elements” that emerged in response to multiple stressors, but health professionals assert that many parts of a functioning health system are in place, just waiting to be synthesised. Reproductive health services are particularly poor due to insufficient infrastructure and staff, barriers to use of professional skilled care, harmful traditional practices and limited referral capacity. Reproductive health services coverage in primary health care (PHC) ranges between 52% in North Darfur to 82% in West Darfur.⁴⁷ Comprehensive data on the Human Immunodeficiency Virus/ Acquired Immune Deficiency Syndrome (HIV/AIDS) situation in Darfur are lacking.⁴⁸ The facility-based Health Information

⁴⁷ *Id.*

⁴⁸ The sixth Millennium Development Goal is to combat HIV/AIDS, malaria and other diseases. New biological and behavioural surveys carried out in Sudan in 2010 and 2011 revealed considerable cause for concern. The estimated figure from Joint United Nations Programme on HIV/AIDS (UNAIDS) suggests that it is around 0.5% with nearly 85,000 people living with HIV in Sudan in 2011. While the national HIV prevalence remains stable, below 1%, politico-economic developments consequent to the independence of South Sudan point to a potentially large increase in vulnerability in Sudan, given expected further large-scale population movements (refugees, returnees and IDPs), as well as increased urban migration amid economic crisis. Meanwhile, malaria is a leading cause of morbidity and mortality in Sudan, with the entire population at risk. Symptomatic malaria accounts for 17.5% of outpatient clinic visits and about 11% of hospital admissions. In all, challenges to the sixth MDG on halting and reversing the spread of HIV, malaria and other major diseases include: a need for improved quality of services; human resource constraints; and, weak support systems, such as the Health Management Information System and supply chain. More advocacy is specifically needed for reduction of stigma and discrimination against people living with HIV. See Sudan Millennium Development Goals Progress Report, UNDP (2011).

System captures routine data about human resources, assets and outputs of health facilities, and communicable disease surveillance, but, in addition to lack of data sharing and feedback mechanisms, is challenged by fragmentation, multiplicity of formats, duplication, lack of adequately-trained personnel, unavailability of advanced communication tools and technologies.

Public health risks and communicable disease outbreaks are identified through a WHO-supported humanitarian Early Warning and Response System (EWARS), which collects weekly data from 176 sites in Darfur on 13 public health risks, morbidity and mortality and acute malnutrition.⁴⁹ The humanitarian response has also provided a substantial improvement in access to PHC; however this service provision is predominantly within IDPs camps.⁵⁰ In 2012, NGOs managed or supported 142 health centres (66% of total operational health centres) and 103 basic health units (24% of total operational basic health units).⁵¹ These figures reveal the extent to which the health care system needs to be improved in all five Darfur

⁴⁹ Annexed Report from thematic working group on Basic Social Services, *supra* note 44. Acute Respiratory Infections and Bloody Diarrhoea remain the leading causes of morbidity in Darfur. Among the 14 health events reported by EWARS, in the period 2004-2011, an average proportion morbidity was 16.64% Malaria, 26.76% Diarrhoea and 34.8% for Acute Respiratory Infections. Only 7-12% of the facilities are providing diagnosis and treatment for tuberculosis. Bilharzia is endemic in some areas, especially in South Darfur with the rate ranging from 12% to 89% and overall prevalence around 56.6%.

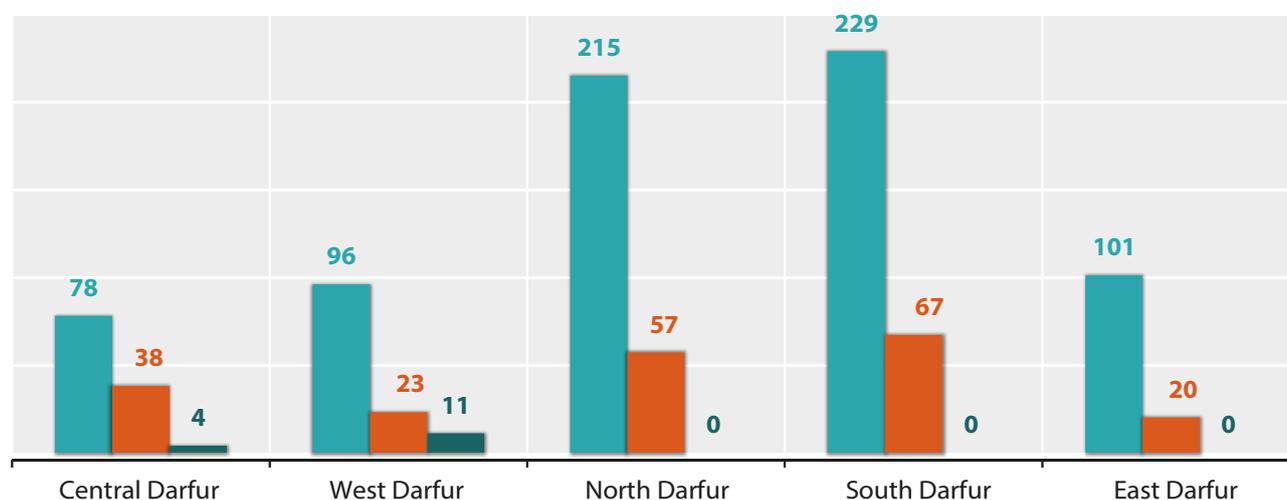
⁵⁰ Despite having the largest number of facilities, South Darfur is estimated to have the lowest coverage of facilities/capita (1 per 13,000, in comparison to North Darfur which serves 1 facility per 9,000 individuals), compounded by the inadequate provision of a minimum package of services, as cited in the Annexed Report from thematic working group on Basic Social Services.

⁵¹ Annexed Report from thematic working group on Basic Social Services, *supra* note 44.

Status of Health Facilities, by State

■ Number of functional health facilities
 ■ Number of planned health facilities

■ Number of non functional health facilities



Source: Health facility survey, 2010

States, if it is to meet its fiscal, management capacity and skilled human resources responsibilities sustainably. In addition to developed infrastructure, good governance of the facilities requires considerable investment.

Health and nutrition indicators for Darfur are consistently low and among the poorest in Sudan, indicative of poor coverage of PHC facilities and limited accessibility to these services, particularly in rural areas.⁵² In 2011, the re-emergence of vaccine-preventable diseases (diphtheria, measles and whooping cough), in addition to meningitis, was recognised. Sporadic cases of acute jaundice have been reported throughout Darfur. In November 2012, during the drafting of this document, 358 cases of Yellow Fever were reported, including 107 deaths. The cases were reported from 23 Localities in Darfur, and new cases were also appearing in other villages. Seven isolation centres were established in Nyala, Kass, Nertity, Zalengei, Garcilla, Morni and Geneina to manage the outbreak.

Malnutrition is a chronic problem. Although there are improvements in areas with humanitarian access, pockets of high malnutrition remain in vulnerable and inaccessible communities. In 2010, approximately 21% of children under five in North Darfur suffered from *wasting* - which is often referred to as "acute" malnutrition, as it is the incidence of muscle and fat tissue wasting away, and can lead to child mortality without emergency intervention.

Underlying factors such as inadequate access to basic services, inadequate food/feeding and caring practices are factors contributing to malnutrition. Darfur-wide, more than 11% of children below five years old are seriously under weight.⁵³ The long-term impact of malnutrition is evident in the number of stunted children (height for age), which approximates the national average of 35%.⁵⁴ More than one-third of children in North Darfur (35.3%) and West Darfur (36.6%) are unlikely ever to reach their full growth and development potential.⁵⁵ Resultant child development deficits are explored further in the next section regarding education.

The National Human Resources for Health and Nutrition 2010 estimated that the ratio of health personnel to 1,000 population is 0.4/1000, far below the WHO standard of 2.3/1000 and lower than the country-wide ratio of 1.44/1000.⁵⁶ According to the National Health Accounts 2008, the government spent around 2% of

Gross Domestic Product (GDP) on health.⁵⁷ It is estimated that individuals seeking curative care pay 91% of total health expenditures. The same source indicates that total health expenditure was US\$50 per capita in South Darfur, US\$75 in West Darfur and US\$67 in North Darfur. Given the modest contribution of the government to total health expenditure, up to 91% of it was paid for directly by families. Most spending was directed towards curative care.

In 2010, accessibility to health services was estimated at 58% in West Darfur, compared to 66% in South Darfur and 78% in North Darfur.⁵⁸ Only 19% of PHC facilities in the Darfur Region provided all five components of the minimum service package, with the most common service being outpatient care, which stood at 90%.⁵⁹ A 2010 health facility survey indicated that, of the 77% of facilities that have been affected by conflict, 67% need rehabilitation and 10% need complete reconstruction. Urban centres are better served than rural areas with access ranging from 58-78%. PHC is characterised by poor coverage ranging from 1 facility per 9,000-13,000 population. Hospital beds per 100,000 ranged between 23-55 in the different states. Available data suggest that existing services are used well below capacity, due to their poor quality, limited availability and cost. For instance, the hospital bed occupancy rate was reported as very low (12%-45%), partly due to weak referral capacity.⁶⁰ Specialised and in-patient care services are provided at a low level and with questionable quality.

The lack of data related to mental health is dire in Sudan as a whole and in Darfur specifically. Reports on the mental health system in Sudan 2009 have shown that there are scarcities in mental health services at all levels, in terms of availability, accessibility and affordability, due to shortage of human resources and/or lack of trained mental health professional personnel, lack of mental health insurance schemes, and poor distribution of mental health services, where the majority of services are centralised at the capital. Despite the lack of official data on mental health in Darfur, a number of studies were recently performed relating to mental health illnesses and services.⁶¹ These studies have shown a high prevalence of mental health illnesses, such as post-traumatic stress disorder, general distress, epilepsy, psychosis and depression.⁶² These

52 *Id.* The Maternal mortality ratio estimated by the Sudan Household Health Survey (SHHS) 2010 was 334 per 100,000, 322 and 177 in South, West and North Darfur respectively, in comparison to 216 per 100,000, in North Sudan. According to the 2006 SHHS, the infant mortality rate was 69 per 1,000 live births in North Darfur, 93 in West Darfur and 67 in South Darfur. The under-five mortality rate was 95, 138 and 98 per 1,000 live births.

53 *Id.*

54 *Id.*

55 *Id.* The ratio is for the northern States that now comprise the Republic of Sudan, since July 2011.

56 *Id.*

57 *Id.*

58 *Id.*

59 *Id.*

60 National Health Reports, (2008).

61 Abdalla A R M Hamid & Saif A Musa, *Mental Health Problems among Internally Displaced Persons in Darfur*, 45 INT J PSYCHOL 278-285 (2010); Renato Souza, Silvia Yasuda & Susanna Cristofani, *Mental Health Treatment Outcomes in a Humanitarian Emergency: A Pilot Model for the Integration of Mental Health into Primary Care in Habilla, Darfur*, 3 INT'L J. OF MENTAL HEALTH SYSTEMS 17 (2009); Glen Kim, Rabih Torbay & Lynn Lawry, *Basic Health, Women's Health, and Mental Health among Internally Displaced Persons in Nyala Province, South Darfur, Sudan*, 97 AM J PUBLIC HEALTH 353-361 (2007).

62 *Id.*

reports and studies have also come to the conclusion that there is a lack of mental health services in Darfur and that the mental health needs of Darfuri people remain unmet.

2.3.4. Education

Education occupies a strategic position in the development priorities in Darfur, yet conflict has put the education of Darfuri children at considerable risk. The restoration of learning opportunities for conflict-affected children has been the priority of humanitarian programmes. However, in spite of sustained efforts, critical components of basic, secondary and tertiary education remain largely deficient, due to limited access, financial constraints and the lack of operational capacity on the ground. It is important to note that Article 31 of the DDPD highlights a “dire need” to “implement a comprehensive structural reform of universities and institutions in Darfur to enable them to undertake their mission,” and that “investment in education and scientific research to improve and develop human resources” is a “main objective of post-conflict economic recovery”.

Darfur continues to be characterised by a very low percentage of children attending and completing basic education, in spite of the increased availability of facilities for IDPs. Cultural and economic factors attribute to substantial gender disparities. Completion rates remain low. Secondary education is also characterised by low enrolment. Learning achievement of pupils is poor, with low pass rates. Lack of adequate teaching materials and facilities and shortage of qualified teachers are the main causative factors of overall poor academic performance. The opportunity for continuous professional development and support for in-service teachers also remains inadequate, and tertiary education is therefore limited by both adequately trained educators and a lack of institutions.

Inadequate institutional capacity poses the major challenge to the management of all levels of educational service provision in Darfur. There is the need for substantial improvement in the collection, analysis and transmission of education data. The analysis that follows draws on priorities identified during focus group discussions in the Darfur region, including the state-level Consultative Workshops, as well as sources of recent data on education, such as the 2012 Status of the Education Sector in Sudan, the Second Service Delivery Study⁶³ (forthcoming) and a policy note on out-of-school children. It also draws on the recently-finalised

63 The Second Basic Education Service Delivery Survey (SDS2) was conducted from December 2010-January 2011 in Blue Nile, North Darfur, Red Sea and South Kordofan in Sudan. The SDS2 provides data on resources in basic schools and on grade 5 student learning outcomes to inform education policies to improve service delivery and promote student learning. The SDS2 provides a sample representative of the four survey states.

interim Basic Education Strategy (iBES) which focuses on strategies for expanding access to quality basic education in line with Millennium Development Goal 2, to achieve universal primary education by 2015 in Sudan. The data presented is from the whole Darfur region gathered from the three states (North, West and South), prior to the sub-division into five states (to include Central and East).

In 2012, the Government of Sudan has recently received a four-year grant from the Global Partnership for Education (GPE), in the amount of US\$76.5 million for the execution of a Basic Education Recovery Program (BERP) that is in line with the iBES. The project will be implemented in three of the five Darfur states: Central, North and South Darfur, and the costed framework presented in Section III is designed to complement this funding.

2.3.4.1 Basic and Secondary Education

i) Enrolment

As a result of combined strong international and government efforts, there is a significant increase in the number of children accessing basic education in Sudan. The national Gross Enrolment Ratio (GER)⁶⁴ in basic education increased from 65% in 2004⁶⁵ to 72% in 2010. The fastest relative growth occurred in West Darfur (pre-split in 2012), where the enrolment rate increased by 15%. The average growth rate of enrolment for basic education between 2004 and 2009 is 15%, compared to the average for Sudan at 6%. More analysis is needed to identify the factors contributing to the significant increase of school enrolment in that state. The other Darfur states also registered double-digit average annual growth rates in enrolment between 2004/5 and 2008/9 school years.⁶⁶ Despite this progress, massive disparities remain within and between states throughout Sudan. The states with the highest GERs were the central states, which were largely unaffected by conflict, whereas states with the lowest GERs were those affected by conflict, such as North and South Darfur.

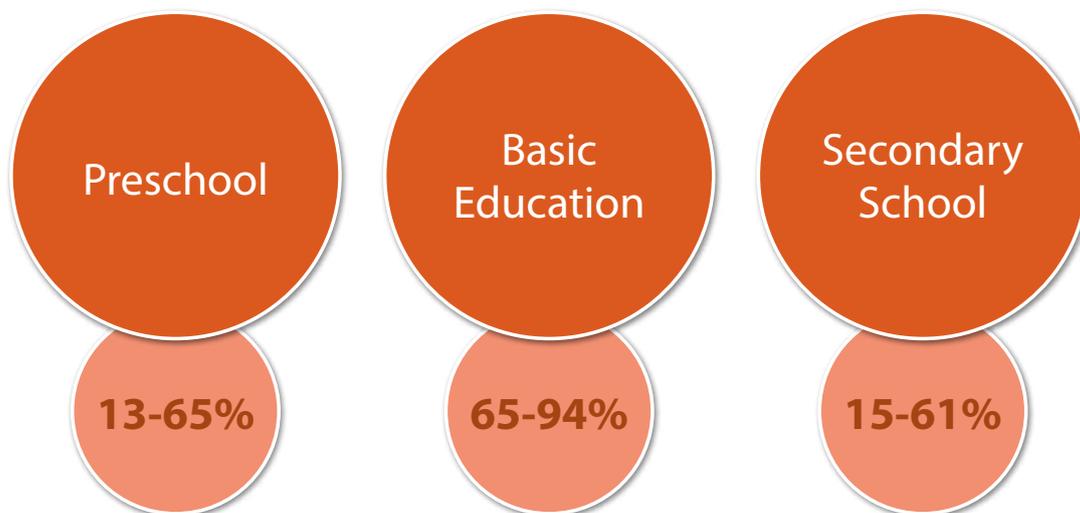
Enrolment has increased in the Darfur region; however, the GER on average remains low compared to the rest of the country. It is important to note that GER is an indicator of the capacity of the education system vis-à-vis the population of school-age children, but it is *inadequate for measuring the share of this population who are currently in school*. For example, we can interpret the GER as showing that basic schools in Sudan had enough school places to

64 Education Indicators: Technical Guidelines, UNESCO (2009). GER is defined by UNESCO as “the total enrolment within a country in a specific level of education regardless of age, expressed as percentage of the population in the official age group corresponding to this level of education.”

65 The official GER for Sudan in 2004 including the actual South Sudan state was 63.7% (girls 58.7% and boys 68.6%)

66 Annexed Report from thematic working group on Basic Social Services, *supra* note 44.

Gross Enrolment Rate Across Sudan



Source: Education Indicators: Technical Guidelines, UNESCO, 2009

enroll 72% of 6 to 13-year-olds, but not that 72% of 6 to 13-year-olds were actually in school during the 2008/09 school year. Moreover, there are valid concerns regarding timeliness, quality and thoroughness of the enrolment data - in short, other sources are needed for an added and more holistic perspective.⁶⁷

Across Darfur, gross intake, completion rates and GERs for secondary education are well below the national Sudanese average. Access to, and completion of, secondary education is clearly a concern for all of Sudan but one that is particularly acute in the Darfur region.

As detailed in *Total Number of Enrolment by State and Share of Girls in Total Enrolment, 2008/2009*, South Darfur has the lowest GER of any state in Sudan at 41%, while North and West Darfur have GER ratios of 67% and 88% respectively.⁶⁸ These rates are very low when compared with the regional average for lower-middle-income Sub-Saharan African countries (105%) and lower-middle-income Middle East and North African countries (106%).⁶⁹

The recent history of conflict and continued insecurity in

⁶⁷ The GER is here calculated by contrasting enrolment data from the 2008/09 school year with population data from the 2008 population census. Household surveys are often more reliable sources of data on the effective rate of schooling coverage because they are not affected by multi-cohort effects or measurement errors in the school census or population data. Other sources of data are needed for an added perspective. To improve the measurement of access and retention, it is helpful to compare administrative enrolment data with other sources of data. This finding underlines the need to improve data on school enrolments, a process that is under way with the implementation of a comprehensive Education Management Information System.

⁶⁸ Annexed Report from thematic working group on Basic Social Services, *supra* note 44.

⁶⁹ The high percentages are due to the large numbers of individuals repeating education programs.

the region makes it more difficult for children to access and stay in school. The average overall likelihood for a child being out of school in Sudan is estimated at 39% and children in rural areas are 1.8 times more likely to be out of school compared to children in urban areas.⁷⁰ In 2009, approximately 461,500 children in the Darfur region were out of school, which accounted for over 20% of all out of school children in Sudan. In the Darfur region, the percentage of children out of school is above the national average except for North Darfur. *Out of School and Never Enrolled Using State Populations (10-14 Years)* indicates that nearly 78% of out of school children between ages 10-14 have never attended school and, of those who attended school, 72% dropped out before completing primary school.

ii) Education Access for Girls and Vulnerable Populations

The underlying causes affecting children's access to education include social and economic constraints tied to poverty and security, factors which exacerbate the situation for girls. While overall gender index parity shows an equal proportion of boys and girls accessing education, the percentage of girls in basic education in all Darfur states is lower than the average for Sudan. One prohibitive factor is the long travel distance to school, especially in rural areas - which is compounded by parents' safety concerns for their daughters. Other attributable impediments include: cultural attitudes about girls' education, early marriage and the opportunity costs associated with domestic work. Amongst the out-of-school population, there are more girls than boys who have never attended school (61%).

⁷⁰ Annexed Report from thematic working group on Basic Social Services, *supra* note 44.

Total Number of Enrolment by State and Share of Girls in Total Enrolment, 2008/2009

State	Basic Education		Secondary Education	
	GER	Girls in total enrolment	GER	Girls in total enrolment
West Darfur	88%	44%	25%	35%
South Darfur	41%	43%	17%	40%
North Darfur	67%	46%	21%	42%
Sudan	72%	46%	29%	49%

Source: Status of the Education Sector in Sudan, 2012

The delivery of basic education to IDPs and nomadic communities poses a unique set of challenges in the Darfur region. The table indicates percentages of schools, by type and percentage of total enrolment from the 2009 Education Yearbook. However, given available data, it is difficult to accurately conclude what portion of IDP children have access to basic schooling.⁷¹

The pre-conflict estimate of number of schools in Darfur was 3,385.⁷² The vast majority of these schools had been constructed of rudimentary materials and many have since dilapidated due to the long history of conflict in the region. It is also estimated that 58 -70% of these schools did not have proper functioning water facilities. Water facilities meant to serve schools are frequently shared

71 WORLD BANK, THE STATUS OF THE EDUCATION SECTOR IN SUDAN (2012), <http://elibrary.worldbank.org/content/book/9780821388570>. Some data on enrolments in so-called IDP and nomadic schools are available; however, this information is not enough to determine rates of schooling coverage for these two groups because precise population data is not available, and because some IDP children and nomadic children may be attending regular schools.

72 Report from 2006 DJAM working group on *Basic Social Services*.

with communities and often are not close to the school, resulting in school children walking long distances to collect water. Estimates assume that 73 -77% of schools do not have proper sanitation facilities.⁷³

Ultimately, the majority of Darfur's schools are unable to absorb the number of students necessary for greater enrolment; a concern exacerbated by the findings regarding quality of education, status of facilities and difficulties engaging vulnerable livelihoods in education. Evidence indicates that there is a lack of classrooms to accommodate students and the situation would be worse if all the school age children in Darfur region were to go and remain in school. The classroom-to-pupil ratio in the Darfur states is higher than the average for Sudan; for basic education in West Darfur is the highest, 64 pupils per class, 56 in South Darfur and 49 in North Darfur compared to the average of 48 for Sudan. For secondary education, there is an average of 24 students per teacher against a national average of 15.7.

73 *Id.*

Per centage of Basic Schools by State and Type of School and Total Enrolments, 2008/09

State	Government Schools			% of Private Schools	% total enrolled
	% of Regular Schools	% of IDP Schools	% of Nomadic Schools		
N. Darfur	31	25	26	14	33
S. Darfur	37	52	40	78	40
W. Darfur	32	22	39	8	27
Total no. of schools in all Darfur States	2,711	258	629	264	1,055,038
Darfur schools as a % out of total in Sudan	21	99	44	20	22

Source: Education Yearbook, 2009

iii) Quality of Education

The cumulative factors detailed regarding quality of basic education, status of facilities and difficulties engaging vulnerable populations in education, result in a high number of dropouts for basic education in the Darfur region. The completion rate is especially low for South Darfur (21.7%) and North Darfur (44%) compared to the already low average completion rate for Sudan at 54%. Again, poverty and insecurity are two additional causative elements for these low rates.

High percentages of repeaters in secondary education is another cause for concern. West Darfur claims 33% and South Darfur 22%, compared to 15% of repeaters in the rest of Sudan. With regard to dropouts, a greater number of children in rural areas than urban areas drop out without any qualifications, or less than five years of basic education.⁷⁴ Only a small proportion of children, therefore, enter secondary education in Darfur and the vast majority of them are not completing the cycle.⁷⁵

⁷⁴ Interestingly, it appears that once students complete basic education in South Darfur, they are more likely to transition into secondary education, as indicated by the 68% transition rate for this state compared to the rates for West Darfur (31%) and North Darfur (49%).

⁷⁵ Many factors can be associated with repetition and drop out in the Darfur context, some of which are attributable to the individual, such as poor health or nutrition. The quality of education is an additional

The high number of IDPs and camps in Darfur presents unique challenges, not only regarding access to education, but also in student performance levels. The (SDS2), conducted by the Ministry of Education and the World Bank in 2010, found that in mathematics, rural IDP students in North Darfur had average scores that were significantly lower than urban IDP students. Thus, after accounting for household wealth, gender, age and school inputs, IDP students in North Darfur still performed worse than other Sudanese pupils, indicating that other factors impact students' ability to learn.⁷⁶ Increased support to educational opportunities in return areas will be a prerequisite to long-term, sustainable return.

This situation has significant implications in a region already affected by conflict and puts at risk the young generation who, if not properly occupied and educated can be used as elements for violence and conflict-making. It has also an impact on the economic growth and development of the region/country and, ultimately, at the individual level on the labour market opportunities, earnings and health outcomes.⁷⁷

factor contributing to the high numbers of repeaters and drop outs. Teacher's absenteeism and school location are additional contributing factors.

⁷⁶ World Bank, supra note 71.

⁷⁷ Annexed Report from thematic working group on Basic Social

Basic and Secondary Education Rates of Intake, Completion and Retention

State	Basic Education			Secondary Education		
	Gross intake rate	Completion rate	Retention rate	Gross intake rate	Completion rate	Retention rate
West Darfur	84%	12%	84%	22%	12%	55%
South Darfur	57%	22%	38%	15%	11%	74%
North Darfur	80%	44%	56%	22%	15%	71%
Sudan	80%	54%	68%	34%	25%	72%

Source: Status of the Education Sector in Sudan, 2012

Pupil to teacher ratio (PTR) and pupil to class ratio in Basic and Secondary education, 2008/09

State	Basic Education		Secondary Education	
	PTR	P class ratio	PTR	P class ratio
West Darfur	64.4	63.8	23.5	47.5
South Darfur	43.9	56.1	20.3	54.8
North Darfur	46.7	49.1	18.2	49.5
Sudan	32.5	47.7	15.7	48.8

Source: Status of the Education Sector in Sudan, 2012

The links between education and the labour market are undeniable. Yet, as late as 2007, there were only 11 technical and vocational schools in the Darfur region, which is presumed to be deficient to meet the existing demand (yet there are acknowledged data deficits regarding labour market data).⁷⁸ In North Darfur alone, the Ministry of Education (MoE) estimated that there were 60,000 unemployed youth who should have had access to vocational training.⁷⁹ Additionally, youth from nomadic communities have poor access to educational opportunities, particularly given economic hardships and social factors hindering a mobile child's education. The only livelihood strategies available for this particular group are the traditional nomadic way of subsistence or menial low-paying employment. Any youth's access to vocational training and his/her training performance is also contingent on the basic education received. Particularly with regard to this strategy, the strength and success of the public sector is dependent upon education and training of youth: police, judiciary, healthcare workers

and other public servants require education and skills training.

Moreover, at less than 40%, Darfur has one of the lowest average literacy rates in Sudan today.⁸⁰ Presently, the development of skills and entrepreneurship faces the following challenges: weak consensus regarding priorities between federal and state authorities; limited budgets for vocational training; and the prioritisation of higher education ('academic') over technical education that over time has weakened direct linkages between education and the labour market. The gap in skill delivery systems has also contributed in further weakening the manufacturing sector. This, in turn, contributed to the drain of skilled labour and technical consultants through emigration of skilled personnel to other regions of Sudan, neighbouring countries and the Arabian Gulf. This is especially damaging as the Darfur region is known to produce many of the more successful entrepreneurs in Sudan.

iv) Education Financing

As evidenced in the graph *Public Education Spending by Administrative Level*, the individual states provided 83% of total public education spending from 2000 to 2009. However, the fiscal autonomy of some states has been limited, as they rely heavily on federal transfers driven by federal policies that influence areas such as salary determination.⁸¹ This is explored in greater detail within Section 2.10.1. Spending on goods and services by the government is generally low, and particularly for basic education. Despite the official policy of free basic

Services, *supra* note 44. Generally, out-of-school youth perform worse in the labour market, and in Sudan, the majority of those out of school are not regularly employed for wages. Among 10-19 year olds in Sudan who have never attended school, 53% report being unpaid family workers compared to a smaller share of 34% for those who dropped out at some stage before completing six years of primary basic education, and an even smaller share of 19% for those who dropped out between year six of primary basic education and secondary education. This illustrates the importance of enabling children to access and stay in school to improve their future labour market opportunities.

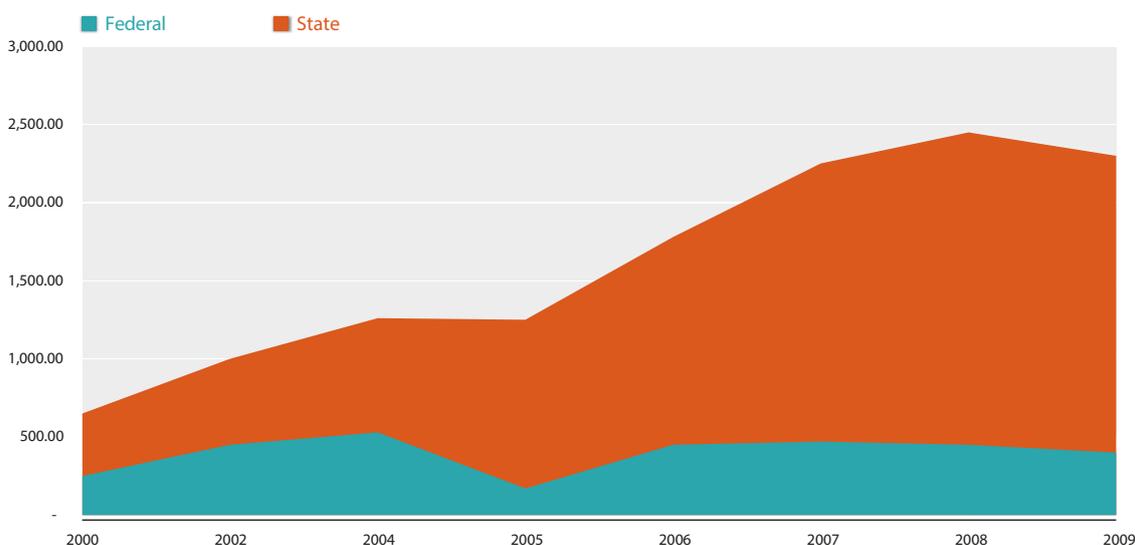
78 Annexed Report from thematic working group on Private Sector Development, citing 2007 Ministry of Education figures.

79 Annexed Report from thematic working group on Private Sector Development, citing 2007 Ministry of Education figures.

80 *Id.*

81 World Bank, *supra* note 71.

Public Education Spending by Administrative Level, 2000-2009



Source: World Bank estimates based on State Ministry of Education data collected in 2010

education, inadequate provision has transferred some school running costs, including maintenance, water/electricity and supplementary teacher payments, to local households. This is in addition to existing costs for items such as uniforms, textbooks and meals. The average estimated out-of-pocket spending by households each year on operating costs was SDG15 (US\$3.41) per student in 2008/09, higher than the SDG12 (US\$2.73) public spending per student.⁸² This expense has a dramatic effect on the vulnerable populations in Darfur who are not provided with education assistance by relief agencies. This increases the likelihood that children, particularly girls, will not attend school.

The closure of boarding facilities has particularly affected students from poor rural areas and nomadic communities seeking access to technical training in urban hubs. Analysts note that this decision places secondary education at risk, versus a more judicious balance of resources among secondary and higher education. The result is less investment for vocational education (toolkits, workshops) and a shift in production of textbooks from technical to academic, as well as the cessation of in-service training for teaching staff.

v) School Health

Student performance is directly related to an individual's health. International evidence shows that malnourished children: tend not to reach their potential, either physically or mentally; are less likely to go to school; and, once in school, register lower levels of learning achievement. A large number of children (0-59 months) in Sudan are

⁸² For the purpose of this comparison, public spending per student on school operating costs is defined as spending on goods and services.

malnourished, with major negative consequences for learning in school.⁸³ This is especially an issue in the Darfur region, where over 40% of children are underweight and stunted and between 11% - 28% suffer from wasting (see *Anthropometric Measures in Darfur*). A recent multi-country study found that for every 10% increase in levels of stunting among children, the proportion of children reaching the final grade of school dropped by almost 8%.⁸⁴ School feeding programs can help to address this issue by providing an added incentive to households to send children to school. In the recent SDS2, teachers reported that 26% of children in rural areas and 27% of children in urban areas dropped out of school because they were unable to pay for school feeding.⁸⁵ This might account for the high dropout rates noted earlier. Given the complex environment in Darfur, it is likely that children who are displaced are attracted to school more quickly when there is a school feeding program compared to when there is no program.⁸⁶

2.3.4.2 Tertiary Education

Limited information and data is available regarding the situation of higher education in Sudan and Darfur in particular. The following evidence is mainly from international organisations' internal reports, universities' websites and issues raised during DJAM focus group discussions.

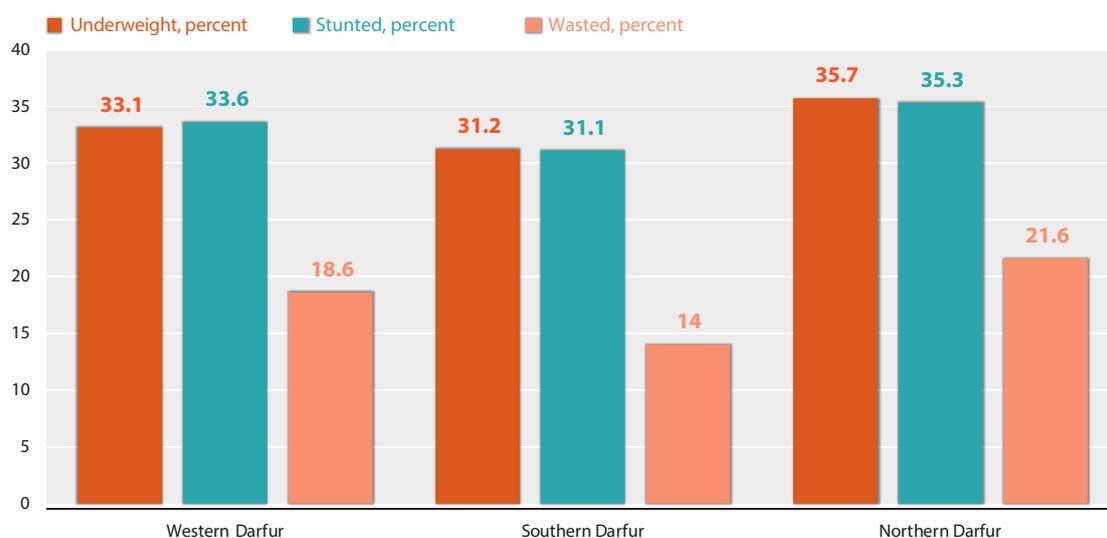
⁸³ World Bank, *supra* note 71.

⁸⁴ Sally Grantham-McGregor et al., *Developmental potential in the first 5 years for children in developing countries*, 369 *Lancet* 60-70 (2007).

⁸⁵ Annexed Report from thematic working group on Basic Social Services, *supra* note 44.

⁸⁶ D. A. P. Bundy et al., *Rethinking school feeding: social safety nets, child development, and the education sector* (2009).

Anthropometric measures in Darfur



Source: Sudan Household Health Survey, 2010

The higher education system in Sudan is characterised by a diversification of providers and a variety of establishments - including universities, university colleges, public technical colleges and institutes. In 2008, there were 39 universities, 45 university colleges and 20 technical colleges in Sudan. As of 2012, the Darfur region is home to 3 universities, 9 associated universities and 19 teacher training institutes, as evidenced in the figure below.

Higher education growth enrolment has been steady over the last two decades. Over the last ten years, the number of students accessing higher education institutions has more than tripled. The expansion was justified by the acute shortage in university places for eligible students seeking opportunities in higher education as well as the deficiency of university graduates in engineering and technology sectors.

In 2011/12, 469,542 students were enrolled in public institutions in Sudan and 579,528 were enrolled in total (excluding graduate students), which corresponds to 1,759 students per 100,000 habitants. Roughly 6.6% of these students (26,331) are from the Darfur region. There has been a significant increase of the number of students enrolled in universities in Sudan over the

last ten years, which includes Darfur. The proportion of students enrolled in universities in Darfur in comparison to the total number of students enrolled in Sudanese universities has increased from 4% in 2003/2004 to 6% in 2011/2012⁽¹⁾ for Undergraduate students.

Despite this progress, in 2008 the number of students enrolled in universities in Darfur, 1.9 per thousand population, was below the national average estimated at 4.7 per thousand population.

The gender pattern of higher education in Sudan, in general, is in favour of female participation, exceeding 53.4% (52.3% in Darfur) in most disciplines.

It was reported during the DJAM State Consultative Workshops in 2012 that much of the equipment in Darfur's universities is in poor repair, inadequate and/or has not been renewed for many years. Infrastructure is poor: classrooms need rehabilitation and additional classrooms need to be constructed in order to keep pace with the growing demand for tertiary education; science laboratories need to be updated to meet technological advances and need to be equipped with the relevant tools and supplies in order to adequately provide a good foundation for scientific enquiry for students at the university.

Sudan Higher Education Institutions in 2012

State	State Universities	Private universities/ higher education institutes	Teacher Training Institutes
Central Darfur	1	0	1
East Darfur	0	1	3
North Darfur	1	3	5
South Darfur	1	3	9
West Darfur	0	2	1
Total Darfur	3	9	19

Source: Status of the Education Sector in Sudan, 2012

Students' Enrolment in Public Institutions in Darfur 2003 – 2012

Institution Name	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
El Fashir University	5,337	4,475	5,800	8,311	8,573	9,471	10,369	11,360	12,491
Nyala University	3,788	6,221	4,791	5,238	5,073	5,976	6,878	8,171	8,550
Zalingei University	1,150	965	1,437	2,994	3,632	3,666	3,699	4,585	5,290
Total Darfur	10,275	11,661	12,028	16,543	17,278	19,112	20,946	24,116	26,331
Total Public Institutions in Sudan⁽¹⁾	262,950	303,438	361,566	390,773	435,216	437,193	441,535	443,322	469,542

Source: Ministry of Higher Education and Scientific Research, 2012 and WB estimates 2012

One particular issue noted in the DJAM workshop discussions was the concern over the poor availability of a high-speed communications network. Instead, teachers have to resort to teaching methods that deprive students of the skills of investigations and exploration, creativity and research. Without adequate investment in computers and communications, higher education institutions are unable to maximise the potential of Information and Communications Technology both for teaching and research - an inappropriate environment to prepare students for employment in the modern world.

A very substantial investment will be required to bring the facilities of Darfur universities up-to-date. An important recommendation from the workshop discussions is the need to rehabilitate/equip higher education institutions in Darfur to enable them to effectively deliver quality services.

In general, there are strong expectations in Sudan about the responsibility of higher education institutions in economic development, social mobility and stability. In Darfur, these expectations are even stronger as peace talks are seen as an opportunity to lead to political and economic stability and therefore pave the way for the development of higher education. The community in

Darfur see post-secondary education as an opportunity to bring hope by preparing graduates with new skills that balance local educational needs and priorities with standards, practices and skills that can be internationally - and locally-appropriate.

The rapid expansion of higher education in a context of reduced financial resources results in many deficiencies including facilities, materials and qualified staff. Quality and relevance of learning are key issues facing higher education in Sudan, as high youth unemployment amongst graduates is due to the inability of the system to create jobs but also a mismatch between tertiary education outcomes and the skills that employers require. The challenge is even bigger in the Darfur region where many areas remain inaccessible and, as a result, are not able to attract qualified staff (PhD holders) that universities need to provide quality teaching in a context of globalisation, high technology and innovation. University professors represent 2.8% (5% in Sudan) of the total teaching force in Darfur and 60.8% are lecturers (45.76% in Sudan).

In addition, although individual universities may have internal processes for assuring quality, this is not widespread or systematic and the national quality

Admission classified by State of residence compared to population in 2008

State/Region of Residence	Pop.	BSc. Adm.	Dip. Adm.	Total Adm.	Adm. 000 pop.
N. Darfur	2,113,626	3,695	1,587	5,282	2.5
W. Darfur	1,308,225	1,493	388	1,881	1.4
S. Darfur	4,093,594	5,216	1,650	6,866	1.7
Darfur Region	7,515,445	10,404	3,625	14,029	1.9
Total Sudan	30,894,000	99,548	45,621	145,169	4.7

Source: Ministry of Higher Education and Scientific Research, 2012

Tertiary Students' Enrolment in Public Institutions, by gender degree and type 2009-2010

University	BSc.			Diploma			Total		
	M	F	T	M	F	T	M	F	T
Fashir Univ.	3,455	3,936	7,391	795	2,183	2,978	4,250	6,119	10,369
Nyala Univ.	3,555	2,343	5,898	393	587	980	3,948	2,930	6,878
Zalingei	1,557	1,617	3,174	235	290	525	1,792	1,907	3,699
Total Darfur	8,567	7,896	16,463	1,423	3,060	4,483	9,990	10,956	20,946
Total Sudan (Public & Private)	208,305	253,704	485,028	49,638	48,079	98,629	257,943	306,783	583,657

Source: Ministry of Higher Education and Scientific Research, 2012

Teaching Staff in Public Institutions 2009 - 2010

University	Prof.			Assoc. Prof.			Assist. Prof.			Lecturer			Total		
	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T
El Fashir	11	0	11	10	0	10	66	8	74	71	27	98	158	35	193
Nyala	3	0	3	5	0	5	41	10	51	90	19	109	139	29	168
Zalingei	0	0	0	5	0	5	36	1	37	90	7	97	131	8	139
Total Darfur	14	0	14	20	0	20	143	19	162	251	53	304	428	72	500
Darfur %	2.8			4			32.4			60.8			100		
Total Sudan	569	0	569	1,329	170	1,499	2,686	1,037	3,723	3,062	1,842	4,904	7,646	3,071	10,717
Sudan %	5.31			13.99			34.74			45.76			100		

Source: Ministry of Higher Education and Scientific Research, 2012

assurance process has yet to be finalised. Consequently, there are no incentives for universities, or the staff within them, to ensure high quality and standards in what they provide.

2.4. Livelihoods

2.4.1. Loss of Livelihoods

The conflict and long-term underdevelopment in Darfur either destroyed or severely impacted livelihoods for almost all Darfuris. The systematic demolition of assets and displacement of rural communities was a common phenomenon of the conflict, as homes, markets and productive assets were destroyed or broken, along with the transport infrastructure that facilitated trade. Cattle and livestock were looted, crops were deliberately damaged, seeds stolen and irrigation/water systems rendered inoperative. Insecurity curtailed freedom of movement with impact on both traders and pastoralists: the majority of urban traders went bankrupt and crop production was radically reduced. Recovery will rely on multifaceted and inter-related efforts.

2.4.2. Coping Mechanisms and Alternative Livelihoods

With insecurity largely restricting IDPs to camp environments and resident communities to their villages and towns, the resultant lack of access to traditional livelihoods has translated into a reliance on new coping mechanisms. The massive looting of livestock and destruction of production mechanisms forced transition from predominantly livestock and agricultural-based activities to whatever was available in a highly competitive situation; in most cases, significantly reducing income levels from pre-conflict levels.

Income generating activities currently pursued by many IDPs include wage labour (very much dependent on the aid economy), brick making (environmentally destructive) and trade in food aid (unsustainable) - all of which are, notably, untaxed and considered outside the formal economy.⁸⁷ The collection and sale of firewood and grasses are important sources of income for women but come in tandem with increased risk of sexual and gender-based violence (SGBV). Firewood sales and brick making are environmentally damaging and further erode traditional regulatory mechanisms and override established natural resource management strategies. Similarly, traditional coping methods have been severely disrupted, including seasonal itinerant labour and remittances, casual wage labour and involvement in other activities, such as street markets, tea stalls, water delivery and wild food gathering. In reality, many IDPs in camps have very limited access to economic opportunities and are highly dependent upon humanitarian aid for their daily subsistence. As there are currently more female-headed households among the IDP population in Darfur than pre-conflict averages (widows, polygamy, divorce, male absence for economic migration etc.), this is particularly an issue for women, as discrimination can isolate women from access to productive resources.

2.4.3. Migration and Remittances

Economic migration amongst neighbouring countries in the pursuit of work affects all developing regions, but none more so than Darfur. It is geographically situated between Libya, Chad and South Sudan and is connected to Egypt and Saudi Arabia labour markets due to the camel trade and *hajj* route. Given the fact that migration

⁸⁷ See Section 2.10.1.

is driven by numerous agricultural enterprises (such as mechanised schemes and irrigation farms along the rivers) that require itinerant workers within Sudan, Darfur has become a key migration zone very much dependent on free movement and resultant remittances to support the local economy. In such a fluid environment it is nearly impossible to determine the number of migrant workers and the type of employment. Further, it is difficult to estimate the amount of remittances sent back to home communities, as only those recorded through formal channels can be counted (and most remittances are informal). It has been noted that labour migration and remittances are the second most important source of income for middle-income households.⁸⁸

Historically, livelihood migration played a major role in the Darfur economy. It intensified with the Libyan oil boom of the 1970s and 1980s, and studies performed in 1998 revealed that 20% of the households in North-eastern Darfur had at least one family member working in Libya and sending remittances back. Along with the cross-border camel trade, worth US\$50 million annually; such migration essentially came to a halt with the onset of the conflict in 2003 and the closure of the Sudan-Libya border in May of that year. Likewise the movement of men to the internal Sudanese agricultural schemes and the movement of women from North Darfur (Jebel Si and Kabkabiyah especially) to the southern mechanised schemes and the horticultural harvests of the Jebel Marra all came to an abrupt end. The borders have reopened (despite the upheaval caused by internal Libyan fighting) and the camel trade is slowly recovering. However, the itinerant work is still vastly restricted due to the non-operation of agricultural schemes in Darfur and the difficulty of travel in and out of Darfur. The effect of humanitarian aid has also played a major role in re-shaping coping mechanisms - one of the major reasons for the itinerant migration was to augment food supply due to poor agricultural production and income - delivering food to the door has negated the need to make the long and often difficult migrations in search of work.

2.4.4. Youth Concerns

Lack of employment opportunities poses a real challenge, particularly to the large number of youth. Currently, more than half of the population of Darfur is aged sixteen or younger. Many of these young people have had their lives irrevocably changed by the conflict: their education (both formal and rural livelihood skill building) was interrupted after being uprooted from their homes and they now reside in IDP camps. As a result of this, the UN Report 'Beyond Emergency Relief' (2010) noted that young people are often at a double disadvantage: they have been cut off from their families' traditional livelihoods, due to

⁸⁸ Helen Young et al., *Darfur: Livelihoods Under Siege*, UNDERSTANDING THE PERCEPTIONS OF LOCAL COMMUNITIES, PEACE SUPPORT OPERATIONS, AND ASSISTANCE AGENCIES (2005).

conflict or environmental decline, but are also frequently the least prepared for pursuing alternative options. Agriculture and pastoralism do not have the absorption capacity to accommodate the growing population and labour force and there is insufficient investment in other sectors for them to address this gap.⁸⁹

Given the fact that many displaced and conflict-affected youth have not experienced traditional livelihoods and lack appropriate vocational training, sport was highlighted as a useful tool for engaging them productively and to facilitate the reintegration of ex-combatants. DJAM participants referenced the improved mental and physical health that results from engagement in sports, in addition to enhanced capacities in teamwork and coordination. DJAM participants suggested that Olympic-oriented facilities be established to engage youth, and that public spaces and community centres should be designed and provisioned with sports fields/facilities, and existing sports facilities be rehabilitated. It was suggested that the DRA expand cooperation with the five Darfur offices of the Ministry of Youth and Sports.

2.4.5. Food Security

Food insecurity has been a substantial concern in Darfur over the past two decades, where the region has transitioned from a self-sufficient producer of major staple food crops to a situation where approximately half the population largely depends on food aid.⁹⁰ Crop production has been severely hampered, as farmers can no longer access their land and/or key inputs, such as quality seeds and tools. Findings from the State Ministry of Agriculture (SMoA) and WFP comprehensive food security assessment, carried out in November 2011, indicated that the highest percentage of food-insecure households is found in North and West Darfur (23% each), compared to 11% of households in South Darfur. Moreover, about one-third of households in both North and West Darfur were vulnerable to food insecurity at the time of the survey. In all, two-thirds of households in South Darfur are deemed food secure, compared to just over 40% each in North and West Darfur.⁹¹

Currently, a combination of several recurring factors continues to hinder the achievement of food security.

⁸⁹ Participants in a 2011 West Darfur survey process also noted that the presence of a large number of unemployed youth has had a negative effect on the security situation in the region. This portion of the population is easily recruited by armed movements and is often the first to partake in different forms of criminality whether it is illegal logging, smuggling or banditry.

⁹⁰ The UN food aid program is likely to continue given the lack of alternative sources of food and income for IDPs in particular. Food aid beneficiaries frequently sell a portion of their rations in order to raise income for other essentials, which means that food aid is a widely traded commodity with some traders now only operating in this market. See annexed Report from thematic working group on Agriculture, Livestock and Rural Livelihoods.

⁹¹ *Id.*

Most acutely, despite good rains in 2012, the variability of rainfall is a major factor in undermining agricultural reliability, making the region frequently dependent on food imports, even without the shortages caused by the conflict. The reliance on importation of key food items that are subject to fluctuating world prices disproportionately affects the poor the most, as the poorest 20% of Sudanese spend up to three-quarters of their income on food. This is adversely affected by currency instability and high inflation (the inflation rate was 42.1% in August 2012).⁹² For example, in North Darfur, the price of a minimum healthy food basket has increased by approximately 30% since the beginning of 2012, and in South Darfur and West Darfur; the price of the minimum healthy food basket has increased by 27% and 22% respectively.⁹³ These trends were exacerbated by on-going conflict in agriculturally productive areas and the poor harvest, resulting in lower levels of domestic food production in the 2011/12 season.⁹⁴

The government recently introduced several major economic reforms including gradual removal of fuel subsidies and increased value added taxes (VAT). The removal of the fuel subsidies is of the greatest concern, as this will sharply increase the cost of living, transport and agricultural production, especially in Darfur where the distances from central supply are very long.

2.4.6. Gender Concerns

Women in Darfur are often comparatively more vulnerable, as result of conflict and antecedent cultural practices. Darfuri women are known for their productivity, and often partake in physically demanding livelihood activities. Estimates provided by community representatives in West Darfur suggest that as much as 65% of the work in the agricultural sector is done by women and that they are also almost entirely responsible for fetching water and firewood, often from remote sources.⁹⁵ Women who live in IDP camps are also vulnerable to well-documented security risks and gender-based violence when collecting firewood and performing other household tasks.

Given that women are largely responsible for tending children and managing household affairs, the load shouldered by women is heavy. This situation is still more acute for female-headed households, many of

which have come into existence since the fighting in Darfur began. Consultations suggest that up to 45% of households in Darfur are female-headed, though this is significantly skewed by the 65% -70% of female-headed households in IDP camps.⁹⁶ Communities in Darfur have always had both temporary female-headed households and long-term female-headed households. In pre-conflict times, many poor households could receive support from relatives and neighbours. However, a concern for IDPs who may return to their home villages is whether the same social networks of support will be offered, given presumably scarce resources as livelihoods are re-initiated. Furthering this concern is the fact that Darfuri women are often encumbered by traditional norms, which make it difficult to access credit as well as non-traditional livelihood opportunities.

Customary rules regulating land rights in Darfur do not apply equally to both sexes. In the past, people originally obtained access to land not as individuals but as members of an extended family, which was universally headed by males only. This did not mean that the rights of women were completely disregarded. As a rule, communal rights over land and natural resources are equally claimed by both sexes (grazing, fuelwood, food gathering, etc.). Commons rights were not subject to gender discrimination as such. As for farmland, women have the right to use their father's land or their husband's. They can also inherit from both in accordance with Islamic *Sharia* law. Land can also be given as a dowry in marriage transactions in which case the women keeps the title. However, women may not acquire new land for themselves directly from the title-holder or his agent. Their request will have to be processed through a male relative or husband. Nevertheless, it is surprising to note that royal women in the Darfur sultanate were *hakura* titleholders.⁹⁷ But, of course, that was a special category of women.

Title ownership for urban housing plots is regulated by statutory law. This applies only to the big towns which have full land cadastre. Sudan Land Law concerning housing plots is also based on the assumption that only families are eligible to have a title to plots. Accordingly, men are considered heads of their households and the plots are registered in their names. But they cannot dispense of a plot they obtained through such allocation process without a legal consent of the wife. Women may also buy plots from their owners, as the law does not prohibit them from owning a plot. The restriction

92 According to the Sudan Central Statistics Office Monthly Bulletin, inflation rose in August by 42%, largely as a result of high food price inflation and the rising import cost of basic goods. See Salma El Wardany, *Sudan Inflation Accelerated to 42.1% in August on Food Cost*, BLOOMBERG, September 10, 2012, available at <http://www.bloomberg.com/news/2012-09-10/sudan-inflation-accelerated-to-42-1-in-august-on-food-cost-1-.html>.

93 Annexed Report from thematic working group on Agriculture, Livestock and Rural Livelihoods, *supra* note 90.

94 *Id.*

95 Western Darfur State Government, *Western Darfur State Situation Analysis*, UNDP (2012).

96 National Census, Central Bureau of Statistics, 2008. NB: The percentage offered could be high, in that some men are likely employed outside of the home area. The decision to return permanently is likely made by the male in the household (absent or not), yet women decide to return temporarily to cultivate their crops. Additionally, many women have also been divorced in the camps and it is unknown what they will return to, and who will support them.

97 R. S. (Rex S.) O'Fahey, *State and Society in Dār Fūr* (1980).

is therefore on first time allotment. Female-headed households may also have a housing plot. In this case, it is usually registered under the names of the fatherless children. Divorced women cannot get land allotted to them originally unless it is part of a divorce settlement, which is usually concluded under the interest of the children.

Participants in a 2011 West Darfur study noted that women in the region continue to suffer from harmful practices, such as female genital mutilation/cutting and that there is only limited access to adequate primary health care and education for women throughout much of the State. Early drop-out from school continues to be most common among girls, as they are required for domestic labour or marriage at a young age. Although this situation may improve, as levels of material well-being rise in the region and government invests in services of the requisite type, it remains important to have public education campaigns designed to address these issues.

2.5. Traditional/Rural Livelihoods and Natural Resource Management

Environmental degradation, in the face of rapidly increasing population and the concomitant competition for natural resources and land use, was one of the main factors of the conflict and will remain a key challenge. United Nations Environment Programme (UNEP) analysis indicates that there is a very strong link between land degradation, desertification and conflict in Darfur. Northern Darfur - where exponential population growth and related environmental stress have created the conditions for conflicts to be triggered and sustained by political, tribal or ethnic differences - can be considered a tragic example of the social breakdown that can result from ecological collapse. Long-term peace in the region will not be possible unless these underlying and closely linked environmental and livelihood issues are resolved.⁹⁸

Studies on forestry and fuel-wood consumption in Darfur prior to 2003 indicated a conservative annual deforestation rate of 4,000-6,000km². Since 2003, high value forest reserves and plantations have been destroyed by illegal loggers, firewood collectors, charcoal makers and town and camp expansion. It will likely require at least 25 years to once again produce millable logs, following successful re-establishment and good management. Many areas are already sparsely forested and the replacement growth rate will not keep up with demand, yet millions of trees will be required for reconstruction of villages, should traditional practices be employed or burnt bricks used. The dependency on fuel-wood and charcoal for domestic consumption is another important issue to be addressed. Past efforts, both pre-conflict and more recently, to

introduce improved stoves and alternative fuels have shown limited success.

The traditional community-based natural resource management organisations and institutions have been severely weakened and their strategies governing local forest management have been undermined by central government policies. Government institutions are weak and have lacked capacity for strong resource management, including the enforcement of environmental law or control. Thus, rational land use mapping has not taken place, water resources have not been adequately planned and natural resource exploitation has spiralled out of control.

In addition to the above implications resulting from alternative livelihoods, the conflict has presented numerous impediments to the productive resumption of traditional livelihoods. The following section details the repercussions of the conflict on farmers, pastoralists and traders, and the obstacles to expanded productivity within these sectors.

2.6. Agriculture

According to available national statistics, agriculture in Sudan contributed approximately 31% to the GDP of the country in 2011, while the labour force engaged in agriculture livelihoods exceeds 75% of the total population. Prior to 2003, 82% of Darfur's population relied on rural livelihoods.

Sixty percent of the arable land in Darfur consists of sandy soils, which are easily workable but not very fertile and are exhausted quickly. There are some large areas of clay soils, associated with the *wadis* and depressions. Though fertile and productive, these soil types cannot be easily managed manually. The volcanic soils of the Jebel Marra area, which also benefits from a favourable climate, represent an island of high - and diverse - productivity. It is estimated that less than 50% of the cultivable land is used in the Darfur region.⁹⁹ Further, traditional farming techniques and over-cultivation of land have contributed to soil erosion and land degradation. In short, the majority of rural Darfuri are dependent upon agriculture, yet post-conflict agricultural-focused livelihoods are extremely difficult.

Most crop production in Darfur is typically traditional rain-fed farming of small-scale farms. Farmers predominantly grow millet, sorghum, groundnuts, sesame, hibiscus and collect *gum arabic*. Limited areas are devoted for semi-mechanised farming in South Darfur, where farms are large and mechanisation is more common. Some growers practice winter farming, mostly vegetable production, using *wadi* and small-scale irrigation techniques. However, crop performance in both seasons typically results in

98 UNEP, Sudan Post-Conflict Environmental Assessment, 2007, available at http://postconflict.unep.ch/publications/UNEP_Sudan_synthesis_E.pdf

99 Annexed Report from thematic working group on Agriculture, Livestock and Rural Livelihoods, *supra* note 90.

low yields, based on a variety of factors that include unreliable rainfall, poor soils, low-input agriculture, a low level of technology adoption and the over-utilisation of crop residues, weeding and lack of rotation and multi-cropping that reduces soil organic matter.

Other variables that lessen agricultural productivity are limited research efforts on improved cultivation practices for both *rain-fed* and *wadi* crops, poor market linkages and weak extension services and limited capacity of the SMOA and State Ministry of Agriculture Research (SMoAR). The majority of the above-articulated challenges began during the pre-conflict period and have only worsened since 2003. Additionally, many successful rural development projects - which focused on adaptive research, community development, micro-credit and integrated productivity and conservation measures - were stopped when donor support was abruptly removed in 1991.¹⁰⁰ There has been a dearth of infrastructural investment or even adequate maintenance of agricultural investment since that time.¹⁰¹

2.6.1. State Five Year Plan

Each of the five States has drawn up a Five Year Plan for Agriculture and Livestock Sectors Development Strategy (ALSDDS) of Darfur. The Five Year Plans (2012-2016) have been formulated as a mechanism to revive the agriculture and livestock sectors and thus to contribute to regional economy. The Plans put emphasis on productivity and profitability, promotion of private sector/public sector and processes, development of rural infrastructure including water resources, public-private-partnerships, institutional and capacity strengthening of stakeholders, including all levels of regional government.

Though the plans are in place, their implementation is slow. According to the respondents at the DJAM consultations, this is mainly due to limited resources and funds, poor planning and management of line ministries. Most importantly, the specific strategic direction of implementation is poorly articulated or weak, with no transparent monitoring system. The implementation ministries, SMOA and SMoAR, lack well-trained technicians, experts and resources to carry out the ALSDDS tasks properly. Both ministries have little to offer farmers and livestock keepers regarding food security and livelihoods development, they do not have adequate skills to assist today's farmers seeking alternative or improved livelihoods from a range of natural resources, since the support ministries lack institutional capacity.

100 *Id.* These include the Umm Kaddada Area Development Scheme, the Western Savannah Development Project and the Jebel Marra Rural Development Project that all started in the 1980s but from which Donor financing was withdrawn abruptly in 1991. For more information see the Annexed Report from thematic working group on Agriculture, Livestock and Rural Livelihoods.

101 See Section 2.10.1 regarding the microfinancing agricultural schemes underway in Darfur.

Over the last few years, efforts at improving water-harvesting techniques have enhanced agricultural production. The National Adaptation Programme of Action Project in South Darfur has demonstrated significantly improved yields through the promotion of deep ploughing and contour bunding, coupled with the use of various drought-resistant short-term variety sorghums. This has been successfully associated with research by the University of Nyala and built on lessons learnt from the Jebel Marra Rural Development Project of the late 1980s. Practical Action, an INGO, has promoted similar techniques in North Darfur, as well as building small dams through community mobilisation for construction and management. The latter could have been more successful with enhanced technical design assistance and if equipment provision were facilitated between the Government of Sudan and UNAMID. Practical Action also worked with UNEP and the Government of Sudan Ministry of Public Works and Department of Ground Water and Wadis to initiate crucial equitable arrangements for upstream and downstream water users in *wadi* management to ensure equitable water use, taking special care to provide for the watering needs of pastoral groups passing through the area. This community-based participatory approach to share the benefits of water is a fundamental core of Integrated Water Resource Management (IWRM) strategies. This is an instructive model for recovery initiatives. The State governments also have plans for significant reservoir building and watershed management to supply water for irrigation and livestock needs. These are detailed in the individual State Five Year Plans, but require investment to make them a reality.

2.6.2. Fish stocking

Fish stocking of reservoirs and hafirs will further enhance the productivity of the water resources in Darfur. This is currently not a widespread practice, given the unreliability of permanent water supplies. A few fish ponds have been established through UNAMID, with notable success, though with very little popular uptake. Yet livestock and crop-fish integration will offer a promising opportunity to intensify the achievement of food security and have a positive impact on livelihoods and natural resource management.

2.6.3. Seed supply

The loss of seeds of suitable cultivars and the difficulty of maintaining seed stocks from one year to the next has been an additional factor in reducing the level of crop production. To offset the shortage of crop seeds, humanitarian agencies began large-scale distribution of seed aid, to greater or lesser success, as early as 2005. The extent of this problem is demonstrated by a 2011 Seed Systems Security Assessment that showed 63.7% of the farmers in Darfur have received seed aid during the past five years, though there were significant variations within

the five states. Approximately 88% of the farmers have received seed aid in West Darfur while 63% and 47% of the households received seed aid in North and South Darfur respectively. However, despite agencies continuing to distribute free seeds, in response to requests by IDPs who highlight seed shortage as a concern, there should be a significant shift to provide seed vouchers that allow farmers to choose the seeds they need from local sources (seed fairs and local producers), thus stimulating the local economy and encouraging surplus and specific, high value, seed production. The abundance of local seeds in the market place, and the complete lack of other inputs used in the traditional *rain-fed* sector that might add value to improved seeds, means that claims of widespread seed shortages are no longer a true constraint preventing settled households from farming.¹⁰²

2.6.4. Non-Timber Forestry Products

Gum arabic production in Sudan accounted for 10% to 15% of Sudan's non-oil export earnings.¹⁰³ The annual average value of *gum arabic* exports has been approximately US\$50 million, but it has exceeded US\$100 million in the past.¹⁰⁴ About 15% of Sudan's production of *gum arabic* comes from Darfur, mostly produced in South Darfur. The World Bank conducted a study in 2011 which focused on the role of *gum arabic* ecosystems in South Darfur to reduce the degradation of natural resources, mitigate climate change, generate sustainable livelihoods and reduction of conflict over natural resources. The marketing system is currently in disarray; much of the gum belt has been destroyed by charcoal makers and woodcutters, an example of maladaptive economic practices. A number of agencies and NGOs have been encouraging the replanting and management of gum-producing trees (*Acacia senegal* and *Acacia sayal*) through community forestry projects in North and South Darfur.

Another major non-timber forest industry, albeit locally based and individually small scale, is honey production. Honeybee and wax production in Sudan was recorded in ancient history since 2500 b.c.e. but only as primitive hives. Traditional bee hives in Sudan are now available as cylindrical bark or thatch hives along with the tools and practices for working with bees (with the dominant species *Apis mellifera*) throughout heavy vegetation in different parts of Sudan. In Darfur, there are five main areas now providing traditional honey for local consumption and export. Beekeeping products in Sudan have been handled as a household activity since early in the last century (1928) and before. Though organisations and initiatives have been seeking to increase agricultural capacity in Sudan, beekeeping has been one of the neglected areas

for potential development. Consequently, there has not been a comprehensive country-wide beekeeping survey. While traditional beekeeping practices are widespread, improved and modern technology should be introduced. UNDP established the "South Darfur Honey Pro-Poor Value Chain" pilot programme in Nyala in 2011. This project targets local beekeepers aiming to start a value chain processing system. Further studies need to be completed to expand and adapt the commercial prospects of smallholder honey production throughout Darfur.

2.6.5. Agro-input dealers in Darfur

There are a number of registered agro-input dealers operating in the major towns such as Nyala, El Fashir and Geneina that are providing some form of informal farming advice to the farmers and livestock keepers. In Nyala, there are five major agro-input dealers while in El Fashir there are four specialised dealers of agro-inputs. In both states, a number of dealers offer agro-inputs and veterinary supplies along with other specialised inputs, such as agricultural implements. There are no associations of agro-input dealers in the region and the dealers operate independently of each other; it follows that there is no standardisation of the quality and adequacy of the advice offered. Sprays and chemical treatments have often been broken down into smaller unlabelled bottles for cheaper sales, without any safety or usage instructions included.

2.6.6. Plant Protection and Quarantine (PPQ)

Darfur borders five other countries and three internal States and forms part of the major *hajj* route from west and central Africa, as well as animal and agricultural trading routes. Currently, PPQ inspection for animals and plants is non-existent at border-check posts. Establishment of such PPQ stations is needed to prevent the introduction and spread of harmful plant pests and animal diseases into the States, and to support trade and exports of Darfuri agricultural/animal products through appropriate certification.

2.7. Livestock

Ownership of livestock is an essential component of most rural household economies. It smoothes out the vagaries of agricultural production, is the rural bank, plays a strong role in social status and is kept as a sign of wealth, social prestige and self-identification. Livestock are often hoarded to build a system of human bonds aiming at increasing individual and group solidarity. Without livestock, rural livelihoods are simply not possible to maintain. The massive loss of animals in 2003/4 and the continuing insecurity that discourages re-stocking makes for a tenuous situation, with only a nominal chance for viable return of IDPs to their previous levels of livelihoods within the short-term. Various *sheikhs* have put the

102 Annexed Report from thematic working group on Agriculture, Livestock and Rural Livelihoods, *supra* note 90.

103 *Id.*

104 Sudan Post Conflict Recovery in Darfur. Rehabilitation of Gum Arabic Ecosystems in South Darfur, WORLD BANK (2011).



livestock recovery at five to 10 years minimum, and that is only after peace is ensured.¹⁰⁵ The ownership of donkeys or horses is very important to returnees because of their use as pack animals that carry charcoal, firewood, water, fodder and household luggage, as well as personal transport. The manure from livestock is the main form of fertiliser available to the vast majority of farmers. Such livestock is also essential for the draught power necessary to cultivate adequate land to meet a family's annual cereal needs and, ideally, to produce surplus crops for market. Prior to the conflict, most families had more than one donkey, but now many have none at all - in many cases, a singular-owned animal is used for immediate economic purposes rather than cultivation.

The breakdown in re-stocking methods, livestock markets and veterinary services that are vital to support a livestock industry are also a major impediment to successful permanent returns. A recent report¹⁰⁶ highlights the plight of the nomadic communities who suffered during the conflict. Their displacement, blockage of transhumance routes and the breakdown of markets and services has led to poverty amongst the nomads and left them unable to access health, education and other basic services. This has resulted in continued displacement to other areas to seek alternative livelihood options.

Pastoralists represent a significant proportion of the population of Darfur. Pastoralists raise livestock, often as nomadic herders, and depend principally on the sale and export of sheep, cattle, goats and camels. Pre-conflict, there were eleven fixed seasonal stock routes in Greater Darfur with a total length of approximately 4,860km running north to south and southwest.¹⁰⁷ Over the years, stock routes have been compromised by population pressure and expansion of farms, including the fencing of areas for various purposes, which in turn led to route narrowing, shortening or even closure.

Restrictions of traditional migratory routes for livestock are a serious concern for the region, particularly for South and East Darfur. When the new border was established following secession, South Sudan imposed restrictions on traditional migratory routes. Areas now inside South Sudan,

that used to be normal grazing sites for northern livestock during the dry seasons are no longer accessible and there is an alarming congestion and concentration of livestock, with limited water and pasture resources, in the border Localities.

Darfur was a net earner of foreign exchange through livestock export, which generated 20% of national export earnings prior to the discovery of oil.¹⁰⁸ Additionally, a recent report estimates that Darfur's livestock accounts for between one-quarter and one-third of Sudan's livestock resources post-secession. It also estimates that the livestock trade in Darfur has fallen by up to 50% since 2003.¹⁰⁹ The livestock population in the Darfur region is difficult to estimate; there are wide variations from different sources. No livestock census has been conducted to date and government figures for 2011 are virtually the same as those given in 2001.¹¹⁰ However, a conservative estimate puts the total number of livestock at 30 million heads, comprised of cattle (27%), sheep (34%), goats (28%), camels (~3%), donkeys (7%) and horses (~1%). South Darfur has the largest number of cattle among the five Darfur states.

Inadequate clinical services, weak disease surveillance/reporting systems and poor vaccination coverage are all factors affecting livestock health and production in Darfur. Although these weaknesses existed during the pre-2003 period, they have been exacerbated by the conflict and have led to the spread of animal diseases and parasites. The conflict has had a significant impact on livestock trade, which include:

- The closure of many village markets and massive disruption to the primary markets, shifting market activity to secondary markets as trade moves to markets in more secure locations and away from markets that are less accessible due to insecurity;
- High risks in livestock trading due to looting and banditry;
- High trading costs, mainly due to the costs of protecting a livestock herd being trekked on the hoof;
- High taxation; which has doubled or even trebled in some locations; and
- Lack of capital for livestock trading due to rapid price increases.¹¹¹

105 See Section 2.10.3 for a breakdown of the Native Administration system involving *sheikhs*.

106 Margaret Buchanan-Smith & Abdul Jabbar Abdulla Fadul, *On the Hoof: Livestock Trade in Darfur* (2012). The study sets out to understand what has happened to the livestock trade in the greater Darfur region during the conflict years - how it responded to the constantly shifting conflict dynamics since 2003 resulting in adaptation and to what extent Darfur has recovered.

107 See Section 2.10.3.

108 Annexed Report from thematic working group on Agriculture, Livestock and Rural Livelihoods, *supra* note 90.

109 BUCHANAN-SMITH AND ABDULLA FADUL, *supra* note 106.

110 Annexed Report from thematic working group on Agriculture, Livestock and Rural Livelihoods, *supra* note 90.

111 *Id.*



Moreover, Sudan does not currently have adequate policies, veterinary services, or physical infrastructure to support its international livestock trade in order to meet more rigorous requirements, especially when competing with suppliers like Australia, Brazil, New Zealand and the European Union.¹¹² High dependence on a small number of export markets, particularly Saudi Arabia and Egypt, has left Sudan's export trade vulnerable to national bans and/or changing trade regimes.

2.8. Natural Resource Management

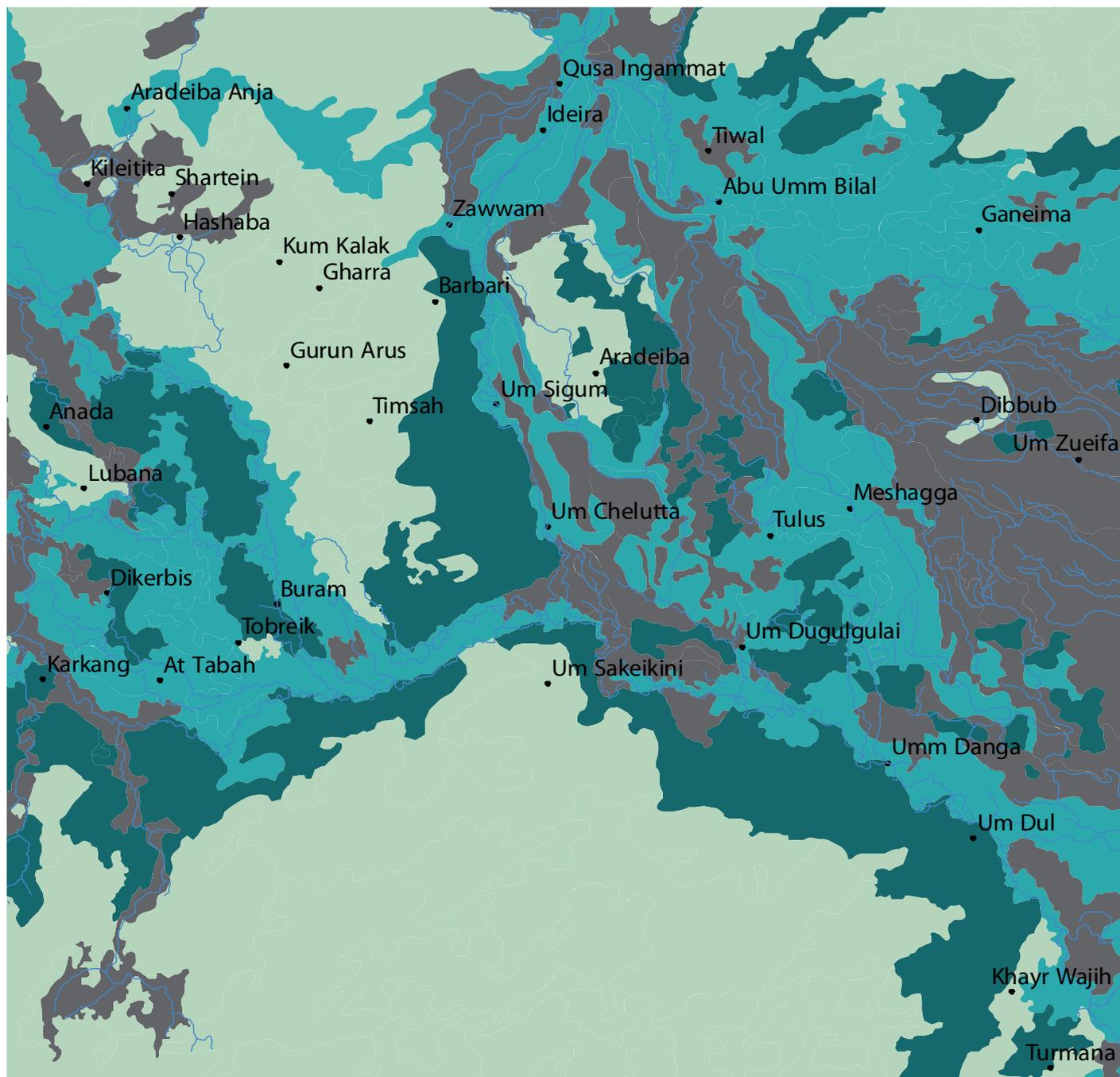
2.8.1. Over-Cultivation, Over-Grazing and Stock Routes

As the population of Darfur has expanded, the demand for land has increased, which has precipitated increasingly aggressive agricultural and pastoral practices, fuelling conflict among different groups. Over-grazing of rangeland and over-cultivation of fields substantially erodes soil quality over time, depletes and contaminates water sources, and ultimately leads to a deterioration in Darfur's ability to support rural livelihoods. These factors were prevalent before the recent crisis and contributed to its outbreak. They must be addressed to sustain peace.

Faced with pressure stemming from population growth, climate change, increased variability in rainfall, higher frequencies of droughts and falling soil fertility, farmers have responded by expanding the area and location of the cultivated lands in order to spread the risk of failure over a larger area. Often this expansion encroaches on forests and rangelands traditionally used for grazing. The situation is exacerbated by a failure to plan, disseminate and enforce forestry management laws, while agricultural policy further encourages over-cultivation. Rights to cultivate the land are maintained by demonstrating regular use and, as a result, farmers see clear incentives to plant as much land as possible without rest, thus depleting the soil's fertility.

¹¹² *Id.*

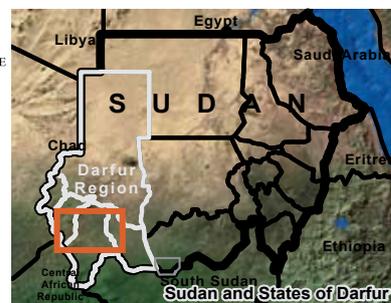
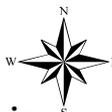
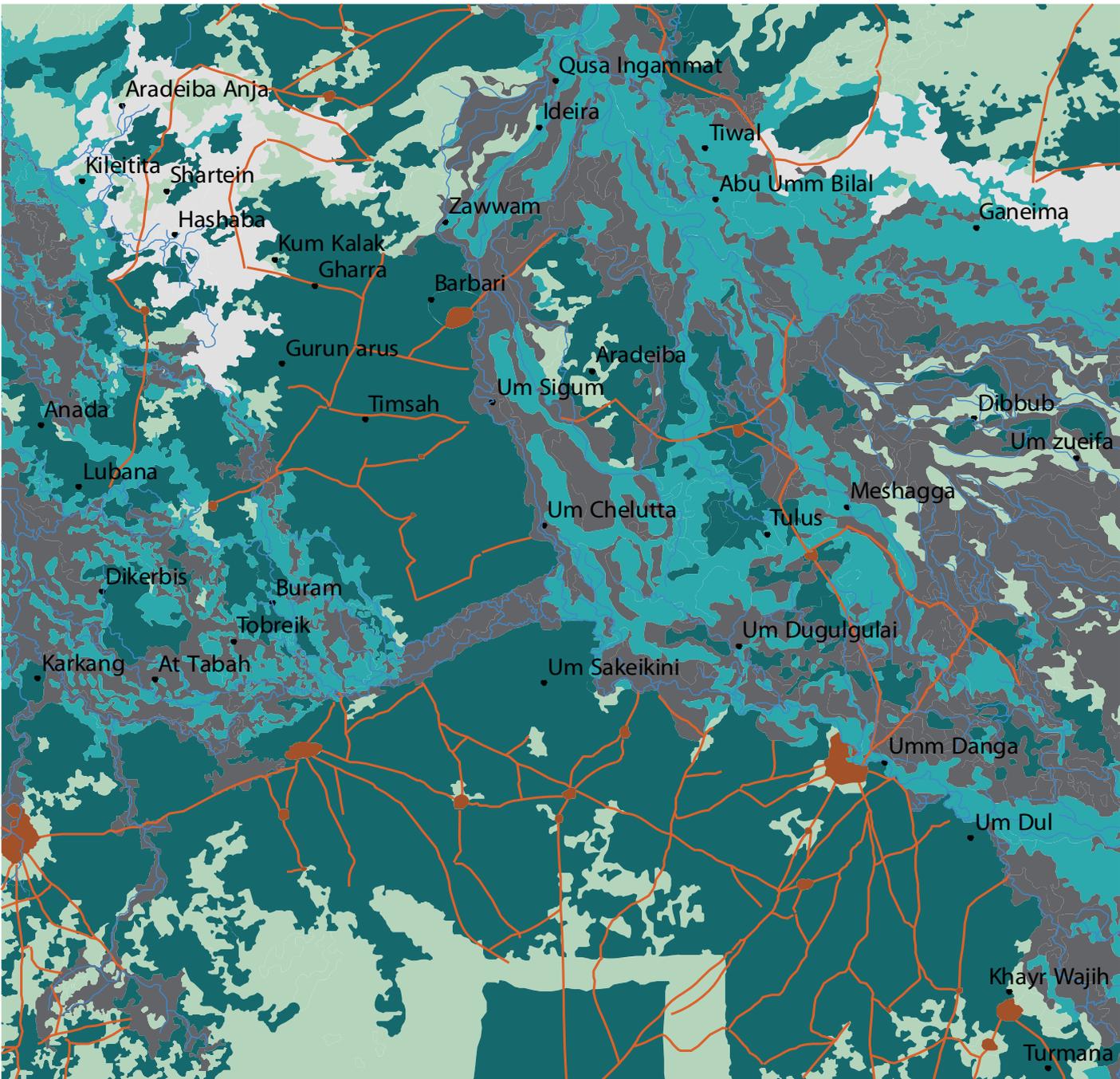
Land Use Patterns



Land types

- Closed forest
- Bushland/shrubland; grassland
- Flood plain/wetland
- Rain-fed agriculture
- Built-up areas
- Degraded areas
- Road
- River

This map shows land use changes that have occurred due to the result of a satellite image classification process combined with field missions in 2006. Classification was performed by ICRAF. ICRAF cannot guarantee that this map is error free and that it will not cause indirect damages arising from the use of this map product.



Projection: Geographic; Spheroid: WGS84

...ring the last 30 years in the main land use classes. It is
 ...ined with ground truth data collected during several
 ...ternational Centre for Research in Agroforestry (ICRAF).
 ...herefore accepts no liability for consequential and
 ...ct.

Moreover, population growth has been accompanied by a concentration of people in urban areas and IDP locations. The increased demand for natural resources in these areas, e.g. timber, forage and water, has resulted in severe degradation of land surrounding urban areas, undermining previous land use patterns. These changes in land use have been accompanied by changes in land management. One example is the increasing practice of enclosing areas of pasture around villages, which previously provided open grazing for pastoralists. Another is the conversion of peri-urban rangeland areas into agricultural production areas to cater for urban demand. Concurrently, transhumance patterns and timing have become more complex, as pastoral communities have had to adapt to the changing environment. These migration patterns often run across existing and new farmland, before crop harvest, bringing with them the risk of renewed conflict.¹¹³ Crop destruction by livestock is still one of the major causes of crop loss and sporadic conflicts between farmers and pastoralists.

The blocking of seasonal stock routes and restriction of animals to static locations for longer periods of time has led to overgrazing of pasture land that results in reduced carrying capacity and an increased disease and parasite burden on the livestock.¹¹⁴ Currently, efforts are being made to demarcate these stock routes, but with the many displaced landowners and users, representational participation is difficult and the demarcation runs the risk of neither being acknowledged by the pastoralists supposed to benefit, nor endorsed by the farmers who are likely to be affected. The weakening of the Native Administration has reduced the effectiveness of local arbitration and dispute settlement mechanisms that would, in the past, have dealt with such issues.

Some traditional nomadic pastoralists¹¹⁵ have indicated their wish to diversify their traditional livelihoods, including engaging in agriculture, while expressing a need for improved access to social services, and the importance of establishing a home base where they have recognised, primary land rights (instead of merely the usufruct rights they currently hold).¹¹⁶ There is much evidence of nomadic pastoralists residing within villages abandoned during the conflict and cultivating choice *wadi* land. This is an unsustainable option that may well lead to conflict, especially when the original owners and land users return. In fact, this issue was a major point of concern expressed by both IDPs and refugees during the DJAM 2012 State consultative workshops.

113 See Section 1 - Background.

114 Annexed Report from thematic working group on Agriculture, Livestock and Rural Livelihoods, *supra* note 90. Restricted movement has greatly reduced livestock trade, both internal to Darfur and on the international market and has changed the trade pattern in the region.

115 Pastoralist Association focus group discussions Zalingei as part of DJAM, 2006.

116 Annexed Report from thematic working group on Agriculture, Livestock and Rural Livelihoods, *supra* note 90.

These concerns of stock routes and land claims are to be addressed by the Darfur Land Commission established by the DDPD. However, the length of time it will take to establish the various DDPD-designated Commissions and the time it will take to make the stock routes fully usable (physically and politically) will severely constrain recovery-focused programming - especially the resumption of normal farming activities. This offers additional implications regarding willingness and ability of IDPs to return within a reasonable timeframe.

The recovery of livestock ownership is essential to rural livelihoods, yet it is hampered by three main issues: first, the holding of animals is seen by many to make them vulnerable to aggression; second, the stocking rate is already very high and replacing the stock holdings of returnees needs to come from the existing stock in Darfur, not from widespread import. This in itself is a problem, due to the numbers needed, the distribution/organisation required and the quality/suitability of the local animals, not to mention the exorbitant cost involved. Furthermore, if the overall numbers are to be kept within a favourable stocking limit, then their individual quality needs to be improved. Stock improvement methods could be considered in tandem with the establishment of a research station for improved breeds and extension work on removal of unsuitable males will have to be promoted; and, third, the traditional methods of building stock numbers (social support, barter and market purchase) have all been disrupted by displacement and the skewing of markets by readily available food aid, which makes the grain for animal exchange rate very much in favour of the livestock owner.

2.8.2. Water Resources

Water resources in Darfur form the backbone of food security. Yet water resources, though vast in the many aquifers, are not adequate for the anticipated utilisation due to uncontrolled irrigation, a substantial increase in urban demand and poorly-designed and inefficient water infrastructure.¹¹⁷

The poor design of traditional open and hand-dug wells, *hafirs* and surface water sources, renders them both environmentally unsustainable (see previous sections) and prone to pollution and water contamination. Contamination is of particular concern, as there is typically no separation between animals and humans at the water source. This has been exacerbated by overstocking around water points, as a result of the conflict. Over-pumping at boreholes, and water sources in the alluvium and fractured aquifers, leads to pollution and a lowered water level with increased water contaminants and rises in nitrate levels. All of these factors lower water quality and present real health risks to human users.

117 Western Darfur State Government, *supra* note 95.

Further, poor and weak design of irrigation programmes and bunds along *wadis* leads to interrupted water flows or catastrophic failure, often triggering conflict between farmers. Runoff has increased due to deforestation of the watersheds resulting in erosion (loss of fertile *wadi* banks) and siltation of watercourses and storage structures (reduced irrigation potential).

To date, the adaptation of agricultural production methods in the face of a degrading environment has all too often been reactive and has lagged behind need. Proactive research into the improvement and adaptation of water harvesting techniques has been deficient due to funding shortages and insufficient capacities of universities, government institutions and the private sector. Historically, dissemination of appropriate water management techniques (water harvesting, sanitation, infrastructure and social) through structured extension systems has been lacking in Darfur.¹¹⁸

The predominant method of irrigation in the region is the conventional surface technique and water harvesting schemes at household levels are low efficiency - in both cases, there is a loss of large quantities of water. Despite the increasing demand for water harvesting technology¹¹⁹ for rural households in Darfur, little has been realised on ground as to-date. The 2010/2011 Plan from the Federal Ministry of Electricity and reservoirs proposed establishment and rehabilitation of dams and *hafirs* to a total volume of 1.12 million cubic metres in South Darfur, 0.24 million cubic metres in West Darfur and 0.46 million cubic metres in North Darfur. Though data on actual implementation is not readily available, the work has established a good practice of assessing and managing social and environmental impacts of reservoirs building.¹²⁰ The Darfur International Conference on Water for Sustainable Peace, held June 2011 in Khartoum, further contributed to the body of knowledge around water utilisation methodologies. Yet it is vital to further improve the quality of the water resources information by strengthening planning, management and implementation capacities of water-focused government departments.

Ultimately, the eco-system in Darfur is ill-equipped to absorb population growth and increased pressure on existing resources without significant attention to natural resource management. Limited focus accorded to climate change and adaptation has exacerbated environmental threats. There is danger that environmental degradation

will accelerate with the returning population, constrained as they are by a lack of choice and skills in alternative building materials and energy sources. Without considerable adaptation, human impact coupled with natural processes of climate change will accelerate the collapse of rural livelihoods and, in turn, cause untenable pressure on urban areas.

2.8.3. Trade and Artisans

Historically, Darfur played a key role in supporting the needs of the agricultural and transport industries both in Sudan and in neighbouring Chad, Libya, Central African Republic, as well as central and South Sudan. Traders operated through a system of rotational rural markets with many small-scale middle men acting as consolidators of local production for the wholesale sector. Markets were seasonally based due to need for grazing along the export routes and animals were consequently offered for sale in a poorer condition, commanding lower prices than if they had been offered in peak condition.

The conflict caused a steep decline in private sector activity. For example, about 25% - 30% of urban traders in West Darfur went out of business early in the conflict. In South Darfur, less than 15% of the manufacturing firms are still in business, creating a very limited number of jobs (less than 10,000 in a city of 1.5 million).¹²¹ Moreover, the current climate for investment is marked by the sharp reduction in the size and scope of the markets traditionally served by Darfur's private sector. The primary market network has been largely devastated by the conflict and many rural markets no longer function as mobility of goods is severely restricted. Most of the secondary markets are still functioning, but some markets that were thriving before the conflict - for example Mellit, which was a trading hub with Libya, and Zalingei, which was a major market for agricultural produce - have severely declined. Meanwhile, other markets have emerged, usually in rebel-held areas where security and mobility are more assured, for example Kulkul in Mellit locality. The main urban markets in El Fashir, Geneina and Nyala have grown substantially.

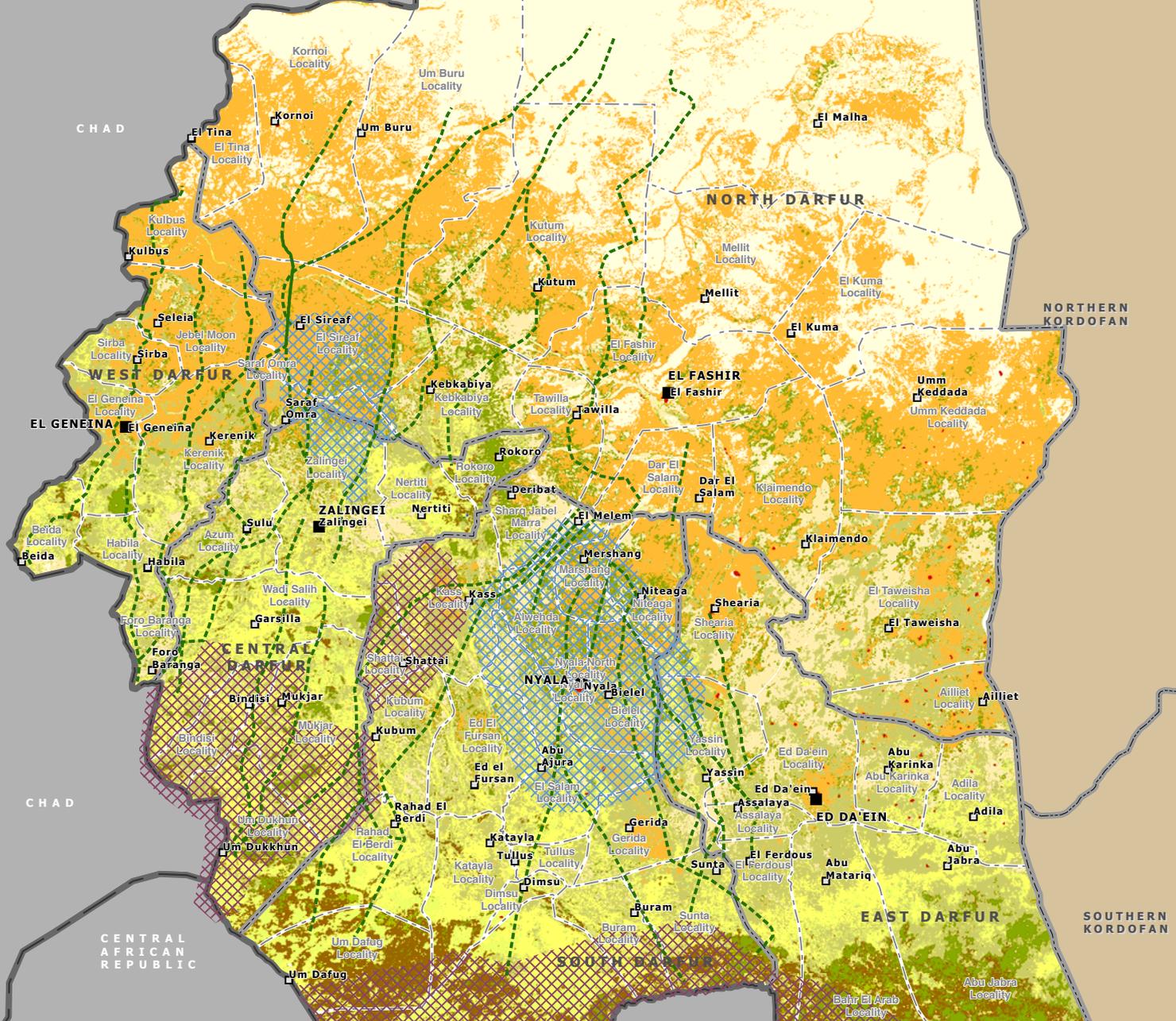
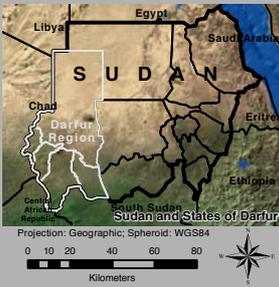
Despite the disruption of trade patterns by the conflict, the markets in the central cities of El Fashir and Nyala, fuelled by a combination of increased international presence and urbanisation, appear to have largely recovered, though with a shift in commodity emphasis. Many market activities are part of an informal economy, a dynamic and expanding space, decades in the making, as informal solutions arise to problems of mass, unanticipated urbanisation. There exists a strong vibrancy of micro and small enterprises, where local artisans dominate manufacturing. South Darfur has the largest number of artisans, estimated to be over 3,500,

118 Annexed Report from thematic working group on Agriculture, Livestock and Rural Livelihoods, *supra* note 90. Though some research was done into water based alternative energy many years ago, i.e. wind pumping systems along stock routes and power generating systems in Jebel Marra and other mountain massifs, the research has neither been utilised nor taken forward in any practical way.

119 *Id.*

120 *Id.*

121 Annexed Report from thematic working group on Private Sector Development, *supra* note 79.



- Legend**
- State capitals (OCHA, 2011)
 - Locality Headquarters, 2011
 - Sources: Bureau of Local Government, El Fashir & Nyala
 - Dept. of Planning, State Ministry of Finance, El Geneina
 - Livestock migration (FAO Nomads CRM workshops, 2010)**
 - Migration routes
 - Rainy season grazing area
 - Summer season grazing area
 - Landcover (ESA Globcover, 300 m groundresolution, 2006)**
 - Rainfed croplands
 - Mosaic Croplands/Vegetation
 - Mosaic Vegetation/Croplands
 - Closed to open broadleaved evergreen or semi-deciduous forest
 - Open broadleaved deciduous forest
 - Mosaic Forest-Shrubland/Grassland
 - Mosaic Grassland/Forest-Shrubland
 - Closed to open shrubland
 - Closed to open grassland
 - Open grassland
 - Sparse vegetation
 - Closed to open broadleaved forest temporarily flooded (fresh-brackish water)
 - Artificial areas
 - Bare areas
 - Consolidated bare areas
 - Non-consolidated bare areas
 - Water bodies

- Legend - Administrative layers**
- International boundaries, 2007**
Source: Sudan Interagency Mapping Group
- Sudan
 - Neighbouring Countries
- State boundaries, 2012**
Sources: Census 2009, www.sudan.gov.sd
- Darfur states (West-Central & South-East Darfur boundary Unverified)
 - Other states of Sudan
- Locality boundaries, 2012 (Work in progress)**
Sources: Bureau of Local Government, El Fashir & Nyala
- State Ministry of Physical Planning and Survey, El Geneina
- Disclaimer:** The names and boundaries on this map do not imply official endorsement or acceptance by the Government of Sudan or United Nations nor do they imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities or concerning the delimitation of its frontiers or boundaries.

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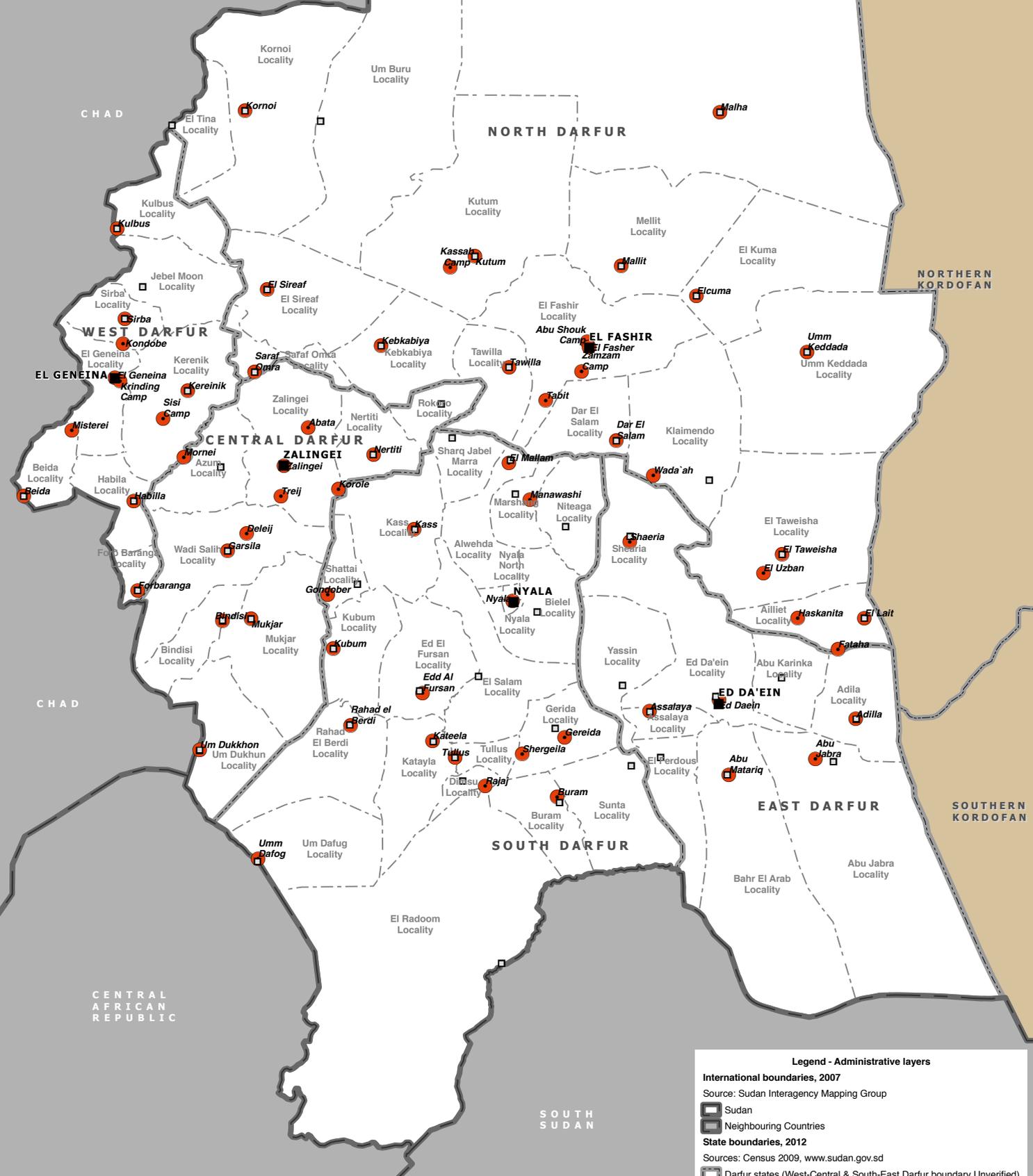
Projection: Geographic, Spheroid: WGS84

QZ 8126

Kilometers



NORTHERN



Legend

- Important markets (FAO, Oxfam and Darfur Rehabilitation and Reconstruction Agency, 2012)
- State capitals (OCHA, 2011)

Locality Headquarters, 2011

Sources: Bureau of Local Government, El Fashir & Nyala

- Dept. of Planning, State Ministry of Finance, El Geneina

Legend - Administrative layers

International boundaries, 2007

Source: Sudan Interagency Mapping Group

- Sudan
- Neighbouring Countries

State boundaries, 2012

Sources: Census 2009, www.sudan.gov.sd

- Darfur states (West-Central & South-East Darfur boundary Unverified)
- Other states of Sudan

Locality boundaries, 2012 (Work in progress)

Sources: Bureau of Local Government, El Fashir & Nyala

- State Ministry of Physical Planning and Survey, El Geneina

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while in North Darfur, there are around 600 artisans and 500 workshops (located in El Fashir).¹²² Traders import a wide range of consumer products, from the horticultural produce of the Jebel Marra to Chinese electronics from Dubai, solar panels from Khartoum and cosmetics from West Africa.

The El Fashir tobacco market and the larger Nyala livestock market remain operational; although at a much reduced level, as a combination of taxes and insecurity have impacted produce and livestock flows. At the same time, rural markets have been severely disrupted at the village and regional market levels, as well as the rotating market institutions that provided opportunities for rural town dwellers to buy and sell with other towns. Livestock markets have similarly been disrupted by limited mobility. Urban markets, particularly in the larger cities with IDP camps, have grown. These markets are traditional in format, consisting mainly of uncovered stalls and lack modern facilities, such as cold storage, fumigation rooms and modern market information systems. Horticultural produce (tomatoes, oranges, onions, etc.) is generally sold by small individual traders and is sensitive to post-harvest deterioration.

Particularly striking is the emergence of significant markets in some IDP camps in the region. Given that the camps themselves now resemble townships - many numbering over 70,000 inhabitants - the formation of markets in such settlements is not surprising. The conflict has also affected gender roles in the IDP households and women find themselves economically empowered in new ways. The relatively high level of trade in these camps has enabled them to assume positions as retailers, day labourers and entrepreneurs.

Many markets operate outside of 'normal' regulations, as government officers do not operate in many IDP camps. Kalma, Darfur's biggest IDP camp, has an estimated population of 92,000 and accommodates a market that stretches for over a kilometre. Markets in IDP camps appear to be operating under varying regimes; in many of them, the IDPs have elected leaders, *sheikhs*, who manage the market. In 2007, the markets in the IDP Camps in Zamzam, outside El Fashir and in Tawila and Shangil Tobai were controlled by the SLA, one of the four major Darfur rebel groups, which imposed its own taxes.¹²³

In effect, many IDP camps have become tax havens and no longer only simply serve IDPs. Some traders serving the urban population prefer to bring their goods to the IDP camps to avoid paying taxes on entering towns. For example, charcoal and meat are found 20% cheaper in Kalma Camp compared to Nyala.¹²⁴ Truck drivers trading in charcoal, for instance, choose to offload in Zamzam market to avoid paying Forestry Department taxes. IDPs

122 *Id.*

123 *Id.*

124 *Id.*

from the camp, especially women, then transport the charcoal into El Fashir by donkey. Whereas there used to be one shop selling charcoal in Zamzam before the conflict, there are now more than twenty-five.¹²⁵ The case of livestock is particularly interesting; in Abu Shouk camp, which has the biggest IDP camp market in North Darfur and also serves El Fashir, and in Kalma camp which plays the same role in relation to Nyala, livestock traders are bringing their animals for slaughter to the camps rather than to the towns to avoid taxation. Whilst being unregulated, IDP camp markets are also insecure, especially at night. These factors have a major impact on the State and Locality's ability to secure the revenue necessary to support and deliver the services expected by the wider communities.

2.9. Infrastructure

It is estimated that over two-thirds of citizens of the major cities of Nyala, Geneina and El Fashir are not served by water or electricity. Only 7% (roughly 215km) of the Region's roads are asphalted and 12% are compacted gravel; the railway line crosses one State only (East Darfur) and terminates in Nyala, South Darfur.¹²⁶ As a result of the earlier-referenced urbanisation trend, the State capitals have grown tremendously, and infrastructure networks of water, power, telephone and roads now cover only a small share of the population. The increase in demand has resulted in a thriving informal business in private water and power, but is vastly undercapitalised and unregulated. The following sections explore the deficits in public and access infrastructure and the resultant impact on the Darfuri people.

2.9.1. Transport Sector

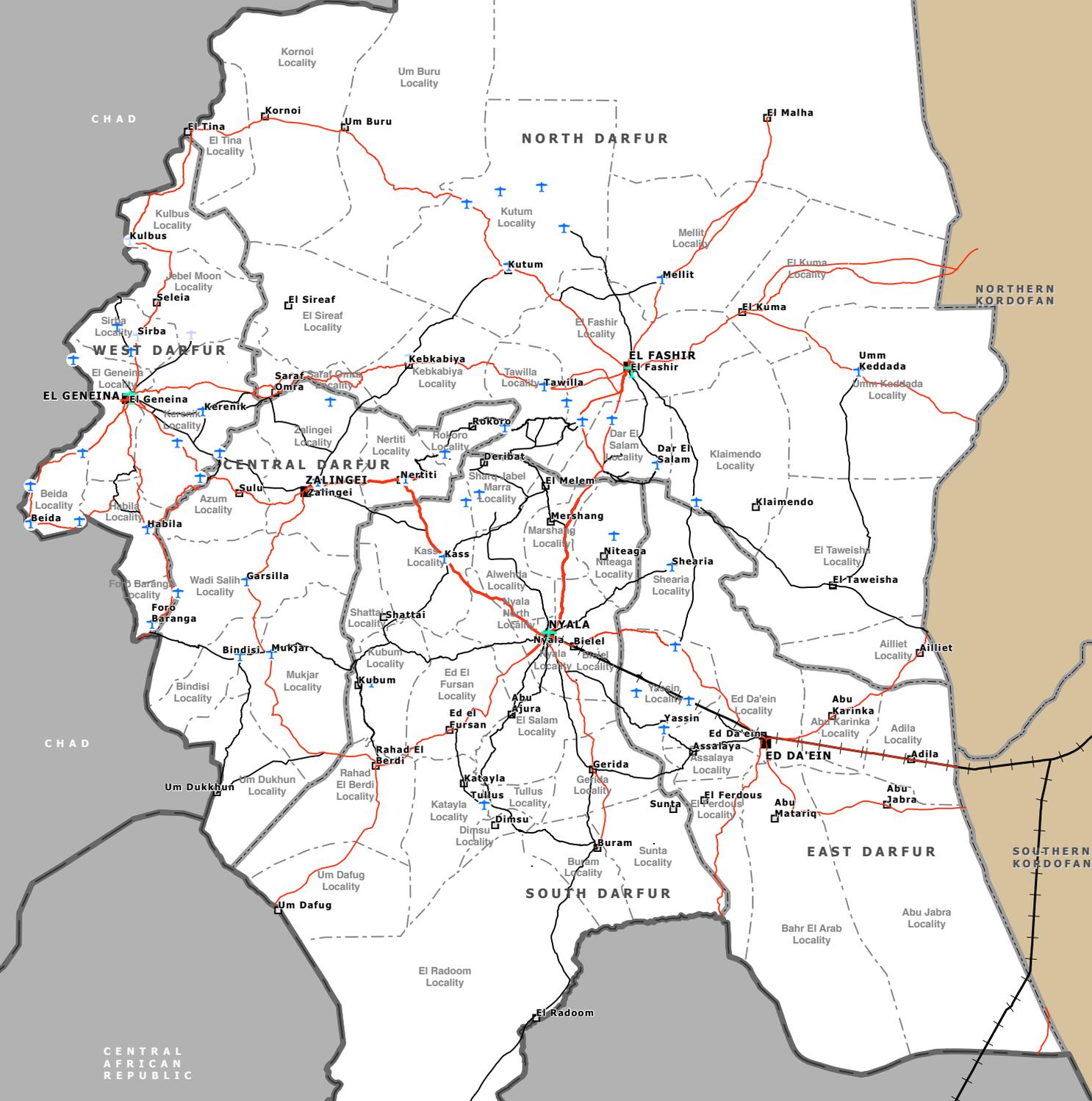
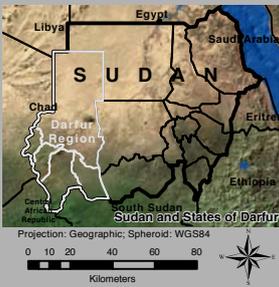
The transportation system within the Darfur region consists of three primary modes: roads, railways and air transport. Coverage is limited and conditions are well below acceptable standards. Goods transport takes an unduly long time to reach destinations in different States in the region due to dilapidated road conditions, particularly during the rainy season. Insecurity causes further delays in transport. The current transport structure and coverage is an impediment to access health, education, local administration, but above all to transport agricultural and livestock produce to and from markets and farm gates across the region.

2.9.1.1. Road Transport

Currently, the predominant method of travel for short distances within the Darfur region is by road, most commonly by donkey or horse carts. The road systems are dilapidated and require comprehensive rehabilitation. In a list of unpaved highways documented by the National Highway Authority, the Darfur region registers some of the

125 *Id.*

126 Annexed Report from thematic working group on Infrastructure, *supra* note 43.



Legend

Airstrips (WFP, March 2011)

- Hubs
- Helipad
- Other types of airstrips

Railroad (SIM, 2005)

- Railroad

State capitals (OCHA, 2011)

- State capital

Locality Headquarters, 2011

- Dept. of Planning, State Ministry of Finance, El Geneina

Roads (UNJLC, 2011)

- Paved roads
- Primary roads
- Secondary roads

Legend - Administrative layers

International boundaries, 2007

- Sudan
- Neighbouring Countries

State boundaries, 2012

- Sudan
- Darfur states (West-Central & South-East Darfur boundary Unverified)
- Other states of Sudan

Locality boundaries, 2012 (Work in progress)

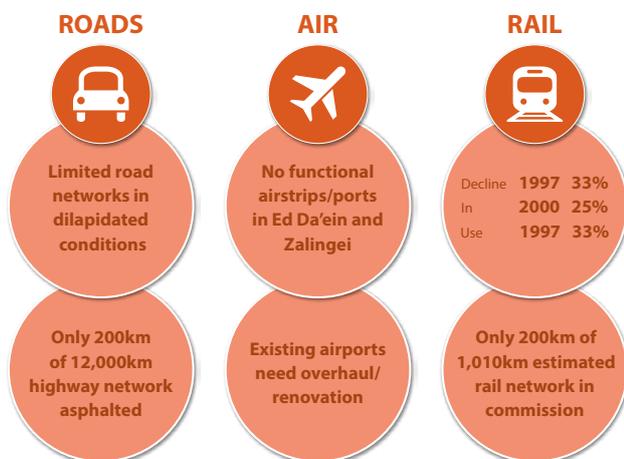
- State Ministry of Physical Planning and Survey, El Geneina

Disclaimer: The names and boundaries on this map do not imply official endorsement or acceptance by the Government of Sudan or United Nations nor do they imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities or concerning the delimitation of its frontiers or boundaries.

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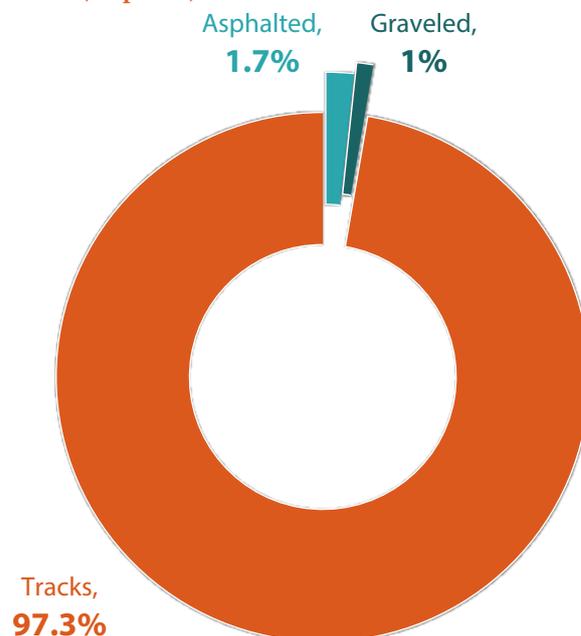
most extensive poor networks. For instance, the 436km El Nuhud to Nyala via Babanusa and Ed Daein road network, is un-paved and difficult to use. This is considered a major priority for the South Darfur State government. The 215km road connecting Nyala and Zalingei was constructed in 1984. In the last 25 years it received a thin layer of double surface treatment that has helped keep it functioning and now the Ministry of Finance has contracted a local Sudanese company to repair and resurface the road. At the time of drafting the DDS, 92km of this project had been completed, starting from Nyala. Approximately 175km of the road from Zalingei to Geneina is severely degraded, restricting movement and the conduct of economic activity between the two States. The repair and reconstruction of this road is being funded by the Chinese Government and a Chinese contractor completed 55km of road, starting from Momo towards Zalingei, before financial issues halted work. The 328km main road from Geneina to El Fashir, is impassable by vehicular travel. The Ministry of Finance is funding the construction of the 205km Nyala to El Fashir road, through joint Chinese and Sudanese efforts. Again, financing issues have meant that the Chinese, starting from El Fashir, have only completed 71km, while the Sudanese Company starting from Nyala have completed 100km. The National Salvation Road, connecting El Fashir to El Nuhud, totals 377km and is divided into two sections the repair of which is currently contracted to Chinese companies. Though good progress was made for a while, insecurity in Darfur halted work. As of late 2012, 127km of the 210km road between El Nuhud and Umm Kadada had been completed, as had 104km of the 167km road between Umm Kadada and El Fashir.

Status of Transportation Infrastructure in Darfur



Source: Findings from DJAM 2012 and transportation surveys

Asphalted, Graveled & Tracks (Unpaved) Roads



Source: Findings from DJAM 2012 and transportation surveys

2.9.1.2. Air Transport

Air transport within the Darfur region has been considered acceptable given the presence of UN operations, which have provided some upgrades in the system, including air traffic controls and some rehabilitation of the three major airports. However, the capacity to transport larger numbers of passengers is far below demand within the region. In addition to UN air traffic operations, the private sector provides air transport services - but with limited coverage. Private sector flights are not easily afforded by a large segment of the population in Darfur.

There are three major regional airports in Darfur, located in El Fashir, Nyala and Geneina. There are neither functional airstrips nor airports in the capitals of the two newly created states, Ed Da'ein (East Darfur) and Zalingei (Central Darfur). These towns are now only accessible by helicopter and other locally available transportation methods.

In addition, there are seven mini-airports located in Kutum, Kabkabia, Hashkna, Buram, Al Lait, Gavshel and Njama. These rarely used mini-airports are available for future development. Darfur also maintains approximately nine recognised airstrips under the responsibility of the States. However, they suffer from a lack of adequate airport infrastructure, inefficient maintenance management systems, congestion at terminal buildings, lack of airport control systems with own dedicated frequencies, and deficiency of up-to-date functional information systems.

Personal safety and aircraft fleet safety remain paramount concerns.

Public demand for air transport will be determined by the needs of peace-keeping operations, support to relief and recovery operations, urgent rehabilitation works involved in economic development activities, commercial operations and trade. To address Darfur's physical isolation, development of the air transport sector is essential to contribute to the cohesion of the country and the constructive integration of the five Darfur States to the rest of the country.

2.9.1.3. Rail Transport

Transport surveys conducted in Khartoum reveal that use of railway freight declined from 33% in 1997 to 25% in 2000 and further down to 6% in 2005 nationally, including Darfur. The existing railway networks in Darfur, particularly in Nyala and Southern Darfur, continue to register low traffic volumes due to security concerns, poor service delivery and the lack of maintenance since 2004.

There is currently low availability of locomotive power and rolling stock in the system. Maintenance problems are due to lack of spare parts and poorly-equipped workshops, as well as the lack of a skilled technical workforce. Infrastructure, including construction management and maintenance, is weak and workshops such as Babanousa are ill-equipped and inefficient. However, the Sudan Railways Corporation has most recently proposed upgrades to the lines between Babanousa and Nyala. Rehabilitation has progressed well and part of the link was reconstructed using new rails and semi-ballast track, with the first phase of this 113km link completed and the second phase to be completed before 2016. It is expected that trainload capacity and speed will increase, resulting in higher performance of the lines after completion of the upgrades. Plans are underway to upgrade a further link between Babanousa and El Rahad to increase the tonnage capacity along the lines. The railway tracks are currently composed of single-line systems of 1,067mm gauge. These tracks are not compliant with globally accepted standards, and the upgrading of this 363km rail line needs to be of the same standard as that of Babanousa -Nyala to increase speed and load efficiency along the total length of the rail line to Nyala.

2.9.2. Energy

At the root of poverty in Darfur lies a lack of access to modern energy. Without energy in rural areas, clinics cannot operate and core municipal centres such as schools cannot be lit. One of the primary attributable factors in Darfur's economic development is the deficit in ready access to electricity. As a result, the region is plagued by inefficiencies that severely limit opportunities to generate economic activities, jobs and additional incomes.

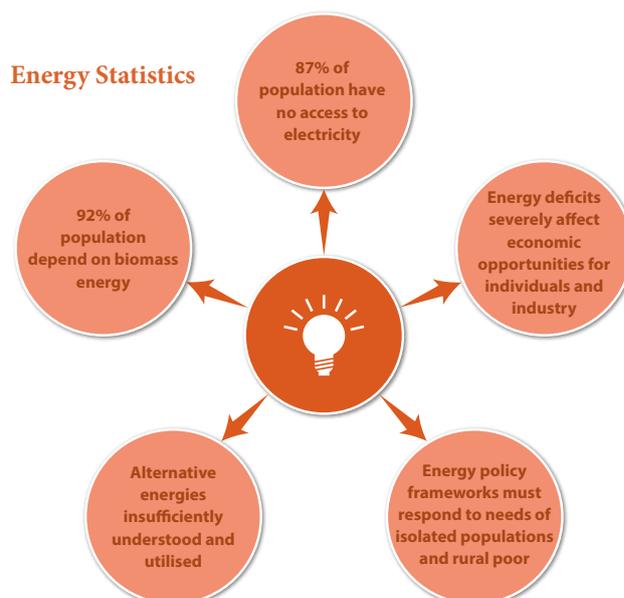
Sudan's current energy policy objective (Presidential Decree 39, 2012) for the National Energy Research Centre has an ambitious goal; to substantially increase the rate of rural electrification and scale up utilisation of renewable energy resources (solar, biomass, wind) in order to reduce the dependence on unsafe and environmentally-threatening energy sources. Unfortunately, access to energy resources remain a major challenge in Sudan, especially outside of major cities. Current estimates show that about 87% of the country's population does not have access to electrical power or energy.¹²⁷ The proportion of the population who depend on biomass energy sources still remains high, at about 92.6%.¹²⁸

While alternative sources of energy abound, such sources are not sufficiently understood and utilised in the country, and particularly in Darfur, *vis-à-vis* their potential to contribute to economic development. More importantly, the existing framework and national energy policy have not responded adequately to the needs of the poor. Similarly, energy technology research, development and transfer have not responded to the needs and capacities of the poor, leading to a high degree of drudgery for women, worsening poverty and widespread isolation - particularly acute factors in Darfur.

The Darfur region at this moment is neither linked to, nor powered by, the existing power grid system in Sudan. Instead, five isolated diesel powered generator plants located in El Fashir, Nyala, Ed Da'ein, Geneina, and in Zalingei provide severely interrupted electricity service to the state capitals. Electricity provided in a large

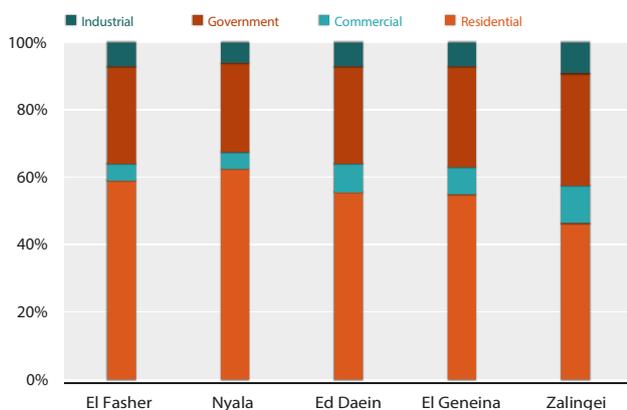
¹²⁷ *Id.*

¹²⁸ *Id.* Charcoal is a common source of biomass energy and is quite accessible throughout Sudan.



Source: Infrastructure Thematic Working Group Report

Approximate Actual Power Demand in Darfur (2012)



Source: Extracted from Study conducted in Darfur by Electrical Engineers (NEC), 2012

number of the towns and rural areas is generated from smaller private generators at very expensive rates to the community.

According to the National Electricity Corporation (NEC), the total number of electricity-connected points in the Darfur region was estimated at 9,680 (about 1.1% of NEC consumers) in 2005. In 2012, the total number of connected points jumped to nearly 50,405. While this is impressive and demonstrates clearly the demand for such services, the cost to users and for generation by suppliers is not sustainable. There are four diesel/gas oil fired power systems in Darfur, which carry a total installed capacity of 41.5 mega watt (MW).¹²⁹

In the last few years the Government, through the Ministry of Electricity and Dams, has implemented rural electrification programs, with some reaching very rural locations such as Eid Alforasan. The Boram power plant in South Darfur - a 2 MW generating capacity - has also received a complete maintenance overhaul. However, capacity problems, such as generator-overheating and fuel supply shortages, force these power stations to apply load-shedding practices to balance the distribution of the daily electricity supply to Localities between the hours of 5:00 pm to 2:00 am. Power rationing is consequently inevitable.

The maximum generating capacity is currently insufficient to exceed six hours per day. Correspondingly, the environmental effects of gas/fuel-powered generators, such as noise pollution and health-related concerns to people who work in the plants, are economic costs that should not be ignored.¹³⁰

In the short-term, diesel-based power generation options present immediate opportunities for lighting the main urban centres and meeting urgent electrical

needs. However, it is essential to identify and clarify the existence of alternatives to diesel early in the process, because diesel requires large subsidies (in terms of fuel procurement) to make electricity affordable within the few townships that are serviced.

Solar-powered street lighting, as is currently being installed in El Fashir, could be an option for improving security and movement in IDP camps and rural villages. Solar lighting sets in community centres, women's centres, health posts and police stations would play a major role in extending the useful life of these buildings and make it possible for their use after people had finished work for the day. It would also be seen as a major "peace dividend".

2.9.3. Water and Related Infrastructure

Population growth, climate change, prolonged conflict and rapid urbanisation have combined to create conditions in Darfur that place the region's water resources under considerable strain. While hard data is scarce, the following general statements hold:

- Decline and variability of rainfall over the past 50 years has resulted in less dependable seasonal surface water availability, increased desertification, increased rates of surface water run-off, increased siltation rates and reduced rates of aquifer recharge.
- Over the past 30 years, climatic factors and conflict have driven rapid urbanisation,¹³¹ and more recently the concentration into urban or peri-urban camps of over 1.7 million displaced people. This has resulted in unsustainable rates of local groundwater extraction in some areas. Climatic factors have also intensified migration of the camel nomads to South Darfur and Jebel Marra area, putting more pressure on existing surface water infrastructures.

It is important to re-emphasise that the growing challenge of meeting urban water demand in Darfur is made more complicated by the presence of large IDP populations, whether located within the towns (e.g. Kass), or at a distance in geographically separate camps (e.g. Zam Zam, Kalma). Here it must be assumed that, while IDP returns will continue to happen, at least a part of the population will become either a permanent addition to its host urban community, or a new urban centre in its own right. As earlier highlighted, IDP populations often have higher levels of adequate access to water than either the rural communities from which displacement occurred, or neighbouring urban centres.

¹³¹ The 2006 DJAM reported a doubling of Darfur's urban population since 2000. This analysis assumes a current urban population of 3.3 million, or 40% of the region's total population.

¹²⁹ *Id.*
¹³⁰ *Id.*

2.9.4. Surface/Sub-Surface Water Infrastructure

It is estimated that across Darfur there exists more than 50 surface water reservoirs and 100 *hafirs*, and a scattering of other water harvesting schemes. As for many rural water supply schemes, these structures have suffered both destruction and a lack of maintenance over the past 10 years and most of them are in need of water treatment facilities. *Hafirs* are largely in a state of disrepair, with most of the 45 *hafirs* and 25 earth dams in North Darfur in need of rehabilitation; 75% of the 56 traditional chute *hafirs* without capacity and most of the 25 *hafirs* and 8 earth dams in West Darfur are in need of rehabilitation.¹³²

Their restoration - indeed an increase in the coverage of surface and sub-surface water infrastructure - will be central to successfully integrated water resource management in Darfur, ideally at the catchment level. This will greatly contribute to sustaining peaceful co-existence among its people.

Water has cross-sectoral influence in the realms of basic social services, infrastructure, rural livelihoods, livestock, private sector development and, ultimately, peace and security. A key challenge remains in that institutions are fragmented and cannot adequately tackle the above concerns. The formation of a coherent water resources development strategy and implementation plans (short, medium, long-term) are required, in addition to institutional development and capacity building programs at regional, state and local levels for water resources development.

2.10. Political and Financial Governance

Historically, once security is achieved, law and order by itself, is not enough to guarantee and sustain peace. Processes that encourage community participation, reconciliation mechanisms and a market economy focused on economic recovery and justice are all necessary for development and now fall under the concept of 'good governance'.¹³³ Good governance in Darfur has often been in short supply, depriving the region of effective leadership precisely as its people have faced profound environmental, social and economic change. In many ways, the recent conflict demonstrates institutions' inability to manage these changes or address resulting tensions. Strengthening governance, particularly at the local level, is essential to moving Darfur beyond the current crisis and towards longer-term sustainability. This entails building representative, responsive and effective government institutions that are accountable to communities desperate to transition from conditions of conflict and displacement to rehabilitation and recovery. It also targets improving individual State line ministry and Locality-level government capacity for proactive annual budgeting and management - staffing, training, extension, procurement and re-supply etc. - all part of "Good Governance" to ensure the maintenance and expansion of development initiatives.

The DDPD provides a good, albeit ambitious, framework for governance in Darfur. The political and legal context reflected in the DDPD has profound implications for governance and fiscal accountability in Darfur. The agreement stipulates that there shall be a federal system of

¹³² Annexed Report from thematic working group on Infrastructure, supra note 43.

¹³³ Sirkku K. Hellsten, *WP/06 Transitional Justice and Aid*, 2012/06 UNU-WIDER.

Decentralisation of Responsibilities

Decentralisation of Responsibilities			
Who is responsible For what	Fed	State	Local
Defence security borders, state of emergency	X		
Passports, visas, immigration	X		
Budget, finances, taxation and revenue raising	X	X	X
Trade economic planning and development	X	X	
Administration of justice, police and prisons	X	X	X
Local water resources, state irrigation/embankment		X	X
Health (policy, hospital, PHC, ambulance, epidemics)		X	X
Education (primary, secondary, administration)		X	X
Agriculture (livestock, control, pastures, vet. services)		X	X
Urban and rural planning, state land and transport)		X	

Source World Bank (2007), Police/prison federal/state tasks, PHC, local

**DARFUR
RECONSTRUCTION AND
DEVELOPMENT FUND (ART. 21)**

The Darfur Reconstruction and Development Fund is intended as a financing mechanism to support all recovery and development activities including the rehabilitation of agriculture and livestock, schools, health services, water supply, roads and other public infrastructure. US\$165 million of the initial US\$200 million, as stipulated in the DDPD has been transferred to the Fund as a letter of credit in January 2013.. This fund will become part of the multi-channel funding mechanism established following the International Donor Conference for Reconstruction and Development in Darfur. Thus, the appointment of a General Secretary has taken place and a Commissioner will be appointed following further discussions with donors and the Government of Sudan.

government, with an effective devolution of powers and a clear distribution of responsibilities and strengthened fiscal management. The challenge of improving governance is multifaceted: lack of local government capacity and resources, limited decision-making authority, lack of clarity in fiscal accountability, opaque budget directives, inadequate citizen participation, prevailing insecurity in certain areas and unpromising prospects for a national reform agenda all play a role. Understandably, achieving progress towards improved governance will take time, and will only happen if shared political will and sustained support are secured. However, there is urgency to make progress at the local level to improve delivery of basic services to communities as part of confidence-building and participation processes. Citizens need to see the dividends of peace. Ultimately, short-term solutions will only succeed if Darfur benefits from a commitment to decentralised governance; a systematic devolution of central political, administrative and financial authority.

The overall public sector in Sudan is comprised of three levels of government - Federal, State & Local - with elected legislatures at each level and elected state governors. In Darfur, this formal governance structure also has important links to the Native Administration and traditional governance systems. The traditional governance system was intended to be integrated with the formal statutory system as part of the 2005 Comprehensive Peace Agreement (CPA). However, the flexible and oral nature of the informal system has made integration nearly impossible.¹³⁴ Except for the Native

134 JÉRÔME TUBIANA, VICTOR TANNER & MUSA ADAM ABDUL-JALIL, 'TRADITIONAL AUTHORITIES' PEACEMAKING ROLE IN DARFUR, AT 4 (2012). It is worth noting that some process of integration has taken place for management of natural habitat, management of land, migratory routes and water points.

Administration, government is organised hierarchically, with states subject to central government legislation and Localities subject to state legislation.¹³⁵ However, each government body retains both independent and concurrent subject matter competencies over a variety of issues.

The three states of Darfur became five by virtue of a law issued in April 2012. The formation of the two new states has meant two more state governments, each with eight new ministries and two new state assemblies. This translates into a larger civil service for the region. This takes on an added significance given that the new states were formed around the same time as the announcement of austerity measures at the federal level, constraining fiscal transfers to the states. Accordingly, the five states are expected to share the limited resources available to the region. It is still too early to assess the impact on state budgets and their spending, however the already poor states of South and West Darfur have now been transformed into four poorer states with a smaller economic base from which to collect revenues to sustain themselves. Despite local limitations, decentralisation is a legal fact in Sudan, as outlined by the Interim National Constitution (INC). Thus, State and local governments play a critical role in security, development and dispute resolution in the Localities. Moreover, States and Localities are legally responsible for the delivery of most basic services, as well as a substantial share of economic planning and revenue-raising.

However, managing the public sector and administrative jurisdictions at all levels requires human, technical and institutional capacity (not just in Darfur, but across Sudan). Administrations are significantly under-resourced, making it difficult for them to fulfil their constitutional mandates. Fiscal decision-making autonomy of States and Localities is limited. This stems from the high degree of reliance on the transfer of resources from federal and state governments, which are largely insufficient and often delayed.

Democratic representation and participation at all levels of governance are clearly provided for in the DDPD, as the basis for accountable

“without prejudice to the exclusive competencies of the Darfur States, as provided for in the Constitution, the DRA shall oversee the implementation of all the provisions of this Agreement, including those under the jurisdiction of the States of Darfur”
-DDPD Article 10

135 There is currently an intention in South Darfur State to vary this structure to allow for urban cities and municipalities within Localities. See Section 2.10.3 for an explanation of the Native Administration.

government, equitable sharing of resources and lasting peace. Other principles, ranging from the freedom of speech to an independent judiciary, are also enshrined in the DDPD. Darfur will need support in operationalising the principles of good governance and accountability in order to promote representative and pro-active government, especially at the local level.

Current arrangements for government structures in Darfur appear to be impeding political accountability. Following the division of Darfur into five states, governors were appointed for the newly created states of East and Central Darfur, while the elected governors of South and West Darfur were replaced by the President. Of the five Darfur states, only North Darfur presently has an elected governor, leading to questions around whether governors and other state officials are accountable downwards to the people or upwards to the federal government, which both appoints and resources them.

The DDPD tasks the DRA with playing a central role in facilitating implementation, co-ordination and promotion of all post-conflict reconstruction and development projects and activities in Darfur, and to be responsible for cooperation and coordination among the States of Darfur. The DDPD states that the prerogatives of the DRA shall not contradict or affect the exclusive powers of the states in Darfur and the federal government.

However, while the DRA was established in February 2012 and is now functional, continued coordination *vis-à-vis* state authority is important. Furthermore, there is no constitutionally-defined relationship between the DRA and both the states and the federal government. However, Article 78 provides that the DDPD, and by extension the DRA, will be legally underpinned with constitutional status with the adoption of a permanent constitution that will embrace and streamline governance restructuring mandated by all peace agreements.¹³⁶ The DRA Council stipulated in the DDPD would have provided some clarity, coordination and empowerment, but the Council has yet to be established and empowered to carry out its functions. The DRA must work to gain popular legitimacy through public outreach and effective coordination with all government authorities on recovery and reconciliation priorities.

There is need to improve financial management and accountability through intensive capacity building to strengthen budgeting, financial accounting and reporting in the State level ministries and building capacity of bodies of oversight, particularly the Audit Chamber and legislatures. The INC of 2005 provides for individual state and Locality Legislative Councils to oversee the functioning of the various levels of local government. While State Legislative Councils exist in Darfur, none of the five states has Locality councils. Members of the State

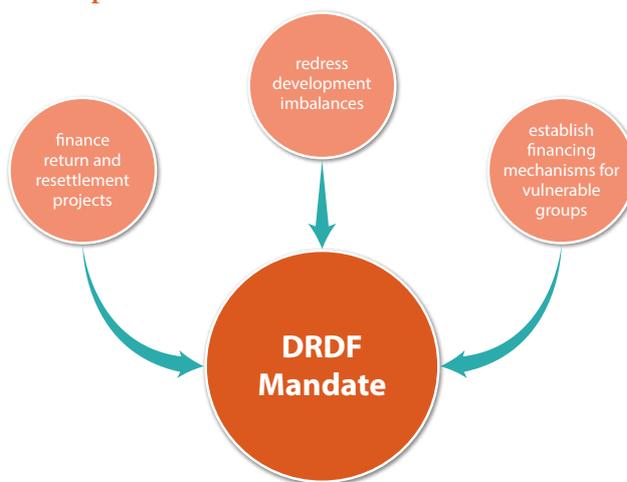
¹³⁶ DDPD, *supra* note 26, at art. 78.

legislative councils in the Darfur states have previously been elected. However, following the division of Darfur from three to five states, State Legislative Councils were dissolved and re-formed through appointments. In West Darfur, for instance, 30 of the State's 48 elected members were reappointed to the newly-created Legislative Council with the remaining 18 members reassigned to Central Darfur State. The Legislative Councils for West and Central Darfur were filled through appointments, by their respective State governors, based on existing power sharing arrangements. The performance of the State Legislative Councils varies from state to state. In South Darfur, the legislature is fully functional, passing laws and approving a new state constitution.¹³⁷ The legislature is active as an oversight entity, approving annual budgets and monitoring budget performance on a quarterly basis to maintain accountability. In West Darfur, where no laws have been passed and the new State constitution has yet to be approved, it is ill-equipped, of low capacity and is perceived as an administrative and economic burden.

2.10.1. Intergovernmental Fiscal Relations and Private Sector Development

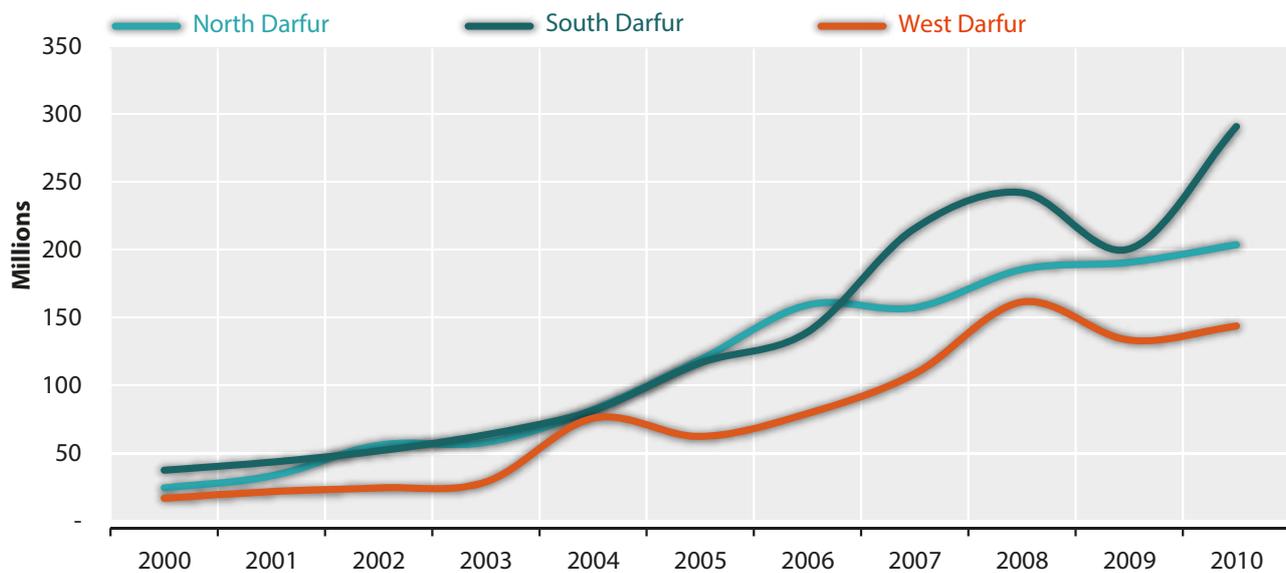
All States in Darfur have two main streams of state revenues from the federal government: block grants (unconditional grants including VAT shares for the state), and conditional grants for development purposes. Recent federal budgets, though prior to secession of South Sudan and the subsequent fiscal austerity, witnessed significant increases in transfers to all States in absolute terms. They also receive disbursements under the Darfur Reconstruction and Development Fund (DRDF) and a social services contribution from the federal government to support social service provisions.

Darfur Reconstruction and Development Fund Mandate



¹³⁷ By virtue of the division of West Darfur to allow for the formation of Central Darfur and the division of South Darfur to form East Darfur all four are legally considered “new” states requiring new constitutions.

Total Revenues in Darfur States



Source :MoFNE, State Final Accounts Reports (2000-2010)

The lack of implementation of the CPA devolution policy, and a clearly defined fiscal decentralisation framework outlined by a subsequent constitution, amplifies the relatively low revenue potential of Darfur. Similarly, horizontal (inter-state) imbalances due to varied ability to raise their own revenues, differences in service delivery costs and infrastructural development, particularly in the newly created states, pose a new dimension that is not adequately addressed by the current legal framework.

In general, revenues show a steady growing trend during 2000 - 2010, largely driven by rapid increases in federal transfers, especially between 2004 and 2006, resulting from the deepened fiscal decentralisation prescribed by the CPA and the INC. While increasing federal revenues were and are needed to allow States to play their role as primary provider of basic services, the fiscal decentralisation at the same time dramatically increased the dependence of States on the central government. This dependency trend may be aggravated in the new arrangement of five Darfur States since April 2012. Adding to the dependency problem is that own revenue growth was flat between 2000 and 2010, with some years witnessing declining own revenues.

In terms of revenue, very significant increases are found, albeit from a negligible base in the early 2000s. In addition, amounts are broadly similar in each of the states through 2010 (see *Total Revenues in Darfur States Graph*). In 2005, revenues in North and South Darfur rose significantly, whereas revenues in West Darfur dropped. In 2009, revenues in South and West Darfur dropped significantly whereas revenues in North Darfur were slightly increasing. This is most likely related to the effects of the 2008/09 global crisis and its negative impact on oil

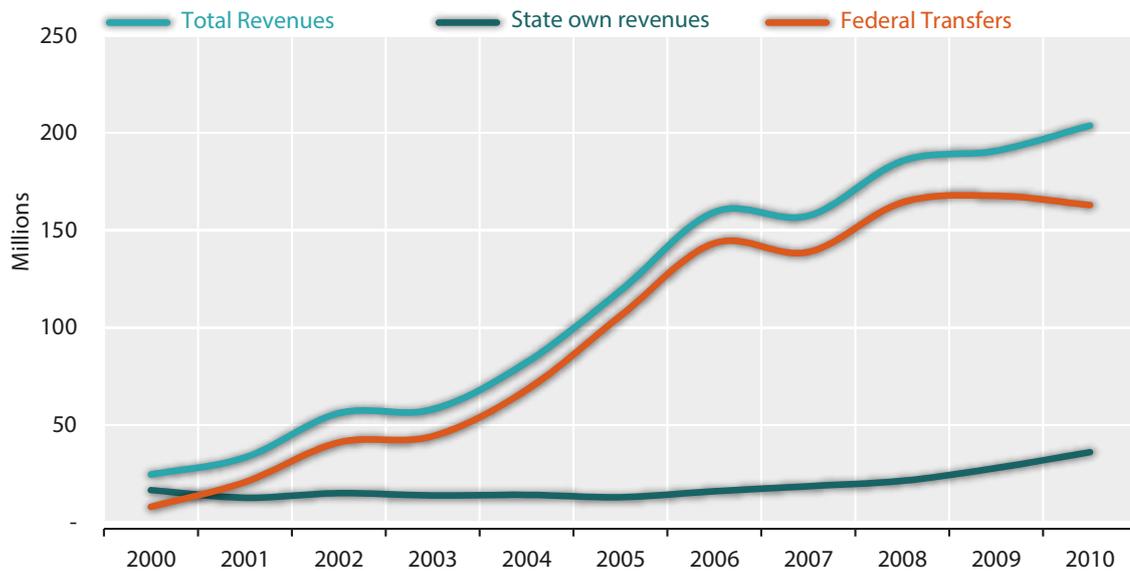
price developments, the main source that fuelled federal transfers in Sudan at that time.

The increasing dependency on federal transfers is striking. Though it was lower than other states, own revenue was the major revenue source for all the three states at the beginning of the review period; Darfur states now highly depend on federal transfers to meet state budgetary needs (see *Share of Own State Revenues Graph*).¹³⁸ Own revenue can be disaggregated by ministry and locality. All tax revenue and state centralised items are recorded under the state ministry of finance. The shares of revenue from ministries were increasing in North and South Darfur, whereas decreasing in West Darfur over the review period (see *Share of Ministry Revenue Graph*). In the new five State structure, the latter would hence translate into decreasing ministry revenues in West and Central Darfur.

In 2010, the Fiscal and Financial Allocation and Monitoring Commission (FFAMC) revised its formula for horizontal distribution to allow for a more equitable distribution of the nation's wealth among the fifteen northern states by greatly reducing the share of the states of Khartoum and Gezira and giving the other twelve states greater shares. The formula to guide this distribution consists of nine factors: financial performance; population density; natural resources; human resources; infrastructure condition; educational attainment; health status; security; and per capita income. Financial performance is given a weight of 20%, while each of the remaining parameters takes 10%. While the revised FFAMC formula itself theoretically is much more equitable, implementation has been unequal

¹³⁸ Annexed Report from thematic working group on Private Sector Development, *supra* note 79. Average share of own revenue was 40.5% -46.5% in Darfur States & other states, respectively, in 2000-05 and 18.4%-31.4% in 2006-10.

North Darfur: Composition of Revenues



Source :MoFNE, State Final Accounts Reports (2000-2010)

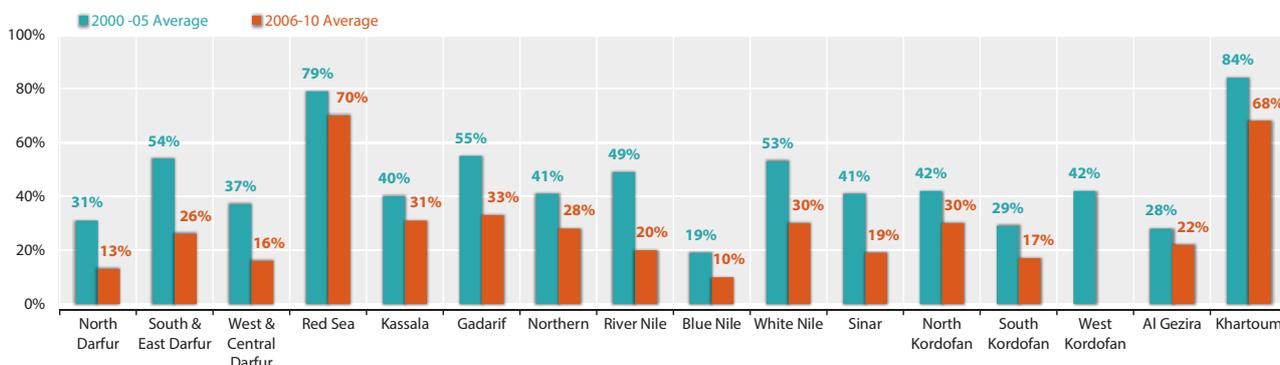
and ineffective. Article 25 of the DDPD refers to the role of the FFAMC in the Darfur States. It states the need to establish the FFAMC and the allocation to the Darfur States as based on five criteria. This has been overtaken by events and as the FFAMC Secretary general confirmed in Khartoum, the current FFAMC formula is based on the above nine criteria. When asked about the DDPD Article, she said that it has not yet been implemented and that it is up to the Darfur representative to discuss this apparent anomaly within the Panel of Experts.

Darfur, like other states in Sudan, is represented in the Council of Trustees of the FFAMC with one representative for each of the five states (usually the state Finance Minister). Based on the FFAMC's new formula, South Darfur, prior to the division of Darfur into five States, would have received transfers commensurate to Gezira. Yet the large reductions in transfers envisioned by the revised formula for the states of Khartoum and Gezira

have not been implemented. Rather, a gradual increase of transfers to the other 13 states is planned so as to reach the envisaged more equitable distribution over a period of time. The Darfur states, like all others, get their share in accordance with this system, however, distribution *within* the states lacks transparency with regard to how resources are actually distributed. Therefore, while Gezira continues to receive over SDG30 million (US\$6.82 million), second only to Khartoum (approximately SDG42 million or US\$9.55 million), South Darfur and West Darfur receive annual federal transfers of only SDG14 million (US\$3.18 million) and SDG4 million (US\$0.91 million), respectively. In other words, Khartoum and Gezira, dominate with more than one-third of federal transfers over 2000-2010. Darfur's share remained 14.3% in 2000-05 and 13.7% in 2006-10.¹³⁹

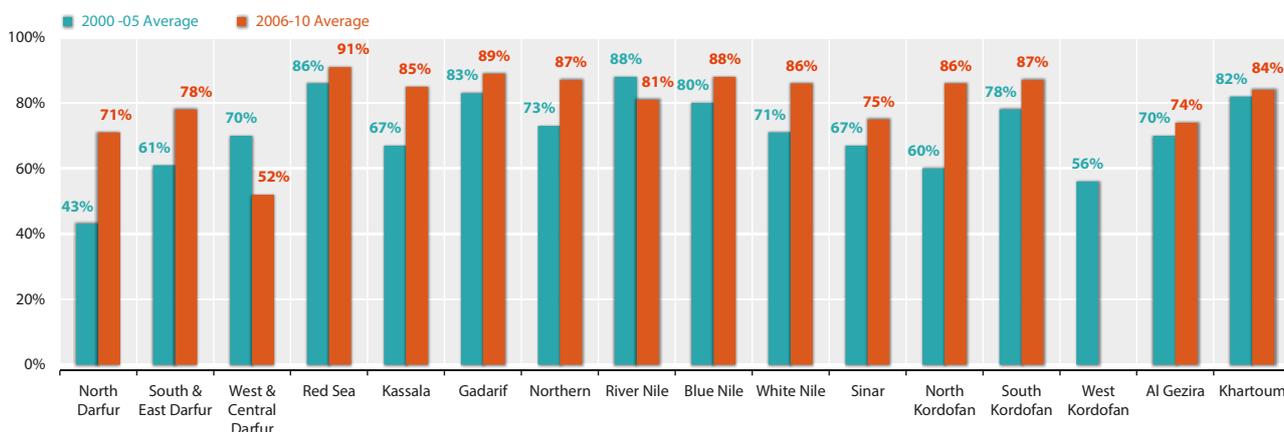
139 Annexed Report from thematic working group on Governance and Accountability.

Share of State Own Revenue



Source :MoFNE, State Final Accounts Reports (2000-2010)

Share of Ministry Revenue



Source :MoFNE, State Final Accounts Reports (2000-2010)

In the long term, Government of Sudan support for the Darfuri civil service could/should be given through raising and maintaining the fiscal transfers in line with the other States: these States could not complain of the “unfairness” of such increases and it would boost the possibility of the State administrations to implement and maintain efficiently the improvements made through “special” funding.

Issues of fiscal transparency are complicated further by the lack of predictability involved in federal transfers. Performance in the area of federal transfers for the Darfur States provides a weak position over the last five years. Reasons for this performance may, in part, be attributed to non-issuance of hard ceilings, encouraging a level of speculation by states during budget formulation. However, data available from South, North and West Darfur shows a significant degree of predictability in current transfers. Disbursements under other categories (conditional and DRDF) are less predictable over the course of the year. There are quarter-to-quarter variations in conditional (development) disbursements ranging from -10% to over 100% in peak quarters. The unpredictability of the transfer of development funds is likely to stress state budget implementation and may lead to undesirable stalling of development programmes or accumulation of arrears.

2.10.1.1. Budget Directives¹⁴⁰

The budget directive is a federal instrument used to initiate the state level budget process. In its present form, the directive typically presents the national objectives for the budget for the following year and to which the states

140 *Id.*

FISCAL AND FINANCIAL ALLOCATION AND MONITORING COMMISSION (ART. 25)

The LJM received a new plan for the FFAMC and accordingly nominated a non-LJM expert to represent Darfur at the Commission. Moreover, according to other provisions in the DDPD, namely Article 19, it was agreed to establish a micro-financing bank. To that end, technical consultations were held with the Bank of Sudan leading to an information exchange and the final drafting of the establishment law being tasked to a Bank of Sudan Legal Advisor.

are expected to align. The objectives outlined in the budget directive derive from the late 2012-completed National Strategy Plan (2007-2011),¹⁴¹ thus ensuring that the plan, as a policy framework, guides budget formulation. This is a key instrument in the policy and fiscal relationship between the central and state government. Over time, it should be used to enhance this relationship. In its current form, it is weak on the fiscal aspects of this relationship, which could be enhanced further by including ceilings on projected transfers to provide a basis for the state budgets, and enumerate measures that may be necessary to achieve fiscal objectives over the year, as well as providing specific feedback on aspects of fiscal performance. At present, discrepancies exist between state expectations and what is likely to be funded.

141 The Successor Five Year National Strategy Plan (2012-2016) was recently issued.

As regards own revenues, underperformance is a major issue. In South Darfur, which was relatively better off before it was divided to form East Darfur, own revenues under-performed by 62% on average over the period 2007-2011. Such deviations result in significant under-execution of budgeted expenditures occurring at both the state and locality level, with both wages and salaries, as well as having an effect on development spending. For instance, in South Darfur on average only 18% of development spending was executed over the period 2007-2011.¹⁴² In West Darfur, however, average spending on wages and salaries fell short of budget by almost 48% over the period 2009- 2011.¹⁴³ This has serious consequences, as the shortfall in wages and salaries creates a serious credibility issue as to what are the actual spending needs. Greater precision in the budget directive highlighting policy changes and reducing the number of priorities and targets, making them more specific and appropriate for each State would encourage a budget that meets a State's socio-economic goals.

Incrementally, mechanisms to support State and Locality governments in the development of their fiscal administrative, technical and managerial capacities remain weak, exacerbated by a slow pace of restructuring concomitant to governmental functions at all levels. Whereas Darfur State Governments require adequate resources to perform assigned functions and responsibilities, they must demonstrate accountability with regard to the use of resources generated and/or transferred to them. For instance, there are complaints in West Darfur that the staffing of the Auditor General's office is inadequate to cover the workload and is in need of capacity development and increased pay (disincentive to fraud). At the policy level, the intergovernmental fiscal policy framework is confronted with political

constraints facing policy makers, such as competing demand from other states and groups in political decisions, as well as economic constraints, such as the acute underdevelopment of the region, global financial market crisis and reduced revenue facing the country at the national level.¹⁴⁴

2.10.1.2. Public Financial Management

As evidenced by deficiencies highlighted in Section 2.3.3, limited accountability and effective public financial planning and management hamper effective provision of basic services in Sudan. Successful basic services' delivery depends on sufficiently autonomous and accountable state and local governments with credible budgets and sound fiscal management practices, which shoulder the bulk of expenditure responsibility for service delivery. Therefore, the only way to achieve successful implementation of the DDPD in the long run is to build capacities in Darfur to fulfil roles and responsibilities laid out in the legal framework of fiscal decentralisation.

There are multiple challenges related to public financial management. A series of World Bank reports over the last five years indicate that effective financial management remains a work in progress and requires additional reform and capacity building efforts.¹⁴⁵

Limited costing and prioritisation of sector and thematic policies during the preparation process hinder budget credibility and affect budget execution. There is no effective commitment control system in place to govern expenditure and, as a result, commitments are often

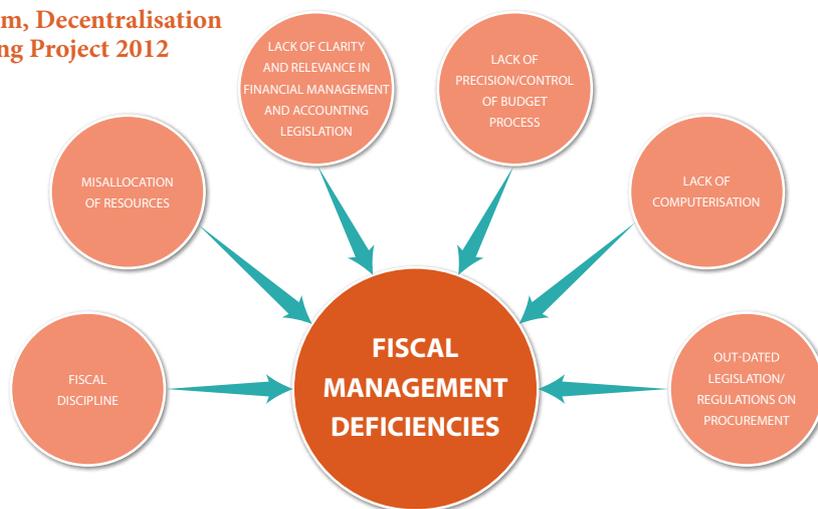
142 Data provided by South Darfur Ministry of Finance.

143 West Darfur Five Year State Plans, (2012).

144 For a discussion regarding the loss of oil revenue following the secession of South Sudan, please see Section 1.

145 Sudan : Public Expenditure Review, Synthesis Report, WORLD BANK (2007), available at <https://openknowledge.worldbank.org/handle/10986/7672>; Sudan : Public Expenditure Review, Synthesis Report, WORLD BANK (2011), available at <https://openknowledge.worldbank.org/handle/10986/7672>; Sudan - Country Integrated Fiduciary Assessment (CIFA) 2005-2007, WORLD BANK (2010).

Public Service Reform, Decentralisation and Capacity Building Project 2012



made not against cash resources that are on hand, but rather on notional appropriations of the budget. Cash management is weak and, with the exception of salary payments, there is a large amount of unpredictability regarding resource flows at the State and Locality level.¹⁴⁶ Because of this, there is a regular build up of arrears; although information regarding commitments or arrears is difficult to collect (as is the case for other parts of Sudan).

Management capacity is also weak on the revenue mobilisation and collection side, which in turn contributes to the Darfur States' poor own revenue record. As in other states, there has been a gradual reduction in the importance of state-own revenues over the last decade. There is also a need to rationalise and control tax exemptions and have strict guidelines as to who can grant such exemptions. In addition, states in Darfur appear unable to accurately forecast their own revenues, partially for security reasons and lack of information on state-level economic activity, which helps drive budget credibility problems. There is limited ability to estimate and monitor basic economic activity in the states, which is necessary for assessing own tax and non-tax revenues.

The absence of institutions for accountability and transparency allows for inefficient and ineffective governance. At all levels of government, the information on revenue and expenditure currently available to the public does not meet the requirements of transparency and accountability. Because the basic approach to budgetary accounting that is currently in use is to present information on an economic (e.g. expenditure on wages and salaries) rather than functional basis (e.g. expenditure on health), the use of public resources is not readily identified. Changing to a functional basis of presentation, as is proposed by the federal government, will increase transparency, thus making it easier for the people to hold authorities accountable. Combined with this, governments will need to make greater efforts to make this information accessible to the public.

2.10.1.3. Tax Proliferation

The non-comprehensive framework of decentralisation in Darfur has led to more responsibilities being delegated to the state, without corresponding financial resources. Public services, such as education, infrastructure and agricultural management, were delegated to state and local authorities without revenue or administrative capacity to execute the mandates,

the result of which is a proliferation of various taxes, both official and unofficial, on productive enterprises. According to the 2003 Local Government Act, state and local authorities in Darfur can tax economic activities in the region. Moreover, the power changes of the CPA lead to financing difficulties by the states, which resulted in tax proliferation. The full range of taxes is difficult to assess, as it varies by product and location, covers both federal and states taxes, and includes both official and unofficial taxes. The private sector faces charges for using land as collateral, building tax, business registration and establishment fees to start a business, license fees (i.e. trade, health), and multiple taxes such as imports, value added, and profit. In the case of livestock taxes, at least five taxes are imposed (livestock, sale, *zakat*, stamp and slaughter). These taxes appear to have a number of unintended consequences, including the fact that nomads often move to Chad or the Central African Republic for long periods to avoid them. Additionally, trade within IDP camps, where no taxes are levied, is abundant - further complicating the public financial sector.

The increasing tax burden is falling on fewer firms as the state faces ever-increasing demands on physical infrastructure and services, and tries to increase collection, reaching further and further down to smaller firms. Even informal micro-enterprises - tea sellers, water vendors and the like - are now paying taxes and levies. Before the conflict, firms in the region were large in number but small in size, often similar and competing for the same customers and supplies. As such, competition kept margins low, and these firms therefore now have a limited ability to absorb higher costs. The private sector in Darfur appears to have been caught in a vicious circle in which limited transfers

Governments must see budgeting as a tool to manage their part of the public sector. At the same time, the budget should be the prime tool of accountability, and the primary method to show citizens what is planned and what has been achieved. Activities could aim to help governments in Darfur compile more realistic budgets, to work in closer cooperation with the public, which in turn could lead to implementation of functional accounting, credible budgeting and a system of public information dissemination.

¹⁴⁶ The PSCAP project from the Public Service Reform, Decentralisation and Capacity Building visual, is a national initiative that includes support to central institutions associated with intergovernmental fiscal relations, public financial management at federal and state levels and aspects of human resource management at federal and state levels; many of the components of the project are highly relevant to Darfur.

raise local levies, which in turn causes more firms to shut down or leave, raising tax pressure on the surviving firms - all of which creates significant incentives to remain in the informal sector.

2.10.1.4. Weak Information Systems

As is the case with other fragile, post-conflict environments, information relating to rules and regulations that are in place for the market economy in Darfur is at best weak and at worst non-existent while - understandably - informal channels of communications thrive. As a result, there might be a lack of clarity, for example, on the type and number of taxes to be paid; the business registration fees; the allowable levies from the central and the local government. Various market analysis projects have been supported by donors over the last few years, but these are individual state based, are reactive and report on previous quarter (i.e. past information) and have not proved sustainable. The European Union (EU)/UN Food and Agriculture Organisation (FAO) Sudan Institutional Capacity Programme: Food Security Information for Action programme has more potential for interactive information exchange but is still limited mainly to state capitals.

2.10.1.5. Access to Financial Services

As of 2008, Darfur's banking sector has been comprised of two main Central Bank of Sudan (CBOS) offices with 40 branches reaching throughout Darfur. Given its relative economic weight, South Darfur is the most serviced region in terms of formal financial and banking services. There are a total of 16 commercial and specialised banks in South Darfur, and seven of those banks have branches in North Darfur, with branches mainly located in the state capitals.

The conflict in Darfur, and its impact on agriculture in particular, resulted in commercial financing diverted away from agriculture and into local trade. In the past, bank financing was geared towards agricultural products used in agro-industry inputs. Nonetheless, over a period of four years during the peak of conflict, 70% of financing went to local trade.¹⁴⁷ Economic activity in South Darfur, the most productive region, has particularly shifted from agricultural production to commercial trade - reflecting business attitudes of quick profit with less risk. The damage the war brought to agricultural productivity also in turn weakened the specialised public banks that supported agriculture. For instance, the Animal Resources Bank moved away from its mandate to provide financing to agro-businesses and investments and towards more profitable activities, directing over 75% of its financing

147 Working Draft and Interim findings of the Darfur Joint Assessment Mission (D-JAM) - Track 2, Private Sector Development, WORLD BANK (2008).

DARFUR REFERENDUM COMMISSION (ART. 10)

The Darfur Referendum Commission established by the Presidency in agreement with DRA Chairperson organise and conduct a referendum. If a majority of votes cast by the people of Darfur in the referendum determines that a Region of Darfur should be created, the DRA shall form a Constitutional Committee to determine the competencies of the Regional Government of Darfur. The Committee shall present the proposed Constitution to the DRA for adoption within three months of the referendum. The proposed Constitution shall be submitted to the National Legislature for adoption and the President of the Republic of Sudan shall promulgate the Constitution.

to local trade between 2003 and 2006.¹⁴⁸ As evidenced by the extremely low share of these deposits for all banks in Nyala and El Fashir, it is clear that banks have not been able to attract savings and investment deposits: a maximum of 26% was reached for non-current deposits in Nyala in 2005, while in El Fashir the maximum was 22.5% for the same year.¹⁴⁹

2.10.1.6. Difficult Banking Compliances

Bank branches throughout the country are required to be fully compliant with CBOS regulations. The regulations were enacted prior to the current conflict and their wording, unintentionally, provide for little or no leeway in post-war conditions, such as those that exist in Darfur's main business centres. Such regulations have inadvertently acted as restraints and have led many banks to reduce their branches and the workforce within the operational branches across the Darfur region. The effect is a considerable reduction in access to finance, particularly outside of the main cities. Following compliances that are more reasonable for financial institutions operating under normal stresses, there is a very limited mandate given to local branch management for loan approval. The loan ceiling is specified by headquarters in Khartoum, where there is limited knowledge of the local conditions. Short-term financing is the only type available to producers, investors and traders. Depending on the purpose of the loan, repayment periods range from six months to one year - too short to allow for any type of production or investment to bear fruit. In sum, there are serious regulatory constraints to the expansion of formal credit in the region as the Central Bank credit policies make no

148 *Id.*

149 *Id.*

allowance for the post-conflict transition. The operation of the banks itself is a significant factor: collaterals are restrictive; compliance with Basel requirements for banking safety CBOS have reduced the presence of banking services in war-affect areas; CBOS stipulation that loans should not exceed 50% of deposits; and, while CBOS does not stipulate a ceiling, indicators are given which branches are expected not to substantially exceed. The unanticipated and unintended limitations of the CBOS has lead the DDPD towards alternative methods of financing, particularly agricultural and micro financing schemes.¹⁵⁰

2.10.1.7. Collateral Constraints

The major types of collateral in Darfur are real estate, goods in storage and insured animals. Real estate and/or registered land represent the majority of guarantees. Such property is mortgaged to the bank and is usually set at a value ranging between 150% - 200% of the value of the loan. The bank's headquarters fixes this rate according to their calculations of risk. CBOS policy in this regard only stipulates that the bank should ensure "adequate collateral" when providing a loan, while it is up to the banks to determine what this involves. In practice, there are several major problems. First, local evaluations of property are greatly inflated, and this is considered by headquarters to be over-priced and unsustainable. Second, in case of default by the borrower, it is very difficult to sell mortgaged property, either because of social cohesion or because of fear of reprisals by the owners of the property or their family/tribe. Third, mortgage fees are extremely high - set at about 2% of value of the property. Goods in storage are used as collateral by farmers who mortgage their goods in a *musharaka* or *murabaha* agreement.¹⁵¹ However, this depends on the storage facilities of the borrower, and raises the risk of fraud on their part, and possible losses due to poor condition of the stores, which is out of the bank's control. In financing of livestock production, the producer is required to present insured animals as collateral. In addition to the high rates of insurance in the Darfur region, the insurance process is

150 DDPD, *supra* note 29, at article 19.

151 *Musharaka* is a contract of partnership between two or more parties in which all the partners contribute capital, participate in the management, share the profit in proportion to their capital or as per pre-agreed ratio and bear the loss, if any, in proportion to their capital/equity ratio. There are two or more contracting parties known as partners. It is a condition that all the partners should be competent to give or be given power of attorney. Capital contributed by the partners may be equal or unequal and in the form of cash or cash equivalent, goods & commodities, assets or properties etc. Profit should be distributed among the partners as per their ratio of capital or as per agreement. The loss, if incurred in the business, shall be borne by the partners exactly according to the ratio of their respective capital. *Murabaha* is a contract between a Buyer and Seller under which the seller sells certain specific goods permissible under Islamic *Sharia* to the Buyer at a cost plus agreed profit payable in cash or on any fixed future date in lump sum or by instalments.

costly and time consuming because it appears that local insurance companies are not trusted by local banks and the paperwork has to be sent to Khartoum for approval.

2.10.1.8. Cost of Financing and the Need for Alternatives

The cost of finance in Darfur is very high, as expected from a region recovering from years of war and uncertainty. While it could be 24% per annum in the fledgling formal sector,¹⁵² compared to less than 18% in Khartoum, the equally weak informal sector provides loans at much higher rates - reaching in some instances 200%. As a result, small entrepreneurs rely mostly on advance payment by customers, their own personal savings and accumulated profits, and on possible loans from friends and family members. However, such resources are limited in times of conflict and uncertainty. The traditional mechanisms that were used in the region such as *musharaka*, *murabaha* and *salam* (the latter two more suitable for financing of agricultural produce) are virtually non-existent today. As the government's focus on strengthening regulatory systems to address market failures in provision of credit, mechanisms that rely less on real property as security and more on alternative mechanisms such as microfinance and leasing are required to be institutionalised and upgraded.

Microfinance, which relies on intensive supervision or social pressure to maximise repayment rates, and leasing, in which borrowed equipment itself serves as collateral, are emerging as appropriate instruments for Darfur's post-conflict environment. In an attempt to encourage banks to enter into the microfinance business, the CBOS issued a guideline in 2003 to all banks to direct at least 10% of their financing to small producers, professionals and household enterprises; yet this policy did not achieve its goal as most banks' financing to this category remained far below that level.¹⁵³ This is partly due to the different approach adopted to make microfinance work, which has been a challenge for the banking sector. For example, in 2009 the Agricultural Development Bank and the Savings and Social Development Bank had only 5,700 microfinance loans.¹⁵⁴ The majority of the financing was provided in South Darfur, reaching only 1% of the estimated number of households demanding microfinance. Moreover, the portfolio of the agricultural bank was performing very poorly with a Portfolio at Risk (PAR) of nearly 78% in South Darfur, and 53% in North Darfur. Consequently, the branch in El Fashir took action late in 2009 and halted all new lending to focus on debt

152 The formal sector is defined as registered enterprises.

153 Working Draft and Interim findings of the Darfur Joint Assessment Mission (D-JAM) - Track 2, Private Sector Development, *supra* note 147.

154 Microfinance Assessment Consultancy to Darfur, Sudan., FEINSTEIN INTERNATIONAL CENTER, TUFTS UNIVERSITY, IOM AND UNDP SUDAN (2010).

collection. In comparison, the Savings and Social Development Bank has been able to keep the PAR under the international microfinance standard of 5%.

2.10.1.9. Financial Literacy

The awareness of CBOS' policies and wider government regulations related to business practices, as well as financial products on offer, is extremely limited among small producers and traders.

NATIONAL CIVIL SERVICE COMMISSION (ART. 7)

Through the establishment of the NCSC, the DDPD provides for proportionate representation of Darfuri individuals. Within the NCSC will be a Panel of Experts aimed towards remedying both geographical and gender representation imbalances in the National Civil Service. The agreement establishing the NCSC has been made, parties are still awaiting the issuance of a Presidential decree to approve the Commission's establishment.

Furthermore, confusion remains about what microfinance is, what it is capable of, and what can be expected of it as an instrument for finance. Micro Finance Institutions (MFIs) and the broader group of microfinance stakeholders urgently require increased awareness-raising, unambiguous information and increased collaboration among the providers themselves in order to facilitate the expanding financial industry. For example, bank branches in one locality cannot check how many loans a given official is guaranteeing at any one time. In other markets, too much reliance on guarantors as surety have caused microfinance portfolios to collapse completely in areas where a large group of customers using the same guarantor group defaulted at once (e.g. if a market burned down or an entire village fled hostilities).

2.10.1.10. Accessing Rural Credit and Microfinance

When compared with other parts of Sudan, public access to rural credit and microfinance in Darfur is extremely poor. This has constrained farmers' economic ambitions. West Darfur, for example, had only five properly functioning bank branches in 2006 but these banks generally only disburse loans for high commercial purpose, not targeting the needs of small holder and poor farmers that are believed to be not credit-worthy. On the other

hand, MFIs at the grass-roots level are even scarcer. It is this level that can have the most pronounced impact on the lives of small farmers and livestock keepers, including female-headed households that are involved in livelihoods activities beyond the main agricultural season tasks. These include homestead farming, food processing, petty agricultural trading, poultry and bee-keeping. In North and South Darfur, for example, bank-based microfinance services in 2009 were estimated to have met just one percent of total market demand.¹⁵⁵ It is, therefore, an important priority to establish an effective microfinance network in Darfur. Efforts to encourage microfinancing across Sudan have increased over the past eight years. Specifically, the Government of Sudan has endorsed microfinancing as a pivotal component for the poverty reduction strategy since 2005. As the result of this the strategic vision was declared by the CBOS, in November 2006, followed by the establishment of a fully fledged Microfinance Unit in March 2007 to lead the development of the sector in Sudan. The Unit then issued a circular to encourage banks to allocate 12% of their investment portfolio to microfinance. In the same year, the CBOS organised the first National Consultative Forum on Microfinance the recommendation of which paved the road for establishing the microfinance apex institution, the Sudan Microfinance Development Facility. The Government of Sudan underlined the expansion of the microfinance role in its recent Interim Poverty Reduction Strategy for July 2011, Sudan Second Five Years Strategic Plan 2012-2016, as well as the Three Years Medium Term Salvation Program (2012-2014) as one priority pillar. Moreover, the Microfinance Unit has issued the Regulatory Framework for the Microfinance Institutions in June 2011. In Darfur, MFIs should be introduced through public-private-partnerships, while being cognisant of Islamic finance principles, in a manner that these institutions become accessible to the borrowers and particularly conflict-affected farmers. Such a system is foreseen within DDPD Article 19, for which the Government of Sudan will contribute US\$100 million as seed capital.

2.10.2. Civil Service

Considerable training and the introduction of new management systems are needed in all aspects of the state civil service. The size of the public service system in Darfur faces difficulties of functional evaluations where job descriptions vary from state to state. As in other parts of Sudan,

¹⁵⁵ See Annexed Report from thematic working group on Private Sector Development, *supra* note 79.

the public service is often seen as a means of providing employment and patronage. Many civil servants lack the qualifications, training and skills needed to fulfil their core functions - a concern furthered by education deficits highlighted within Section 2.3.4. The INC gives states (and Localities) power to manage their own civil service systems. What this precisely entails will have to be decided and skills will have to be developed in the sub-national governments to address this aspect of the new federal structure. Moreover, the addition of two new states splits the present civil service force in Darfur, which further strains resources.

Better human resource management would create greater efficiency and ensure that the citizens of Darfur receive better services, even without additional funds being spent. Civil service numbers (or at least wages and salaries expenditures) have increased at a fiscally unsustainable rate in recent years and better management is needed in the control and use of wage and salary expenditure. South Darfur has 23,000 civil servants (around 1% if taken from approximate population of 2.2 million). The number of civil servants was 36,000 before the split with East Darfur, which inherited 13,000 (in addition to new recruitments). In West Darfur, the civil service force became 9,135 after the split (around 1% if taken from approximate population of 700,000), down from approximately 17,000 previously; although new graduates (teachers, health cadre, pharmacists, agriculturists) are being absorbed. South Darfur carried over the majority of staffing, in addition to 3,000 new recruits (political appointees not sanctioned by the federal government) brought on just before the split and inherited by South Darfur. This is now being corrected at the federal level. More importantly, federal transfers have been divided equally between West and Central Darfur even though funding was insufficient even when West Darfur was receiving 100% of the amount.

Some of the major shortcomings in the state civil service in Sudan are: loss of employees to the private sector; lack of training at all levels; poor performance appraisal; promotion on basis of seniority rather than competence; low salaries and poor employment conditions (especially in rural areas); lack of control over an informal pay system used to supplement official salary rates; too much centralisation in recruitment; and lack of merit as a basis for recruitment, promotion and salary level. These problems are particularly acute in Darfur.

2.10.3. Community Governance and the Native Administration

The Native Administration (*idara ahliya*) system was established in the 1920s and evolved over the next 30 years.¹⁵⁶ The Native Administration was designed as a key

¹⁵⁶ See Annexed Report from thematic working group on Governance

governance institution to “manage that most precious commodity (land), render justice, and to represent both the states, in the various and diverse parts of the territory inhabited by diverse communities, and the interests of those constituencies to the authorities.”¹⁵⁷ Land use/ownership and reconciliation are at the very core of many disputes arising in Darfur. Thus, particular attention towards natural resource management and migratory routes became a large function of the Native Administration. Section 2.5 further illustrates these substantive areas. Additionally, the Native Administration also operated as “defending the area against outside attackers” which presented particular challenges as this also fell under the jurisdiction of official governance institutions.¹⁵⁸

Structurally, the Native Administration exists at a variety of levels. At the village level, *sheikhs* were appointed by government, based on recommendations of senior tribal heads that were granted minor judicial and executive powers. Subsequently, a new level of sub-district chief known as ‘*omda*’ was introduced with significantly greater judicial and executive powers. The office of paramount chief ‘*nazir*’ was created for each Arab tribe. In the Fur areas, the existing administrative office of ‘*shartai*’ was given equivalent status to a *nazir*. The issue as to whether nomads should be administered according to locality or to the tribal system was debated but evolved its own unique system of governance. Initially this was based on the Nomad Sheikh Ordinance that in turn evolved into the Sheikhs’ Ordinance, including both sedentary and nomad *sheikhs*. While the Native Administration became a parallel system of governance, it remained heavily influenced by the central government in Khartoum.

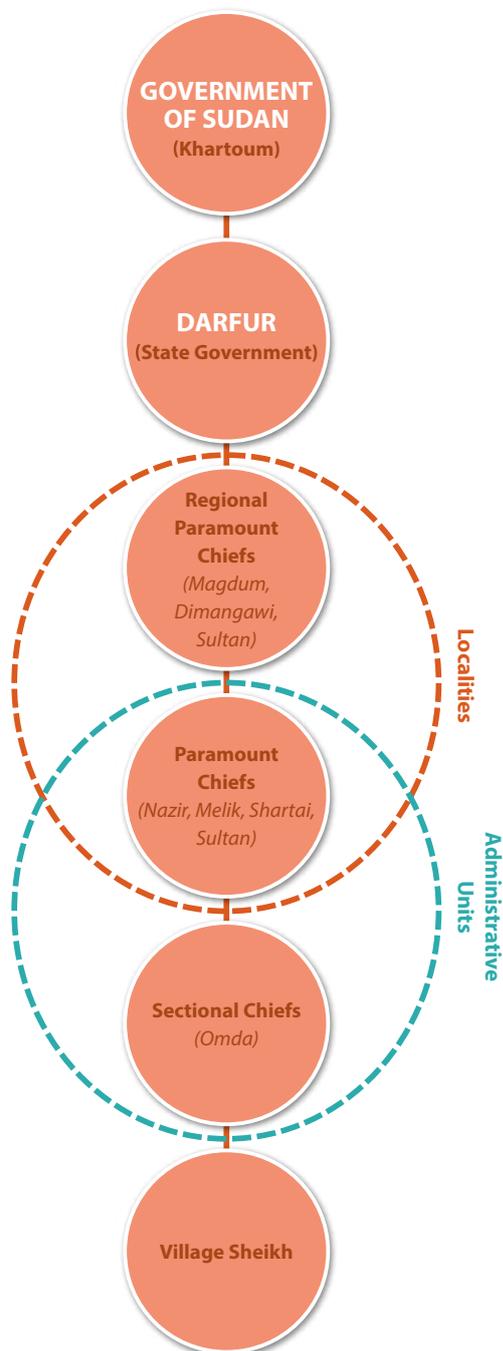
The system was reformed in 1951 when most Native Authorities were stripped of their judicial powers. As the power and authority of the tribal leaders was reduced, it became necessary to deploy a supplementary institution, the inter-tribal peace and reconciliation conference. Article 13 of the DDPD illustrates that “[t]he parties agree that Local Government and Native Administration have been adversely affected by the conflict” and recent attempts to restore the Native Administration system have been unsuccessful and both systems have become politicised affecting their ability to engage in effective reconciliation. Traditionally, the Native Administration played an important role as a link between state and communities, as administrators were essentially government employees. At present, the traditional leaders are appointed by each state’s *Wali* and receive salaries. Since 2004, *shatai/nazir/malik* in North Darfur

and Accountability, *supra* note 139.

¹⁵⁷ TUBIANA, TANNER, AND ABDUL-JALIL, *supra* note 134. This report provides an excellent description of the Native Administration and in particular its close connection with the land tenure system of Darfur.

¹⁵⁸ *Id.*

Native Administration Structure in Darfur



Source :Musa Adam Abdul-Jibril

receive SDG1,500 (US\$341) and *omdas* receiving SDG300 (US\$68) along with significant tangible (vehicles, fuel, phone credit) and intangible (connections and increased opportunities) benefits.¹⁵⁹

¹⁵⁹ *Id.*

The role of the Native Administration in Darfur has been significantly weakened. It lacks resources and has been rendered obsolete in several traditional functions by formally mandated authorities such as the courts and the Attorney General. Moreover, the Native Administration is now largely perceived as a burden to the limited resources of States that cost-share its wages. Resentment of the Native Administration (previously highly respected) is rife given the politicisation of Native Administration appointments and reporting. However, the Native Administration still has a role to play in community relations and efforts for peaceful coexistence and reconciliation. It plays an informal political advisory role to the State Government.

2.11. Personal Insecurity¹⁶⁰ and the Rule of Law

2.11.1. Security

One of the most critical challenges in Darfur is how to re-establish the control of small arms and light weapons while concurrently building a sense of trust and confidence between the population and the authorities, as well as between and within the communities. The control of illegal Small Arms and Light Weapons (SALW) can only be addressed in the overall context of improving security and restoration of the rule of law in Darfur, including effective border control.

The conflict has also introduced and further exacerbated a number of risk factors for the spread of HIV/AIDS. According to the Sudan Millennium Development Goals Progress Report 2011, HIV rates in neighbouring countries to Darfur, particularly Central African Republic and Chad, are quite high. This is further compounded by the presence of foreign combatants, movement across the borders and the fact that rape associated with the conflict has been widely reported. The risk of HIV contraction by victims and family members is recognised as a serious threat to human security, which in turn greatly affects personal security.¹⁶¹

Personal insecurity, coupled with an unorganised and distrusted security sector that is primarily comprised of one or two ethnic groups that are perceived to support the marginalisation of certain other groups, and fragile or non-existent traditional dispute resolution mechanisms, make the area highly vulnerable to insecurity and violence.

¹⁶⁰ Human Development Report, UNDP (1994), available at <http://hdr.undp.org/en/reports/global/hdr1994/chapters/>; International Covenant on Civil and Political Rights, G.A. 2200A, U.N. Doc. A/RES/2200A (XXII) (Dec. 16, 1966); Universal Declaration of Human Rights G.A. 217A, U.N. Doc. A/RES/217A (III) (Dec. 16, 1966). The UNDP Human Development Report expanded the definition of security to include - economic, food, health, environmental, community, political and personal. Personal security involves protecting individuals from physical violence. The right to security of the person has been reaffirmed by a variety of international documents.

¹⁶¹ Annexed Report from thematic working group on Peace and Security.

CEASEFIRE COMMITTEE (ART. 64)

Within the broader framework of a national Sudanese DDR Commission there are three fully-staffed offices in El Fashir, Nyala and Geneina, each one representative of the LJM. Moreover, to implement the provisions of the DDPD, a signatory Ceasefire Committee (CFC), supported by UNAMID, oversees monitoring and verification of DDR in Darfur. As outlined in the DDPD, the CFC should have been formed not more than 90 days from the signing. However, its formation took 234 days and only in November 2012 was it fully endorsed by both parties. The CFC anticipates collecting long-range weapons from LJM and other armed groups, once they have been verified and are ready for cantonment. Established by the CFC are state-level, Sector Sub-Ceasefire Commissions (SSCFC) to ensure effective investigations and reporting, while overseeing ceasefire compliance. To ensure that the ceasefire is implemented in the Localities, Ceasefire Team Site Groups (CSTG) will be established to patrol, liaise, inspect, visit and report on the ceasefire situation to the SSCFC. Once the CFC completes its work, the Darfur Security Arrangements Implementation Committee (DSAIC) is responsible for deciding which combatants join the security institutions (through the SSR process) and which will be referred for DDR.

There is a clear division between customary law and state law, which causes particular challenges or grievances by communities against the security sector.

Certain sections of the security sector, including the Border Guards, are viewed highly negatively by communities. In the public consultations a common perception expressed by community members was that the Security Sector had a nearly singular ethnic composition, lacked professionalism, included children as guards and that attacks on the public had been witnessed. Police stations are few and far apart from each other, particularly in areas of high insecurity. Where in existence, police stations are often staffed by poorly-paid individuals, who do not have comprehensive training and who are perceived by the community to not respect local or customary laws.

The Sudan Armed Forces (SAF) is also perceived as not truly representative of the varied ethnic backgrounds in Sudan. Additionally, the poor representation of women in the security sector, high levels of violence against women and lack of training on handling cases has led to a poor response to attacks, access to justice, and restitution for victims.

The DDPD recognises the fact that streamlining the

security sector and building trust of communities in such institutions is critical in stabilising peace and security in the area. Particular attention must be paid towards security for women. Darfuri women have expressed that they don't currently feel safe moving between locations. Similar concerns were expressed by a large number of refugees in Chad during the DJAM Chad meeting in December 2012 regarding individual insecurity and local movement.

2.11.1.1. Small Arms and Light Weapons

The adverse political, social and economical effects on certain ethnic and political groups in Darfur fuelled the emergence of rebel movements. The multiplicity of armed groups and shifting allegiances, fractured along political, ethnic and regional lines have resulted in a complex political and social environment. Despite the signing of the DDPD, significant challenges remain in achieving community security, protection of civilians, human rights, rule of law and access to justice. Additional sources of insecurity include banditry and inter-tribal and resource-based conflicts, exacerbated by the wide spread proliferation of small arms and light weapons and the high presence of ex-combatants. Movements of nomadic Arab tribes, which also include ex-combatants belonging to the Popular Defence Forces (PDF), also contribute to seasonal conflict in Darfur. This is compounded by "at risk youth", predominately young males with no viable economic livelihood opportunities. Firearms have emboldened young disenfranchised men, who also want to be part of the decision-making process. Generations have grown up in conflict and young men have often been raised in an environment that promotes militarised and violent forms of masculinity. Moreover, physical insecurity along trade routes has had far-reaching effects on economic factors in Darfur. Specifically, increased insecurity has led to raised transport costs, and is believed to have contributed to fuel shortages, as well as increased isolation of rural markets.¹⁶² The proliferation of SALW has been a major contributor to instability in Darfur. SALW and

¹⁶² Working Draft and Interim findings of the Darfur Joint Assessment Mission (D-JAM) - Track 2, Private Sector Development, *supra* note 147. Transportation costs now include a risk premium, which is factored into the cost of all goods. Cement prices in Nyala are more than 50% more expensive than in Khartoum. Similarly, basic medicines such as Chloroquine are twice as expensive in Nyala, compared to prices in Khartoum.

ammunition caches have increased dramatically over recent years, with not only armed rebel groups carrying weapons, but also nomadic groups and communities, as a mechanism for protection. The specific number of weapons caches is not available for Darfur. However, a recent report by the Small Arms Survey cited that the flow of weapons into Darfur continued, despite international sanctions designed to prohibit this supply.¹⁶³ Four primary vectors for this traffic had been identified from 2005-2011: (1) arms originating in the stockpiles of the Chadian Armed Forces (officially or unofficially provided through Chadian army officers to JEM and other rebel groups moving between eastern Chad and western Darfur); 2) arms originating in Libyan government stockpiles, particularly supplied to JEM and Sudan Liberation Army -Minni Minawi (SLA-MM) (3) Supply Chain to regular SPLA of South Sudan also reaching South Kordofan and Darfur through rebel groups and (4) the SAF domestic supply chain, furnishing weapons to SAF and PDF forces in Darfur and also reaching non-state armed actors on all sides through pilferage, theft and battlefield capture.

Banditry and looting have also become widespread in Darfur and represent a critical threat to peace and security, particularly at the community level. Armed bandits have capitalised on the readily available weapons. Consequently, one of the most important issues for security in Darfur includes strengthening control of border areas. Proper control of border areas will limit the trafficking of illegal SALW from

163 S.C. Res. 1591, U.N. Doc. S/RES/1591 (Mar. 29, 2005); S.C. Res. 1945, U.N. Doc. S/RES/1945 (Oct. 14, 2010).

**DARFUR SECURITY
ARRANGEMENTS IMPLEMENTATION
COMMISSION (ART. 74)**

The DSAIC, established in 2012, was first active following the DPA in 2006 and oversaw integration of combatants into the SAF. Article 9 of the DDPD also highlights the need for the SAF to be regular, professionally representative and non-partisan. The Security Arrangements section also refers to the need for an inclusive National Sudan Armed Forces and other security institutions that are capable of maintaining and defending sovereignty and territorial integrity of the country. DSAIC is designed to make recommendations and support the implementation of this process with the DRA. It also states that the Integration Technical Committee (ITC) should be established in order to oversee this process. As of April 2013, this process has still not yet begun, as verification by CFC has not been finalised and therefore the identification of the 20% suitable for national training in the security sector and the 80% referred to DDR, has not taken place. However, according to the DRA, assembling areas for the LJM to support weapon collection were submitted to UNAMID by the LJM in mid-2012.

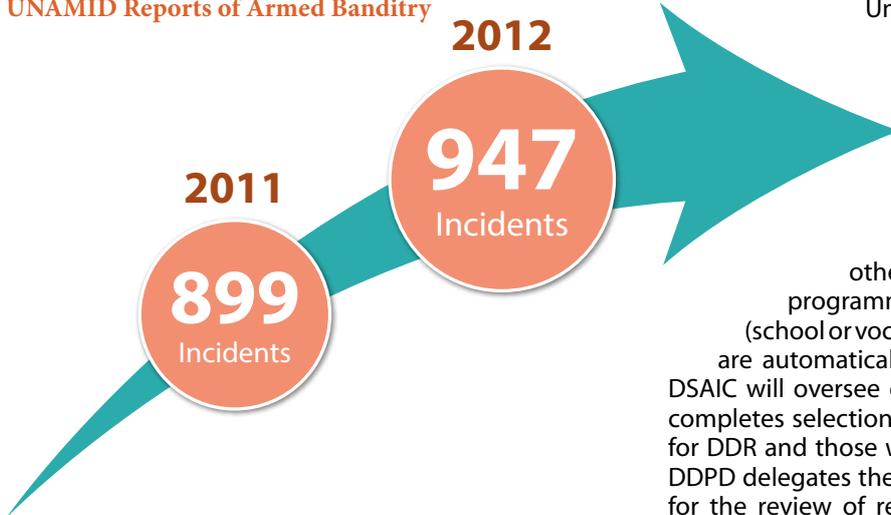
neighbouring countries, as well as preventing foreign militias and armed groups from crossing into Darfur and causing insecurity that may jeopardise the peace process. To that end, Sudan has entered into agreements that have had a positive impact on overall peace and security in Darfur.

Domestically, the Sudanese Ministry of Interior and the Sudan Disarmament, Demobilisation and

International Measures of Arms Control



UNAMID Reports of Armed Banditry



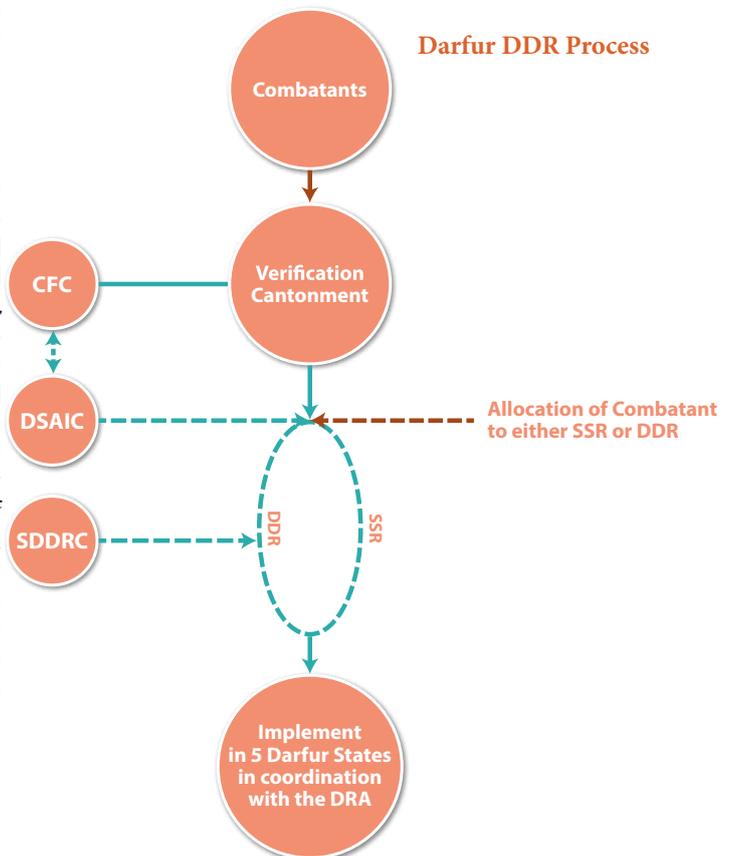
Reintegration Commission (SDDRC) have jointly drafted a SALW Control National Action Plan focusing on issues such as small arms proliferation, cross-border smuggling of illicit arms, and armed conflict among ex-combatants, ethnic groups, inter-communities and nomad farmers and means of control of SALW. While the draft document is being refined to meet international standards, once it is endorsed by the Sudanese parliament this action plan will serve as a basis for strategic and comprehensive national policy on SALW control in Sudan and be the basis for subsequent programme interventions.

2.11.1.2. DDR/SSR

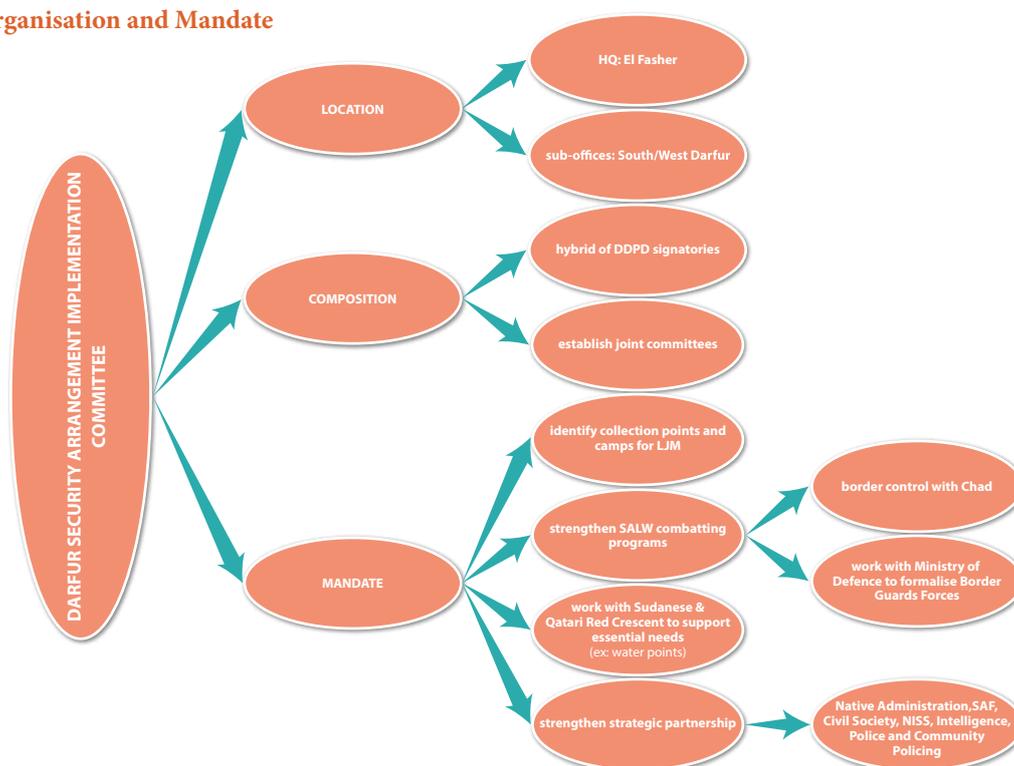
While the DDPD allows for a comprehensive Disarmament, Demobilisation and Reintegration (DDR) programme for male and female ex-combatants, as well as for a civilian arms control programme, it does not go into much detail regarding Security Sector Reform (SSR). However, it does generally highlight that all Sudanese - including Darfuri - shall be fairly represented in the Immigration, Border Guards, Police, Prisons and Wildlife authorities. It also calls for the rectification of imbalances that exist, including gender balance and the representation of the people of Darfur at the senior levels of SAF and in the future intake of people into military academies. As part of the DPA in 2006, the Government of Sudan was to reform security institutions, identifying selected individuals who were to be referred to the Security Sector, while the remaining caseload was to be provided with comprehensive DDR support. Yet, apart from an increase in referrals to PDF and Border Guard units that had been created in August 2004 as a response to the conflict, SSR and DDR has been very limited.

Under the current DDR process, limited in scope though it is, women are registered and referred before men. Children are immediately disarmed and referred to the Sudanese Red Crescent and the International Committee of the Red Cross, who work with other agencies on a family reunification programme or a rehabilitation programme (school or vocational training). Disabled individuals are automatically referred to the DDR programme. DSAIC will oversee collection of hand weapons, once it completes selection of those combatants to be referred for DDR and those who will join the security sector. The DDPD delegates the task of DDR to the SDDRC, but calls for the review of representation to ensure the people of Darfur are included. The SDDRC has offices in three states of Darfur (North, South and West). The new States of Eastern and Central Darfur are covered by the offices in South and West Darfur, respectively. The SDDRC is fully operational; however, centralised decision making power rests with SDDRC in Khartoum, often reducing the independent ability of the SDDRC offices in Darfur to oversee work. The SDDRC has focused thus far on preparatory work including public information and sensitisation campaigns, as well as building a culture of

Darfur DDR Process



DSAISC Organisation and Mandate



peace by working with *hakamas*, youth and community leaders. There are also gaps in technical staff resources, gender diversity, Management Information Systems and project management. However, secondments to the SDDRC from UNDP are planned to supplement capacity gaps. As the SDDRC continues its work, particular attention must be paid not only to the peace agreement signatories, but also to vulnerable groups, including women, children, individuals with disabilities, as well as foreign combatants. Every effort should continue to be made to bring the non-signatories to the peace table.

2.11.1.3. Police

The police force is present at the locality level in Darfur. However, it remains severely under-staffed, under-resourced and ill equipped. Total numbers for senior commissioned officer and junior rank across all five states are less than 13,000. While the police/population ratio, at around 1.6/1,000, is not significantly lower than the internationally acceptable standard (1.8-2.5/1,000) this belies the problems of unequal distribution across Darfur, immense challenges towards mobility and the lack of resources, training and communications. Due to a severe lack of resources, police officers, particularly those of junior rank, are underpaid¹⁶⁴ and often find themselves in harsh and difficult working conditions. Moreover, police are often times ill-trained in community-orientated policing approaches and apply inappropriate tactics.

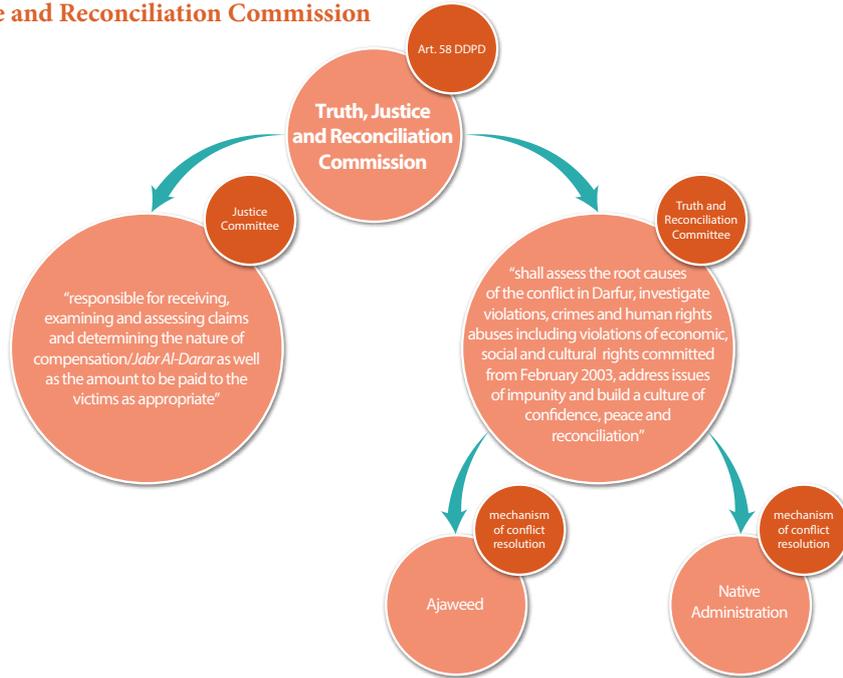
Consequently, local *sheikhs* and *omdas* have established patrols and security committees in most of the IDP camps.¹⁶⁵ This has led to police stations and posts being targeted by non-signatory rebels, resulting in increased fear and excessive use of force. Police should be, and should be perceived as being, neutral, independent and immune to political interference in order to help improve their efficacy and increase/earn the trust of Darfuri communities.

Police officers, as keepers of the law, are intended to work closely with the judiciary that enforces the law. However, due to the number of courts and prosecutorial power in many Localities, police have often assumed judicial functions. Specifically, police who are not trained in investigatory tactics, particularly with regard to human rights violations, have taken on roles normally performed by prosecutors. While police are obligated under the Criminal Procedure Act (1991) and Police Forces Act (1999) to pursue investigations, they are unable or unwilling, due to deteriorating security situations and increasing illiteracy rates, to perform their own investigatory tasks, let alone those presented to them due to the lack of a functioning court system. There is an urgent need to build the capacity of the police force to be able to protect and perform investigations, while also garnering public support and trust.

164 Earning salaries as low as US\$100 (SDG440) in some places.

165 UNAMID is mandated to provide security for vulnerable groups, yet is perceived by many to be unable to do so adequately.

Truth, Justice and Reconciliation Commission



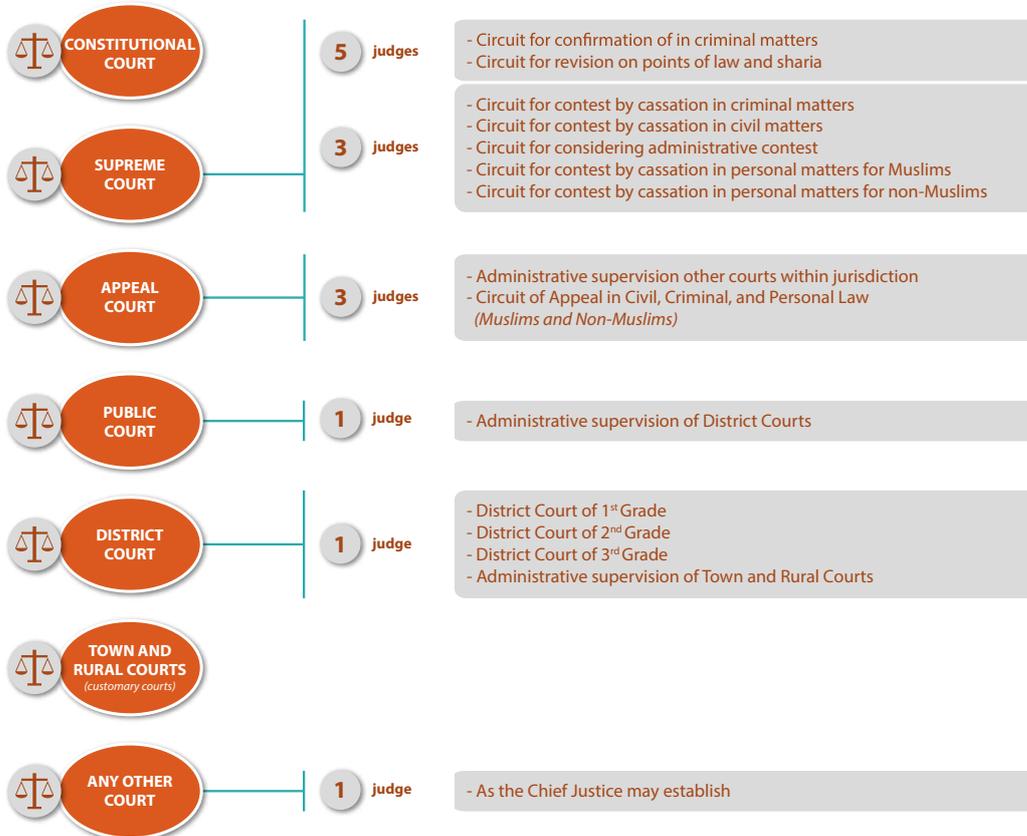
2.11.2. Justice and Reconciliation

Across the board, the security sector and stability is reinforced through the application of the rule of law. Thus, it is important to review available judicial systems

in Darfur. Just as parallel systems of governance exist in Darfur (Native Administration and local governance), so to do parallel systems of justice, formal and informal courts.¹⁶⁶ Moreover, the interwoven concepts of justice

¹⁶⁶ TUBIANA, TANNER, AND ABDUL-JALIL, *supra* note 134.

Judicial System of Sudan



Substantive Jurisdiction of the SCCED



and reconciliation in Darfur appear in an often-utilised traditional mediation process as the first entry point for most Darfuri. Should that process fail or be deemed unacceptable by the parties involved, cases may be brought before customary courts and, subsequently, a statutory court in the formal judicial system. Should each of those mechanisms prove unsuccessful in obtaining a satisfactory result, then a Government-sponsored conference is the last line of reconciliation. Consequently, the need to reinforce the roles of traditional leaders and local resolution processes is essential while simultaneously clearly linking the formal and informal judicial systems.

Sudan in general, but particularly Darfur, faces an immediate need to strengthen justice institutions to ensure efficiency, accessibility and ensure the application of the rule of law. Failure to do so results in increased challenges to people's livelihoods, well-being and security. Presently across Darfur perceived influencing of judicial institutions and the gradual disintegration of traditional reconciliation mechanisms has led to the severe lack of confidence in the rule of law. Similarly, existing police and security institutions have been stretched thin across the region, thereby inhibiting access to justice.

2.11.2.1. Formal Judicial System - Statutory Courts

All formal courts apply both *Sharia* and statutory law in Sudan. The statutory court system in Sudan is enshrined in the INC, calling for the establishment of an independent Constitutional Court and a National Supreme Court and Courts of Appeal in every state capital, including the five in Darfur. The State circuit of the Supreme Court for Darfur, based in El Fashir, is constituted of the Chief Judges of the

JUSTICE, TRUTH AND RECONCILIATION COMMISSION (ART. 58)

Methods of accountability take on a variety of forms in the development and rebuilding process. Unlike judicial accountability, the JTRC aims to construct a historical narrative, investigate individual acts and larger societal constructs that acts occur in and offer recommendations towards broader reconciliation and reform schemes. As with most complex conflicts, notions of truth, justice and reconciliation are inextricably linked and are best approached as conceptually and procedurally intertwined. The JTRC will play a vital role in ensuring that reconciliation is compatible with criminal justice processes. Therefore, it is extremely important that the statutory and traditional legal systems already in use in Sudan be strengthened to ensure the success of the Justice Committee. As a whole, the JTRC will operate closely with the Compensation Commission as it is mandated to receive, examine and assess compensation claims. To date, a DRA Commissioner has been appointed but neither committee has been established and little has been done towards establishing the JTRC.

five Darfur States. It has jurisdiction over appeals against the judgments of the Court of Appeal in criminal cases. The revision of cases in civil and *Sharia* law matters has to be appealed to Khartoum. Decisions of the circuit of the Supreme Court for Darfur may also be appealed to the Supreme Court in Khartoum.¹⁶⁷

¹⁶⁷ See DR. MARKUS BÖCKENFÖRDE ET AL., MAX PLANCK MANUAL ON THE JUDICIAL SYSTEMS IN GERMANY AND SUDAN (2006), http://www.mpil.de/shared/data/pdf/manual_judicial_systems_of_germany_and_sudan.pdf. for a complete description of the judicial system in Sudan and how it functions.

**JUDICIAL SERVICE
COMMISSION (ART. 6)**

It is important that the national judicial system of Sudan be representative of the country, including Darfur. Thus, it is imperative that the people of Darfur be adequately represented in the Judicial Service Commission (JSC) intended to guarantee adequate representation in the judicial system. Within the JSC, it is provided for by the DDPD that a Panel of Experts be established to ensure adequate gender and geographical representation.

In Darfur, the capacity and outreach of the judiciary is severely weakened by the extremely low numbers of existing courts and judges. Of particular note was the adjournment of all new cases in North and West Darfur in May 2010 due to a lack of judges. Moreover, physical court infrastructure is dilapidated and copies of relevant legal texts, as well as the most basic office equipment and supplies are lacking.

In addition to the regularly constituted criminal courts, the existence of Specialised Courts in Darfur over crimes of particular interest to the state, including offenses against the State, have existed since 2003.¹⁶⁸ Located in El Fashir, the Special Crimes Court on the Events in Darfur (SCCED) was established by decree in 2005. While amended decrees broadened the court's jurisdiction to include international humanitarian law they did not adequately ensure the application of international criminal law and international human rights law. Therefore, according to Article 59 of the DDPD, the Special Court for Darfur has been established in El Fashir, with a prosecutor appointed by the Government, to have jurisdiction over gross violations of human rights and serious violations of international humanitarian law committed in Darfur since February 2003. Moreover, cases are actively being referred to

¹⁶⁸ Initially, the Emergency and Public Safety Act (1997) allowed for the establishment of Special Courts that contained a military component. In 2003 they transformed into solely civilian-based Specialised Courts. Crimes falling under the Special Courts' jurisdiction includes espionage, robbery, banditry, killing, unlicensed possession of firearms and "anything else considered a crime by the *Wali* or head of state or head of the judiciary."

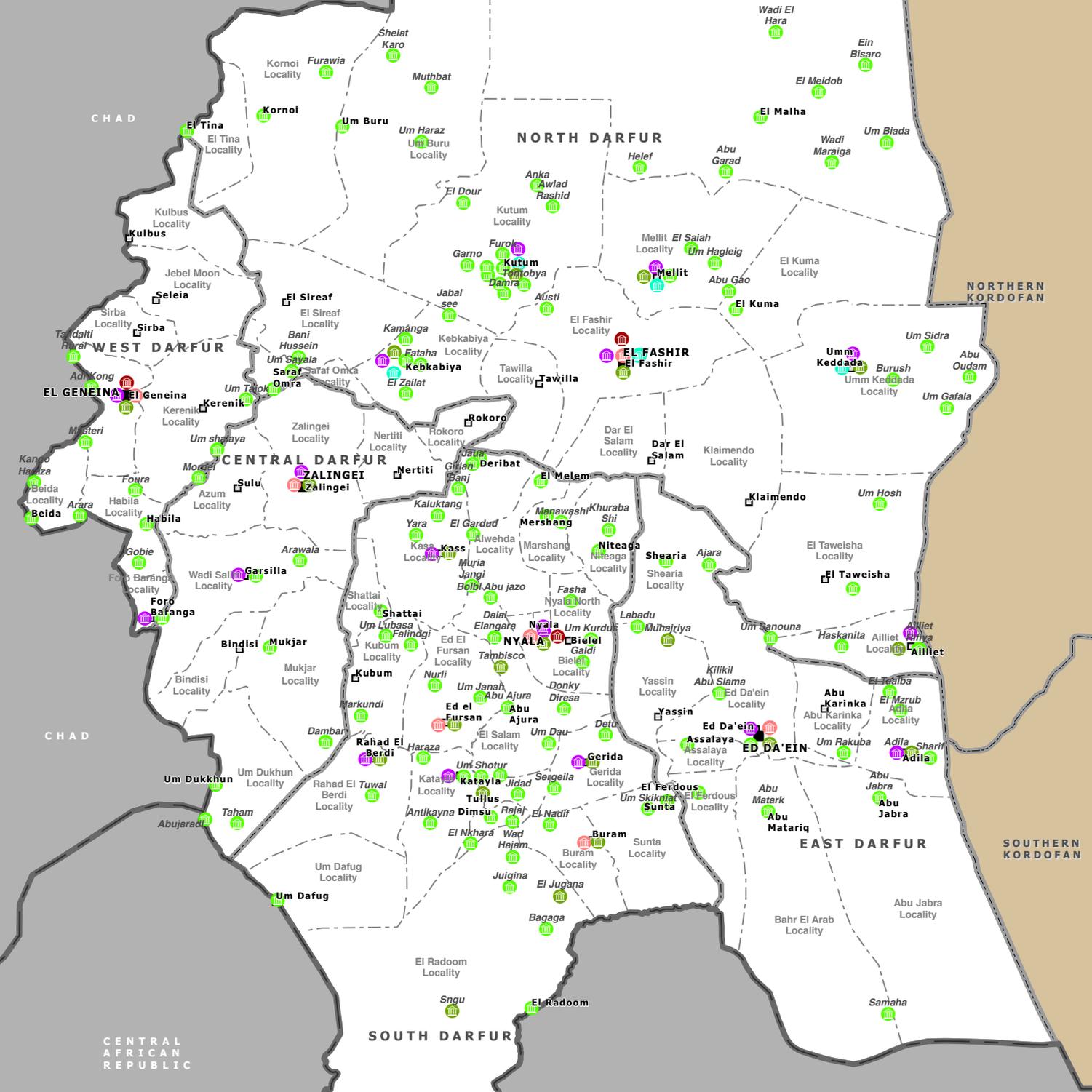
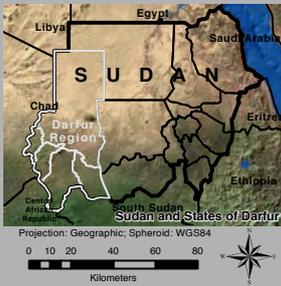
the Special Court for Darfur.¹⁶⁹ To ensure proper conduct in accordance with justice and equity rules of international law, the UN and AU have requested the appointment of a specialised team of experts to consult with the Government of Sudan and observe the Special Court for Darfur.

Across all courts in Darfur, judges face severe staff capacity deficiencies. The courts are frequently staffed by people with limited legal training, resulting in inconsistent application of criminal law and criminal procedural law across the criminal court system, irrespective of the status or ethnicity of the applicant. There is also no clear delineation of the functions of various established specialised courts, the SCCED and the new Special Court for Darfur, which exist concurrently. There is significant overlap in jurisdiction across these courts and the determination of individual cases to assigned courts remains unclear.

For a judicial system to be regarded as legitimate and effective it must be strengthened. In Darfur, this

¹⁶⁹ Attacks in 2012 on the village of Segeli (75km outside of El Fashir) has been referred to the Special Court for Darfur.





Legend

Judicial Institutions (UNDP Rule of Law, 2012)

- Appeal/High Court
- General/Public Court
- District Court
- Prosecutor's office
- People's Court (Town)
- People's Court (Rural)
- State capitals (OCHA, 2011)

Locality Headquarters, 2011

Sources: Bureau of Local Government, El Fashir & Nyala

- Dept. of Planning, State Ministry of Finance, El Geneina

Legend - Administrative layers

International boundaries, 2007

Source: Sudan Interagency Mapping Group

- Sudan
- Neighbouring Countries

State boundaries, 2012

Sources: Census 2009, www.sudan.gov.sd

- Darfur states (West-Central & South-East Darfur boundary Unverified)
- Other states of Sudan

Locality boundaries, 2012 (Work in progress)

Sources: Bureau of Local Government, El Fashir & Nyala

- State Ministry of Physical Planning and Survey, El Geneina

Disclaimer: The names and boundaries on this map do not imply official endorsement or acceptance by the Government of Sudan or United Nations nor do they imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities or concerning the delimitation of its frontiers or boundaries.

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Town and Rural Courts of Darfur



Source :UNDR, 2011

requires: the establishment of courts in many Localities; appointment of neutral and independent judges; and, the provision of adequate resources. Above all, the judiciary must remain detached from political authorities and be able to act as an autonomous body, as dictated by the principles of separation of powers between government branches.

2.11.2.2. Prosecution

Currently prosecutors operate solely in the five state capitals of Darfur with no presence in rural areas. The severe lack of prosecutors and offices across Darfur greatly inhibits proper administration of justice. Moreover, the low number of prosecutors means that they are unable to perform their supervisory duties over the police to ensure proper treatment of custodies and secure the rights of detainees. Prosecutors also face difficulties in significant court delays regarding the processing of referrals. Focused attention needs to be paid to ensure the neutrality and independence of prosecutors, particularly in areas affected by armed conflict, as well as the creation of special offices specialising in vulnerable groups.

In August 2008, Sudan's Minister of Justice appointed the first Special Prosecutor and legal advisers in each of Darfur's states to investigate crimes committed in Darfur during the conflict since 2003. The Special Prosecutor's work has been severely hampered by continuing insecurity in the region. As of November 2012, four different individuals have held this office since inception in 2008.

Prosecutorial capacity and proper administration of justice is greatly limited due to the state of emergency declared across Sudan in 1999, which remains in effect in Darfur as of early 2013. The state of emergency suspended several important legal rights and the President is invested with extraordinary powers to rule by Presidential Decree. In particular, rights associated with due process, including access to counsel and the prohibition of coerced statements, have been greatly affected. Immunity provisions have been made in federal laws for National Security Staff (1998)¹⁷⁰ and subsequently, extended to the armed forces.¹⁷¹

2.11.2.3. Legal Aid and Representation

The provision of legal representation is one of the essential vehicles ensuring access to justice. In Sudan, government-funded legal aid is the responsibility of the Legal Administration Department (within the Ministry of Justice) through assigned legal aid lawyers from the prosecution service. The service is barely functioning. Due to the shortage of specially assigned lawyers, legal aid is sometimes provided through prosecutors assigned on a case-by-case basis. In most parts of Darfur legal representation is rare or non-existent. There are very few practicing lawyers in Darfur and the vast majority of defendants go unrepresented in court proceedings. Detainees continue to suffer in prison without lawyers to represent them. Additionally, there is a marked lack of legislation allowing for legal aid, establishment of Legal Information Centres and paralegal capacity building, whether at the national or state level. This vacuum greatly

¹⁷⁰ The National Security Forces Act, Article 33 (1998) states that "no civil or criminal proceedings shall be instituted against a member, or collaborator for any act connected with the official work of the [NS] member, save upon approval of the Director." Article 46 of the Police Forces Act (1999) states "no criminal procedure will be taken against any police officer for a crime committed while executing his official duty or as a consequence of those official duties without permission of the Minister of the Interior."

¹⁷¹ A Presidential Decree dated 4 August 2005 amended the People's Armed Forces Act stating "[t]here shall not be taken any procedures against any officer, ranker [sic] or soldier who committed an act that may constitute a crime done during or for the reason of the execution of his duties or any lawful order made to him in this capacity and he shall not be tried except by the permission of the General Commander or whoever authorised by him."

diminishes the rule of law despite the best efforts of existing Legal Aid Centres and the Lawyers' Network.

2.11.2.4. Informal Judicial System - Customary Courts

In Localities where there are no statutory courts, people can utilise customary methods that operate under an informal, traditional court system. This was originally established by the British to solve local disputes and dispense justice to the masses on the basis of traditional law. The Native Administration utilised these informal mechanisms that previously played a vital role in the peaceful settlement of communal disputes and functioned reasonably well.¹⁷² In 1932, the Native Courts Ordinance formalised customary courts into the judicial system. In 1971, when President Nimeiri abolished the old Native Administration Act, peaceful conflict resolution mechanisms were dismantled and replaced by popular courts. Insufficient substitute arrangements lead to the reformation, whether official or unofficially, of customary courts. To date, no subsequent institutions have been able to successfully mediate and manage inter-tribal disputes. Since the 2004 Town and Rural Courts Act, customary courts have become a part of the formal judicial system as the lowest tier as *mahkama ahliya* are hierarchically structured.¹⁷³ A middle court (*mahkama wusta*) acts as an appellate court for customary courts. These courts are chaired by high-level traditional

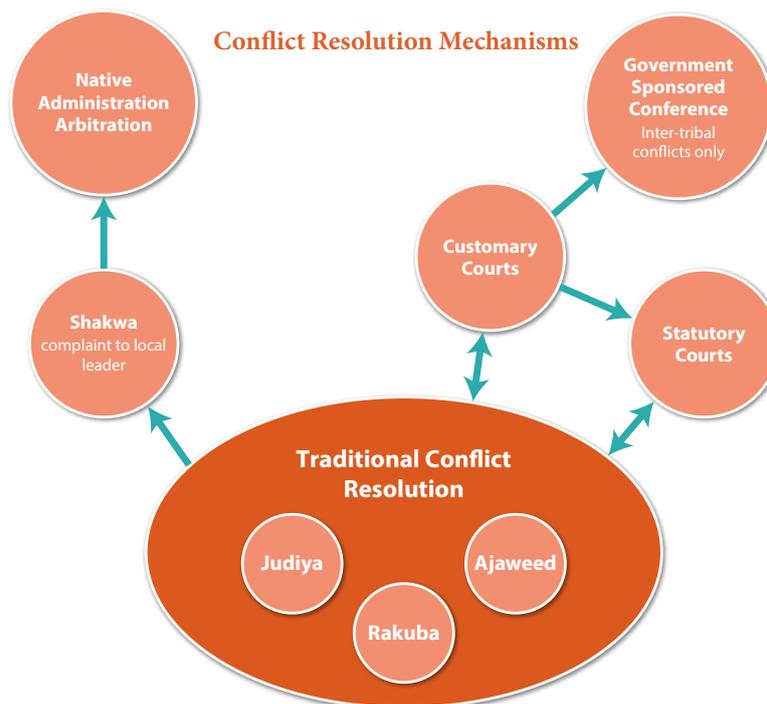
172 It was impossible for the formal system to adequately cover the vast region of Darfur, particularly given its level of underdevelopment.
 173 TUBIANA, TANNER, AND ABDUL-JALIL, *supra* note 134.

NATIONAL HUMAN RIGHTS COMMISSION (ART. 1)

The National Human Rights Commission (NHRC) was established following the passing of the National Human Rights Commission Act 2009. The Commissioners were appointed three years later on 9 January 2012 and currently the NHRC is operational at the federal level in Khartoum. At this stage it is important that the NHRC work towards establishing State Sub-Committees which will be better positioned to monitor and protect human rights. Structures and budgets for four State Sub-Committees, and regional offices of the NHRC, have been proposed in Darfur, Blue Nile, East Sudan and South Kordofan. Specifically, the DDPD provides that the Human Rights Sub-Committee for Darfur be tasked to "monitor the situation of human rights as well as protect and promote human rights in Darfur," with particular attention to forms of discrimination and the protection of economic and social and cultural rights.

leaders from the Native Administration on an *ad hoc* basis for complex cases requiring particular attention to customary law. Specifically, they resolve intricate land or intertribal disputes.

Those customary courts that still exist are severely under-resourced and under-staffed; court facilities often do not amount to more than some chairs under a tree. Moreover, the numbers of traditional courts have decreased sharply leaving the important judicial role of



the native administration unreflected in the number of existing courts, the customary courts have been shattered by the military environment, displacement and politicisation, rendering whole communities vulnerable to arbitrary violence with little or no protection. As a result, some communities have lost faith in the traditional system that, due to lack of resources, war and physical presence in rural areas, has failed to protect them.

As the power and authority of the tribal leaders has reduced over the years, it became necessary to deploy a supplementary institution, leading to the increased role of traditional conflict mechanisms. Nevertheless, the informal justice system plays a very important role in the administration of, and access to, justice in Darfur. For many Darfuris, traditional law continues to constitute the very first (and only) entry point into the justice system.¹⁷⁴ Moreover, traditional courts are viewed as the only viable system able to provide justice and redress for communities when compared to the formal justice system. It promotes dialogue as an appropriate channel to achieve both justice and reconciliation amongst tribes, particularly as regards land disputes as suggested by Article 52 of the DDPD. Thus, independent and non-politicised, indigenous mechanisms may play a role in complementing processes of justice and reconciliation, while maintaining international human rights standards.

2.11.2.5. Traditional Conflict Resolution Mechanisms

This '*judiya*' process had long existed in Darfur and emerged as a key mechanism for managing inter-tribal conflict in the 1980s.¹⁷⁵ Unlike formal or customary court proceedings, the *judiya* process is one of mediation between the parties, with a third, neutral party as arbiter (*ajawid*).¹⁷⁶ Usually the proceedings deal with both the cause of the dispute and the damage (including loss of life) incurred during the conflict itself and recommend a solution to the original cause and restitution and compensation.¹⁷⁷ The recommendations set forth by the *ajawid* as part of *judiya* establish the *rakuba*.¹⁷⁸ In terms of conflict resolution, the *rakuba* is a sort of precedent that is established following the *judiya* process that determines future actions.¹⁷⁹ Once established, a *rakuba* has proven to

¹⁷⁴ Appeals against the decisions of traditional courts can be lodged with the statutory District and General Courts.

¹⁷⁵ Tubiana, Tanner, and Abdul-Jalil, *supra* note 134.

¹⁷⁶ The *ajawid* are respected third party elders who generally are not involved in the dispute. In intra-tribal disputes they will generally be from a separate family or clan. Whereas, in inter-tribal disputes *ajawid* are from other tribes. Notable is that parties will reject a particular *ajawid* if there is a perception of non-neutrality or bias.

¹⁷⁷ For a full description of the *judiya* process please see TUBIANA, TANNER, AND ABDUL-JALIL, *supra* note 134.

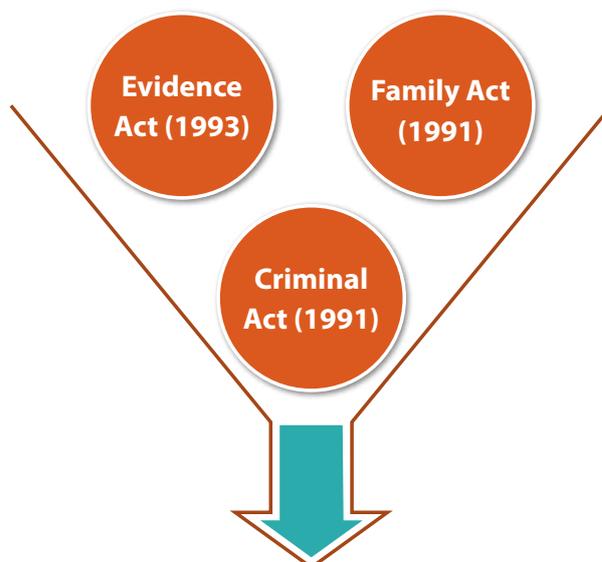
¹⁷⁸ A *rakuba* is literally a straw roofed open hut structure found all over Darfur in market places, open areas and dwellings. See Section 2.2.1.

¹⁷⁹ See TUBIANA, TANNER, AND ABDUL-JALIL, *supra* note 134. Often times a *rakuba* is used to keep the blood money (*diyya*) and compensation levels low. When no *rakuba* exists, establishing one is hotly debated amongst the parties involved.

be a useful tool in inter-tribal disputes, however, proving a *rakuba's* existence and particularities between two tribes is often difficult, as they are unwritten and exist only in the collective memory.

These traditional methods of reconciliation are particularly apt at dealing with some of the diverse causes for conflict in Darfur. However, they are unable to deal with the national-level or political causes of conflict and have no power of enforcement. Particularly, in the case of the *rakuba* that exists only so long as those who know of it are alive. Consequently, many people have argued that these traditional methods have lost credibility and future efforts should be linked to higher-level political processes, so that there is a mechanism for government enforcement.

The current crisis has placed severe strains on the traditional conflict resolution mechanisms guiding inter-tribal relations in Darfur. Previously, the rule of law was safeguarded by traditional leaders in their interactions between tribes. Inter-tribal disputes and problems used to be dealt with by the tribal leadership through high-level negotiation and mediation. Aimed at mitigating tensions and restoring social harmony (which is the principal objective of both traditional and statutory law), *sheikhs* and *omdas* came together to reconcile local families, clans and communities. However, the use of force has replaced the time-honoured mechanisms of mediation, reconciliation and peaceful settlement, further eroding the authority and applicability of peaceful conflict resolution and traditional law.



Legislation to raise SGBV awareness and encourage further policy and legal amendments

2.11.2.6. Prisons

Closely linked with law enforcement is the exercise of sentences and punishments. The prison system in Darfur is part of the Sudan Prison Organisation under the Government of Sudan. The Director General of Prisons in Khartoum is the overall head of the system in Sudan, including Darfur. Each of the Darfuri States has a State Director of Prisons, who reports to the Director General of Prisons in Khartoum. Currently, the prisons in Darfur do not meet the minimum standards required under the United Nations Standard Minimum Rules for the Treatment of Prisoners (1955), which lays down the important principles regarding the proper treatment of prisoners and management of prison institutions.¹⁸⁰ Many prisons in Darfur date back to the colonial era and require extensive renovation to address failing architectural integrities and limited toilet facilities. Moreover, prisoner care - material items, sanitation, access to water and health facilities and measures for prisoners to receive/obtain sufficient quantity and quality of food remains a particular problem that will need a specific review to overcome. Access to legal counsel is not readily available and most of those arrested and detained are poor and illiterate and cannot afford legal fees.

Due to the dilapidation, perimeter security is poor, so convicted offenders are often permanently shackled to prevent their escape. In densely-populated and overcrowded prisons, serious offenders are often mixed with juveniles, mentally ill persons, pre-trial detainees and those convicted of minor crimes. Women are generally housed separately, but lack basic facilities, including those in relation to the care for their children, who live with them in prison.

Difficulties of infrastructure further prevent capacity building of prison staff. Educational challenges have led to 80% of the national prison staff being illiterate. Consequently, most prison officers require training on human rights, rehabilitation and reintegration and relevant international standards for the treatment of offenders. The following systems need to be established/enhanced: First, juvenile offenders need to be dealt with in separate prisons; Second, inmates need to be provided with information about the regulations governing their treatment and the approved methods of making complaints; Third, prison inspections need to be more frequent and civil society organisations need to be involved in monitoring the conditions.

2.11.2.7. Gender Concerns

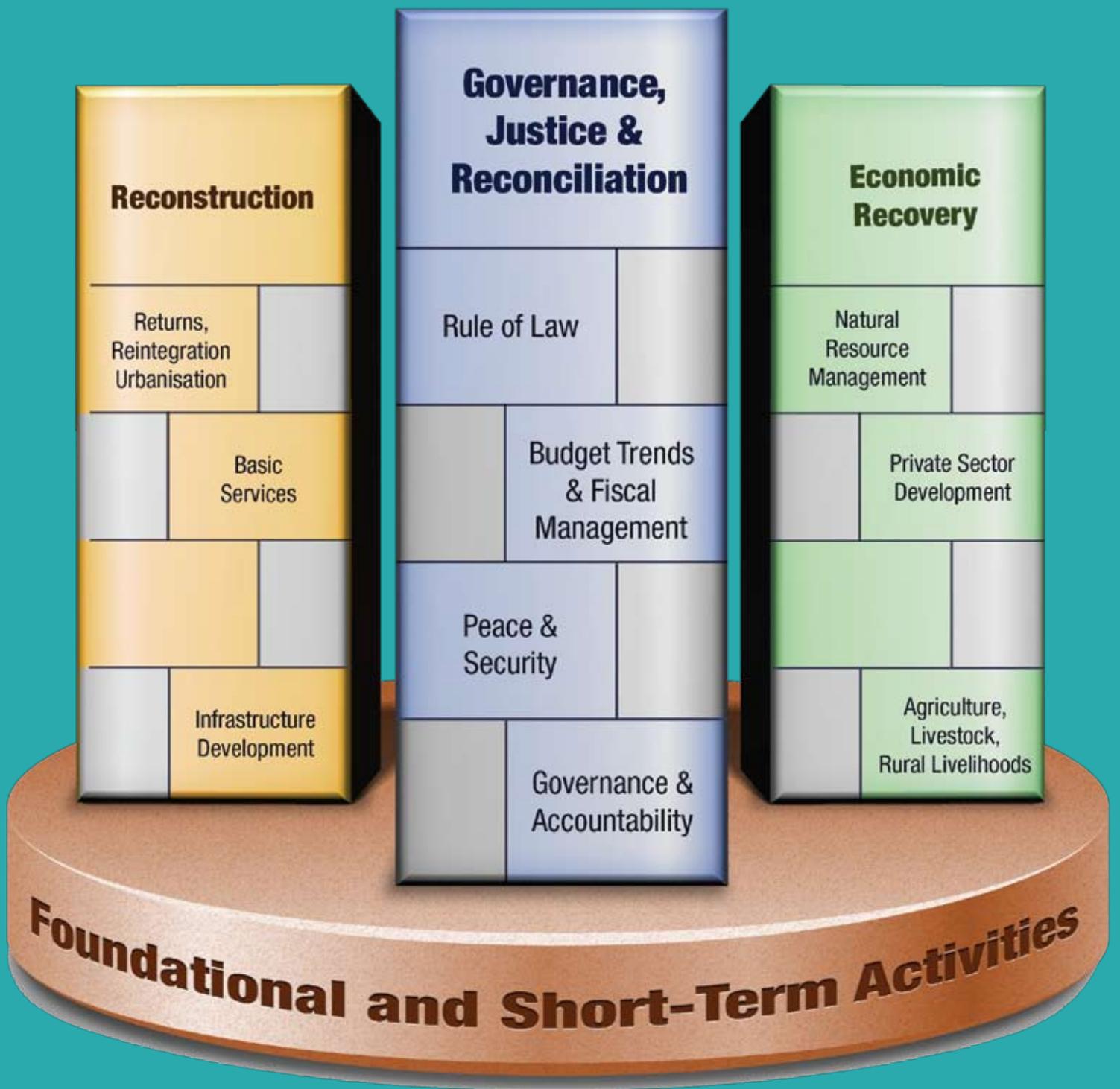
The conflict in Darfur has resulted in massive displacement leading to a rise in SGBV. Since the beginning of the

conflict in Darfur, reports of rape of women and girls occurring outside displacement settlements have been well documented. However, very few cases have been reported to authorities. This is largely due to the stigma that would attach to the victim, fears of retribution and lack of trust in the judicial system to redress such violations. Rape remains the most commonly reported crime, as information regarding other forms of violence remains sparse. The Government of Sudan and Darfur State Committees have advocated for increased security for women and girls, increased support for prosecution of SGBV crimes, better access to judicial recourse and appropriate medical and psychosocial support. To that end, some Government policies and procedures have been amended to enable additional support to combat SGBV. An important amendment to the Criminal Procedure Act (1991) affirms the right of survivors of sexual abuses to receive medical care without first reporting to the police and completing a criminal form.¹⁸¹ Capacity building and training of judicial and prosecutorial bodies to address SGBV cases, legal aid services and legal counselling to survivors, legal processes within the courts and psychosocial support in preparation for filing of the cases are all in dire need of further support. Attention should also be given to the way that informal traditional courts throughout Darfur treat SGBV. Thus, in this there is a need to support all stakeholders for the prevention and response to SGBV through an approach based on rule of law and access to justice, promotion of gender equality and civilian protection. Also, efforts to strengthen the functions of the formal national justice systems, as well as the traditional forms of justice, should be enhanced to help ensure that such systems respect the rights of women and girls.

One of the priorities women listed under rule of law was the need for renewed legislation and laws to reflect women's needs and rights. Specifically, it was mentioned that women should always have access to justice, to both the traditional justice system and the formal justice system. It was emphasised that sometimes women feel unfairly treated due to the traditional justice system where women are marginalised. Moreover, without adequate rules and standards to determine the process of cases being transferred between the Native Administration and formal judicial system, there is a risk that empowering Native Administration could negatively affect women's access to justice.

¹⁸⁰ These principles include registration, personal hygiene, clothing and bedding, food, exercise and sport, medical services, disciplinary measures and punishment and contact with the outside world.

¹⁸¹ Previously, Sudanese law required victims of physical assaults, including SGBV, to obtain a Form 8 from the police to submit to a medical practitioner before receiving medical treatment.



Foundational and Short-Term Activities

SECTION



THE DARFUR DEVELOPMENT STRATEGY

1. The Creation of the *Darfur Development Strategy*

Following the state-level consultative workshops, the lead and support agencies worked to compile the ten thematic working group reports that are provided as annexes to the overall *Darfur Development Strategy*. These reports thoroughly expand upon the above-detailed sector specific, situational challenges and provide corresponding objectives identified by participants and agencies, in tandem with resultant costing to meet these objectives. The broad-based consultation ensured synergy between the DDS development and other ongoing processes, such as the designs of the State 5-year plans and the Federal I-PRSP, especially its major focus on the reintegration of IDPs.

While the Situation Analysis presented in Section II and the working group reports are necessarily articulated by theme, it is important to remember that the conflict in Darfur, as previously shown, has multiple origins - thereby requiring any recovery strategy to be “integrated and comprehensive” if the root causes are to be adequately addressed. The themes are all interlinked and interdependent. *Peace and Security* addresses land and community reconciliation issues and reintegration; *Governance* and the *Rule of Law* - without which there will be no security - is necessary for long term expansion and maintenance of service capacity and regulation and the administration of *Private Sector Development* to ensure consistent economic recovery and adequate revenue collection to meet the service needs. *Basic Services* are of primary public interest and, without serious investment in both physical and human resources, early gains in community reconstruction cannot be maintained. The *Development of Rural Livelihoods* and the recovery of markets and livestock improvement are vital for the *Return and Reintegration* and stabilisation of the rural sector.

Various Government departments and UN agencies have specific mandates, areas of expertise and interest. The tendency of all actors is to respond to problems as sector-specific. This necessarily loses the coherence and nuanced inter-linkage between the sectors. Moreover, this often gives rise to uneven development, impeded by lack of support from vitally necessary components of other areas.

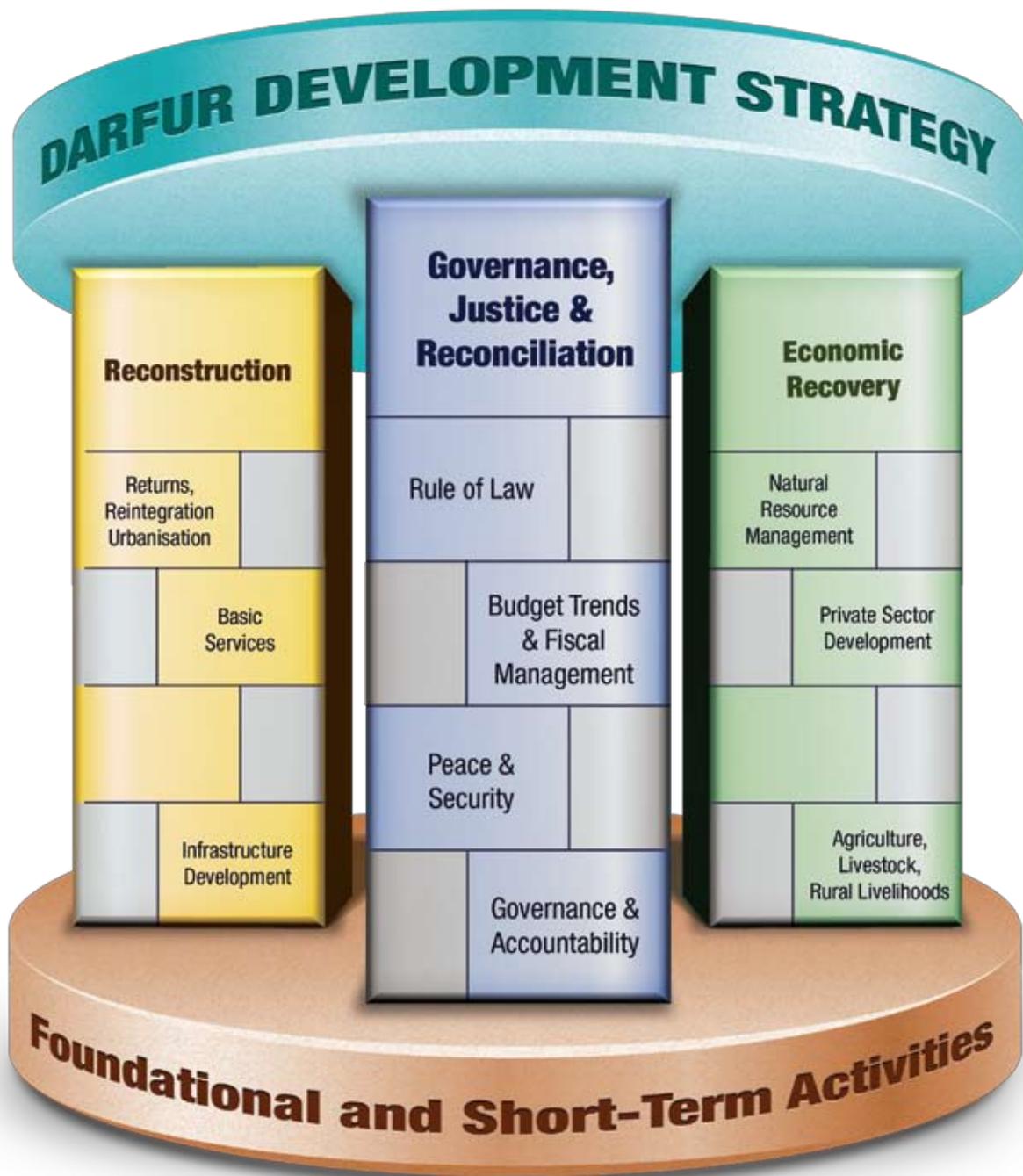
The goal was therefore to design a fully-integrated strategy supported by substantive groups of priority needs identified by the ten thematic areas, which were collated into three broad areas that are articulated in Article 31. As evidenced in the schematic and description that follow, the independent bricks of the thematic groups lend themselves conceptually to the formation of three main pillars necessary to support the region-wide *Darfur Development Strategy*:

**Governance, Justice and Reconciliation;
Reconstruction and Economic Recovery.**

Any structure is only as strong as its foundation. While the challenges presented in the situation analysis are detailed, they should not be deemed intimidating or insurmountable. Each thematic area presents numerous opportunities to substantively improve the conditions detailed. Moreover, foundational and short-term activities are those initial and incremental initiatives identified by

DJAM participants that can kick-start meaningful progress towards the overall DDS goals. Each pillar will therefore be built upon a substantive foundation, ensuring their strength.

The pillars themselves, though built of related themes, are dependent on each other for the sustainability and development of the whole. Individual sector support is inadequate to ensure the success of the strategy without the recognition that the bar must be raised equally, and that each pillar is necessarily interdependent. All aspects



of recovery should not be *ad hoc* given that there are elements of all these that need be developed as an integrated programme and in a time-conscious manner. It is for this reason that the strategy itself rests upon the interconnected pillars, indicating that support to each is equally vital.

The *Darfur Development Strategy* therefore recognises the shortfalls inherent within a project-based, sector-specific wish list and instead presents an integrated, comprehensive, stakeholder-driven roadmap to holistically initiate the

ambitious, yet achievable, objectives outlined by the DDPD - a stable, peaceful and prosperous Darfur. At the same time, by involving all the parties currently active in Darfur in its formulation, it ensures synergy between ongoing programmes, plans and organisation, building on lessons learned and utilising existing structures to enable a rapid mobilisation.

The strategy is visually depicted as a cohesive, connected and stable structure, conceptually represented by the schematics below.



The amalgamated, prioritised objectives, recommended activities and outputs are presented in the following pages in a costed, broad, strategic framework for the key intervention areas that considers the scale, coverage and timeline of the anticipated response. Every strategy must have a starting point and the DDS is firmly built on a foundation of identified activities that require immediate funding and initiation, which are further detailed later in this Section. The management of funds, quality assurance

and essential monitoring and evaluation mechanisms are all detailed in Section IV.

The following consolidated Results Framework is an aggregation of all the priorities produced by the thematic working groups, yet does not provide all the details on each sector: it is mainly intended as a planning tool to support the overall *Darfur Development Strategy*. For greater details regarding costing, activities, targets



and timeframe please refer to the respective Annexed Thematic Working Group Reports.

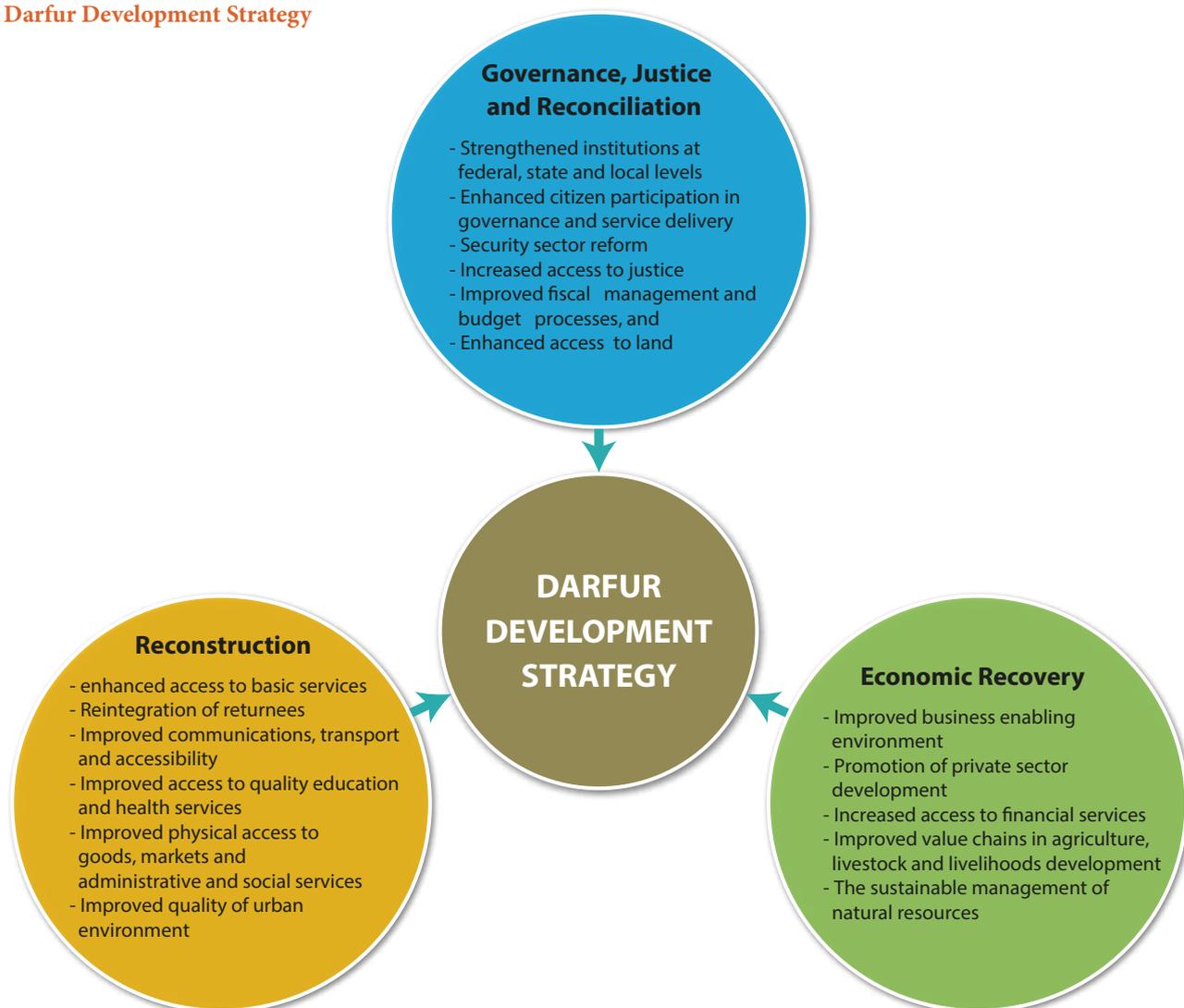
2. Darfur Development Strategy - Pillar Results Framework

The primary objective of the *Darfur Development Strategy* is to support the transition from humanitarian assistance to recovery and development. To this end, the Strategy focuses on three pillars that align with the key priorities identified through the broad process of DJAM consultation and validation, the ten DJAM thematic working groups and, ultimately, those articulated within the DDPD.

Supplementary detail is provided prior to the presentation of the pillars in the results framework that follows, along with context regarding the three pillars' interdependency. Earlier sections of this narrative detailed the vitality of each pillar's overall contribution to the establishment of this holistic strategy for Darfur.

Ultimately, the cumulative objective of support to the DDS should also be highlighted here: that is, the establishment of a comprehensive system for economic recovery, development, planning and financial management that ensures the sustainability of the Strategy beyond its six-year implementation period.

Darfur Development Strategy



The following key indicates the framework's layout and offers relevant definitions:

PILLAR NAME		
Objectives	Key Outputs	Indicative Costing (US\$)
Objective	<ul style="list-style-type: none"> • <i>Outputs –the sequential steps that will lead to the achievement of the proposed objectives.</i> <p>For example: the number of States with urban/regional plans (including policies on housing, land, infrastructure and others) in place</p>	<i>Costing in US\$</i>

2.1. Pillar I: Governance, Justice and Reconciliation

Peace in Darfur cannot be sustained without improved governance. This entails building representative, responsive and effective government institutions that are accountable to communities who wish to transition from circumstances of conflict and displacement towards rehabilitation and recovery. The DDPD provides a good, albeit ambitious, framework for governance in Darfur. The political and legal context reflected in the DDPD has key implications for governance and accountability in Darfur, as it stipulates that there shall be a federal system of government, with an effective devolution of powers and a clear distribution of responsibilities to ensure fair and equitable participation by the citizens of Sudan in general, and particularly those of Darfur.

The challenge of improving governance is multifaceted: lack of local government capacity and resources, limited decision-making authority, inadequate citizen participation, prevailing insecurity in some areas, and uncertain prospects for a national reform agenda. These are all impediments that cannot be ignored. Achieving progress in improved governance will take time, and only if shared political will and sustained financial support are secured. However, there is an urgent need to make progress at the local level to improve delivery and maintenance of basic services to communities, as part of confidence-building and participation processes. Citizens need to see the dividends of peace. Ultimately, short-term solutions will only succeed if Darfur benefits from a commitment to decentralised governance: a systematic devolution of central political, administrative and financial authority.

To this end, the *Darfur Development Strategy*, through the **Governance, Justice and Reconciliation** pillar, aims to contribute policy support, technical assistance and capacity enhancement to State governments to enable them to more effectively execute their mandate, especially at the local (decentralised) level, and thus oversee recovery of their conflict-affected regions and

initiate the revival of basic infrastructure and support to conflict-affected populations.

The starting point involves the strengthening of local governance systems, structures and processes through an approved legal framework that clarifies the distribution of powers between levels of government. This includes Localities, the Native Administration and the DRA and will be achieved by the establishment of Locality Legislative Councils through electoral processes and in line with the legal framework. Second, local government will be equipped to fulfil its functions through capacity support and resources, ensuring a public service which is appropriately staffed, managed and capacitated at State and Locality level to deliver services. This will involve State and Localities applying revised procedures for recruitment, promotion and disciplinary processes; State and Localities achieving clean Annual Payroll audits; and State and Locality staff completing planned capacity-building measures. Third, improved budgeting, increased own revenue and an improved federal transfer system are essential to ensuring and sustaining service delivery and development. This pillar will target increased revenue collection at state and locality levels; improved budget execution rates; encouraging state and locality budgets be made available to the public and discussed in relevant bodies; and ensuring that fiscal transfers are made in line with agreed formulae. Finally, accountability through enhanced citizen participation in governance and service delivery will be targeted to oversee the performance of the public sector. In this regard, civil society organisations and citizens will be encouraged and equipped to demand and discuss public data and regular audits of government accounts.

This pillar also targets improved access to justice, land and the reintegration of demobilised armed forces. This will be achieved through increasing access to regular and customary courts; improving land registration and related conflict resolution mechanisms; and, through the design and implementation of demobilisation and reintegration programs.

PILLAR I: GOVERNANCE, JUSTICE AND RECONCILIATION		\$845,000,000
Objectives	Key Outputs	Indicative Costing (US\$)
<p>Strengthened Local Governance Systems, Structures and Processes</p> <ul style="list-style-type: none"> • Approved legal framework which clarifies distribution of powers between levels of government, including Localities, Native Administration and the DRA in place • Locality Legislative Councils established through electoral processes and in line with legal framework • Localities being audited on an annual basis • Localities following procurement guidelines 	<ul style="list-style-type: none"> • Review of legal frameworks at national, state and locality level to clarify jurisdictional mandates completed • Native Administration System reformed • Elected legislatures passing the roles and responsibilities test • Development plans in conjunction with MoF, line ministries and Localities completed and available to the public • Development projects implemented according to planned schedule and budget 	\$115m
<p>Public delivery system which is appropriately staffed and managed at State and Locality level</p> <ul style="list-style-type: none"> • State and Localities applying revised procedures for recruitment [gender balanced], promotion and disciplinary processes • State and Localities getting clean Annual Payroll audits • State and Locality staff [gender balanced] completing planned capacity building measures 	<ul style="list-style-type: none"> • State and Locality level offices constructed and/or rehabilitated and appropriately equipped • Functional review of State and Locality administrations completed • Standard Payroll reports (accurate and free of ghost workers) developed • Annual Payroll audit process completed • Revised systems and procedures for human resource management in place 	\$105m



Photo by Ariel Rubin/UNDP

PILLAR I: GOVERNANCE, JUSTICE AND RECONCILIATION

Objectives	Key Outputs	Indicative Costing (US\$)
<p>Enhanced Citizen Participation in Governance and Service Delivery</p> <ul style="list-style-type: none"> States and Localities with information systems in place which provide timely information (e.g. financial information, procurement awards) to the public domain Civil society organisations and citizens requesting public data and/or participating in accountability meetings Completed audit reports that are publicly shared and discussed 	<ul style="list-style-type: none"> Reporting standards and schedules for key information for Localities and States established Civil Society Organisation (CSOs) and communities in social accountability principles, budget literacy, etc. trained Training of Audit staff in basic audit and reporting principles 	<p>\$110m</p>
<p>Improved budgeting and increased own source revenue</p> <ul style="list-style-type: none"> Planned revenue collection vs actual collected Increase in revenue collection at State and Locality levels Budget execution rate State and annual budget available to the public and discussed in relevant bodies 	<ul style="list-style-type: none"> Functional/sectoral breakdowns of expenditure and budget available at the state level Darfur States having adopted Government Finance Statistics (International Monetary Fund accounting system) States and Localities following the federal reporting formats on budget and budget execution Study on new sources for own source revenues completed Guidelines to clarify revenue assignments between the state and Localities approved Analytical basis and data base of supporting information on revenue collection up to date and being used 	<p>\$50m</p>
<p>Intergovernmental transfers more transparent, efficient and equitable</p> <ul style="list-style-type: none"> Fiscal Transfers done in line with agreed formula Fiscal transfers done in time as per FFAMC guidelines Total fiscal transfers compared to total budget State and Locality audits done in time and available to the public 	<ul style="list-style-type: none"> Fiscal Management capacity building plan for FFAMC, state and local actors implemented Legal framework in place clarifying National, State and Locality rules and regulations on fiscal transfers System in place to plan, transfer and monitor allocations Medium term expenditure framework for the State developed 	<p>\$45m</p>

PILLAR I: GOVERNANCE, JUSTICE AND RECONCILIATION

Objectives	Key Outputs	Indicative Costing (US\$)
<p>Improved access to justice (Gender balanced)</p> <p>i) Increased justice service delivery through:</p> <p>a) strengthened institutions (courts, attorney offices, judiciary appointments, training (including specialised SGBV training), etc.</p> <ul style="list-style-type: none"> • People with access to regular courts • People with access to mobile courts • Court Cases Backlog <p>b) harmonisation of customary court and formal court legislation.</p> <ul style="list-style-type: none"> • Cases solved by customary courts <p>c) improved case record and statement taking in Police stations through provision of clerks and improving collaboration/training between Police and judiciary in due process.</p> <p>ii) Improved public access to justice (work with civil society on awareness-raising on legal rights, establishment of legal helpdesks, training legal aid providers, paralegal outreach).</p> <ul style="list-style-type: none"> • People with access to direct legal aid support 	<ul style="list-style-type: none"> • Localities with functioning courts and attorney offices • Total judges and prosecutors in place in Darfur • Judiciary headquarters established and functioning • Mobile courts providing services • Judiciary staff completing necessary training according to their position • Customary courts judges trained • Paralegals trained and deployed • Police clerks trained and deployed 	<p>\$135m</p>
<p>Successful social and economic reintegration of demobilised armed forces (including special groups)</p> <ul style="list-style-type: none"> • Ex-combatants demobilised • Ex-combatants who are economically active • Ex-combatants who report social acceptance by their communities • Positive perception of host communities of ex-combatants and reintegration 	<ul style="list-style-type: none"> • Arms collected and or registered by various weapon registration committees and secure storage provided • Review of domestic and international Small Arms Legislation • Ceasefire Committee assessment of armed groups verified and monitored • Joint Logistics Coordination Committee established and fully functioning • Ex-combatants receiving psychosocial support • Rates of recidivism 	<p>\$75m</p>

PILLAR I: GOVERNANCE, JUSTICE AND RECONCILIATION		
DJAM Pillars, Objectives and Indicators	Key Outputs	Indicative Costing (US\$)
<p>Security Sector Reform implemented</p> <ul style="list-style-type: none"> Communities with Community policing in place <ul style="list-style-type: none"> Recruitment from all ethnic groups and for gender balance assured. Prison Service improved and prisoner rehabilitation enhanced 	<ul style="list-style-type: none"> Police stations, outposts and mobile police units equipped Police station Staff trained in procedural due process (Clerks employed) Prison Staff trained Prison vocational training established Strategy for non-DDPD Security Sector Reforms developed Former combatants undergoing screening before joining security forces (disaggregated by gender) Local administration staff trained in conflict management skills Voluntary weapons registrations 	\$15m
<p>Reconciliation and conflict management process and mechanisms established</p> <ul style="list-style-type: none"> Reconciliation processes between the parties involved in the conflict DRA Justice, Truth and Reconciliation Commission in place and functioning in line with international standards Peace Committees at Local, State and Locality established Native Administration and local conflict resolution mechanisms established 	<ul style="list-style-type: none"> Participative State Strategy on reconciliation approved People receiving peace and reconciliation related trainings Agreements with sedentary and nomadic leaders regarding grazing and conflict resolution mechanisms for land use disputes signed 	\$35m



Photo by Albert González Farran/UNAMID

PILLAR I: GOVERNANCE, JUSTICE AND RECONCILIATION

Objectives	Key Outputs	Indicative Costing (US\$)
<p>Improved land registration/property system and related conflict resolution mechanisms</p> <ul style="list-style-type: none"> • Farmers and pastoralists being recognised historical hakura land rights • Land titles issued through new mechanisms • Land dispute cases resolved by newly established instances • Disputes over animal migration routes (<i>masaraat</i>) resolved by special newly created instances • Darfur Land Commission with representation of native administration, local community, women, land owners from displaced established and functioning 	<ul style="list-style-type: none"> • Darfur land use mapping completed • Capacities of Darfur Land Commission and Committees built • Policies for adjudicating land claims cases drafted and endorsed • Comprehensive policy for land development drafted and endorsed based on land mapping results • Pilot land registration projects conducted • Policies for arbitration and establishment of a special authority or court for processing land claims in place • Establishment of land registration committees • Laws related to land use and natural resources utilisation at state and national levels revised • Animal corridors (<i>masaraat</i> or <i>maracheel</i>), resting places (<i>sawani</i>) and water sources boundaries demarcated and monitored 	<p>\$55m</p>
<p>People having access to a compensation system and compensation</p> <ul style="list-style-type: none"> • Compensation cases resolved • People/groups receiving compensation • People receiving psychosocial support in line with compensation 	<ul style="list-style-type: none"> • Review of Voluntary Return and Resettlement Commission policies and structure with respect to compensation • Property claims and Restitution Committee (PCRC) fully functioning and operational, documenting claims and processing in timely manner • Establishment of clear policies regarding eligibility, time frame and claim process for compensation • Formation of compensation committees at regional, state, locality and community levels 	<p>\$105m</p>

2.2. Pillar II: Reconstruction

The main objective of the **Reconstruction** pillar is to support the recovery and stabilisation of war-affected populations, whose economic and social life have been severely disrupted. The reconstruction pillar is linked to the previous pillar due to the paramount importance of governance in ensuring that infrastructure investments are well-managed and sustained. By providing water supply in villages, restoring social infrastructure, such as schools parentheses, and linking communities and markets by constructing and improving vital road, rail and air links, war affected populations can resume normal life and engage in productive economic activities - which, ultimately, links to the third pillar, Economic Recovery.

Reconstruction will be achieved, first, through the provision and rehabilitation of basic service facilities and structures. The key concerns are to improve existing extremely low levels of access to basic services. There remain significant disparities between Darfur and national averages - and significant internal disparities between the more and less war-affected areas within Darfur - with regard to the provision of basic packages of health, nutrition and reproductive health services; improved water and sanitation sources; and, enrolment in primary and secondary education. Actions under this pillar will address the physical construction needs, whereas the long term maintenance, operating costs and service training is associated with the strengthening of the government processes in pillar one. Second, access to improved social services, as well as to goods, markets and administrative services, will be supported through improvements in the transportation system. Darfur suffers from a severe lack of secondary roads and lacks links between its five states, as well as between major towns. Large parts of the region are completely inaccessible during the rainy season. Improvements would include the construction and rehabilitation of all-season roads, commencing with spot fixing of choke points to provide an immediate dividend while designs, contracts and major construction is undertaken. This will reduce travel time and produce a marked increase in annual travel volumes on priority road, train and air routes across Darfur. Access to electricity services will also be increased. Thirdly, the reconstruction pillar will ensure that returnees benefit from improved social and economic services through specific targeting of this population, in line with the provisions of the DDPD and the priorities set forth in the Government's Interim Poverty Reduction Strategy Paper. Successful social and economic reintegration of returnees will involve ensuring an increased number of returnees are settled in their target community, are economically active and report social acceptance and integration.



Photo by Cécile Collas/UNOPS

PILLAR II: RECONSTRUCTION		\$5,000,000,000
Objectives	Key Outputs	Indicative Costing (US\$)
<p>Improved physical access to goods, markets and administrative and social services</p> <ul style="list-style-type: none"> • People with access to an all-season road • Travel time reduction on selected routes • Roads in good and fair condition • Annual travel volume on selected road, train and air routes (vehicles, people, tonnes) 	<ul style="list-style-type: none"> • Km of roads rehabilitated and upgraded through spot improvements • State capitals connected with Locality capitals • Km of roads constructed • Feeder roads linking markets, schools and agricultural centres constructed/ rehabilitated • Babanousa - Nyala rail line rehabilitated • Babanousa and El Rahad rail line rehabilitated/upgraded • Locomotives and rolling stock provided • Airstrips rehabilitated/upgraded/ constructed 	\$2,025m
<p>Increase access to improved water sources and sanitation</p> <ul style="list-style-type: none"> • People provided with access to improved water sources <ul style="list-style-type: none"> a) Rural (resident and return areas) b) Urban (resident and new conurbations) • Access to adequate water supply for Livestock (number of animals and number of livestock-owning households) • People provided with access to "improved sanitation facilities" <ul style="list-style-type: none"> a) Rural (resident and return areas) b) Urban (resident and new conurbations) <p>Target audience of awareness campaigns recalling WASH messages correctly</p>	<ul style="list-style-type: none"> • Development of urban master plans for water infrastructure, sanitation, drainage and waste management needs • Revised policies on water resources and access to clarify roles for federal and state level institutions • Build, rehabilitate and upgrade existing water and sanitation infrastructure and storage facilities, especially in IDP/refugee return locations • Water associations/utilities covering operating and maintenance costs • Improved community water points constructed or rehabilitated • Water points rehabilitated and increased along nomadic stock routes and in pastoral zones • Improved latrines constructed 	\$1,080m
<p>Increase access to electricity services</p> <ul style="list-style-type: none"> • People provided with access to electricity [on grid/ off grid] • Public/community infrastructure provided with access to electricity [on grid/ off grid] • Electricity losses per year in the project area • Electricity billing/collection rate • Distribution losses per year 	<ul style="list-style-type: none"> • Kilometres of transmission and distribution lines constructed or rehabilitated under the project • Independent regulator established • Comprehensive Energy Law adopted • Transmission capacity (kVA) • Electricity generation, net (GWh/year) [on grid/ off grid] 	\$1,000m

PILLAR II: RECONSTRUCTION		
Objectives	Key Outputs	Indicative Costing (US\$)
<p>Enhance access to and utilisation of comprehensive health and nutrition services</p> <ul style="list-style-type: none"> • People with access to a basic package of health, nutrition, or reproductive health services <ul style="list-style-type: none"> a) Children immunised b) Pregnant women receiving antenatal care during a visit to a health provider c) Births (deliveries) attended by skilled health personnel d) Poor families enrolled in subsidised National Health Insurance (NHI) e) Prison Health Service established <p>Pregnant/lactating women, adolescent girls and/or children under age five reached by basic nutrition services</p>	<ul style="list-style-type: none"> • Facilities offering complete packages of health and nutrition services of acceptable quality, with particular attention to Return Locations (Urban and Rural) <ul style="list-style-type: none"> a) Health facilities constructed, renovated and/or equipped, especially in Return locations <ul style="list-style-type: none"> - 100 new Basic Health Units, - 100 new Family Health Centres - 5 new local hospitals functioning by year five - Laboratories rehabilitated/built/equipped - 5 State Prison Health Units established b) Appropriately-managed and staffed according to staffing plan (%) (Note: management and operating costs are part of Pillar One "Governance". <ul style="list-style-type: none"> - Health personnel receiving training - Health facilities submitting regular reports on productivity/efficiency for the Health Information Management System (HIMS) c) Systematic procurement of medicines established (expenditure/capita) • Long-lasting insecticide-treated malaria bed nets purchased and/or distributed 	<p style="text-align: center;">\$290m</p>

PILLAR II: RECONSTRUCTION

Objectives	Key Outputs	Indicative Costing (US\$)
<p>Improved access to and quality of education[disaggregated by IDPs, former child soldiers, nomadic children and gender]</p> <ul style="list-style-type: none"> • Children with access to pre-school education • Children enrolled in primary education • Children enrolled in secondary education • Students enrolled in tertiary education • Children and youth with access to alternative learning program (ALP), including Koranic Schools • Strengthen the education system to support achievement of national goals and strategic objectives 	<ul style="list-style-type: none"> • Additional classrooms/schools built or rehabilitated, especially in return areas including Koranic schools and schools for nomadic children • Improvement of school water and sanitation facilities, segregated by gender • Rehabilitation of existing universities: 3 universities and 2 higher education institutions • Teachers' training model institute in Darfur region functioning • Number of additional qualified teachers including Koran educators • Teacher accomodation built in rural schools • Enrolment campaigns conducted • Text books purchased and/or distributed • Toolkits distributed • Support targeted school feeding programs • MoE staff trained in project management and supervision • Schools with community representatives on school management committees • Schools with strategic and annual work plans and budgets, school report cards, in place • Technical support, monitoring, research and knowledge management 	<p>\$350m</p>
<p>Successful social and economic reintegration of returnees (including special groups) [disaggregated by gender and age group]</p> <ul style="list-style-type: none"> • Returnees settled in their target community • Returnees who are economically active • Returnees who report social acceptance by their communities • Positive perception of host communities of Returnees and reintegration • Returnees targeted by violent acts • Returnees with access to Basic Services 	<ul style="list-style-type: none"> • Police stations, outposts and mobile police units constructed/rehabilitated or equipped • State prisons rehabilitated/constructed • Refugees registered and receiving basic support package upon return • Returnees with access to income generating activities and/or vocational training 	<p>\$140m</p>

PILLAR II: RECONSTRUCTION		
Objectives	Key Outputs	Indicative Costing (US\$)
<p>Improved quality of urban environment and access to planned land for residents in major towns of Darfur</p> <ul style="list-style-type: none"> Towns with land management plans developed and in use People benefiting from improved urban planning 	<ul style="list-style-type: none"> Regulatory framework including standards and guidelines for space approved Profiles of densely un-planned settlements developed Land information management systems established (including maps) Major towns capacities and constraints to absorb IDPs assessed Assessment and mapping of land uses in Darfur States with urban data /information management facilities in place States with urban/regional plans (including gender balanced policies on housing, land, infrastructure and others) in place Effective and safe solid waste management technologies put in place and awareness raised on proper solid waste management Surveyed, demarcated and issued plots according to revised plans and established need, irrespective of gender 	\$15m
<p>Improved access to quality urban housing and services (equal opportunity by gender)</p> <ul style="list-style-type: none"> People having access to improved housing opportunities People with access to improved urban services as part of urban upgrading projects 	<ul style="list-style-type: none"> State assessment and strategy for urban services and infrastructure developed Guidelines for settlements up-grading developed Guidelines for sustainable production of building materials and production technologies developed Demonstration projects for building technologies completed Number of community building programmes established State level Local Urban Observatory established 	\$100m

2.3. Pillar III: Economic Recovery

Through directly supporting agricultural operations, demarcating stock routes, promoting alternative energy sources and improving the business climate and access to credit, the main objective of the **Economic Recovery** pillar is to contribute positively towards poverty alleviation and transitioning Darfur to development.

This involves a three-pronged approach: through support, access and ensuring sustainability. First, through support to key livelihoods. Improved crop and livestock production and productivity will be targeted through enhanced agricultural and livestock policies, regulatory instruments and institutional arrangements, and through measures to increase the production and productivity of key crops and animals. Second, by increasing access to key livelihoods and financial services. This involves facilitating a conducive business enabling environment, institutional capacity and private sector development activities through tax incentives to encourage investment in targeted sectors; the promotion

of public-private partnerships; development of sectoral investment strategies (agribusiness, leather and tourism); and, the restoration of a historically-vibrant small scale manufacturing sector. It further involves the facilitation of financial services through the creation of and increased access to finance of Medium, Small and Micro-Enterprises (MSMEs) providing greater coverage of micro finance and savings mechanisms with priority focus on small scale farmers. Finally, to ensure the sustainability of these productive sectors through natural resource management, including the sustainable management of land, forest resources and water, as well as the promotion of alternative energy sources. Sustainable management of land will include the demarcation of nomadic routes and restoration of pasture areas with improved seeds. Sustainable forest resource management will involve reforestation, community forest management and rehabilitation of the *Gum Arabic* industry. Sustainable management of water will be ensured through measures that include, promoting the systematic capture of rainfall (bunding and harvesting) and the protection of river banks against erosion.



Photo by Albert González Farran/UNAMID

PILLAR III: ECONOMIC RECOVERY		\$1,400,000,000
Objectives	Key Outputs	Indicative Costing (US\$)
<p>Improved business enabling environment and institutional capacity</p> <ul style="list-style-type: none"> • Sectors with tax incentives for investments • Public-private partnerships signed • Sectoral investment strategies (agribusiness, leather and tourism) developed 	<ul style="list-style-type: none"> • Private sector promotion centres established • Legal and regulatory framework for private sector investments revised • Establishment of Investment Climate and Promotion Units in State Ministries of Commerce/Finance • Public-Private Dialogue Platform established • Diaspora network established • Markets and trading posts rehabilitated/constructed • Industrial area and export processing zone developed • Border trade management procedures and structures revised • Border facilities rehabilitated 	\$50m
<p>Increased access to employment opportunities [gender balanced]</p> <ul style="list-style-type: none"> • Students finding a job after completion of vocational training • Additional people employed by supported businesses 	<ul style="list-style-type: none"> • Students completing vocational training measures • Vocational Training centres established and functioning • Business benefiting from the Grant Innovation Facility or business incubators • Business development service providers for medium and small enterprises (MSE) created/supported 	\$120m
<p>Increase access to financial services [gender balanced]</p> <ul style="list-style-type: none"> • Medium, small and micro-enterprises (MSME) with access to finance • MSMEs repayment rate of loans • People with access to microfinance or to savings mechanisms • Small scale farmers with access to microfinance and/or saving schemes 	<ul style="list-style-type: none"> • Lines of credit provided • Microfinance strategy for Darfur completed • States covered by the Credit Information Bureau • States with a Central Bank • Microfinance institutions (MFI) supported • Village Savings Loan Association (VSLA) formed 	\$170m

PILLAR III: ECONOMIC RECOVERY

Objectives	Key Outputs	Indicative Costing (US\$)
<p>Improved agricultural and livestock policies, regulatory instruments and institutional arrangements</p>	<ul style="list-style-type: none"> • Harmonised legislation and regulations on crop agriculture, livestock, trade and market information • Formulation of State Agriculture Extension Policy Guidelines by State Ministry of Agriculture (SMOA) • State Extension Research Farmer Advisory Council (SERFAC) established • Farmers Field Schools (FFS) at farm level established • Field extension agents trained and based in Localities • State food security resource information system developed and operational • Agricultural extension/ resource centres constructed/rehabilitated • Private veterinary clinics and mobile clinics established 	<p>\$25m</p>
<p>Improved crop and livestock production and productivity</p> <ul style="list-style-type: none"> • Feasibility studies on rehabilitation of existing Agricultural Development Projects in accordance with para 174 Article 31 of DDPD • Production of key crops • Productivity of key crops • Average herd size per household 	<p>Agriculture:</p> <ul style="list-style-type: none"> • Area under main oil or horticultural crops cultivation • Area under mechanised farming for food crops • Area provided with irrigation and drainage services • Water users provided with new/ improved irrigation and drainage services • Certified seeds produced and distributed • Farmers benefitting from extension services • IDPs, returnees and host farmers benefitting from agricultural implements/ packages <p>Livestock:</p> <ul style="list-style-type: none"> • Pasture area planted using selected seeds • Livestock heads vaccinated • Community Animal Health Workers (CAHWs) trained • Beneficiaries receiving veterinary and/or livestock extension services and training 	<p>\$650m</p>

PILLAR III: ECONOMIC RECOVERY

Objectives	Key Outputs	Indicative Costing (US\$)
<p>Improved value chains in livestock, agriculture and livelihoods development</p> <ul style="list-style-type: none"> • Animals traded in the markets, by type of livestock • Products undergoing value addition processing • People employed in value addition activities • Producer-market linkages established • Additional income for beneficiaries from Income Generating Activities 	<ul style="list-style-type: none"> • Value chains analysis and development plan completed • Farmers trained on cooperative management, micro-enterprise development, marketing post-harvest handling and value addition • Functioning market information systems • Animal slaughter houses established • Livestock tannery factories established • Standard livestock markets established • Pilot processing plants (fruits and vegetables) constructed • Pilot grain stores constructed • Producer associations/cooperatives established • People with access to Income Generating Activities 	<p>\$120m</p>
<p>Sustainable management of water, land and forest resources</p> <ul style="list-style-type: none"> • Water Resources Management Information System (MIS) developed and up to date • Functioning meteorological stations • Land use plans approved • Major catchment management plans agreed • Functioning water user committees • Rehabilitated nurseries • Forest laws, environmental laws developed • Locality mapping of forestry areas completed • Development of Reducing Emission from Deforestation and Forest Degradation (REDD+) in partnership with national programme • Wild life laws and reserve areas established and protected • Integration of early warning system into a comprehensive government strategy for natural resources management • Environmental Impact Assessment (EIA) for projects with major impact on the environment carried out 	<ul style="list-style-type: none"> • Area under sustainable land management • Beneficiaries adopting Sustainable Land Management techniques • Area under reforestation • <i>Gum arabic</i> area rehabilitated • Area under community forestry management • River banks protected against erosion • Nomadic routes demarcated • Pasture area cultivated with improved • People using alternative energy sources • Fire lines opened • Community environmental management plans developed and supported 	<p>\$265m</p>

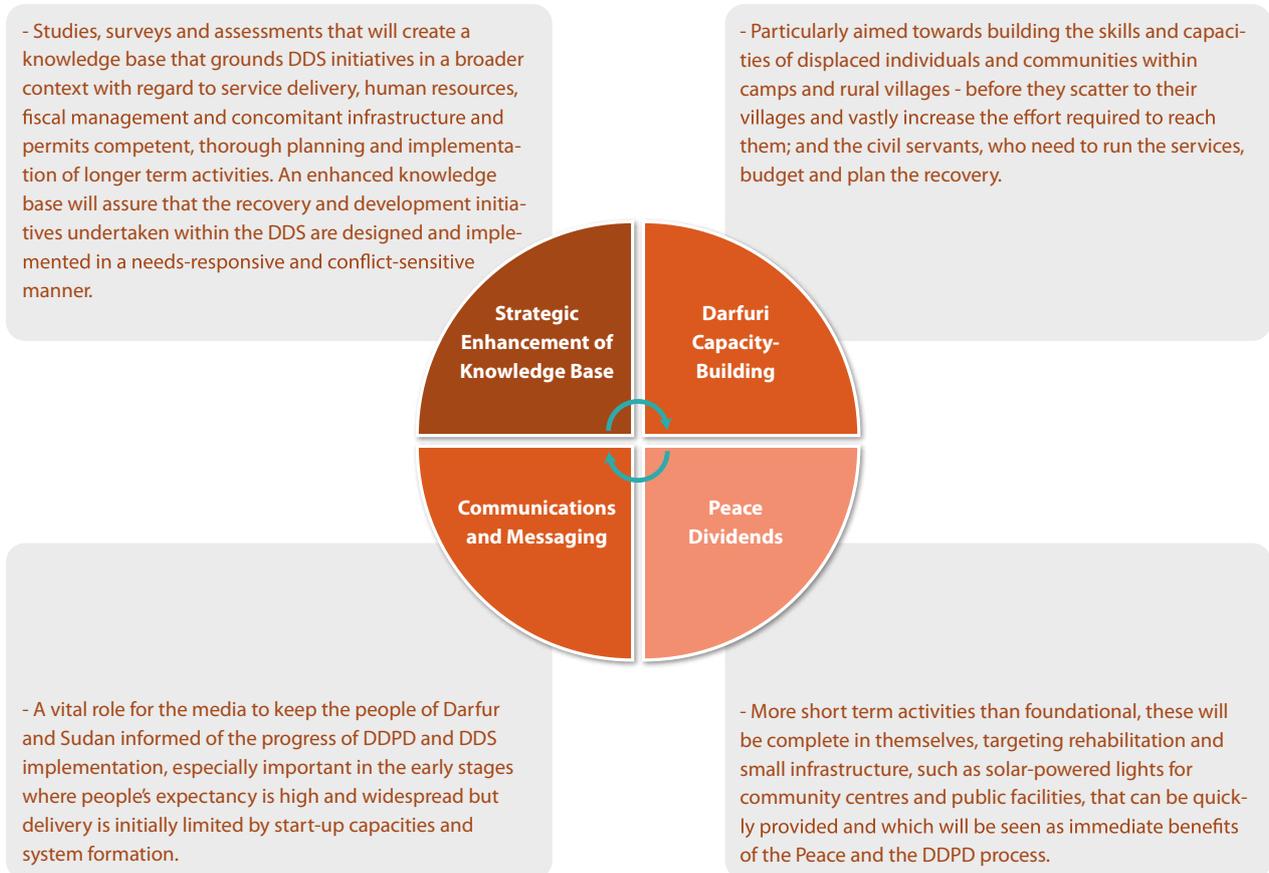
3. Foundational and Short-term Activities

The DDS, like any structure, must be solidly grounded on a strong foundation. The sequencing of activities is vital to the strategy's success, and the substantive objectives sought will not be achieved without a well-coordinated - and well-funded - plan. The three pillars are built upon enabling activities that will provide the essential information, skills, processes and basic physical capacity to support and maintain the desired recovery and development programmes.

Workshop participants identified foundational and short-term (FaST) activities as immediate initiatives that can, and should, be either completed within 12 months or largely established and executed during this timeframe. Most importantly, they identified those activities that are essential pre-cursors and pre-requisites for the start of longer-term development programmes. The compilation of these activities advances the DJAM documentation beyond a simple "wish list" and articulates a measured and rational plan - one that is cognisant of timeliness, sequencing and available capacity.

FaST activities will serve a few key purposes, all of which enhance the speed of transition from relief to development.

To sustain change requires a critical mass of adherents to that change so that the ideas and practices may spread. This requires that every intervention be scrutinised for the scale of operation, its geographical coverage and the timeline of delivery (SCaT), all factors that determined the estimated cost. FaST activities are the initial and immediate actions that kickstart the longer term objectives of the DDS. FaST activities need to start immediately, particularly those aimed towards building the skills and capacities of individuals within IDP camps and rural villages. This will address considerable concerns that may arise before the people scatter to their villages and vastly increase the effort required to reach them and aid in development. The short-term activities are those that should be commenced immediately to improve the current situation and demonstrate the benefit of peaceful cooperation. The funds necessary for their fulfillment will be drawn from the total monies pledged: they are not a separate entity or the "minimum requirement" to meet Darfur's recovery needs. Rather, the activities identified are simply a calculation of the most strategic and time-sensitive funding, a multifaceted investment in the form of a sequenced strategy - and insurance that peace dividends are not only paid, but maintained. They will build confidence in the process and support for the DDS, cognisant of the initial absorption capacity. Training,



Types of Foundational and Short-Term Activities

capacity building and confidence-building in access and stabilisation, will further change the attitudes of a critical mass of Darfuris as humanitarian beneficiaries transition to drivers of proactive, self- and community-based and targeted recovery.

The importance of foundational activities and their role as a specific precursor or pre-requisite to a much larger and longer development programme may be best highlighted through an indicative example. The Government of Qatar has generously pledged US\$150 M for construction of five hospitals in Darfur over the next three years, and included one year of additional running costs. If this contribution were to be attributed to the DDS and the *Pre-Construction Considerations* questions could be answered within the first year of the strategy.

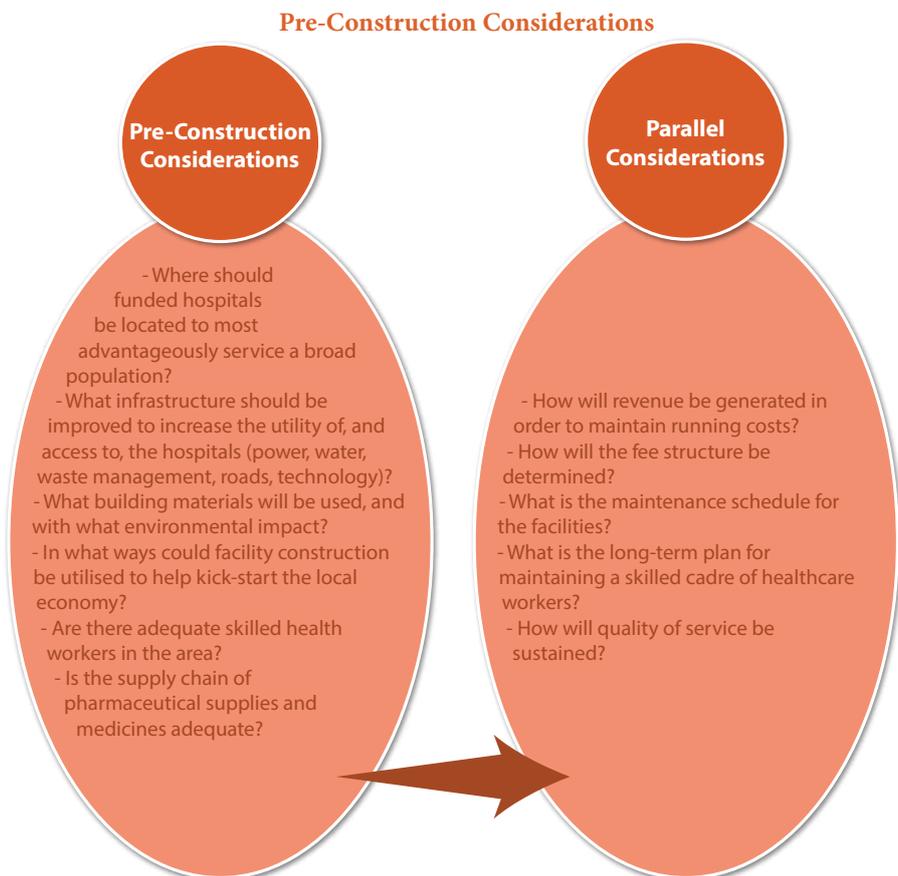
It is apparent that these considerations are linked and interwoven to multiple sectors, which emphasises the inter-related nature of the pillars and the necessity of sequenced development within the DDS. Foundational activities, when funded and executed, will create a knowledge base that grounds DDS initiatives in a broader context with regard to service delivery, human resources, fiscal management and concomitant infrastructure. Additional detail regarding the indigenous knowledge management base that will be created and maintained is found in Section 4.4.

In order to assure that the recovery and development initiatives undertaken within the DDS are designed and implemented in a needs-responsive and conflict-sensitive manner, it is essential that the evidence base be strengthened throughout Darfur. This is achievable by improving data collection processes and tools, information management systems, and the analysis methodologies that can turn this enhanced evidence base into actionable information for programming and operations. A key component of this effort, beyond providing improvements in the Information Communication and Technology infrastructure and the adequate systems software, is the capacity enhancement of the related human resources of both the State government, including the DRA and its key federal

counterparts, in addition to national non-governmental partners.

The strengthening of the evidence base will provide not just the proper inputs for effective and responsive programming and implementation, but will also assure the baselines are clearly set and that impact indicators can be monitored throughout, and ultimate impact assessed for all DDS initiatives.

But this does not mean that physical improvement on the ground has to wait for the results of these surveys and studies. FaST activity programming will also take the form of providing tangible benefits - either completed within 12 months or largely established and executed during this timeframe. The table below presents a fair mixture of both, taking into consideration seasonality, absorption capacity and access.



PILLAR I: GOVERNANCE, JUSTICE AND RECONCILIATION

Foundational and Short-Term Activities		US\$
Pillar One: governance, justice and reconciliation	Objective 1: Strengthened Local Governance Systems, Structures and Processes	
	1.1. Review and consolidate legislative framework	400,000
	1.1.1. Legal, policy and institutional review - studies, consultations, drafting, amendments	
	1.1.2. Organisational restructuring - review of policies, functions, regulations and establishment	
	1.1.3. Review and amendment of Native Administration related laws and regulations	
	Objective 2: Public delivery system which is appropriately staffed and managed at State and Locality level	
	2.1. Study and review of Public Service structures, procedures and delivery system:	1,250,000
	2.1.1. Review of laws, regulations and policies related to public sector management	
	2.1.2. Review of powers and authority of public administration system	
	2.1.3. Review of public sector human resource management practice - policies, employment laws/regulations, organigram, actual capacity and training	
	Objective 3: Enhanced Citizen Participation in Governance and Service Delivery	
	3.1. Review of enabling environment related to citizen representation and participation	250,000
	3.1.1. Civil Society Organisation (CSO) mapping and partnerships with stakeholders - CSOs and media	
	Objective 4: Improved budgeting and increased own source revenue	
4.1. Support the preparation of functional/sectoral breakdowns and budgets at the state level	250,000	
4.2. Study to determine possible new sources for State sourced revenues	250,000	
4.3. Prepare and approve guidelines to clarify revenue assignments between the state and Localities	250,000	
Objective 5: Intergovernmental transfers more transparent, efficient and equitable		
5.1. Review of legal, policy and regulatory framework for inter-governmental fiscal relations - Budgets, Revenue, Expenditure, Audit, Procurement	500,000	
5.1.1. Review of 5 State tax regime, regulations, property valuation tools and infrastructure		
5.1.2. Review of 5 State audit system, capacity and infrastructure		
5.1.3. Capacity assessment for oversight bodies - Auditor General <ul style="list-style-type: none"> • Core capacity development plan for oversight bodies on Information Communication Technology 		
5.1.4. Sector assessment of extent and dimensions of corruption in public sector		
Objective 6: Improved access to justice		
6.1. Map the justice sector on immediate needs of infrastructure and capacity building programs for law enforcement officials:	250,000	
6.1.1. Conduct a survey to : <ul style="list-style-type: none"> • Identify locations where courts, police stations, prosecution offices, houses for law enforcement need to be established in accordance with the size of population needs, secured Localities and priority areas; • Establish the needs of the police (equipment, police posts and housing in rural areas and administrative units) 		
6.1.2. Conduct an assessment for the construction and rehabilitation of prisons in each State, including separate facilities for women and children	250,000	

Cont'd

PILLAR I: GOVERNANCE, JUSTICE AND RECONCILIATION

Foundational and Short-Term Activities		US\$
Pillar One: Governance, Justice And Reconciliation	6.2. Assessment of Judiciary human resources requirement in the 5 states: <ul style="list-style-type: none"> • Establish numbers and qualifications of judges and prosecutors required for the Localities and the budget necessary to support them; appoint immediately where possible • Establish a system of direct legal aid support through register of lawyers and paralegals and mechanism of access provision • Assess number, cost and employment conditions of police station clerks required to improve documentation in police stations across Darfur 	250,000
	6.3. Awareness and advocacy campaign for communities on their rights and access to justice through grass-roots activities and media activities	200,000
	6.4. Provide support to the DDPD Commissions to enable them to realise their Constitutional mandate: <ul style="list-style-type: none"> 6.4.1. Initiate procedures, advocacy for immediate ratification of the DDPD into the National Constitution 6.4.2. Build the capacity of DDPD Commissioners and technical support through training programs, workshops, appointment of experts, etc. 6.4.3. Initiate studies to define powers, rules, mandate of DDPD Commissions to ensure and maintain harmonisation with formal justice institutions 6.4.4. Design a jurisdictional coordination mechanism for the three justice sectors: formal, informal and DDPD bodies, in order to avoid conflict of mandate 	1,000,000
	Objective 7: Successful social and economic reintegration of demobilised armed forces (including special groups)	
	7.1. Ceasefire Committee assessment of armed groups verified and monitored <ul style="list-style-type: none"> 7.1.1. Joint Logistics Coordination Committee established and fully functioning 7.1.2. Capacities developed within Government of Sudan and the 5 State Governments to manage small arms (SALW) and promote community safety through civilian arms control and social cohesion 7.1.3. Disarmament, Demobilisation and Reintegration (DDR) programme conducted across the 5 states for both male and female ex-combatants 7.1.4. Quick impact projects implemented to support social cohesion and small arms control at community level, including an assessment of the capacity of vulnerable female DDR participants and war affected women to participate 	7,500,000
	Objective 8: Security Sector Reform implemented	
	8.1. Establishment of the Integration Technical Committee (ITC) and adoption of key Standard Operating Procedures endorsed <ul style="list-style-type: none"> 8.1.1. Voluntary weapons registration committee formed at state level 8.1.2. Process of identification and integration of former combatants into relevant security institutions supported, ensuring gender responsiveness as envisioned in DDPD 8.1.4. Women-specific needs identified and addressed in Security Sector Reform processes 	1,750,000
	8.2. Full appraisal of rehabilitation and training needs of the prison service in all 5 States	250,000
	8.3. Review of domestic and international Small Arms Legislation	250,000

Cont'd

PILLAR I: GOVERNANCE, JUSTICE AND RECONCILIATION

Foundational and Short-Term Activities		US\$
Pillar One: Governance, Justice And Reconciliation	Objective 9: Reconciliation and conflict management process and mechanisms established	
	9.1. Commission/initiate studies on the relationship and links between formal and informal justice system, customary courts and formal courts	250,000
	9.1.1. Commission studies on the role of traditional justice systems and its mechanisms on the promotion of alternative traditional justice as a means for peaceful conflict resolution	
	9.1.2. Map capacity building needs; design and prepare training programs for traditional judges on both customary and formal justice system	
	9.2. Support the DRA to prepare draft legislations to be submitted at the state and federal levels in order to adopt laws allocating more powers to the Native Administration and also for the application of customary law	250,000
	9.3. Design studies and policies to take into consideration Sexual and Gender-Based Violence (SGBV) and harmonisation with customary justice	250,000
	9.4. DRA Justice, Truth and Reconciliation Commission supported to reach international standards using best practices/standards for JTRC policies and procedures.	3,000,000
	9.4.1. Develop and endorse 5 state strategies on reconciliation through State consultations	
	9.4.2. NGO and Community-based Organisation (CBO) capacities built on peace and reconciliation (5 workshops)	
	9.4.3. Agreement with sedentary and nomadic leaders regarding grazing and conflict resolution mechanisms for land use disputes (3 day workshop in 5 states)	
	9.4.4. Native Administration and local conflict resolution mechanisms strengthened through 5 workshops	
	9.5. Security is provided at 50 return sites:	1,000,000
	9.5.1. Provision of police officers	
	9.5.2. UNAMID Explosive Remnants of War/ Unexploded Ordnance division undertakes assessment to determine extent of danger and interventions necessary for removal	
	Objective 10: Improved land registration/property system and related conflict resolution mechanisms	
10.1. Assessment of the Darfur Land Commission with respect to structure, clear policy and legal issues inclusive of women's land rights identifying gaps completed and recommendations made	3,500,000	
10.1.1. Assessment, consultations and research conducted on customary land registration with concrete recommendations made		
10.1.2. Policies for adjudicating land claims cases drafted and endorsed		
10.1.3. Monitoring mechanism for nomadic corridors established and fully functioning		
10.1.4. Communities informed on their role in land administration through outreach and sensitisation		
Objective 11: People having access to a compensation system and compensation		
11.1. Review of Voluntary Return and Resettlement Commission (VRRRC) policies, activities and structure with respect to compensation undertaken through assessments ensuring gender responsiveness and recommendations made	250,000	
11.2. Establishment of clear policies regarding eligibility, time frame and claim process established ensuring transparency and accountability by engaging a neutral party	100,000	
11.3. Communication strategy developed and implemented at community level regarding the claims process	1,000,000	
11.4. Identify communities prioritised for community compensation projects (to be funded through other components in Peace & Security)	500,000	
11.5. Assessment and establishment of Jabr Al-Darar Fund (JAF) for DRA to manage funds transferred from Government of Sudan and donors	500,000	
Total Pillar I Foundational and Short-Term Activity Requirement		25,450,000

PILLAR II: RECONSTRUCTION

Foundational and Short-Term Activities		US\$
Pillar Two: Reconstruction	Objective 1: Improved physical access to goods, markets and administrative and social services	
	1.1. Detailed assessment of transport needs and priorities 1.1.1. Assessment of trade infrastructure and flows 1.1.2. Feasibility studies and design of priority programs a. Increasing access to markets and market infrastructure b. Improving access to return sites and rural villages 1.1.3. Feeder roads development plan	750,000
	1.2. Rehabilitate and upgrade existing roads network through spot improvement (crossing points rehabilitation or construction)	10,000,000
	1.3. Redesign and initial construction of administrative buildings in selected Localities using Stabilised Soil Blocks	1,000,000
	Objective 2: Increase access to improved water sources and sanitation	
	2.1. Increased coverage and access to safe water and sanitation services in order to reduce incidence of water-borne diseases in return, urban, rural and nomadic areas: 2.1.1. Rehabilitate appropriate water supply systems, such as hand pumps, mini water yards and water yards in return, rural and nomadic areas. 2.1.2. Systematically support running costs for 80 water supply units across 5 states which includes fuel, labour, servicing 2.1.3. Construction of new hand pumps in return, rural and nomadic areas 2.1.4. Construction of new household and public improved latrines in return, rural and nomadic areas 2.1.5. Establish new water facilities at health facilities 2.1.6. Construct water and sanitation facilities at schools	20,000,000
	2.2. Improved monitoring and evaluation of safe water use at state and community level 2.2.1. Train Water, Sanitation and Hygiene (WASH) staff at state level and community members from Localities on Community Action for Total Sanitation (CATS) - (1000 people trained/year from all 5 States) 2.2.2. Environmental sanitation department supported at locality level	500,000
	2.3. Water management is integrated into each state's poverty reduction strategies, with water policies revised to permit more decentralisation and the roles and responsibilities of government water officials clarified 2.3.1. Carrying out training workshops, 3-5 targeted Water and Environmental Sanitation (WES) units (Sector of State Water Corporation) per state per year are supported, including establishment of water testing units 2.3.2. A workshop per state to revise and clarify roles and responsibilities of government water officials (50 people/state= 250 invited to participate) 2.3.3. Disseminate workshop results (1,000 brochures in each state)	250,000
	2.4. Improvement of water supply infrastructure and distribution systems 2.4.1. Urban water master plans developed through a consultative process a. Detailed assessments and feasibility studies b. Priorities identified and costed 2.4.2. Design and construction of specific facilities a. Ed Da'ein water supply network rehabilitated and extended b. Ed Da'ein urban surface water drainage infrastructure constructed	250,000 4,500,000
	2.5. Departmental capacity-building plan developed; priorities identified and costed	250,000
	2.6. Studies on water resource management. 2.6.6. Review existing water resources information systems and water monitoring structures in place 2.6.7. Prepare a comprehensive water resources information system strategy 2.6.8. Identify priority areas to be implemented	500,000

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PILLAR II: RECONSTRUCTION			
Pillar Two: Reconstruction	Foundational and Short-Term Activities		US\$
	2.7. Initiate integrated catchment management programmes in key sites 2.7.7. Selection of sites 2.7.8. Detailed assessments to determine priority works 2.7.9. Design and implementation plans		1,000,000
	2.8. Waste management (solid, liquid) strategy designed 2.8.8. Priorities identified and costed 2.8.9. Implementation plan approved		250,000
	Objective 3: Increased access to electricity services		
	3.1. Survey of solar systems for pilot areas		250,000
	3.2. Initial small scale electrification as Peace Dividend: immediate procurement and installation of photovoltaic solar systems for selected public buildings and selected street lights		2,000,000
	Objective 4: Enhanced access to and utilisation of comprehensive health and nutrition services		
	4.1. Critical assessments: 4.1.1. Number and status of existing and required health facilities by State, especially in Return areas: • Provision of a sequenced upgrading and rehabilitation plan for each state; • A review of supervision and in-service training practices and the formulation of a dedicated programme, intended to progressively cover the active workforce; • A review of pharmaceutical supply arrangements in the region and the identification of measures required to increase the availability of medicines, cut their cost and ensure their quality. 4.1.2. Feasibility study of expanding access to health care through the subsidised enrolment in the National Health Insurance (NHI)		250,000
	4.2. Improve necessary staffing levels by employing idle cadres		1,500,000
	4.3. Improving supply systems, by reducing their fragmentation and supporting region-wide reforms		1,500,000
	4.4. Launching a comprehensive supervision and in-service training programme, aimed at upgrading the skills of active health workers and motivating them		1,000,000
	4.5. Commence upgrading and rehabilitating the existing health facilities (Targeting 4/state in year one)		10,000,000
	4.6. Conduct 5-State baseline study/survey of mental health provision and needs		250,000
	4.7. Establishment of a Darfur-wide health systems observatory, to monitor and coordinate recovery-oriented activities		200,000
	Objective 5: Improved access to and quality of education		
	5.1. Design, site selection, contracts and construction commenced of at least 20 school buildings (4/State), especially in return areas (including teacher accommodation and WASH facilities)		10,000,000
	5.2. Rapid assessment of State Education needs to improve the teacher numbers and skills, appropriate curriculum at different levels.		250,000
	5.3. Increased number of out-of-school youth and adolescents having access to Accelerated Learning Programme (ALP), including life and employability skills 5.3.1. Assessment of numbers of out of school children and youth 5.3.2. 1,800 ALP facilitators trained 5.3.3. 300,000 sets of ALP books and kits procured		4,000,000
	5.4. Increased number of nomadic children accessing primary education 5.4.1. Mobile schools for nomadic populations (Caravans for grades 1-4) 5.4.2. Assessment of mobile school teaching needs and accommodations 5.4.3. Enrolment campaigns conducted in each of the 5 states		8,000,000

Cont'd

PILLAR II: RECONSTRUCTION

Pillar Two: Reconstruction		US\$
Foundational and Short-Term Activities		
5.5. Increased number of children, especially girls, accessing Primary and Secondary education in all five States: 5.5.1. Employment and placement of minimum 500 teachers 5.5.2. Support targeted school feeding programs (\$7.5 million/year) 5.5.3. Provide primary and secondary school teaching and learning materials (e.g. textbooks)	14,000,000	
5.6. Improvement of access to Universities: 5.6.1. Assessment of University requirements in all five states and preparation of budget and implementation plan	250,000	
5.7. Improvement in management of State Education 5.7.1. At least 50 (ten in each state) Ministry of Education staff trained in project management, education, administration and supervision 5.7.2. Technical support, research and knowledge management	200,000	
Objective 6: Successful social and economic reintegration of returnees (including special groups)		
6.1. Safety and security provided at 50 return sites as per DRA plan, prior to arrival and during physical return 6.1.1. Police posts constructed at return sites Note: UNAMID escorts during organised returns movements - from its existing budget	1,500,000	
6.2. Land concerns are addressed at return sites 6.2.1. Land title system is improved and strengthened and land concerns addressed (support to land commission) 6.2.2. Assessment conducted to determine current linkages between <i>hakura</i> traditional system and relation to modern land title system across the 5 states 6.2.3. Appropriate land dispute mechanisms initiated across the 5 states 6.2.4. Crop Protection Committees initiated in return areas	1,000,000	
6.3. Information provided to IDPs and refugees on conditions of the areas of origin 6.3.1. Field missions conducted to potential return areas to assess conditions, detailed village profiles created or updated on return areas 6.3.2. Consultation sessions held with potential returnees in camps and settlements, including women and youth, to disseminate information on potential durable solutions	2,000,000	
6.4. Intention to return assessments conducted in areas of displacement 6.4.1. Large-scale assessment undertaken in areas of displacement to study scale of intention to return versus intention to integrate locally	1,000,000	
6.5. Short-term assistance provided to returnees on arrival 6.5.1. Immediate Return packages: food and Non Food Items 6.5.2. Post-return livelihood recovery packages	10,000,000	
6.6. Registration and provision of documentation for refugees in Chad	1,750,000	
6.7. Basic services are provided at return sites 6.7.1. Educational system is improved at return sites 6.7.2. Health centres constructed 6.7.3. Water system and sanitation facilities are improved at return sites	10,000,000	
6.8. Livelihoods and income-generation activities are promoted in return areas. (cross-linked with activities of WFP Food for Assets, Private Sector Development, and Agriculture, Livestock and Rural Livelihoods sectors)	5,000,000	
6.9. Interventions for women's health and HIV/AIDS prevention - DRA Plan 6.9.1. Establishment of women's centres, training programs, sensitisation	2,500,000	
6.10. Capacity building for DRA, Commissioner for Refugees, Humanitarian Aid Commission (HAC) and Government of Sudan in Return, Reintegration and Urbanisation concerns in all 5 states	750,000	

Cont'd

PILLAR II: RECONSTRUCTION		
	Foundational and Short-Term Activities	US\$
Pillar Two: Reconstruction	Objective 7: Improved quality of urban environment and access to planned land in major towns of Darfur	
	7.1. Increased access to planned land for residents in major towns of Darfur	2,250,000
	7.1.1. Regulatory framework including standards and guidelines for space	
	7.1.2. Profiles of densely un-planned settlements	
	7.1.3. Assessment/up-date base maps and land use maps	
	7.1.4. Land information management systems set up	
	7.1.5. Affordable land use space standards for new settlement/regularisation schemes	
	7.1.6. Major towns capacities and constraints to absorb IDPs assessed	
	Objective 8: Improved access to quality urban housing and services	
	8.1. Improved quality of urban environment.	1,000,000
8.1.1. Urban housing assessment for the 5 states: Inventory of building materials, typologies and options for improvement		
8.1.2. Large scale training and Guidelines for sustainable production of building materials and production technologies		
8.1.3. Established enterprises/cooperatives with capacity for sustainable production of affordable building materials e.g. non-timber, Stabilised Soil Blocks (SSB).		
8.1.4. Low income households accessed fund for self-help housing up-grading		
8.2. Improved capacity of key stakeholders for resettlement/up-grading	1,000,000	
8.2.1. Service centres selected and assessed to service satellite villages with central functions		
8.2.2. Awareness raising activities on housing, land and property rights carried out		
8.2.3. Training in use of appropriate construction technologies		
8.2.4. Sensitisation messages and awareness materials produced		
8.2.5. Hold public meetings and workshops		
8.2.6. Training in skills and tools related to settlements planning and upgrading		
Total Pillar II Foundational and Short-term Activity Requirement		132,900,000



Photo by Albert González Farran/UNAMID

PILLAR III: ECONOMIC RECOVERY			
Pillar Three: Economic Recovery	Foundational and Short-Term Activities		US\$
	Objective 1: Improved business enabling environment and institutional capacity		
	1.1. Review of the business regulatory framework and assessment of its impact in private sector activity		250,000
	Objective 2: Increased access to employment opportunities		
	2.1. Review of private sector and Government employment needs in all five states		250,000
	2.2. Assessment of vocational training institutions and seminars in each State for identification of skill needs and curriculum development		250,000
	Objective 3: Increased access to financial services		
	3.1. Development of a microfinance strategy for Darfur, including a needs assessment [Note: DDPD Article 19 with seed capital from government]		250,000
	3.2. Training of MFIs, organisation of MFIs and banks, study on solidarity groups and Village Savings Loan Associations, development of guidelines and manuals, workshops and training		250,000
	3.3. Assessment of a special banking regulation regime for Darfur		250,000
	3.4. Development of strategy to introduce mobile banking and payments in Darfur		250,000
	Objective 4: Improved agricultural and livestock policies, regulatory instruments and institutional arrangements		
	4.1. Conduct a feasibility study/assessment and stakeholders' consultative workshops for drafting, harmonising legislation and regulations on agriculture, livestock, trade and market information and the improvement of agribusiness environment, in all five states		250,000
	Objective 5: Improved crop and livestock production and productivity		
	5.1. Pre-feasibility, feasibility studies, assessments, soil surveys and testing for development of physical infrastructure and providing support services 5.1.1. Surveys, assessments, verification studies for improving the productive capacity of Micro and Small to Medium Enterprises (MSMEs) through new technologies		500,000
	5.2. Formation of Farmers, Research, Extension Advisory Council, procurement of computers, furniture and equipment to support Agricultural Extension Unit, training workshops, designs and curriculum material for Farmers Field Schools		300,000
	5.3. Assessment and contracting for procurement and distribution of agricultural inputs for 5 states (crop seeds, farm tools, irrigation pumps and drip kits, pesticides sprayers, threshers, animal traction implements, etc.)		500,000
	5.4. Pest surveillance, assessment surveys, studies, Integrated Pest Management, demonstrations, chemicals and equipment procurement, workshops and training, etc.		250,000
	5.5. Detailed assessments and feasibility studies of construction and rehabilitation of four reservoirs: (Golo, Halouf, Ramalia, Kassab) 2.5.5. Priorities identified and costed 2.5.6. Implementation plan approved • Survey and design contracted		1,000,000
	5.6. Construction and rehabilitation of 50 water facilities for humans and animals, especially in return sites and nomadic areas: • Establish suitable water sources for human and livestock drinking and agriculture, such as reservoirs and hafirs with filtration units for human consumption • Rehabilitate 10 water points along nomadic stock routes		3,400,000
5.7. Material support (reference material, computers, furniture, lab equipment, etc.), training, workshop awareness, pasture seeds, formation of Local Associations and community-based stations		200,000	

Cont'd

PILLAR III: ECONOMIC RECOVERY			
Pillar Three: Economic Recovery	Foundational and Short-Term Activities		US\$
	5.8.	Conduct performance studies, evaluation, skills need assessment and develop further training materials for strengthening the Community Animal Health Worker (CAHW) and livestock extension agents, start registration processes and information systems, procure vaccinations and small tools, laboratory equipment, staff recruitment, develop guidelines and manuals	600,000
	5.9.	Review of 16 pre-existing development projects in accordance with paragraph 174 Article 31 of DDPD and if deemed viable then conduct feasibility studies on their revival.	1,000,000
	Objective 6: Improved value chains in livestock, agriculture and livelihoods development		
	6.1.	Conduct feasibility and market studies on MSMEs, formation of associations and SMEs unions, assessment and development of business protocols, training and workshops for promotion of MSMEs and entrepreneurship awareness, chain-mapping workshops	1,000,000
	6.2.	Conduct performance analysis of existing agricultural and livestock research centres, feasibility studies on establishment of new 5 research stations in 5 states, regional soil laboratories and mobile lab units, workshops and conferences, coordination	1,000,000
	6.3.	Develop and launch strategies for selected value chains, including expansion of non-timber forestry products (NTFPs) in all five states	500,000
	Objective 7: Sustainable management of water, land and forest resources		
	7.1.	Conduct studies, assessments and organise training on Natural Resource Management (NRM), initiate establishing nurseries and procurement of forest seeds/seedlings, procurement of supply materials to institutions, organise workshops and seminars, etc. 7.1.1. Organise awareness campaigns on NRM for promoting natural resource management	750,000
	7.2.	Detailed assessments and feasibility studies of erosion control infrastructure conducted 7.2.1. Priorities identified and costed 7.2.2. Implementation plan approved	500,000
	7.3.	Site surveys and design of medium sized reservoirs (including water spreading banks) 7.3.1. Pilot of revolving fund for management and maintenance of community water structures and natural ponds 7.3.2. Coordination and technical oversight by inter-sectoral working group established following a conference on Integrated Water Resources Management (IWRM) progress and strategy development 7.3.3. Water resources monitoring and data management improved, preliminary catchment management plans and design of capacity building to take technical work forward 7.3.4. Capacity of institutions upgraded: provision of Information Technology (IT), capacity assessment and capacity building plan, including review of cost recovery and financial arrangements 7.3.5. Procurement of IT, data loggers, dippers, wadi gauges, meteorological stations, Global Positioning System (GPS) and information centres. Simple Message Service (SMS) technology to upload data from remote loggers	1,500,000
	7.4.	Shelter belt restoration 7.4.1. Mapping and assessment for shelter belts 7.4.2. Plan developed for improved nursery and forestry and management 7.4.3. Maladaptive practices reduced through awareness raising and implementation of laws 7.4.4. Effective forestry sector extension work to improve agro-forestry techniques, such as <i>Taungya</i> and microfinance enhanced-training programme and demonstrations 7.4.5. 2 Study tours for improved community based forestry management	900,000
	7.5.	Initiate strategic collaboration and coordination of improved rangeland and migration route management with partnership of government, communities, traditional leadership, civil society, academia and UN - undertaking studies, consultation, monitoring and evaluation (M&E), awareness raising. Including 2 study tours for improved range management - first technical group then decision-makers	400,000

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PILLAR III- ECONOMIC RECOVERY		
Pillar Three: Economic Recovery	Foundational and Short-Term Activities	US\$
	7.6. Strategic collaboration and coordination of energy uptake with partnership of government, UN, civil society and academia - undertaking studies, consultation, M&E, awareness raising, policy and institutional strengthening. Comprising the following activities: alternative energy, Liquefied Petroleum Gas uptake, microfinance for energy, Fuel Efficient Stoves, SME support, photovoltaic, kilns and bakeries 7.6.1. Procurement of alternative technology brick presses 7.6.2. Study and piloting of pozzolona cement production	1,000,000
	7.7. Community based environmental protection and management skills among community and native administration leaders upgraded and the community role in NRM strengthened - workshop and consultation 7.7.1. Workshops, training and development of Community Environmental Management Plans (CEMP) developed in each state, 4 new CEMPS started in each state 7.7.2. Policy and institutional strengthening for community management of natural resources	850,000
	7.8. Environmental institutions at state level supported 7.8.1. Overall capacity building of Environmental governance - participation, representation, coordination and integrated planning	400,000
	7.9. Improve environmental conservation and social reintegration through advocacy and awareness-raising -film made and training course developed for all five states.	250,000
	7.10. Urban environmental task committees established with links to urban planning authorities, IWRM coordination, other government and civil society	200,000
Total Pillar III: Foundational and Short-Term Activity Requirement		19,050,000

Total Foundational and Short-Term (FaST) Activities Immediate Requirement

US\$177,400,000



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4. Government Financial Commitment Outlined by the DDPD

The DDPD outlines several avenues for funding including the anticipation of a Multi-Donor Trust Fund. Additionally, the peace agreement outlines the financial

commitment that the Government of Sudan is initially responsible for. The following is a breakdown of those specific financial provisions, which the Government of Sudan has committed to in the DDPD. The total amount is **US\$2,650,000,000**.

DDPD PROVISION	AMOUNT	FINANCIAL COMMITMENT STATUS
<p>ARTICLE 19 MICRO-FINANCE SYSTEM 134. The Government of Sudan shall contribute an amount of US\$100,000,000 (US dollars one hundred million) representing the capital of the MFS.</p>	<p>US\$100,000,000 Disbursement- • US\$40m year 1 • US\$30m year 2 • US\$30m year 3</p>	<p>This is one of the top priorities mentioned during the DJAM State Consultations in the thematic working groups focused on Infrastructure, Agriculture and Private Sector Development.</p>
<p>ARTICLE 20 SOCIAL SERVICES 138. In addition to the transfers from the FFAMC, the Government of Sudan shall contribute an amount of US\$225,000,000 (US dollars two hundred and twenty-five million) payable to the Darfur States, over a period of three years in three equal instalments, to support social service activities.</p>	<p>US\$225,000,000 Disbursement- monthly instalments of US\$6.25m • US\$75m year 1 • US\$75m year 2 • US\$75m year 3</p>	<p>According to the anticipated payment schedule, 16 months on since the DDPD, the Darfur States should have received in addition to the FFAMC a total of US\$125m by the end March 2013.</p>
<p>ARTICLE 21 THE NATIONAL GOVERNMENT ALLOCATION FOR THE DRDF 142. In addition to the share of Darfur in the transfers made by the FFAMC, the Government of Sudan shall allocate US\$2,000,000,000 (US dollars two billion) from the NRF. An amount of US\$200,000,000 (US dollars two hundred million) of the aforementioned amount shall be deposited immediately after the signing of this Agreement as seed money in the DRDF. The Government of Sudan shall pay the balance as follows: i. An amount of US\$300,000,000 (US dollars three hundred million) in the year following the signing of this Agreement; ii. An amount of US\$300,000,000 (US dollars three hundred million) in the third year; iii. An amount of US\$300,000,000 (US dollars three hundred million) in the fourth year; iv. An amount of US\$400,000,000 (US dollars four hundred million) in the fifth year; v. An amount of US\$500,000,000 (US dollars five hundred million) in the sixth year.</p>	<p>US\$2,000,000,000 Disbursement- • US\$200m year 1 • US\$300m year 2 • US\$300m year 3 • US\$300m year 4 • US\$400m year 5 • US\$500m year 6</p>	<p>The total Government of Sudan funding for the DRDF that needs to be incorporated in the MDTF, when it is formed following the International Donor Conference for Reconstruction and Development in Darfur should be US\$500m (actual deposit not pledge in accordance with this scheduled commitment) with a commitment of a further US\$1.5b over the next five years. The DRA has received approximately \$25m for expenses (office costs, salaries, etc.) up to the end of 2012. The Government of Sudan provided a letter of credit US\$165million in January 2013.</p>

DDPD PROVISION	AMOUNT	FINANCIAL COMMITMENT STATUS
<p>ARTICLE 25: INTERGOVERNMENTAL FINANCIAL TRANSFERS</p> <p>152. The FFAMC shall be established by law. Also, a team of experts shall be appointed by law and commissioned to determine the criteria of the transfers from the NRF to the States of Darfur. A representative of the DRA shall be a member of the FFAMC.</p> <p>153. To accomplish financial equalisation, the FFAMC shall ensure that the interests and views of Darfur States are reflected, taking into account the interests of other State Governments. The Commission shall be structured to ensure the following:</p> <ul style="list-style-type: none"> i. Optimal use and sharing of resources vertically and horizontally; ii. Transparency in the allocation of funds to the States of Darfur; iii. Monitoring the National Treasury's action in making swift transfer of the budget grants. <p>The Commission shall submit reports to the Legislature.</p> <p>154. The Shares shall be directly transferred from the FFAMC to the States of Darfur using the following criteria:</p> <ul style="list-style-type: none"> i. Population according to the 2008 census; ii. Development indicators (Health, Education, Infrastructure); iii. Effort exerted by the State in collecting revenues; iv. Impact of the conflict; v. Geographical size. <p>155. A team of experts shall specify the weight of each criterion in the form of a percentage to serve as basis for calculating the share of each and every State.</p> <p>156. The FFAMC shall implement a transparent process whereby the timely payment of transfers to Darfur States is monitored while ensuring that the Federal Government does not retain Darfur States' funds or those of any other sub-government level.</p> <p>157. The Darfur States may file a suit with the Constitutional Court in the event that the National Treasury retains funds allocated to the Darfur States or does not allocate the funds set for them.</p>		<p>Para 152 -154 - 5 criteria are given for determining the division of the FFAMC. However, according to the information gathered by the thematic working group for Private Sector Development, the FFAMC for Sudan was revised in 2010, basing the formula for horizontal distribution on nine criteria to allow for a more equitable distribution of the nation's wealth among the fifteen northern States, by greatly reducing the share of the states of Khartoum and Gezira and giving the other twelve states greater shares. This was done prior to the two new states in Darfur. Thus, the FFAMC existed prior to the DDPD yet the agreement talks of the «establishment» of the FFAMC - as if it does not already exist - not "modification."</p> <p>The Secretary General of the FFAMC says current FFAMC formula is based on the 9 criteria. Article 25 of the DDPD has not yet been implemented and the Darfur representative will have to discuss any criteria (5 factors) stipulated in the DDPD with the Panel of Experts.</p> <p>Currently, Darfur receives significantly less than it is due under this formula. Long term improvement of salaries, maintenance of service infrastructure, operation of services and investment in expansion is not possible without the certainty of this budgeted amount - special funds are one thing and will be necessary to rebuild Darfur from the current state caused by conflict and neglect, but maintaining it in the long term - sustainability and consistency - relies on fair allocations of federal funds. Addressing the unequal distribution of funds is of paramount concern for further development and should be acknowledged.</p>

DDPD PROVISION	AMOUNT	FINANCIAL COMMITMENT STATUS
<p>ARTICLE 50 CONDITIONS SUITABLE FOR RETURN 249. The Parties agree that the necessary conditions for return of IDPs and refugees are the following:</p> <p>vii. The provision of the sum of US\$250 (US dollars two hundred and fifty) per family as part of the return package to help meet IDPs and refugees' immediate needs upon return. This package is intended to enable them to restart their livelihood and commence effective reintegration. The package shall also include access to potable water, food and shelter materials, as well as agricultural inputs for both crops and livestock such as seeds, seedlings, veterinary services, tools and essential equipment.</p>	<p>US\$250 per family</p> <p>US\$125,000,000 based on 500,000 families</p>	<p>Depending on which figures one uses there are between 400,000 and 500,000 «families» displaced which means US\$100m - US\$125m just as an initial return payment. Given the importance the DDPD places on returnees, one has to assume everyone returns (even if they settle in towns they are out of camps) meaning the total approximated amount should be incorporated.</p>
<p>ARTICLE 54 JABR AL-DARAR FUNDING 273. The initial amount of the JAF for the settlement of compensation for any loss and/or damage suffered by IDPs, refugees and any other victims of the conflict in Darfur, shall be US\$300,000,000 (US dollars three hundred million), out of which the Government of Sudan undertakes to pay US\$200,000,000 (US dollars two hundred million), and the balance of US\$100,000,000 (US dollars one hundred million) will be sourced from donors.</p>	<p>US\$200,000,000</p>	<p>Total contribution would be US\$300,000,000 with US\$100,000,000 sourced from donors.</p>

5. Risk Analysis

The DDPD proposes an ambitious framework for peace in Darfur, and the design of the DDS acknowledges the inherent risk and challenges that come in tandem with a broad, multi-sectoral recovery and development strategy. As earlier referenced, foundational activities enable both tangible peace dividends and consistent public messaging regarding the progress of DDPD and DDS implementation - particularly important factors when expectancy is high and widespread but delivery is initially limited by start-up capacities and system formation.

The following is a snapshot of the political, economic and environmental risks, in addition to security- and access-related threats that could endanger the execution of the DDS. *Assumptions* are classifiable as variables external to, and beyond the scope of, the articulated plan that could hinder progress and implementation. *Risks* are here defined as manageable variables that, if ignored, could endanger overall goals.

Through their endorsement of the strategy, the Government of Sudan is cognisant of the risks and challenges expressed by the broad base of representatives at the consultative workshops. While neither the DRA nor the Government of Sudan are able to mitigate every risk, commitments have been offered to minimise manageable variables, while the strategy itself supports a reasonable, risk-averse and rational plan of implementation.

5.1. Assumptions

Assumptions encompass regional, political, economic and environmental dynamics that impact Darfur and the implementation of the DDPD. The DDS was designed with a number of expectations; predominantly, that the overall environment of the implementation period will largely mirror the spirit in which the DDPD was signed. These and other assumptions with the potential to constrain

DARFUR INTERNAL DIALOGUE AND CONSULTATION (ART. 76)

The Darfur Internal Dialogue and Consultation (DIDC) is an advisory mechanism and vehicle to facilitate social and political transformation. The consultation process is facilitated by UNAMID, the AU and the State of Qatar and is expected to mend the social fabric of Darfur through casting both the individual and collective mind-set towards a peaceful coexistence. Moreover, a focus on reconciliation and shaping the future of Darfur is their paramount duty. To that end, from 10-12 July 2012 the All Darfur People's Conference which took place in El Fashir under the slogan *Peace, Unity and Development*. With over 1,129 participants from various components within the five States of Darfur, Khartoum and representatives of the international community the conference garnered unanimous support for the DDPD and the DRA. The conference yielded that the intertwined priorities of security and development remain paramount in Darfur. Consequently, participants called on non-signatories to join the peace process. Thus, a 15 member Liaison Committee amongst the DDPD signatories was formed in November 2012, headed by Darfuri businessman Siddeg Wadaa, and mandated to communicate with non-signatories. The various DIDC outcomes manifest themselves in lessons learnt and best practices to shape Darfur's path of peace and development.

the success of the DDPD and DJAM are articulated as follows:

5.1.1. Economic Developments in Sudan

It is assumed that:

- austerity measures will not cause there to be insufficient funding transferred to the DRA and Darfur State Governments;
- the Federal Government has sufficient resources to fulfil its fiscal and legal commitments to implement the DDPD; and
- inflation will not significantly erode incomes and increase food insecurity.

5.1.2. Political Situation

It is assumed that:

- the Darfur referendum will take place in a free and fair manner, as not to cause further mistrust and conflict;
- the political climate at the Federal level will remain conducive to the implementation of the DDPD; and
- negotiations with non-signatory parties to the DDPD will continue to be held.

Inaugurating the DRA Council on 16 January 2013 in Nyala, First Vice President Ali Osman Mohammed Taha said 'We are striving to bring peace all over Sudan and the Doha Document is one of the important tools we use to achieve this goal.'

5.1.3. Access

It is assumed that:

- staff from implementing agencies, donors and monitoring-focused initiatives will be offered timely and unfettered access to Darfur and the Darfuri people; and
- applications for both visas to Sudan and travel permits to and within Darfur will be streamlined, and straightforwardly and expediently granted for DDPD/DRA-related travel.

5.1.4. Data quality

It is assumed that:

- access will permit data to be regularly collected across a range of indicators and that relevant Government bodies will increasingly lead data collection efforts and report on them in a timely and transparent way; and
- data will be easily and publicly available, including DDS monitoring and evaluation reports, for public knowledge and in the interest of quality, targeted implementation.

5.1.5. Insecurity

It is assumed that:

- a secure and economically sustainable environment is conducive to job creation, business development and livelihood diversification;
- relationships with Libya, Chad and South Sudan continue to stabilise and that willingness exists to adopt joint strategies to tackle cross-border challenges;
- continued fighting amongst DDPD non-signatories and/or between signatories and other actors will not adversely affect implementation of the DDPD;
- events in neighbouring countries will not cause an immediate increase in the influx of weapons, as well as armed groups, crime and displacement; and
- the Government, UN, NGOs and members of the international community will have access to all areas in Darfur to provide necessary support to the implementation of the DDPD.

5.1.6. Environmental Changes

It is assumed that:

- environmental variability will not significantly change the political and economic climate in which the DDPD is implemented; and
- environmental policies and strategies will continue to be adapted to on-going, gradual, climate changes.



“The Government of Sudan has affirmed its support for the DDPD through the allocation of \$165m to the DRDF as an initial instalment to begin quick impact projects and build Darfur’s capacity for longer term activities evidencing a commitment towards recovery and reconstruction. However, Darfur calls upon continued support from the international community to ensure sustainable development.”

*Hashim Hamad Abdul Rahman
DRA DRDF, General
Secretary*

5.1.7. Donor

It is assumed that:

- donors will make long-term commitments to support the implementation of the DDPD; and
- donors will provide the necessary political, technical and financial support to the Government and people of Sudan to contribute to peace and stability in Darfur.

5.2. Risks

Those providing input to the DJAM identified the risks that follow as part of the consultative process. Many of these risks are inter-connected and each could result in negative multiplier effects on all other categories. Also emphasised are implications arising from simply maintaining the status quo.

Matrix of Risks Identified by Local Governments and Community Leaders

Category	Risks	Consequences of Risks
Volatile security situation	No access to justice	Inability to address grievances could lead to a non-conducive environment for recovery, including prolonged instability and a parallel lack of donor investment
	Proliferation of small arms	Widespread proliferation of small arms, also resulting in repeated escalation of minor conflicts into major crises and humanitarian emergencies, as witnessed in the recent past
	Regional instability	1) The security of Darfur being affected by continued regional instability and transfer of arms through neighbouring countries; 2) Potential of lawlessness and lack of control in Darfur attracting external terrorist elements (e.g. LRA).
	Inability of displaced persons to return to areas of origin due to continued fighting	Continued presence of IDP and refugee camps and prolonged aid dependency
	Limited engagement by private business due to perceptions of insecurity and concerns with unclear labour standards, resulting in a high-risk operating environment	Continued low economic growth, declining per capita GNI and related consequences of high inflation and increases in banditry and crime
	Lack of access to basic services	Continued lack of security will hinder government implementation/management of water, school and health projects, particularly in deep field locations. Additionally, access restrictions on NGOs and the UN to Darfur will also limit partnership opportunities for development and reconstruction projects across the 5 states
Legislation and/or policy not yet in place/amended	Difficulty implementing DDPD; Confusing mandate for different Commissions	Limited activity or lack of formation of some of the key Commissions mandated in the DDPD
	Role of Native Administration unclear	Dissatisfaction, lack of trust; role of Native Administration unclear, with the introduction of the DRA and new Locality Commissioners in several areas
	Risk of unclear and non-finalised Land Polices	1) Insecurity 2) Conflict 3) Some illegal occupiers have now had their claim to land endorsed by local leaders and had it officially registered, which will create problems when original owners return
	Lack of policy/strategy on private sector development	Lack of long-term comprehensive policies on private sector development may lead to lack of economic diversification (both in terms of export products and destinations), along with limited pro-poor policies targeting marginalised communities
Political	Lack of equal representation -- politics, education, government	Perception of bias and lack of confidence may produce limited trust between displaced persons and the government in some areas and the inability to address women's security. Inability to further develop human capacity for members of all classes and ethnicities through strengthening of universities and technical/vocational training programmes will exacerbate these challenges
	Multiplicity of agreements (DPA, DDPD and bilateral agreements)	Misunderstandings related to existence of multiple peace agreements
	Non-compliance with ceasefire agreements	Impact on security
	Lack of political will/interest	Serious and comprehensive political buy-in (and corresponding financial support from the local to federal levels) will be required in order for the DDPD to be lasting and effective
	Ethnic composition of security forces, particularly border guards	Lack of control over officers - insecurity
		Continued demand for small arms
	Politicisation of native administration	Perceived unfair compensation processes, including difficult or potentially unrealistic burdens of proof required to determine scale and extent of loss

Cont'd

Category Cont'd	Risks	Consequences of Risks
Weak institutional capacity	Lack of good governance and accountability	Perceived or actual corruption, discriminatory process of compensation
	Failure to improve fiscal revenue balances	Negative effect on public expenditure and sector growth
	Lack of provision basic services	Unwillingness of IDPs to return
	Weak private sector policies and strategies	Lack of livelihoods, economic growth, value chains
	With regard to Reconciliation Committee, risk of lack of implementation guidelines and follow-up on recommendations	Continued conflict/dissatisfaction
	Poor capacity of police, judges, prosecutors	Impunity, arbitrary arrests, no due process, demand for small arms and perception of bias from civil society, contributing to mistrust and lack of confidence
	Lack of lab facilities, infrastructure, information systems, research tools	Obstruction to research and agricultural reforms; lack of proper information systems may result in difficulty transitioning from emergency programmes to government-owned and led area-based programmes
	Lack of agricultural experts, extension workers and supportive agriculture policy	Slow uptake of improved farming/livestock practices and technologies; persistent food insecurity, along with lack of drought early warning systems for disaster preparedness
Lack of resources	DDR: Timing of adequate funding is especially critical for a successful DDR and the return and reintegration of IDPs DRF (DDPD Article 21): Delay in the agreed schedule of provision of government funding	DDR: Lack or delay of funding could cause serious security risks, caused by ex-combatants re-joining armed groups, as well as potential conflicts over land. DRF: Projects are delayed or abandoned, which create distrust in the process.
Weak infrastructure	High costs to undertake business	Less economic development
Climate change	Environmental impact and effects of climate change determining availability of grass and water	Affect nomadic corridors; competition over resources; low agricultural productivity; food insecurity; increased risk of women's protection concerns due to long distances travelled for firewood and water collection
Competition for Natural Resources	Continued population growth and demographic shifts leading to land use change and increasing non-sustainable use of natural land cover	Increase land degradation and reduction of forest cover. Affect nomadic corridors and grazing areas; competition over resources; low agricultural productivity; food insecurity; enhanced poverty as increased non-productive labour due to long distances travelled for natural resource collection

5.2.1. Political Commitment

First and foremost, and applicable to each of the risks, is the need for strong political commitment from all signatories to implement and realise their commitments under the DDPD. Without political will, issues will not move forward according to respective responsibilities, whether by the Government, DRA or international actors; even if funding is available, the DDPD will not be successful. Additionally, for long-term peace and stability in Darfur, there is a need for the signatory parties of the DDPD to continue dialogue with non-signatory parties to ensure their inclusion in the peace process. The peace process continues through the Committee of Non-Signatories with other parties throughout the end of 2012 and beginning of 2013.

**IMPLEMENTATION
FOLLOW-UP COMMITTEE
(ART. 77)**

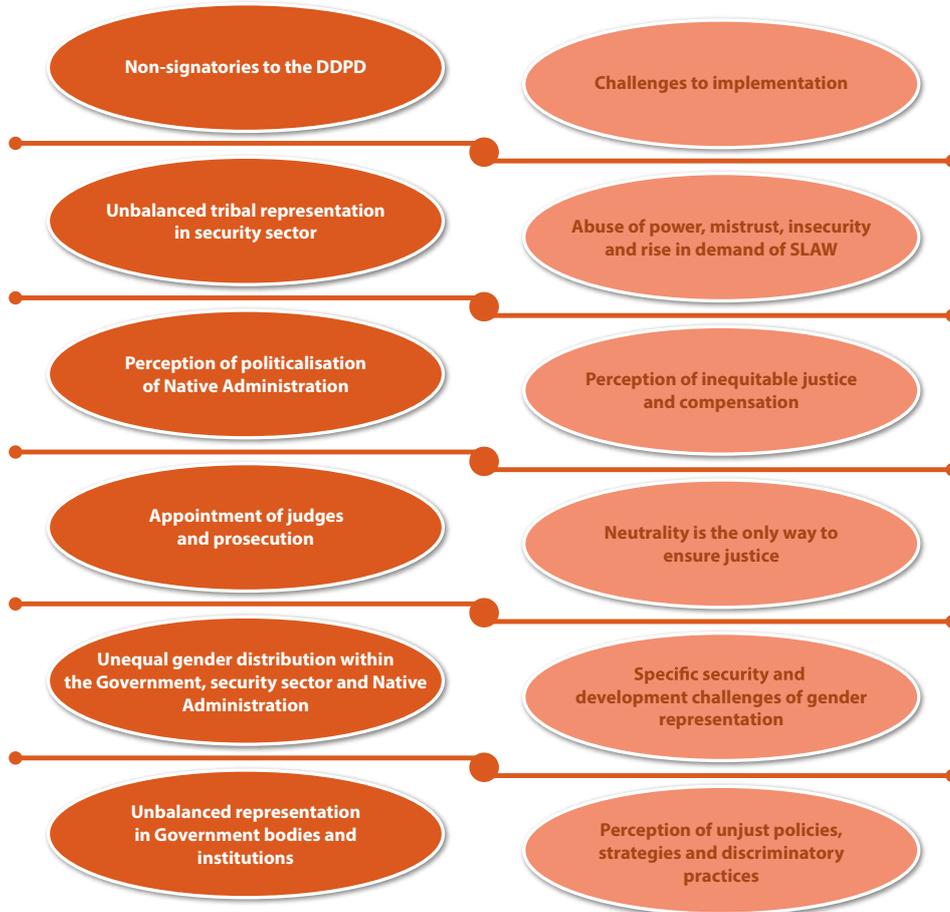
International body established to monitor, facilitate, assess and assist in the implementation of the DDPD, while promoting commitment to its provisions by signatories. To date, the IFC held an inaugural meeting in El Fashir in January 2012. Subsequent meetings were held in Doha, Qatar in September 2011 and in May and November of 2012

5.2.2. Legal Foundation for Implementation of the DDPD

Similarly, and one of the most immediate challenges that needs to be addressed, is the non-existent constitutional basis for the DDPD, including the powers of the DRA and

the harmonisation of its work with other Government institutions. Failing to establish a legal basis creates a lack of clarity regarding an institution's roles and mandates, resulting in a vague accountability framework. The legality

Unbalanced Representation and Perceived Politicalisation



of the DRA and DDPD is critical for the implementation of the provisions negotiated in the DDPD. To mitigate this risk, there is an urgent need to incorporate and endorse the DDPD into the INC 2005, as provided for under Article 78 of the DDPD, through an Act of Parliament at the Federal level. This would establish the necessary basis to define roles and mandates of Government bodies at respective levels and to ensure accountability.¹⁸² A clearly defined accountability framework is essential before donors are approached and asked to commit funding.

5.2.3. Access for Implementation and Monitoring

One of the foremost implementation-related constraints is deceptively simple: physical access. Implementation of the DDPD recovery process is impossible without timely approval of visas for staff and technical experts to enter Sudan, in tandem with a clear and sensible process to access and travel throughout the Darfur region. Cumbersome, unpredictable and time-consuming access procedures both reduce the efficacy of targeted funding and erode donor confidence in the DDPD. The Government can easily prove their political commitment to the DDPD and DJAM process by quickly and transparently approving visits to Darfur for implementation and monitoring.

5.2.4. Unbalanced Representation and Perceived Politicisation

Actual, or the mere perception of, politicisation of various processes, discriminatory practices/procedures and unbalanced representation of different groups in institutions is one of the largest obstacles to sustainable peace, reconciliation and social cohesion. Even if livelihood opportunities and/or basic services improve, this alone will not lead to a sustainable peace. Grievances of people who feel discriminated against, or who feel they are being deprived from their rights and/or land, will persist if there is no confidence in the Government and doubts surrounding the willingness and capacity of the Government to address these concerns in a fair and just manner.

¹⁸² For specific key provisions of the DDPD related to justice, compensation, land and reconciliation, it is especially critical for the DDPD Commissions to be autonomous, inclusive, well-represented by different stakeholders, including civil society and traditional leaders representing all groups. Selection criteria and Terms of Reference for Commissioners need to be in place to ensure their operational independence. Lessons learnt from past implementation of peace agreements, including the DPA 2006 and CPA 2005, demonstrate that such Commissions cannot properly function without being autonomous and all-inclusive with clear roles and legal mandates, otherwise there would be the risk of arbitrary removal of Commissioners or obstruction to Commission's work to fulfil its mandate.

NATIONAL CONSTITUTIONAL REVIEW COMMITTEE (ART. 15)

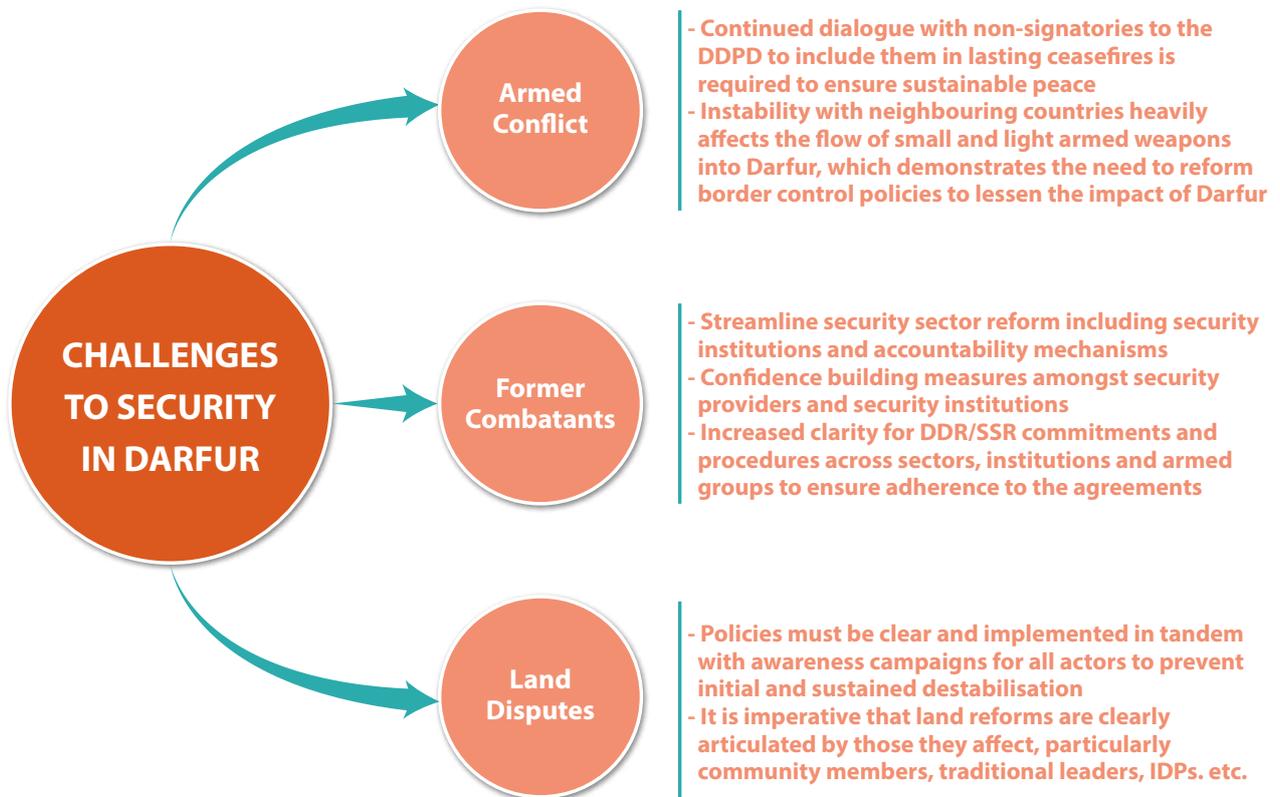
The DDPD affirms that movements must be adequately represented in the Committee tasked with drafting a permanent constitution of the Republic of Sudan. The LJM has participated in talks regarding the NCRC since its inception. An LJM Chairperson was appointed to coordinate between other Committee members and also to liaise with non-governmental participants, such as those from the Umma, DUP or Communist Party amongst others. While participating in the NCRC, the LJM have stood by Article 10 DDPD in that "the permanent administrative status of Darfur shall be determined through a referendum."

In approaching this challenge, there is a need for "reconciliation" between tribes and the Government, through non-biased mediation and support for a process of confidence building in government. This requires fair representation and inclusiveness of all people related to all areas. Note *Unbalanced Representation and Perceived Politicisation* for indicative examples.

The priority across sectors will be for the various institutions in Darfur, the DRA, State and Federal Government is to undertake concrete and visible steps to improve, actual or perceived, unfair and unequal, representation. Additionally, the Government needs to take clear steps to implement a compensation policy developed in an inclusive manner. Without a compensation policy that addresses the concerns of the people, and one that is perceived to be fair and in accordance with real losses, grievances will continue to persist.

5.2.5. Local Governance Absorption Capacity

For the implementation of various components of the DDPD at State and Locality levels in particular, there is a need to prioritise the strengthening of Local Governments in terms of: budget and fiscal management; planning; and, creating a transparent accountability framework to ensure funds are used effectively and adequately. Related to this are the low levels of absorption and implementation capacities at the level of local governments; there is concern that additional resources allocated to the Governments of Darfur will not be spent in a timely and responsible manner. Given the high expectations of both Local Governments and the people of Darfur for their priorities to be addressed under the DDPD, this absorption capacity would need to be addressed as soon as possible. One of the lessons learnt from both the CPA and the DPA is that high expectations of a "peace dividend" that are not met can lead to grievance,



dissatisfaction and conflict. An additional way to mitigate this risk is to ensure continuous dialogue and awareness-raising of the DDPD itself, as well as making steps that are being undertaken to prepare for visible implementation. This will rely a great deal on positive media coverage that is accessible to remote groups, and honesty and freedom in reporting.

5.2.6. Insecurity

Continuing insecurity poses an immediate challenge for the implementation of all DDPD components. The major threats to insecurity in Darfur manifest themselves in three forms:

5.2.7. Lack of Project/Programme Sequencing; Creation of Parallel Structures

Sequencing of activities is a vital consideration, given the six-year DDPD implementation timeframe. While many goals are longitudinal, it is important to account for intermediate targets that offer incremental achievements. Foundational activities aim to kickstart these incremental achievements: for instance, while schools are being constructed, more rudimentary facilities can be easily built in order to achieve educational targets. Given Darfur's long-term humanitarian assistance

"It should be based on the principles and pillars of comprehensive security, multiplicity and the balanced utilisation of the resources, fair and equally balanced distribution of services, well-protected with social co-existence, capped by peace and rule of law, where its social and cultural diversity constitute an element of strength and might, and it should be firmly stabilised on the basis of effective national partnership in the realisation of the sustainable development and the building of collaborative interest relations in the society of Darfur."

*Adam Abdelrahman
DRA DLC, Commissioner*

patterns, moving more fully into a development agenda necessitates Government/UN/donor harmonisation. In order to address needs identified under the DJAM in a sustainable way, there is a need for Government and community stakeholders to take full ownership of the plans, whilst budgeting for them accordingly. External assistance processes should not run in parallel, nor should parallel management structures be created: forthcoming assistance should aim to increase capacity and responsibility of the Darfuris and the Federal, State and Locality Governments that serve them to self-identify and manage their own challenges.

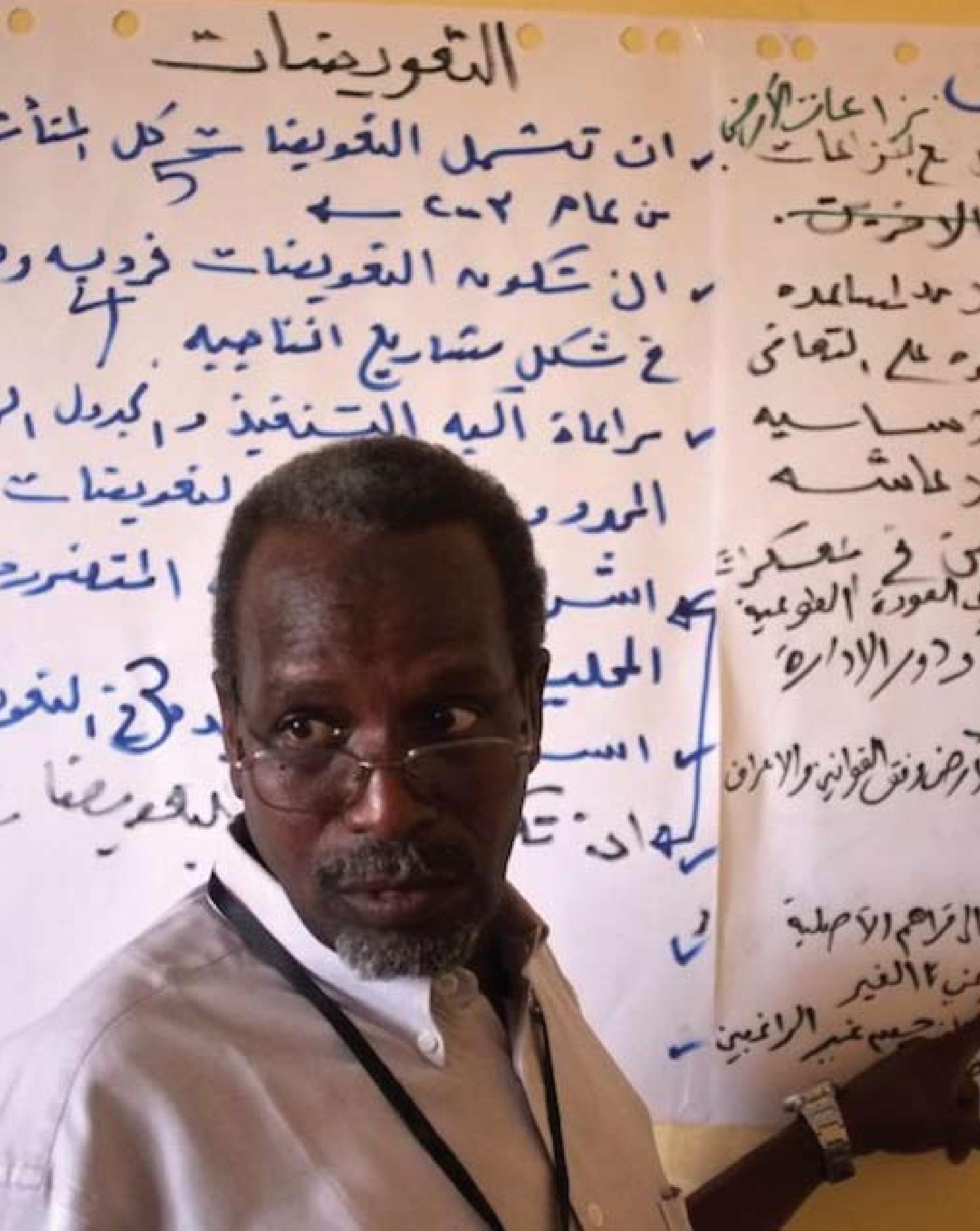
5.2.8. Community and Government-Level Responsibility and Expectations

In tandem with the above-referenced transition towards prolonged development, there will be an adjustment period for both communities and Government to acclimate to their increased involvement within this process. A substantial deficit in the majority of

international aid to date has been that much of the assistance has been provided “alongside” the Government, versus a focus on complementary, facilitative and capacity-building methodologies for both communities and the administrations that serve them. Darfuris in IDP camps and urban areas are now offered a level of service provision that did not pre-exist the conflict, including primary health care, access to improved water supply and education. This is largely supported by humanitarian-focused, international aid. Communication must be transparent regarding the internal fiscal management that will now support service provision, offering clarity regarding timelines, expectations and the overall process of development. For instance, along with the requisite budget management responsibility, there must be an increased focus on community- and Government-level maintenance and repair of new and rehabilitated infrastructure, including any associated costs. Budgeting must include pro-active maintenance allowances and not be simply reactive to breakdowns.



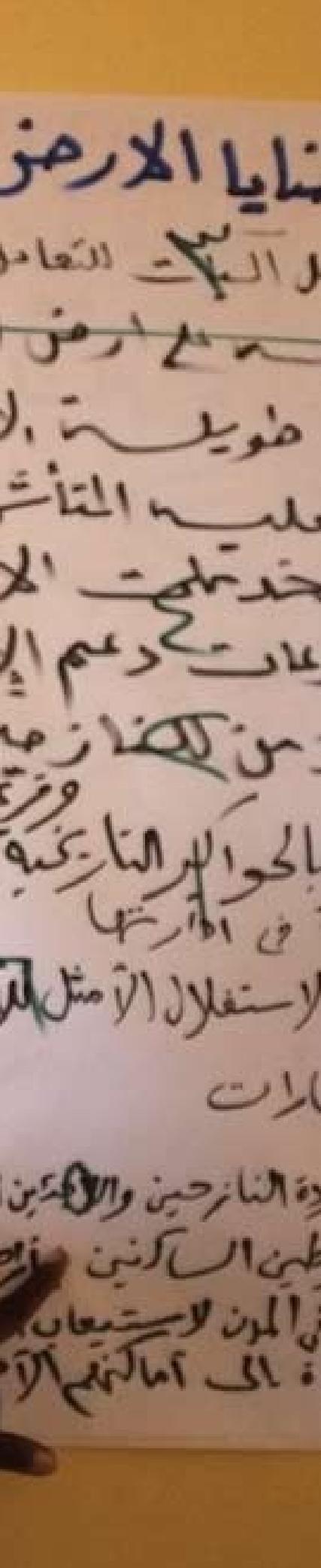
Photo by Ariel Rubin/UNDP



التعويضات

- ان تشمل التعويضات كل لبناء
- من عام ٢٠٠٢ ←
- ان تكون التعويضات فردية
- في شكل مشاريع انماجيه
- مراعاة آليه التنفيذ و قبول
- المدد و
- الشرا
- المحلي
- اس
- ليهان
- و
- و

من اعزاز الأمانة
مع لبتزاعات
الأخرى
من مد المساعدة
روم على التعامى
وساويه
رعايته
في مفكر
العودة القومية
و دور الإدارة
أرض وفق القوانين والإملاق
الأرقام الأصلية
من الغير
جميع غير الراجح



SECTION

IV

FUNDING MECHANISM AND GOVERNANCE STRUCTURE OF THE DARFUR DEVELOPMENT STRATEGY

During the DJAM process, the United Nations, the World Bank and development partners considered options for the coordination and funding of the recovery effort, based on an assessment of needs and context, initial discussions with counterparts, best practice and global experiences. This section provides an outline and guidelines for an *Integrated Coordination and Financing Framework for the Implementation of the Darfur Development Strategy* to help the international community coordinate its support in alignment with the DDS priorities, the Government of Sudan and the DDPD.

1. Governance of the DDS - An Integrated Framework

The proposed integration of the coordination and financing structures for the Darfur recovery effort recognises the importance of the overarching governance of the effort, the need for country ownership and mutual accountability, as well as a coherent approach to financing modalities. These principles are based on extensive lessons learned from other complex emergency response efforts (see text box on following page).

Given the above it is proposed to create a “**Darfur Coordination Board for Recovery, Reconstruction and Development**” to be referred to as the Darfur Coordination Board (DCB). This will be the apex political oversight body, Co-Chaired by a top-level representative of the Government of Sudan, Darfur Regional Authority, State of Qatar and a representative from the United Nations County Team in Sudan. In addition, to the proposed Co-Chairs, the board members will be comprised of balanced representatives of donors and stakeholders. Overall, the number of board members should not exceed 8. A final decision on its composition will be taken by the Government of Sudan, DRA and the State of Qatar in consultation with their partners.

The Board will have a mandate to coordinate the different components of the recovery process. Its purpose will be to: maintain alignment between DDS-funded activities and the overall Region’s priorities; oversee the DDS implementation, integrating different funding channels, thus ensuring coherence and enabling the resolution of strategic issues or bottlenecks impacting its progress; and, ensure coherent planning, monitoring and reporting among the different funding channels. Specifically, it will determine that funding channels are well coordinated and will facilitate collaboration and the free and timely exchange of information between these, as required.

Lessons of International Experience of Recovery Effort

The experience of complex recovery and development operations in such places as Aceh-Nias, Afghanistan, Haiti, Iraq, West Bank and Gaza, has yielded some important lessons that should be taken into account, as stakeholders consider options for organising the effort in Darfur. The key lessons and challenges may be grouped under five headings:

Coherence: Overlap, duplication and fragmentation are challenges in most recovery and development efforts and can lead to a waste of sparse resources and low-impact work. They also make it harder for authorities to provide leadership - which is a pre-requisite for coherence and sustainability of investments beyond their initial phase. A high-level and up-front commitment to integrate efforts behind a country-led strategy and under a robust governance framework is necessary to make any coordination structures credible and effective. In other countries, mutual accountability agreements have helped hold donors and partners to mutual account.

Managing Expectations: Many pledging conferences raise popular expectations that all too often remain unmet; unrealistic financial pledges are made and objectives set that turn out to be unachievable; or at least unachievable at the speed intended. This frequently creates dissatisfaction with the financing instruments established. Agreeing on a few high-level but realistic benchmarks of success can help focus the international community, set the right level of popular expectation and emphasise practical financing. Attention to flexibility in financing arrangements is also important, so that funds for early recovery activities can be deployed rapidly.

Prioritisation: Given the tight timelines of recovery and development, post-crisis assessments tend to focus on needs and not on pragmatic achievements. A key step - and one that in many countries has been deficient - is to prioritise the needs assessed based on what is needed most, and to take into account what is feasible and what is not, given capacity or funding constraints. Prioritisation is a difficult and political process, as both the domestic authorities and the many international actors have their own agendas and priorities. The critical ingredient in the process is Country leadership, with the requisite high-level participation.

Clarity: It is important to ensure everyone agrees on institutional capabilities before allocating roles and designing funding arrangements. While there are many lessons from other countries' experiences, it seems that one of the most important is an agreement on local comparative advantages of partners; around which, arrangements for funding and general coordination can then be designed.

Addressing complexity: Reviews of other existing post-crisis and recovery funding mechanisms has revealed that 'two window' funding models can respond to a broader scope of post-crisis needs than sole-agent models. The complexity and fundamental tension inherent in many post-conflict situations need to be addressed: (i) how to meet the long-term challenge of strengthening state institutions, governance processes and civil society; while, simultaneously, (ii) meeting short-term needs for core public services and meeting popular expectations for improvements in daily life. Two separate funds linked through a common apex governance structure allows flexibility, as well as coherence.

These issues do not represent a comprehensive overview of the challenges around complex recovery efforts - however, they should guide the thinking for an effective approach in Darfur; in particular, the need for robust, high-level governance arrangements that integrate the work of multiple actors and provide a clear focus on priorities and results.

It will have the responsibility to determine the strategic orientation of the DDS through its high-level convening power and access to information. The Board will establish the DDS objectives and overall workplans, ensuring a balanced allocation to priorities, Darfur's geographic areas and cross-cutting issues. To align the DDS with the follow-up on DDPD political progress, the Board will share information on progress of the implementation of the strategy with the DDPD International Follow-up Committee (IFC), on a regular basis.

The Board will meet on a bi-annual basis in Khartoum, or in other locations as necessary. A Board Secretariat

would ensure agendas are circulated in advance, as well as background documents, including regular progress updates or issue papers. The Board will make provision for a mapping of investments and also assess impact. As the "guardian" of the DDS it would also ensure that the DDS remains up-to-date; it would have the authority to mandate updates, as necessary.

1. Funding Mechanism

Article 32 of the DDPD stipulates that "since the financial resources and expertise required to undertake such an operation are beyond Sudan's capacity, the parties request the international community to urgently and fully

participate in this initiative and assist in the provision of necessary resources and expertise and partake in meeting the needs set for this purpose through the establishment of a Multi-Donor Trust Fund. The operational procedures of the fund shall be determined by a supervisory body to be established by the donors and the GoS.”

In line with Article 32 of the DDPD, an analysis of Darfur and the lessons learned from other recovery processes, it is proposed to establish a financial architecture that combines effective coordination of the different sources of funding with the flexibility partners require for them to contribute to the common effort. The overall structure offers four distinct channels to direct the various sources of funding and embeds these in the coordination mandate of the DCB:

1. Coordinated bilateral funding, for donors with a preference for this modality
2. Government funding through the national budget and the Darfur Recovery and Development Fund (DRDF)
3. Private investor funding, coordinated by the High-Investment Council of Sudan
4. A new “Darfur Facility”, based on a 2 or 3-window multi-donor trust fund set up by the United Nations and the Bretton Woods Institutions in line with Article 32 of the DDPD.

‘Bilateral funding source: Depending on their rules and regulations, partners may opt to support the DDS by concluding contribution agreements directly with the Government of Sudan or selected implementation partners. In this event, they will agree to engage in and be guided by the overall governance and coordination structure of the DDS, ensuring the coordination between different channels by the DCB.

‘Private investment source: Primarily from the region, private investors are critically necessary to recovery in Darfur. Investment in the agricultural value chain, for example, can support job creation, incomes and generate revenue, as well as create the demand for public investment in feeder roads, market regulation and export promotion. The proposed integrated framework aims to provide the space necessary for public-private dialogue on investment priorities, value chain and employment creation, feasibility studies and financing. The arrangement would build on the existing platform for investment licensing under the responsibility of the High Investment Council of Sudan and integrate this in the DCB.

‘Government funding source: The Recovery Fund (*inter alia*: the GoS commitment to the DRDF in Article 21, and the specific allocations to microfinance, returns and basic services outside the FFAMC in Articles 19, 20, 50

and 54 of the DDPD, as well as specific allocations from Special Funds - the Agricultural Revival Programme etc.) and sector/State allocations from the national budget to projects in the framework of the DDS, will also be integrated into the overall coordination mechanism to ensure that these investments are acknowledged and taken into consideration during allocation decisions of the 3 other channels.

The **“Darfur Facility”**: The proposed facility will draw on the technical expertise of international organisations and financial institutions, such as United Nations Agencies, World Bank and African Development Bank. In designing this facility, experiences from other major reconstruction efforts have been considered. The review of mechanisms in Haiti, Indonesia, Iraq and South Sudan have allowed the lessons¹⁸³ captured to be formulated in the following table.

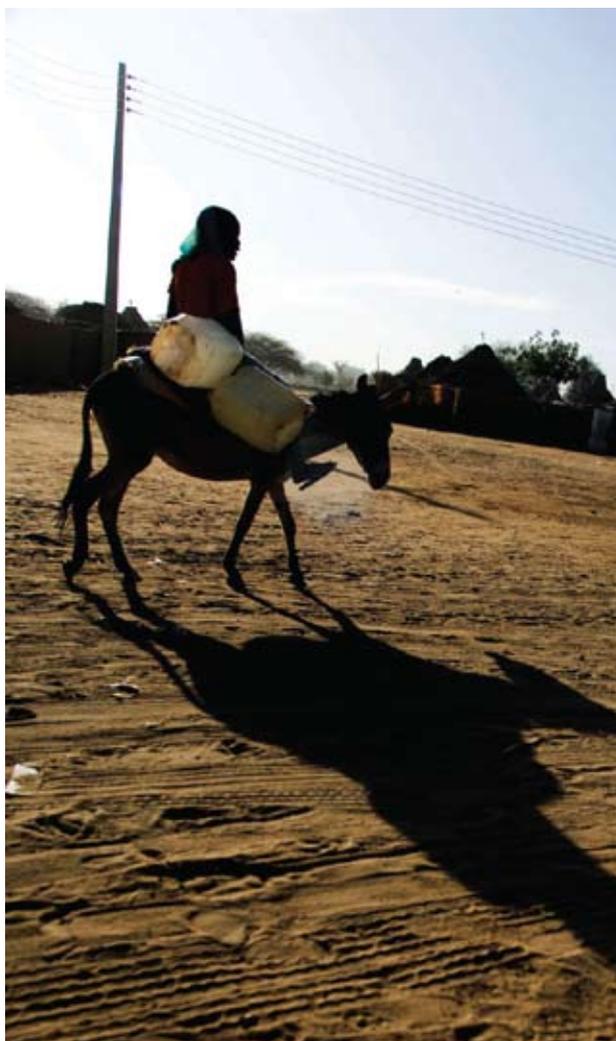
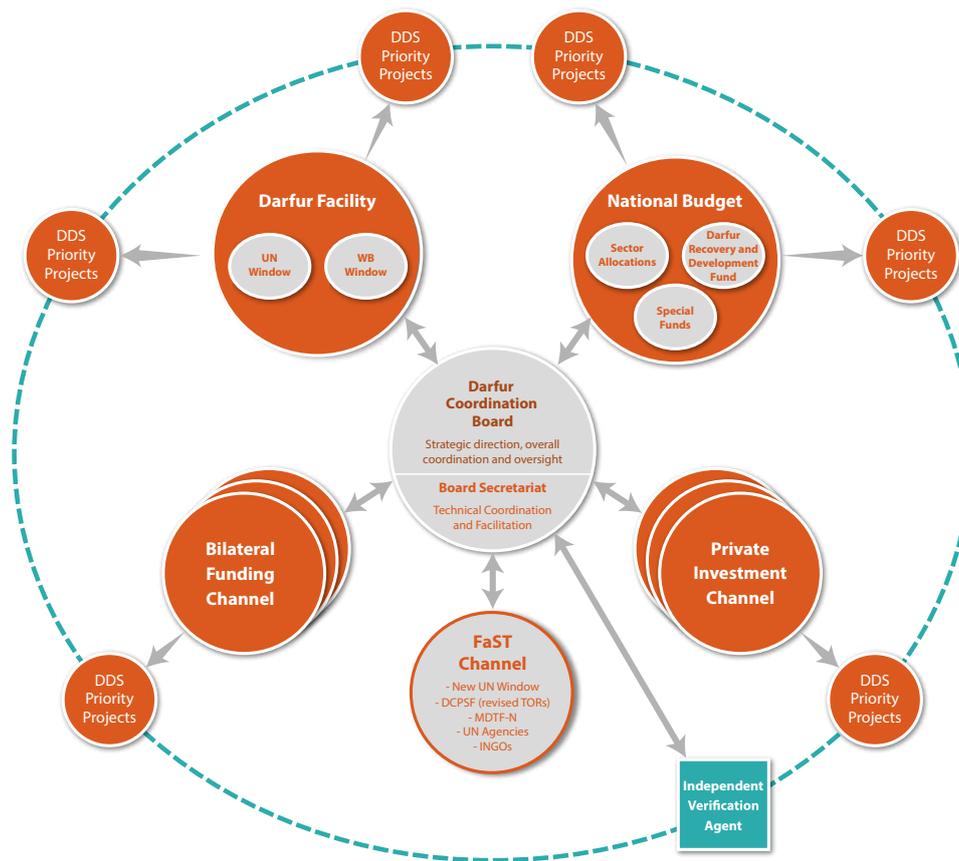


Photo by Albert González Farran/UNAMID

¹⁸³ The review of different funding window models was presented by the technical preparatory group held in Doha on 21 March 2013.

One-window model		
<i>A stand alone MDTF set-up where one organisation (either UN or IFI) administers/manages the fund, partnering with other organisations to implement the projects. [Experiences from from Haiti, Ache and South-Sudan]</i>		
Positive aspects	Negative aspects	Assessment
Clear and simple governance structure that is very cost-effective in the case of interventions of similar nature and character (example: infrastructure funds; NGO capacity building funds; etc.).	More costly and blurred accountabilities in the case of a complex portfolio of interventions that require more than one lead agency / actor, and inadequate monitoring and oversight.	In light of the highly complex portfolio of sectors and interventions, the one-window model bears the risk of operational bottlenecks, blurred accountabilities and, ultimately, higher management costs.
Two- or Three-window model		
<i>A "One-facility" MDTF is created with a light coordinating structure responsible for making fund allocations to one or several fund windows, based on performance and absorption capacity, with ex-ante division of labour based on comparative advantages. [Experiences from from Iraq and Indonesia]</i>		
Positive aspects	Negative aspects	Assessment
More clarity in terms of fiduciary and programmatic accountability, especially in the case of complex sector and project portfolios; stronger oversight and monitoring; more operational flexibility; option of performance-based allocations to windows, creating positive incentives; donors have the choice to contribute to specific priority areas/sectors.	Slightly more complicated management structure, whereby the two windows function under their own rules and procedures. This requires a coordination effort at the "Facility" level between the 2 windows in terms of planning, monitoring and reporting.	The two-window model can respond to a broader scope of post-crisis needs, allowing for adequate implementation of a complex portfolio. Overall, value for money is assessed higher for two-window models because of more efficient interventions, resulting in higher capitalisation of the funds.
Multiple-window model		
<i>More than three Windows are created, each of them administered by different organisations e.g. UNDP, UNICEF, FAO, WB, AfDB, IsDB, others;</i>		
Positive aspects	Negative aspects	Assessment
Each organisation will administer a Trust Fund following its own fiduciary rules, providing maximum flexibility to partners to contribute resources to specific project portfolios.	Serious risk of confusion and high transaction costs related to planning, monitoring and reporting, as well to overall coordination.	This model has, as yet, not been piloted and is, therefore, not recommended for Darfur.
Thematic-window model		
<i>Different funding windows are created mirroring the three Thematic Pillars of the Darfur Development Strategy (DDS).</i>		
Positive aspects	Negative aspects	Assessment
Thematic windows could be associated with DDS pillars and/ or objectives, simplifying activities, planning and monitoring, as well as overall coordination.	Bears the risk of unbalanced implementation of the three pillars, and does not allow for a distribution of interventions based on the comparative advantage of managing agencies. Makes coordination more difficult.	Given the need for balanced implementation of the three pillars, this model is not recommended.



Based on past experiences, the ‘**Darfur Facility**’ is proposed to be set-up as a Two- or Three-window model. The model has been previously tested and successfully implemented by the UN and IFIs in other post-conflict/crisis contexts and has benefitted from positive evaluations and strong donor buy-in. It provides especially, the highest level of clarity in terms of fiduciary and programmatic accountability in the given context of a complex early-recovery and reconstruction portfolio. It also allows for the required operational flexibility and provides the option of performance-based allocations to windows, thus creating positive incentives. Overall, the two-window model has potential to achieve the highest level of value for money among the four reviewed options.

Based on the two-window model, the facility will serve as a transparent and accountable mechanism to promote the coherence and effectiveness of international partners’ support to the implementation of the DDPD, in close coordination with the DRA and the Government of Sudan. It will provide a vehicle for the government and partners to translate the financial commitments made by the international community into tangible development results.

The facility would aim to increase the efficiency, transparency and impact of donor investments in the DDS by: improving coordination; reducing transaction, information and access costs; managing inherent post-crisis risks; and, aligning resources behind a country-led partnership with Sudan. This arrangement will increase

and unite funding and provide political visibility, bringing legitimacy to the overall peace process.

The facility will use an overall governance structure similar to those successfully utilised in the response to the Iraqi and Indonesian post-crisis/disaster contexts. This entails establishing separate windows that have different substantive foci and are managed by different entities, in this case the UN, WB and AfDB. This arrangement provides donors with the option of specific windows in which to deposit their contribution, depending on their objectives and on each window’s performance. It is also possible to delegate this decision to the Darfur Facility Executive Committee (DFEC). The Two- or Three-window model will ensure complementarity and specialisation in the DDS, leveraging different comparative advantages of the above mentioned institutions. At the same time, through the light coordination mechanism for the Facility (DFEC), appropriate funds can be reallocated between windows based on efficiency and performance criteria, depending on the funding source. This mechanism has the potential to provide a highly effective way of ensuring continuous and balanced implementation of activities defined by the DDS.

N.B.: The Recovery Fund includes *inter alia*: the GoS commitments in Articles 19, 20, 21, 50 and 54 of the DDPD

2. The Darfur Facility Trust Fund: Details And Set-Up Procedures

This section sets out in more detail the arrangements for

the Darfur Facility and, in particular, how the Facility will be established, so as to initiate activities rapidly following the Doha Conference. The Darfur Facility would be a core component of the Integrated Coordination and Financing Framework for Darfur. The proposal for this Facility is based on similar arrangements in other countries, where multiple Trust Fund managers set up and manage trust fund “windows” under a common governance arrangement. In practice, these windows are respective Multi-Donor Trust Funds (MDTFs). The governance structure will ensure that funding from different sources will be coherently coordinated, allocated and overseen by the Facility’s decision making body: the DFEC.

2.1. Establishment of the Darfur Facility

The UN and the World Bank will follow their own procedures for the establishment of their respective financing windows. Given the need to get foundational and short-term (FaST) activities started quickly, additional measures that will enable the rapid start-up of the facility can be included in the thinking and design.

Key steps for the establishment of the Facility include the following:

- i) *Developing the Facility’s Program Framework:*** Based on the strategic vision agreed between the main stakeholders (DRA/GoS, key donors, the Resident Coordinator on behalf of the UN), an umbrella Terms of Reference (ToR) for the Facility is developed. This sets out: the objectives, purpose and principles, coordinating roles and functions of the Darfur Facility; the roles and functions of the Administrative Agents/Trustees of each Window, and, the areas each Window will cover. A key feature of the ToR will be the division of labour between the two (or three) funding windows based on the comparative advantages of the different managing entities, i.e. the UN system and IFIs. Based on an existing initial agreement between the parties, the division of labour between windows will need to be finalised between the two (or three) entities and the Sudanese authorities. The ToR also defines a broad and interim ‘financing strategy’, identifying the various resources that are expected to be contributed by donors to support the implementation of the Darfur Facility. The common financing strategy for the facility will be updated on an iterative, rolling basis.
- ii) *Development of the Trust Fund Terms of Reference (UN) / Concept Note & Trust Fund Proposal (World Bank):*** Based on a financing strategy agreed between key stakeholders of the facility, the MPTF Office and the World Bank managing unit will draft UN window ToRs and Trust Fund Concept Note and Trust Fund Proposal (TFP) for the World Bank window, outlining programmatic priorities, governance structures,

implementation arrangements, etc. for review and approval by each of the managing entities. For the World Bank, the MDTF window will likely require approval by the World Bank executive directors at the board level, given the high visibility of the arrangement and of the Darfur context. The UN window will require the conclusion of a standard Memorandum of Understanding (MoU), of the type that has been agreed between UN organisations and donors in the 50-plus on-going MPTFs that the UN manages. The UN organisations that are expected to offer services under the UN window, will conclude an MoU with the MPTF office as Administrative Agent (AA). With the signing of the MoU, the UN window is formally established.

- iii) *Conclusion of the Administrative Agreements with Donors:*** For the UN window, a Standard Administrative Agreement (SAA) will be concluded with each donor wishing to contribute to the UN window. With the conclusion of the first SAA, the UN window becomes operational and the Steering Committee of the UN window initiates a review of proposed programmes and allocates resources to participating organisations. For the World Bank window, the Bank enters into an Administration Agreement (AA) with each donor and requests payment through a Call of Funds. An AA defines the Bank’s roles and responsibilities, as well as the donor’s rights and funding commitment. Where all or part of the trust fund provides funding to or for the benefit of an external recipient, there is also a Grant Agreement between the Bank and each recipient. These legal agreements define the purposes and activities for which the trust fund may be used and the respective rights and obligations of the parties to such agreements.

2.2. Rapid start-up measures

Many trust fund arrangements that are established at the time of a high-profile donor conference immediately face pressure to demonstrate they are ‘active’. The success of the Darfur Facility will depend on the speed with which both the UN and the World Bank windows become operational and start to deliver, especially on the FaST activities outlined in Section III. To that end, both institutions have explored measures to make a FaST funding channel possible.

The **UN window** is currently being established and will be ready to receive contributions following pledges made at the International Donor Conference for Darfur in April. The overall programmatic scope of the window will be set out in the Terms of Reference (TOR) of the UN window MPTF, which will be finalised and endorsed prior to the Conference. The TOR will outline the objective, scope, activities, implementation arrangements and

programme delivery modalities, including monitoring and evaluation, to achieve planned results. The TOR will contain standard elements agreed upon by the United Nations Development Group¹⁸⁴ (e.g. description of Governance arrangements, monitoring and evaluation, audit, reporting, visibility and joint communication, etc.).

For the **World Bank window**, one option that should ensure rapid delivery would be to allow the current MDTF-N, administered by the World Bank, to extend financing and program scope to Darfur. Given that the management arrangements for program activities are already in place this could minimise start-up time, which for World Bank activities tends to be longer than that for comparative UN activities. The Bank offers an alternative to trust funds through an Externally Financed Output (EFO). During start-up, EFOs could provide some early and rapid support for specific outputs. The EFO is a streamlined instrument for receiving external contributions to support the Bank's work program. The usual amount is less than US\$1,000,000, which is the threshold for establishing a trust fund. The EFO is a standardised instrument that can be used to help support a single Bank activity or output (as defined by the Bank's procedures) over a maximum, initial timeframe of 24 months. An EFO does not have an administration fee or a start-up fee. It has a standard legal agreement, does not provide financial reporting to the donor, does not include programmatic aspects and uses standard, simplified, progress and completion reporting. The Bank's corporate procurement rules apply and eligible expenditures are the same as those eligible under the Bank's budget.

In addition to the above, the following existing funding arrangements are ready to be used to direct resources to the DDS FaST activities: (i) the Darfur Community Peace and Stability Fund (TORs to be revised to accommodate FaST projects); (ii) The Darfur Reconstruction Fund; (iii) UN agencies currently working in Darfur; (iv) INGOs with presence and operations in Darfur.

3. Monitoring & Quality Assurance

Experience in other challenging contexts demonstrates the importance of putting in place a robust system for verifying operational implementation, as well as the sustainability of investments. Quality assurance is a critical requirement for successful implementation of the DDS, for accountability over the use of funds and for the creation of sustainable capacity in Sudanese institutions. The DCB, supported by the Steering Committees of each window, will provide the overarching quality assurance function for the Darfur response. It will ensure that coverage of DDS priorities, coordination between different financing channels and appropriate monitoring and reporting are undertaken and maintained.

184 The UN Development Group (UNDG) unites the 32 UN funds, programmes, agencies, departments and offices that have a role in development.

At the level of investments, *ex ante* quality assurance is the responsibility of the Darfur Facility. An advantage of the Darfur Facility funding channel, in this regard, is that it provides for institutional quality assurance, performed by designated technical staff, who monitor progress against approved DDS work plans. The staff that can be part of window-level, technical secretariats or managing agency staff, would also provide for common *ex post* facility-level monitoring and evaluation during implementation, following the practice and guidelines of the managing entities.

In Darfur, given the implementation and oversight challenges the context presents, this framework recommends an Independent Verification Agent (IVA) also be put in place¹⁸⁵. The IVA would be a third party agent with a Terms of Reference agreed by the DCB. The ToR would likely include pooling of monitoring information generated under the different funding channels, spot verification on implementation of overall project results, monitoring of progress towards DDS objectives by thematic area and geographic location, as well as the provision of a repository of information within a national institution. The IVA may also provide data for populating interactive geo-spatial maps that provide stakeholders open access to progress of recovery and development efforts under the DDS. Given the cost of these operations, it is recommended that the IVA is common to all funding channels in Darfur.

Based on the information provided by the Agent, the Secretariat of the DCB can provide information on mapping to ensure geographical and sectoral coverage of DDS priorities and objectives and to inform deliberations on DDS delivery in its discussions.

4. Conference follow-up

Following the conference, and agreement on the proposed arrangements and the proposed DCB, further consultations with donors and government can proceed in parallel to the establishment of the Darfur Facility and the DCB. To establish the Facility, the Government of Sudan, potential donors and the managing entities (World Bank, UN and African Development Bank) will need to agree on the Facility's Terms of Reference.

185 Such agencies have primarily served to increase donor confidence in the effective and accountable utilisation of funds. In addition, they can provide a useful feedback mechanism between donor agency, managing entity and government partners. In Afghanistan, the Supervision Agent was contracted by the World Bank to support World Bank supervision in parts of the country that were not accessible by the World Bank staff. Through the use of GPS-enabled mobile phones with cameras, and standard survey tools, the Agent was able to provide comprehensive pictures of the status of active sub-projects throughout the country on a quarterly basis. The Agent reported directly to the Steering Committee of the pooled fund, thereby encouraging a transparent and shared approach to risk management.



SECTION

V

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Photo by Albert González Farran/UNAMID

ANNEX METHOD OF COSTING FOR EACH THEMATIC WORKING GROUP

1. Costing Analysis, Methodology, Techniques, Assumptions, Scope and Coverage

Due to time constraints during the State consultative workshops, many of the activities identified as necessary to satisfy the development priorities were not adequately costed. However, individual agencies working in the region gathered a significant amount of data while in Darfur, as well as specific programming studies (notably by World Bank and WHO) that were recently completed in the months prior to the consultations. The Government of Sudan supplied each of the Darfur States' Five Year Plans outlining their comprehensive development strategy of the region. These State Plans were only provided in Arabic and required translation before further dissemination. Thus, having amassed all this information during the State consultative workshops, the DJAM set forth on finalising the associated cost of the expected *Darfur Development Strategy* outputs to produce a standardised funding assessment.

Following the state consultative workshops, the consolidated findings of each thematic working group and the activities proposed by them to address the identified Priorities, were validated by the appropriate State Authorities and Ministries in Khartoum in October, 2012. A team of economists from the University of Khartoum were then tasked with providing an estimated costing of these activities. The team was primarily asked to compare these objectives with those included in the newly prepared Government of Sudan's State Five Year Plans, and to align all information from the plans pertinent to each objective. This formed the cost basis of each priority. The team of economists also examined any other available documents containing costing figures as a means of establishing accuracy, and to standardise the State Plans. Moreover, personal interviews with State officials and sector experts from the UN and various NGOs supplemented the documents.

Specifically, the economic team was asked to consider any priorities articulated in the workshops that were not within the State plans and thus needed to be separately and individually costed. Conversely, note was to be made of any activities proposed in the State Plans that were not identified as priorities during the consultations. An analysis of these "outlying" activities was considered necessary to ascertain whether they were essential to the overall recovery, performance and sustainability of the accepted priorities, and

should thus be added to the overall needs and priorities presented in this section. A summary of the costing methodology follows; the complete report is presented as an Annex to this report.

The first step was to draw up a set of assumptions regarding scope, coverage and techniques in order to guide the economics team. This was followed by an extensive review of reliable secondary documentation pertinent to each thematic working group for both Sudan-wide and Darfur-specific contexts. The team also identified and sought advice from a range of well-informed and key officials within both Federal and State Ministries. After gathering a significant amount of data the economics team was able to provide standardised estimated costs for each output.

The team made every effort to consider the costing-drivers in every major expense category, such as fixed cost, overhead cost, administrative cost, financing cost and production cost, as well as using a group of costing techniques relevant to the different thematic working groups that included an activity-based, process-based and inventory approach. Estimations were based on the cost of the goods and services expected during the period of implementation 2013 - 2016. Key informants and educated guesses were employed to support the costing process.

The costing considerations utilised by the economics team were based on the theory of constraints, economic value-added and budget costing. The scope of the costing was team-based and participatory in nature. Rapid assessment techniques were collaboratively used by team members throughout the process. Iterative data processing was adopted, so that the use of preliminary findings could guide decisions about additional data collection.

Coverage was driven on a quick preliminary assessment of the State Five Year Plans, actual costs and a review of existing data sets, coupled with rapid feedback techniques and natural observations. The scale of costing was also conducted based on levels of governance, namely, States, Localities and Administrative Units. Residence status was disaggregated for cities, towns, villages, return sites and nomads. The Millennium Development Goals (MDGs) indicators for the original three Darfur States and the Population Census (according to Locality Age and Gender, 2008) provided standardised statistics and were used as supporting assumptions for the costing. It should be noted that most of the statistics and other information available was compiled prior to the formation of the two new States in Darfur in January 2012. Consequently, the figures for East Darfur State and Central Darfur State are extrapolated.

Costing assumptions and weighting factors were developed for the various thematic working groups based on the following:

- **Population weighting factor:**
 - o Population distribution
 - o Population density
- **Distance weighting factor:**
 - o Transport cost
 - o Transfer cost
 - o Access
- **Technical weighting factor:**
 - o Nature of cluster
 - o History element
 - o Chain length

A further weighting factor for location was applied to the costing of each activity within each thematic working group that considered the location of its performance, standardised to whether this was in an Administrative Unit, village, return site or nomad damra.

1. Basic Social Services - Water

Water supply services were classified into different categories including: water services according to the population's *lifestyle* (nomadic societies versus urban); and, water services according to *method of watering* (e.g. *hafirs*, dams, water networks, digging wells, pumps or manual hand sets).

The costing necessarily depends on population density and distribution. Thus, the methods of estimating costs depended on the following underlying factors:

- Population density and distribution;
- Capacity of water production;
- Purpose of water use; and
- World standard measures for human and animal consumption of water.

Data Sources

- Documentation from Darfur International Conference on Water for Sustainable Peace, June 2011
- Khartoum Water Corporation
- Stilt Centre for Developing Drinking Water Techniques and Stilt Factory for Agricultural and Industrial Equipment
- West Darfur Situation Analysis Report Review, UNDP, 2011

2. Governance and Accountability

Costing methods for this thematic working group are based on:

- Number of Localities and administrative units;
- Population volume and distribution;
- Number of public entities located and planned; and
- Number and grades of public staff at administrative, Locality and State levels.

3. Rule of Law

The cost estimation used process-based techniques coupled with an inventory in the five states:

- Number of Localities and administrative units;
- Population volume and distribution;
- Catalogue of existing security related premises;
- Number and grades of police, security, judges, prosecutors, native courts, etc.; and,
- Speculated number and grades of police, security, judges, prosecutors, native courts, paralegals, etc.

4. Peace and Security

The cost estimation for Peace and Security is based on:

- Population volume and distribution;
- Number of IDPs and their distribution;
- Number of refugees and their distribution;
- Number of ex-combatants and their distribution;
- Security system components; and
- DDR estimations.

5. Returns, Reintegration and Urbanisation

The rough estimates possible in this group were based on:

- Number of returnees and their distribution;
- Categories of livelihood activities;
- Number of Localities and administrative units;
- Inventory of development resources; and
- Planned reintegration and urbanisation programs.

Primary data has been collected through interviews with Government of Sudan officials, HAC Commissioners, International Organisation on Migration and a variety of NGOs. The core data was taken from the Returns, Reintegration and Urbanisation Thematic Working Group Report. Moreover, secondary data have been consolidated from sources that include the Humanitarian Aid Commission Annual Plan, 2013 and the UN Annual Work Plan, 2013. All data and information are updated with the set growth rate of 3.8%. The working figure for IDPs used is 1.7 million, while the working figure for the number of refugees is set at 280,000.

6. Budget Trends and Fiscal Management

Following a review of the State Five Year Plans, the basic costing approach is activity-based. The costs presented by World Bank technical specialists were invaluable and provided a foundation from which direct contact with individuals in the region and could be made to verify price indicators. Some activities are costed in accordance to the number of Localities and administrative units, whereas, others were confined to the capitals of the states and/or Localities.

7. Infrastructure Development - Electricity

Costing is based on the following factors:

- Real and actual population power usage and needs;
- Current and parallel power market prices;
- Poverty rates (disparity in living and income standards);
- Classification of citizens into clusters based on poverty incidence;
- Population growth rate;
- Status and level of infrastructure available;
- Security situation and conditions;
- Remoteness and vicinity from existing grid; and
- Feasibility of providing the connection.

In addition to collected relevant primary data from pertinent sources at the electricity companies and line ministries, as well as relevant private sources, secondary data has been collected by reviewing the published periodical reports and internet sources.

8. Agriculture, Livestock and Rural Livelihoods

The assumptions used for this costing are based on the following:

- The total number of population;
- The total area of the state;
- The cultivated areas in the states;
- The total number of animals in the state;
- The number of crops and livestock markets in the states;
- The type of farming systems;
- Access to financial institutions;
- The number of quarantine stations in the states;
- The nature and extent of migratory pests and diseases in the states;
- Agricultural extension services; and
- Agricultural and livestock research stations in the states.

Data Sources:

- Various documents were consulted in support of the costing;
- Interim Findings of the Darfur Joint Assessment Mission Agriculture and Rural Development. Working Draft April 14 2007
- Programming for secure livelihoods amid uncertainty: trends and directions in livelihoods, nutrition and food security in Darfur. Jeremy Lind and Alan Nicol With Chiara Altare, Debarati Guha-Sapir, Jaideep Gupte, Patricia Justino, Pandora Kodrou and Catherine Longley. July 2012
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- Many documents issued by The Transitional Regional Darfur Authority.
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- Under Secretary, Ministry of Agriculture and Irrigation.
- Sudan Productive Capacity Recovery Program, National Program Coordinator
- Ministry of Animal Resources and Fisheries (2 officers)
- A former Veterinary Inspector, South Darfur State
- Desert Locust Control Information Officer, Plant Protection Directorate, Khartoum North.
- The former Minister of Agriculture, Gedarf State.

9. Private Sector Development

Costing predominantly followed an activity based approach. The costs presented by the UNIDO and World Bank experts were largely adhered to and were synthesised with projects prioritised in States development plans. These Five Year Plans were originally costed in Sudanese pounds and have been re-costed in light of successive devaluations of Sudanese currency. Direct contacts with colleagues in Darfur and validation of price indicators were further used to adjust the costing recommendations. Some activities' costs were confined to the capitals of the States or Localities, whereas others have been rationalised to the Administrative Unit level.

10. Natural Resource Management

Assumptions used in costing are derived using the following:

- Area of the State;
- Density and distribution of population;
- Number of Localities and administrative units;
- Geographical location of the State as related to its vicinity to desert line;
- Number and distribution of technical offices in the states;
- Areas affected by IDPs livelihood activities; and
- Number and lengths of animal tracks crossing the States.

Sources of Data

- Previous workshops, studies and scientific research
- Documents from the Agricultural Revival Secretariat
- Related line ministries and organisations

Persons Consulted

- Director of Forests, Central Darfur State
- Deputy Director of Forests, Central Darfur State
- Chief Inspector of Ranges, East Darfur State
- Chief Inspector of Forests, East Darfur State
- Director of El Fashir Central Forests Nursery
- Inspector of Ranges, Um Kadada Locality, North Darfur State
- Soba Seeds Research Centre
- Deputy Governor and Minister of Physical Planning, North Darfur State
- Minister of Agriculture Advisor, Central Darfur State
- Director of South Darfur Research Station, Agricultural Research Corporation, Federal Ministry of Agriculture

Reliance on personal experience of the team consultants in the fields of range evaluation, nursery establishment and the estimation of needs for reforestation and rangeland improvement.