UN/AU Transition in Darfur - Lessons Identification on RoL and Human Rights Assistance - Terms of Reference

UN/AU Transition in Darfur - Lessons Identification on Rule of Law and Human Rights Assistance

TERMS OF REFERENCE
1. Context and rationale

The current reform of the United Nations (UN) System has been demanding an improvement of planning and management of UN Peace Operations, including the important transition phase which bears crucial implications for the resilience and sustainability of the initiatives supported during the lifetime of the Missions.

In order to inform this process, the UN has been accumulating lessons from different transition contexts including for e.g. those of Cote d'Ivoire and Liberia. This lesson identification exercise aims to contribute to this broader endeavor through positively influencing the UN systems approach to lesson identification from peace operations, and so improve how the UN learns from Missions. This will be done through provision of a valuable resource informing transition planning, management and implementation for current and future UN peace operations.

This is in line with the UN Policy on Knowledge Sharing and Organizational Learning which states that the work of the United Nations should be open and transparent, unless necessary to protect human life, safety and security or Organizational harm. A candid and open admission of error and a commitment to rectify it and learn from it is encouraged. Further, the policy suggests that wherever possible and appropriate, peacekeepers are encouraged to engage in lessons learning with partners and / or make partners aware of the lessons learned by UN Peacekeeping. The policy also highlights that Best Practices reports are considered learning documents that do not necessarily represent the official policies of the UN, and that lesson learning initiatives that are undertaken with a wider audience and publication in mind may be declassified by OUSG/DPKO-DFS and shared with interested stakeholders including Member States, think tanks and training institutions.

Against this background, UNAMID (United Nations - African Union Hybrid Operation in Darfur) in collaboration with DCAF-ISSAT, OROLSI, OHCHR, DPPA-DPO-UNDP Joint Transition Project will document the good practice, lessons and innovation deriving from the implementation of the new whole-of-system transition concept. The latter aims at providing sustainable solutions to the critical drivers of conflict in order to avoid relapse, and recognises the need for an inclusive strategy, therefore fostering engagement of the Government, the United Nations country team, civil society partners and international actors to prepare for UNAMID's envisaged exit.

The UNAMID was created by the Security Council resolution 1769 (2007). For the first time in August 2014 (S/RES/2173), the Security Council requested the Secretary General to present a roadmap to transfer mission tasks to United Nations Country Team. This was followed by consultations between the UN, the AU and the Government of Sudan, notably in the framework of the Joint Working Group to develop an exit strategy in accordance with the mission's benchmarks and in response to paragraph 7 of resolution 2173. Few years later, the resolution 2363 (2017)
endorsed a two-pronged approach to transition with a new mission concept that combined peacekeeping and peacebuilding/stabilization tasks.

In the making since 2014, the UN’s transition concept was consolidated in 2018 by the Special report of the Chairperson of the African Union Commission and the Secretary-General of the United Nations on the strategic review of the African Union-United Nations Hybrid Operation in Darfur\(^2\) and endorsed by the resolution 2429 (2018). Defining further the two-pronged approach, the resolution proposed a whole-of-system approach to be implemented in collaboration with UNCT through joint “State Liaison Offices” later called “State Liaison Functions” (SLF).

Based on the key drivers of conflict, four substantive areas have been identified as critical to preventing relapse into conflict and enabling the Government, the United Nations country team, civil society partners and international actors to prepare for the mission’s envisaged exit. In order to preserve and build upon peacekeeping gains, the concept invites UNAMID and the United Nations agencies, funds and programmes to identify key shared priorities in those four areas and to collaborate, through joint planning and delivery, towards their achievement.

The four substantive areas are: 1) Rule of law: police, justice, corrections; 2) Resilience and livelihoods/durable solutions for the displaced population and host communities; 3) Immediate service delivery for internally displaced persons; 4) Human rights.

Nonetheless, given the scope of work of DCAF-ISSAT this study will only focus on Rule Law (RoL) and Human Rights (HR). These areas are also crucial in the changing political context of Sudan, given the country-wide transition towards democracy, triggered by a peoples’ revolution which had its peak in December 2018. A new transitional Government, led by Abdalla Hamdok, was set up and a draft Constitutional charter was adopted detailing the legal foundations for the country’s transition. These events substantially changed the operating environment for the UN in Sudan, and UNAMID in Darfur.

2. Added value

DCAF-ISSAT is well positioned to collaborate with UNAMID, OROLSI, OHCHR and the DPPA-DPO-UNDP Joint Transition Project in this lesson identification initiative, given: (1) its mandate to provide support to multilateral organisations, including the UN and the AU, (2) previous experience of joint work with UNMIL, OROLSI and OHCHR in carrying out a lesson identification on the RoL, Human Rights, and SSR work of UNMIL, and (3) having carried-out a scoping mission to Sudan (late 2018), therefore holding pre-existing contextual knowledge.

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Other initiatives exist to document the work of UNAMID considering the transition approach. Yet this exercise differs from those insofar as (1) the particular lesson identification methodology and collaborative approach with UNAMID, OROLSI, OHCHR and the DPPA-DPO-UNDP Joint Transition Project (2) its specific focus on rule of law and human rights transition, (3) being mandated by Governing Board Members including the UN, (4) building of follow-on initiatives, including a targeted outreach proposal (see 9 below), and importantly a proposed upcoming review mission in 2021.

The intent is for ISSAT to assess the viability of a mission in mid/late 2021 to review the results of the support provided by UNAMID/UNCT to national security and justice actors in Darfur, through the SLF modality. This would provide an opportunity to follow-up on the sustainability of the assistance delivered by UNAMID, comprising as well, an understanding of the work of post-UNAMID mechanisms for continuing support to rule of law, justice and human rights. Such mission would require continued partnership with the UN and could potentially be envisaged in the context of ISSAT collaboration with the Global Focal Point for Rule of Law, Sudan UN country team, or other relevant UN partners.

3. Objective

The SLF embodies a new concept aiming to materialize a smooth whole-of-system approach to transition. An exercise is therefore proposed to provide an honest and objective look at the added-value and strengths, as well as at weaknesses and missed opportunities of the SLF approach in the rule of law and human rights areas.

Accordingly, the objectives of this exercise are:

(i) To capture good practice, lessons and innovation from the development of the SLF approach, and respective joint planning, implementation and coordination modalities by UNAMID and UNCT;

(ii) To provide potentially emerging recommendations for improvement of implementation of the SLF in the upcoming phases;

(iii) To identify how the operating environment affects the outcomes of the RoL and HR programmes;

(iv) To enquire the role of key UN entities/initiatives (UNDP, GFP, PBSO, OHCHR, etc) in contributing/enabling service delivery on RoL in Darfur, considering a sequenced approach with that of the SLF;

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3 See table in annex 1 for a comparative outlook.
4 The accompanying budget to this ToR does not include the budget for the potential review mission in 2021, since: a) partners within the UN system for this follow-up step have not yet been identified/secured, b) the scope of the review would have to be specified, and a clearer idea will only evolve through completion of the current project, c) ISSAT runs on annual funding cycle budgets, meaning that a ToR/Budget proposal would have to be developed by November 2020, for presentation at ISSAT’s statutory annual Governing Board meeting.
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(v) To contribute to timely learning by upcoming transition processes (DRC, Mali, CAR) and provide recommendations for improvement.

The target audience for the findings of the report are therefore as follows: the United Nations Security Council; the UN Secretariat, including DPO, DPPA, PBSO, OHCHR; UN Agencies, Funds and Programmes, including UNDP; other UN peace operations' leadership; the African Union Peace and Security Council, the African Union Commission, the Government of Sudan; national stakeholders; and international partners based in Sudan.

4. Scope

This exercise seeks to document lessons, good practices and areas of innovation deriving from the development of the transition concept and its implementation in the Rule of Law and Human Rights assistance provided by UNAMID/UNCT in Darfur since the creation of the SLF concept in 2018\(^5\). As such the strengths and shortcomings of the SLF approach will be analysed against a review of the evolution of the mandate and strategic Mission priorities, as well as of how the internal organization and capacities of UNAMID and UNCT and the operating context have influenced the effectiveness and efficiency of UNAMID RoL and Human Rights support.

Focus will be dedicated to understanding the structures (e.g. Joint Transition Cell, co-location UNAMID/Standing Capacities secondees/UNCT), capacities (UNAMID and resident and non-resident UN agencies, funds and programmes as well as their strength), resources (e.g. use of programmatic funding), analysis, planning, implementation, monitoring, and coordination of service delivery and capacity building under the SLF approach, in addition to adopting a cross-cutting gender lens. Attention will also be paid to both internal and external contributing factors such as Mission leadership and good offices, as well as to contextual factors such as the UN/AU collaboration, broader rule of law and human rights work eventually existing in SLF project locations, and the contemporary political situation in Sudan.

Specific areas that may potentially be looked at for lessons, good practice and innovation include citizen security and access to justice, efficiency, integrity, public trust, local ownership and sustainability from the key outcomes of the support provided in the following:

1. (i) Facilitating return and peaceful settlement of disputes through strengthening the criminal chain in key areas; (ii) Addressing inter-communal conflict and justice through support to the rural courts; (iii) Contributing to accountability for human rights violations linked to the armed conflict; (iv) Justice needs assessments and advice; (v) and improved management and accountability in Darfur prisons.

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2. (i) Conflict Related Sexual Violence (CRSV) and Sexual Gender Based Violence (SGBV), looking at the extent to which training and capacity development of the criminal justice system institutions has enabled adequate response and contribution to prevention.

3. (i) Strengthen human rights protection mechanisms in Darfur, including civil society capacity; (ii) prevention of human rights violations through monitoring and advocacy, as well as capacity building; (iii) widening of civic space in Darfur; (iv) protection of women’s rights.

5. Outputs and Outcomes

Outputs
1. One short (10-15 page) inception report, outlining the background, context, methodology, and key questions to be pursued during the mission in Sudan, emerging from the documental review, preliminary interviews, and interactions in New York with key UN HQ interlocutors.

2. One final report detailing key findings, documenting good practice and lessons identified on the SLF, including potential recommendations in the context of the upcoming UN/AU presence in Darfur and Sudan more widely, as well as for other multilateral and bilateral partners engaging in security, justice, and human rights assistance in the country going forward.

3. A dedicated webpage for the lessons will be created within ISSAT’s website, similarly to UNMIL’s lessons identification, reaching a wider audience amongst practitioners, researchers, and academics. The final report and links to the dedicated ISSAT webpage will also be included in the Peacekeeping Resource Hub with support from DPET.

4. A good practice note, based on the key contributions from the analysis report.

Outcomes
1. Contribute to timely learning by UN staff in integrated mission settings undergoing transitions or nearing this stage (e.g. DRC, Mali, CAR), and provide recommendations for improvement of the SLF modality within transition planning and implementation.

2. Contribute to inform the UN-AU and partners’ design of post-UNAMID presence and continued support to Justice, Security, and Human Rights delivery in Darfur/Sudan.

3. Inform the overall intra-UN system’ learning and improvement of whole-of-system approaches on transition planning, management and implementation.
6. Methodology

The lesson identification adopts a qualitative methodology, anchored on evidence-based analysis, reliant on both documental desk reviews and field work interviews in New York and in Sudan. It will be conducted jointly between UNAMID, OROLSI, OHCHR, DPPA-DPO-UNDP Joint Transition Project and DCAF-ISSAT, working to a mutually agreed methodology and report structure.

The lesson identification will focus on the following areas of intervention:

- Overall genesis, planning, management and implementation of the Mission transition, with a focus on the SLF, and respective impact over the RoL and Human Rights support provided.
- The catalytic effect of the SLF in the context of the UN whole-of-system approach.
- Support provided from a comprehensive approach to the delivery of rule of law, justice and human rights, reviewing contributions by the Mission’s Police, Justice, Corrections and Human Rights components, in addition to contributions by the UN AFPs in the context of the SLF.

All areas of intervention will be reviewed including a transversal gender lens.

Documental review, semi-structured interviews, focus groups, and direct observation will constitute the main methods. Interview target groups include current and relevant former UN Staff at the UN Headquarters and in Sudan (Khartoum and Darfur), relevant AU staff, representatives of national institutions, donors, civil society organisations and other key stakeholders. A reconstituted theory of change for the SLF will be produced to better understand the process, and as a tool that can be utilised and adapted in upcoming phases of implementation, or indeed if the SLF are adopted in the context of an upcoming mission transition.

ISSAT will be responsible for the overall preparation and drafting of the final report. An internal reference group shall be set-up for this exercise, including the provision of comments to the initial draft report. In addition, two externals will also carry out a review of the draft report, and comments from both groups shall be gauged and incorporated into the final version of the report. The good practice note will be drafted by the DPPA-DPO-UNDP Joint Transition Project drawing on the analysis presented in the final report.

7. Provisional timeline

- **Phase I: Desk Review (October and November 2019)** The team will collect and review all relevant documents provided, in addition to drafting the terms of reference and developing a dedicated methodology for the lesson identification.

- **Phase II: Field Mission – UN HQ Secretariat (December 2019)** During this phase part of the team will travel to NY for interviews with key stakeholders across relevant UN Secretariat/Agencies/Fund components. Emerging insights from the meetings/interviews will be incorporated into the inception report.
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- **Phase III: Desk Review - Continued (January-mid February 2020)** Team members will finalise the methodology, produce the inception report and proceed with remote interviews/conference calls.

- **Phase IV: Field Mission - Sudan 1- Data Collection (late February 2020)** During this phase the team will deploy to Sudan (Khartoum and different Darfur locations) for a period of fifteen working days - 3-week mission. The teams will interview key stakeholders in UNAMID and UNCT, as well as their national counterparts, service delivery recipients, and international partners. A debrief of emerging findings will take place with the UNAMID/UNCT leadership at the end of this deployment.

- **Phase V: Report Writing (March/April)** During this phase the ISSAT team will draft and submit the first draft report to UNAMID/UNCT and other team members (submission 1 May TBC). A period of two weeks will be factored-in for the provision of comments (until 15 May TBC). The dates for finalization of the report will be impacted in case the deadline for provision of comments is not observed.

- **Phase VI: Final Report/Validation/Dissemination - Sudan 2- (end June)** The ISSAT team would review the draft upon comments received and finalise the report (submission 5 June TBC). Upon completion the team would travel to Sudan for a UNAMID/UNCT validation/dissemination workshop of findings and recommendations to national Sudanese stakeholders and international partners (end June TBC).

- **Phase VII: AAR July 2020**

- **Phase VIII: International dissemination of the Report (Remainder of 2020/first half of 2021)**

8. **Funding arrangements**

The core budget of the project (ISSAT component only) is to be covered by ISSAT’s Pillar 2 funds dedicated to supporting multilaterals through a cost-sharing modality. ISSAT’s core governing board members will also be requested to make a contribution from their direct drawdown (Pillar 1). ISSAT’s Pillar 3 funds will cover the smaller cost component relative to extraction and outreach of good practice. Project funding from the UN will be provided by UNAMID, with an additional contribution from the DPPA-DPO-UNDP Joint Transition Project.
9. Outreach

The ultimate outreach goal is to disseminate the findings and recommendations to multiple target groups, adjusting information delivery to their likely different needs, and to raise awareness of those who stand to benefit from project results, encouraging multi stakeholder dialogue around employing learning for implementing change.

In order to ensure ownership and internalization of the findings and recommendations by a variety of audiences within the UN and AU systems (TBC), including contribution to the timely learning and use of identified lessons by other mission transition processes (see objective v), a series of dissemination activities is envisaged using existing platforms. The audiences range from UN and AU policy-makers and decision-makers at headquarters to field practitioners - including national authorities and international partners.

I. Suggested Briefings
- UN- EOSG (JCS as focal point for organising)
- UN- PBC (JCS as focal point for organising)
- UN- Annual meeting of the GFP (JCS/JCSC as focal point for organising)
- UN- Annual meeting of the JCS heads of component (JCS/JCSC as focal point for organising)
- UN- Missions in transition (at least 2 missions, DRC, Mali, CAR suggested, JCS/JCSC focal points)
- AU- African Union Commission/AU Peace and Security Council (DCAF-ISSAT focal point)
- DCAF-ISSAT’s Governing Board meeting (DCAF-ISSAT focal point)
- Geneva Peace Week (DCAF-ISSAT focal point)
- Potential briefings hosted by DCAF-ISSAT’s Governing Board Members Embassies in NY (DCAF-ISSAT and JCS as focal points)

The briefings to UN and related entities will require that different Secretariat components, including OROLSI galvanize these initiatives, at a peril of these becoming missed opportunities to disseminate and incorporate learning.

II. Dissemination of the Report

The report will be public and made available through a dedicated ISSAT webpage hosted in its website.

10. Modalities of working

The study will be conducted jointly between UNAMID, OROLSI, OHCHR, DPPA-DPO-UNDP Joint Transition Project and DCAF-ISSAT, under the overall leadership of the UNAMID Deputy Joint Special Representative. DCAF-ISSAT contributes to the team with two Senior SSR Advisors (one

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6 This meeting is held twice a year and reunites ISSAT’s Governing Board Members (16 Bilateral and 7 Multilaterals).
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team lead, one police expert) and with one SSR officer. The JCSC team leader, one JCS Judicial Affairs Officer, one Human Rights Officer from OHCHR, also integrate the team alongside designated members from UNAMID. A coordination team formed by UNAMID’s Chief Rule of Law, DCAF-ISSAT’s Team Leader and a designated UN non-UNAMID senior representative will ensure the implementation of this project.

OHCHR commits to finding a suitable modality of participation in this project, ensuring that the fieldwork is covered in its entire duration\(^7\), and that the analytical inputs to the draft report are submitted in accordance to the project timelines (Section 7. above).

In line with DCAF-ISSAT’s mandate and mode of operation, the UN partners are responsible for providing the necessary key documents relating to the context and operations for the ISSAT team to both prepare for the mission and deliver the necessary support on the ground. UNAMID/UNCT/OROLSI/OHCHR/DPPA-DPO-UNDP Joint Transition Project will also be responsible for identifying and arranging any interviews or meetings required for this project.

In line with good practice in supporting advancement of security and justice provision, this project is to be carried out taking into consideration UNAMID leadership (the prime mandator of this exercise) and overall national ownership as well as the balance of effectiveness and accountability factored into the support provided to security and justice, and the political, technical and holistic nature of the UN mandate at stake. The team should pay attention to ensuring the engagement of all relevant stakeholders, including security and justice providers, human rights defenders, oversight actors including political actors and civil society, and development partners. The team should also pay particular attention to the process used to carry out the missions to ensure that it contributes to - rather than undermines - the overall goal of effective provision of security and justice.

Political responsibility for the project will lie with UNAMID. This includes leading any supporting negotiations required with the national authorities for enabling the carrying-out of this project. UNAMID is also responsible for ensuring that both the national authorities and the UN country team are aware of the rationale of the project, are supportive of the initiative, and fully participative.

11. Logistics and administration

Security - the DCAF-ISSAT team will be included on the UNAMID security plan and as such, UNAMID will take all responsibility for security whilst the team is deployed carrying-out field work in Sudan,

\(^7\) The designated Human Rights Officer taking part in this study will not be able to partake in the entirety of the fieldwork. However, OHCHR commits to finding a suitable replacement that can continue to work alongside the team for the remainder duration of the fieldwork.
including evacuation if necessary. Support is provided by DCAF-ISSAT on the understanding that the mission will take place in Khartoum, El-Fasher, Zalingei, El-Geneina, and Nyala. The DCAF-ISSAT team will not be travelling to high risk areas unless pre-agreed and beforehand planned with UNAMID.

**Flights** - Flight costs and DSA according to the UN approved rates will be covered and arranged by the DPPA-DPO-UNDP Joint Transition Project.

**Visas** - Visas will be arranged by UNAMID in Sudan, and both DCAF-ISSAT and UNAMID will produce official letters to support the travel and visa application.

**In-country travel** - All in-country travel will be organised and paid for by UNAMID, including transport to/from the airport. The DCAF-ISSAT team will not deploy to high risk areas or engage in high risk activities, unless adequately protected by UNAMID.

**Personnel costs** - Personnel costs for the DCAF-ISSAT team travelling to Sudan will be covered as per agreed project cost-sharing with UNAMID.

**Hotel/Per diem** - This will be covered by the DPPA-DPO-UNDP Joint Transition Project. Booking of a suitable hotel will be carried out by UNAMID.

### 12. Post-mission follow-up

DCAF-ISSAT will undertake a standard After Action Review (AAR) once the project has ended. UNAMID lead focal point for the lesson identification exercise and directly implicated representatives from Justice, Corrections, Police and Human Rights’ Mission components, from OHCHR, from JCS/JCSC and from the DPPA-DPO-UNDP Joint Transition Project commit to take part in the AAR, if possible, via skype/phone, or otherwise through providing feedback to specific questions submitted by the ISSAT Knowledge Management Team. In addition, the UN partners will complete a DCAF-ISSAT project feedback form within one month of the end of the project. The AAR report will be shared with all project partners.
## Annex 1. Comparative Outlook

<table>
<thead>
<tr>
<th>Who</th>
<th>Title</th>
<th>Type of exercise</th>
<th>Scope</th>
<th>Timeframe</th>
<th>Expertise</th>
<th>Field mission</th>
<th>Partners involved</th>
<th>Report</th>
</tr>
</thead>
</table>
| IPI | UNAMID's Peacekeeping Transition | Research paper, Case study | **Overall transition process**  
A. Political and operational dynamics underpinning UNAMID's transition.  
B. UNAMID's transition concept and process (strategic, operational and tactical)  
3 main pillars of the transition:  
- security-oriented drawdown  
  Jebel Marra region  
- SLFs  
- political role of UN and AU in Darfur.  
C. Impact of Sudan's national political transition. | June 2018 -> Dec 2019 | No | Funded by Germany.  
Part of a bigger project on UN transition | Dec 2019 | Yes |
| OIOS | Evaluation of the relevance, effectiveness and efficiency of UNAMID in supporting transition from peacekeeping to peacebuilding in Darfur in collaboration with UNCT. | Evaluation | **Overall transition process** (coordination and management)  
Objective: to inform UNAMID, PPO, DPPA, Department of Operational Support, Executive Office of the SG, Security Council, Member States with evidence-based and timely findings, conclusions and recommendations.  
1. Accountability  
Explores the relevance and effectiveness of the mechanisms, resources and inputs supporting transition management and the SLF approach.  
2. Learning  
Factors hindering/contributing towards transition results (+ to what extent UNAMID has benefitted from the UN’s lessons) | July 2014 (UN Res 2173) = new mission concept  
Roadmap for transferring tasks to UNCT - Dec 2019 | Yes | UN system | Jan 2020  
Draft shared for comments |
Transition planning, coordination, integration, implementation.

Transition risks.

Case study of sampled SLF

<table>
<thead>
<tr>
<th>EPON</th>
<th>Assessing effectiveness of UNAMID</th>
<th>Assessment</th>
<th>Overall mission</th>
<th>Overall mission</th>
<th>Academic Yes</th>
<th>Coordinated by NUPI ?</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>ISSAT</td>
<td>UN transition-lessons identification on rule of law assistance</td>
<td>Lesson identification</td>
<td>Lessons, good practice and areas of innovation from the development of the transition concept and its implementation in the Rule of Law assistance provided by UNAMID/UNCT in Darfur since the creation of the SLF concept in 2018. Strengths and shortcomings of the SLF approach (evolution of the mandate and strategic Mission priorities and the internal organization of UNAMID and UNCT).</td>
<td>Transitio n concept 2018 and its inception -&gt; 2020</td>
<td>2 or 3 Senior SSR Advisors including one policing expert (potentially +1 human rights expert) and 1 SSR Officer.</td>
<td>Yes (1 mission in NY, 2 missions in Sudan)</td>
<td>Mandated by the UN and UK, Germany, Slovakia, Switzerland from DCAF-ISSAT Governing Board members. Implemented jointly with OROLSI / DPPA-DPO-UNDP Joint</td>
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<td>How structures (e.g. Joint Transition Cell, co-location UNAMID/Standing Capacities secondees/UNCT) capacities (e.g. use of programmatic funding), analysis, planning, implementation, monitoring, and coordination of service delivery and capacity building under the SLF approach fare differently, in addition to adopting a cross-cutting gender lens. Attention to both internal and external contributing factors such as Mission leadership and good offices, as well as to contextual factors such as the UN/AU collaboration and the current political situation in Sudan.</td>
<td>Transition Project/UNAMID/UNCT Sudan</td>
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