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### A Human Rights-Based Approach to Development

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# A Human Rights-Based Approach to Development

The Theme-based Co-financing Programme & Human Rights

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## **The Theme-based Co-financing Programme & Human Rights**

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## **Executive summary**

This report analyses the African human rights (related) activities of four Dutch NGO's – Humanist Committee on Human Rights (HOM); International Federation of Health and Human Rights Organisations (IFHHRO); Human Rights Education Associates (HREA); The Netherlands institute for Southern Africa NiZA) – and their local African partner organisations. The activities are funded within the 'Theme-based Co-financing Programme' (TMF-programme) of the Dutch Ministry of Foreign Affairs. Further to that, the role of the Ministry itself is analysed, in particular in relation to the selection of the organisations and the evaluation of their activities.

After having given background information on the Dutch human rights policy in general and the TM-programme in particular, including the role of NGOs therein, the research issues/questions are presented. In sum:

1. *Policy theme*: Positioning of the theme within Dutch foreign policy, objectives/points of attention, funding criteria, regional concentration, differentiation, major NGO-players in the field and coverage by the TMF-programme.

2. *Chain analysis*: Description of the chain (starting with the Ministry of Foreign Affairs, including its embassies), value the relationship of each of the relationship in the chain, with specific attention for reporting and contact arrangements, dialogue, etc.

3. *Results based on the evaluation criteria*: Efficiency and effectiveness on programme level (in regard to planned objectives, side effects at various levels of scale), relevance (in relation to interventions), sustainability/leverage effect (in relation to activities), learning capacity, theme-specific objectives.

The research project has been set up as a 'multi method – multi actor' analysis. Given the limitations of the empirical data obtained it was decided to present the findings on two levels: On the level of the four organisations, their local African partners and their common African human rights activities (Chapter 5), and on a more generalised level (Chapter 6). For the present executive summary, it is undesirable and even impossible to repeat the findings of Chapter 5, which are too detailed and organisation specific to allow for generalisation or repetition out of the particular context. Because the findings of Chapter 5 are to be seen as building blocks for Chapter 6, the executive summary focuses upon the latter's findings. It should be kept in mind that the empirical material underlying the findings asks for some reticence and caution in trying to formulate too broad and too general conclusions.

1. *Clarity and effectiveness of objectives and activities chosen*

- As to the level of the Ministry of Foreign Affairs, it is clear what is meant by ‘Theme-based Co-financing’ in the field of human rights and what kind of activities fit into this programme. It is also clear that within the programme there is a close link between respect for human rights and poverty reduction.
- As to the four organisations and their African partners, it has become clear that in by far the most cases the objectives and activities undertaken in order to realise them are very clear, as well as in line with the TMF-programme. Sometimes, it was found that African partners as well as TMF-organisations are using concepts like ‘capacity building’ in a slightly different way, but this has not been considered really problematic in this report.
- Sometimes local organisations are changing their focus and/or range of activities during the process, and therefore do not fit (exactly) anymore into the original Memoranda of Understanding. The partner-driven approach of the TMF-organisations, however, allows them to react flexibly to this kind of changes.
- Confronting the tools/instruments/strategies used with the objectives stated on the different levels (Ministry – Dutch TMF-organisations – African partner organisations), the researchers have not found any serious mismatches. The relatively minor problems found can sometimes be seen as ‘diverging perceptions’ rather than as mistakes.
- Some of the local organisations have reported that the objectives of the cooperative projects should be broader and to some extent more ambitious. Here sometimes the wishes (and limitations of) of the donors clash with wishes expressed from below (the local African level). A naively understood partner-driven approach would require from the TMF-organisations to fulfil the wishes expressed from below, but might lead to overstressing the possibilities of the Ministry as well as the Dutch TMF-organisations. A partner-driven approach does not necessarily imply accepting all wishes (“Klantgericht is niet klantgezwicht”).
- Whether or not the financial means available for the programmes and concrete projects of the TMF-organisations, have been used effectively and efficiently is beyond the scope of the report. However, the researchers did not ‘come across’ cases of ‘overspending’. In stead, the reverse has been found several times. This relates to activities with only a minor input in terms of money and a large output in terms of possible reach and effects.

## *2. Relevance, effectiveness and sustainability of the activities from a human rights and poverty perspective*

- Direct causal links between activities undertaken and actual improvements in human rights situations often cannot be established easily. Nevertheless, the researchers found a series of examples of such direct effects, while in other cases there is a great probability that the activities undertaken have led to such effects.
- The basic issue is to what extent activities undertaken do lead to the creation of an 'enabling environment' in which human rights can flourish. Many, if not almost all of the activities undertaken by the four organisations and their locals partners can be seen as contributions to such an environment.
- Looking through a poverty reduction lens at the activities undertaken by the four organisations and their African partners, the researchers found that many activities under scrutiny do indeed contribute to the creation of, again, an environment which is helpful to poverty reduction. This is sometimes related to *direct* poverty reduction, but again most often to the creation of an environment in which poverty has less chances to occur: Strengthening participation rights, the empowerment of vulnerable groups – especially women –, working on transparency within governmental policies as to human rights related poverty, and the like.
- Many of the local organisations 'play chess' at different boards, from the grass roots level to international networking. This relates to the need to find the optimal tools (instruments, strategies) for the realisation of the core objectives, as well as to the – often expressed – need to strengthen activities through cooperation ('joint efforts', 'partnerships'). The Dutch partners are often seen not as merely 'contractors' but also, and often primarily, as 'allies'.
- It was also found, however, that the fact that some of the expectations of TMF-organisations cannot be fulfilled by their local partners, sometimes leads to feelings of guilt on the part of the African organisations. In such cases there is a gap between what might be desirable and what actually can be realised, but also between long term perspectives and short term outcomes.
- As far as the sustainability of the activities is concerned, it can be hoped for that most of the human rights and poverty reduction activities undertaken will have an irreversible and, therefore, sustainable character. Once, for instance, awareness-raising has started, there is no way back. The same will often go for many activities in the field of capacity building, networking, training in lobbying capacities, and work on new international treaties. Core elements for sustainability, however,

seem to be: Establishment of the rule of law and an effectively functioning democracy.

- Establishing a network or starting a listserv is one thing, updating and maintaining them is something different. The same goes for investing in organisations. Nobody can predict whether the next director will be incapable, or whether the manager in whose capacities one has been invested will not leave the organisation without transferring insights to his/her successor. These 'human resources' aspects are basically extremely important in terms of the sustainability of the activities undertaken.
- A lack of sustainability is often caused by factors outside the sphere of influence of the TMF-organisations and their African partners. One of these factors is the donor-shift. Another factor is the brain drain: Staff members, once properly trained, often leave for better paid jobs in the civil service or elsewhere.

### *3. Working in an African context*

- One of the differences between working in Africa and 'elsewhere' relates to the existence of some collective rights alongside individual human rights. It has become clear that the existence of communities (still) plays a major role in the structure of Southern African countries. These local communities are often seen as one of the entities within which rights have to be realised, but also as instruments in the manifold struggles for the further realisation of these rights.
- In order to change human rights and poverty practices at the community level, one often relies upon – or has no alternative but to rely upon – the chiefs of these communities, or upon, for instance, grass roots groups of women. They are the indispensable 'vehicles' for passing the message to the really lowest organisational level. It is a reality that, even if co-operation with the chiefs is thought not to be most useful or desirable the chiefs can still not easily be by-passed.

### *4. Learning capacity*

- In the years 2002 and 2003 the Ministry further developed and fine-tuned the TMF-funding criteria. This has clearly been a reaction to some external criticism as well the result of internal reflection within the Ministry on the previously used decision-making system. The original system was replaced by a more differentiated system, in which different weight was attributed to the criteria applied to decide whether or not organisations will be funded (or not) .
- As to the four TMF-organisations it was found, that they are sometimes criticised by their African partners, and that they have reacted to that by

rephrasing agreements, intensifying dialogues, paying physical visits, and the like. It also has become clear that M&E mechanisms have been adapted to help solve problems.

- It should be kept in mind that some of the African partners cooperate with many volunteers as human rights 'vehicle' in the (sometimes very remote) field, and that even the M&E systems are sometimes run by volunteers. The capacities needed to run these systems on a high level are sometimes underestimated.
- As part of further strengthening the notion of *mutual* learning, the researchers have found that the potentially enriching effects of regular contacts between TMF-organisations and embassies do not seem to have been fully exploited so far, to say it euphemistically.
- As to the relationship between TMF-organisations and local partners, it has been found that the willingness and capacity to learn in general is huge, occasional exceptions notwithstanding.

##### 5. *Chain analysis and steering philosophy*

- Policy theme departments within the Ministry do have their own traditions in selecting and addressing their TMF-partners. Varied and diverging opinions exist between different policy theme departments concerning the question how the mutual weight of the criteria used to determine whether or not an organisation is eligible for funding should be assessed, as well as regarding the way that the organisations should be and are monitored. It is up to the Ministry to see whether this 'inconsistency problem' is acceptable.
- Local Dutch embassies could be systematically asked for advice on the local African partner that might be financed by a Dutch partner organisation. As far as the researchers have been able to establish, this so far has happened only occasionally. The researchers have been told repeatedly by the TMF-organisations that they 'should be trusted'. But do the organisations' annual reports and the regular 'policy dialogue' suffice for the government and the Parliament to exercise the control which is also needed in the present era of accountability? That is again basically a political decision, in which accountability is weighed against the wish to deregulate and build upon the notion of the right selection of the right partners and allowing the partners thus selected to perform as good as they can, until the reverse is proven.
- A major consequence of 'ownership', if taken seriously, is that especially the relationship between TMF-organisations and their African partners is still to be re-thought further, thereby granting at least 'operational freedom', with an emphasis on effective and efficient



facilitation of endogenous strategies rather than on top-down decision-making.

- As to the selection of organisations, by the Ministry as well as by the TMF-organisations themselves, it should be noted that if the selection is pushed too far, only strong organisations (*i.e.*, good networkers with a sound management) have a chance to be selected. This might have the rather perverse effect that while the Theme-based co-financing programme is meant to reinforce and strengthen civil society in the South, only good partners with relatively little need for capacity-building *e.g.*, are most likely to be selected.
- The concept of partnership has forced the Ministry of Foreign Affairs to shift to 'monitoring from a distance'. That seems to have resulted in Dutch embassies sometimes taking some distance from TMF-organisations and programmes as well as from their partners. It would be recommendable to urge embassies and TMF-organisations to join efforts and at least regularly discuss each others programmes and agendas, even if there are no joint partners involved. It is a missed opportunity, which could have led to mutual learning and thus to mutual benefit for the embassies (the Ministry) and the TMF-organisations, as well as to further improvements in the human rights situations in the countries concerned. Such an approach would be workable, even if taken into consideration the different roles the embassies and the TMF-organisations do have to play.
- As to the relationships between the TMF-organisations and the local partners, it has been found that none of the TMF-organisations has resorted to top-down and direct steering of its local partners. It has also become clear that there generally is a good flow of accountability information, that there are frequent formal and informal contacts, and that in most cases feedback is given. The degree in which feedback is accommodated for sometimes seems to vary nevertheless with the degree of relative dependency of a partner/organisation, in particular where the spirit of partnership is not optimal.
- The research also has shown the perennial tension between the legitimate ambitions of TMF-organisations to realise as much as possible their own agenda, and the capacities and/or priorities of the partner organisations. The degree to which TMF-organisations insist (and sometimes possibly *over-insist*) on their ambitions and priorities may be partly dependent on the extent and way in which they are to account to the Ministry of Foreign Affairs (and/or other own fund providers).
- At the level of both the relation between the Ministry and the four TMF-organisations and between these organisations and their African

partners, quite specific M&E systems do exist. It has been reported to the researchers, that the four organisations spend much time in reading the reports handed in to them by their African partners. However, it has also been reported by some of the TMF-organisations that it is “their impression” that the Ministry does not do so with the reports it receives from them. The Ministry has acknowledged the correctness of this “impression”, but underlines that there are many other ways of having intensive contacts with the TMF-organisations, for instance through annual ‘policy dialogues’ between the Ministry and the organisations. According to Ministry, the reports presented by the organisations serve as input for these talks. The relevance of these talks has been confirmed by each of the organisations under scrutiny.

The report concludes by mentioning some examples of ‘good practices and approaches’ which are organised under the following headings:

- *Investing in human capital.*
- *Capacity building.*
- *Dissemination of human rights knowledge.*
- *Empowering the grass root level.*
- *Offering effective legal protection.*
- *Strengthening international legal and quasi-legal protection.*
- *Networking.*
- *Showing solidarity.*
- *The paradigm-shift should go on.*

# **A Human Rights-Based Approach to Development**

## **Theme-based Co-financing Programme & Human Rights**

### **1. Introduction**

This report analyses the human rights activities and organisational aspects related thereto, of four Dutch NGOs and their local partners in Africa. The four organisations are funded within the ‘Theme-based Co-financing Programme’ (TMF-programme) of the Dutch Ministry of Foreign Affairs. That programme is the object of evaluation of a series of reports, one of which is the present report. The core question is to what extent and in what way the four Dutch organisations and their African partners effectively contribute to the realisation of the goals imbedded in the TMF-programme. Further to that, the role of the Ministry itself is analysed, in particular in relation to the selection of the organisations and the evaluation of their activities (‘chain analysis’).

The selected NGOs are: Humanist Committee on Human Rights (HOM); International Federation of Health and Human Rights Organisations (IFHHRO); Human Rights Education Associates (HREA); and the Netherlands institute for Southern Africa (NiZA).

Before presenting the organisations and evaluating their activities, a short description is given of some of the characteristics of the programme on the basis of which the organisations are funded, to ensure that the right perspective is chosen in the evaluation of the organisations and their activities. A side-effect of that description is, that the present report can be read on its own, without consulting the eight other partial reports. This general part will also be extensively referred to in the final conclusions of the report.

## 2. Some relevant characteristics of the Theme-based Co-financing Programme

### *Dutch human rights policy in general*

Before discussing some specific characteristics of the TMF-programme, the Dutch human rights policy in general, *i.e.*, some characteristics thereof which are relevant for the present report, will be presented. The following is taken from a “Dutch human rights policy” paper,<sup>1</sup> available on Internet and based on a range of similar documents prepared and adopted over the course of the last 27 years (beginning with the 1979 “Mensenrechtennota”, which by then was trend-setting and later on served as a landmark policy paper). In the document it is stated that:

The Netherlands seeks to protect and promote human rights worldwide, and in so doing to strengthen the freedom, justice and dignity of every individual. To achieve this, it helps to formulate specific norms. Since the Second World War, it has devoted its efforts to building the international array of human rights instruments. It also promotes the monitoring of those instruments. It supplies human resources and expertise to the UN's Human Rights Commission and special rapporteurs while fostering worldwide application of the universal human rights norms, where possible by encouraging positive trends in that direction and calling countries to account whenever they fall short in this regard.

Since the adoption of the Universal Declaration of Human Rights in 1948, an extensive set of human rights instruments has been created. International human rights norms have gradually been expanded and refined in conventions and agreements. These norms seek to set a minimum standard of human dignity: that is, the dignity of every individual, regardless of the wider contexts like tribe, social class and state, of which every human being is part. Human rights are therefore universal by definition and apply to everyone, everywhere at all times. Over the years, the view that their universality is precisely what makes them the legitimate concern of the international community has gained acceptance. Since the Second World Conference on Human Rights in Vienna in 1993, the inalienability of all human rights has been increasingly emphasised. Civil and political rights are inextricably bound up with economic, social and cultural rights.

Over the years, The Netherlands has selected a series of policy themes: Abolition of the death penalty; protection from torture; the rights of the child; human rights defenders; women's rights; freedom of religion and belief; rights of minorities; non-discrimination; economic, social and cultural rights.<sup>2</sup> Working with (and for these issues), the Dutch governments time and again makes use of existing international legal and quasi-legal instruments in the field of human rights, often encouraging existing norms

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<sup>1</sup> [www.osminbuzanl.econom-i.com/default.asp?CMS\\_ITEM=9FA3FE9CEF3943D3A2FFB1639A6C2EE7X3X48139X94](http://www.osminbuzanl.econom-i.com/default.asp?CMS_ITEM=9FA3FE9CEF3943D3A2FFB1639A6C2EE7X3X48139X94).

<sup>2</sup> *Ibidem*.

are implemented and observed more satisfactorily. It can be added to that that The Netherlands over the course of sixty years of United Nations has also considerably contributed to the coming into existence and fine-tuning of a range of these instruments.

The same can be said for the Dutch emphasis on (monitoring) the implementation of the human rights standards. It thereby makes use of a range of mechanisms, approaches, and action levels. In the document from which the previous section is taken, mention has been made of many of these, like the use of multilateral channels as the UN, the Council of Europe, the OSCE and the EU; bilateral channels, including the roles embassies can play; and private channels, through co-financing organisations, national and international NGOs. Mention can also be made of such things as contributions to “the UN’s Voluntary Fund for Victims of Torture which helps pay for treatment and rehabilitation programmes as well as training projects for health workers, social workers and psychologists in over 50 countries”, the support for “educational projects for prison staff and healthcare programmes for prisoners”, “financial support to the UN Secretary-General’s Special Representative for Children and Armed Conflict” and support for “a range of organisations as part of its effort to care for and demobilise child soldiers and prevent their recruitment”, “supporting non-governmental organisations active in countries where freedom of expression is not respected”, support for “a large number of projects run by international organisations, NGOs and government bodies in the area of women’s human rights”, and, finally, institutional contributions to organisations in the field of minority and indigenous rights, accompanied by, amongst other things, “financial support to the UN’s Voluntary Fund for Indigenous Populations, whose work includes enabling representatives of indigenous peoples to attend international events relevant to their position”.<sup>3</sup>

This short overview shows the Dutch determinedness to seriously work upon the implementation of human rights standards all over the world, through all means available. The Netherlands is often seen as one of the ‘front soldiers’ in that respect.

#### *The role of NGOs*

Because the focus of the present report is on NGOs, although embedded in the broader spectrum of other actors, it might be good to shortly recall how they are perceived in the Dutch governmental document of October 2000 that served as the starting point for (the discussion on) the present TMF-based funding regime: “It is clear that the traditional fences between governments and NGOs, bilateral and multilateral aid and the private sector are disappearing. Globalisation leads to new actors, like public-private

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<sup>3</sup> *Ibidem.*

partnerships, and international networks of sectoral NGOs.”<sup>4</sup> In later policy papers, the role NGOs and other non-state actors can play has been underlined time and again, *inter alia*, in an (English) summary and compilation of some of the core policy documents. In this memorandum, entitled *Mutual interests, mutual responsibilities: Dutch development cooperation en route to 2015*, it is stated that “development cooperation calls for commitment from everyone involved: The Netherlands, other donors, civil society organisations, the private sector, individual citizens and multilateral organisations, as well as the developing countries themselves”, and that “the Netherlands has a strong tradition of development cooperation through non-governmental organisations”.<sup>5</sup>

In the October 2000 document mentioned above, the label ‘*Theme-based Co-financing Programme*’ (hereafter: TMF) was not yet used. That label was introduced later, after a discussion with the Dutch House of Representatives on a policy document related to “Civil Society and the Structural Fight against Poverty”.<sup>6</sup> In a governmental document of March 2002, it was proposed to speak of a “TMF-programme” and of organisations to be funded under that label, alongside or as part of the broader Co-financing Programme (“MFP-broad”) of the Ministry of Foreign Affairs.<sup>7</sup> Core reasons behind creating that separate category, related to the need to better organise the countervailing power in the countries concerned, the recognition that strong civil societies do have their own systems and structures, that they have been developing their own values and standards over long periods, and, *inter alia*, that “Nordic Civil Society Organisations could best support Southern Civil Society Organisations if both are independent and autonomous”.<sup>8</sup>

#### *TMF-criteria and decision-making on NGO applications*

In the October 2000 document, sent to the Dutch House of Representatives, it was stated, that co-financing in the field of development cooperation was in need of better mechanisms for administrative and political control and accountability. In stead of upholding quite a distance between the Ministry

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<sup>4</sup> Parliamentary Papers House of Representatives (hereafter: PP HR), 2000-2001, 27433, nr. 1, p. 2 (in Dutch, as is the case with the other Parliamentary Papers referred to hereafter).

<sup>5</sup> Policy memorandum of October 2003, accessible at [www.minbuza.nl/default.asp?CMS\\_ITEM=553258960F4145B7819711DAD9BB00EDX3X53084X52#TOC\\_3](http://www.minbuza.nl/default.asp?CMS_ITEM=553258960F4145B7819711DAD9BB00EDX3X53084X52#TOC_3).

<sup>6</sup> PP HR, 2000-2001, 27433, nr. 3.

<sup>7</sup> *Ibidem*, 2001-2002, 27433, nr. 7, p. 1. It is clear that the subdivision between “broad” and “narrow” later on became contested again – see PP HR, 2002-2003, 27433, nr. 15, p. 3 and the report therein referred to, as well as, *inter alia*, PP HR 2004-2005, 27433, nr. 30 – but discussing this is beyond the scope of the present report.

<sup>8</sup> *Ibidem*, 2001-2002, 27433, nr. 7, p. 4.

and the organisations – based on the prevailing notion that it might be best to let the organisations function at some distance from the Ministry, without direct means of influence for the latter – it was now said by the government, that, given the newly felt “need of accountability” and the overall wish to make development cooperation as effective as possible, it would be good to reconsider the steering philosophy behind the MFP-programme. Against this manifold and to some extent internally contradictory background – in short: The wish to fund organisations that are strong in specific fields (‘themes’), to see these organisations as autonomous entities and therefore responsible themselves for their own activities, and the need of further strengthening their accountability towards the Ministry and the Parliament – in a document of March 2002, the basic criteria have been identified the organisations would have to meet before they could be funded under the TMF-Programme.

The overall and main purpose of the TMF-Programme is to support thematically specialised organisations which, in cooperation with and in order to strengthen local organisations, make efforts to strengthen civil society in the context of the structural reduction of poverty in developing countries.<sup>9</sup> The TMF Policy Framework was drafted for three reasons: a) To promote well-developed, independent and professional civil society in the performance of activities aimed at the structural reduction of poverty. b) To promote the involvement of civil society in the development of policy by the Minister for Development Cooperation. c) To streamline the handling by the Ministry of and promote transparency and uniform decision making about theme- and/or target group-specific subsidy applications.<sup>10</sup>

According to the TMF Policy Framework, the TMF-Programme wants to provide room for financial support of those organisations which offer quality from a specialised angle of approach or for the benefit of a specific target group. To be eligible for subsidy, they must make a contribution to the structural reduction of poverty in countries in the South or the poorest countries in Central and East Europe. Equality among organisations in the North and South plays an important role in this. In the application, it must therefore be stated as well that cooperation is based on equal relationships and mutual accountability. A striving for capacity building and the independence of Southern organisations must clearly emerge from the application.<sup>11</sup> In addition, it is said, amongst other things, that crucial factors in giving shape to the strategies to be chosen are: Demand-driven, cooperation with other players in the field (including

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<sup>9</sup> ‘Beleidskader Thematische Medefinanciering’ for the subsidy period 2004-2007 and 2005-2008: under 1.

<sup>10</sup> *Ibidem*, under 4.

<sup>11</sup> *Ibidem*.

public-private partnerships), networks and creating a trampoline instead of a safety net, while transparency and accountability regarding goals, working methods, coordination with Poverty Reductions Strategy Papers are stated to be equally important. Further to that it is underlined, that it is important to support private organisations in the Netherlands because they contribute through their partner organisations to the strengthening of civil society in developing countries, stating that the recent policy memorandum *Aan Elkaar Verplicht* (“Mutual Interests, Mutual Responsibilities”) (November 2003) underlines this importance once again.<sup>12</sup>

The subsidy-receiving organisations are responsible for an adequate system of monitoring and evaluation and for the development of a quality system in cooperation with the Minister and other ‘stakeholders’.

Organisations are expected to make timely adjustments on the basis of findings and, if necessary, to request permission from the Minister to do so. The Minister, particularly on the basis of financial and substantive reports, supervises the spending of the funds and the progress, and is responsible for the ultimate determination of the subsidies granted.

The quality system encompasses the following aspects:

- Each of the organisations bears responsibility for its own operating processes and results, and must report on this to the Minister according to agreed standards of content and finance, whereby, for example, attention is paid to effectiveness and efficiency.
- Each of the organisations must provide for its own adequate evaluation system. The results of evaluations, provided with policy conclusions, are made available to the Minister.
- Once every four years, an external evaluation takes place for the purpose of increasing insight into the effectiveness, efficiency, learning ability and involvement of stakeholders, etc.<sup>13</sup>

The Ministry is conducting a policy dialogue with social organisations which receive subsidies about (intended changes to) the TMF Policy Framework. In addition, thematic policy dialogues are being held. These discussions concern the implementation of programmes and other policy-related matters. Moreover, progress meetings are being held with individual organisations. This concerns annual reports and the like. This can be done by groups of organisations, but also with individual organisations.<sup>14</sup>

The TMF-system as well as the specific criteria were applied for the first time in the second half of 2002, in relation to funding for the period 2003-2006. In total 102 applications were received, 65 of them having been

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<sup>12</sup> *Ibidem*, under 2.

<sup>13</sup> *Ibidem*, under 9.

<sup>14</sup> *Ibidem*, under 7.



granted.<sup>15</sup> Among them, were applications sent in by HOM, HREA and NiZA. HOM received € 2.040.000 Euro, for the period 2003-2006, for institutional support funding, while another € 78.000 had been granted in 2001-2002 for its Linking Solidarity in Africa Project (see Chapter 5). HREA received € 231.895, also for the period 2003-2006, while its two African projects (also see Chapter 5) were funded additionally (\$ 27.500 and € 10.000, respectively). NiZA received € 9.000.000, also for the period 2003-2006.<sup>16</sup>

After the first round, the criteria have been further specified, but within the framework set out above.<sup>17</sup> Details can be left aside here. In the second round, concerning 2004-2007, approximately 180 applications were received, 64 of which were honoured.<sup>18</sup> Among them we find IFFHRO. This organisation was granted € 616.000 for the period 2004-2007.<sup>19</sup> All partners have other sources of income as well, like subsidies, contributions and sponsors.

#### *The TMF-Programme and human rights*

The TMF-programme concerns the fight against poverty, strengthening civil society and policy influencing. Human rights, the focus of the present report, have been given quite a central place in the successive policy papers on the TMF-Programme. Without comparing the changes in successive wordings, we would like to focus on the formulations in the policy document of March 2003, *i.e.*, the document underlying the award of grants in 2002, for the period 2003-2006, as well as in 2003, for the period 2004-2007. In the March 2003 document, human rights and their place within the TMF-context are described as follows:

The main goal of the policy is to promote respect for and compliance with human rights. The policy was worked out in the 2001 Human Rights Memorandum. The subsidy funds for human rights activities come from the non-ODA as well as the ODA part of the budget of the Ministry of Foreign Affairs. The Theme-based Co-Financing Programme (TMF) is only aimed at the ODA part of the budget.

Activities which qualify for subsidies are those which contribute in the most direct way possible to the protection and promotion of the observation of human rights. With due observance of the foregoing, these could include:

#### *Improvement in the protection of human rights:*

- Providing legal, medical or psychological help to victims of violations.

<sup>15</sup> *Ibidem*, 2002-2003, 27433, nr. 10, p. 2.

<sup>16</sup> Evaluation TMF-Programme, 'voorstudie', 15 February 2005.

<sup>17</sup> *Ibidem*, 2002-2003, 27433, nr. 13, p. 9-10.

<sup>18</sup> *Ibidem*, 2002-2003, 27433, nr. 15, p. 1.

<sup>19</sup> Annex to *Ibidem*, 2003-2004, 27433, nr. 18. For the (outcome of) the selection process, also see the 'Voorstudie' by Bureau Berenschot, 15 February 2005.

- Conducting investigations of human rights violations.
- Documenting violations.
- Combating impunity.

*Promotion of human rights*

- Information about human rights.
- Human rights education.
- Training courses in enforcing human rights standards.
- Supporting independent media.

*Strengthening institutions*

- Maintaining and strengthening the institutional capacity of governments.
- Maintaining and strengthening the institutional capacity of NGOs.
- Human rights advocacy.<sup>20</sup>

The same wording is used in the 2005 ‘*Offerteaanvraag, Evaluatie Thematisch Medefinancieringsprogramma*’.<sup>21</sup> In our reaction to that document, we referred to some specificities in the field of human rights that would be relevant in the African context. We stated, *inter alia*, that since the year in which the Universal Declaration of Human Rights was adopted (1948), its standards have been worked out in great detail, by the United Nations as well as by regional organisations such as the Organisation of African Unity, the current African Union. This particularly concerns the African Charter on Human and Peoples’ Rights from 1981. The latter document, and its further elaboration over time by the African Human Rights Commission, contains standards which are largely the same as general UN standards. Some parts, however, depart from these standards. This particularly concerns people’s ‘collective rights’ and ‘duties’. For instance, the Charter contains a part devoted to “Rights and Duties” and several articles in which individual duties to the community are worked out (Articles 27-29). Assessment of the activities of TMF-organisations in an African context cannot be viewed separately from these double systems of standards.

We also stated, that in the document forming the basis of the tendering procedure, with reference to the UDHR, it is rightly pointed out that all human rights issues start from the “inherent dignity of all members of the human family, regardless of the larger whole (tribe, social stratum, state etc.) to which the person belongs”. That is the essence of the notion of human rights, whereby, since the adoption of the Universal Declaration, it has no longer been necessary to resort to philosophical or theological studies for a definition of ‘human dignity’: The thirty articles of the Universal Declaration, added together, give a good indication of what human dignity

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<sup>20</sup> *Ibidem*, nr. 13, p. 17.

<sup>21</sup> Part 2, Sub 9.

is. The UDHR contains rights such as the ban on discrimination (Article 2), the right to life (Article 3), the ban on holding anyone in slavery or servitude (Article 4), the ban on arbitrary arrest (Article 9), but also, for example the right of “freedom of movement and residence within the borders of each state” and “the right to leave any country, including his own, and to return to his country” (Article 13). Other rights under the UDHR are the right to freedom of thought, conscience and religion (Article 18), freedom of opinion and expression (Article 19) and, *e.g.*, everyone’s right “to take part in the government of his country, directly or through freely chosen representatives”, whereby “the will of the people shall be the basis of the authority of government” and “this will shall be expressed in periodic and genuine elections (..)” (Article 21). These and all rights in between under the UDHR which are not mentioned here, also apply in the African context.

This also concerns internationally recognised economic and social rights, such as the right to work, food, healthcare and education. These, too, have their roots in the UDHR, for example in Article 25 (“1. Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood or other lack of livelihood in circumstances beyond his control. 2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.”), and Article 26, concerning access to education and the requirements that may be set on education: Pursuant to the article, education shall, for example “be directed to the full development of the human personality” and shall “promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace”.

Of importance in addition to the aforementioned specific rights under the UDHR are the ‘umbrella’ articles 22 (“Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality”) and 28 (“Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized”).

Both articles form part of the basis of The Netherlands’ development co-operation policy with respect to the African continent: *A human rights-based approach to development*, which, as stated in the tender document, leaves room for a conceptual connection between the domains of human rights policy and development co-operation. The legal framework that

serves to assess the activities of the TMF-organisations to be evaluated, therefore contains *universally applicable standards*, supplemented by several *African specifics*. In addition to the comments made above, one can think of the rights of native peoples and the possibility that these conflict with internationally recognised standards, the concept of collective rights which is so emphatically present in the African Charter on Human and Peoples' Rights, and matters such as whether or not to settle crimes against international law by way of criminal law and, thus, processes aimed at finding the truth and reconciliation.

The declared 'human rights-based approach to development' also links human rights to poverty reduction, one of the core aims of the TMF-Programme. Poverty is linked to human rights, for instance in a way that families and groups living in situations of poverty do have to make constant and important efforts in fighting to improve their living conditions, that that type of efforts often tend to go unnoticed by the dominant society, and that for that reason human rights instruments also and basically relate to empowerment and participatory human rights instruments belonging to that. The Final Document of the 1995 Copenhagen World Summit for Social Development, for instance, states – after having observed that poverty has various manifestations, including lack of income and productive resources sufficient to ensure sustainable livelihoods, hunger and malnutrition, ill health, limited or lack of access to education and other basic services, increased morbidity and mortality from illness, homelessness and inadequate housing, unsafe environments, and social discrimination and exclusion – that poverty is “characterised by a lack of participation in decision-making” by those who are the object of the policies concerned.<sup>22</sup>

Similar words have been used in, for instance, the 2000 Millennium Declaration. Under the heading of “Development and poverty eradication” it is stated that “We [the States] will spare no effort to free our fellow men, women and children from the abject and dehumanising conditions of extreme poverty, to which more than a billion of them are currently subjected. We are committed to making the right to development a reality for everyone and to freeing the entire human race from want.”<sup>23</sup> In addition, mention can be made – out of many sources – of the 2003 *Report of the Commission on Human Security*, which states that human security means “protecting people from critical and pervasive threats and situations, building on their strengths and aspirations”, that it also means “creating systems that give people building blocks of survival, dignity and livelihood”, that it “connects different types of freedoms - freedom from want, freedom from fear and freedom to take action on one's own behalf”,

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<sup>22</sup> 'Copenhagen Programme of Action', Par. 19.

<sup>23</sup> UN Doc. A/RES/55/2, 18 September 2000, Par. 11.

and that there are two general strategies: Protection and empowerment: “Protection shields people from dangers. It requires concerted effort to develop norms, processes and institutions that systematically address insecurities. Empowerment enables people to develop their potential and become full participants in decision-making. Protection and empowerment are mutually reinforcing, and both are required in most situations.”<sup>24</sup> This terminology highly coincides to terminology used by the Dutch government when formulating its TMF-Programme and related recent documents in the broader field of ‘development and human rights’.

The above taken together are the ‘eyes’ with which the researchers have done their job. It is the conceptual background for the desk studies, the interviews and the questionnaire, conducted and developed for the present report.

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<sup>24</sup> Report of the Commission on Human Security, 1 May 2003; quote taken from its outline.

### 3. Research questions

In accordance with the *Offerteaanvraag*, the basic questions of the overall study are the following:

1. To what extent do the TMF-organisations operate efficiently and effectively?
2. To what extent are the activities (interventions) relevant and sustainable?
3. What are the effects of the interventions of and at southern NGOs which are partly financed by the TMF-organisations?
4. To what extent do the TMF-organisations have (or have they developed) learning capacity?

The section on human rights in particular also has the following specific research questions:

1. Map out the field of work of the TMF-organisations operating in the area of human rights.
2. In what way does the TMF policy framework influence the contents and development of human rights activities, and what are the specific pros and cons of the theme-based approach of TMF to the area of human rights?
3. To what extent do the TMF partners operating in the area of human rights contribute to the social midfield in the South?
4. TMF financing was intended to grant organisations more funds under fewer conditions and with a long-term relationship of 3-4 years. To what extent did this result in higher efficiency, higher effectiveness and a greater degree of professionalism of the TMF-organisations operating in the area of human rights?
5. What are the main aspects in relation to human rights in the selected region, and what changes/developments have taken place in the past 5 - 10 years?
6. To what extent are the TMF-financed activities in line with the aspects of these problems, and to what degree have the TMF-organisations responded by way of their activities to the developments in human rights problems identified in the selected region?
7. How do the activities/partner organisations of the TMF-organisations distinguish themselves in relation to human rights and in the selected region from activities/partner organisations undertaken through the bilateral channel and from the activities/partner organisations of the co-financing agencies (MFOs) on the same theme and in the selected region?
8. To what extent has co-ordination taken place with MFOs, embassies and, if so, has this led to changes of activities/partner organisations at the TMF-organisations, the MFOs or the embassy?
9. In relation to question 8: To what extent is there synergy, or rather parallel activities or duplication of activities?
10. To what extent is gender structurally and systematically integrated into policy, policy implementation and monitoring of the TMF-organisations which focus on human rights?

After several consultations with de 'Stuurgroep' it was decided, in light of, *inter alia*, its wish to have a range of reports that would be comparable at headlines, to focus upon:

1. Policy theme: Positioning of the theme in Dutch foreign policy, objectives/points of attention, funding criteria, regional concentration, differentiation, major NGO-players in the field and coverage by the TMF-programme.
2. Chain analysis: Description of the chain (starting with the Ministry of Foreign Affairs, including its embassies), value the relationship of each of the relationship in the chain, with specific attention for reporting and contact arrangements, dialogue, etc.
3. Results on the evaluation criteria:
  - Efficiency and effectiveness on programme level (in regard to planned objectives, side effects at various levels of scale).
  - Relevance (in relation to interventions).
  - Sustainability/leverage effect (in relation to activities).
  - Learning capacity.
  - Theme-specific objectives.<sup>25</sup>

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<sup>25</sup> Mail from the 'Stuurgroep'.

## 4. Research methodology and research activities

### 4.1 Methodology

The research project has been set up as a ‘multi method – multi actor’ analysis. This means, a diversity of sources and different ways of gathering and analysing (qualitative and quantitative) empirical data has been used to gain insight into the effectiveness, the efficiency, the relevance, and the sustainability of the activities of the TMF-organisations and their local partners in the field of human rights, as well as with regard to the demonstrable learning competences and capacity of these organisations and the Ministry of Foreign Affairs.

When doing the research, the following (working) definitions were used:

- **Objectives** (also called by some of the organisations: “Aims”, “targets”, “purposes”): The overall goals the organisations want to realise.
- **Tools**: All the instruments (including what some organisations call “strategies”) used in order to realise the objectives.
- **Effectiveness**: The extent to which the stated objectives are indeed realised.
- **Efficiency**: The relation between input (funding, activities) and output; the way the activities have been conducted.
- **Relevance**: The extent to which the activities undertaken are focussing upon and contributing to the realisation of the core aspects of the TMF-programme.
- **Learning capacity**: The extent to which the actors under scrutiny are learning from the mistakes and misfortunes they are confronted with in reality. (More specifically, the issue in this respect is to what extent the Ministry of Foreign Affairs, as well as the TMF-organisations and their partners are learning organisations, or do have characteristics of learning organisations. To what extent are these organisations part of a mutual process of listening to, reflecting and (re)acting upon, signals, comments and problems of its partners? What instruments are developed and used to guarantee transparent feedback cycles to be learned from? The partly overlapping learning cycles of Demming (plan-do-check-act. etc.) and Dixon (collection of information, distribution of information, common interpretation of information; common action plan) have been used in this research,<sup>26</sup> to structure both the questionnaires.)

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<sup>26</sup> See ‘Offertedocument’.



- **Sustainability:** The extent to which the activities undertaken lead to durable improvements in the field of human rights.

At the beginning of the research project, the researchers had in mind to present generalised conclusions only and not to focus too much upon the individual TMF-organisations. This has even been promised at the first major meeting with the ‘Stuurgroep’. However, when carrying out the research it soon became clear that this promise would result in quite a strange report, which moreover would be very vulnerable from a methodological point of view. The problem would present itself that one of the four organisations (NiZA) and their local African partners would provide for about 80% of the input for the analysis, while the three other organisations and their African partners would only account for ‘the rest’. This situation would have led to overall conclusions, either negative or positive, that in all cases would be seen as problematic, be it from the perspective of the ‘Stuurgroep’ wishing to have generalised conclusions, or from the perspective of the organisations under scrutiny, asking whether (and to what extent) a specific finding related to them or not. For these reasons, it was decided, after consultations with the ‘Stuurgroep’, to present our findings on two levels: On the level of the four organisations, their local African partners and their common African human rights activities (Chapter 5), as well as on a more generalised level (Chapter 6).

## 4.2 Research activities

The data were collected by means of:

- Desk research.
- Interviews (face-to-face and by telephone).
- Questionnaires (surveys).
- Fieldwork.

Actors in the Netherlands and Africa were consulted, both on a policy- and execution level.

Successively the following core research activities were undertaken:

1. Initial e-mail contacts to ascertain adequacy and scope of presented selection of organisations.
2. Kick-off meeting.
3. Desk research concerning TMF-organisations.
4. Desk research for country reports.

5. Written survey about cooperation with TMF-organisations (respondents: Local partners).
6. Interviews with TMF-organisations.
7. Written survey about cooperation with local partners (respondents: TMF-organisations).
8. Interviews with representatives of the Ministry of Foreign Affairs; additional research related to the Ministry.
9. Interviews with local partners and other actors in Africa.

#### **4.2.1 Initial e-mail contacts to ascertain adequacy and scope of presented selection of organisations**

In preparation of the extensive TMF-evaluation study, the Ministry of Foreign Affairs had a preliminary study conducted by Bureau Berenschot. One of the results of this preliminary study was a selection of five TMF-organisations that would be the subject matter for the research project on 'TMF-organisations active in Africa in the field of human rights'. The selected organisations were contacted by e-mail to ask them for a general overview of their activities in the field of human rights in Africa. It turned out that one of the selected organisations, Spolu International Foundation, operates in Central and Eastern Europe and was as such unfit to be included in the present research project. The research therefore dealt with four organisations:

- Humanistisch Overleg Mensenrechten (HOM) [Humanist Committee on Human Rights].
- International Federation of Health and Human Rights Organisations (IFHHRO).
- Human Rights Education Associates (HREA).
- Nederlands instituut voor Zuidelijk Afrika (NiZA) [Netherlands institute for Southern Africa].

#### **4.2.2 Kick-off meeting**

On August 25<sup>th</sup> 2005 a kick-off meeting was arranged in Tilburg. The meeting served several goals, namely: (i) informing the TMF-organisations about the research project and the activities that would be undertaken; (ii) receiving input from the TMF-organisations on practical issues like contacting their local partners in Africa and planning the fieldwork trip and (iii) gaining more insight into the TMF-organisations' internal organisation, activities in Africa, financing etc. Representatives from HOM, IFHHRO and

NiZA were present at the kick-off meeting. The representative of HREA did not attend.<sup>27</sup>

#### 4.2.3 Desk research concerning TMF-organisations

In addition to the information gathered during the kick-off meeting, websites and documents (like annual reports) were studied to gain more insight in the TMF-organisations’:

- Projects in the area of human rights.
- Financial input.
- Financial output.
- Local partners in Africa.

#### 4.2.4 Desk research for country reports

Country reports were drawn up in order to get a clear insight into the human rights’ context in which the four TMF-organisations and their local partners in Africa operate. The reports dealt with the six countries in which the TMF-organisations undertake the lion’s share of their activities: Angola, Malawi, Mozambique, South-Africa, Zambia and Zimbabwe.<sup>28</sup> The country reports served as working material during the desk research and the field work, and provided for information on the countries’:

- Political history.
- Political situation.
- Economic situation.
- Social situation.
- Human rights situation (civil and political rights; economic, social and cultural rights).
- Development assistance from the Netherlands and/or the European Union.

As an example, the country report for South Africa has been added to the report as Annex 1.

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<sup>27</sup> The researchers could not reach him by telephone or via e-mail. On August 30<sup>th</sup> he informed them by e-mail that he had been on holiday.

<sup>28</sup> Other African countries in which the TMF-organisations are active are, *inter alia*, Kenya, Algeria, Burkina Faso and Egypt. In these countries TMF-organisations have only a single local partner with whom they cooperate. For efficiency reasons, the research project focuses on countries in which more than one local partner is situated. This choice unavoidably has consequences for the level of attention that is paid to each of the TMF-organisations, most notably HREA, whose only local partners are situated in Burkina Faso and Egypt.

#### **4.2.5 Questionnaire (written survey) concerning cooperation with TMF-organisations**

##### *Instrument*

A 'Dutch – African Cooperation Questionnaire – version African partner organisations' was developed to consult the TMF-organisation's local partners in Africa. The theoretical points of reference structuring the questionnaire and the analysis of the information made available, were the scientific notions of (i) principal-agent relationships; operating in (ii) chains of dynamic networks; and (iii) the development of learning capacity in organisations. The questionnaire consists of both open-ended and closed questions. The issues addressed in the questionnaire are:

- Characterisation of the TMF-organisation that the local partner cooperates with.
- Characterisation of the working relationship with the TMF-organisation.
- Management within the working relationship.
- Characterisation of the local partners' own organisation.
- Goals of the local partners' organisation.
- Network of the local partners' organisation.
- Management of the local partners' organisation.
- Finances of the local partners' organisation.

A copy of the questionnaire can be found in [Annex 2](#).

Because English is not commonly used in a number of countries under study, a French and a Portuguese translation of the questionnaire were drawn up by professional translators (as was the case with the English version too). Instructions for filling in and returning the questionnaire were included in the questionnaire itself. An accompanying letter from the research team – also available in three languages – explained the background and aim of the research. In order to further increase the likelihood of response from the local partners, each TMF-organisation drew up a letter of recommendation that was sent out together with the questionnaire.

##### *Sending out the questionnaire*

The TMF-organisations provided the research team with contact information and -channels of their local partners. In week 39 of 2005 the questionnaires were sent out. They were addressed personally, mostly to the director of the local partner-organisation and, except for the local partners situated in Zimbabwe, sent both via e-mail and fax. Since the Zimbabwean

government seemed to have prohibited cooperation with external partners (foreign NGOs), and given the sensitive issues the local partners in Zimbabwe are addressing, it had to be avoided that a document bearing the title 'Dutch – African Cooperation Questionnaire' might cause difficulties for the local partner organisations. For this reason, the NiZA local partners in Zimbabwe were contacted through safe-mail addresses. The contact with the IFHHRO partner in Zimbabwe: ZADHR, was arranged through an intermediary.<sup>29</sup>

Since not all faxes got through and some of the e-mails bounced, the local partner-organisations concerned were contacted by telephone in the beginning of October 2005. Local partners of whom no filled out questionnaire or confirmation of receipt had reached the research team were phoned. Not all local partners could be reached. It proved especially difficult to contact local partners in Angola. Phone calls were not answered or recorded messages were encountered. NiZA assisted the researchers and tried to establish contact to ensure the questionnaires reached the respondents.

#### *Response*

In total 31 questionnaires were sent out and 20 (65%) returned. Tables 1 and 2 show from which local partners filled out questionnaires were received.

<i>Local partner of:</i>	<i>N sent out</i>	<i>N received</i>
NiZA	24	16
HOM	4	2
HREA	2	2
IFHHRO	1	0
Total	31	20

Table 1: Response by TMF-organisation's local partners

<i>Country</i>	<i>N sent out</i>	<i>N received</i>
Angola	4	1
Malawi	3	3
Mozambique	4	2
South Africa	6	5
Zambia	4	4
Zimbabwe	5	2
Algeria	2	1
Kenya	1	0
Burkina Faso	1	1
Egypt	1	1
Total	31	20

Table 2: Response by country

<sup>29</sup> Notwithstanding this specific effort in order not to cause problems for this organisation, no filled out questionnaire was received.

### *Confidentiality*

Because initially it was thought that analysis of the research material would result in a report on an aggregated level (see above), confidentiality was guaranteed to the respondents. As the researchers realised in the course of the research that the report would benefit from the use of 'low level' information that might reveal the source's identity, all relevant respondents were asked for their permission to refer to their answers. All respondents granted permission for the use of the research material in this manner.

### **4.2.6 Interviews with TMF-organisations**

The offices of three out of the four TMF-organisations under study were visited by members of the research team.<sup>30</sup> This gave the researchers the chance to observe the day-to-day workings of the organisations and to conduct interviews with employees. The interviews were semi-structured and touched on the following subjects: (i) Goals and priorities of the organisation; (ii) management and internal organisation (*inter alia*, quality procedures); (iii) TMF-funding and accountability toward the Ministry of Foreign Affairs; (iv) networks and the selection of local partners and (v) governance within the relationship with local partners.

### **4.2.7 Questionnaire (written survey) concerning cooperation with local partners**

#### *Instrument*

In order to detail the general information provided for in the face-to-face interviews with representatives of the TMF-organisations, a questionnaire was distributed amongst the employees of TMF-organisations aimed at obtaining specific information about their view on the relationship with individual local partners. This '*Dutch – African Cooperation Questionnaire – version TMF-organisations*' consists of 31 questions about:

- Characterisation of the local partner organisation.
- Characterisation of the working relationship with the local partner organisation.

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<sup>30</sup> Despite repeated requests by the research team the contact person of HREA has not informed the researchers of any date on which it would be convenient to visit the HREA office.

- Management within the working relationship with the local partner organisation.

The questionnaire was drawn up in English and can be found in [Annex 3](#).

#### *Distribution and response*

In order to keep the workload for TMF-organisations reasonable, questionnaires did not have to be filled out for all local partners but only for a selection of them (see Tables 3 and 4). The focus lay on local partners in the countries to be visited during the fieldwork trip. Sixteen out of the 18 (89%) questionnaires were filled out and returned. No filled out questionnaires were received from HREA.

<i>About local partner of:</i>	<i>N sent out</i>	<i>N received</i>
NiZA	14	14
HOM	1	1
HREA	2	0
IFHHRO	1	1
Total	18	16

Table 3: Response by TMF-organisation

<i>Country</i>	<i>N sent out</i>	<i>N received</i>
Malawi	3	3
Mozambique	4	4
South Africa	4	4
Zambia	4	4
Zimbabwe	1	1
Burkina Faso	1	0
Egypt	1	0
Total	18	16

Table 4: Response by country in which local partner is situated

#### **4.2.8 Interviews with representatives of the Ministry of Foreign Affairs; additional research related to the Ministry**

In order not to overburden the Ministry of Foreign Affairs, it was decided not to ask the relevant departments of the Ministry of Foreign Affairs to fill out questionnaires. Instead, it was thought better to organise interviews with ‘TMF-core persons’ in order to gather a better insight into issues such as the background of the TMF-Programme, decision-making upon applications, and holding TMF-organisations accountable afterwards. In November 2005, interviews took place with the Civil Society Department and the Human Rights and Peace Building Department of the Ministry. Preceding the interviews, desk research was done within the Human Rights and Peace

Building Department. The files of the four TMF-organisations (with correspondence relating to the decision making upon application) were studied. Further to that, the initial findings regarding the Ministry were confronted with the findings provided by a careful reading of a series of relevant Parliamentary Papers, and were ‘tested’ during the country visits by a series of talks with representatives of the local Dutch embassies. Finally, additional mail messages were sent to and received from the Ministry in order to get answers to some of the then still open, often minor, questions.

#### 4.2.9 Interviews with local partners and other actors in Africa

The selection of countries to be visited during the fieldwork trip was made on practical grounds. The costs involved in visiting countries in which only one local partner of one of the four organisations is active, would have been disproportional compared to the support they receive through TMF funding. Although several local partners are based in Zimbabwe and Angola these countries were also excluded, taking into account the local unrest in the countries and the stated difficulties to travel.

From November 21<sup>st</sup> to December 6<sup>th</sup> 2005 two teams of two researchers each (both consisting of a human rights expert from the Law Faculty of Tilburg University and a social researcher from IVA Policy research and consultancy) conducted the fieldwork. One team visited South Africa and Mozambique, the other team travelled to Zambia and Malawi. The visits were fine-tuned and coordinated with the local Dutch embassies, who offered their support in this respect, as well as with some of the other research groups (through the Berenschot secretariat). Prior to departure, appointments for interviews had been made with the local partner organisations. All but one of the interviews (*i.e.*, with representatives of LDH in Mozambique) took place (see Table 5).

<i>Country</i>	<i>Visited local partner</i>
Malawi	CHRR PAC Malawi Carer
Zambia	LRF SALAN WFC
South Africa	NGOCC CBRC NCBPA RDSN CSVR LHR
Mozambique	Propaz Forum Mulher LDH

Table 5: Local partners visited during fieldwork trip



Other actors that were visited onsite include representatives of the local embassies in Pretoria, Lusaka and Maputo (Malawi is served from Lusaka, Zambia), a UNICEF officer in Mozambique, a UNDP officer in Malawi, a Zambian professor of International and Constitutional Law (also president of the board of 'Transparency International'), and a Zambian anthropologist and lecturer at the University of Zambia, Lusaka. Most of the interviews were conducted in English. In Mozambique a Portuguese translator accompanied the researchers. During the interviews the main focus lay on: (i) The local context and human rights issues; (ii) role and activities of the local partner organisations; and (iii) more in-depth information about the working relationship with the TMF-organisations.

#### *During the research*

The Ministry of Foreign Affairs and the TMF-organisations have been consulted at several stages, and were given the opportunity in mid-February 2006 and at the beginning of March 2006 to make technical corrections as well as to counter the findings presented in the two draft versions of the report. By far most of the comments have been taken up by the research team and have been further elaborated upon. Where comments have not been used, the Ministry and the TMF-organisations have been informed why this is the case.

### **4.3 Fundamental limitations of the research**

A first and important limitation of this research follows from the way the overall research project has been framed. It was decided by the Ministry of Foreign Affairs that the overall research (written down in nine reports) should lead to clear insights into the effectiveness, efficiency, relevance, and sustainability of the activities, as well as the (development) of learning capacity of the organisations funded by means of the TMF-programme. It was also decided by the Ministry that the focus would be upon Africa.

For the present report, this leads to some methodological problems. Firstly, the research would have to concentrate on *four* organisations and their African partners only, while, secondly, three of them conduct only relatively few human rights activities in Africa. How then to reach reliable generalised conclusions? In other words: The research is limited (i) by *sample size*: Only four TMF-organisations and 31 African partners were studied, and (ii) by *internal imbalance* between the cases: NiZA is a much larger organisation than any of the other three, has more financial possibilities, works with significantly more local partners, etc. A third methodological remark to account for, is that the information gathered, was

provided by voluntarily cooperating respondents. At all stages of the research, however, the researchers have kept an open eye for the context and possibly broader implications of their findings, knowing that there is always a risk of coming to broad conclusions, based on limited empirical materials. For that reason, it should also be stated in advance, and will be repeated later, that this report is *not* about the TMF-organisations as a whole, but about, in some cases, only a very small part of their activities and role in Dutch development policy in Africa.

## **5. Presentation of the findings, level 1: Four organisations, four building blocks**

### *Introduction*

In the present Chapter, the following subdivision is used:

- Information on the Dutch organisation concerned, as far as relevant from the perspective of the present report.
- Information on the African projects(s) of the four organisations, presented from the perspective of:
  - their objectives,
  - the partners with which the projects are carried out,
  - the available tools.
- Evaluation of projects, dealt with from the perspectives of their:
  - effectiveness,
  - effects
    - on the internal organisation of the partner,
    - on networking,
    - the number and quality of project related activities.
  - side-effects (wanted and unwanted),
  - efficiency,
  - relevance of cooperation for the local human rights context,
  - learning capacity of the organisations concerned,
  - sustainability.

When presenting the findings in Chapter 5, often quotes are taken from the questionnaires and the interviews. This is done for reasons of clarity and illustration. The quotes also add ‘colour’ to the report. The researchers are aware of the risk that statements made by individuals, and related to individual organisations, are not necessarily representative. In every case, care has been taken to present quotes in context, so its scope should stem clearly from the text.

For the (working) definitions used in this part of the research, see Par. 4.1.

### **5.1 HUMANIST COMMITTEE ON HUMAN RIGHTS (HOM)**

#### *Information about HOM*

Since its inception in 1981, HOM’s core objective is “contributing to the implementation of human rights”. Since the end of the 1990s, HOM has increasingly focused on the *effects* of policy and how to measure these.

Most of the assignments HOM takes on board, are those in which the measurement of results is an important aspect. According to its present Mission Statement, HOM aims to contribute “to the implementation of human rights throughout the world” and “to the development and implementation of methods to assess the consequences and impact of policy and activities in specific human rights situations”. It means, concretely: “Developing methods to measure effects both before and after implementation; Capacity-building efforts in human rights organisations; Advocacy; Implementing assignments for third parties (consultancy).”<sup>31</sup>

In the present TMF-evaluation only a relatively small part of HOM’s activities in the field of human rights has been assessed. Evaluating HOM ‘as a whole’ would have included an evaluation of other programmes of HOM, like the ‘Human Rights Impact Assessment Programme’ and the ‘Health Rights of Women Assessment Instrument’, but that is beyond the scope of this report. According to HOM itself, approximately 20 % of its activities are related to Africa, while two out of twelve people employed by HOM are working on the Linking Solidarity (LS) programme.<sup>32</sup> Combining the way the LS-programme is financed with the scope of the present research, also raises a serious problem: As of 2005/6 the programme fits within the TMF-funding programme, but it was started long before the TMF-programme as such. At that time it was financed by the Dutch Ministry of Foreign Affairs, the Belgian government, Amnesty International and the Humanist Institute for Development Cooperation (HIVOS). It is beyond the scope of this – TMF-oriented – report to deal with all the money streams from the very beginning of the LS-programme (in 1995).

### **5.1.1 HOM’s programme Linking Solidarity (LS)**

#### **5.1.1.1 Objectives**

The LS-programme was created following recommendations made by Amnesty International’s worldwide campaign on enforced disappearances in 1992. A conference of families of disappeared persons’ organisations was

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<sup>31</sup> Policy plan 2004-2007 and [www.hom.nl/english/index.php](http://www.hom.nl/english/index.php).

<sup>32</sup> Other, minor African projects relate to, for instance, the previously mentioned ‘Health Rights of Women Assessment Instrument’, in which an organisation in Kenya is involved. Further to that, HOM is also a member of the European-Mediterranean Human Rights Network, which leads to activities with some organisations in Morocco and Tunisia. These projects are left aside because they either at that moment were not financed with TMF-funds (the cooperation with FIDA, Kenya), or do not involve capacity building activities (the cooperation with EMHRN).

held in that year, which demonstrated a clear need for a programme to promote cooperation and links between these organisations. The conference also showed that many of these organisations lacked instruments, specific information, knowledge and skills, as well as international attention. In 1995, HOM's LS-programme was started, intending to play a role in the further development and support of an internationally expanding network of organisations of families of disappeared persons. From 2006 on, the programme is entering a new phase with the "LS-programme 2006–2008". In these three years the programme will focus on the development of stronger organisations of family members, stronger and new regional federations and effective cooperation between organisations of family members around the world.

The long-term objective of the programme is "to contribute to the elimination of the phenomenon of enforced disappearance all over the world". For current victims and their families, the chief objective is "to uncover the truth and to ensure justice". The LS-programme intends to contribute to these objectives by creating and strengthening solidarity and cooperation between organisations of families of disappeared persons worldwide.

More concretely, with regard to Sub Sahara Africa the following objectives of LS are mentioned:

- To identify non-governmental organisations acting against enforced disappearances.
- Build-up their capacity to react and their expertise on means to address the phenomenon.
- Encourage sub-regional and/or regional cooperation between these counterparts.
- Facilitate their participation in international forums as the UN.
- Establish solidarity and cooperation links between these African counterparts and the Asian and Latin American federations of associations of families of disappeared persons.<sup>33</sup>

The LS-programme is placed under the umbrella of the capacity-building programme of HOM. Projects and activities are initiated by LS's African partners. HOM has a facilitating role.<sup>34</sup> In addition, HOM underlines that the LS-programme also has as one of its objectives to influence policy making in this specific field, as part of the overall strategy of capacity building.

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<sup>33</sup> Project Proposal Linking Solidarity 2006-2008, p. 38.

<sup>34</sup> Interview with HOM.

### 5.1.1.2 Partners

HOM's partners within LS are organisations of families of disappeared persons in Latin America, Asia, regions like the Balkans and the Middle East, and Africa.

As far as Africa is concerned much variation exists between these NGOs. In some countries, such as Algeria, Morocco/Western Sahara, Namibia and South Africa, families have formed their own organisations to exert pressure on their government. However, there are also countries where families depend on support from human rights organisations which have a broader focus. This is the case in, for example, Angola, Cameroon, Congo Brazzaville, Congo-Kinshasa and Ethiopia. Inspired by their Asian and Latin-American counterparts, twenty-five organisations have united to form the African Network against Enforced<sup>35</sup> Disappearances (better known by its French acronym RADIF: Réseau Africain contre les Disparitions Forcées). This, so far, informal network hopes to grow into a federation, which can defend the interests of families all over Africa. The network has co-founders in Algeria, Benin, Burundi, Cameroon, both Congo's, Ethiopia, French Guinea, Malawi, Namibia, Rwanda, Senegal, South Africa, Zambia and Zimbabwe.<sup>36</sup> The following three organisations have been singled out by HOM as its partners in Africa:

#### *Centre for The Study of Violence and Reconciliation (CSVR)*

The organisation covers a broad range of issues in the field of violence and reconciliation, and is mainly focussing on psycho-social work. Within the disappearances project, attention has been paid to the psychological impact of disappearances on women. CSVR's mission is to develop and implement innovative and integrated human security interventions based upon a commitment to social justice and fundamental rights for people who are vulnerable or excluded. CSVR perceives these goals as essential to its aspiration of preventing violence in all its forms and building sustainable peace and reconciliation in societies emerging from violent pasts – in South Africa, on the African continent and globally. Its goals are: 1) Building reconciliation; 2) transforming institutions; 3) promoting social justice.<sup>37</sup> HOM invited CSVR to participate in meetings, while it was in the process of establishing a regional network on disappearances.

According to the Memorandum of Understanding (MoU) between CSVR and HOM “CSVR intends to elaborate and start a regional project aiming at facilitating the creation of a Southern African Network Against

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<sup>35</sup> HOM also uses the term ‘Involuntary’.

<sup>36</sup> [www.hom.nl/english/disappearances\\_ls.php#news](http://www.hom.nl/english/disappearances_ls.php#news).

<sup>37</sup> [www.csvr.org.za](http://www.csvr.org.za).

Enforced Disappearances (SANAD), as a component of the broader African Network Against Enforced Disappearances (RADIF)". The MoU has designed a few activities to be undertaken during the preliminary phase of establishing SANAD. According to the MoU, the first activity was "organising a regional meeting between representatives of the organisations that are committed to participate and assist in the elaboration of a project proposal and in the other activities of the preliminary phase as well as in the SANAD project itself". CSVR will be "fully in charge of organising the initial meeting and contribute to its implementation by providing and paying for the personnel needed for the preparation."<sup>38</sup>

HOM covered the costs of the meeting related to: Premises, material costs, travel costs of the participants coming from outside of Johannesburg, food/accommodation and visa expenses for the participants during the meeting days. HOM further contributed to the activity by ensuring the participation of the coordinator of the LS-programme, as a resource-person for the meeting.

HOM has chosen to cooperate with CSVR "because CSVR has a long record of interest and expertise on the theme of disappearances in South Africa. Because CSVR can play a role similar to ours in (Southern) Africa in fostering cooperation between victims organisations and in contributing to the struggle against enforced disappearances".<sup>39</sup> HOM also appreciates the fact that CSVR does its work on the issue of enforced disappearances "in close cooperation with victims and victims organisations".<sup>40</sup>

In its reaction to the questionnaire, CSVR states that it has chosen to work together with HOM because "CSVr shares the same objective as HOM/LS to build networks and capacity in the global fight against disappearances. HOM/LS provides critical links and knowledge around disappearances. HOM/LS has funding to support our initiatives/dreams – *i.e.*, advocacy at UN, regional network workshops, etc."<sup>41</sup> Further to that, CSVR states that it regularly cooperates with more than ten governmental and non-governmental organisations at the local, national and international level. When selecting partners to work with, CSVR "applies the following criteria: 1) Common objective/goal; 2) partner organisation must participate in local/regional/international networks; 3) capacity to do the work; and 4) strong financial systems/management (in the case of sharing funds)". CSVR

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<sup>38</sup> MoU, Johannesburg/Utrecht, 9 June 2004.

<sup>39</sup> Questionnaire 2, answer to question 14.

<sup>40</sup> Questionnaire 2, answer to question 12.

<sup>41</sup> Questionnaire 1, answer to question 4.

describes its role within the networking around disappearances as “an active participant and sometimes convener of SA network meetings”.<sup>42</sup>

CSVr has 65 staff members. Three of them, *i.e.*, those working on the disappearances project, are involved in the LS-programme. CSVr is based in South-Africa, with offices in Johannesburg and Cape Town.

*Asociación De Familias de Presos Y Desaparecidos Sahrauis*  
(AFAPREDESA)

AFAPREDESA is a NGO, dealing specifically with detained and disappeared Saharawi-inhabitants of the occupied Western Sahara territory. The objectives of AFAPREDESA are formulated in Article 5 of its Statutes,<sup>43</sup> and can be summarised as follows: 1) To work for the return and release of detained and disappeared Saharawi; 2) the collection, through all kinds of media, of information concerning the disappeared and deported; registration of children born in clandestine prisons etc.; 3) to support and cooperate with other organisations and activists with similar objectives/goals as AFAPREDESA; 4) to promote solidarity with imprisoned and disappeared people and their families at the international level; 5) to advocate against repressions, torture, intimidation and arbitrary detention of Saharawi citizens by the occupying authorities denying the legitimate right to self-determination and independence of these people; 6) to assist families in finding access to organisations like the UN and Organisation of African Union [the present African Union], governmental and non-governmental organisations, in order to promote the protection of human rights in the occupied Saharan territories, and in particular the protection against persecutions, forced deportations, torture and assassination of Saharan citizens.

AFAPREDESA thinks that HOM wants to cooperate with them “because of their long and painful experience with forced disappearances, their work with the UN and the UN Working Group against Disappearances, and because of the network they have established with human rights organisations in Africa, Latin-America, Asia and Europe”.<sup>44</sup> For its projects AFAPREDESA has six professionals – obtaining a symbolic salary of € 50 a month – and 22 volunteers.<sup>45</sup> AFAPREDESA has an office in Spain (Bilbao), while its main office is in a Saharawi Refugee camp near Tendouf (Algeria).<sup>46</sup>

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<sup>42</sup> Questionnaire 1, answers to questions 32-34.

<sup>43</sup> [www.afapredesa.org](http://www.afapredesa.org), in Spanish only.

<sup>44</sup> Questionnaire 1, answer to question 2.

<sup>45</sup> Questionnaire 1, answer to question 21.

<sup>46</sup> [www.afapredesa.org](http://www.afapredesa.org).



*Collectif des Familles de Disparu(e)s en Algérie*  
No information received, despite several reminders.

### 5.1.1.3 Tools

As described, HOM aims at contributing to the implementation of human rights; its mission is to contribute “to the development and implementation of methods to assess the consequences and impact of policy and activities in specific human rights situations”, with as “specific objectives”: “Developing methods to measure effects both before and after implementation; Capacity-building efforts in human rights organisations; Advocacy; Implementing assignments for third parties (consultancy).” A generally accepted definition of capacity building, also used by HOM, is:

The process by which individuals, groups and organisations increase their potential through the growth of knowledge, experience and skills to:

- Formulate goals and achieve them.
- Carry out their core tasks efficiently and effectively.
- Solve their problems in a sustainable way.<sup>47</sup>

HOM interprets its own role in capacity building projects as follows:

Because local human rights organisations are confronted with a multitude of violations and complex situations, they must set clear priorities. It is therefore even more important to develop strategies on the basis of their effectiveness. HOM strives to help improve the functioning of other human rights organisations by contributing to the development of their capacities in order to clearly formulate their aims and priorities. Their actions and the results achieved can thus be more accurately gauged with the help of indicators, both before a project is started and after its completion.<sup>48</sup>

Within the LS-programme HOM uses three ‘strategies’ to reach the overall programme’s aim of “contributing to the elimination of the phenomenon of enforced disappearance all over the world by creating and strengthening solidarity and cooperation between organisations of families of disappeared persons worldwide”: 1) Capacity building; 2) establishing and developing networks; 3) Cooperation.<sup>49</sup>

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<sup>47</sup> [www.hom.nl/english/strategies\\_capacity\\_building.php](http://www.hom.nl/english/strategies_capacity_building.php).

<sup>48</sup> *Ibidem*.

<sup>49</sup> [www.hom.nl/english/disappearances\\_ls.php](http://www.hom.nl/english/disappearances_ls.php).

### *Capacity building*

Within the LS-programme, several instruments are used in order to realise the overall objectives. In short: Training, seminars and conferences, lobbying, discussion, advice and support advocacy, newsletter, website, documentation centre.<sup>50</sup> Several of these ‘tools’ (*i.e.*, strategies and instruments) are important in the light of the abovementioned objective of capacity building. For instance, HOM/LS regularly functions as an organiser or facilitator in training sessions, workshops or seminars. HOM and its local LS partners often also work to strengthen the capacity of families’ organisations and the networks in which they operate. By strengthening the capacity of its partners, the programme intends to strengthen the organisations themselves, so that they can act in a more efficient and effective manner. Each year several capacity-building activities are organised, directed towards, *inter alia*, increasing legal knowledge, improving organisational and management skills and dealing with the psycho-social consequences of disappearances. Recent examples of such activities – partially financed with TMF-funding – include seminars in Africa to facilitate an exchange between NGOs and families’ organisations, in order to build up expertise about disappearances in Africa and to develop the idea of a network – SANAD; see below – to facilitate better cooperation between these organisations.<sup>51</sup>

HOM/LS’s capacity building activities concerning Africa also include the participation of two CSVR representatives in a ‘Training of Lobbying Skills and Techniques’, organised by HOM and AFAD (Asian Federation Against Involuntary Disappearances) in Geneva, April 2004.<sup>52</sup>

According to CSVR and AFAPREDESA, HOM does provide different kinds of support: Financial (by providing funding), advice on institutional development, program development, technical expertise on disappearances, editing of documents, help to create vision for funding proposals, and moral support. To CSVR it also provides administrative support.<sup>53</sup> According to HOM, its support to CSVR is limited to advice on institutional development (*e.g.*, advice on how to set up new expertise or management within the organisation).<sup>54</sup> This is fully in line with the self-declared aim of capacity building.

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<sup>50</sup> [www.afapredesa.org](http://www.afapredesa.org).

<sup>51</sup> E-mail from HOM.

<sup>52</sup> *Ibidem*.

<sup>53</sup> Questionnaire 1, answers to question 7.

<sup>54</sup> Questionnaire 2, answer to question 17.

### *Establishing and developing networks*

Within the LS-programme, efforts are made to establish new networks and develop existing networks of organisations of families of disappeared persons. According to the programme, networks exist for the following reasons:

- Networks serve to increase the exchange of information and ideas between partners, by which both the organisations and the network are better able to analyse their own options; in this way shared positions can be developed within the context of a network;
- partners working within a network are more influential when they approach policymakers; this often means that new methods of action become feasible for the weaker members of the network, and that access to influential parties is eased; networks lead to more participation by organisations, and preclude hierarchical relationships;
- networks enable partner organisations to break through their isolation; the network can take action in many places at the same time, at the grassroots as well as at other levels; finally, the facilitating of networks as a strategy also appears to be extremely cost-effective.<sup>55</sup>

As far as Africa is concerned, the establishment of the African Network against Enforced Disappearances (RADIF) and the Southern African Network Against Disappearances (SANAD) should again be mentioned. In 1981, the Latin American Federation of Associations of Relatives of Detained Disappeared (FEDEFAM) was established, in 1998 – with the support of HOM/LS – followed by the Asian Federation Against Involuntary Disappearances (AFAD). Modelled after the AFAD, in 2001 the first steps were taken towards the development of an African equivalent, RADIF. However, only a few NGOs on the African continent are actively engaged in the struggle against disappearances. Reasons for that could be found in factors like: Disappearances in Africa are much less systematic than in other areas of the world; the sudden absence of someone is often not viewed as an enforced disappearance by Africans; disappearances receive little attention if taking place in the context of the armed conflicts in which diverse African ethnic groups are involved. It was hoped that the establishment of RADIF, as a federation, transcending the level of an informal network, could change the situation in Africa and further generate the exchange of information and experiences between the various interest groups. So far, however, RADIF has failed to really materialise. On the other hand, according to the *LS Newsletter*, the momentum initiated through a series of seminars seems not to have vanished yet.<sup>56</sup> As such, this is a good

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<sup>55</sup> [www.hom.nl/english/disappearances\\_ls.php](http://www.hom.nl/english/disappearances_ls.php).

<sup>56</sup> *Newsletter*, Linking Solidarity, 2005.

example of a demand-driven approach, as well as of a long-term perspective versus the wish to see a short-term output.

HOM's networking activities concerning Africa include supporting a SANAD preparatory meeting in Johannesburg in June 2004. The meeting was paid for with TMF funds. The activity itself was based on CSVr's wish to start this regional, Southern African Network, having in mind cooperation by among five NGO's from the region. At the beginning of 2006, however, the plans for operationalising SANAD have not yet materialised.

Within the previously mentioned MoU between CSVr and HOM, the latter offers support for the establishment of a regional network and covering the costs of the preparatory meeting, related to premises, material costs, etc. And as was stated already, HOM further contributed to the activity by ensuring the participation of the Coordinator of the LS-programme, as a resource-person for the meeting. CSVr, however, was fully in charge of organising the preparatory meeting.

#### *Cooperation*

According to its objectives, the LS-programme works towards the exchange of information and the organisation of shared activities in the growing worldwide network of organisations of families of disappeared persons. Policy influence is often the objective of shared activities. The LS partners and other human rights organisations try to form a united front in lobbying activities for better legal protection against disappearances. In order to build further cooperation along these lines, an AFAPREDESA representative participated in two meetings of the UN Working Group against Disappearances in Geneva, which is mandated to elaborate a "draft legally binding normative instrument for the protection of all persons from enforced disappearance". The visits, taking place in October 2004 and February 2005, were paid for by HOM out of its TMF funds. The same goes for the participation of a representative of AFAPREDESA in a lobbying tour to European capitals, urging governments to incorporate the views of the families (and their organisations) during negotiations concerning the draft convention. HOM also paid for the participation of a HOM representative in that tour and for translation.

#### **5.1.1.4 Objectives, partners, tools of the LS-programme: Some interim conclusions**

HOM's general aim "to contribute to the implementation of human rights throughout the world" more concretely implies the development of methods to measure effects before and after implementation, capacity building in human rights organisations and advocacy. The LS-programme is placed

under the umbrella of HOM's capacity-building programme, but, strictly speaking, the objectives of this programme reach much further than capacity building (think of influencing policy making; see above), as is also underscored by HOM itself in additional communications. The long-term objective of the programme is "to contribute to the elimination of the phenomenon of enforced disappearance all over the world". Capacity building is one of the strategies to realise the overall LS objectives. This objective has further been specified with regard to cooperation with Africa.

The objectives of the CSVR, HOM's partner in South Africa, cover a broad range of issues in the field of violence and reconciliation, and mainly focus on psycho-social work. The problem of the disappeared concerns a small part of its focus and work. HOM has chosen to cooperate with CSVR's Disappearances Project because of its "long record of interest and expertise on the theme of disappearances in South Africa" and because HOM's high expectations with regard to CSVR's role in fostering cooperation.

AFAPREDESA focuses more specifically on the problem of the disappeared and detained Saharawi, and as such, fits exactly within the spectrum of HOM's views of the LS-programme. AFAPREDESA, when asked why it wants to cooperate with LS, answered: "Nous poursuivons les mêmes objectifs pour la Justice et pour le Respect des Droits de l'Homme partout dans le monde et tout particulièrement en ce qui concerne la lutte contre les disparitions forcées."<sup>57</sup> [We pursue the same objectives of justice and respect for human rights in the world and in particular with regard to the fight against forced disappearances.]

In conclusion as to the objectives and the choice of partners related thereto, it can be said that the two partner organisations seem to be well chosen, for they pursue the same objectives. HOM did spend quite some energy in identifying them, and the elaboration of the goals behind the common projects – see the MoU – shows that the selection has been adequate. Interviews held with CSVR representatives during the country visits of the researchers, confirm this, although they underline that the cooperation with HOM is only relevant for their Disappearances Project in which three out of a total of 65 staff members are involved. AFAPREDESA, with its main seat in Algeria, was not visited (see Par. 4.2), but the written information also confirms that the choice for this Spanish/Algerian organisation was fully justified. Whether this positive picture would have been confirmed in relation to the 'Collectif des Familles de Disparu(e)s en Algérie' is difficult to say, for lack of information (see above).

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<sup>57</sup> Questionnaire 1, answer to question 4.

Looking at the (core) strategy of ‘capacity building’, as defined by HOM and its LS-programme partners, it can be said that its focus seems to shift from the organisations as such to their networks. HOM’s interpretation of capacity building is clearly influenced by its impact assessment focus: “HOM strives to help improve the functioning of other human rights organisations by contributing to the development of their capacities in order to clearly formulate their aims and priorities. Their actions and the results achieved can thus be more accurately gauged with the help of indicators, both before a project is started and after its completion.”<sup>58</sup> Within the LS-programme, however, capacity building relates to strengthening “the capacity of families’ organisations and the networks in which they operate”, and to the notion that “by strengthening the capacity of its partners, Linking Solidarity helps organisations to strengthen themselves so that they can act in a more efficient and effective manner” (see above).

However, capacity building appears not to be the core activity of the LS-programme. Activities are rather being developed within two other ‘strategies’, *i.e.*, the establishment and development of networks and cooperation. For Africa, the establishment of networks means the development of RADIF and SANAD. The latter seems to be a less ambitious alternative for RADIF, as it concerns only Southern Africa. Next to all this, ‘cooperation’ forms the substance of networking. It implies the exchange of information and the organisation of shared activities in the growing worldwide network of organisations of families of disappeared persons and related NGOs. Policy influence and lobbying are often the objective of these shared activities.

HOM also underlines its networking/cooperation activities with CSV, rather than its capacity building role: “Cooperation was mostly about jointly organising a start-up meeting for a Southern African Network against Disappearances. That was a one-time catalyst event, for which HOM offered (limited) TMF funds to cover the costs. Furthermore cooperation is about building up CSV’s capacities. HOM sometimes suggests activities, sometimes answers CSV’s requests. HOM has no influence over internal decision-making within CSV.”<sup>59</sup>

### **5.1.2 Evaluation of the contents of HOM’s LS-programme**

After the initial remarks on objectives, partners and tools, the emphasis is now on the evaluation of the African part of the LS-programme, which constitutes, as stated above, about 20% of the LS-programme. In order not

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<sup>58</sup> [www.hom.nl/english/strategies\\_capacity\\_building.php](http://www.hom.nl/english/strategies_capacity_building.php).

<sup>59</sup> Questionnaire 2, answer to question 20.

to deal with every possible element of success and failure simultaneously, the evaluation will be disaggregated in seven composite elements, as mentioned in the Introduction to this Chapter.

### 5.1.2.1 Effectiveness

#### *Introduction*

In order to establish the effectiveness of HOM's LS-programme a comparison will be made between the direct, tangible, results as reported by HOM itself and as experienced by the African partners, and the above-mentioned objectives, tools (strategies as well as other instruments) set within the LS-programme. To recall, the objectives of the programme with regard to Africa are: To identify non-governmental organisations acting against enforced disappearances; to build up their capacity to react and increase their expertise on means to address the phenomenon; to encourage sub-regional and/or regional cooperation between these counterparts; to facilitate their participation in international forums as the UN; and to establish solidarity and cooperation links between these African counterparts and the Asian and Latin American federations of associations of families of disappeared persons.

#### *Capacity building*

As a direct result of its capacity building efforts, HOM mentions the fact that within the LS-programme over the course of ten years – beginning in 1999 and therefore largely 'pre-TMF' – “representatives of 35 African organisations were trained and consulted on their work on enforced disappearances”.<sup>60</sup> HOM's African partners – CSVR and AFAPREDESA – claim, in rather general terms, that the cooperation with HOM contributes to the effectiveness of their organisations. In the case of CSVR because “HOM/LS has expertise that helps us do better advocacy and plan our activities more wisely”.<sup>61</sup> And AFAPREDESA maintains that “nous possédons plus de connaissances pour mieux mener nos actions”.<sup>62</sup> [we have more knowledge to guide our actions better.] More specifically, CSVR appreciates in its working relationship with HOM its technical expertise – concerning the (“top quality”) feedback on international/UN activities, editing support for documents, practical information – its unending list of contacts and organs that can help them with their African work, and moral

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<sup>60</sup> Project Proposal Linking Solidarity 2006-2008, p. 36.

<sup>61</sup> Questionnaire 1, answer to question 8.

<sup>62</sup> *Ibidem.*

support for building networks (“breaks feeling of isolation”).<sup>63</sup> AFAPREDESA values HOM’s “Rigueur” [rigour], “Professionnalisme” [professionalism] and “Solidarité” [solidarity].<sup>64</sup>

As mentioned above, HOM/LS’s philosophy with regard to capacity building consists of, *inter alia*, strengthening of international and national networks and of cooperation between organisations dealing with enforced disappearances. This approach also leads, indirectly, to capacity building/strengthening of individual organisations through increased solidarity/lobbying/exchange of information. Partners really seem to appreciate this ‘input’ of HOM and acknowledge its value for their organisations. In the case of CSVR, however, the emphasis on capacity building might have put too much pressure on this organisation (see below: Establishing networks).

#### *Establishing networks*

As mentioned, the African Network against Enforced Disappearance (RADIF) as yet failed to concretise in 2004. However, the project proposal 2006-2008 mentions that RADIF had been conceived, and was determined to take the necessary steps for its formal and operational establishment.

The partner organisations appreciate in particular HOM’s support in the field of cooperation and (international) networking. In the case of CSVR it is said for instance that “HOM/LS gives us opportunities to go to the UN and link up with regional organisations so that we can learn and do more”.<sup>65</sup> And: “Before meeting [Linking Solidarity] we had ambitions to network in Africa and learn more about the UN process around disappearances. With the help of LS we were able to start pursuing these goals much faster than we would have if we were alone.”<sup>66</sup> In the case of AFAPREDESA, the appreciation is worded as: “Nous avons pu renforcer d’avantage nos relations avec d’autres organisations qui ont des objectifs similaires aux nôtres.”<sup>67</sup> [We have been able to further reinforce our relationships with other organisations with similar objectives.] Thus, generally speaking, HOM’s African partners are no doubt involved in the process of network development, and are highly positive about HOM’s supportive work in that respect.

Nevertheless, CSVR also admits that “so far CSVR has not been able to practically put the [SANAD] network together”. According to CSVR, HOM does not want to push it, but is very involved and keeps

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<sup>63</sup> Questionnaire 1, answer to question 11.

<sup>64</sup> *Ibidem*.

<sup>65</sup> Questionnaire 1, answer to question 8.

<sup>66</sup> Questionnaire 1, answer to question 51.

<sup>67</sup> Questionnaire 1, answer to question 8.



giving feedback on its establishment: “CSVr senses a lot that LS is frustrated because the African network is not taking off as they planned and they seem concerned that African NGOs (including CSVr) often show interest but cannot follow to make networking/international work the priority. Since LS only gives small grants which are not enough to sustain an organisation to build a network full time, there is some tension between LS wanting to spend its grants and get networks going and NGOs abilities to get these initiatives off the ground without medium term funding. LS has spent two years building awareness and relationships with NGOs in Africa and CSVr would urge them to continue to do this. Things often take years to get off the ground in Africa but they do eventually get off the ground!”<sup>68</sup>

According to HOM, the (broader) RADIF network was “conceived and the steps to follow for its formal and operational establishment were determined”. This result fits within its objective to encourage sub-regional and/or regional cooperation between counterparts. However, the reported activity which could have contributed to this result was the organisation, with TMF funding, of a conference in Johannesburg in June 2004 on the Southern African Network Against Disappearances (SANAD), where (probably) the establishment of SANAD could be discussed. According to CSVr, “initially, HOM insisted on an African network, in order to have an African voice on the issue of disappearances. CSVr thought this idea of an African network too ambitious, and insisted instead on establishing a regional network (SANAD). HOM eventually agreed to this latter proposal”.<sup>69</sup>

In sum, the effectiveness of the LS cooperation with regard to RADIF is questionable, because the results are still to be awaited for and because it is not sure whether or not the network will soon be realised. With regard to SANAD, however, new activities and the making of new plans, supported and co-funded by HOM, still seem to be promising.

### *Cooperation*

According to HOM, Africans participated in exchange activities with the Latin American Federation of Associations of Relatives of Detained Disappeared (FEDEFAM) and the Asian Federation Against Involuntary Disappearances (AFAD). They also were able to attend meetings of the UN Working Group against Disappearances in Geneva, in October 2004 and February 2005, where a Draft International Convention for the Protection of All persons from Enforced Disappearances was negotiated. HOM also mentions that “enhanced cooperation between various organisations associated to Linking Solidarity during the first phase led to more “joint or

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<sup>68</sup> Interview with CSVr.

<sup>69</sup> *Ibidem*.

coordinated action and to the present partnership for the current (second) phase of Linking Solidarity”, that “an electronic News Forum was launched” and that “the Newsletter of the Project was issued in three languages and distributed to 1500 members of families associations of the different continents”.<sup>70</sup>

According to CSVr, HOM’s expertise is used on a content basis rather than on a funding basis, *e.g.*, for establishing contacts with other regional organisations and for editing international press releases. CSVr also reports that cooperation with HOM had a positive effect on the support for CSVr within South Africa itself: “HOM funded CSVr to run a workshop that brought Southern African organisations together. This helped to build profile and trust amongst organisations and supported CSVr as initiator of networking. HOM-CSVr activities also increase the positive profile of the CSVr Disappearance Project which makes donors more willing to support us.”<sup>71</sup> AFAPREDESA confirms this positive effect within Algeria. In rather general terms it adds: “Les connaissances et expériences acquises avec Linking Solidarity nous servent dans notre travail quotidien dans notre organisation et notre pays.”<sup>72</sup> [The knowledge and experience gained from Linking Solidarity helps us in our daily work in our organisation and in our country.]

The results mentioned by HOM/LS clearly correspond with some of its objectives, *e.g.*, the encouragement of sub-regional and/or regional cooperation, facilitation in international forums like the UN and the establishment of solidarity and cooperation links between African counterparts and the Asian and Latin American federations of associations of families of disappeared persons. The activities undertaken by HOM/LS in late 2004 and early 2005 with regard to the attendance of AFAPREDESA representatives in the UN Working Group against Enforced Disappearances and in the European Lobby Tour – which was, by the way, a time-consuming and major event, the participation of the African partners in which was only a minor part –, all concerned (lobbying for) the previously mentioned International Convention. This draft UN Convention was agreed upon in September 2005 and is likely to be adopted by the UN General Assembly at the end of 2006.

Although the partners do appreciate HOM/LS’s international expertise and activities – CSVr “always receives top quality feedback”, etc.; see above –, they also seem to be in a great need of regional, national or even provincial cooperation<sup>73</sup> Or, as CSVr also states: “Through our

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<sup>70</sup> Project Proposal Linking Solidarity 2006-2008, p. 38.

<sup>71</sup> Questionnaire 1, answer to question 8.

<sup>72</sup> Questionnaire 1, answers to questions 8 and 9.

<sup>73</sup> Interview with CSVr.

discussions of an African network it became clear that we needed to start by building a provincial/national network first.”<sup>74</sup>

### 5.1.2.2 Effects of cooperation with HOM

This paragraph will discuss the effect of cooperation with HOM/Linking Solidarity on 1) The internal organisation of the partners; 2) their network; and 3) the number and quality of other project related activities.

#### *Effects of cooperation with HOM on the internal organisation of the partners*

It is reported that cooperation with HOM/LS has affected CSVR’s thinking about partnerships. It is also reported that LS is a useful model for other work, *e.g.*, in CSVR’s peace programme. In addition, it is said that CSVR’s Disappearances Project, when solicited to make its expertise available to other countries, only works with organisations that work in partnerships and that do have financial accountability systems, etc. CSVR wants to offer organisations elsewhere the capacity to do it themselves. Further, LS is said to have opened doors to broaden CSVR’s transitional justice expertise.<sup>75</sup>

Asked what they would like to change in their working relationship, AFAPREDESA answered: “Nous souhaitons avoir des relations encore plus fortes, fluides et constantes mais c’est reproche que nous faisons a notre propre organisation qui devrait faire des efforts supplémentaires pour atteindre de tels objectifs parce que Linking Solidarity a toujours montré déjà AFAPREDESA une disponibilité sans failles.”<sup>76</sup> [We would like to have even stronger relationships, occasional ones and more sustainable ones. This is however not to blame HOM, rather our own organisation, that should make additional efforts for reaching these objectives, for Linking Solidarity has always been fully available for AFAPREDESA.]

CSVr states it would like “to work more closely and be more proactive in [their] relationship with HOM, but this largely depends on [their] ability to raise funds so that [they] can have more capacity to do the work”.<sup>77</sup> Further to that, CSVR would love to contribute to global projects directly (*i.e.*, “HOM can manage a research project of which we write one piece”<sup>78</sup>). HOM has confirmed that it would like to increase the number of activities with CSVR.<sup>79</sup>

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<sup>74</sup> Questionnaire 1, answer to question 35.

<sup>75</sup> Interview with CSVR.

<sup>76</sup> Questionnaire 1, answer to question 12.

<sup>77</sup> *Ibidem.*

<sup>78</sup> *Ibidem.*

<sup>79</sup> *Ibidem.*

Asked whether they consider gender equality to fit within their organisation – the issue was raised in the light of research question nr. 10; see chapter 3 –, CSVR answered that “there is an equity forum/center within the organisation, which focuses on race and gender”.<sup>80</sup> It was also reported that the South African government has developed an equity plan and targets, which CSVR is performing well on. 80 % of the management team is female. CSVR says it wants to go even beyond these targets and also wants to address issues of sexual harassment, and attitudes within the organisation.<sup>81</sup> When asked whether they focus on gender within different projects the answer was: “CSVr is very passionate about gender in its projects and programs. A gender program has evolved out of the criminal justice program. Meetings of people who do work on gender are being organised. CSVr is currently looking for funding for two separate programs: Gender and memory; and gender and criminal justice. Specifically within the disappearances project, attention has been paid to the psychological impact of disappearances on women.”<sup>82</sup>

#### *Effects of cooperation with HOM on networks*

A Southern African informal network on disappearances already existed before HOM ‘came in’, but it was very weak. It is reported by CSVr that the disappearances network (both in South and Southern Africa) has been strengthened by HOM’s idea of an African network. Moreover, cooperation with HOM has affected CSVr’s thinking about partnerships: Partnerships can be organised on an equal basis, but the attitude of the “principal” is determining for how much partners can learn from each other. According to CSVr, HOM really tries to have CSVr figure out things itself, without always trying to be “the smart guy”, and this is “a nice way of working together”.<sup>83</sup>

Asked whether its network of partners had changed in size, focus or any other way as a result of the cooperation with HOM, CSVr answered as follows: “In terms of disappearance work our network has grown exponentially on the African continent. We had not networked at all in Africa before taking part in Linking Solidarity initiatives.”<sup>84</sup> It is also reported that HOM has contributed to the support for CSVr in Southern Africa, by funding a CSVr workshop that brought Southern African organisations together, which helped to build profile and trust amongst organisations and supported CSVr as initiator of networking (see above).

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<sup>80</sup> Annual review 2004, p. 28-34.

<sup>81</sup> Interview with CSVr.

<sup>82</sup> *Ibidem*.

<sup>83</sup> *Ibidem*.

<sup>84</sup> Questionnaire 1, answer to question 35.

But as CSVR adds: “Ironically our work with HOM/LS has greatly strengthened our partnerships with local/national partners as well. Through our discussions of an African network it became clear that we needed to start by building a provincial/national network first.”<sup>85</sup> AFAPREDESA also confirms that its network has increased as a consequence of cooperation with HOM, especially through the efforts to create RADIF and contacts with other organisations related thereupon.<sup>86</sup>

*Effects of cooperation with HOM on other LS related activities*

In general, both partner organisations are satisfied with the type, quality and number of activities they undertook in the field of human rights and consider their activities reasonably effective and efficient.<sup>87</sup> Further, both partners have noted demonstrable changes over the last three years in the activities undertaken within the network with regard to the number, reach and quality of activities in the human rights domain, while an increase of the number of productive alliances with other organisations is equally observed. HOM too has noted an increase in the number of productive alliances with other organisations and explains this change by the fact that “examples of regional federations of families of the disappeared of Asia and Latin America were inspiring and stimulating factors”.<sup>88</sup> This leads to the conclusion that there is a great likeliness that these latter effects (within the network) can be attributed to the cooperation with HOM.

### **5.1.2.3 Side-effects of cooperation with HOM (wanted or unwanted)**

A negative side-effect of the cooperation between HOM and CSVR seems to be a certain stress on their relationship as a result of high expectations versus lack of capacity. CSVR has put it as follows: The organisation is involved in the process of network development, but, so far, “has not been able to practically put the network together”. The reason for this is that African NGOs “cannot make the networking/international work the priority” and that “Linking Solidarity only gives small grants which are not enough to sustain an organisation to build a network full time”. As a consequence, CSVR “senses a lot that LS is frustrated because the African network is not taking off as they planned”.<sup>89</sup> When asked whether there are any unexpected effects the cooperation has caused, CSVR answered as

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<sup>85</sup> *Ibidem.*

<sup>86</sup> Questionnaire 1, answers to questions 35 and 36.

<sup>87</sup> Questionnaire 1, answers to questions 44 and 45.

<sup>88</sup> Questionnaire 2, answer to question 8.

<sup>89</sup> Interview with CSVR.

follows: “The cooperation has created a feeling of guilt, as the Disappearances Project has not enough human capacity to make the regional network going. It has not been able to achieve what was expected. Therefore, the Disappearances Project employees have something the feeling that they are letting HOM down.”<sup>90</sup> Such a slight feeling of guilt can also be discerned in one of AFAPREDESA’s answers, already quoted above (but in another context): “(...) parce que Linking Solidarity a toujours montré déjà AFAPREDESA une disponibilité sans failles.”<sup>91</sup> [for Linking Solidarity has always been fully available for AFAPREDESA].

Asked whether the positive effects outnumber the unintended negative side-effects, CSVV’s answer was: A positive side-effect has been that the strong links between disappearances and transitional justice have become very clear.<sup>92</sup> Another (positive) side effect of cooperation with HOM was, as stated before, that it became more and more clear that there was a need to start with building a provincial/national network first. This means that organisations with too much emphasis on international (global) networking risk to loose their African partners. This seems to have happened with RADIF.<sup>93</sup>

#### 5.1.2.4 Efficiency

##### *Introduction*

As to funding input, it can be observed that HOM’s work is made possible by the donations and contributions of hundreds of people as well as by subsidies provided, amongst others, by the Humanist Institute for Development Cooperation (HIVOS), the National Committee for International Cooperation and Sustainable Development (NCDO) and the Dutch government (TMF). In 2004, CSVV and AFAPREDESA received 0-5% of their total annual budget from HOM. However, HOM underlines that “its relation with CSVV is not that of a donor with a receiver of funds” and that the financial aspects in the relations have been the following:

- HOM used limited funds under TMF to cover the costs of an exchange seminar that HOM and the CSVV organised jointly;
- HOM used some TMF funds, some PSO funds (or in an earlier phase of the project, Dutch or Belgian funds) to cover the costs of participation of staff

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<sup>90</sup> *Ibidem.*

<sup>91</sup> Questionnaire 1, answer to question 12.

<sup>92</sup> Interview with CSVV.

<sup>93</sup> *Ibidem.*

members of the CSVR to important capacity-building activities in Africa or Europe.<sup>94</sup>

According to HOM, the costs of the activities undertaken with regard to Africa amount to € 15.578 for (the TMF-funding related period) 2003-2005.<sup>95</sup> This amount relates to expenses for activities only, without the necessary staff expenditure or overhead costs. According to Linking Solidarity documents, the costs of the actions (including staff and overhead) concerning Africa have amounted over the years 2001-2002 – again therefore the pre-TMF period – to € 173.509. This pre-TMF amount was paid by the following donors: Amnesty International (€ 9.078), HIVOS (€ 4.627), the Belgian Secretary of State for Development Cooperation (€ 81.804), the Dutch Ministry of Foreign Affairs: € 78.000.<sup>96</sup> The time-period covered by the funds, a small part of which is TMF-funding, makes it impossible to establish an overall input-output relationship.

#### *Capacity building*

As to the input for capacity building activities, it can be observed that, although the output of a capacity building action largely depends on the person/organisation whose capacity in a specific domain needs to be built, the relationship between input and output has a great probability to be positive. For instance, with one (relatively low-cost) training on fund raising, a large group of people can be reached, who can put this training in practice and, subsequently, pass on their knowledge to others (see also Par. 5.1.2.7).

When asked whether the cooperation with HOM contributed to the efficiency of their organisations, HOM's African LS partners answered that HOM's experience means that they no doubt plan activities, proposals, etc. much more efficiently. AFAPREDESA answered: "Nous pouvons mieux maîtriser les moyens de mener des campagnes, organiser des séminaires et notre personnel a plus de compétences pour faire son travail."<sup>97</sup> [We better manage to set up campaigns, organise seminars, and our staff is better trained for their work.]

Participation in the Training of Lobbying Skills and Techniques in 2004, one of the above-mentioned activities, seems in the light of LS' objective of cooperation and lobbying with regard to the draft International Convention on the Protection of All Persons from Enforced Disappearance, a relevant and efficient action that contributed to the overall objective, especially, when taking into account – which is not similar to stating that

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<sup>94</sup> Questionnaire 2, answer to question 31.

<sup>95</sup> E-mail from HOM.

<sup>96</sup> Project proposal Linking Solidarity 2006-2008, p. 38.

<sup>97</sup> Questionnaire 1, answer to question 8.

there is a causal relation – the great probability of the adoption of this Convention by the end of this year by the UN General Assembly.

#### *Networks*

The efficiency of activities directed at the establishment of international networks depends on a) the question whether the networks actually have been established, and b) the need of such networks. Ad a): With regard to the establishment of RADIF and SANAD, it is not entirely clear to what extent the activities directed towards these networks were successful. As mentioned, the results as reported by HOM and CSVN are not fully concordant. The efficiency of these activities in the case of RADIF/SANAD remains unclear, especially when taking into account, Ad b): The need for such networks at a (highly) international level. As mentioned already, the establishment of networks is positively valued by the partners and the partners seem to be impressed by HOM's knowledge and expertise on the UN and the international network as existing with its Asian and Latin-American partners. However, the partners also indicate that, as far as their needs are concerned, regional, national or even provincial networks are – at least for the time being – more helpful. As indicated, the establishment of SANAD seems, considering the African circumstances and needs, more appropriate, efficient and likely than the establishment of RADIF. On the whole, it seems reasonable therefore, that HOM has not pressurised its partners to establish such a network in the planned period of time.

#### *Cooperation*

Most of HOM's LS activities are directed at cooperation. For a long time, this implied cooperation in the field of lobbying and advocacy for the already mentioned International Convention. Apart from this, HOM's LS cooperation activities are directed at organising meetings of organisations of families of disappeared people, like a meeting in June 2005, concerning the disappeared in the Maghreb.<sup>98</sup> Generally speaking, this kind of meetings aim at giving moral and psychological support to the (organisations of) families, and at the collection, exchange and documentation of data. Also other activities, like the launching of an electronic News Forum and distribution of the Newsletter of the LS project to 1500 members of families associations of different continents can be mentioned in this context. Taken all together, these activities do contribute, amongst many other things, to the discovery – through the support of the local African partners – of the truth and ensuring justice.

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<sup>98</sup> The example is mentioned here, although only a small part of the costs of this meeting was covered by TMF-funding.



### 5.1.2.5 Relevance of HOM's LS work for the local context

As mentioned, CSVR stated that there is a need to start building a provincial/national network first, and, when asked whether the work of HOM and CSVR suits the local context, answered: "There is a gap between the local context and the international work that is being supported by HOM. The challenge is how to make the grassroots understand the importance of international lobbying."<sup>99</sup> This gap with the local context might, partly, be a consequence of HOM's broad interpretation of capacity building (of/through international networking), and its focus on the development of international networks and cooperation. However, also the risky political context of working on cases of (often politically motivated) disappearances might explain this gap. In other words, in some states the local context is very hard to investigate/explore. In such cases it might be better to concentrate on international activities and cooperation. Here too there might be a certain problem though. For instance, AFAPREDESA answered that there is a risk for Moroccan organisations in co-operating with AFAPREDESA : "Les organisations marocaines de défense des droits de l'homme se trouvent actuellement dans l'impossibilité de développer avec nous des relations publiques de crainte d'être traités par le gouvernement de liens avec 'l'ennemi'."<sup>100</sup> [Moroccan human rights organisations are currently unable to develop public relations with us, for fear of being treated by the government as allies of the 'enemy'.]

The relevance of HOM's actual work lies primarily in its international cooperation and networking.<sup>101</sup> CSVR even seems to depend on HOM/LS, as far as the international cooperation/networking on disappearances is concerned: According to CSVR there are no other organisations like HOM that they could work with to achieve a similar result.

Although they underline the importance of national and regional cooperation, the two partner organisations seem to be impressed by HOM's role in the field of networking and the like. CSVR, notwithstanding the fact that it did not manage, so far, to "put the [SANAD] network together", says it "would love to contribute to global projects directly (*i.e.*, HOM can manage a research project of which we write one piece)" (see above). It also "would like to work more closely and be more proactive in our relationship with HOM", although it is aware of the fact that "this largely depends on our ability to raise funds so that we can have more capacity to do the work".

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<sup>99</sup> Interview with CSVR.

<sup>100</sup> Questionnaire 1, answer to question 33.

<sup>101</sup> Questionnaire 1, answer to question 12.

<sup>102</sup> HOM, on its part, says that it would like to increase the number of activities with CSV, though only on a partner-driven basis.<sup>103</sup>

#### 5.1.2.6 HOM and its African partners: Learning organisations?

##### *Introduction*

One of the core questions of the research is whether organisations are learning from the mistakes and misfortunes they are confronted with. To what extent does HOM listen to, reflect and (re)act upon, signals, comments and problems of its two partners? In this part of the report, the existence of the (technical) prerequisites for a learning process will be established on the basis of information derived from the 'HOM Bedrijfsplan 2005', interviews and questionnaires. Subsequently, the learning capacity of HOM will be illustrated with a case-study.

##### *HOM's internal monitoring and evaluation system*

For its internal evaluation, different systems of monitoring and evaluation are being applied within HOM, according to its 'Bedrijfsplan 2005'.<sup>104</sup> This includes the following monitoring 'moments': Application of the INK-model; stakeholder-analysis; internal deliberations (every two weeks); internal and external evaluations; upholding log frames; publishing annual reports, etc. In addition, HOM-employees are said to "mutually learn from each other's experiences within the different projects".<sup>105</sup>

With regard to TMF the following monitoring 'moments' are mentioned:

Firstly, the board meeting, taking place every two months. The TMF proposal and policy plan are used by the board to consider and establish the effect of the strategy used. Secondly, the so-called 'planning day', taking place once a year. Different proposals and initiatives are then weighed, amongst other things on the basis of the TMF proposal. Thirdly, the policy-dialogues with donors, also taking place once a year. At the latter meetings, *inter alia*, HOM's reports on the outcomes and effectiveness of the activities are discussed.

Two things are remarkable with regard to these different monitoring systems ('moments'): 1) The log frame mentioned in the Project Proposal of Linking Solidarity 2006-2008, does not include the African partners of the African networks (RADIF and SANAD), because the main period of

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<sup>102</sup> Questionnaire 1, answers to question 12.

<sup>103</sup> Questionnaire 2, answer to question 22; contact by phone with HOM.

<sup>104</sup> 'Bedrijfsplan HOM', version of 30 June 2005, p. 25.

<sup>105</sup> Interview with HOM.

activity was in 2001-2002. The current logframe only refers to the (Asian) AFAD and the (Latin-American) FEDEFAM. HOM's reaction to this is, that this is correct, because of its wish to work demand-driven, while the African partners for the moment have not expressed a wish in that direction. Presently, HOM is in consultation with its partners on this issue. 2) None of the mentioned monitoring 'moments' explicitly includes, or refers to the (African, Asian or Latin-American) partners. Implicitly, reporting is carried out on the basis of the partners' reports (cf. PSO M&E mechanisms).

*HOM's and its LS-partners' monitoring and evaluation systems*

Analysing the learning capacity relates to scrutinising concrete activities and characteristics, but also to checking the existence of the prerequisites needed for a learning capacity. Are external factors needed in order to start learning, or is there already a sound basis within the organisations themselves?

According to CSV, HOM exerts very little control upon them: "They are very conscious of being a European-based organisation and are careful not to set or drive agendas for their own sake. They share all of their knowledge and consistently try to ensure that CSV doesn't/shouldn't work through them."<sup>106</sup> HOM clearly keeps a certain distance, and has no influence over internal decision-making within CSV. CSV describes the importance of HOM as a partner as follows: "HOM is critical for the international work. The relationship with HOM is different from that with donors; HOM is not a donor, but a technical expert. HOM is very strong at advocacy. It has been very open in its communication about capacity building and networking. Their role has been very important in terms of bringing in expertise and offering training. It is however extremely difficult to point out direct, tangible results, as is most often the case in human rights work."<sup>107</sup>

The level of communication with HOM is variable and dependent on, as CSV says, time the latter organisation has available: "We receive communications about international actions and updates around disappearances by email and sometimes phone calls. We talk a lot if we are collaborating on something like a newsletter article. But we talk less if there is nothing CSV is directly involved in. This is largely due in part to the fact that CSV lacks time and capacity to spend a considerable amount of time on international disappearance work."<sup>108</sup> HOM maintains periodic contact with CSV, exchanges information on recent developments regarding disappearances, and explores ways to support further strengthening of the activities of CSV c.a. in Southern Africa.<sup>109</sup>

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<sup>106</sup> Questionnaire 1, answer to questions 9 and 11.

<sup>107</sup> Interview with CSV.

<sup>108</sup> *Ibidem*.

<sup>109</sup> Questionnaire 2, answer to question 20.

HOM gives CSVR and AFAPREDESA feedback based on the information they provide. CSVR monitors the progress and success of its activities in annual reports, through auditing reports, through research by independent third parties, and by conducting their own research.<sup>110</sup> Quality assurance within CSVR takes place through weekly project meetings which include “an assessment element”. Further, bi-annual assessment of staff takes place and donor reports and financial reports are drawn up. Finally, every year an evaluation takes place with the concerned family groups. However, no evaluation of the international aspects of the work has taken place yet.<sup>111</sup> The authors of the present report have found that this information is always provided by CSVR in good time. CSVR’s Disappearances Project seems to be run in a professional way, by qualified and committed staff members. As far as AFAPREDESA is concerned, some logistical problems occur in relation to the same issues: “Notre organisation se trouve dans une situation de précarité dans ces moyens de fonctionnement, dans des campements de réfugiés.”<sup>112</sup> [Our organisation lacks the means to function properly in the refugee camps.]

In reaction to the CSVR (and AFAPREDESA) reporting, HOM’s feedback is usually given in the form of a dialogue on how to improve NGO work on the issue of disappearances. HOM mainly gives very technical feedback on what is happening at the UN level, and also on issues as how to deal with internal politics of organisations, how to start a network, etc.<sup>113</sup> According to HOM, feedback and advice “are always taken into account by CSVR”, but this might relate to the fact that “HOM always brings their advice very carefully, so CSVR can handle it their own way”.<sup>114</sup> According to HOM the information and the analysis thereof always lead to new arrangements about the working relationship with regard to the functioning of both.<sup>115</sup> As far as CSVR is concerned, HOM does see such new arrangements, CSVR does not.<sup>116</sup> HOM checks whether CSVR actually does what it says it does by visiting it, by consulting CSVR staff members several times per year, either by phone or when they meet during activities, or when CSVR staff happen to be in Europe/the Netherlands.<sup>117</sup>

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<sup>110</sup> Questionnaire 1, answer to question 43.

<sup>111</sup> Interview with CSVR.

<sup>112</sup> Questionnaire 1, answer to question 17.

<sup>113</sup> Interview with CSVR.

<sup>114</sup> *Ibidem*.

<sup>115</sup> Questionnaire 2, answer to question 29.

<sup>116</sup> Questionnaire 1, answer to question 19.

<sup>117</sup> Questionnaire 2, answer to question 27.

### *Case-study*

As mentioned above, for CSVR regional, national or even provincial networking might currently be of greater help and direct relevance than international networking and cooperation. According to CSVR, HOM has changed its plans, as a consequence of CSVR's understanding of its needs: "HOM insisted on an African network, in order to have an African voice on the issue of disappearances. CSVR thought this idea of an African network too ambitious, and insisted instead on establishing a regional network (SANAD). HOM/Linking Solidarity eventually agreed to this latter proposal."<sup>118</sup> Unfortunately, as mentioned above, CSVR was not (yet) very successful in setting up this network and this resulted in feelings of frustration and guilt. HOM's reaction to this situation has been described by CSVR as follows: It "does not want to push it, but is very involved and keeps giving feedback on its establishment".<sup>119</sup>

However, the main reason for this 'failure' to establish the network seems to be lack of personnel and funding. The number of personnel CSVR had for capacity building projects was already very small at the moment HOM initiated its cooperation with CSVR. As mentioned, only three out of a total of 65 staff members of CSVR are involved in this project. Nevertheless, HOM chose to cooperate with CSVR "because CSVR has a long record of interest and expertise on the theme of disappearances in South Africa and because it expected that CSVR can play a role in (Southern) Africa in fostering cooperation between victims organisations" (see above). Although HOM has spent two years of building awareness and relationships with NGOs in Africa, according to CSVR it still did not take into account the fact that "African NGOs (including CSVR) often show interest but cannot follow to make networking/international work the priority" (also see above). The reason CSVR "cannot follow" is funding: "Linking Solidarity only gives small grants which are not enough to sustain an organisation to build a network full time, there is some tension between Linking Solidarity wanting to spend its grants and to get networks going and NGOs' abilities to get these initiatives off the ground without medium term funding." And: "There is really a need for a better salary position in order to be able to drive a network."<sup>120</sup> Nevertheless, when asked what it would like to change in its working relationship with CSVR, HOM answered that it would like to "increase the number of activities".<sup>121</sup> These two lines show a divergence, to say the least, in expectations as to daily realities and possibilities. HOM's reaction to this is that as a follow-up to such

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<sup>118</sup> Interview with CSVR.

<sup>119</sup> Interview with CSVR.

<sup>120</sup> *Ibidem*.

<sup>121</sup> Questionnaire 2, answer to question 22.

observations, it will further invest in its demand-driven approach, leaving the local partners space and time to work along their own lines.<sup>122</sup> In its mail message on this issue HOM also – rightly – observes, that “demand driven is not the same as fulfilling all wishes, including wishes for funding staff”.<sup>123</sup> When describing the lessons drawn from its own experience in (South) Africa, CSVr comments as follows on the divergence between expectations and reality: “Things often take years to get off the ground in Africa but they do eventually get off the ground!”<sup>124</sup> That is realism as well as a positive note to end this section with.

#### *Conclusion as to learning capacity*

There exists a good flow of ‘accountability information’ between HOM and its two partners. Further, the possibility of giving and receiving feedback is accepted and practiced. Finally, the feedback given is taken into account and there are ample possibilities to check whether HOM/LS partners do what they say they do. Notwithstanding the (formal) existence of this system of monitoring and evaluation, two things can be concluded on the basis of the case-study. One is a positive conclusion with regard to HOM’s learning capacity: HOM has taken its partners’ suggestions into account and, as a consequence thereof, has changed its focus/plans. This also confirms HOM’s position/attitude of being a ‘partner-driven’ and ‘demand driven’ organisation. On a (minor) negative tone, the research finds that there still is an (incidental?) problem in the ability of HOM to foresee and anticipate upon a (temporary) lack of capacity of one of its local partners. This might be caused by a gap / partial mismatch between the internal evaluation ‘moments’ of HOM on the one hand, and the evaluation system as existing between HOM and its partners, on the other hand. Should that be the case, the conclusion to be drawn is not to stop the cooperation or taking similar measures, but to further invest in the fine-tuning of it, as long as the basic mutual expectations and objectives are in conformity with one another.

#### **5.1.2.7 Sustainability**

How sustainable is the output resulting from the input? In other words, how sustainable are the activities undertaken within the LS project with regard to HOM’s/LS’s three strategies: capacity building, networking and cooperation? To recall, the long-term objective of the LS project is to contribute to the elimination of the phenomenon of enforced disappearance

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<sup>122</sup> E-mail reaction from HOM.

<sup>123</sup> *Ibidem*.

<sup>124</sup> Questionnaire 1, answer to question 51.

all over the world. For current victims and their families, the chief objective is to uncover the truth and to ensure justice. Already the objectives “to uncover the truth” and “to ensure justice” contain a cry for sustainability, *i.e.*, to reveal and document the truth for future generations in order to prevent this kind of human rights violations from occurring again.

The sustainability of activities undertaken in the framework of capacity building, like the organisation of and participation in trainings and workshops largely depends on the person of the participant (his/her learning capacity) and the position of the participant within the community or organisation. CSVR’s Disappearances Project claims that HOM has expertise “that helps us do better advocacy and plan our activities more wisely. They give us opportunities to go to the UN and link up with regional organisations so that we can learn and do more”.<sup>125</sup> Apparently, according tot CSVR, a relatively small input of expertise/capacity building generates an (on-going) effect. Also the result of “better advocacy” implies some sustainability: Better advocacy means more general knowledge and awareness. This, in turn, might lead to a decrease of human rights violations, discovery of the truth, etc. When asked whether next generations will benefit from the results CSVR achieves, the answer was: “Hopefully so. There has been a lot of focus on advocacy, also with regard to the South African Truth Commission in order to have it fulfil all its obligations. The Disappearances project has for example exercised a lot of pressure for exhumations to take place.”<sup>126</sup> See also the statement, already cited earlier, that it is always difficult in the human rights field to measure results.

The sustainability of activities undertaken in the framework of the establishment and development of networks depends, generally speaking, on the sustainability of the network itself, provided it has been established at all. The sustainability of international networks is often endangered by problematic funding, or by, for instance, a lack of nationally based legal personality. As far as the establishment of RADIF and SANAD is concerned, it is not entirely clear whether and to what extent they have been established already. Therefore, saying something about the sustainability of (the processes of working towards the establishment of) these networks is too premature. It is obvious, however, that it is still hoped that all the efforts will lead to results.

The sustainability of cooperation, in general, depends on the purposes and results of this cooperation. However, in the case of LS international (including African) cooperation for a long time aimed at the advocacy and lobby for the Draft International Convention on the Protection of All Persons from Enforced Disappearance. Once this Convention will be

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<sup>125</sup> Questionnaire 1, answer to question 8.

<sup>126</sup> Interview with CSVR.

adopted by the UN General Assembly, probably in 2006, one can conclude that this cooperation-activity, among many others, of HOM with its local African partners has been very fruitful – which again is not necessarily an issue of causality, given all other (f)actors playing a role – and, given the character of the international convention and the future protection it intends to offer, sustainable. As far as other cooperation activities are concerned, like meetings of (organisations of) families of the disappeared, the element of sustainability must be sought in the moral and psychological support these people give each other, and in the collection, exchange and documentation of data which in one way or another will contribute to the discovery of the truth. As is perceived generally in the field of international (criminal) law: Having insight in the truth, of whatever disastrous character it might be, is a way of dealing with the past and as such often creates new perspectives for a sustainable future.



## 5.2 THE INTERNATIONAL FEDERATION OF HEALTH AND HUMAN RIGHTS ORGANISATIONS (IFHHRO)

### *Information about IFHHRO*

IFHHRO was established as a network of organisations with similar human rights agendas, upon an initiative in 1989 of the Johannes Wier Foundation (the Netherlands) and Physicians for Human Rights (USA). A Statement of Principles was formulated in 1990. According to its Mission Statement, IFHHRO promotes international cooperation for protection and promotion of health related human rights. IFHHRO focuses on promoting and enhancing the roles and responsibilities of health professionals in the realisation of human rights, including the right to health. The term “health professionals” is understood “as persons working in their personal capacity or members of institutions or organisations with the primary task to improve health”. According to the same Statement, IFHHRO also “promotes monitoring violations of human rights by mobilising expertise and involvement of health professionals worldwide, both using rights based strategies and responding to violations”.<sup>127</sup>

IFHHRO’s aim is in the first place to enlarge and strengthen the network of those organisations. IFHHRO aims to enhance the international cooperation between those existing organisations, all bringing expertise into the network. It is not IFHHRO’s primary goal to strengthen the organisations which are member of the network, although in some cases IFHHRO assists in institutional capacity-building. Therefore, there is no classical ‘partner-relationship’ with the organisations IFHHRO works with.<sup>128</sup>

Organisations applying for membership of IFHHRO, need to show, *inter alia*, that they share the goals and principles of IFHHRO, are willing to actively participate in their implementation and are demonstrably current and operational. The relationship is vertical in the sense that IFHHRO is international and the member organisations are national organisations. In other respects, the relationship is horizontal. In addition, the relationship is not meant to be a financial one.<sup>129</sup>

The organisation has “member-” and “observer”-organisations. In 1996, the organisation was transformed into a federation.<sup>130</sup> IFHHRO’s participating organisations have developed expertise in issues related to prison health, hunger strikes, patient’s rights, women’s rights, health and human rights under political violence, and medical ethics. So far, nine

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<sup>127</sup> Information received from IFHHRO secretariat.

<sup>128</sup> *Ibidem*.

<sup>129</sup> *Ibidem*.

<sup>130</sup> [www.ifhhro.org](http://www.ifhhro.org) and interview with IFHHRO.

organisations have become members of the Federation, one of which has an African background. Six organisations have been granted observer status.

IFHHRO is governed by an International Board consisting of five representatives of member organisations and a Coordinator. The secretariat is run by a Project Officer, under the supervision of the Coordinator.<sup>131</sup>

As stated in Chapter 2, IFHHRO has been given € 616.000 TMF funding for four years, € 154.000 for every year. As to 2004, almost 1/3 of this amount was spent on the 'project and research officer', 1/3 on a thematic conference and € 15.000 on 'support of the special rapporteur'. Another € 15.000 has been spent on 'partner support' (travel, accommodation and other).<sup>132</sup> According to IFHHRO, it provides 0 – 5 % of its African partner's total budget for 2004, which amounts to "between 10.000 – 50.000 US \$".<sup>133</sup> That would mean that the organisation receives approx. € 1000-1500 from IFHHRO. As is the case with the other organisations, IFHHRO also receives funding from non TMF-sources. In addition, only a minor part of its activities is related to Africa.

### 5.2.1 IFHHRO's African project

#### *Preliminary remark*

In this evaluation of IFHHRO the main focus is on its (activities in) relation with its sole African partner, the Zimbabwean Association of Doctors for Human Rights. It must be noted in advance that the current political situation in Zimbabwe hampers communication with this partner, for the research team as well as for IFHHRO itself. Most likely, this explains why the research team has not received a completed questionnaire. Neither was it able to visit this partner in Harare. The information used in this evaluation therefore consists mainly of a questionnaire filled out by IFHHRO, some phone calls, and additional information derived from websites, leaflets/handouts and annual reports. These sources of information were confronted with one another. The questions that arose from this confrontation have been the subject of an interview with the IFHHRO secretariat.

#### *Objectives*

IFHHRO's member organisations should:

- Engage health professionals in human rights work.

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<sup>131</sup> www.ifhro.org.

<sup>132</sup> Annual Report 2004, notes to the profit and loss account 2004.

<sup>133</sup> Questionnaire 2, answer to question 10.

- Have – as a primary purpose – the advancement of health and human rights.
- Share the goals and principles of IFHHRO and be willing to actively participate in their implementation.
- Be demonstrably current and operational.
- Participate regularly in IFHHRO activities.
- Involve IFHHRO in its activities where and when appropriate.
- Add their names to the identity of IFHHRO, including on their websites.
- Satisfy a basic level of participatory decision-making.
- Not have any political party affiliation and be free from any commercial or any other conflicting interest.

IFHHRO's overall objectives are: Broadening and strengthening the network of organisations of health professionals who work on human rights issues; promoting the participation of organisations in the less developed countries; involving health professionals in human rights work; supporting health professionals in undertaking human rights activities and protecting health professionals at risk due to their human rights activities.<sup>134</sup>

#### *Partner*

As far as cooperation with Africa is concerned, IFHHRO intends to increase its focus on and activities in Africa in the near future. So far, however, the Zimbabwean Association of Doctors for Human Rights (ZADHR) is its only African partner. ZADHR was founded in 2002. IFHHRO has initiated its cooperation with ZADHR “because this is an African organisation focusing on the role of health professionals with regard to monitoring the right to health and health related human rights. This fits IFHHRO's goals and mission”.<sup>135</sup> ZADHR's affiliation was discussed at the Annual Business Meeting in 2004, as follows from the following description of this process in the Annual Report 2004:

A representative of ZADHR, Sunanda Ray, indicated that ZADHR's immediate concern is the threat from the Zimbabwean government that it will clamp down on the work of NGOs with the passage of a law banning “human rights work”. ZADHR needs the support, solidarity and legitimacy that can be provided through affiliation with IFHHRO. Discussion ensued about the process of affiliation and the need for more particulars on ZADHR, including proof that ZADHR had attempted to develop links with other medical professional organisations worldwide. It was decided ultimately, after a strong intervention by Amnesty International, that ZADHR is a legitimate organisation and needs support. As such ZADHR was given affiliation status pending the presentation of ZADHR's constitution. IFHHRO has since received a copy of ZADHR Constitution and ZADHR has been included on the IFHHRO letterhead.<sup>136</sup>

<sup>134</sup> Information received from IFHHRO secretariat.

<sup>135</sup> Questionnaire 2, answer to question 15.

<sup>136</sup> Annual Report IFHHRO, 2004, p. 9.

It is ZADHR's mission "to secure in Zimbabwe and throughout the world the observance of the provisions of the Universal Declaration of Human Rights and International Conventions. This is in recognition of our professional obligation to advocate for the human rights of all to access good quality health services, and to bring the skills of the medical profession to the aid of victims of human rights abuses".<sup>137</sup>

ZADHR's goals are: To protect and promote the rights of doctors and other health workers to attend to victims of human rights abuses; to increase medical knowledge skills and practice in the treatment of injuries resulting from human rights abuses, notably torture; monitor ethics and responsibilities of doctors; and to document human rights abuses.<sup>138</sup>

The target groups of ZADHR's activities in the human rights domain are doctors and other health professionals, human rights defenders, victims of torture and political violence. The target level of ZADHR's activities in the human rights domain is district, province and nation wide.<sup>139</sup> Illustrative for ZADHR's activities might be its action against Operation Murambatsvina (Sweep up the Rubbish), the ongoing destruction of informal housing and businesses in Harare and other cities in Zimbabwe.<sup>140</sup> Hatcliffe Extension, situated on the Eastern outskirts of Harare and previously home to an estimated 15.000 people, serves as an example. Of particular concern to ZADHR is the impact the action has on children and families infected or affected by AIDS.<sup>141</sup>

### *Tools*

In order to achieve its objectives IFHHRO undertakes the following activities, through its member organisations, or by its own agenda: Training; raising awareness/advocacy; networking; monitoring violations/fact-finding missions.<sup>142</sup> In 2003, IFHHRO started a 4-year project on monitoring the right to health, for which Theme-based co-financing (TMF) was granted by the Ministry of Foreign Affairs. The project has four major areas:

1. Promotion of Monitoring the Right to Health by health professionals, *inter alia*, by training courses, and by facilitating the production of parallel reports

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<sup>137</sup> [www.kubatana.net/html/sectors/zim065.asp?like=Z&details=Tel&orgcode=zim065](http://www.kubatana.net/html/sectors/zim065.asp?like=Z&details=Tel&orgcode=zim065); [www.ifhro.org](http://www.ifhro.org).

<sup>138</sup> Questionnaire 2, answer to question 1.

<sup>139</sup> Questionnaire 2, answer to questions 5 and 6.

<sup>140</sup> [www.kubatana.net/html/sectors/zim065.asp?like=Z&details=Tel&orgcode=zim065](http://www.kubatana.net/html/sectors/zim065.asp?like=Z&details=Tel&orgcode=zim065).

<sup>141</sup> [www.ifhro.org/main.php?op=news&id=25](http://www.ifhro.org/main.php?op=news&id=25).

<sup>142</sup> Information received from IFHHRO secretariat. IFHHRO, 'General information / Governance paper as revised by Annual Business Meeting 2005'; Annual Report 2004, p. 1.

to supervising committees of UN Human Rights Conventions, and related advocacy.<sup>143</sup>

2. Improved consensus on the core contents of the Right to Health, *inter alia*, by the organisation of thematic conferences (once a year).
3. Reinforced position and continuation of the mandate of the UN Special Rapporteur on the Right to Health (*i.e.*, Paul Hunt), and support of his work.
4. Establishment of new IFHHRO-affiliates (health and human rights groups) in the South.<sup>144</sup>

Networking and, thus, maintaining the existing contacts with partners and developing new ones, is an important part of IFHHRO's work/activities. The contacts with ZADHR are part of this networking activity. As a consequence of its affiliation with IFHHRO, ZADHR receives financial, administrative, and moral support from IFHHRO, basically aiming at capacity-building by enabling ZADHR to participate in IFHHRO conferences and training activities. Further, IFHHRO contributes to the protection of its human rights defenders, *inter alia*, through international attention for the situation in Zimbabwe.<sup>145</sup>

According to its website, ZADHR shall achieve its mission by:

1. Defending the rights of health professionals and supporting medical colleagues who are persecuted because of their adherence to medical ethics as defined by the World Medical Association, and indeed defending the rights of all those persecuted due to their conscientiously held beliefs, regardless of politics, religion or ethnic origin.
2. Promoting the education of health professionals, other professionals, and the general public about international human rights and their protection, and about the medical and psychological sequelae of human rights abuses.
3. Monitoring the ethics and responsibilities of doctors concerning human rights issues including:
  - Documenting and investigating cases where doctors have participated in human rights abuses such as the use of medical skills in torture.
  - Investigating and exposing the falsification of medical evidence in relation to those whose rights have been violated.
  - Documenting human rights abuses, using our medical skills to observe and record the psychological and physical effects of these abuses.
4. Making representations on behalf of those persons, including medical colleagues, who have been subject to threats, intimidation or actual violations of their human rights.
5. Liaising with other medical and non-medical organisations concerned with human rights issues.

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<sup>143</sup> The project part 'International Training in Monitoring the Right to Health' was granted financial support by ICCO (the Netherlands inter-church organisation for development co-funding).

<sup>144</sup> Annual Report 2004, p. 3.

<sup>145</sup> Questionnaire 2, answer to question 18.

*Objectives, partner, tools of IFHRO's African project: Some interim conclusions*

By starting cooperation with ZADHR, IFHRO acts in line with its overall objectives and in particular with its goals of “broadening and strengthening the network of organisations of health professionals who work on human rights issues and of promoting the participation of organisations in the less developed countries”.

As far as the admission requirements for new members are concerned, ZADHR seems to fulfil, at least, several of those requirements: It shares the goals and principles of IFHRO; it engages in health professionals in human rights work and has – as a primary purpose – the advancement of health and human rights. Further to that, ZADHR seems not to have any political party affiliation and is free from any commercial or any other conflicting interest. Finally, it has added its name to the identity of IFHRO, this means: On the IFHRO website. IFHRO, however, is not mentioned at the website of ZADHR.

As far as the other requirements are concerned: To be demonstrably current and operational; to participate regularly in IFHRO activities; to involve IFHRO in its activities where and when appropriate; and to satisfy “a basic level of participatory decision-making”, it remains to be seen whether ZADHR will be able to (continue to) live up to these requirements, although it can be mentioned, amongst other things, that ZADHR attended international meetings of the World Medical Association and IFHRO, as well as an International Human Rights training course in Cape Town. Here, the very difficult political situation must be taken into account. Many people are fleeing the country, in particular higher educated workforce (including health professionals). Also the enormous high rate of HIV/Aids infection and the devastating effect on the society as a whole must be taken into consideration.

So far, IFHRO seems to be satisfied with its African partner. In its working relationship with ZADHR it particularly appreciates the fact that “ZADHR makes efforts to join in IFHRO's activities and supports IFHRO in research activities by providing draft papers. ZADHR is also looking for ways to increase cooperation”.<sup>146</sup>

Networking and training constitute important parts of IFHRO's work and are part of the 4-year project, which started in 2003, on monitoring the right to health, for which Thematic Co-financing was granted. The establishment of contacts with ZADHR in Zimbabwe is part of this networking activity, which corresponds with ZADHR's aim of “liaising

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<sup>146</sup> Questionnaire 2, answer to question 22.

with other medical and non-medical organisations concerned with human rights issues”.

However, networking as such is only a means to achieve certain goals. In the case of ZADHR the added value of its affiliation with IFHHRO lies in the financial, administrative, and especially moral support it receives from IFHHRO. This kind of support fits within IFHHRO’s aim of “strengthening the network of organisations of health professionals”. Further, IFHHRO contributes to the protection of its human rights defenders, *inter alia*, through international attention for the situation in Zimbabwe. This latter form of support particularly corresponds with IFHHRO’s aim of “supporting health professionals in undertaking human rights activities and protecting health professionals at risk due to their human rights activities” and ZADHR’s goal of “protecting and promoting the rights of doctors and other health workers to attend to victims of HR abuses”.

## **5.2.2 Evaluation of the IFHHRO’s African project**

### **5.2.2.1 Effectiveness**

In order to establish the effectiveness of IFHHRO’s African project, a comparison will be made between the direct, tangible results as reported by IFHHRO itself and the abovementioned objectives and tools envisaged for the project.

According to IFHHRO, the results ZADHR achieved in the human rights domain since 2003 are the following:

- In the framework of “gathering information” ZADHR:
  1. Reported on injuries as result of organised violence and torture (*e.g.*, during election time).
  2. Made medical assessment of abused people.
  3. Conducted independent post-mortems.
  4. Visited prisons.
- In the framework of “acting for individuals” ZADHR assisted intimidated health workers.
- As far as its “education” role is concerned, ZADHR organized workshops, produced a Newsletter and media articles; distributed Protocols for Rape Management, etc.; made a report on developments concerning the NGO Bill.
- As far as ZADHR’s contribution to the public debate is concerned, it organized an Annual Meeting and workshops, and produced several media articles.

- As far as its political activities are concerned, ZADHR reported on developments concerning the NGO Bill, produced media articles, and reported on injuries as result of organised violence and torture.
- With regard to its network activities, ZADHR attended international meetings of WMA, IFHHRO, and an International Human Rights training course in Cape Town. The training had a networking aspect too, although the Executive Director of ZADHR participated in the training to learn more about health and human rights (*i.e.*, Capacity-building).<sup>147</sup>

As was shown in Par. 5.2.1, IFHHRO's networking activities with regard to Africa resulted in ZADHR becoming an affiliate. This result perfectly fits within IFHHRO's goals of broadening and strengthening the network, promotion of the participation of organisations in the less developed countries, and supporting health professionals in undertaking human rights activities and protecting health professionals at risk due to their human rights activities. ZADHR seems to be – despite, or due to the difficult political situation in Zimbabwe – a very active organisation with many results in the human rights domain since 2003. This means that IFHHRO by accepting ZADHR as an affiliate, has effectively contributed to the achievement of its own as well as ZADHR's mission, *inter alia*, in relation to the issue of “the promotion of international cooperation for the protection and promotion of health related human rights”.<sup>148</sup>

As far as the effectiveness of ZADHR's means/activities is concerned, the results, as reported by IFHHRO, correspond with the goals set by ZADHR. However, a more general effectiveness of these activities, *i.e.*, the extent to which these results contribute to ZADHR's mission of “[securing] in Zimbabwe and throughout the world the observance of the provisions of the Universal Declaration of Human Rights and International Conventions” cannot be established on the basis of the information available.

#### **5.2.2.2 Effects of cooperation with IFHHRO**

This paragraph will discuss the effect of cooperation with IFHHRO on 1) the internal organisation of the partner; 2) its network; and 3) the number and quality of project related activities.

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<sup>147</sup> Questionnaire 2, answer to question 4.

<sup>148</sup> [www.kubatana.net/html/sectors/zim065.asp?like=Z&details=Tel&orgcode=zim065](http://www.kubatana.net/html/sectors/zim065.asp?like=Z&details=Tel&orgcode=zim065).



*Effects of cooperation with IFHHRO on the internal organisation of ZADHR*

IFHHRO gives financial and administrative support to ZADHR, but does not exert control over ZADHR. ZADHR is an independent organisation of the IFHHRO run network. Member organisations should take part in IFHHRO activities and support IFHHRO's mission and goals.<sup>149</sup> However, according to a representative of ZADHR, the most important effect on (the internal organisation of) ZADHR of affiliation with IFHHRO, lies in the "support, solidarity and legitimacy it provides".<sup>150</sup>

*Effects of cooperation with IFHHRO on networks*

In general, it is said by IFHHRO that the effect of affiliation with the IFHHRO network results in a development or increase of relevant contacts. As to contacts with ZADHR more specifically, it is stated that the number of "relevant contacts had increased considerably" over the last two years.<sup>151</sup> ZADHR has attended the IFHHRO Conference 2005 in Mumbai and the IFHHRO training on Monitoring the Right to Health/THRA (Cape Town). The Conference in Mumbai has clearly strengthened links with other IFHHRO member organisations, the British Medical Association and the UN Special Rapporteur on the Right to Health. During the training in Cape Town, strengthening relations with South-African academics has led to new ZADHR initiatives. Also meeting colleagues from Kenya and Uganda has led to an IFHHRO initiative, with ZADHR, Kenya and Uganda as co-organisers.

*Effects of cooperation with IFHHRO on ZADHR's project related activities*

As described under "effectiveness", the results of ZADHR in the field of human rights have been considerable, when taking into account the political situation in Zimbabwe and the fact that ZADHR was founded only in 2002. Cooperation with IFHHRO has, so far, led to moral support, solidarity and more legitimacy and to protection of human rights defenders, *inter alia*, through international attention for the situation in Zimbabwe.<sup>152</sup> During the training in Cape Town, strengthening relations with South-African academics has led to new ZADHR initiatives. A further direct effect, though, of cooperation with IFHHRO on ZADHR's human rights activities in Zimbabwe cannot be established on the basis of the information available.

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<sup>149</sup> Questionnaire 2, answer to question 20.

<sup>150</sup> Representative of ZADHR, quoted in: Annual Report IFHHRO, 2004, p. 9.

<sup>151</sup> Information received from IFHHRO secretariat.

<sup>152</sup> Questionnaire 2, answer to question 18.

As far as gender is concerned, the title of IFHHRO's 2005 Annual Conference was telling: "Engendering Health and Human Rights". The overall aim of the conference was to debate and bring to the table issues of gender inequities within the human rights context and discuss good practices and strategies for engendering health and human rights, including the role of health professionals.<sup>153</sup> The conference was attended by a representative from ZADHR.

#### **5.2.2.3 Side-effects of cooperation with IFHHRO (wanted or unwanted)**

Given the fragile political situation in Zimbabwe, cooperation with ZADHR probably contributes to the internal support for ZADHR and might give further legitimacy to ZADHR within Zimbabwe. Whether this is actually the case, could not be assessed due to lack of information.

#### **5.2.2.4 Efficiency**

In 2004, IFHHRO went through a period of growth, amongst other things because it received a TMF grant from the Ministry of Foreign Affairs. As stated, the grant amounted to € 616.000 for the years 2004-2007. Based on the information spelt out in the introduction on IFHHRO, it can be concluded that a large part of TMF-subsidy is spent on the IFHHRO secretariat and a relatively small part on partner support. This is in accordance with the subsidy which has been granted ('Instellingssubsidie'). Taking into account that IFHHRO has nine partners, the financial (input) support to ZADHR is almost negligible. First, it might make ZADHR's (alleged) results in the domain of human rights even more remarkable. Second, this means that the value of affiliation with IFHHRO must indeed be sought in the sphere of "moral support, solidarity, legitimacy and solidarity", as quoted before.

As mentioned under "effectiveness", IFHHRO's networking activity in Africa ultimately resulted in ZADHR's affiliation with IFHHRO. This is a result in line with most of IFHHRO's goals. Since ZADHR seems to be an active organisation with many results in the human rights domain<sup>154</sup> it can be concluded that IFHHRO, with this affiliation of ZADHR, has not only effectively but probably also efficiently contributed to the achievement of its mission, *i.e.*, "the promotion of international cooperation for the protection and promotion of health related human rights". This conclusion is

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<sup>153</sup> [www.ifhro.org](http://www.ifhro.org).

<sup>154</sup> Questionnaire 2, answer to question 4.

again necessarily worded in cautious terms, due to the lack of interviews and double checking possibilities. The researchers have not received the relevant questionnaire and were not able to visit the organisation due to the political situation in the country (see Chapter 4).

#### **5.2.2.5 Relevance of IFHHRO's work for the local context**

Considering ZADHR's immediate concern, *i.e.*, "the threat from the Zimbabwean government that it will clamp down on the work of NGOs with the passage of a law banning 'human rights work'",<sup>155</sup> and the fact ZADHR itself is doing human rights work and is therefore directly in danger, at the moment, the relevance of IFHHRO's work for the local context in Zimbabwe can only be indirect: Through its (moral) support and solidarity it probably helps ZADHR to continue its human rights work. In the future, however, the relevance of IFHHRO for the local context might increase. Firstly, because IFHHRO would like to "initiate more regular contact with ZADHR; organise activities together; to have a better exchange of information; and to offer more concrete support for doctors and human rights defenders at risk".<sup>156</sup> Secondly, through its development of networks. IFHHRO "aims for transparent governance and a global representation, including a 'southern' identity".<sup>157</sup> As mentioned, Zimbabwe is the first African country in which IFHHRO has established an affiliation with a local organisation, but, as also mentioned, IFHHRO intends to broaden its network in Africa. Although, to IFHHRO's present knowledge, there are no other organisations like ZADHR in Zimbabwe that it could work with to achieve a similar result, there might be other NGOs and national organisations in other African countries that might be taken into consideration.<sup>158</sup> It can be added, that until October 2005, the rules stated that only one organisation per country could be a member of IFHHRO. This rule would not have allowed anyhow to grant membership to a second organisation from Zimbabwe. At this moment, IFHHRO is not looking for a second Zimbabwean member, but rather for member organisations from other African countries.

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<sup>155</sup> Annual Report p. 9,

<sup>156</sup> Questionnaire, answer to question 23.

<sup>157</sup> Annual Report 2004, p. 1.

<sup>158</sup> Questionnaire 2, answer to question 17.

### 5.2.2.6 IFHHRO: A learning organisation?

IFHHRO is a small, and therefore relatively transparent organisation: It is governed by an International Board consisting of five representatives of member organisations and a Coordinator. The secretariat is run by one Project Officer, under the supervision of one Coordinator.

Although established about fifteen years ago, IFHHRO is a developing organisation. Until 2004 the organisation was run by volunteers only. Since the 'TMF-instellingssubsidie' a Project Officer (0,8fte) has been contracted. It has not yet established a real monitoring and evaluation system, although every year an Activity Plan is sent to the Ministry of Foreign Affairs. For the near future, the following plans are in preparation:

- Structuring of IFHHRO's contacts and activities.
- Drafting statutes.
- Development of a management structure.
- Professionalization.
- Development of regional training courses.
- Increasing the impact of IFHHRO.<sup>159</sup>

ZADHR is an independent organisation within the broader IFHHRO network. Therefore IFHHRO does not exert control over ZADHR. Generally, the only 'check' is whether or not member organisations do participate in IFHHRO's activities and support IFHHRO's mission and goals.

ZADHR accounts for the money they receive from IFHHRO with (original) receipts.

Further, IFHHRO requests (annual) activity reports, announcements of activities and press releases from ZADHR. However, communication with ZADHR is difficult, because of the political situation in Zimbabwe (see again Chapter 4). IFHHRO aims to increase this contact.<sup>160</sup>

IFHHRO usually does not give feedback to ZADHR on the information it provides, but the information and the analysis thereof might lead to new possibilities/ideas for cooperation. Currently, IFHHRO checks through personal contacts whether ZADHR actually does what it says it does.<sup>161</sup>

It can be concluded that, currently, IFHHRO is an organisation in development with clear plans for the future. IFHHRO's open and positive attitude is also reflected in its relationship with ZADHR, which currently is being hampered by the difficult communication due to the political situation

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<sup>159</sup> Interview with IFHHRO secretariat.

<sup>160</sup> Questionnaire 2, answer to question 20.

<sup>161</sup> Questionnaire 2, answers to questions 25-30.

in Zimbabwe. IFHHRO aims to intensify this contact and is open to new possibilities/ideas for cooperation. However, the learning capacity of IFHHRO cannot (yet) be established at this stage of IFHHRO's development.

#### **5.2.2.7 Sustainability of IFHHRO's and ZADHR's projects**

The sustainability of IFHHRO's activities in Africa largely depends on the political developments in Zimbabwe. So far, IFHHRO and ZADHR have been able to establish the affiliation of ZADHR with IFHHRO and to maintain this relationship, although with difficulties in communication. Financially speaking, ZADHR does not seem to be a very demanding member of IFHHRO. It mainly appreciates and seems to need IFHHRO's (moral) support and its solidarity, in order to strengthen its legitimacy and position within Zimbabwe. These forms of support for ZADHR might prove to be very sustainable: ZADHR seems a very active organisation and might, through its experience and work in Zimbabwe, prove to be a very valuable partner for IFHHRO's future expansion plans with regard to an African network and its aim "for a global representation, including a 'southern' identity".<sup>162</sup>

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<sup>162</sup> Annual Report 2004, p. 1.

### 5.3 HUMAN RIGHTS EDUCATION ASSOCIATES (HREA)

#### *Preliminary remark*

Cooperation with HREA for the purpose of this evaluation was laborious. HREA was unwilling or unable to receive members of the research group for an interview nor did the organisation return the questionnaires concerning cooperation with its African partners. Therefore, out of necessity, the present evaluation will be based on information provided by the partner organisations, who (partly) filled out and returned the questionnaires, information from HREA's and its partners' websites, two Memoranda of Understanding and several partner reports.

#### *Information about HREA*

HREA is an international non-governmental organisation that supports human rights learning, the training of activists and professionals, the development of educational materials and programming, and community-building through on-line technologies. HREA works with individuals, non-governmental organisations, inter-governmental organisations and governments interested in implementing human rights education programmes. The services provided by HREA are: Assistance in curriculum and materials development; training of professional groups; research and evaluation; clearinghouse of education and training materials; networking human rights advocates and educators.<sup>163</sup>

HREA has 11 staff members, and works with 37 volunteers. It has a Board of 7 members and an International Advisory Board of 11 members. It has three offices: In the Netherlands (Amsterdam), the USA (Cambridge, MA) and Morocco (Field Office in Casablanca).<sup>164</sup> HREA received € 231.895 TMF funding, while both its African projects were funded additionally (\$ 27.500 and € 10.000).<sup>165</sup>

#### 5.3.1 HREA's African projects

##### *Introduction*

As far as TMF funding is concerned, HREA cooperates with two African partners on two specific projects, both concerning the set up and maintenance of a listserv: The Cairo Institute for Human Rights Studies (CIHRS), and The Interafrican Union for Human Rights (IUHR). According

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<sup>163</sup> [www.hrea.org](http://www.hrea.org).

<sup>164</sup> *Ibidem*.

<sup>165</sup> See both MoU's.

to CIHRS, HREA considers the organisation as “the focal point for this network in the Arab region”.<sup>166</sup>

### *Objectives*

According to its mission statement, HREA is dedicated to quality education and training to promote understanding, attitudes and actions to protect human rights, and to foster the development of peaceable, free and just communities.<sup>167</sup>

HREA’s objectives are not clearly formulated on its website, but according to its partners, HREA’s objectives can be described as follows: “Renforcement de l’éducation aux droits humains (EDH) à travers l’échange et la communication d’informations, expériences et ressources”<sup>168</sup> [Strengthening human rights education through the exchange of information, experience and resources.] and: “HREA works with individuals, non-governmental organisations, inter-governmental organisations and governments interested in implementing human rights education programmes. It presents many services including assistance in curriculum and materials development; training of professional groups; research and evaluation; clearinghouse of education and training materials and networking human rights advocates and educators.”<sup>169</sup>

### *Partners*

#### *The Cairo Institute for Human Rights Studies (CIHRS)*

CIHRS is a non governmental organisation specialised in human rights education and research. Coordination and enhancing networking between Arab human rights groups “with a view to develop common positions and strategies towards the major human rights and democratisation challenges” increasingly constitutes a core component of CIHRS’ activities. The organisation sees it as its main task to analyse and explain the difficulties faced by the process of implementing human rights law in the Arab world. Therefore, it strives to promote human rights in Arab countries “through the development of intellectually vigorous and novel approaches conducive to surmounting problems of implementation”.<sup>170</sup>

CIHRS was founded in April 1993 and started its activities in April 1994. The organisation enjoys a special consultative status with the United Nations Economic and Social Council. It also has an observatory status with

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<sup>166</sup> Document ‘CIHRS presentation’ attached to its answers to the questionnaire.

<sup>167</sup> [www.hrea.org](http://www.hrea.org).

<sup>168</sup> Questionnaire 1, answer to question 1.

<sup>169</sup> [www.cihrs.org](http://www.cihrs.org).

<sup>170</sup> *Ibidem*.

the African Commission on Human and Peoples' Rights. The CIHRS is a member of the Euro-Mediterranean Human Rights Network (EMHRN) and International Freedom of Expression Exchange (IFEX).<sup>171</sup> CIHRS currently employs 22 professionals.<sup>172</sup>

The objectives of CIHRS are: "Enhancing human rights education and dissemination in the Arab Region" and "Analysing and explaining difficulties faced by the process of implementing the law of human rights and democratisation in the Arab world".<sup>173</sup> In addition to this, it is mentioned that CIHRS, building on this approach, "has taken the initiatives in formulation of adequate discourse that have been presenting diverse sort of activities aimed for education and dissemination human rights culture. These activities have cut across local, national, regional and international levels, and revealed the possibilities of dissemination human rights culture in the Arab world, despite the extensive socio-cultural and political restrictions".<sup>174</sup>

The Memorandum of Understanding between the CIHRS and HREA points out that their cooperation concerns a project "to enhance access to human rights documents and information and learning materials via the Internet".<sup>175</sup> This project was funded by the Dutch Ministry of Foreign Affairs (TMF-Programme), involved € 10.000 and lasted from January 2003 to June 2005.

#### *The Interafrican Union for Human Rights (IUHR)*

IUHR is a non-governmental pan-African organisation working in the areas of the defence, the promotion and the protection of human rights, democracy and development. It was established in July 1992 in Ouagadougou (Burkina Faso) by 18 NGOs working for the defence, the protection and the promotion of human rights. As of 2006, IUHR has about forty members, being NGOs working in different African francophone, anglophone, arabophone and lusophone countries. In addition, it acknowledges more than ten organisations having the status of observers.<sup>176</sup> IUHR is based in Burkina Faso (Ouagadougou) and employs 13 professionals and one volunteer.<sup>177</sup>

The priority objectives of IUHR are: To consolidate sections and increase their capacity to implement defence, protection and promotion strategies for human rights; to create and strengthen an action unit for the

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<sup>171</sup> Document 'CIHRS presentation' attached to the questionnaire.

<sup>172</sup> Questionnaire 1, answer to question 20.

<sup>173</sup> Questionnaire 1, answer to question 26.

<sup>174</sup> Document 'CIHRS presentation' attached to its answers to the questionnaire.

<sup>175</sup> MoU between CIHRS and HREA, 2 and 5 December 2003.

<sup>176</sup> [www.iuhr.org/article.php3?id\\_article=94](http://www.iuhr.org/article.php3?id_article=94).

<sup>177</sup> Questionnaire 1, answer to question 21.



defence, the promotion, the protection, and even the guarantee of human rights on the continent; to reduce the violation of human rights and broaden spaces of freedom in Africa; to share experiences of pacific settlement of conflicts at the local and continental levels; to take stock every year of human rights in Africa; and to implement an integrated education programme for human rights and citizenship.<sup>178</sup>

According to the Memorandum of Understanding the cooperation between IUHR and HREA concerns a project to “enhance access to human rights documentation, information and learning materials via the Internet”.<sup>179</sup> This project was funded by the Dutch Ministry of Foreign Affairs (TMF-Programme), involved \$ 27.500, and also lasted from January 2003 to June 2005.

### *Tools*

Since the cooperation with HREA consists of the two above-mentioned projects, this part will focus – again: As far as possible with the information available – on tools and activities relevant for these projects. Several tools and concrete activities are mentioned on the HREA website, but the following seem to be the most relevant ones for the projects with its African partners: Curriculum and Materials Development; Networking Human Rights Advocates and Educators; Resource Centre.<sup>180</sup> More specifically, HREA’s tools and activities with regard to the African projects (according to its partners) consist of: Financial and technical support and advice on institutional development for CIHRS,<sup>181</sup> and financial support and advice on programme development for IUHR.<sup>182</sup>

With regard to activities in the context of their projects with HREA, it follows from the two Memoranda of Understanding that HREA’s African partners will establish and moderate listservs. According to the project description within the CIHRS-HREA MoU, CIHRS will set up a listserv serving Arab-speaking countries (the Arab Human Rights Education Listserv (AHREL)). In the words of the Mid-term Report, “the objective of this listserv is to create a global virtual network of educators and activists to strengthen the human rights education field in collaboration with other 6 regional listserv”.<sup>183</sup> The listserv was also to be maintained by CIHRS over the course of the project, was to be further moderated by CIHRS and to be archived on the HREA website. In addition, CIHRS was to post educational materials and human rights documents (including articles, manuals,

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<sup>178</sup> [www.iuhr.org/article.php3?id\\_article=92](http://www.iuhr.org/article.php3?id_article=92).

<sup>179</sup> MoU between IUHR and HREA, 29 February and 12 March 2004.

<sup>180</sup> [www.hrea.org](http://www.hrea.org).

<sup>181</sup> Questionnaire 1, answer to question 6.

<sup>182</sup> Questionnaire 1, answer to question 7.

<sup>183</sup> Mid-term Report Arab Human Rights Education Listserv, September 2004.

international and regional human rights documents, directory entrances, glossary terms) on their website. It was planned that a total of 1000 documents (4.000 pages) would have been added to the list by June 2005. Further, CIHRS was to post Arabic-language electronic material on its website from 2004 onwards. These materials were also to be made available to HREA for posting in its Resource Center Library, as to maximising their dissemination.<sup>184</sup> As far as IUHR is concerned, it was agreed upon in the MoU that IUHR would establish and moderate a regional HR Education listserv over the course of the project. This listserv was to be launched in 2004 and was to serve human rights educators and advocates in francophone Africa.<sup>185</sup>

*Objectives, partners, tools of HREA's African projects: Some interim conclusions*

CIHRS claims to be active in several projects concerning the Arab human rights movement, democratisation, the renewal of religious discourse, and human rights education. In its reply to the questionnaire, the latter is said to be "one of the most important programs of CIHRS",<sup>186</sup> which comes hardly as a surprise in the present (HREA-related) context. CIHRS seems to be a very logical partner for HREA to cooperate with. CIHRS itself has chosen to work together with HREA, because "HREA is a widely known international organisation specialised in human rights education; HREA has rich experience in the different human rights education approaches and methodology. It has networking with many organisations all over the world" and because "working with HREA can contribute positively in developing our techniques and approaches in educational programs".<sup>187</sup>

As far as IUHR is concerned, the project with HREA only marginally corresponds with its objectives. Nevertheless, IUHR maintains: "Nous visons les mêmes objectifs, amener les gens à mieux connaître leur droit à travers l'éducation, en mettant en commun nos efforts, et la collaboration, l'impact de nos actions est plus important"<sup>188</sup> [We pursue the same objectives, making people more familiar with their rights through education, by joining efforts and by cooperating, the impact of our actions will increase.] It underlines that "UIDH [the French abbreviation for the organisation] est un réseau panafricain oeuvrant pour la promotion, protection et défense des droits humains à travers l'information, l'éducation et la communication."<sup>189</sup> [IUHR is a pan-African network that promotes,

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<sup>184</sup> *Ibidem.*

<sup>185</sup> *Ibidem.*

<sup>186</sup> Questionnaire 1, answer to question 2.

<sup>187</sup> Questionnaire 1, answer to question 3.

<sup>188</sup> Questionnaire 1, answer to question 4.

<sup>189</sup> Questionnaire 1, answer to question 2.

protects and defends human rights through information, education and communication.]

The tools and activities of HREA and its two African partners with regard to the two projects have been specified in the MoU's and relate to the establishment and moderation of two listservs, one for human rights educators and advocates in francophone Africa and one with Arabic-language electronic materials on human rights. These, relatively small but clearly defined, activities have been supported by HREA through financial support and with advice on program and institutional development and technical support. Both partners seem to appreciate their working relationship with HREA, IUHR because of its "disponibilité à répondre aux requêtes (préparation des messages, réaction rapide en cas de problèmes; Convivialité (esprit de famille); Efficacité".<sup>190</sup> [availability to reply to requests (preparation of messages, swift reaction in case of problems; conviviality and efficiency.) CIHRS, more down to earth, appreciates working with HREA because it is "developing our capacity in the information technology and human rights; [brings us] in touch with the international and regional experiences and developments in the field of human rights education and dissemination; introduces specialised training courses for staff".<sup>191</sup> In a mid-term report CIHRS praises HREA for its "successful community-building work".<sup>192</sup>

### **5.3.2 Evaluation of HREA's African projects**

#### **5.3.2.1 Effectiveness**

##### *Preliminary remark*

In order to establish the effectiveness of HREA's activities concerning Africa, the researchers had in mind to make a comparison between, on the one hand, results reported by HREA and both partner organisations, and, on the other hand, the abovementioned objectives, tools and activities formulated on websites and in the two Memoranda of Understanding. However, due to the lack of cooperation, no double-checking and testing could take place regarding the information (not) provided for by HREA and by its partner institutions.

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<sup>190</sup> Questionnaire 1, answer to question 11.

<sup>191</sup> Questionnaire 1, answer to question 10.

<sup>192</sup> Mid-term Report, Arab Human Rights Education Listserv, September 2004.

*Results reported by the partners*

Among many other activities and results,<sup>193</sup> IUHR has reported, that it had launched, together with HREA, a listserv concerning human rights education.<sup>194</sup> In a report of June 2004 on the listserv – ‘Liste de Diffusion’, in French – specific information is given concerning the number of members to the listserv, the number of messages sent, and the subjects covered.<sup>195</sup> A report of December 2004 notes an increase in membership (approx. 15-20% since March of that year) and messages sent (approx 30% since July of the same year).<sup>196</sup>

The results of CIHRS’ activities with regard to the HREA project can be established, to a certain extent, on the basis of these two reports and one mid-term report (of September 2004). The results pertain to different aspects of the development and moderation of the listserv. For instance, according to one mid-term report “the number of membership is now approaching 1060. Members come from different and diverse backgrounds”, ranging from “human rights’ activists”, to “intellectuals, poets and children’s NGOs.” It is also reported that CIHRS “have been continually developing [their] website, in order to deal with the user visits’ chronology as well as with the numbers of hits and downloads of posted on-line recourse materials”.<sup>197</sup> The subsequent report of December 2004 mentions the subjects the contributions and responses have covered, like announcements on Arab human rights initiatives and proposals for integrating human rights principles. The report notes that the numbers of messages had declined, but that the number of new members had increased.<sup>198</sup>

Both partners claim that the cooperation with HREA contributes to the effectiveness of their organisations. IUHR motivates this by referring to “Diversification des activités d’EDH par l’utilisation d’un nouvel canal: Liste de diffusion, forum, etc.”<sup>199</sup> [Diversification of human rights education activities through the use of a new medium: Listserv, forum]. On the basis of the information provided by both partners, the effectiveness of HREA’s support can, to a large extent, be assumed with regard to the activities of CIHRS as well as IUHR.

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<sup>193</sup> [www.iuhr.org/article.php3?id\\_article=94](http://www.iuhr.org/article.php3?id_article=94).

<sup>194</sup> Questionnaire 1, answer to question 24.

<sup>195</sup> La Liste de Diffusion en Français, Rapport Intermédiaire, June 2004.

<sup>196</sup> La Liste de Diffusion en Français, Rapport Annuel, December 2004.

<sup>197</sup> Mid-term Report, Arab Human Rights Education Listserv, September 2004.

<sup>198</sup> Brief Report, Arab Human Rights Education Listserv, December 2004. No exact figures are mentioned.

<sup>199</sup> Questionnaire 1, answers to questions 7 and 8.

### 5.3.2.2 Effects of cooperation with HREA

This paragraph will discuss the effect of cooperation with HREA on 1) the internal organisation of the partners; 2) their network; and 3) the number and quality of project related activities.

#### *Effects of cooperation with HREA on the internal organisation of both partners*

HREA supports its partners with financial means, with advice on program and institutional development, and with technical support. Both partners seem to appreciate their working relationship with HREA. With regard to CIHRS the effect of cooperation with HREA on the internal organisation seems to lay in HREA's development of their capacity in the information technology and human rights and the specialised training courses for staff.<sup>200</sup> IUHR explicitly mentions the improvement of their know-how as a result of cooperation with HREA.<sup>201</sup>

#### *Effects of cooperation with HREA on networking*

Both partner organisations regularly cooperate with many (more than ten) governmental and non-governmental organisations working at the local, national and international level.<sup>202</sup> Both partners have noted an increase in the number, quality and reach of activities they undertake in the human rights domain, in the number of productive alliances with other organisations, and in communication.<sup>203</sup>

IUHR describes its position within its networks as: "L'UIDH [French abbreviation for the organisation] est la locomotive."<sup>204</sup> [IUHR is the engine.] And as a consequence of its cooperation with HREA its network has changed as follows: "Une meilleure visibilité de l'UIDH grâce à ses abonnés à travers le monde (France, Belgique, Suisse, Canada, Caraïbes, Afrique francophone), une augmentation de son audience avec des abonnés individuels, des organisations de défense de droits humains, du système des Nations Unies (UNESCO, Haut Commissariat des Nations Unies pour les Droits de l'Homme), etc."<sup>205</sup> [Higher visibility of IUHR through its subscribers across the world (France, Belgium, Switzerland, Canada, Caribbean, francophone Africa), in increase in its constituency through individual subscribers, human rights organisations and

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<sup>200</sup> Questionnaire 1, answer to question 10.

<sup>201</sup> Questionnaire 1, answer to question 8.

<sup>202</sup> Questionnaire 1, answers to questions 29-31.

<sup>203</sup> Questionnaire 1, answers to questions 35 and 36.

<sup>204</sup> Questionnaire 1, answer to question 34.

<sup>205</sup> Questionnaire 1, answer to question 35.

the UN system (UNESCO, Office of the UN High Commissioner for Human Rights).]

CIHRS describes its role as “a leading role since the establishment of the Euro Mediterranean network of human rights. During the previous years CIHRS managed to have strong and different relations among the human rights movement in the Arab region”.<sup>206</sup> According to CIHRS, the cooperation with HREA has influenced its network as follows: “As we are coordinating the on-line human rights education dialogue in the Arab Region, we managed to develop our networking and relations with the different stake holders in the region.”<sup>207</sup> And: HREA brings us “in touch with the international and regional experiences and developments in the field of human rights education and dissemination”.<sup>208</sup>

#### *Effects of cooperation with HREA on project related activities*

The effect of cooperation with HREA on the human rights activities of the partners seems to lie in the increased dissemination and accessibility of human rights information through electronic media. CIHRS underlines in its Brief Report of December 2004 “the opportunities that have emerged (...) by initiating and proposing new channels of communication on human rights education in the region”.<sup>209</sup> CIHRS also mentions specifically that through its cooperation with HREA the education of human rights has been further developed: “It developed our training methodology and gave us the opportunity to enrich our experience with the international and regional organisations concerned with human rights education.”<sup>210</sup> UIHR underlines that this impact is “réel et un plan d’action qui tienne compte de cette situation renforcera la promotion et la protection des droits de l’homme en Afrique”.<sup>211</sup> [real and that a plan of action that takes into account that situation will reinforce the promotion and protection of human rights in Africa.]

As to effects of the activities in the field of gender no information is available.

#### **5.3.2.3 Side-effects of cooperation with HREA (wanted and unwanted)**

The most important side-effect of the development and maintenance of the mentioned listservs lays in being in “touch with the international and

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<sup>206</sup> Questionnaire 1, answer to question 33.

<sup>207</sup> Questionnaire 1, answer to question 34.

<sup>208</sup> Questionnaire 1, answer to question 10.

<sup>209</sup> Brief Report, Arab Human Rights Education Listserv, December 2004.

<sup>210</sup> Questionnaire 1, answer to question 34.

<sup>211</sup> La Liste de Diffusion en Français, Rapport Intermédiaire, June 2004

regional experiences and developments in the field of human rights education and dissemination”.<sup>212</sup> Developing and maintaining listservs, also leads to ‘two way traffic’, inspiring other, weaker organisations and individuals, to do something with the information available. As CIHRS highlighted in the Brief Report of December 2004, “the by-product achievement that the AHREL has accomplished [is that] it has been the first electronic source of interaction in Arab language for human rights education activities and individuals in the Arab region”.<sup>213</sup> This internationalisation of information and contacts is an important pressure and lobby instrument in the defence of human rights. It is presented here as a side-effect, because this specific issue was not found amongst the stated objectives of the projects. That could have been the case, however.

#### 5.3.2.4 Efficiency

According to the MoUs, both partners received a certain amount of TMF money – CIHRS: € 10.000; IUHR: \$ 27.500 – for the launching and ongoing moderation of Arabic, resp. francophone listservs and the addition of Arabic, francophone, language human rights resources to their website.<sup>214</sup> For both partners there is a clear link between the funding provided and the activities and results mentioned in the different reports.

In general, one can add that in the present era of globalisation and growing access to Internet – although by far not for everybody, nor everywhere – the use of (electronic) media for the dissemination of (human rights) messages is very efficient. The kind of input mentioned in the MoUs – starting and maintaining listservs – requires relatively small activities and is easy to establish. Its output and impact, however, might be enormous. That it is sometimes also dangerous, depending on the place the information will end up – it might for instance lead to repressive measures against witnesses or the relatives of victims of human rights violations, to mention just one example –, is no doubt true, but beyond the scope of this report. For now, it might be enough to establish that the initiators and maintainers of the list servers should not be blamed for that.

The partners seem to be impressed by HREA’s efficiency as far as its activities are concerned. Especially its “disponibilité à répondre aux requêtes (préparation des messages, réaction rapide en cas de problèmes)” is

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<sup>212</sup> Questionnaire 1, answer to question 10.

<sup>213</sup> Brief Report, Arab Human Rights Education Listserv, December 2004.

<sup>214</sup> Both Memoranda of Understanding.

mentioned.<sup>215</sup> [availability to reply to requests (preparation of messages, swift reaction in case of problems.)]

#### **5.3.2.5 Relevance of HREA's work for the local context**

The relevance of HREA's work consists of its impact on human rights education. The contribution to the development of training methodology, the provision of human rights texts in different languages (Arabic, French), increasing the 'audience' through the development of listservs: All these sources and means of human rights education can be disseminated locally as well as regionally and globally. The relevance of the human rights educational message of course fully depends upon the local human rights situation. This might be local, in Africa, or elsewhere, and the usefulness as well as the necessity of the information will differ accordingly. But the value of dissemination of human rights related knowledge can not be underestimated. HREA and its two African partners play a role in that.

#### **5.2.3.6 HREA: A learning organisation?**

As far as HREA itself is concerned, no information was provided on, amongst other things, its own monitoring and evaluation system. As to the two listserv projects, the decision making and reporting systems are on paper as follows: The partners consult with HREA on key policies related to the listservs and posting of electronic resources. These activities have always to be in agreement with their mandates and institutional policies. According to the MoU's, regular e-mail communication takes place between the partners and HREA staff in order to ensure "smooth communication" in the project. HREA itself is responsible for overseeing all program tasks and financial expenditures. In addition, HREA needs to approve the partners' reports, which serve as the basis for preparing general HREA reports for the Dutch Ministry of Foreign Affairs.<sup>216</sup>

As to the "partner reports", the partners were to prepare Interim and Final Reports for HREA concerning their activities and expenditures. These reports were to be received by HREA every six months. The financial report was to be prepared in dollars and copies of relevant financial receipts were to be included. Narrative reports including detailed tasks related to HREA were requested for reporting periods beginning December. Narrative reports were also to include an internal assessment concerning the implementation

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<sup>215</sup> Questionnaire 1, answer to question 11.

<sup>216</sup> Both Memoranda of Understanding.



of tasks, noting achievements, obstacles, plans for overcoming obstacles and any proposed adjustments in project tasks or timelines.<sup>217</sup> Due to lack of information from HREA, it has proven impossible to establish whether this 'accountability cycle' works in daily practice.

A conclusion which can be drawn on the basis of the information provided by the partners is that the monitoring and reporting systems as provided for in the MoU's might work and that as far as the partners are concerned, there are no major communication problems with HREA.

### 5.3.2.7 Sustainability

As with the efficiency, the sustainability of projects concerning the electronic dissemination of human rights information/education is very high, especially in case the information is regularly moderated and updated. The latter is, one might also argue, *a conditio sine qua non* for the sustainability of the information (systems) and the projects providing it. If not updated accurately, the long term relevance of the information might be highly reduced, until it even might become counter productive, *i.e.*, by providing the users information which is not correct anymore.

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<sup>217</sup> MoU's between HREA and both partners.

## 5.4 NETHERLANDS INSTITUTE FOR SOUTHERN AFRICA (NiZA)

### *Preliminary remark*

Due to the high number of NiZA's African projects and partners, this part of the report cannot give a detailed account of all relationships with all its partners. The conclusions with regard to NiZA's partners will be drawn on a slightly more general level than with regard to the other organisations, with specific attention to (important) exceptions to the general conclusions. The cluster classification as made by NiZA has been adopted also in this report, and separate conclusions will be drawn for each of the clusters.

### *Information about NiZA*

NiZA is an independent institute that was founded in 1997 out of a merger of three former anti-apartheid and solidarity organisations (Holland Committee on Southern Africa, Anti Apartheid Movement and Eduardo Mondlane Foundation), each focusing predominantly on human rights issues in Southern Africa. NiZA thus draws on an institutional history of over 35 years. NiZA was established out of the conviction that the formal abolition of apartheid does not make the involvement of northern solidarity movements in the Southern African region redundant. To the contrary, according to NiZA, this new reality requires a new form of solidarity and continued, close collaboration with partners in Southern Africa.

According to its Mission Statement, NiZA aims at "finding structural solutions in the fight against poverty, injustice and inequality. Structural solutions are those solutions that are based on sustainable changes on a political level". Through its activities, NiZA wishes to express its solidarity with the people of Southern Africa, and strives to enable organisations and the people who work for them to counter poverty, injustice and inequality. NiZA tries to realise this by linking with organisations in Southern Africa which focus on activities relevant to NiZA's three programme areas, namely: Media and freedom of expression; human rights and peace building; and economic justice.<sup>218</sup>

In recent years NiZA has known an considerable increase of projects and activities. As of 31 December 2005, the office in Amsterdam employed 58 staff members. NiZA cooperates with more than 100 partners in Southern Africa (Angola, Malawi, Mozambique, South Africa, Zambia and Zimbabwe).

The total TMF-budget for NiZA amounts to € 9.000.000 (2003-2006). The total budget for the Human Rights and Peace Building Programme (see below) was € 902.445 in 2004. In 2004, approximately 100 projects of 24 partners have been financed for a total amount of €

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<sup>218</sup> [www.niza.nl](http://www.niza.nl).

887.141.<sup>219</sup> 42% of this budget (€ 375.389) consisted of 'joint activities' in which more than one partner participated. The budget for each cluster is related to the number of cluster partners. The average budget per partner is € 37.600 a year.<sup>220</sup>

Given the geographic focus of NiZA, all projects conducted by this organisation are concentrated in Southern Africa.

## 5.4.1 NiZA's projects

### 5.4.1.1 Objectives

#### *Introduction*

NiZA has three programmes, focussing on three major issues:

- Media and Freedom of Expression Programme: Access to information.
- Human Rights and Peace Building Programme: Access to justice.
- Economic Empowerment Programme: Economic development.

Within each of these areas NiZA supports both small-scale grassroots organisations and network organisations focussing on lobbying. Many grassroots organisations have been set up by communities that felt a need to tackle abuses, poverty and inequality themselves. NiZA-supported network organisations, on behalf of their smaller and larger member organisations, engage, *e.g.*, in the fight for media freedom and for the respect of human rights, or against corruption.<sup>221</sup>

The present evaluation will focus on the Human Rights and Peace Building Programme only. The Media and Freedom of Expression Programme would have been eligible for our evaluation, had this not already been done only recently, by two external evaluators. On the basis of their (positive) evaluation, the new Sector Plan for the Media and Freedom of Expression Programme has been approved of.

#### *Human Rights and Peace Building Programme*

In line with NiZA's general mission to strengthen civil society and democratic processes in southern Africa, it supports organisations who monitor the observance of human rights. NiZA's Human Rights and Peace

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<sup>219</sup> Information received from NiZA. PSO is providing subsidy for capacity building programmes of NiZA, while TMF has until now provided subsidy for the organisation as a whole. This implies that the amounts mentioned here as programme budget for the Human Rights & Peace Building Program are derived from PSO and have to be accounted for via PSO.

<sup>220</sup> Sector Plan Human Rights & Peace Building, Par. 2.7.

<sup>221</sup> [www.niza.nl](http://www.niza.nl).

Building Programme focuses in general terms on public information and awareness of human rights among disadvantaged groups, on legal aid and on concrete peace building in cities, villages and neighbourhoods. NiZA cooperates with 24 organisations in Angola, Malawi, Mozambique, Zambia, Zimbabwe and South Africa.

The objectives and activities of the programme are formulated in a so-called Sector Plan Human Rights and Peace Building (Sector Plan HR&PB). In this plan projects and other activities are valued on the basis of their effect to the broader field (sector) of human rights organisations.<sup>222</sup> The mission of the Sector Plan is as follows:

The Sector Plan seeks to contribute to (1) the promotion, delivery and advocacy of access to justice and (2) peace building at community level. The Sector Plan therefore invests in the sustainable capacity of civil society organisations to reach their goals as organisations at an individual, national and regional level. The Sector Plan is based on partnerships with organisations in Southern Africa. The partnerships are characterised by: respect, equality, mutual commitment, transparency and accountability.<sup>223</sup>

The overall objective of the Sector Plan is: “More access to and use of human rights (...) for people in six Southern African countries through the improvement of services delivered by 24 human rights organisations.”<sup>224</sup> The Plan has been approved of in March 2004, for the period 2004-2007. Again, in 2004 about 100 projects of 24 partners were funded, for a total amount of € 887.141.<sup>225</sup>

#### **5.4.1.2 Clusters and partners within the Human Rights & Peace Building Programme**

##### *Introduction*

The partners and NiZA decided to divide the group of partners within the Human Rights & Peace Building Programme in clusters, based on the thematic areas of the Sector Plan HR&PB:

- The theme ‘peace building’ is covered by the cluster of peace building organisations.
- The theme ‘advocating access to justice’ is covered by:
  - The cluster of civic education.
  - The cluster of gender organisations.

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<sup>222</sup> NiZA Annual Report 2004 and [www.niza.nl/humanrights](http://www.niza.nl/humanrights).

<sup>223</sup> Sector Plan HR& PB, Par. 2.1

<sup>224</sup> *Ibidem*, Par. 2.3.

<sup>225</sup> E-mail from NiZA.

- The theme ‘delivering access to justice’ is covered by the cluster of legal assistance organisations.

Though the civic education organisations and the gender organisations offer similar services, their target groups and targets are different. This is the reason why they have been split up into two separate clusters. However, the clusters do not exclude co-operation between partners from different clusters. The rationale behind the clusters is to form an easily accessible group to exchange relevant on-the-job-information and experience.<sup>226</sup>

Each cluster has developed its own 4 year activity plan, including a “Strategy”. The strategy of the cluster on legal assistance, for instance, is composed of the following activities:

- To improve legal advice to disadvantaged communities.
- To strengthen small community-based organisations in order to provide advice to local and other administrative officials (military, police, lawyers, magistrates and judges).
- To develop national lobby strategies.
- To promote dialogue between government and civil society.
- To stimulate contacts between organisations on national, regional and international level.
- To involve citizens in government policy concerning human rights
- To strengthen partner organisations.

#### *Clusters and their 24 partner organisations*

Within the cluster on gender issues, called “Gender and Development”, NiZA works with six partners in four countries: Western Cape Anti-Crime forum (WCACF) and Rural Development Services Network (RDSN) (both in South Africa), Women for Change (WFC) and Non-Governmental Organisations Co-ordinating Committee (NGOCC) (both in Zambia), Rede Mulher (Angola), and Forum Mulher (Mozambique).<sup>227</sup> The gender cluster includes relatively many network organisations, with the exception of WFC and WCACF. These networks unite smaller member organisations and thus have a large constituency, important for the lobby activities of the organisations. In addition, since these networks represent a large number of people and organisations, capacity development at the level of the network also aims at benefiting a large constituency too.<sup>228</sup>

Within the cluster “Legal Assistance”, NiZA works with eight partners in six countries: Lawyers for Human Rights (LHR) and National

<sup>226</sup> Sector plan HR& PB, Par. 2.5.1.

<sup>227</sup> More information on these partners, as well as on the partners to be mentioned below, can be found in the Annex “Information on NiZA’s partners”, added to this part of the report.

<sup>228</sup> Sector Plan HR& PB, Par. 4.7.2.

Community Based Paralegal Association (NCBPA) (both in South Africa), Legal Resources Foundation (LRF) and South African Legal Assistance Network (SALAN) (both in Zambia, the latter temporarily (rotating secretariat)), Legal Resources Foundation (LRF) (Zimbabwe), Maos Livres: Associação dos Juristas e Jornalistas na Defesa e Difusão dos Direitos (Angola), Malawi Center for Advice, Research and Education on Human Rights (CARER) (Malawi), and Liga dos Direitos Humanos (LDH) (Mozambique). The core business of these partners is providing legal aid of all sorts, but they are also active on other issues. Since people have to know where they can obtain legal aid, the partners are involved in education and public relations. All organisations are working with paralegals and most of them provide training of paralegals as well. The partners are also working on registering and documenting relevant cases in order to be able to conduct test case litigation in courts or to inform newspapers about the possible maltreatment of those arrested.<sup>229</sup>

Within the cluster on “Civic and Human Rights Education”, NiZA works with six partners in four countries: Coordinating Body of Refugee Communities (CBRC) (South Africa), National Constitutional Assembly (NCA) and Civic Education Network Trust (CIVNET) (both in Zimbabwe), Center for Human Rights and Rehabilitation (CHRR) and Public Affairs Committee (PAC) (both in Malawi), and Associação de Serviços Comunitários (ASSERCO) (Mozambique). The core business of these partners is strongly focused on human rights education and making people aware of their rights. Their constituency ranges from small and specific to big and all inclusive, for example CBRC being an interest group for refugees in South Africa and NCA being concerned with advocating for a progressive constitution which concerns all citizens.<sup>230</sup>

Within the cluster “Peace Building and Conflict Resolution”, NiZA works with four partners in three countries: Associação Nacional dos Deficientes Angolanos (ANDA) and Projecto de Construção de Paz (PCP/DW) (both in Angola), ProPaz (Mozambique), and Zimbabwe Liberators Platform (ZLP) (Zimbabwe). The organisations support activities directed at the strengthening of civil society initiatives in the field of peace building and conflict transformation at community level. For peace building, NiZA has explicitly decided to focus on the Lusophone countries and to include only one organisation from an Anglo-Saxon country, namely Zimbabwe. The reason for this is that Zimbabwe is in such political turmoil at the moment that organisations there are believed to need support, regardless of whether it meets the criteria established.<sup>231</sup>

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<sup>229</sup> *Ibidem*, Par. 4.7.4.

<sup>230</sup> *Ibidem*, Par. 4.7.3.

<sup>231</sup> *Ibidem*, Par. 4.7.1.

It should be kept in mind that the focus of this research has not been on the impact and effectiveness of the clusters as such. The focus has been on the level of partner organisations and their effectiveness in reaching their target groups at community level.

#### *Partner selection*

The partner organisations for the Sector Plan HR&PB were selected out of a total of more than a hundred organisations that NiZA knew – or knew of – in the six countries in question. They were visited by external consultants and NiZA staff between April and July 2002. The selection was made on the basis of Partner Selection Forms, which contain standardised, detailed descriptions of the organisations and their activities, and on the basis of the partners' confidence in the benefits of the Sector Plan for their organisation. NiZA selected a mixture of community-based organisations (grass root) as well as network organisations that are working for these community-based organisations and are strong in lobbying. According to NiZA, in selecting the partners the most important challenge was the social relevance or legitimacy of the organisations. In making the final decisions NiZA took the following criteria into particular consideration, not in isolation from each other but in “an integrated and balanced way”:

- To involve citizens in government.
- Extent to which the organisation is community-based.
- The organisation's potential for lobby and advocacy.
- The organisation's place and role within wider networks.
- The organisation's degree of financial security and independence.
- The organisation's degree of political independence.
- The organisation's ability for capacity development.<sup>232</sup>

### **5.4.1.3 Tools**

#### *Introduction*

According to the Sector Plan HR&PB NiZA's aim is to strengthen civil society and democratic processes in the southern African region, in order to achieve structural poverty reduction. “Partner in reflection. Partner in capacity building”,<sup>233</sup> is a quotation that might adequately summarise NiZA's basic approach. NiZA seems to have two points of departure to further its objectives: A partner-driven approach and a focus on capacity building. As far as the “partner-driven approach” is concerned, NiZA uses the following criteria/elements: Within all NiZA programmes, the role of

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<sup>232</sup> *Ibidem*, Par. 4.6.

<sup>233</sup> Questionnaire 1, one of the answers to question 14.

the partner organisations is important; NiZA promotes a new form of solidarity that involves close collaboration with southern African partners at the strategy level; it is crucial that *the input* for all NiZA's programme activities comes from the partners in the region; the project support of NiZA is based on local partner initiatives and partners will have co-ownership of the sector plan.<sup>234</sup>

NiZA's partners seem to confirm and appreciate this approach. They mention NiZA's "keenness to listen to local issues", the fact that there is "no dominating party in the partnership", and the fact that "the communication lines are open".<sup>235</sup>

### *Capacity building*

According to the Sector Plan, "capacity building is a way in which African organisations can develop their own Human Capital". In collaboration with the Dutch donor agency PSO,<sup>236</sup> NiZA is able to provide personnel assistance to projects of partner organisations. This aid is aimed at strengthening of the organisation as a whole, instead of training of individual employees.

As a consequence of abovementioned "partner-driven approach" of NiZA, the relationship between NiZA and its partner is as follows: NiZA does not exert control over the type of capacity building the organisation is looking for. The partner develops its own plans and sets its own priorities and NiZA supports them as long as they fit into the mandate of NiZA.<sup>237</sup>

According to the Sector Plan, the Human Rights and Peace Building program "invests in the *sustainable* capacity of its partners by enabling interventions focused at various levels of capacity development (human resource development, organisational development), each level re-enforcing the other level." And "by facilitating national, regional, and cluster meetings, the Sector Plan makes a start with supporting institutional development of the partners". Specific activities at the level of the capacity development of the core business of the partner include:

- Learning about new approaches and methodologies, relevant to the three themes of the Sector Plan.
- Developing manuals and training tools.
- Improving advocacy skills.
- Upgrading materials for advocacy or awareness campaigns.
- Learning how to mobilise and organise stakeholders to support advocacy activities.

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<sup>234</sup> Sector Plan HR& PB, Par. 1.2.

<sup>235</sup> Questionnaire 1, answers to questions 11, 13 and 20.

<sup>236</sup> [www.pso.nl/en/index.asp](http://www.pso.nl/en/index.asp).

<sup>237</sup> Questionnaire 2, one of the answers to question 19.



- Monitoring and documentation techniques (to improve reports on human rights violations).
- Improving research capacity to support advocacy.

Specific activities at the level of the capacity development of the organisational support include:

- Management training.
- Strategic planning.
- Human resource development.
- Communication and writing skills.
- Financial and human resource management.

In the Sector Plan it is added that training activities will take place with individual partners as well as in joint workshops and meetings. All activities and their results are monitored and evaluated following a participative procedure.<sup>238</sup>

During 2003, the first year of the 2003-2006 TMF funding, several partner meetings took place in order “to design concrete joint activities and to guarantee ownership and commitment for the continuation of the Sector Plan”.<sup>239</sup> In subsequent meetings these activities were further elaborated upon into a whole range of concrete activities: *Inter alia*, a training to design advocacy, training needs and capacity assessment; training for trainers on human rights and diversity issues; development of a civic education training manual; training on working with manual, etc.<sup>240</sup> Finally, concrete activities and obligations were defined in MoUs between partners and NiZA. As to these MoUs it is stated by one of NiZA’s partners: “There is mutual control as there is an agreement signed of which both partners have obligations to each other.”<sup>241</sup>

#### **5.4.1.4 Objectives, partners, tools of NiZA’s projects: Some interim conclusions**

The themes of NiZA’s four clusters – “Gender and Development”, “Legal Assistance”, “Civic and Human Rights Education”, and “Peace Building and Conflict Resolution” – are as such already quite broad, but some are stretched even further by some of the partners: One of them said to co-operate with NiZA “mostly because NiZA has exceptionally known that

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<sup>238</sup> Sector Plan HR&CB, Par. 2.4.

<sup>239</sup> Project Description files.

<sup>240</sup> Annex to Partner Consultation Meeting in Cape Town, November 2004.

<sup>241</sup> Questionnaire 1, one of the answers to question 9.

refugees are human beings with skills and able to lobby and advocate for their plights”.<sup>242</sup> Another partner seems to have a rather remote link to NiZA’s core activities: Sanitation services and water and comprehensive rural development,<sup>243</sup> although a link to the right to health, including the right to clean drinking water might be established.

Since all of NiZA’s partners have been selected in accordance to the above-mentioned criteria/elements, it is logical that, at first sight, most partners perfectly fit within the scope of one of NiZA’s clusters. After several years of cooperation it appears, however, that some partners have changed their focus, scope and/or range of activities. Reasons for these changes are manifold, ranging from personal circumstances of the people employed, to donor-related problems, like donor shift and donor-withdrawal. One of the partners explained: “Funding has changed. Donors go to areas like Iraq nowadays. South Africa has a democratic government, and a constitution, so it is considered to be able to take care of its people itself. Following the withdrawal of EU funding in the mid 90s, American donors like the Ford Foundation have also changed their policy in the aftermath of 9/11. They are no longer prepared to fund initiatives that are critical of the government.”<sup>244</sup> The way in which NiZA deals with these kinds of changes and developments will be discussed in more detail in Par. 5.4.2.6.

## **5.4.2 Evaluation of the contents of NiZA’s projects**

### **5.4.2.1 Effectiveness**

#### *Introduction*

As the program ends in 2007, for many of the activities it is still too early to establish final results. The desired final output has been identified in the Sector Plan as:

- Improved training programmes, adjusted to new methodologies and approaches on peace building, civic education on human rights, gender, and legal assistance.
- Improved advocacy capacity and training capacity.
- Improved advocacy and awareness campaigns.
- Improved strategic planning, alliances, documentation, communication and management.

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<sup>242</sup> Questionnaire 1, one of the answers to question 4.

<sup>243</sup> Derived from one of the interviews held in Southern Africa.

<sup>244</sup> *Ibidem.*

According to the Sector Plan, NiZA and its partners are convinced that the activities within the Human Rights and Peace Building program will lead “to the improvement of services delivered by the human rights and peace building partner organisations. This means that the partners are able *to get the message across*, better than before, in civic education as well as in lobby and advocacy. In an ideal situation the Sector Plan activities will help to create an environment which enables justice and democratisation”.<sup>245</sup>

#### *Capacity building*

The extent to which NiZA’s activities really result in “getting the message across, better than before” can not be assessed easily. Results achieved by the partners in the field of education and lobbying/advocacy cannot be linked ‘automatically’ to activities undertaken by NiZA. We will come back to that issue in a more general sense in Chapter 6. In the present case, some of the partners claim that NiZA’s support “increases skills” and “the level of knowledge” of the people working in the partners’ organisation, while others state that “Niza empowers our organisations to fulfil its mission to lobby and advocate for (...)”.<sup>246</sup>

As to the partner-organisation level, the direct results of capacity building activities are much clearer, because most capacity building activities are directed at strengthening the capacity of the organisation itself. For instance, the internal effectiveness of one partner organisation increased “because NIZA contributed to the development of their Monitoring an Evaluation system”.<sup>247</sup>

NiZA describes the (desired) result of its activities at partner-organisation level as follows: “The fundraising training aimed at enhancing their funding position, the media training aimed at improving their newsletter in order to better promote their organisation and the services they provide. The paralegal training aimed at improving their legal services and the strategic planning meeting aimed at helping them to define the way forward.”<sup>248</sup> And: “The strategic planning process has given them the chance to rethink about how effective their activities, projects and programs were in relation to their mission and vision.”<sup>249</sup> However, not all partners, especially those with financial problems, seem to see the effectiveness of NiZA’s capacity building approach: “Funds for capacity building assume that there is capacity to build.”<sup>250</sup> Some complain of NiZA’s “small funding” and of the “handicapped money” from NiZA (*i.e.*, “money which

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<sup>245</sup> Sector Plan HR&PB, Par. 2.3.3.

<sup>246</sup> Questionnaire 1, answers to question 8.

<sup>247</sup> Questionnaire 1, answer to question 19.

<sup>248</sup> *Ibidem.*

<sup>249</sup> *Ibidem.*

<sup>250</sup> Derived from one of the interviews held in Southern Africa.

cannot be used for substantive work, only for capacity building”).<sup>251</sup> Another organisation states that the resources are too limited to pay, *e.g.*, salaries: “You first need staff, only then can you engage in networking and capacity building. In the absence of funding for the substantive work, money offered through NiZA becomes window dressing, public relations, but cannot have any impact.”<sup>252</sup> The context of these remarks is important: This what not framed as criticism on NiZA, but rather on the donor community or the TMF conditionality imposed on NiZA. We will come back to that more in general in Chapter 6.

It can be concluded that NiZA, with its focus on, *inter alia*, capacity building in the field of legal aid, seems to fill an important ‘niche’ in the field of development aid.<sup>253</sup> Most of its partners appreciate this aspect in their co-operation with NiZA. The effectiveness of NiZA’s activities will for sure be visible at the level of the partner-organisations as such, despite some negative remarks, made by some of the partners, but basically often not addressed to NiZA at all. Whether this internal capacity building will be ‘translated’ effectively into “getting the message across”, be it in the field of civic education or lobbying/advocacy, or, even further, whether it will be helpful to “create an environment which enables justice and democratisation” is to be hoped for. However, apart from the fact that such results can not at all be measured easily (see Chapter 6), it is too early to make a final assessment: The program has still almost two years to go (until the end of 2007).

#### 5.4.2.2 Effects of cooperation with NiZA

This paragraph discusses the effect of cooperation with NiZA on 1) the internal organisation of the partners; 2) their network; and 3) the number and quality of other project related activities.

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<sup>251</sup> *Ibidem* and questionnaire 1, answers to questions 12 and 51. NiZA has been bound by the definitions and frameworks of what PSO defined as ‘capacity building’ and this contributed partly to not being able to fund all partners’ wished for capacity enhancement. For example, what has been identified in this study as a success of NiZA’s Human Rights work, namely training and capacitating of ‘human rights vehicles’, being either volunteers, paralegals, women, or chiefs, was originally in 2003 rejected by PSO as capacity building since they defined this strategy as supporting the core business of the organisation and thus not as capacity building (mail from NiZA).

<sup>252</sup> Derived from one of the interviews held in Southern Africa.

<sup>253</sup> Questionnaire 1, one of the answers to question 4.

*Effects of cooperation on the internal organisation of the partners*

The effect of NiZA's capacity building activities on the internal organisation of the partners institutions seems evident. An example of such a clear effect is the partner who says that "the lack of professional financial management in the past affected substantive work; project leaders had for example no clue of the money still available for their projects. Now, monthly financial statements can be given to project leaders, thanks to the capacity building activities. In the absence of good financial management, the sustainability of the organisation is threatened".<sup>254</sup>

As mentioned, NiZA seems to fill a 'niche' with its focus on capacity building and, therefore seems to be an valuable partner to many partner organisations.<sup>255</sup> Some of them, though, would have liked to see a broader effect of the cooperation: "The cooperation has helped building capacity on existing work. Work we do has been improved (...) but the cooperation/resources have no added value to building other activities."<sup>256</sup> The importance of capacity building is recognised by most local partners as being very relevant and useful. However, sometimes also the need is felt to go beyond capacity-building. In particular for relatively informal organisations which do not have a multiplicity of donors, funding for their substantial work is lacking. NiZA can hardly be blamed for this, however.

*Effects of cooperation with NiZA on networks*

As follows from the Sector Plan, as far as networks are concerned, "NiZA intends to make use of existing networks, resources and initiatives. This coincides with the role NiZA sees for itself in the sector, namely as broker of information and facilitator of linkages, not just between partners and via exchanges, but also by monitoring the field and linking existing expertise to the needs of our partners".<sup>257</sup>

Some of NiZA's partner organisations are networks in themselves, uniting smaller Community Based Organisations (CBOs) to be able to represent a large constituency and defend their rights (*e.g.*, Forum Mulher, Rede Mulher). Some of NiZA's partner organisations are members of national networks (*e.g.*, OASIS Platform<sup>258</sup> in Zambia and the Crisis in Zimbabwe Coalition<sup>259</sup>) and/or regional networks (*e.g.*, Southern African

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<sup>254</sup> Derived from one of the interviews held in Southern Africa.

<sup>255</sup> *Ibidem* and questionnaire 1, one of the answers to question 4.

<sup>256</sup> Derived from one of the interviews held in Southern Africa.

<sup>257</sup> Sector Plan HR& PB, Par. 3.6.6.

<sup>258</sup> Oasis Forum is a coalition of Zambian nongovernmental organisations and church groups.

No website seems to exist.

<sup>259</sup> [www.crisis.org.zw/programmes](http://www.crisis.org.zw/programmes).

Legal Assistance Network (SALAN)). The effect of cooperation with NiZA on these networks seems to be considerable. For instance, according to NiZA, in the case of one of the networks, by becoming partner of NiZA “the network could expand its contacts and become part of a group of organisations; it implied: ‘Opening up’, ‘engaging in lobby and advocacy (new focus) and is becoming more visible’; liaising ‘with this donor in order to develop an approach that will reinforce and empower the network’; completion of ‘a strategic planning process’, ‘development of projects related to area’s of work members are involved in’, ‘other donors showing interest in funding them’, and ‘engagement with the outside world has been taken up’”.<sup>260</sup> The partner in question puts this effect more shortly as: “Through NiZA’s support, we were able to expand.”<sup>261</sup>

In general, cooperation with NiZA seems to have a positive effect on the development and strengthening of, especially, regional networks.<sup>262</sup> As one of the partners said: “Not much regional networking was happening before. Thanks to NiZA, a regional expansion of the networking effort has taken place.”<sup>263</sup> However, it was also noted by some partners that they would like to ‘synergise’ more with (the networks of) partners in other clusters: “There is very little cooperation between the different clusters, although [the partners] could benefit a lot from the access to justice or paralegals cluster, e.g.”<sup>264</sup> NiZA is aware of that wish and is working on it.<sup>265</sup>

Clusters substantially differ in the number and accessibility of network initiatives. As already admitted in the Sector Plan: “On basis of the existing networks, it becomes evident that the degree of organisation in networks is more present in the Anglo-Saxon countries of the region and that links with the Lusophone countries are hardly there.”<sup>266</sup> NGOCC, for instance, is an organisation within the cluster “Gender Cluster and Development”, where the effect of cooperation with NiZA on its network was very positive: “The NGOCC network has increased considerably during the last 2-5 years. The organisation has achieved an advisory position in national politics, law enforcement and the NGO field. NiZA’s role in this development was important: The contacts with LRF and WFC and with other international NGOs and with OASIS were established through the contact with NiZA.”<sup>267</sup> At present, NGOCC describes its role within its

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<sup>260</sup> Questionnaire 2, one of the answers to question 36.

<sup>261</sup> Questionnaire 1, answer to question 35.

<sup>262</sup> *Ibidem*.

<sup>263</sup> Derived from one of the interviews held in Southern Africa.

<sup>264</sup> *Ibidem* and questionnaire 1, one of the answers to question 12.

<sup>265</sup> Mail from NiZA.

<sup>266</sup> Sector Plan HR& PB, Par. 3.6.6.

<sup>267</sup> Derived from one of the interviews held in Southern Africa.

network as follows: “This role is monumental as a coordinating body as aspects of maximum resource utilization and avoiding duplication of work are taken into consideration.”<sup>268</sup>

According to the Sector Plan, “the only effectively functioning and regionally operating network within the paralegal sector at this moment is the Southern African Legal Assistance Network (SALAN), which was included as a partner ‘to further strengthen their regional efforts’”<sup>269</sup> Indeed, according to SALAN’s mission statement, it aims to “strengthen individual members in their national arenas and to increase the network’s capacity to contribute to regional issues towards development of a culture of respect for human rights and the rule of law”. According to SALAN’s Strategic Mission Report and Document, its objectives, are: To address public interest issues through legal means; to promote and protect human rights; to advocate for law reform and policy change; to facilitate information sharing; to facilitate capacity building within the network; to foster collaboration on projects. With regard to its activities, the following areas were prioritised as being central to the work of the members though – strangely enough – not necessarily to the activities of the network itself: Paralegal training; advocacy; rights education; test case litigation.

This information raises the following questions: What kind of activities does SALAN itself undertake, in addition to the activities of the member organisations? And, subsequently: What is the direct meaning of these activities for human rights protection? An answer to the first question follows, more or less, from SALAN’s Strategic Document: “Members meet twice a year: In May in one of the member countries, and in November in Johannesburg. Our meetings are structured to ensure an exchange of information through the submission of up-to-date country reports, and to expand our knowledge through input from various specialists within specific themes. November meetings also review progress on projects and other initiatives during the current year and do forward planning for the coming year.”<sup>270</sup> Besides, these activities are done “through the employment of a full-time coordinator and includes the arranging of meetings, the production of reports and meeting budgets. Through the Coordinator, the Secretariat provides leadership to the network, facilitates analysis of information sharing and consults with members regarding the meeting agenda, and facilitates the sharing of information, the production of articles for both the newsletter and website”.<sup>271</sup>

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<sup>268</sup> Questionnaire 1, answer to question 34.

<sup>269</sup> Sector Plan HR&PB, Par. 3.6.6.

<sup>270</sup> MoU between NiZA and SALAN.

<sup>271</sup> *Ibidem*.

As far as the second question is concerned – the direct meaning of these activities for the protection of human rights – the answer cannot be found in the documents concerning SALAN. In general, NiZA thinks networks “can prove to be important sources of information and expertise for the partners”.<sup>272</sup> According to many of NiZA’s partners, the added value of networks, lays in the “exchange of experience and/or information”.<sup>273</sup> And: “The NiZA network is very useful: They get training and the possibility to exchange experiences in this regional network.”<sup>274</sup> However, when asked what the importance is of networking for the organisations, some partners admit that informal networking with local organisations is important, and that regional networking seems to be less so.<sup>275</sup> Nevertheless, it can be concluded that, especially, the supporting and sponsoring of regional networks is considered by its partners as one of NiZA’s most important achievements. Through these networks, “NiZA gives us an international touch: Window of international experience”.<sup>276</sup> Undoubtedly, a glance through this ‘window’, once in a while, must be heart warming for all people involved in human rights work at national and grass root level. However, a danger also lies in keeping people staring out of these – sometimes expensive – windows. In other words, as one of the partners pointed out: “There is one danger with networks, *i.e.*, they tend to become organisations themselves.”<sup>277</sup>

However, according to NiZA, the clusters have not been institutionalised as such. They remain fora of exchange based on agreed action plans with specific targets. The intention is that partners cooperate to be able to strengthen each other’s work, learn from each other’s mistakes and to be able to stand stronger in the much wished for changes in society. For example, instead of developing new civic education material for six different organisations, one manual was developed in a joined process and people received training in the new material and techniques on a centralised, regional level. This enabled them, still according to NiZA, to maximise learning and help them in supporting the training at a national level. Similar trajectories have been developed for enabling the women’s organisation in the ‘Gender cluster’ to be able to define a lobby agenda for the international Beijing plus 10 process in regional meetings and voice the statements and experiences of the sub-region more strongly. Translating this international process back into their own national context was done by developing specific lobby trajectory towards government, putting pressure on them to

<sup>272</sup> Sector Plan HR& PB, Par. 3.6.6.

<sup>273</sup> Derived from one of the interviews held in Southern Africa.

<sup>274</sup> *Ibidem.*

<sup>275</sup> Questionnaire 1, answer to questions 12.

<sup>276</sup> Derived from one of the interviews held in Southern Africa.

<sup>277</sup> *Ibidem.*



translate what they had committed themselves to in the international arena in national policies and laws. Also they took up the responsibility to provide information to local women's groups about the international campaigns, like violence against women and women in decision making positions.<sup>278</sup>

*Effects of cooperation with NiZA on other project related activities*

As established under 'effectiveness', NiZA's capacity building activities concentrate mainly on strengthening its partner organisations and their networks. These activities have only an indirect effect (thus, through its partner organisations) on the grass root level, *i.e.*, on the level where human rights issues arise.

The effect of the activities of NiZA's partners on human rights practices depends to a large extent on the 'vehicle' used to deliver their human rights message at grassroots level. Such vehicles might be churches, chiefs, paralegals, volunteers, and local women's groups.

Some of the organisations see *churches* as, as one of them states, "channels to reach out to the people".<sup>279</sup> As to the *chiefs*, it is clear that most of NiZA's partners have to deal in one way or another with the position the chiefs occupy in society, as well as with traditional practices, morals, law and gender issues. Some partners simply cooperate with the chiefs ("Chiefs can support us on the ground"), provide them with extra information and training ("Trained chiefs are more apt to cooperate and implement human rights"), and, subsequently, entrust their human right message to the chief. Others try to 'bribe' the chiefs with a gift. This, however, has the effect of "spoiled chiefs and NGOs defeating themselves", and the human rights messages might get lost in this struggle.<sup>280</sup>

Six of NiZA's partners work with *paralegals*, amongst other things because of the lack of lawyers and/or the high tariffs they are using. Most paralegals offer legal advice to those who cannot afford to pay exorbitant fees charged by lawyers and advocates. This though leads to rivalry between lawyers, magistrates, on the one hand, and among paralegals, on the other hand. NiZA's partners are advocating for admission of paralegals in courts, for recognition of their role in informing persons/communities on their rights, and in functioning as the first entry into legal, human rights related issues. It has been argued that they help with the improvement of the delivery of justice by giving legal assistance to the poor.<sup>281</sup>

Many of NiZA's partners work – temporarily, for instance during elections – with *volunteers*. Their recruitment takes place through paralegals

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<sup>278</sup> Mail from NiZA.

<sup>279</sup> Derived from one of the interviews held in Southern Africa.

<sup>280</sup> *Ibidem*.

<sup>281</sup> *Ibidem*.

and/or chiefs, followed by informal interviews. They need to be literate (and are often retired teachers). They are often considered as leaders by their own communities. They get no financial incentive. Extra training gives them more knowledge. Their task is advocacy and civic education, more concretely: Mediation with the chiefs; solving straight forward cases; guiding the chiefs in giving judgments. Cases of conflict between customary law and internationally recognised human rights, including women's rights, occur, for instance in cases concerning inheritance law. Conflicts between chiefs and volunteers are sometimes dealt with by paralegals.<sup>282</sup>

Women's organisations, finally, often closely cooperate with informal local women's groups, focussing on women as "entry points for the communities".<sup>283</sup> Through "awareness raising" and "sensitising campaigns" those grassroots organisations of women try to change traditional practices which conflict with internationally recognised human rights of women, improve the social/health/economic situation of women and convince men (and women) that "leadership is not only meant for men".<sup>284</sup>

The effects of NiZA's activities on human rights are strongly determined by the quality and effectiveness of the instruments or 'vehicles' used by its partners for their activities in the field: "Advocacy, awareness raising, sensitising of men, women, children, chiefs, etc."<sup>285</sup> In fact, most of NiZA's capacity building activities directed at the core business of the partner directly aim at strengthening those 'vehicles': Through facilitation of paralegal training and manuals, trainings of trainers and of chiefs, monitoring and documentation techniques etc. This is as close as NiZA can get to a direct effect on human rights.

In relation to the cluster "Gender and Development", an impressive output in the field of gender issues with regard to research, discussions, policy influencing and lobbying, law reform, and networking has been realised. The problems this cluster is facing, are related to the gender mainstreaming policy, as introduced by UN agencies and adopted by many others. For Southern African organisations this meant: No funds any more for the very valid and good work done by women desks.

#### **5.4.2.3 Side-effects of cooperation with NiZA (wanted or unwanted)**

Side-effects of cooperation with NiZA can be found in the ways NiZA is perceived by its partners and the way their relationship develops. Many

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<sup>282</sup> Derived from three of the interviews held in Southern Africa.

<sup>283</sup> Derived from one of the interviews held in Southern Africa.

<sup>284</sup> *Ibidem.*

<sup>285</sup> *Ibidem.*

partners seem to have “a personal relationship”<sup>286</sup> with NiZA. This often results in a “sense of security with NiZA”,<sup>287</sup> and enables cooperation with its partners based on a “level of trust”.<sup>288</sup> Most partners have very frequent (some even daily) contact with NiZA, mainly by e-mail and telephone. NiZA visits its partners, once or twice a year. “This is most workable, sitting together really sometimes in the year. (...) For a common understanding this is absolutely helpful, as both are willing to do something more than only that what your contracts reflect”<sup>289</sup>.

NiZA is sometimes also seen as “a political ally”.<sup>290</sup> This is a ‘picture’ of NiZA, existing especially in South-Africa, where the history of cooperation goes back to pre-NiZA days and to the activities of the anti-apartheid movement. Before the fall of apartheid in 1994, NiZA’s fore-runners were extremely powerful lobbyists with governments and international bodies. What makes NiZA special in the eyes of some of its partners is that it is not purely a funding organisation. It facilitates networking, but it also has a clear political focus in its work. It plays “an activist role, and does not regard itself as a donor”.<sup>291</sup>

Other side-effects are, that regional networking has created the problem of increasing operational costs, and puts even more pressure on the volunteer work some partners are based upon. Therefore, the need is felt to go beyond capacity-building. The existing partnership is rigid however, and does not allow to go beyond capacity-building.<sup>292</sup>

#### 5.4.2.4 Efficiency

##### *Input of funding*

Strengthening of human rights organisations as such is the main focus of NiZA’s cooperation with its partners. Unlike other donors, NiZA does not give funding to specific human rights projects. This is a reason for several partners to criticise the funding levels and funding restrictions as set by NiZA: “It is weak that financial amounts are dictated.”<sup>293</sup> Others are satisfied with the fact that “NiZA gives funding to buy equipment”<sup>294</sup> or

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<sup>286</sup> Derived from one of the interviews held in Southern Africa.

<sup>287</sup> *Ibidem.*

<sup>288</sup> *Ibidem.*

<sup>289</sup> Questionnaire 1, one of the answers to question 27.

<sup>290</sup> Derived from one of the interviews held in Southern Africa.

<sup>291</sup> *Ibidem.*

<sup>292</sup> Derived from one of the interviews held in Southern Africa.

<sup>293</sup> Questionnaire 1, answers to questions 9 and 12.

<sup>294</sup> Questionnaire 1, answer to question 8.

with the second hand laptops they received.<sup>295</sup> Another organisation calls the NiZA money “handicapped, because this money cannot be used for substantial work” (see before), but admits that “the NiZA money is nevertheless important”.<sup>296</sup> One partner has put it this way: “Even with little money you can learn how to raise funds.”<sup>297</sup>

Whether satisfied or not with the amount of money they receive, many partners complained about the demand for original receipts in financial accounting. This requirement is sometimes difficult to fulfil. They would prefer to submit monthly financial reports or audit reports instead.<sup>298</sup> NiZA is aware of this issue, basically shares the views of the local partners and is working on getting the system changed.<sup>299</sup>

#### *Input of activities*

NiZA’s input consists, generally speaking, of well-placed and partner-driven investments in capacity building activities, trust and networking. With its focus on capacity building NiZA seems to generate, with a relatively small input – small at least compared to the input of other donors – a serious output with regard to the improvement and strengthening of the internal organisation of the partners. Besides, by increasing the efficiency of its partners, for instance by contributing to the development of their monitoring and evaluation system, in management and staff performance,<sup>300</sup> NiZA – indirectly – increases its own efficiency.

The input of ‘trust’ has been very efficient as it enhances co-operation and communication. NiZA is a (political) partner rather than a donor; there is real involvement. This is probably only possible because of the financial limitations – for many organisations NiZA is not important because of money, but because of partnership –, and in light of NiZA’s background of an anti-apartheid solidarity organisation.

NiZA’s success in establishing regional networks has resulted in many new contacts, experiences and information exchange. In relation to the cluster “Gender and Development” one of the partners observed: “They know how to find each other and reinforce their statements in the gender cluster. [Our organisation] is getting more efficient in time and as such (...) also cheaper.”<sup>301</sup>

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<sup>295</sup> Derived from one of the interviews held in Southern Africa.

<sup>296</sup> *Ibidem.*

<sup>297</sup> *Ibidem.*

<sup>298</sup> Questionnaire 1, one of the answers to question 12.

<sup>299</sup> The accounting system of PSO has obliged NiZA for years to work with original receipts. Only now, after years of negotiation, PSO has agreed to start working with accountants reports (mail from NiZA).

<sup>300</sup> Questionnaire 1, one of the answers to question 19.

<sup>301</sup> Questionnaire 1, answer to question 19.

#### **5.4.2.5 Relevance of NiZA's projects for the local context**

NiZA's point of departure is a partner-driven approach. Issues and ideas for activities and improvements are in the first place signalled by its partners. This partner-driven approach considerably reduces the risk of initiating and funding activities (which turn out to be) irrelevant for the local context. Nevertheless, even with a partner driven approach, this 'local context' might be far away, for instance, in the case of (international or regional) networks like SALAN (see also under: Effects of cooperation with NiZA on networks).

As described, NiZA expects networks to be important sources of information and expertise for the partners. And many of NiZA's partners confirm this added value of networks. However, when asked what the importance of networking is for the organisations themselves, some partners admit that "informal networking with local organisations is important, regional networking seems to be less". Undoubtedly, international networking is very interesting and exciting for the participants, but not all partners seem convinced of its added value over local networking.

The human rights issues addressed by some of NiZA's partners are, among others: Gender based and domestic violence; child abuse; gender issues; HIV/AIDS; police brutality; freedom of expression. NiZA's partners address these issues by means of, or with the support of, several instruments/'vehicles', as mentioned above. As stated, NiZA's greatest relevance for the local context might lay in its support for the strengthening of those 'vehicles' and the organisations directly linked with them.

#### **5.4.2.6 NiZA and its partners: Learning organisations?**

A core question in the context of the learning capacity of NiZA is: To what extent are NiZA and its partners learning organisations? To what extent are these organisations part of a mutual process of listening to, reflecting and (re)acting upon, signals, comments and problems? And what instruments are developed and used to guarantee transparent feedback cycles to be learned from?

*NiZA's internal monitoring and evaluation system: The theory*

The theory of NiZA's internal monitoring and evaluation system is described in the NiZA Planning, Monitoring and Reporting Mechanism (of August 2005), and, more specifically with regard to the HR&PB

programme, in its Sector Plan.<sup>302</sup> At this point, we would only like to highlight the core elements: “The Sector Plan requires an extensive monitoring and evaluation system which does not just focus on the output of single interventions, but also on the additional value of the single interventions for the sector as a whole (outcome).” And “by entering into long-term agreements with partners, NiZA and PSO are making a start with developing a monitoring system which is not focused on reporting to the back donor only (upward accountability), but also provides the partner with the possibility to monitor its own learning process. This approach contributes to the sustainability of the partner relationships as well as making the invested capacity more appropriate and sustainable for the partners.”

NiZA makes a clear distinction between ‘monitoring’ and ‘evaluation’. Monitoring is the task of “following closely the processes and projects of the partners (financed by NiZA)”. The result of this monitoring is presented in a yearly report from NiZA to PSO. The monitoring process has a cycle of one year. NiZA asks partner organisations to write annual comprehensive reports on the activities that have been undertaken in the context of the Sector Plan. Information on the output of the activities and an assessment of the outcome at the level of the partner organisation is expected to be included. The format for these reports also contains a more factual part and a more comprehensive narrative section. A financial report is to be included. NiZA uses the annual reports as a basis for interaction with the partners, and the former activity plans as a basis for new activity plans for the next year. The programme officer reflects on the activities undertaken and gives feedback to the partner on issues raised in the report.

NiZA programme officers pay annual visits to the partners. A list of monitoring topics to assess the outcome of the interventions provides the basis for discussions. Visits do incorporate an assessment of the context in which partner organisation perform their activities. The contacts with the partners provide an opportunity to reflect on the relationship: Are the parties involved still on the right track and fulfilling the expectations of the partnership? NiZA is experimenting with the appropriate way to organise feedback, either through a partner advisory board, or a referral committee – which is open to more organisations than just partners – or both. To ensure a two-way flow of information, NiZA provides its partners with a quarterly update news letter concerning general developments of the Sector Plan and the region.

Evaluation, on the other hand, is seen by NiZA as “a process where, at regular intervals, partners and NiZA (possibly with beneficiaries of

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<sup>302</sup> NiZA Planning, monitoring and reporting mechanism, August 2005 and Sector Plan HR & PB, Par. 6, Part D.

partners and PSO representatives) review the progress of the Sector Plan and learn from existing co-operation, allowing for adjustments of the terms of co-operation, with a long-term perspective in mind”. Amongst the tools, one can find biannual partner consultations: These consultations can be “opportunities to reflect on the outcome and the existing working relationship as defined by NiZA and its partners in the Sector Plan”. And: “Involving the partners in the evaluation process provides an opportunity to maximise the ownership and the effectiveness of the capacity development efforts.”

Finally it should be mentioned that NiZA is developing mechanisms to create institutional memory, in order to “make sure that lessons learned from the past will be taken into account in the future. Developing effective management and administration systems for the Sector Plan HR&PB is crucial in building a solid foundation, while at the same time being a learning organisation”.

*NiZA’s internal monitoring and evaluation system: The practice*

In general, the NiZA-Partners relationship with regard to monitoring and evaluation seems to work as follows, at least as described by one partner: “NiZA requires you to review next years’ activities. After agreement, sign a contract and funds are provided. The next is you should submit a narrative and financial report.”<sup>303</sup>

As far as the amount of control exerted by NiZA is concerned, most partners confirm that NiZA, in line with its partner-driven approach, is very “open” and “does not control what we do but monitors and provides required support for implementation”.<sup>304</sup> NiZA’s means to urge its partners to perform better are also in line with its open and equal attitude: It addresses problems in an critical dialogue and sometimes during cluster meetings.<sup>305</sup> NiZA usually checks whether partners actually do what they say they do by visiting their offices, (and the offices of the paralegals), through discussions with staff and by reading reports.<sup>306</sup> We “Visit, speak with several staff members. Talk with other (...) organisations (...). We speak with other Dutch organisations and the Embassy. We reflect with consultants. We are listening carefully when the cluster members are together, combine information and compare budgets/costs. But in general I think we have built quite some trust for openness. I try to reflect on questions and answers.”<sup>307</sup>

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<sup>303</sup> Questionnaire 1, answer to question 9.

<sup>304</sup> *Ibidem*.

<sup>305</sup> Questionnaire 1, answers to question 24.

<sup>306</sup> Questionnaire 2, answer to question 27.

<sup>307</sup> Questionnaire 2, answer to question 28.

Partners submit a narrative and financial report to NiZA, but it is unclear whether accountancy reports are required as well: Nine (out of fifteen) partners claim that NiZA asks for accountancy reports. According to NiZA, only in three cases it has asked for such report.<sup>308</sup> Fifty percent of the partners provide the required information in time.<sup>309</sup> The others have several reasons for their delays: They are overloaded with work or complain that there is no central contact point.<sup>310</sup>

In general, both sides describe their communication very positively. “Promptness in responding to communication” and “interest to visit and meet partners” are appreciated by most partners.<sup>311</sup> Sometimes, the communication with some partners is hampered by technical problems: Failing international telephone lines and bad internet connections. In such cases NiZA invokes the assistance of the Regional Resource Person, who is based in South Africa, and who works with the Legal Assistance cluster members on daily matters, supports them, advises them and helps building specific capacities.

NiZA’s general policy with regard to feedback is as follows: “During the planning phase, at the beginning of the programme and at the beginning of a year we jointly define objectives and activities. After we receive narrative and financial reports on the activities implemented, we sometimes give written feedback and we always give oral feedback during partner visits (at least once a year).”<sup>312</sup> Most partners (twelve out of fifteen)<sup>313</sup> say that they receive feedback from NiZA and that this feedback is “positive”, sometimes too positive: “So hardly any new arrangements come out of it.”<sup>314</sup>

In general, the partners are more positive about their relation with NiZA than the other way round. Their main problems concern the level of funding, and the original receipts and the ‘external consultant’. Notwithstanding very positive reactions of its partners at this point, NiZA’s main concern remains: Improving communication.

### *Case*

The issue of “internal and external consultants” is an example where NiZA’s monitoring tool “contact with the partner” seems to have worked and where both partners seem to have learned from their experiences.

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<sup>308</sup> Questionnaire 2, answers to question 25.

<sup>309</sup> Questionnaire 2, answers to question 27

<sup>310</sup> Questionnaire 1, answer to question 17.

<sup>311</sup> Questionnaire 1, answer to question 11.

<sup>312</sup> Questionnaire 2, answer to question 29.

<sup>313</sup> Questionnaire 1, answers to question 18.

<sup>314</sup> Derived from one of the interviews held in Southern Africa.



Initially, NiZA used to hire for some of its capacity building activities (trainings) external consultants. However, one partner declared that, “expenditure on external consultants has little value” as “little comes from this kind of training”.<sup>315</sup> Subsequently, after consultation with NiZA, a new capacity building activity was decided upon: To build up internal expertise in financial matters. For this training external persons were hired, however, this time “the own external auditors and accountant” of the partner in question. Other partners also noticed this change: “During the first 2 years, NiZA brought in external experts .This changed last year. We now receive funds, and hire local experts ourselves. NiZA requires the CV of the expert you wish to engage with their funding and requires a report thereafter.”<sup>316</sup>

#### *NiZA’s partners’ monitoring and evaluation systems*

What does NiZA know about monitoring and evaluation processes of its partners?<sup>317</sup> In many cases NiZA is positive about the M&E systems of its partners: “The people working at the head office are very professional, especially in the area of lobby and advocacy. Those activities are well monitored and evaluated.” “The secretariat is well trained by several donors in relation to M&E and their programs/projects and activities”. “They have a very developed M&E system, including a planning system, a reporting system and an internal learning system.”<sup>318</sup>

In the case of six partners NiZA assisted in the development of M&E systems, or the partners participated in NiZA’s M&E processes. Those partners are all among the group of partners with ‘good’ M&E systems.<sup>319</sup>

In five cases NiZA is negative about the M&E processes of its partners.<sup>320</sup> Subsequently, NiZA mentions different reasons and explanations for such ‘weak’ M&E behaviour: “They have good intentions, but they cannot implement them.” “It isn’t their first priority. They are a volunteers organisation working without salaries.” “SA is a vast country, meaning that it is difficult to monitor the work of the advice offices.” “Being an association, the structure is complex, as well as the division of roles and responsibilities.” “There is not enough money to pay for the fuel and transport.” “They were participating in NiZA’s M&E processes. Unfortunately the officer mostly involved died soon afterwards. This makes clear how important it is to train/have involved several officers of one

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<sup>315</sup> Questionnaire 1, answer to question 12.

<sup>316</sup> Derived from one of the interviews held in Southern Africa, and questionnaire 1, answer to question 9.

<sup>317</sup> Questionnaire 2, answers to question 9.

<sup>318</sup> *Ibidem*

<sup>319</sup> *Ibidem*

<sup>320</sup> *Ibidem*

organisation.”<sup>321</sup> Especially in the provinces the organisation of a good functioning M&E system seems problematic, “due to lack of funds for travel and lack of time of the three core staff.”<sup>322</sup>

As far as their M&E systems are concerned, NiZA’s partners provide the following information: All (fifteen) partners say their goals are written down and are communicated to the personnel.<sup>323</sup> Fifty percent of the partners says to have a quality assurance system in a written document.<sup>324</sup> Most partners monitor the progress and success of their activities through annual reports and/or auditing reports. Further, most partners mention one of the other possibilities: Own registration systems, research by others; own research; feedback by partners; evaluation systems in funding contracts; activity reports and mid-term report.<sup>325</sup>

Eight organisations say that they acquire information on performance and results; subsequently, they distribute this information; they interpret this information; and, finally, they formulate joint action plans. Three partners only acquire information but do not continue with the cycle. One partner does not distribute information but, strangely enough, fulfils the other parts of the cycle. One partner only distributes the information but does not continue with the other parts. One partner does nothing.<sup>326</sup>

Summarising, it can be stated with regard to NiZA’s partners’ monitoring and evaluation systems that most of NiZA’s partners appear to have a (certain form of) monitoring and internal evaluation systems. One partner who lacks such system said that “only financial issues are closely followed up upon. The director has regular meetings with project leaders to verify whether contractual obligations with donors are being met”. Subsequently, it was explained, mostly “evaluation and monitoring is done after a project is finished, because of external donors or clients. Internal monitoring is only being done through the meetings with project leaders”.<sup>327</sup> Some partners “live from year to year, based on funding. Most important is whether a project coordinator is able to raise funding. In most contracts, the activities are well-defined, and supervision as to whether the project is being implemented is rather easy”.<sup>328</sup>

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<sup>321</sup> *Ibidem*

<sup>322</sup> *Ibidem*

<sup>323</sup> Questionnaire 1, answers to questions 28 and 29.

<sup>324</sup> Questionnaire 1, answers to question 40.

<sup>325</sup> Questionnaire 1, answers to question 43.

<sup>326</sup> Questionnaire 1, answer to question 41.

<sup>327</sup> Derived from one of the interviews held in Southern Africa.

<sup>328</sup> Derived from one the interviews held in Southern Africa.

Volunteer-based organisations in particular seem to have rudimentary organisational processes. NiZA gives several explanations for such “not very elaborated” M&E processes.<sup>329</sup> Some organisations with such informal and rudimentary procedures receive, with the support of NiZA, “M&E trainings enabling them to develop human resources, to draft terms of reference, to discuss the kind of structures needed, etc.”<sup>330</sup> Most of these trainings seem to be successful. One partner said to have “a rather superficial M&E system”: Its M&E system consists of reporting forms to be filled out by volunteers and, once in a while, someone visiting the volunteers”. However, this partner says it wants “to improve its M&E system”.<sup>331</sup> Strangely enough, NiZA claimed this partner “already had a well-developed M&E system consisting of reporting procedures (internal and external) and reflective workshops”. Besides, they had their programmes evaluated by external consultants. But above all, “recently they updated their M&E system with NiZA’s assistance”.<sup>332</sup>

### *Conclusion*

Is NiZA a learning organisation? NiZA’s core-attitude of being ‘partner-driven’ has been reflected in its M&E system. NiZA’s M&E system contains all ingredients to make it a ‘learning organisation’. Especially its (sometimes daily) contacts with its partners, its trust-building, its visits to its partners in order to “sit together” and yearly partner consultations appear to be fruitful and make NiZA a very open and accessible organisations for its partners. In such an environment, problems have a great chance to be solved “promptly” and in a flexible way. The abovementioned case on consultants illustrates a (small) learning process resulting from this “sitting together and partner consultation/communication” process. The results of this process have subsequently been implemented on a larger scale. The system has changed: Partners appoint their trainers and NiZA gives the funding (after a small CV check). A similar example can be given for fundraising. Several partners have raised the issue of lack of funding from NiZA for substantive work. The reaction of NiZA was to become the middleman for funding, offering capacity building in field of fundraising.

The M&E systems of NiZA’s partners do exist, though sometimes in a very rudimentary form, due to difficult personal, funding or country-wide circumstances. NiZA, in line with its aim of capacity building, supports the development of M&E systems of its partners (on demand). However, it is interesting to see that, even without highly formalised, well-described and

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<sup>329</sup> Questionnaire 2, answer to question 9.

<sup>330</sup> Questionnaire 2, answer to question 9.

<sup>331</sup> Derived from one of the interviews held in Southern Africa.

<sup>332</sup> Questionnaire 2, answer to question 9.

developed M&E systems, many of those organisations succeed, survive and communicate with NiZA, and even say to fulfil (all) parts of a learning cycle.

#### 5.4.2.7 Sustainability

How sustainable is NiZA's core business: Capacity building through trust-building? The sustainability of 'trust-building' with partners is best illustrated by NiZA's relations with its partners in South Africa. Most partners here have cooperated with NiZA's predecessors in the anti-apartheid years and, as a result, still seem to see NiZA rather as a partner or political ally than as a donor. For them, NiZA really seems not important because of the money, but because of the partnership.

As far as Mozambique is concerned, one organisation does not seem to be interested in working together with NiZA at all,<sup>333</sup> while another considers NiZA as one among many donors,<sup>334</sup> and only one explicitly recognises NiZA's unique role (NiZA assisted them when they faced the most acute need for capacity building and regional networking).<sup>335</sup> This may be partly explained by the fact that NiZA has had with none of the organisations a long-standing partnership.

Sustainability of capacity-building activities largely depends on the channel/'vehicle' chosen to implement human rights related activities at the grassroots level. In general, the more accepted and respected by the community members and existing (local) authorities (like chiefs) this channel/vehicle is, the more sustainable the impact of its human rights 'message' will be. Therefore, it is very likely that (funding of) trainings and awareness raising campaigns directed at, for instance, chiefs and volunteers (often respected people within a community, like retired teachers) have a sustainable effect on the community. On (partner) NGO level, a similar conclusion can be drawn with regard to (funding of) Training of Trainers: This is also a very sustainable way of capacity building and of spreading knowledge and support. Also activities directed at the economic empowerment of women, who are usually not very accepted and respected in the communities, might appear to be very sustainable (effective and efficient).

Unfortunately, the sustainability of NiZA's partners themselves and, thus, their work and NiZA's work related to that, is endangered by several factors. The most important one is financial problems due to, *inter alia*, the

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<sup>333</sup> Derived from one of the interviews held in Southern Africa.

<sup>334</sup> *Ibidem*.

<sup>335</sup> *Ibidem*.

previously described “donor-shift”; or as one partner exclaimed: “Funds are leaving! There are other hot spots in the world. It is important to work on sustainability.”<sup>336</sup> The leaving of donors has been most outspoken in South Africa: There used to be a lot of ‘easy money’ during the anti-apartheid years. Foreign donors have retreated now, or re-channelled money to the government. This poses a real challenge to most organisations, as they have to re-position themselves. There is a strong dilemma whether to accept funding from the government, and thus to give in some of their independence, or to choose for independence, to the detriment of financial stability. Some organisations seem to have managed well to cope with this challenge, mainly through redefining their focus and down-scaling, others are still struggling for survival.

Also problematic is sometimes the lack of sufficient core funding, needed for the survival of the organisations themselves. This is the reason why some of NiZA’s partners, although still very grateful for the capacity building activities, also would like to receive some more ‘core business funding’ from NiZA. The need is then felt to go beyond capacity-building. In particular for relatively informal organisations, which do not have a multiplicity of donors, funding for their substantial work is lacking.<sup>337</sup>

Further problems relate to issues like sound (financial) management: “Direct effects of increased financial management capacity are difficult to be proven, but it is clear that in the absence of sound financial management capacity, the sustainability of an organisation is threatened.”<sup>338</sup> Human resources may be another challenge, *i.e.*, a lack of staff, within some of NiZA’s partners, due to illness or due to the fact that people have left for a better salary elsewhere (for instance, paralegals and lawyers working at the offices move to ‘real’ law firms). Compare with testimonies that best qualified people no longer want to work for NGOs, but go into the government administration, because of higher salaries. Finally, the political situation in states like Zimbabwe, makes the work of many NGOs very difficult. The organisations have to be active in daily nasty practices, while at the same time they should preserve a strong confidence in the future.

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<sup>336</sup> *Ibidem.*

<sup>337</sup> Derived from two of the interviews held in Southern Africa.

<sup>338</sup> *Ibidem.*

## **Annex to the Part on NiZA**

### **1. Cluster “Gender and Development”**

#### **WESTERN CAPE ANTI-CRIME FORUM (WCACF, South Africa)**

**History:** In 1995, when gang wars and other violent crimes were becoming increasingly dominant in our townships, particularly in Manenberg, a number of community-based organisation and individuals came together and decided that something had to be done about the crime.

**Method:** The WCACF only accepts those organisations that are “committed to working within the framework of the law, and (...) to a non-violent approach to crime”.

**Target group:** Communities.

**Thematic area:** Community response to crime, new legislation.

#### **RURAL DEVELOPMENT SERVICES NETWORK (RDSN, South Africa)**

**History:** RDSN, as a network of independent rural development organisations aims to contribute to the eradication of poverty and the empowerment of rural people through campaigning, networking, collaborating and by building a wider and stronger membership base.

**Method:** “Is to ensure Rural Development as a fundamental basis of Social Development in the South African landscape through effective, sustainable and community driven programmes.”

**Target group:** Rural people / communities.

**Thematic area:** The Network focuses on the following key areas: Rural development services, lobbying government, access to resources and information, and facilitation of funding.

#### **WOMEN FOR CHANGE (WFC, Zambia)**

**History:** Women for Change is a dynamic organisation, that engages with existing community structures (eg burial societies etc) to expand their knowledge base and to enable them to act as resources and facilitative mechanisms for the community at large. WFC, unlike many of the Zambian organisations has a much felt rural presence

**Method:** Popular Education Methodologies: (PEM) Focuses on empowerment- the freedom to discuss, share and ultimately to gain control over one’s life. Assisting in setting up and building local community structures to raise their voices and challenge their situations. Awareness raising, mobilisation, Consultative Forums, monitoring, Advocacy and lobbying, information dissemination, training, providing consultancy services and networking.

**Target group:** (Rural) communities and women in particular.

**Thematic area:** Gender analysis and awareness raising, human rights education, good governance and advocacy, economic empowerment and co-operatives development, overall rural child and youth development, poverty eradication and sustainable human development.

#### **REDE MULHER (Angola)**

**History:** During the last decade women have become further marginalized in Angolan society, both politically, socially and economically. Rede Mulher strives to promote women’s human rights and gender equality and equity in Angola.

**Method:**

- Strengthen the capacity of the network to be able to support community based women's groups/organisations.
- Strengthen the capacity of Rede Mulher's member associations.
- Monitor the implementation of the Beijing Platform for action in Angola, focusing on four critical areas of concern: Women and health with a focus on HIV/AIDS; women in power and decision making; violence against women; women and peace building.
- By means of training, dissemination, advocacy/lobby and providing support to member organisations.

**Target group:** Women.

**Thematic area:** Women's rights and gender issues.

#### **FORUM MULHER (FM, Mozambique)**

**History:** FM is committed to implementing work plans that meet the growing needs of its members and of other groups of women and men who are marginalised and excluded from society, to in this way contribute to achieving a just society which has balanced social relations between women and men, well-being for all and gender equality.

**Method:**

- Contribute to strengthening member NGOs and institutions and others interested in improving their performance on and knowledge of gender questions, and thus their effectiveness in working to defend women's rights.
- Influence decision-makers on questions of gender and equality of rights, access and opportunities between women and men, with a view to bringing about changes in development policies.
- Promote the exchange and circulation of information and experiences, and communication among the members.
- By means of information, Training, Lobby and Advocacy.

**Target group:** Marginalised people.

**Thematic area:** Women's rights: Family law, land law and domestic violence.

#### **NON GOVERNMENTAL ORGANISATIONS' COORDINATING COUNCIL (NGOCC, Zambia)**

**History:** NGOCC was established by a few Zambian women NGOs in 1985 to facilitate networking at national and international level. NGOCC is an umbrella organisation of member NGOs/ CBOs active in addressing gender and development challenges and is committed to enhance their effectiveness in empowering women. Within the 20 years of its existence, NGOCC has changed from co-ordinator to a focal point of the women's movement in Zambia.

**Method:** NGOCC is a service organisation that aims at strengthening affiliate NGOs and facilitating their activities. The major services offered to member organisations are: Organisational capacity building, linkages to funders, information sharing, organisational exposure, networking among members and other stakeholders, solidarity and representation of NGOCC to local, international and statutory bodies.

**Target group:** NGOs and CBOs addressing gender and development in Zambia.

**Thematic area:** Women's rights and gender issues.

## **2. Cluster "Legal Assistance"**

#### **LAWYERS FOR HUMAN RIGHTS (LHR, South Africa)**

**History:** Lawyers for Human Rights is a non-profit, non-governmental organisation that aims to promote, uphold, foster, strengthen, monitor and enforce all human rights enshrined in the SA Bill of Rights as well as in the International Bill of Rights.

**Method:**

- To promote advocacy in respect of the culture of human rights individually and/or in partnership with other organisations.
- To monitor efficacy of new or existing legislation and conventions that may apply within South Africa.
- To promote human rights values and to educate with the view to empower communities.
- To create a national and international database and network of human rights activists, activities and organisations.
- To enforce the human rights enshrined in the South African Constitution and the International Bill of Rights.

**Target group:** Vulnerable, indigent and marginalised individuals.

**Thematic area:** Administration of justice, safeguarding justice.

**NATIONAL COMMUNITY BASED PARALEGAL ASSOCIATION (NCBPA, South Africa)**

**History:** NCBPA is founded to provide support and training to a wide network of community based advice offices, funding around 70 offices directly, with the rest participating in the network as members, but not funded through NCBPA-SA.

**Method:**

- To demystify the Constitution, Bill of Rights and other laws through public education that enables communities to know their rights and obligations in a democracy.
- To represent its affiliates on all policy matters which government, donors, civil society and other agency that have a bearing on the promotion and protection of the rights of society, in particular the poor.
- To lobby government at all levels and other role players to recognise work of Paralegals in changing the poverty status of a majority of people in rural, semi-urban, farming communities and employment sectors.
- To operate a Trust that addresses the sustainability of the Paralegal sector.
- To ensure quality service delivery by Paralegals is complimented by standardised, certified training.
- To maintain a code of conduct and ethics that guarantees the provision of quality, professional services to communities.
- To promote an enabling environment for Paralegals to provide counselling, advice, referral, negotiation and mediation, representation, research, case handling and human rights education services to the poor.

**Target group:** Communities, government.

**Thematic area:** Legal assistance, human rights promotion.

**LEGAL RESOURCES FOUNDATION (LRF, Zambia)**

**History:** The LRF of Zambia, established in 1991, is an NGO that provides legal aid and assistance, promoting human rights and litigating in the public interest. It functions in areas, which directly affect disadvantaged sectors of society in relation to violations of their fundamental rights and the enhancement of justice. The LRF operates paralegal advice offices in all of the main centers in the provinces.

**Method:**

- (Paralegal) Legal Aid and Advice.



- Information, education and publication.
- Discussion platform.
- National and international co-operation.

**Target group:** People of Zambia.

**Thematic area:** Legal aid.

**SOUTH AFRICAN LEGAL ASSISTANCE NETWORK (SALAN, Zambia,)**

**History:** The Southern African Legal Assistance Network (SALAN) was initiated in 1994 to encourage dialogue and the sharing of information on human rights in Southern African countries.

**Method:**

- To collect and disseminate relevant information and offer support to members.
- To provide capacity-building training opportunities to members according to their specific needs.
- To address public interest issues through legal means to promote human rights.
- To develop, promote and strengthen democracy in the region through regional projects to improve access to justice for all.

**Target group:** NGOs.

**Thematic area:** Legal aid and assistance.

**LEGAL RESOURCES FOUNDATION (LRF, Zimbabwe)**

**History:** It was established to meet an expressed need to improve the accessibility of legal and information services to all sections of the population. Programs undertaken by the LRF are based on the understanding that human rights in Zimbabwe can be advanced by facilitating access to the legal system. The LRF believes that disadvantaged people, particularly women, can be empowered to assert their rights through the legal system when they are provided with information and advice.

**Method:** Legal awareness is improved by the provision of advice and publications. The services provided by the public legal system (*i.e.*, the courts, police, prisons etc) are supported and improved through education and training. Resources are made available for the legal profession. In addition, the LRF provides support and assistance to other organisations and institutions in Zimbabwe and the region pursuing similar objectives, where resources permit.

**Target group:** Disadvantaged people of Zimbabwe; women, scholars, rural and urban poor and general public.

**Thematic area:** Democracy and legal assistance.

**MÃOS LIVRES: ASSOCIAÇÃO DOS JURISTAS E JORNALISTAS NA DEFESA E DIFUSÃO DOS DIREITOS (Angola)**

**History:** Maos Livres is founded for the protection and dissemination of the rights and of the individual and collective liberties of citizens, is a necessity of our times, in order to safeguard the most elementary rights contained in our constitution and other legal documents. The Angolan State should fully adhere to the Universal Declaration of Human Rights and the African Charter of Human and Peoples Rights.

**Method:**

- To give more attention to the dissemination and defence of concrete cases of human rights violations.
- To give more attention to problems related to domestic violence and of the discrimination of women in education, employment and in social life in general.
- To help women to undertake legal actions in defence of their rights.
- To publish cases of human and civic rights violations irrespective of their perpetrators.

- To help ordinary people or communities in defending their rights and to denounce violations.
- To promote activities that aims to resolve conflicts non-violently.
- To contribute to the defence of the right to property, land and natural resources.

**Target group:** Citizens of Angola.

**Thematic area:** Legal assistance and Human rights promotion.

**MALAWI CENTER FOR ADVICE, RESEARCH AND EDUCATION ON HUMAN RIGHTS (CARER, Malawi)**

**History:** Carer seeks to ensure that human rights are promoted, protected and respected at all levels of society with particular emphasis on the needy and disempowered population to empower and enable them to “know, claim and defend their rights”.

**Method:**

- To ensure that the public and institutions are adequately informed on the law and human rights.
- To ensure that free legal advice and representation is available to certain, needy and dis-empowered persons.
- To ensure that particular issues are raised and debated within broader Malawian society.
- To develop a deeper understanding of certain complex human rights issues and hold institutions and individuals to account for human rights violations.
- To improve and reform the criminal justice system.

**Target group:** Communities.

**Thematic area:** Legal assistance and human rights awareness.

**LIGA DOS DIREITOS HUMANOS (LDH, Mozambique)**

**History:** The Liga dos Direitos Humanos (LDH) was founded in 1994/5 by Mozambican citizens desirous to combat the many social, economic and political ills that the people of that country faced as they emerged from a lengthy period of violence and instability following the multi-party elections in 1994. The mission of LDH is to promote, defend and denounce fundamental human rights and liberty established by the Constitution of the Republic, by the Universal declaration of Human Rights, by the international Convention against all kind of discrimination, by the African Letter of Human Rights and in all other Human Rights agreements.

**Method:**

- Elaboration, publication and distribution of material for civil education, such as pamphlets, booklets, and role-play guides for theatre and broadcasting.
- Publication of the monthly review: “Democracia e Direitos Humanos” (Transl. “Democracy and Human Rights”).
- Running the paralegal centres.
- Regular meetings with relevant government institutions, the parliament and the judiciary to advocate human rights.
- Elaboration and publication of an annual report on the situation of human rights in Mozambique.
- Participation in the programme of the Ministry of Justice in training the prison guards and in producing a guide with rules and procedures for the prison guards.
- Prison monitoring.

**Target group:** Economically disadvantaged people, women, children, low-income workers, etc.

**Thematic area:** Human rights in general, legal assistance.

### 3. cluster “Civic and Human Rights Education”

#### **COORDINATING BODY OF REFUGEE COMMUNITIES (CBRC, South Africa)**

**History:** CBRC has been founded to promote unity and strengthen the refugee community to enable (refugees) to influence, lobby and advocate for programmes that meet the needs of refugees in South Africa.

**Method:**

- To organise and mobilise the refugee community around issues of mutual concern.
- To lobby and network with relevant structures to deliver services to refugees.
- To act as an advocacy organ and set up partnership with government departments and other relevant structures, towards mutual benefit.

**Target group:** Refugees in South Africa.

**Thematic area:** Refugees and xenophobia.

#### **NATIONAL CONSTITUTIONAL ASSEMBLY (NCA, Zimbabwe)**

**History:** The National Constitutional Assembly (NCA) is a conglomerate of human rights organisations, churches, trade unions, women’s groups, professionals and interested individuals to entrench democratic participation by ordinary Zimbabweans in the making of a new constitution and in the governance of their country. The NCA process was started in May 1997, and formally launched on the 31st of January 1998. Numerous activities and critical achievements were made, placing the NCA at the forefront of the constitutional debate and in particular, the constitution-making process since its inception.

**Method:** Coming up with a “popular constitution” which enshrines principles of equality, protection of citizens’ rights and good governance. Organising and mobilising particular sectors of society and the public in general, advocacy and lobbying, awareness raising, mounting legal challenges.

**Target group:** Government and the people of Zimbabwe.

**Thematic area:** Democratic participation, good governance.

#### **CIVIC EDUCATION NETWORK TRUST (CIVNET, Zimbabwe)**

**History:** Launched in 1944 in response to the continuing absence of participation and apathy by civic society in economic, political and development issues. Hence the importance of assisting people to understand how the system functions and how they can make positive, informed and meaningful contributions to the democratic process.

**Method:** Awareness raising workshops, information dissemination, legal assistance through partners, facilitation of liaison with Ministries, voter education.

**Target group:** Government and the people of Zimbabwe

**Thematic area:** Democratic participation, good governance.

#### **CENTER FOR HUMAN RIGHTS AND REHABILITATION (CHRR, Malawi)**

**History:** CHRR has been founded to contribute towards consolidating democracy and good governance in Malawi by protecting, promoting and enhancing the observance of human rights through education and training, research and documentation, legal aid, advocacy and networking in order to realise human development.

**Method:**

- To create a vibrant and well-informed civil society where citizens will embrace and practice their rights, duties and responsibilities.
- To provide specialised training to public officials.
- To provide access to free legal aid and awareness to marginalized groups in Malawi.

- To strengthen the capacity of the organisation to effectively deliver its programmes.
- Target group:** Civil society, government and the people of Malawi.  
**Thematic area:** Democracy and good governance.

**PUBLIC AFFAIRS COMMITTEE (PAC, Malawi)**

**History:** Pac is founded to mobilise the general public through religious community and other stakeholders in promoting democracy, development, peace and unity in Malawi through civic education, advocacy and mediation.

**Method:**

- An improved understanding of human rights and the rule of law (especially to rural communities).
- To contribute to peace through tackling political violence and insecurity.
- Improved public participation during and after elections.
- To build advocacy skills in the communities through religious leaders.
- To raise awareness on conflict prevention and conflict resolution methods, (to promote) problem solving within the communities.
- To impart knowledge on electoral processes to the masses.

**Target group:** Communities and community leaders, government officials.

**Thematic area:** Democracy and peace.

**ASSOCIAÇÃO DE SERVIÇOS COMUNITÁRIOS (ASSERCO, Mozambique)**

**History:** Asserco's mission is to create a civil society that is well-organised and well-informed at community level so that it can rely on its own resources of development and mobilise other necessary resources for development.

**Method:**

- Promote civil society, *i.e.*, community-based organisations, associations, co-operatives and local NGOs, to make it capable of evaluating its initiatives and analytical potential for collective intervention in the solution of local problems.
- Make community-based organisations, associations, co-operatives and local NGOs aware that development begins at the local level with the participation of every member of society in collective and/or individual developmental activities.
- Familiarise the communities with a new understanding of sustainable development that parts from the principle that development can only be achieved in the first place through the conscious and organised use of local material and human resources. Secondly through the solicitation of complementary aid to compensate for the lack of local resources and only lastly through external aid where there is no other alternative.
- Participation in local development plans to ensure development of community.

**Target group:** Community-based organisations, associations, co-operatives and local NGOs.

**Thematic area:** Community development through civil society strengthening, participation in government.

**4. cluster "Peace Building and Conflict Resolution"**

**ASSOCIAÇÃO NACIONAL DOS DEFICIENTES ANGOLANOS (ANDA, Angola)**

**History:** ANDA was established in 1992 with the objective of defending and promoting the socio-economic interests of handicapped people in Angola, both (ex)-military and civilians.

**Method:**

- Training for peace.

- Violence prevention.
- Intervention in violent outbreaks in communities.

**Target group:** Civilians Angola.

**Thematic area:** War veterans, peace building.

#### **PROJECTO DE CONSTRUÇÃO DE PAZ (PCP, Angola)**

**History:** PCP's network aims to create appropriate peace promotion strategies by co-ordinating and reinforcing the activities of the main players in the "Angolan peace movement". PCP aims to train local peace promoters, fund small-scale community initiatives and facilitate the exchange of information and experiences, through documentation and the hosting of a web site.

**Method:** PCP aims to facilitate, support, catalyse and co-ordinate the efforts of the Angola churches and NGOs in peace building.

**Target group:** The people of Angola with increased focus on youth, women and ex-combatants.

**Thematic area:** Peace building and conflict resolution.

#### **PROPAZ (Mozambique)**

**History:** ProPaz was founded and is run by former combatants. Its peace-building work is based on the conviction that those who experienced war first hand and were mostly both perpetrators and victims, are best suited to work for peace, reintegration and development within their own communities. ProPaz has meanwhile broadened its scope of activities and engages more generally in conflict resolution.

**Method:**

- To generate peace-building initiatives by former combatants, disabled veterans and demobilised women.
- To contribute to the development and consolidation of the process of social reintegration of ex-combatants, their families and the whole community, promoting non-violent conflict transformation.
- To promote equal participation of demobilised women in peace-building and social reintegration at local and national levels.

**Target group:** Communities.

**Thematic area:** Peace building and conflict resolution.

#### **ZIMBABWE LIBERATORS PLATFORM (ZLP, Zimbabwe)**

**History:** The Zimbabwe Liberators Platform was founded by former national liberation war fighters in 2000. It was formed in realisation that the main principles and purpose of the liberation struggle were being violated. ZLP decided work towards restoring the honour of former liberators and more important, to advocate for peace, democracy and good governance.

**ZLP is founded to:**

- To salvage, restore, correct and improve the image and honour of former liberation war fighters.
- To re-orientate former liberation war fighters and refocus their efforts towards the original ideals and values of the liberation war struggle.
- To economically empower former liberation war fighters and other ZLP members, improve their quality of life and help them to become self-reliant.

**Method:**

- To set up a forum for war veterans, former detainees and war collaborators to refocus on the original aims and objectives of the liberation struggle.

- To rehabilitate and empower war veterans, former detainees and war collaborators so that they cease to be a burden on society, thus avoiding manipulation by unscrupulous politicians.
- To promote democratic values and advocate respect for the rule of law.
- To engage in dialogue and collaborate with all stakeholders in order to promote harmony, peace, stability and development.
- To contribute towards the development of the country.
- To produce a true and accurate historical account of the liberation struggle.

**Target group:** War veterans, former detainees and war collaborators.

**Thematic area:** Peace building and conflict resolution.

## **6. Presentation of the findings, level 2: Overall findings and additional observations**

### *Introduction*

In this Chapter, we will present our findings from a perspective which transcends the level of the four TMF-organisations and their African projects and partners as presented in Chapter 5. Also some elements of Chapter 2 on the TMF-programme are further elaborated upon. Further to that, the research approach we have presented in Chapters 3 and 4 is explicitly integrated in the present Chapter. The findings of the present Chapter, however, should be read *in combination with* the partial and organisation-related findings of *Chapter 5*. For instance, the general remarks on ‘learning capacity’ in the present Chapter are *not* repeating the more specific remarks made in Chapter 5 in relation to the learning capacity of the individual organisations. In addition, many of the examples discussed in Chapter 5 can be seen as illustrations of the general findings of the present Chapter. Chapter 6 will end with some examples of good practices and approaches.

Before presenting our overall findings, we would like to restate, as we did in more detail in Par. 4.3, that the empirical material underlying the findings asks for some reticence and caution in trying to formulate too broad and too general conclusions, given the limitations by sample size and internal imbalance. In addition, it should be kept in mind that the activities the research has focused upon, represent only a small part of the (African) activities of the organisations concerned. Having said this we have come to the following overall findings:

### **6.1 Clarity and effectiveness of objectives and activities chosen**

Discussing the outcome of the actions undertaken by the Ministry of Foreign Affairs, the four TMF-organisations and their African partners, the focus of the research has been firstly on getting a clear insight into the objectives framed for each level, in order to have ‘measuring standards’. Without the objectives it would be impossible to determine the effectiveness of the activities undertaken: The standard would be missing.

In Chapters 2 and 5, the objectives of the Ministry with its TMF-funding programme as well as of the organisations on both levels (Northern NGOs and local partners in the South) and their programmes under scrutiny, have been examined extensively and the conclusions are clear: At all levels a lot of attention is being paid to clearly stating the objectives.

As to the level of the Ministry of Foreign Affairs, there can be no doubt as to what is meant by 'Theme-based Co-financing' in the field of human rights. There is quite a detailed scheme of possible activities that would fit into this programme, like we have seen in Chapter 2, *i.e.*, in the section on 'The TMF-Programme and human rights'. In addition, it is clear that the concept of 'human rights' includes also economic, social and cultural rights, and that the TMF-Programme objectives do incorporate this part of the human rights framework. The indivisibility and interrelatedness of civil and political rights and economic, social and cultural rights is underlined in several Dutch governmental policy papers in the field of human rights and can also be detracted from the actual funding policy in the field of the TMF-programme. It is also clear that there is a close link between respect for human rights and poverty reduction. In short this can be labelled a *human rights-based approach to development*. We will come back to that in Par. 6.2.

As to the four organisations and their African partners, it has become clear that generally their objectives are very clear, as well as in line with the core objectives of the TMF-programme. It can be added though, that one would not expect otherwise, the explicit wording of objectives being a *conditio sine qua non* for funding. Sometimes, it was found that African partners as well as TMF-organisations are using concepts like 'capacity building' in a slightly different way, or that a structural investment in a specific partner organisation could have better been labelled as an investment in the network of the organisation, but these are relatively minor issues. It can also be observed that only one case has been found of a partner organisation that, given a non-overlap in objectives, should not have been adopted for cooperation. Apart from that specific case, we did not find any cases of 'mismatches' (on the selection procedure, also see below: Par. 6.5).

One additional observation to be made in this respect, is that sometimes local organisations change their focus and/or range of activities during the process, and therefore do not fit (exactly) anymore into the original Memoranda of Understanding. However, the overall partner-driven approach of the TMF-organisations permits them to react flexibly to these kind of changes. In this type of cases, our view would be that no problem occurs as long as the focus as well as the actual activities continue to fit within the broader framework of human rights (related) activities, enacted in order to create improvement in local human rights practices or in terms of poverty reduction. It would suffice if such a change in focus and/or activities is reported to the Dutch TMF-organisation, so this may react, negatively if needed, with consequences for the funding of possible future activities, or, for instance, by asking for transferral to another TMF-label.

Looking systematically at the activities undertaken at all levels, careful attention was paid to the tools/instruments/strategies (hereafter:



‘Tools’) the Ministry of Foreign Affairs, the four organisations and their local African partners are working with. We will elaborate some more on the Ministry’s position in Par. 6.4 and Par. 6.5. As far as the TMF-organisations and their partners are concerned, quite a range of tools is opted for: From establishing or strengthening networks, providing all kinds of managerial and lobby training, to institutional capacity building, and so forth and so on (see Chapter 5, the separate sections on ‘tools’). The researchers have been looking at these tools from the perspective of the Memoranda of Understanding and other pieces of (patient) paper, as well as from the perspective of daily practices (through the questionnaires, the interviews, and other forms of double checking, ‘cross-examination’ and ‘triangulation’).

Confronting the tools used with the objectives stated on the different levels (Ministry – Dutch TMF-organisations – African partner organisations), the researchers have not found any serious mismatches, a few minor exceptions left aside. The stated objectives can indeed be realised through tools like networking, capacity building, management training sessions and investing in M&E systems. This again is not surprising, given our remark on funding conditions, but also because of the wish of the four Dutch organisations to work on a partner-driven basis. Their core approach is first of all to listen to the needs and wishes expressed by their African partners. Tools are discussed and adopted, based on common understanding. This does not mean, however, that no problems occur in this field, but these can often be seen as ‘diverging perceptions’ rather than as mistakes. Some African organisations are, for instance, of the opinion that the Dutch TMF-organisation focuses too much on international networks, while the first priority should be on the establishment of (more modest) local or regional networks. As to that type of issues, there sometimes seems to be a gap between the expectations of the Dutch organisation and the real wishes (and capacities) of its local African partners. The reverse by the way has also been reported. Some African organisations would like to be linked to international networking activities with more and other international organisations. Our view is that issues like these should be dealt with in a non-bureaucratic, pragmatic way, in light of the specific objectives local partners would like to realise. Flexibility would be the core word, given the difficult circumstances the organisations have to work in.

Another problem, reported several times, is that some of the local organisations are of the opinion that the objectives of the cooperative projects should be broader and to some extent more ambitious. Some of them speak of “handicapped money”, which is apt to serve some of the short term needs of organisations, but which is not enough to build up a strong, sustainable organisation. These partner organisations seem to use the label “handicapped money” because it is strictly earmarked for capacity-building

and management training activities, and therefore can not be used for substantive work. (Also see the section on 'donor shift', in Par. 6.2.) The quote is repeated here, because it reflects a broader problem. The MoUs between the TMF-organisations and their local African partners have to fit within specific frameworks, but local organisations sometimes seem to wish more or other things as well. As such that is no problem. The question, however is, how to deal with these issues when they might lead to serious tensions between the TMF-organisations and their local partners. Our view would be that this again is not so much a matter of policy making or overall regulation but rather of carefully dealing with these types of situations on a case-by-case basis, basically the way it has been done in cases reported to us.

As to the question whether or not the financial means available for the programmes and concrete projects of the TMF-organisations have been used effectively and efficiently by themselves and their African partners, it can be stated that after some consultations with the 'Stuurgroep' it was decided not to report upon this topic, because, amongst other things, some of the programmes and projects under scrutiny started before the inception of the TMF-programme and funding was (partly) 'taken over' by TMF-money – supplied under a new set of rules and regulations (for instance the difference between 'instellingssubsidie' and 'programma-subsidie'). For all these reasons it is beyond the scope of this research to seriously link concrete activities to TMF-funding. However, it can be added that we did not find (or better said: 'Come across') cases of 'overspending'. This is also true because the core of many of these activities does not primarily consist of financial support. In addition, it can be added that the financial part of the M&E systems provides sufficient guarantees against overspending. It would be reported and the reports would lead to adapting new practices (also see Par. 6.5 on 'Learning capacity').

On the other hand, the reverse of 'overspending' has been found several times. This relates to activities with only a minor input in terms of money and a large output in terms of possible reach and effects. We think of establishing listservs or the development of manuals and trainings for trainers and for chiefs. Furthermore, many relatively minor activities, such as participating in a management training, often have a direct and visible impact, for instance on the managerial qualities of the organisation or on the extension of its network. Here again, minor investments do lead to major outcomes.

## **6.2 Relevance, effectiveness and sustainability of the activities from a human rights and poverty perspective**

Extensive and detailed reports could be made on improvements and deteriorations in human practices in whatever African country, the ones discussed in the present research included. There would also be ample information to make reports upon positive as well as negative trends, and linking them to economic developments, natural disasters, new leadership, and other relevant factors/issues. The issue within the present report, however, is whether and to what extent the activities undertaken on the basis of the TMF-programme funding in the field of human rights have contributed or not to these improvements – leaving the deteriorations aside. Are there preemptory and causal links between the activities undertaken and positive changes in human rights practices? Such links can almost never be established. In most cases there is not a one to one relation between activities and their specific impact. This is even more the case, if the question – basically to be answered by one of the other reports – would be what changes can be attributed exactly to specific TMF-programme activities, instead of or alongside human rights supportive activities undertaken, for instance, on the basis of bilateral agreements or multilateral programmes. Having said this, our research has shown in many ways that the activities of the four organisations and their local partners are definitely contributing to the realisation of human rights, be it directly or through their contribution to the creation of a human rights friendly or human rights enabling environment. The ‘enabling environment’ relates to things like the increase of skills and the level of human rights knowledge, systematically strengthening the rule of law, conducting management trainings, participation in national and international networks and in specific international meetings, establishing and maintaining electronic media, developing listservs in the field of human rights, publishing newsletters, lessons in strategic planning, and so forth and so on. Chapter 5 of this report is full of examples of activities which indeed do contribute to the creation of structures and the like, in which human rights can indeed (better) flourish.

Closely related to this, and highly topical from the perspective of the TMF-Programme, is the question to what extent the efforts made by the TFM-organisations and their local partners contribute to poverty reduction, thereby noting that the organisations under scrutiny are no ‘poverty reduction organisations’ in a strict sense. In the present research, the issue of poverty reduction has been addressed from the perspective of human rights. One can think of linkages through the right to work and to just and favourable conditions of work, the right to food, the right to adequate housing, and the right to adequate health care, all of which have been addressed in the questionnaires. One can also argue, however, as is done in

Chapter 2, that poverty is also linked to human rights in a way that families and groups living in situations of extreme poverty have to make constant and important efforts in fighting to improve their living conditions (a type of efforts that often tend to go unnoticed by the dominant society) and that therefore human rights instruments also relate to such things as empowerment and participatory human rights instruments.

When looking at the activities undertaken by the four organisations and their African partners this way the researchers again have found a lot of matching intentions and activities, basically conducted within the same paradigm. During the research, it was observed that a series of local African organisations is working in the field direct poverty reduction, be it through activities in the field of health care and access to clean drinking water, access to education, the availability of basic (social) services, as well as for instance through their fights against lack of income and for productive resources needed to ensure sustainable livelihoods.

It has been observed also that many of the activities under scrutiny do effectively contribute to, or can plausibly be assumed to contribute to, the creation of an environment which is prone to reduction of poverty. This is in most cases related to strengthening participation rights and to empowerment of vulnerable groups and the like. In that respect it is worth mentioning that many organisations are explicitly working towards the empowerment of women as ways to fight poverty. Many activities undertaken are also relevant for the creation of a sphere of more transparency regarding governmental policies in relation to the protection of human rights and the fight against poverty. It is also clear that the TMF-organisations and the local African organisations see each other as indispensable partners in the fight for poverty reduction and structural improvements in the field of human rights. Finally, it appears that many of these African organisations play chess at different boards, from the grass roots level to international networking, in order to be as effective as possible.

The latter issue relates to strengthening activities through cooperation. It is understood by many of the organisations under scrutiny, that joint efforts are needed in order to realise their goals. In that respect it should be mentioned here that one of the possible actors/allies that would also be very relevant from this perspective of 'joint efforts', *i.e.*, enterprises, has not been dealt with in this research, as this falls outside its scope. This, however, does not imply that the importance is neglected. Limiting ourselves to the scope of the present report, it has become clear that by far most of the African organisations studied in this report are satisfied by the way the Dutch TMF-organisations are supporting them, are responding to their needs, are opening venues towards international debates and are building up partnerships which often go far beyond the activities the MoUs

strictly speaking provide for. This support makes the local African organisations aware of chances, makes them organise their activities in a more effective way and makes them feel stronger. This goes for their fight against (selected and specific aspects of) poverty as well as for their ongoing struggle against human rights violations, being directly or through their contributions to structures within which human rights can flourish. In this respect it is again highly relevant that it has been reported many times that the Dutch partners are also seen as 'allies'. Cooperation also leads to feelings of moral and psychological support, as well as to increased legitimacy of the organisations concerned. This can also be seen as one of the core differences between funding with 'theme-based' money and 'general funding', for instance through bilateral governmental channels.

On the negative side, the researchers have found, amongst other things, some of the expectations of TMF-organisations which cannot be fulfilled by their local partners, sometimes even leading to feelings of guilt on the part of the African organisations. Sometimes the expectations are simply too high, for instance in relation to the establishment of an international network, while the local African organisations have more modest wishes and are suffering from understaffing and lack of funds. In cases like that, there is a clear gap between what might be desirable and what actually can be realised, but also between long term perspectives and short term outcomes. At that point there will always be a tension between a full demand-driven approach and the wish to offer extra perspectives to the local organisations. Being demand driven only, might also lead to the neglect of possible chances. At the same time, cases like these are indeed 'test cases' for the extent to which the TMF-organisations are really 'partner-driven'. The question whether or not TMF-programme funding can solve that type of problems, cannot be answered along linear lines. Apart from the fact that this type of non-connected expectations simply belongs to human activities and cannot always be solved by better communication and the like, there might be some space for improvement. It can also be argued, however, that the organisations do have the right to learn as well as the 'task' to sometimes conduct experiments, in order to be more effective in the long run.

As far as the sustainability of the activities is concerned, it can be hoped for that most of the human rights and poverty reduction activities undertaken will have an irreversible and, therefore, sustainable character. Once, for instance, awareness-raising has started, there is no way back, although quite often, some delay does occur. The same will often go for many activities in the field of capacity building, networking, training in lobbying capacities, and work on new international treaties. Core elements for sustainability, however, seem to be: Establishment of the rule of law and an effectively functioning democracy.

The activities mentioned do have long-term characteristics. However, establishing a network or starting a listserv is one thing, updating and maintaining them is something different. The same goes for investing in organisations. Nobody can predict whether the next director will be incapable, or whether the manager in whose capacities one has invested will not leave the organisation without transferring insights to his/her successor. These may, at first sight, seem minor issues, but they are in fact extremely important in terms of the sustainability of the activities undertaken.

It can be added that lack of sustainability is often caused by factors outside the sphere of influence of the TMF-organisations and their African partners. One of these factors is the donor-shift, in this report specifically discussed in relation to the projects supported by NiZA: There used to be a lot of 'easy money' during the anti-apartheid years in South Africa, but foreign donors either have retreated or re-channelled money to the government. That move has caused and still causes serious problems for a number of organisations. Here again, the underlying issue is the lack of sufficient core funding, which is needed for the survival of the organisations themselves. Another factor is the brain drain many partner organisations in Southern African countries have fallen victim to. Quite often, staff members, once properly trained, leave for better paid jobs in the civil service or elsewhere. To the extent that they remain active in the human rights field, it could be argued that even then the results may be (indirectly) sustainable. Apart from that, it has been reported that the brain drain becomes a less damaging issue as long as the persons concerned are not leaving the organisations after only a very short while, and if for the persons concerned one can easily find successors, be it on the level of directors, paralegals or volunteers.

### **6.3 Working in an African context**

As was stated in reaction to the 'Offerteaanvraag', the present study does pay some extra attention to 'human rights work in an African context'. The background is that human rights work always has to be seen in the context in which it has to be conducted, with clear consideration of local difficulties and particularities. NGOs working in an African context, with African non-governmental 'sub-contractors', are, generally speaking, confronted with even more difficulties than those working in many other developmental areas (Cf. *inter alia*, the Millennium Development Goals). One can think of the combination of poverty, protracted armed conflicts, the rapid spread of HIV/AIDS, refugees leaving war zones on a large scale, etc. Unfortunately, and despite whatever other positive developments, this is Africa in the year 2006. Realising human rights in that context requires special efforts, to say

the least. At the same time, it should be observed that Africa as such does not exist. It is a large continent, consisting of separate countries with a enormous divergence and variety of human rights problems. Against that background, the research group decided to make studies on the countries that were selected for a visit (see Par. 4.2). In these studies the human rights situation in the countries concerned was described, against a more general background of the political, social and economic situation within each country. This was considered to be necessary, given the need to have a look at 'realising human rights in (an African) context'.

Having discussed the issue with several organisations in Southern Africa, it has become clear that on the level of concrete human rights standards basically no major differences do exist with the rest of the world. Rights like the freedom of opinion or the right to basic health care are not perceived differently in Africa. One of the differences seems to be the full acceptance of some collective rights alongside individual human rights. The focus is not always on the rights of the individual, but often also on the rights of communities as a whole. Leaving aside the (interesting) discussion on the existence of collective rights and the question what their full recognition might mean for the individuals that belong to these communities, it is clear that the existence of communities plays a major role in the structure of Southern African countries. They are often based on strong, traditional conceptions of customary, indigenous law, which is condoned by – or has survived notwithstanding – state-made law. See for instance, the 1996 South African Constitution, the Chapter on "Traditional Leadership": "The institution, status and role of traditional leadership, according to customary law, are recognised, subject to the Constitution; (...) The courts must apply customary law when that law is applicable, subject to the Constitution and any legislation that specifically deals with customary law. (...) National legislation may provide for a role for traditional leadership as an institution at local level on matters affecting local communities."

These local communities are often seen as one of the entities within which rights have to be realised, but also as instruments in the manifold struggles for the further realisation of these rights. At the same time, it is clear that these communities cannot speak or act on their own behalf. They need representation, in one way or another. For that purpose, they often rely upon their chiefs, or, for instance, on grass roots groups of women. Both play a major role in passing the message to the really lowest organisational level: The local communities themselves. In the present report they are called instruments or 'vehicles' for transport of the human rights message, *i.e.*, channels to reach out to the people. Informal local women's groups, often focussing on other women as "entry points for the communities", can contribute to awareness raising within their communities, thereby amongst

other things, raising questions as to traditional practices which are not in conformity with internationally recognised human rights of women, or trying to improve the overall situation of women and convince men (and women) that leadership is not only meant for men.

The latter relates, for instance, to the chiefs, who are 'used' by many of the African organisations in their fight for the local realisation of human rights. And it is a reality that, even if co-operation with them is thought not to be useful or desirable – their values and standards can sometimes conflict to human rights values and standards. In addition, chiefs can operate too close to governments, if the latter are using them for the exercise of public tasks and the like – the chiefs can still not easily be by-passed. For that reason, some of the organisations try to increase the chiefs' awareness of international human rights obligations and the consequences thereof for specific rights and duties, based on customary indigenous law, while others try to bribe the chiefs, in order to get their plans through. All this is, by the way, only to a limited extent 'typical African'. But African or not, it would be wrong to deny the existence of these indigenous preferences and customs, or African ways of organising power, because the activities undertaken might then easily be wrongly targeted or simply miss their aims.

#### **6.4 Learning capacity**

In this research we have been looking – taking into account the limitations of our data, mentioned several times in this text already – at the 'learning capacity' of the Ministry of Foreign Affairs, the four TMF-organisations and their African partners. Doing so, the researchers have made use of a broad concept of 'learning capacity', including all kinds of positive and negative reactions to mistakes, to non-communication, or to gaps in the accountability mechanisms. To what extent is an organisation able to organise itself in a way which leads to constant improvement of its performances? The emphasis therefore is more on the process of learning than on its outcome, although the latter can be seen as the materialisation of good intentions. In addition, it has been taken as a starting point that in reality the learning capacity of organisations is never perfect: Infinitely continuing learning cycles as described by, for instance, Demming, Dixon, or Kolb,<sup>339</sup> should be seen as ideals which in reality can only be approximated.

Because of the limited volume of the empirical data, it was decided after consultation with the 'Stuurgroep' not to analyse these materials by making use of indicators which are normally used in these circumstances,

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<sup>339</sup> See our 'Offertedocument'.



but to concentrate on some more general questions: What kind of information and sources are the four TMF-organisations using to account for their (respective) activities and expenses, what kind of procedures do they use to evaluate processes and goal achievement to improve their actions, and how do they show that they have learned from less positive experiences regarding these practical instruments.

As to the learning capacities of the Ministry of Foreign Affairs, it has already been stated that, after the launch of the TMF-Programme, the years 2002 and 2003 have been used for further development and fine-tuning of the TMF-funding system. After the decision-making on the second round, in late 2003, the criteria for the granting of TMF-funding have been further clarified, making by then a division between “threshold criteria”, “criteria related to characteristics and the quality of the applying organisation”, “criteria related to the contents and the quality of the application itself”, and additional criteria, in case the organisation is asking for funds to subsidise the organisation itself (in Dutch: “Instellingsubsidie” in stead of or alongside “programmasubsidie”).<sup>340</sup> The researchers talked to several representatives of the Ministry of Foreign Affairs, in order to get some (confidential) background information with regard to the public documents sent to the Dutch Parliament. After these talks, and confronting the information gathered with the documents sent to Parliament, it has become clear that adapting the granting system this way, has clearly been a reaction to some external criticism (*inter alia*, from Parliament) as well as the result of internal reflection within the Ministry on the previously used decision-making system. Within that system, the criteria used to determine whether or not an organisation was eligible for funding had an equal weight (see the then used Coca). That system was replaced by a more differentiated system, in which the unequal weight of several aspects of the organisations and their activities was taken into account. Evaluating that evolution in detail would go beyond the scope of this report, and also considerably overlap with the relevant evaluating work that has already been done.<sup>341</sup> These evaluation reports make clear that the Ministry has reacted extensively to several

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<sup>340</sup> *Ibidem*, 2003-2004, 27433, nr. 25, p. 7-9.

<sup>341</sup> See for instance *Breed Uitgemeten. Advies van de Commissie Medefinancieringsprogramma-breed inzake toetreding en toewijzing van middelen 2003-2006*, submitted to the Ministry of Foreign Affairs in September 2002, and *Breed Uitgemeten, Eindrapport van de Adviescommissie Medefinancieringsprogramma-breed*, submitted to the Ministry of Foreign Affairs in April 2003. See, *inter alia*, PP HR, 2002-2003, 27433, nr. 11. Also see the report *Externe toetsing Thematische Medefinanciering ronde 2003*, by the European Centre for Development Policy Management, Maastricht, July 2003, added as an annex to PP HR, 2002-2003, 27433, nr. 16.

recommendations for improvement of the system,<sup>342</sup> which has finally resulted in the decision to (partly) contract out the quality assessment of future applications and to the establishment of a new advisory body, the “Adviescommissie Medefinancieringsstelsel” (led by L. Bikker).<sup>343</sup>

As to the four TMF-organisations it was found, that they were sometimes criticised by their African partners, and reacted to that by rephrasing agreements, intensifying dialogues, paying physical visits, and the like. It also has become clear that M&E mechanisms have been adapted to help solve problems. At the same time, one should keep in mind that some of the African partners cooperate with many volunteers as human rights ‘vehicles’ in the (sometimes very remote) field, and that even the M&E systems are sometimes run by volunteers. In addition, one should acknowledge that the capacities needed to run these systems on a high level are sometimes underestimated, while in some cases the Dutch organisations seem to require more than what can reasonably be done by their African partners. Here again, one comes across the issues of working with volunteers and understaffing.

In general it can be observed, that in a demand-driven partnership relation, cooperation between the Ministry of Foreign Affairs and the TMF-organisations, as well as between the TMF-organisations and their local partners should take the form of a *mutual* learning process. In the relationship between the Ministry of Foreign Affairs and the TMF-organisations, the role of the Ministry has already been touched upon: In the course of the TMF-programme, innovations have taken place and the criteria for selection of the partner organisations have been further specified. On the issue of contact and exchange of information between TMF-organisations with embassies, however, the information received from the Ministry was not always congruent. While staff members of TMF-organisations claim to pay regular visits to the embassies when they are in the country, embassy staff itself sometimes deplores the lack of regular contacts and seems to lack information concerning the activities of the Dutch TMF-organisations. The potentially enriching effects of regular contacts between TMF-organisations and embassies do not seem to have been fully exploited so far, even taking into account the different roles they have to play.

As to the relationship between TMF-organisations and local partners, detailed (observations based) comments have been made on the learning capacity of organisations and partners elsewhere in this report. Generally speaking, the willingness and capacity to learn is huge, occasional

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<sup>342</sup> See, *inter alia*, *Ibidem*, 2002-2003, 27433, nrs. 15 and 16, and further to that: [www.snvworld.org/cds/rgDCF/breed%20uitgemeten.htm](http://www.snvworld.org/cds/rgDCF/breed%20uitgemeten.htm).

<sup>343</sup> PP HR, 2003-2004, 27433, nr. 18, p. 2, and 29, p. 2; 2005-2006, 27433, nr. 45.

exceptions notwithstanding. TMF-organisations have, *e.g.*, changed their focus and/or plans or some of their more technical practices on the basis of suggestions/complaints of their partners. Nevertheless, (incidental) problems in the capacity of TMF-organisations to anticipate upon a (temporary) lack of capacity of a partner also have arisen.

One TMF-organisation in particular has clearly demonstrated its willingness and capacity to learn from its partners in the South, and to change its working methods accordingly. It has for example changed its policy on the recruitment of external consultants and on its role in fundraising by its partners for their substantive work. It has equally been prepared to change its requirements for financial accounting, or is in the process of considering doing so. Furthermore, its monitoring process is devised in such a way that it is not focused on reporting back to the donor only (upward accountability), but offers the partner too the possibility to monitor its own learning process. Partners are also involved in the evaluation process so as to provide them with an opportunity to maximise ownership and the effectiveness of their capacity development efforts. The same organisation has also decided to explicitly develop institutional memory, so as to be able to benefit better from past experience.

## **6.5 Chain analysis and steering philosophy**

The chain analysis presented in this report stems from two ‘bodies of knowledge’ that helped map both the Principal-Agent relationships, and the ‘dynamics of the networks’ on the levels of contact between the Ministry of Foreign Affairs and the TMF-organisations, as well as the TMF-organisations and their African partners.<sup>344</sup> It should be emphasised – once again – that the limitations of the empirical data does not allow for a fully fledged chain analysis.

Looking through this lens at the application of the TMF-programme funding criteria by the Ministry, and, therefore, at the process of selecting specific organisations will always have to take into account several elements/aspects: Past performance of the organisation, the contents of that past performance, the quality of its daily management, its lobbying skills. It has proved impossible to identify the exact reasons why the four current TMF-funded human rights organisations have been selected. As far as the relevant information has been made available, it did not always give a clear insight into decision-making in concrete cases. Perhaps, however, that would not be the most relevant point to make. More relevant might be the question whether, overall speaking, the TMF-Programme selection system

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<sup>344</sup> See the ‘Offertedocument’.

has worked and whether improvements might still be indicated. As far as the funding criteria are concerned, no need seems to arise to further modify them, at least not as far as the core elements of the present system (see above, the remarks on “threshold criteria”, etc.) are concerned.

Two elements might be added to the decision-making system as it currently exists. First, the decision-making system may aspire to some more uniformity in its practice. Several policy theme departments within the Ministry of Foreign Affairs have their own traditions in selecting and addressing their TMF-Programme partners. Varied and diverging opinions exist between different policy theme departments concerning the question how the mutual weight of the criteria used to determine whether or not an organisation is eligible for funding should be assessed, as well as regarding the way that the organisations should be and are monitored. These diverging opinions do result in various practices. These practices are, from the point of view of the Ministry, ‘hard to get rid of’. Secondly, the local Dutch embassies might be asked more often for (additional) advice on the local African partner that might be financed by a Dutch partner organisation. As far as the researchers have been able to establish, this so far has happened only occasionally. Asking the embassies for some extra information, for instance on the quality of the management of the local organisation, could lead to an extra safety valve. On the other hand, there does not seem to be a need to do this systematically and in all cases, while it could also be perceived by the Dutch TMF-organisations as a lack of trust. Weighing these aspects in concrete cases would be a matter of differentiated decision-making rather than of scientific analysis.

The latter might be helpful in relation to the steering philosophy we touched upon shortly in Chapter 2. How to deal with such contradictory elements as the need to work with strong autonomous groups on the one hand, and the need to further strengthen their accountability towards the Ministry and through the Ministry to the Parliament on the other hand, the latter due to the fact that they are (also) spending public money? The researchers have been told repeatedly by the TMF-organisations that they ‘should be trusted’, and that no other but formal criteria should be attached to their funding. But do the organisations’ annual reports suffice for the government and the Parliament to exercise the control which is also needed in the present era of accountability? That is basically a political decision, in which accountability is weighed against the wish to deregulate and build upon the notion of the right selection of the right partners and allowing the partners thus selected to perform as good as they can, until the reverse is proven.

In that respect, there might also be a difference between and within the several links of the chain, *i.e.*, a difference in steering philosophy as to the relation between the Ministry and the Dutch TMF-organisations on the

one hand and between the Dutch organisations and their local partners on the other hand. For the latter, notions like ‘partner-driven’ and ‘ownership’ are anyhow extremely important. The essence of ‘ownership’ of, in the present case, human rights protection programmes, is that benchmarks are agreed upon between donor and recipient for measuring progress on the improvement of human rights practices, rather than that policy conditions are set by donors. The emphasis is thus on general improvement in the field of human rights rather than on specific policy conditions. As was pointed out quite rightly in the Dutch 2001 policy paper on Civil Society and Structural Poverty Reduction however, using outcomes rather than policy conditions is much more difficult and even not necessarily desirable in the human rights field: Progress is difficult to measure, and causality is almost impossible to be established (see above). Moreover, a focus on short-term results may lead to risk-avoiding behaviour, while some risks inevitably are to be taken in order to build and strengthen civil society. Again, when the TMF-programme was established as a separate category, it was submitted that strong civil societies have their own systems and structures, that they have been developing their own values and standards over long periods, and that civil society organisations in the North could best support Southern civil society organisations if both are independent and autonomous. TMF-organisations are therefore to be considered as autonomous entities and responsible themselves for their own activities. The practice has shown that they are very well able to bear these responsibilities.

A major consequence of ‘ownership’, if taken seriously, is that especially the relationship between TMF-organisations and their African partners is still to be re-thought further. ‘Ownership’ and demand-driven development cooperation requires partnership, and the latter does not only imply mutuality (each party has rights and duties), but also more equivalence between the partners, and a relationship in which confidence and trust are highly important. The following key questions then arise: What are the basic assumptions underlying the TMF-programme that is based on this concept of partnership? And have these assumptions been confirmed in reality? To what extent have the actors (the Ministry of Foreign Affairs, TMF-organisations, local partners) managed to realise this idea of partnership?

Two elements are of particular relevance and will be highlighted in what follows, thereby confronting aspects of the steering philosophy behind the TMF-programme with what we have seen in the daily practices of the four organisations as well as their African partners. It includes a series of remarks on which role embassies could/should play.

### *Operational freedom*

In the relationships this report focuses upon, and which are characterised by the Dutch organisations as well as their African partners as demand-driven and as 'owned' by, basically, the African partners, both TMF-organisations and their local partners enjoy a high degree of operational freedom. The emphasis is on effective and efficient facilitation of endogenous strategies, rather than on top-down decision-making. The TMF-organisations discussed indeed leave much space and freedom in decision-making to local partners. Even in the case of difficulties or a rather strained relationship with a partner, there do not appear to have been attempts of top-down interventions. Instead, sometimes careful negotiating was engaged in to get a partner again on track. One minor exception has to be made with regard to at least one TMF-organisation as far as financial matters are concerned. That organisation, however, has been reported to have undertaken to revisit its financial policy.

Leaving a large degree of operational freedom to partners presupposes a careful selection of partners, clear working arrangements and monitorable goals and expected achievements. With regard to the selection of TMF-organisations by the Ministry of Foreign Affairs, this point has well been illustrated in the repeated specification of selection criteria the Ministry has made in consecutive selection rounds. As to the selection of partners by TMF-organisations, it is important that the selection is based on the actual record of an organisation, and not (only) on which activities it might undertake in the future. As appears from the experience of one TMF-organisation with a certain partner, the selection of a partner that does not fit into the picture but which the organisation would nevertheless like to work with (*e.g.*, because of a long-standing relationship) has turned out to be a problematic decision.

It should also be noted that if the selection is pushed too far, only strong organisations (*i.e.*, good networkers with a sound management) have a chance to be selected. This might have the rather perverse effect that while the Theme-based co-financing programme is meant to reinforce and strengthen civil society in the South, only good partners with relatively little need for capacity-building *e.g.* are most likely to be selected. The 2001 policy paper on Civil Society and Structural Poverty Reduction clearly recognised this risk, in that it pointed out the danger of risk-avoiding behaviour (if conditionality was too strong). The challenge therefore seems to be how to operationalise partnership relations when choosing to work with rather weak organisations, for the selection process is then to be inevitably less stringent. Some starting points can be found in the experience of one of the TMF-organisations that was confronted with two partners in crisis, in that staff were leaving, and the partner needed to re-focus itself rather dramatically in its basic orientation and activities. While

one partner has managed to do so quite successfully, the other partner did not. The crucial difference between the two partners seemed to be one of 'learning leadership'. In case the leadership is strong in the sense of open to change and capable of bringing about change through dialogue and persuasion, a partner organisation's potential for overcoming a crisis seems to be significantly higher.

Another crucial element of a demand-driven and ownership approach is a degree of mutuality and equality: Parties are to be in a more or less equal bargaining position; both parties have to have something to offer. If not, one of the parties is forced on the defensive and might be marginalised. This may happen on both sides, *i.e.*, with TMF-organisations and with partners in the South. As to the latter, the researchers have come across at least one example of a partner who was willing to do virtually anything in order to obtain funds, thereby losing sight of its own goals and objectives. Whatever partner-oriented the TMF-organisation concerned is, it may be extremely difficult to maintain a real relation of partnership in these circumstances. The same goes for the situation in which a TMF-organisation is largely ignored and not been taken seriously by its Southern partner, for it is not considered to bring in much added value, either in terms of money or otherwise.

#### *Monitoring from a distance*

The concept of partnership has forced the Ministry of Foreign Affairs to shift to 'monitoring from a distance'. That seems to have resulted in Dutch embassies sometimes taking some distance from TMF-organisations and programmes as well as from their partners. It would be recommendable to urge embassies and TMF-organisations to join efforts and at least regularly discuss each others programmes and agendas, even if there are no joint partners involved. It is a missed opportunity, which could have led to mutual learning and thus to mutual benefit for the embassies (the Ministry) and the TMF-organisations, as well as to further improvements in the human rights situations in the countries concerned. Such an approach would be workable, even if taken into consideration the different roles the embassies and the TMF-organisations do have to play. Contrary to the 'monitoring from a distance' issue, NiZA, for instance, has reported that "the embassy personnel that is designated to Southern Africa embassies, is always strongly recommended to visit NiZA as part of their introduction program", and that "while at post in the region, we maintain contact from within the programs with the relevant theme embassy specialist and if possible include a meeting during our frequent visits down South".<sup>345</sup> According to NiZA, "this helps to exchange information, fine-tune

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<sup>345</sup> Mail from NiZA.

interventions in the field and cooperate on issues when relevant. (...) If needed there is also email-contact with the embassies in order to fine-tune our activities". It is added, however, that "not all embassies are as much open to contact. The openness highly depends on the person in charge as well as the attitude of the specific specialists".<sup>346</sup>

Apart from a role that might be given to the embassies in the selection procedure (see above, in this Par.), it would be good anyhow to use the local Dutch 'eyes and ears', not as a matter of distrust but rather as a matter of, basically, making TMF-organisations and their local partners work as effective as they can. Nevertheless, it should also be kept in mind that embassies sometimes do have their own agendas, that are not necessarily matching with the agendas of the TMF-organisations. In such cases, it is not clear in advance which one should precede.

In the relationship between the TMF-organisations and the local partners, the challenge clearly lies in striking the right balance between too much conditionality/steering on the one part, and complete liberty on the other part. Leaving a partner completely free, with only occasional and formal modes of interaction and monitoring may be rather an indication of lack of genuine involvement and interest than of a partnership spirit. It has become clear that none of the TMF-organisations has resorted to top-down and direct steering of its local partners. All are partner-oriented and demand-driven. It has also become clear that there generally is a good flow of accountability information, that there are frequent formal and informal contacts, and that in most cases feedback is given. Generally speaking, TMF-organisations and partners therefore can and seem to know from each other what they do, even if hampered by a sensitive political environment, as in the case of Zimbabwe. The degree in which feedback is accommodated for sometimes seems to vary nevertheless with the degree of relative dependency of a partner/organisation, in particular where the spirit of partnership is not optimal.

The research also has shown the perennial tension between the legitimate ambitions of TMF-organisations to realise as much as possible their own agenda, and the capacities and/or priorities of the partner organisations. The issue has been discussed before. Some TMF-organisations aim for example at the establishment and reinforcement of international networks, while local partners may consider regional or domestic networks and cooperation of primary importance. Or, on a more practical level, original receipts may be requested, because PSO requires so, while that sits uneasily with local accountancy/financial reporting rules. The degree to which TMF-organisations insist (and sometimes possibly *over-*insist) on their ambitions and priorities may be partly dependent on the

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<sup>346</sup> *Ibidem.*



extent and way in which they are to account to the Ministry of Foreign Affairs (and/or other own fund providers).

*Finally*

Making, finally, a more ‘naked’ evaluation of the chain, related to the Ministry of Foreign Affairs, the four TMF-organisations, and their local partners, we would like to state that:

- Over the years the system of decision-making within the Ministry has been adapted to new insights and challenges and as such seems to be ready for the next decade or so. In relation to the selection of the four TMF-organisations no blatant errors can be reported.
- The four TMF-organisations have spent quite some energy in finding the right African partners. It has been reported extensively on what grounds the Dutch TMF-organisations have decided to co-operate with specific African organisations and how they have organised decision-making. The latter is by one of them even fully institutionalised, whereby it is reported that the organisation had the task to select 24 partners out of a list of more than a hundred organisations.
- At the level of both the relation between the Ministry and the four TMF-organisations and between these organisations and their African partners, quite specific M&E systems do exist, which are instrumental for the realisation of the responsibility and accountability that belong to their particular link in the full chain of responsibilities. In these systems a special place is given to annual and sometimes interim reports and to external auditing reports. It has been reported to the researchers, that the four organisations spend much time in reading the reports handed in to them by their African partners. However, it has also been reported by some of the TMF-organisations that it is “their impression” that the Ministry does not do so with the reports it receives from them. The Ministry acknowledges the correctness of this impression, but underlines that there are many other ways of having intensive contacts with the TMF-organisations, for instance through the annual ‘policy dialogues’ between the Ministry and the organisations. According to the Ministry, the reports presented by the organisations serve as input for these talks. The relevance of these talks has been confirmed by three of the organisations under scrutiny, often using very positive words, like “inspiring”, “pleasant”, “relevant”, “opening new perspectives”, and “leading to mutual learning”.<sup>347</sup>

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<sup>347</sup> Mails from the TMF-organisations.

## 6.6 Good practices and approaches

Through the desk study, the analysis of the information in the questionnaires, and discussions and meetings with the organisations (both in North and South), the researchers have come across a range of what might be called ‘good practices and approaches’. They can easily be turned into recommendations for future actions. Given the scope of the present Chapter, we do not focus so much on very concrete activities, like for instance a specific training of staff members of specific organisations, although that might be ‘very good practices’ (and also examples of money spent very well). As a matter of fact, Chapter 5 is full of examples of such practices, from capacity building to establishing listservs, from building and strengthening networks to management training sessions and investing in M&E systems. In stead of repeating these, we prefer to report upon these ‘practices and approaches’ on a bit more generalised and abstract level. We have organised these good practices and approaches along nine headings (some of which are – unavoidably – partly overlapping):

- *Investing in human capital.* Human rights and poverty reduction work depends, in the end, always upon human beings, who are aware of their rights; who have a clear insight in the legal, political, social and/or economic mechanisms needed to realise these rights in the country concerned; who have the moral views and courage to fight for human rights and against poverty; who are trained in order to organise themselves and their organisations.
- *Capacity building.* Capacity building, being “the process by which individuals, groups and organisations increase their potential through the growth of knowledge, experience and skills to: Formulate goals and achieve them; carry out their core tasks efficiently and effectively; solve their problems in a sustainable way” is basically what all the organisations under scrutiny are aiming for, in one way or another. It also is what they should aim for in the future: It is one of the most important contributions to structural and sustainable alleviation of poverty and the realisation of human rights.
- *Dissemination of human rights knowledge.* Awareness of rights is not necessarily the same as a *thorough* knowledge of these rights. The latter, however, is needed, in order to be more effective in, for instance, local fights against the government, or in international lobbying. Tools/instruments/strategies available would relate to high level education; establishing electronic libraries and listservs; training the trainers and educators.
- *Empowering the grass root level.* It is not enough that the knowledge is available in an abstract sense. One of the core issues is how to reach the

grass roots levels. For that reason, access to and the helping hand of 'human rights vehicles' like churches, chiefs, paralegals, volunteers and local women's groups are indispensable. In addition, it is always good not to overestimate the strengths of legal procedures. They are one instrument, among many others, like forming trade unions or political lobbying.

- *Offering effective legal protection.* Having and knowing one's rights is at least something. Having these rights effectively implemented, however, is something totally different. This is to some extent true for law in general, but the more so for human rights law, often because the entity needed for its realisation (the State) is part of the problem itself. Tools/instruments/strategies would have to aim, first of all, at strengthening local legal systems, including traditional ones if desired so; at fighting against corruption within the judiciary; at non-expensive legal representation, and the like. The support for training of paralegals and the fight for legal recognition of paralegals e.g. testify of the TMF-organisations' (and their Southern partners') awareness of the need for effective legal protection.
- *Strengthening international legal and quasi-legal protection.* On a level complementary to national legal systems, one should think of constantly strengthening of and improving access to international supervisory procedures. Further strengthening of international human rights protection has a twofold benefit: It might offer complementary protection if at the national level such protection fails, but it also often influences internal legal decision-making. And in addition to binding international law, one should not underestimate the force of soft law instruments as well as of the UN Special Rapporteurs appointed for a series of human rights. The soft law instruments can also be useful instruments within national legal and political struggles, while Rapporteurs can focus on situations which otherwise might escape attention.
- *Networking.* Strengthening local organisations and their fights against human rights violations and for poverty reduction, directly or through working on a human rights friendly ('enabling') environment, can be done by bringing them into contact or facilitating contacts with other local organisations, and/or with organisations on the sub-regional, regional or international level. The level of networking depends on the objectives one aims for.
- *Showing solidarity.* If the present research has learned one thing, it is the importance of solidarity. It has become clear, time and again, that the TMF-organisations are often seen by their local partners not as merely 'contractors'/donors/contracting parties but also as

partners/friends/allies. According to the researchers that role is often as important as the financial or facilitating roles. One can not overestimate issues like giving more legitimacy to local organisations by establishing international contacts, or by giving them moral support in their fights against structural poverty or involuntary disappearances.

- *The paradigm-shift should go on.* The need to seek sustainable approaches/solutions leads to the need of fully accepting the notion that a paradigm shift has and is still taking place. In short, it is about accepting many (more) constituencies and stakeholders (than States only) in the global/African fight for human rights and against poverty, and about combining the strengths of separate actors, like states, their international organisations, NGOs and companies in that ongoing struggle ('partnerships'). The Dutch government is in a process of fully recognising that without civil society there is no chance of ongoing, sustainable success in these fields. The TMF-programme and the core notions behind that can be considered a reflection of that view.

## Annex 1

### **Country report: South Africa**

(used as background document for the country visit)

#### **1. Introduction**

Capital:	Pretoria <sup>348</sup>
Government type:	Republic
Head of state:	Thabo MBEKI (since 16 June 1999) <sup>349</sup>
Area:	1,219,912 sq km <sup>350</sup>
Population:	44,344,136 <sup>351</sup>
Population growth rate:	- 0.31% (2005 est.)
Ethnic Groups:	Black African 79%, white 9.6%, colored 8.9%, Indian/Asian 2.5% (2001 census)
Religions:	Zion Christian 11.1%, Pentecostal/Charismatic 8.2%, Catholic 7.1%, Methodist 6.8%, Dutch Reformed 6.7%, Anglican 3.8%, other Christian 36%, Islam 1.5%, other 2.3%, unspecified 1.4%, none 15.1% (2001 census)
Languages:	IsiZulu 23.8%, IsiXhosa 17.6%, Afrikaans 13.3%, Sepedi 9.4%, English 8.2%, Setswana 8.2%, Sesotho 7.9%, Xitsonga 4.4%, other 7.2% (2001 census)
Life expectancy:	43.27 years <sup>352</sup>
HIV prevalence (age) 15-49	21.5% (2003 est.) <sup>353</sup>
People with HIV/AIDS	5.3 million (2003 est.)

#### **2. Political history**

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<sup>348</sup> Cape Town is the legislative center and Bloemfontein the judicial center.

<sup>349</sup> The president is both the chief of state and head of government.

<sup>350</sup> CIA World Fact Book, last update: 10 January 2006.

<sup>351</sup> Estimates for this country explicitly take into account the effects of excess mortality due to AIDS; this can result in lower life expectancy, higher infant mortality and death rates, lower population and growth rates, and changes in the distribution of population by age and sex than would otherwise be expected (July 2005 est.)

<sup>352</sup> *Ibidem*. Compare with UNDP, Human Development Index, 2005: 48, 4 years

<sup>353</sup> UNDP, Human Development Index, 2005.

After the British seized the Cape of Good Hope area in 1806, many of the Dutch settlers (the Boers) trekked north to found their own republics. The discovery of diamonds (1867) and gold (1886) spurred wealth and immigration and intensified the subjugation of the native inhabitants. The Boers resisted British encroachments, but were defeated in the Boer War (1899-1902). The resulting Union of South Africa operated under a policy of apartheid – the separate development of the races. South Africa became independent from the UK on 31 May 1910 and became a republic in 1961 following a referendum held in October 1960.

The 1990s brought an end to apartheid politically and ushered in black majority rule. The Government of National Unity and President Mandela were elected in April 1994. A new Constitution was adopted on 10 December 1996, and entered into effect on 3 February 1997. The Constitutional Court was created as the guardian of the Constitution. The second elections held in June 1999, which led Thabo Mbeki to the presidency, were acknowledged as peaceful, free and fair.

### **3. Political situation**

During the elections last held on 24 April 2004 (next to be held April 2009), Thabo Mbeki was re-elected president by the National Assembly for another five-year term.

The elections of April 2004 for the National Assembly and National Council of Provinces resulted in a coalition of the African National Congress or ANC (Thabo Mbeki), and Inkatha Freedom Party or IFP (Mangosuthu Buthelezi).<sup>354</sup> The Parliament consists of two houses: the National Assembly (400 seats) and the National Council of Provinces, a new structure designed to create a joint forum for South Africa's nine provinces. It has special powers to protect regional interests, including the safeguarding of cultural and linguistic traditions among ethnic minorities. Both houses are responsible for the passing of legislation.

### **4) Economic situation**

South Africa is an atypical developing country. The per capita GDP is around 3,200 \$ for a total population of 42,8 million people. Its main feature is a dual economy inherited from 50 years of apartheid, based along racial

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<sup>354</sup> Other Political parties and leaders are: African Christian Democratic Party or ACDP (Kenneth Meshoe), Democratic Alliance or DA (Anthony Leon), Pan-Africanist Congress or PAC (Stanley Mogoba), United Democratic Movement or UDM (Bantu Holomisa).

divides. It has sophisticated physical infrastructure as well as financial, IT and telecommunication services, side by side with extreme levels of poverty and exclusion. The living standards for white South Africa (11% of the total population receiving 47% of total income) compares extremely favourably with those of the developed world whilst that for the black population ranks with those of the least developed countries.<sup>355</sup>

South Africa's rate of poverty is 45%, with nearly 20 million citizens living below the poverty line. While 45% of the population is rural, 75% of poor people live in rural areas. The Human Development Index for South Africa is 0.658, placing South Africa in the middle rank (120th of 177).<sup>356</sup> However the average HDI is misleading in that it does not account for the fact that South Africa is the third most unequal society in the world.<sup>357</sup>

Despite a huge development potential, major development constraints exist, in particular a wide gap in distribution of wealth and income, an alarming HIV/AIDS infection rate, high crime rate, unemployment (25.2%, 2005 est.<sup>358</sup>) and slow economic growth (4.5 % (2005 est.)).<sup>359</sup>

## 5. Social situation

More than 70% of the total South Africa's rural population are found in KwaZulu Natal, Eastern Cape and Limpopo. High poverty rates combined with large population, results in a cumulated share of the poverty gap of 61% for these provinces. KwaZulu Natal and Eastern Cape concentrate nearly half of the population estimated to be HIV positive in South Africa.<sup>360</sup>

Patterns of immigration are complex in South Africa. Destabilisation by the apartheid government in countries to the north of South Africa (particularly in Mozambique) resulted in a large refugee population. Migrant workers, recruited for the mines and seeking work of other kinds, have flowed across the border over the years. This phenomenon continues.

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<sup>355</sup> *Synthesis of the 2005 Human Development Report, Overcoming Underdevelopment in South Africa's Second Economy*, 2005.

<sup>356</sup> UNDP, Human Development Index 2005.

<sup>357</sup> EU relations with South Africa:

[http://europa.eu.int/comm/development/body/country/country\\_home\\_en.cfm?cid=za&status=new](http://europa.eu.int/comm/development/body/country/country_home_en.cfm?cid=za&status=new)

<sup>358</sup> If the expanded definition is used, which counts as unemployed those who are too discouraged to search, this figure jumps to over 40 percent.

<sup>359</sup> *CIA World Fact book: South Africa*, 2006.

<sup>360</sup> EU relations with South Africa, 2003.

Recently, refugees and illegal immigrants began arriving from war-torn areas further north.<sup>361</sup> In reaction to the deteriorating situation in Zimbabwe, South Africa has placed military along the border to stem the thousands of Zimbabweans fleeing to find work and escape political persecution.

## 6. Human rights situation

The 1996 Constitution provides for the separation of powers and requires the establishment of various independent bodies to promote democracy and human rights. These include the Human Rights Commission, the Commission on Gender Equality, the Office of the Public Protector, the Judicial Service Commission, the Truth and Reconciliation Commission, and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities. The Constitutional Court was created as the guardian of the Constitution.

Although SA has a constitution recognised as among the most progressive, a recent survey showed that 36% of the population had never heard of the Bill of Rights, 29% did not know its purpose and 59% did not know where to seek help in the event of abuse.<sup>362</sup>

Date of admission to UN: 7 November 1945.

South Africa has ratified or acceded to most of the core Human Rights Conventions:

- International Convention on the Elimination of All Forms of Racial Discrimination (10 December 1998). South Africa's initial, second and third periodic reports were due 9 January 1999, 2001 and 2003 respectively. Declaration under article 14.
- International Covenant on Civil and Political Rights (10 December 1998). South Africa's initial report was due 9 March 2000. Reservations and declarations: declaration under article 41. First Optional Protocol (accession: 28 August 2002). Second Optional Protocol aiming at the abolition of death penalty (accession: 28 August 2002).
- International Covenant on Economic, Social and Cultural Rights, signed only.
- Convention on the Elimination of All Forms of Discrimination Against Women (15 December 1995). South Africa's second periodic report

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<sup>361</sup> HRI/CORE/1/Add.92, 30 June 1998.

<sup>362</sup> EU relations with South Africa, 2003.



was due 14 January 2001; the third periodic report was due 14 January 2005.

- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (10 December 1998). South Africa's initial report was due 8 January 2000. Declaration under articles 21, 22 and 30.
- Convention on the Rights of the Child (16 June 1995). South Africa's second periodic report was due 15 July 2002. The Optional Protocol (Children in Armed Conflict) was signed 8 February 2002. The Second Optional Protocol (Sale of Children, Child Prostitution, Child Pornography) was acceded on 30 July 2003.
- Rome Statute of the International Criminal Court (27 November 2000).
- The African Charter on Human and Peoples' Rights (9 July 1996).
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (December 2004).
- Charter on the Rights and Welfare of the African Child (7 January 2000).

#### *Civil and Political Rights*

a) Right to life/prohibition of torture and other cruel, inhuman or degrading treatment or punishment

South Africa has acceded to the Second Optional Protocol aiming at the abolition of the death penalty in 2002 and has ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1998.

The police oversight body, the Independent Complaints Directorate (ICD), reported for the year ending March 2004 that it had received 47 per cent more complaints of "serious criminal offences" by the police.<sup>363</sup> In the same period it received 714 reports of deaths in police custody or arising from police action, an increase of over 35 per cent on the previous year. Suspects in criminal investigations, refugees, and members of organisations protesting against poor social and economic conditions were among the victims of alleged torture, ill-treatment or the unjustified use of lethal force.<sup>364</sup>

b) Right to liberty and security of person

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<sup>363</sup> Judicial Inspectorate of Prisons, Annual Report 2004-2005, <http://judicialinsp.pwv.gov.za/Default.asp>.

<sup>364</sup> Amnesty International Report 2005, South Africa.

Levels of crime in South Africa, which are among the highest in the world, affect the safety above all of the poorer members of the population, especially women and children.<sup>365</sup> Police statistics for the year 2003/2004 recorded 52,759 reported rapes, with the highest provincial ratio being recorded in the Northern Cape at nearly 190 incidents per 100,000 people. Reforms to improve access to justice for survivors continued during the year. The police Family Violence, Child Protection and Sexual Offences Unit, responsible for investigating these cases, was enlarged. Additional “victim-friendly facilities” were established at hospitals and at police stations, with the support of NGOs and business organisations. By December, 52 specialised sexual offences courts had been established. The conviction rate in rape cases in these courts was 20 per cent higher than cases brought to trial in ordinary courts. Complainants’ access to justice was still limited by staff shortages, distances from the courts, poor police work and lack of social welfare support. Only about seven per cent of all the rape cases reported to the police resulted in convictions. A comprehensive training programme was launched for police and criminal justice officials to improve their implementation of the 1998 Domestic Violence Act.<sup>366</sup>

c) Freedom of movement

Asylum-seekers are at risk of arbitrary arrest or deportation because of officials’ corrupt practices at refugee reception centres and borders, which obstructs, delays or denies their access to determination procedures. Human rights lawyers and organisations expressed concern, particularly at the discriminatory treatment of Zimbabwean asylum-seekers. The South African Human Rights Commission and the Parliamentary Portfolio Committee on Foreign Affairs held public hearings in November on xenophobia and allegations of human rights abuses against migrants and asylum-seekers. Joint operations by Home Affairs officials and members of intelligence and police services against individuals suspected of links with international “terrorist” organisations resulted in the incommunicado detention, ill-treatment or forcible repatriation of immigrants or asylum-seekers.<sup>367</sup>

d) Right to a fair trial

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<sup>365</sup> EU relations with South Africa, 2003. Recent data show a yearly decrease with 5 %; although the governments own targets were higher, there still is a positive development.

<sup>366</sup> Amnesty International Report 2005, South Africa.

<sup>367</sup> Amnesty International Report 2005, South Africa.

The Truth and Reconciliation Commission (TRC) was established following the election of South Africa's first democratic government in 1994. It was charged with preparing a record of gross violations of human rights committed during 'the conflicts of the past' (dating back to 1960), making recommendations including for the granting of reparations to the victims, and granting amnesty in respect of 'acts associated with political objectives' to individual applicants who made full disclosure of what they had done. The TRC published a five-volume report in 1998, which included extensive findings and recommendations and identified more than 20,000 victims of human rights violations. Though there has been progress on many of the non-monetary recommendations, the proposed financial compensation remains largely outstanding.<sup>368</sup> The issue of reparations for the victims of apartheid has yet to be solved and the reconciliation process needs to be pursued on a long term basis.<sup>369</sup> Human Rights Watch and Amnesty International urge the government of South Africa "to end the impunity enjoyed by too many of those who have committed gross human rights abuses. To this end the government should strengthen the capacity and resources of the special prosecution unit in the NDPP's office. (...) There must be no further pardons and no further amnesties; where there is credible evidence that individuals have committed crimes, they must be prosecuted without fear or favour. Finally, the government should move swiftly to redress the injustice to the thousands of victims and their families who co-operated with the TRC process and implement a program of reparations."<sup>370</sup>

#### *Economic, social and cultural rights*

##### e) Right to work and to just and favourable conditions of work<sup>371</sup>

A report by the UN Development Programme (UNDP) in May 2005 noted the persistence of massive unemployment; a slight decline in the percentage of the population living in poverty but an increase to over 10 per cent of the population living in extreme poverty (on less than one US dollar per day);

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<sup>368</sup> *South Africa: Government should compensate victims of the past and end impunity*, AI Index: AFR 53/002/2003 (Public), 13 February 2003, News Service No: 030. *South Africa: Government should compensate victims of the past and end impunity*

<sup>369</sup> EU relations with South Africa, 2003.

<sup>370</sup> Amnesty International and Human Rights Watch, *Truth and Justice: Unfinished Business in South Africa*,

AI Index: AFR 53/001/2003, 13 February 2003.

<sup>371</sup> South Africa has ratified relevant ILO Conventions concerning the Freedom of association and collective bargaining (ILO Conv. 87 and 98); the Elimination of forced and compulsory labour (ILO Conv. 29 and 105); the Elimination of discrimination in respect of employment and occupation (ILO Conv. 100 and 111); and the Abolition of (the worst forms of) child labour (ILO Conv. 138 and 182).

and a worsening rate of income inequality. An increasing number of black South Africans has no access to one or more basic services. The report suggested these trends resulted in part from government policies. Church-based, trade union and other civil society organisations made similar criticisms.<sup>372</sup> Widening income inequality, slow growth, high and rising unemployment and the HIV/AIDS pandemic are the main challenges facing the South African Government in the medium term.

#### f) Rights to food and housing

Social transformation was accompanied by a remarkable effort in the provision of social services to previously disadvantaged populations. Since 1994, 7 million people have been provided with basic water supply, and over 1.3 million houses built to provide shelter to over 5 million people. The Government has supported access to land and secure tenure for poor and previously disadvantaged communities. Land transfer has been boosted by the recent decision to release up to 669,000 hectares of state agricultural land to emerging farmers. However both the redistribution and restitution processes have been considered too slow and a number of current problems linked with the procedures for land acquisition, project planning, resources allocation and target groups are currently discussed with all relevant stakeholders. The sensitivity of the issue has evidently become more acute, given the deteriorating situation in Zimbabwe.<sup>373</sup>

#### g) Right to health

The number of HIV infected people was expected to grow from 3.75 million in 1999 to 5.5 million in 2004 (current population level: 44 million). Women and girls under 30 years of age have the highest infection rates. The number of AIDS orphans was projected to grow from 250,000 in 1999 to 750,000 in 2004. Poverty and social exclusion are likely to be aggravated. Without effective intervention it is further estimated that 5-7 million South Africans will die of HIV-related illnesses by 2010. South Africa's health system, ranked by the WHO at 175 out of 191 member states, struggles under the weight of AIDS and related diseases such as tuberculosis.<sup>374</sup>

In several only a small proportion of patients needing anti-retroviral drug (ARV) treatment are receiving it because of a severe shortage of

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<sup>372</sup> UNDP, *Synthesis of the 2005 Human Development Report, Overcoming Underdevelopment in South Africa's Second Economy*, 2005. Amnesty International Report 2005, South Africa.

<sup>373</sup> EU relations with South Africa, 2003.

<sup>374</sup> *Ibidem*.

medical staff<sup>375</sup> and delays in the supplies of the drugs and equipment. The availability of ARV drugs for women and girls who became HIV positive as a result of rape was also severely limited.<sup>376</sup>

#### h) Human rights of women and children

Some of the poorest households in South Africa are headed by women. Some are headed by grandmothers or children who, by various means, attempt to support younger children. Poverty results in many households containing three or four generations. In rural areas, men are often away for long stretches.<sup>377</sup>

Sexual violence against women and girls is a problem of epidemic proportions in South Africa, including a virtually unprecedented epidemic of child rape. Existing data suggest that more than 40 percent of rape survivors are girls under eighteen. Although exact numbers are hard to come by, there is evidence that child rape is becoming more common. According to police statistics, the reported incidence of rape and attempted rape among children has increased, even as the incidence among adults has begun to stabilise. Many girls are coerced to have sex and otherwise subjected to sexual harassment and violence by male relatives, boyfriends and schoolteachers or male classmates. In the context of South Africa's explosive HIV/AIDS epidemic, sexual violence is a death sentence for many women and girls. A recent study found that more than 1 in 20 children ages two to fourteen in South Africa are HIV-positive and that most of this infection cannot be attributed to mother-to-child transmission. The study suggested sexual abuse as one of the factors that may contribute to this finding.<sup>378</sup>

South Africa is one of a few African countries with a law against domestic violence. The Domestic Violence Act (DVA) (116 of 1998) replaced the Family Violence Act (133 of 1993) to cover a broader range of marriages and domestic relationships. The DVA clearly defines domestic violence, has an in-depth list of abuses and provides more effective protection to survivors of gender-based violence.<sup>379</sup> In 2003 the Criminal

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<sup>375</sup> South Africa: HIV/AIDS to take heavy toll of health workers, IRIN News.org, 9 August 2005.

<sup>376</sup> Amnesty International Report 2005, South Africa.

<sup>377</sup> HRI/CORE/1/Add.92, 30 June 1998.

<sup>378</sup> Submission to the Parliamentary Portfolio Committee on Justice and Constitutional Development, Parliament of South Africa, on the draft Criminal Law (Sexual Offences) Amendment Bill, 2003, from Amnesty International and Human Rights Watch, 15 September 2003 AI Index: AFR 53/006/2003.

<sup>379</sup> Center for the Study of Violence and Reconciliation: [www.csvr.org.za/gender/pages/cjs.htm](http://www.csvr.org.za/gender/pages/cjs.htm).

Law (Sexual Offences) Amendment Bill (B50-2003) was submitted to the Parliament.<sup>380</sup> In December 2004, South Africa ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

## **7. Development assistance from the Netherlands and/or the European Union**

The European Union is the most important strategic partner to South Africa. South Africa's trade with the European Community constitutes of over 40% of total trade. Political links with the Community and its member states are well established and date back to times of strong support for the anti-apartheid struggle. This strategic partnership is expressed in the Trade, Development and Co-operation Agreement (TDCA) (which includes provision for a Free Trade Area (FTA), financial assistance and development cooperation, trade related issues, economic cooperation, social and cultural cooperation and political dialogue.

The European Programme for Reconstruction and Development (EPRD) has been operational since 1995. The EPRD is geared to closely support the Government's Reconstruction and Development Programme.

Under the current, 2003-2006 Country Strategy Paper, the overall objective is to strengthen political cooperation, and to support the SA policies and strategies to reduce inequality, poverty and vulnerability. In this context, a further aim is to support SA efforts to mitigate the HIV/AIDS pandemic and its impact on the society.

Whenever possible and appropriate, the support of the EC will be targeted towards the three most deprived provinces of SA, in order to contribute to redressing the inequalities and imbalances of the past: KwaZulu Natal, Eastern Cape and Limpopo. Within these three provinces, special attention will be given to the urban and rural development.<sup>381</sup>

As far as Dutch development co-operation is concerned, currently, 15 million per year is spent on education (will go up to 20 million), 6 million (next year 8, and in 2007 10 million) is going to HIV/AIDS, and 2 million to good governance, including human rights. 12 million euro a year is made available for a regional HIV/Aids program. Funds for education are

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<sup>380</sup> Submission to the Parliamentary Portfolio Committee on Justice and Constitutional Development, Parliament of South Africa, on the draft Criminal Law (Sexual Offences) Amendment Bill, 2003, from Amnesty International and Human Rights Watch, 15 September 2003 AI Index: AFR 53/006/2003.

<sup>381</sup> EU relations with South Africa, 2003.

channelled through the government, those for HIV programs not because of the different vision the Netherlands have on the issue.

Overall, the human rights situation in South Africa is considered by the EU satisfactory, so human rights are not the main priority. Within the embassy of Pretoria, human rights are integrated in all the departments.

There is a growing realisation that in particular local government has limited capacity, and that development co-operation remains therefore crucial. On the other hand, it is much more efficient to spend money for the realisation of the millennium development goals in South Africa than in many other countries. Finally, there are also political reasons for which the Netherlands want to remain a strong partner.

### **Main sources**

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- Amnesty International and Human Rights Watch. 'Submission to the Parliamentary Portfolio Committee on Justice and Constitutional Development, Parliament of South Africa, on the draft Criminal Law (Sexual Offences) Amendment Bill', 15 September 2003, AI Index: AFR 53/006/2003.
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[http://europa.eu.int/comm/development/body/country/country\\_home\\_en.cfm?cid=za&status=new](http://europa.eu.int/comm/development/body/country/country_home_en.cfm?cid=za&status=new). (Last update 11 December 2003)
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## Annex 2

### 'Questionnaire 1'

## **Dutch – African Cooperation Questionnaire - version African partner organisations**

[Sent to the African partner organisations. The questionnaire has been presented here in a shorter format (questions only). In other questionnaires the name 'NIZA' has been replaced by 'HOM', 'IFHHRO' or 'HREA']

### **I. INFORMATION ON THE COOPERATION WITH NIZA**

*In parts A through C of the questionnaire the focus lies on NIZA and your working relationship with this organisation.*

#### *PART A: CHARACTERISATION OF NIZA*

1. What, to your knowledge, are the goals and groups NIZA aims at?  
Goal(s):.....  
Group(s) (e.g. women, children, specific ethnic groups):.....
2. What do you think NIZA considers important in the way your organisation works?
3. In which way(s) do you want to perform well in the eyes of NIZA?

#### *PART B: CHARACTERISATION OF THE WORKING RELATIONSHIP WITH NIZA*

4. Why have you chosen to work together with NIZA?
5. Who initiated the cooperation with NIZA?  
 Your own organisation  
 NIZA  
 A third party
6. Are there other organisations like NIZA that you could work with to achieve a similar result (more than one option may be ticked)?  
 No  
 Yes, please indicate:  
- type of organisation:  governmental organisation  
 non-governmental organisation  
- work domain of organisation:  local organisation  
 national organisation



international organisation

7. What kind of support does NIZA provide you with? (more than one option may be ticked)
- financial (by providing funding)
  - advice on institutional development (*e.g.*, advice on how to set up new expertise or management within the organisation)
  - administrative support (*e.g.*, when organising a conference)
  - program development (in the domain of human rights)
  - other, namely:.....
8. Does the cooperation with NIZA contribute to:
- |  | Yes                   | No                    |
|--|-----------------------|-----------------------|
| a. The effectiveness of your organisation                    | <input type="radio"/> | <input type="radio"/> |
| Why?.....  |                       |                       |
| b. The efficiency of your organisation                       | <input type="radio"/> | <input type="radio"/> |
| Why?.....  |                       |                       |
| c. The support for your organisation within your own country | <input type="radio"/> | <input type="radio"/> |
| Why?.....  |                       |                       |
9. How do you characterise the working relationship with NIZA with regard to:
- a. The amount of control NIZA exerts:.....
  - b. The extent to which your organisation has to (financially) account for its activities to NIZA:.....
  - c. Communication (amount of contact, content of contact etc.) with NIZA.....
10. On a scale of 0 (very bad) to 10 (very good), how would you rate your working relationship with NIZA? .....
11. Which aspect(s) do you appreciate in your working relationship with NIZA?
- 1.....
  - 2.....
  - 3.....
12. What would you like to change in your working relationship with NIZA?
- 1.....
  - 2.....
  - 3.....
13. What means do you have at your disposal to urge NIZA to perform better?
- 1.....
  - 2.....

**PART C: MANAGEMENT WITHIN THE WORKING RELATIONSHIP**

14. How are the agreements between your organisation and NIZA formalised (more than one option may be ticked)?
- They are not formalised
  - By means of verbal agreement
  - In a memorandum of understanding

- In a (yearly) activity plan
  - In a contract
  - Other, namely:.....
15. How do you have to account for the money you receive from NIZA? (more than one option may be ticked)
- (Original) receipts
  - Accountancy report
  - Progress report/activity report
  - Proof of undertaking activities (e.g., minutes of conference or booklet for education)
  - Other, namely:.....
16. What information other than financial information does NIZA request from you?
- (Annual) activity reports
  - Information on internal processes (e.g., quality of performance)
  - Other, namely:.....
17. Can you always provide the requested information in good time?
- Yes
  - No, specify why not:.....
18. Does NIZA give you feedback based on the information you provide?
- Yes
  - No
19. Does the information and the analysis thereof lead to new arrangements about the working relationship between your organisation and NIZA? (more than one option may be ticked)
- No
  - Yes, with regard to the functioning of my organisation
  - Yes, with regard to the functioning of NIZA

## II. BACKGROUND INFORMATION OF YOUR ORGANISATION

*In parts D through H of the questionnaire we want to learn more about your organisation. This information is collected to provide us with background information on the types of organisations that NIZA works with.*

### PART D: CHARACTERISATION OF YOUR ORGANISATION

20. In what year was your organisation founded? Year:.....
21. How many people work for your organisation?
- as professionals (receiving a salary):.....
  - as volunteers (not receiving a salary):.....

22. In which domain(s) of human rights does your organisation work? (more than one option may be ticked)
- right to life/prohibition of torture and other cruel, inhuman or degrading treatment or punishment
  - right to liberty and security of person
  - freedom of expression
  - freedom of religion
  - freedom of movement
  - right to a fair trial
  - right to work and to just and favourable conditions of work
  - right to food
  - right to adequate housing
  - right to adequate health care
  - human rights of women/children
  - indigenous human rights
  - other, namely:.....
23. From 2003 until now, which activities in the human rights domain has your organisation undertaken? (more than one option may be ticked)
- gathering information on the violation of human rights
  - acting on behalf of individuals whose human rights have been violated
  - educating people about human rights
  - organising public debates (*e.g.*, conference or seminars)
  - organising political activities (*e.g.*, lobbying)
  - organising network activities (*e.g.*, forming collaborations with comparable organisations)
  - other, namely:.....
24. For each of the activities that you ticked above, please indicate which RESULTS in the human rights domain have been achieved by your organisation since 2003 (if necessary, you can add an annex to this questionnaire):
- a. (gathering information):.....
  - b. (acting for individuals):.....
  - c. (education):.....
  - d. (public debate):.....
  - e. (political activities):.....
  - f. (network activities):.....
  - g. (other):.....
25. What are the target groups of your organisation's activities in the human rights domain? (more than one option may be ticked)
- whole population, no specific groups
  - women
  - children
  - the illiterate
  - the poor
  - the ill (*e.g.*, HIV-positive and AIDS-infected people)
  - specific ethnic groups, please specify:.....
  - others, namely:.....

26. What is the target level of your organisation's activities in the human rights domain?  
(more than one option may be ticked)
- local community
  - district/province
  - national
  - global (international)

*PART E: GOALS OF YOUR ORGANISATION*

27. What goals does your organisation aim to achieve? Goals:  
1.....  
2.....  
3.....
28. Are the goals written down somewhere?  
 Yes, specify where:.....  
(Please enclose a copy of this document when you return the questionnaire)  
 No
29. Are the organisation's goals communicated to the personnel?  
 No, they are not communicated to the personnel  
 Yes, they are. Please specify how:.....

*PART F: YOUR ORGANISATION'S NETWORK*

30. With how many governmental and non-governmental organisations does your organisation regularly cooperate?
- |                           | zero                  | 1-3                   | 3-5                   | 5-7                   | 7-10                  | >10                   |
|---------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| - governmental            | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| - non-governmental (NGOs) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
31. Please indicate how many of the organisations your organisation regularly works with operate at the following levels:
- |                 | zero                  | 1-3                   | 3-5                   | 5-7                   | 7-10                  | >10                   |
|-----------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| - local         | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| - national      | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| - international | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
32. What criteria do you use when selecting partners to work with? Please **prioritise**:  
1.....  
2.....  
3.....  
4.....
33. Are there specific organisations/persons you would like to be working with but are not (yet) working with?  
 No

- Yes, specify which organisation/person and why there is no cooperation at present:.....
34. How would you describe the role of your organisation within the network you operate in?
35. Has your network of partners changed in size, focus or any other way as a result of the cooperation with NIZA?
- No
- Yes, please specify:.....
- as a result of other factors within or outside your own organisation (e.g., loss of employees, changing political environment etc.)?
- No
- Yes, please specify:.....
36. Please indicate demonstrable changes over the last three years in the activities that your organisation undertakes within the network with regard to:
- |  | <i>decrease</i>       | <i>same</i>           | <i>increase</i>       |
|--|-----------------------|-----------------------|-----------------------|
| - number of activities in the human rights domain?         | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| - reach of activities in the human rights domain?          | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| - quality of activities in the human rights domain?        | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| - number of productive alliances with other organisations? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| - communication?   | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

*PART G: MANAGEMENT*

37. What agreements have been made within or by your organisation in order to ensure that the organisation's goals will be reached? (more than one option may be ticked)
- There are agreements on the results that have to be achieved
- There are agreements on the amount of effort persons have to deliver
- There are no agreements
- Other, namely:.....
38. If there are agreements, at what level have these been made? (more than one option may be ticked)
- Individual level: each employee has his or her own targets
- Group level: agreements are made between management and groups of employees
- Organisation level in general
- Other, namely:.....
- Not applicable (no agreements have been made)
39. How are the agreements formalised?
- They are not formalised
- Specific assignments are formulated
- Contracts are drawn up
- Other, namely:.....
- Not applicable (no agreements have been made)

40. Does your organisation have a written document in which it specifies its views on **quality assurance** (e.g., policy cycle) of the activities undertaken by its employees?  
 Yes  
 No

If yes, please indicate how old the document is:..... and attach a copy of it to this questionnaire.

41. Does your organisation:

- |   | Yes                   | No                    |
|---|-----------------------|-----------------------|
| - acquire information on performance or results?                                      | <input type="radio"/> | <input type="radio"/> |
| - distribute information on performance or results to all personnel?                  | <input type="radio"/> | <input type="radio"/> |
| - interpret the implications of this information together with personnel?             | <input type="radio"/> | <input type="radio"/> |
| - formulate joint action plans on the basis of the interpretation of the information? | <input type="radio"/> | <input type="radio"/> |

42. In practice, are quality procedures executed in the way described?

- Not applicable (the answer to question 18 was No)  
 Yes  
 No, please specify why:.....

43. How do you monitor the progress and success of your activities? (more than one box may be ticked)

- In our own registration system  
 In annual reports  
 Through auditing reports  
 Through research by independent third parties  
 By conducting your own research  
 Progress and success are not monitored  
 Other, namely:.....

44. Are you satisfied with the type, quality and number of activities your organisation undertakes in the domain of human rights?

- |                         | Very satisfied        | Reasonably satisfied  | Not satisfied enough  |
|-------------------------|-----------------------|-----------------------|-----------------------|
| - type of activities    | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| - quality of activities | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| - number of activities  | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

45. How effective do you feel your organisation's activities are? (i.e.: do they help you reach your goals?)

- Very effective  
 Reasonably effective  
 Not effective enough

46. How efficient do you feel your organisation's activities are? (i.e.: how time and/or money consuming is the way you try to reach your goals?)

- Very efficient  
 Reasonably efficient  
 Not efficient enough

*PART H: FINANCES*

47. What was the annual budget of your organisation in 2004 in US dollars?
- less than 1,000 US \$
  - 1,000 – 10,000 US \$
  - 10,000 – 50,000 US \$
  - more than 50,000US \$
48. How do you acquire the money you need? (more than one option may be ticked)
- through others  by applying for grants/subsidies
  - by receiving gifts
  - other, namely:.....
  - through your own means:  by charging money for activities you organise
  - other, namely:.....
49. What percentage of your total annual budget in 2004 consisted of money you received from NIZA?
- 0 – 5 %
  - 5 – 10 %
  - 10 – 25 %
  - 25 – 50 %
  - 50 – 75 %
  - 75 – 100 %

50. Please fill out which agencies/persons provide you with the money you need. Also indicate which percentage of your annual budget in 2004 was provided by each agency/person. The total should add up to 100%.

Agency/person(s)	No	Yes	% budget 2004
Within your own country			
- national government	<input type="radio"/>	<input type="radio"/>	
- provincial/local government	<input type="radio"/>	<input type="radio"/>	
- private organisation(s)	<input type="radio"/>	<input type="radio"/>	
- individuals (gifts, legacies etc.)	<input type="radio"/>	<input type="radio"/>	
- others, namely.....	<input type="radio"/>	<input type="radio"/>	
Outside your own country			
- international political organisations (United Nations, European Union etc.)	<input type="radio"/>	<input type="radio"/>	
- national governments of other African countries (or country) through bilateral agreement	<input type="radio"/>	<input type="radio"/>	
- national governments of non-African countries (or country) through bilateral agreement	<input type="radio"/>	<input type="radio"/>	
- private non-governmental organisations (NGOs) from other African countries	<input type="radio"/>	<input type="radio"/>	
- private non-governmental organisations (NGOs) from non-African countries	<input type="radio"/>	<input type="radio"/>	
- others, namely.....	<input type="radio"/>	<input type="radio"/>	
<i>Your own organisation</i>			
- charging for activities	<input type="radio"/>	<input type="radio"/>	
- other, namely.....	<input type="radio"/>	<input type="radio"/>	
<i>Total</i>			100



51. If you have any supplementary remarks about your own activities or the relationship with NIZA, please use the space below.

Remarks about own activities:.....

Remarks about relationship with NIZA:.....

**Annex 3**

**‘Questionnaire 2’**

**Dutch – African Cooperation Questionnaire - Version TMF-organisations**

[Sent to the four TMF-organisations, in order to get information about, *inter alia*, (their relation to) their local partner organisations, in this case NiZA’s partner ASSERCO. The questionnaire has been presented here in a shorter format (questions only).]

**PART A: CHARACTERISATION OF ASSERCO**

1. What goals does ASSERCO aim to achieve? Goals:

- 1.....
- 2.....
- 3.....

1. In which domain(s) of human rights does ASSERCO work? (more than one option may be ticked)

- right to life/prohibition of torture and other cruel, inhuman or degrading treatment or punishment
- right to liberty and security of person
- freedom of expression
- freedom of religion
- freedom of movement
- right to a fair trial
- right to work and to just and favourable conditions of work
- right to food
- right to adequate housing
- right to adequate health care
- human rights of women/children
- indigenous human rights
- other,

namely:.....

2. From 2003 until now, which activities in the human rights domain has ASSERCO undertaken? (more than one option may be ticked)

- gathering information on the violation of human rights
- acting on behalf of individuals whose human rights have been violated
- educating people about human rights
- organising public debates (*e.g.*, conference or seminars)
- organising political activities (*e.g.*, lobbying)
- organising network activities (*e.g.*, forming collaborations with comparable organisations)

other,  
namely:.....

3. For each of the activities that you ticked above, please indicate which RESULTS in the human rights domain have been achieved by ASSERCO since 2003 (if necessary, you can add an annex to this questionnaire):

a. (gathering information):.....

b. (acting for individuals):.....

c.(education):.....

...

d. (public debate):.....

.....e. (political activities):.....

.....

f. (network activities):.....

...

g. (other):.....

...

4. What are the target groups of ASSERCO's activities in the human rights domain?  
(more than one option may be ticked)

- whole population, no specific groups
- women
- children
- the illiterate
- the poor

- the ill (e.g., HIV-positive and AIDS-infected people)
- specific ethnic groups (please specify:.....)
- others, namely:.....

5. What is the target level of ASSERCO's activities in the human rights domain? (more than one option may be ticked)

- local community
- district/province
- national
- global (international)

6. Has ASSERCO's network of partners changed in size, focus or any other way as a result of the cooperation with NiZA?

- No
- Yes, please specify:.....

as a result of other factors within or outside their own organisation (e.g., loss of employees, changing political environment etc.)?

- No
- Yes, please specify:.....

.....  
 ...

7. Please indicate demonstrable changes over the last three years in the activities that ASSERCO undertakes within the network with regard to (leave blank if you do not know):

	<i>decrease</i>	<i>same</i>	<i>increase</i>
- number of activities in the human rights domain?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
- reach of activities in the human rights domain?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
- quality of activities in the human rights domain?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
- number of productive alliances with other organisations?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
- communication?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

In case changes occurred, please describe what – to your knowledge – caused these changes:

.....  
.....

8. Please describe what you know about monitoring and evaluation of their own processes by ASSERCO:

.....  
...

9. What was the annual budget of ASSERCO in 2004 in US dollars?

- less than 1,000 US \$
- 1,000 – 10,000 US \$
- 10,000 – 50,000 US \$
- more than 50,000US \$
- I do not know

10. What percentage of ASSERCO's total annual budget in 2004 consisted of money they received from NiZA?

- 0 – 5 %
- 5 – 10 %
- 10 – 25 %
- 25 – 50 %
- 50 – 75 %
- 75 – 100 %
- I do not know

11. How does ASSERCO acquire the money they need? (more than one option may be ticked)

- through others
  - by applying for grants/subsidies
  - by receiving gifts
  - other,  
namely:.....
  
- through their own means:
  - by charging money for activities you organise
  - other,  
namely:.....

PART B: CHARACTERISATION OF THE WORKING RELATIONSHIP WITH ASSERCO

12. What do you find important in the way ASSERCO works?  
.....  
.....

13. In which way(s) do you want to perform well in the eyes of ASSERCO?  
.....  
...

14. Why have you chosen to work together with ASSERCO?  
.....  
...

15. Who initiated the cooperation with ASSERCO?

- NiZA
- ASSERCO
- A third party

16. Are there other organisations like ASSERCO that you could work with to achieve a similar result (more than one option may be ticked)?

- No
- Yes, please indicate:
  - type of organisation:  governmental organisation  
 non-governmental organisation
  - work domain of organisation:  local organisation  
 national organisation  
 national organisation

17. What kind of support do you provide ASSERCO with? (more than one option may be ticked)

- financial (by providing funding)
- advice on institutional development (e.g., advice on how to set up new expertise or management within the organisation)
- administrative support (e.g., when organising a conference)
- program development (in the domain of human rights)
- other,  
namely:.....  
.....

18. Does your cooperation with ASSERCO contribute to:

- |                                 | Yes                   | No                    |
|---------------------------------|-----------------------|-----------------------|
| a. The effectiveness of ASSERCO | <input type="radio"/> | <input type="radio"/> |

Why?.....

.....

- |                              |                       |                       |
|------------------------------|-----------------------|-----------------------|
| b. The efficiency of ASSERCO | <input type="radio"/> | <input type="radio"/> |
|------------------------------|-----------------------|-----------------------|

Why?.....

.....

- |  |                       |                       |
|--|-----------------------|-----------------------|
| c. The support for ASSERCO within Mozambique | <input type="radio"/> | <input type="radio"/> |
|--|-----------------------|-----------------------|

Why?.....

.....

19. How do you characterise the working relationship with ASSERCO with regard to:

a. The amount of control you (NiZA)

exert:.....  
.....  
.....

b. The extent to which ASSERCO has to (financially) account for its activities to

NiZA:.....  
.....  
.....

c. Communication (amount of contact, content of contact etc.) with ASSERCO

.....  
.....  
...

20. On a scale of 0 (very bad) to 10 (very good), how would you rate your working relationship with ASSERCO? .....

21. Which aspect(s) do you appreciate in your working relationship with ASSERCO?

1.....  
.....  
2.....  
.....  
3.....  
.....

22. What would you like to change in your working relationship with ASSERCO?

1.....  
.....  
2.....  
.....



3.....  
.....

23. What means do you have at your disposal to urge ASSERCO to perform better?

1.....  
.....

2.....  
.....

**PART C: MANAGEMENT WITHIN THE WORKING RELATIONSHIP**

24. How does ASSERCO account for the money they receive from NiZA? (more than one option may be ticked)

- (Original) receipts
- Accountancy report
- Progress report/activity report
- Proof of undertaking activities (e.g., minutes of conference or booklet for education)
- Other,  
namely:.....  
.....

25. What information other than financial information do you request from ASSERCO?

- (Annual) activity reports
- Information on internal processes (e.g., quality of performance)
- Other,  
namely:.....

26. Can ASSERCO always provide the requested information in good time?

- Yes
- No, specify why  
not:.....

27. How do you check whether ASSERCO actually does what they say they do?

.....  
.....

28. Do you give feedback to ASSERCO based on the information they provide?

Yes, please

specify:.....

.....  
.....

No

29. Does the information and the analysis thereof lead to new arrangements about the working relationship between ASSERCO and NiZA? (more than one option may be ticked)

No

Yes, with regard to the functioning of ASSERCO

Yes, with regard to the functioning of NiZA

30. If you have any supplementary remarks about your relationship with ASSERCO, please use the space below.

.....  
.....

## **Annex 4**

### **Information about the research group**

The research has been conducted by the Centre for Transboundary Legal Development of the Law School of Tilburg University and IVA Beleidsonderzoek en Advies.

Research team:

- Prof.dr. Willem van Genugten (researcher and project leader)
- Jolijn van Haaf, MA (researcher as well as assistant coordinator of the project within IVA Beleidsonderzoek en Advies)
- Dr. Teunis IJdens (researcher)
- Dr. Nicola Jägers (researcher)
- Dr. Anna Meijknecht (researcher as well as assistant coordinator of the project within the Centre for Transboundary Legal Development)
- Hans Moors, MA (researcher and substitute project leader)
- Marjolein van Oort, MA (researcher)
- Dr. Wouter Vandenhole (researcher)
- Dr. Marjan Vermeulen (researcher)