



John D. and Catherine T. MacArthur Foundation

EXECUTIVE SUMMARY:

**EVALUATION OF THE MACARTHUR
FOUNDATION'S HUMAN RIGHTS AND
INTERNATIONAL JUSTICE GRANTMAKING**

IN NIGERIA 2000-2012

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Submitted by Itad

In Association with the John D. and Catherine T. MacArthur Foundation

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All errors and omissions remain the responsibility of the consultants.

Disclaimer

The views expressed in this report are those of the evaluators. They do not represent those of the MacArthur Foundation or of any of the individuals and organizations referred to in the report.

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Acronyms

ACE	Alliance for Credible Elections
AfA	Alliances for Africa
CIDA	Canadian International Development Agency
CLEEN	Centre for Law Enforcement Education Foundation
CSLS	Centre for Social and Legal Studies
CSO	Civil Society Organization
DFID	UK Department for International Development
DPP	Department of Public Prosecutions
ECOWAS	Economic Community Of West African States
GDP	Gross Domestic Product
HRIJ	Human Rights and International Justice
IHRHL	Institute for Human Rights and Humanitarian Law
INEC	Independent National Election Commission
JICA	Japanese International Cooperation Agency
LEDAP	Legal Defence and Assistance Project
NHRC	National Human Rights Commission
OSIWA	Open Society Initiative West Africa
PLAC	Policy and Legal Advocacy Centre
PRH	Population and Reproductive Health
SERAC	Social and Economic Rights Action Center
SERAP	Socio-Economic Rights and Accountability Project
TAG	Technical Advisory Group
ToC	Theory of Change
UNDP	United Nations Development Program
UPR	United Nations Universal Periodic Review
USAID	United States Agency for International Development
WRAPA	Women's Rights Advancement and Protection Alternative

Executive Summary

This document summarises the main evaluation report, covering the purpose of the study, the nature of Foundation's human rights and international justice (HRIJ) portfolio in Nigeria, and the landscape for this grantmaking. It goes on to summarise the performance of the grant portfolio, conclusions from the study and recommendations for further work in this thematic area.

1. Purpose of the Evaluation

The MacArthur Foundation commissioned Itad to conduct an evaluation of the Foundation's Human Rights and International Justice (HRIJ) grant-making program in Nigeria between 2000 and 2012. During this period, the Foundation supported 102 HRIJ projects with an end-date in 2000 or later, for a total grant amount of US\$23,945,010. The projects broadly fell within the following thematic categories:

- Accountability of democratic institutions, including the police
- Justice: legal and judicial reform, including international justice standards
- Protection and promotion of human rights

The evaluation was commissioned to seek answers to the following questions:

- Approach and strategy:
 - What has changed in the wider Nigerian HRIJ landscape in Nigeria since 2000?
 - What was the Foundation's HRIJ grantmaking strategy in Nigeria over this time?
 - How has the Foundation responded to change in the wider environment?
 - How has the implementation of grants contributed to strategic aims?
- Impact:
 - What have been the main results of the Foundation's investments?
 - What was the Foundation's primary contribution to Nigeria HRIJ issues?
 - What lessons can be drawn for future HRIJ grantmaking in Nigeria?

To address these questions, 37 projects were sampled, representing a grant amount of \$13,814,000 (58% of all HRIJ grants). The sample represented a geographical and thematic spread; it also prioritized larger projects – most had budgets above \$200,000.

Evidence for the evaluation was collected by a range of methods, including:

- Desk review of documentation provided by the Foundation
- Overview of each grantee's activities (research, advocacy, publications, community support, etc.) based on their own reports and publications
- Interviews with representatives of the grantee organizations
- Attendance of events organized by the grantees, with or without Foundation support
- Interviews with experts in relevant sectors, unrelated to the Foundation and individual grantees, but able to provide background information on relevant HRIJ issues
- Interviews with a small number of government officials in the justice sector and in the independent (but constitutionally mandated) National Human Rights Commission
- Interviews with the Director and staff of the Foundation in Nigeria, and with the Director of the HRIJ program in the Chicago Office and the Director of Evaluation.

2. The Nigerian context

Nigeria is a strategically important country with which to engage. With a population of some 174 million, it is Africa's most populous country. In 2014, it overtook South Africa to become the largest economy in Africa – its gross domestic product (GDP) is in excess of \$500 billion, making it the world's 26th largest economy. The country's oil and gas reserves have played a major role in its growing wealth and influence. Nigeria is the world's 8th largest petroleum exporter, with the oil and gas sector accounting for 40% of GDP and 80% of Government earnings. Nigeria also has one of the fastest growing telecommunications markets in the world and a highly developed financial services sector.

Prior to the establishment of democracy in 1999, economic development was hindered by years of military rule, corruption, and mismanagement. Military rule provided the circumstances that led to the development of civil society organizations (CSOs¹) in the country, although this was also a challenging time for them. After 1999, the terrain for CSOs was less risky, and their number proliferated. The levels of foreign aid to Nigeria have steadily increased since 1999. Donors have engaged deeply with CSOs in Nigeria, due to unwillingness to be involved with the Nigerian state during military rule, and since, due to concerns over corruption and the large oil revenues that the state has at its disposal. However, unlike many other African countries, Nigeria is not aid dependent, and aid represents only around 1% of GDP. This also means that donor leverage on Nigeria and Nigerian institutions is limited, or at least is dependent on factors other than the size of resources donors bring, such as strategic interventions and reputation.

The main donors to Nigeria, by spend, since 1999, are: the World Bank, the United States Agency for International Development (USAID), the UK Department for International Development (DFID), the European Union, the Global Fund, the German aid agency GIZ, the Japanese International Cooperation Agency (JICA), the African Development Bank and the Canadian International Development Agency (CIDA); although not all these are major players in the HRIJ space. In terms of overall spending, major donors in HRIJ include DFID, CIDA, the EU, and the United Nations Development Program (UNDP). Other private foundations, such as the Ford Foundation, Heinrich Böll Foundation, Friedrich Ebert Foundation, and Open Society Initiative West Africa (OSIWA), are not major players in overall spending, but are important players in the HRIJ space.

3. The HRIJ landscape in Nigeria

The Foundation's HRIJ grantmaking in Nigeria has occurred in an environment with a complicated legal structure, and a number of human rights challenges, many of which date back to the period of military rule, which ended in 1999.

Justice: The tripartite legal system in Nigeria is a complex mixture of Common, Islamic and Customary law. With separate local and federal courts, these branches come together under a unified Court of Appeal and Supreme Court. Nonetheless, due physical remoteness and the poor provision, the justice sector often provides inconsistent responses to user needs, in particular relatively poor access to justice for women and children in rural zones.

Challenges faced by the system include: significant court backlogs; the continuing need to ensure the professionalization of prosecutors, judges, lawyers, and court staff; slow modernization of court information systems; and an outdated legal system.

¹ Includes non-government organizations, , trade unions, faith-based organizations, and indigenous peoples movements.

The difficulties of the legal system are exacerbated by the security situation in many parts of the country, where the legal system must respond not only to the needs of large groups of victims, and the legal consequences of increased arrests, but also with balancing human rights with existing anti-terrorism and other laws.

Human rights: Nigeria returned to formal civilian rule in 1999 with the Presidential election of Olusegun Obasanjo, a former military head of state. A new constitution provided for a directly elected president and two legislative chambers, the House of Representatives and the Senate. Military decrees suspending human rights safeguards were rescinded, and judicial inquiries were initiated into past human rights violations, leading to the conviction of some perpetrators. After 1999, human rights violations by the government decreased in scale and scope, and the domestic debate on human rights became freer. In the early 2000s, significant evolutions took place: Nigeria signed and ratified United Nations human rights instruments, and a National Human Rights Commission (established in 1995) gradually gained in capacity and independence.

However, international and Nigerian human rights organizations have continued to raise concerns about allegations of human rights violations, including:

- Use of excessive force by military and police personnel leading to unlawful killings and disappearances, together with human rights abuses by armed groups and non-state actors, particularly in the Niger Delta and the northeast of the country
- Continued, widespread torture and ill-treatment in police custody and use of confessions extracted under torture in court proceedings
- Ineffective criminal justice marred by widespread allegations of corruption and lengthy periods of pre-trial detention
- Impunity for many law enforcement officials accused of committing human rights violations
- Intimidation and harassment of human rights defenders and journalists by law enforcement officials
- With the expansion of Sharia to include the criminal component in northern Nigeria in 2001, there were cases of violations of human rights
- Unlawful killings and detention of alleged members of religious sect Boko Haram
- Violence against women including rape remains widespread, with perpetrators rarely brought to justice
- Sectarian violence and violations of economic and social rights were also widespread

Political accountability: After the end of military rule in 1999, it became clear that Nigeria had inherited a constrained political environment of limited accountability. As Nigeria's transition to democracy began in the late 1990s, electoral processes gained in importance and visibility. However, elections remained neither free nor fair, and marred by violence and corruption. The presidential elections of 2003 and 2007 were deeply flawed and the 2007 and 2011 elections were marred by serious electoral violence. Indeed, elections in Nigeria have been periods when human rights violations are particularly likely to occur. Civil society organisations record, analyze and advocate on political procedures and the democratic environment.

Although the independent national and state election commissions are granted a broad mandate under the constitution to regulate electoral processes, their institutional capacity has long been weak. Donors, including the Foundation, have supported the Commissions and civil society organizations monitoring electoral processes since before the end of military rule. Following the appointment in 2010 of Prof. Jega as the Chairman of the Independent National Election Commission, a new roadmap was established for better elections. This included the need for a new, credible biometric register of voters, which was successfully executed in early 2011, with over 73.5 million voters registered. The entire operational machinery for the conduct of elections was also

reviewed, and necessary changes made, including the introduction of new guidelines and regulations. The 2011 elections, though marred by violence, were perceived both locally and internationally as perhaps the most credible elections conducted by Nigeria in recent times.

As the face of government for the majority of ordinary people, the police figure prominently in efforts toward greater political accountability. The Nigeria Police Force (NPF) is in charge of policing across Nigeria, with a force in 2012 of 370,000 serving officers and long-term plans for about 650,000 officers. Formal civilian oversight of the police is provided by the National Police Commission, which is responsible for the enforcement of discipline, but is not independent of the executive branch. Civil society organizations and academic experts have noted that the NPF should undergo structural reform to make it more effective and more accountable.

4. MacArthur's HRIJ grant portfolio

Strategy

The evaluation consultant, Itad, worked with the Foundation and its partners to develop retrospective theories of change (ToCs) to elaborate the conceptual approach to its HRIJ grantmaking in Nigeria. In developing its HRIJ portfolio, the Foundation has essentially distinguished between what is necessary to bring about desired change and what is sufficient to bring about that change. The change that the Foundation aims to bring about is not within the power of the Foundation or its partners alone. However, what has been funded is considered a necessary contribution to change. Likewise, the Foundation and its grantees do not have control of the entire causal chain within which they are working. Crucially, change at the impact level therefore often rests on political will and the actions of vested interests, and assumptions about these can be very uncertain in the Nigerian environment.

The Foundation acknowledges in its analysis of the Nigerian context that it is working in a difficult political environment in which powerful vested interests stand in the way of desired change. Nonetheless, the evaluation found that the Foundation's overall approach has included an appropriate response to working in such an environment. This approach emphasizes iterative and high-level analysis of the HRIJ context in Nigeria, a committed, long-term and continuous presence on the ground in Nigeria, and a consequent investment in relationships with reform actors in civil society and within Nigerian government institutions. This allows the Foundation to achieve:

- A well-evidenced problem analysis
- A well-evidenced analysis of the opportunities for addressing the problem
- Collaboration with other donors
- A strategic choice of interventions using the Foundation's comparative advantage

Implementation

The HRIJ grant making in Nigeria draws upon and complements other work that the Foundation is supporting in Nigeria in the areas of Population and Reproductive Health (PRH) and higher education. For example, the Foundation's support to Women's Rights Advancement and Protection Alternative (WRAPA) on legal status of women in issues such as divorce and age at marriage complements the PRH interest to improve the reproductive health of women and vice versa. Likewise, there is complementarity between the HRIJ and higher education portfolios from the Foundation's support to Network of University Legal Aid Clinics.

Between 1999 and 2012, 83% of the Foundation's HRIJ grant amount was allocated to organisations headquartered in either Abuja or Lagos. That proportion is consistent with the context outlined above, in the sense that the key human rights and justice challenges faced by Nigeria were related to national-level legislations, policies and practices. However, several of the metropolitan grantees

sub-granted to organizations based elsewhere, including at the community level. For example, Global Rights specifically worked to build the capacity of northern Civil Society Organizations (CSOs) operating in a sensitive and violent environment, including on the monitoring of human rights violations.

The remaining grants were mainly concerned with matters at more of a state level: the regions of Central Nigeria and the South, including Lagos, Ibadan, Ondo State, Rivers State and Delta State received grants totalling \$2,355,000 over the period. Organisations based in Port Harcourt, capital of the oil-rich Rivers State and hub of the country's oil industry were major recipients because the activity of the oil industry has been the underlying cause of many human rights violations: excessive use of force by law enforcement officials; abuses by armed groups; impunity for perpetrators of human rights violations, etc.

Organisations based in the Northern states received grants valued at less than \$450,000 over the same period. This low proportion is not indicative of the level of human rights abuses in that part of the country, since political and religious violence there has long been rife, as have been concerns about abuse of Islamic teaching. However, communal violence and failing rule of law have made it difficult for civil society organizations to operate, hence the low amount of grants. Also, some organizations classified as 'national' were working on human rights and legal issues in the North.

The largest thematic focus of granting was *Justice: legal and judicial reform*, attracting 44% of grant value. Grants dealt largely with technical support to judicial and law reform, bringing these into conformity with Nigeria's international human rights commitments. Grants on the *accountability of democratic institutions, including the police*, represented 31% of the total grant amount. Police accountability was a theme emphasized by the Foundation in the earlier years of the period under consideration, but this theme had reduced priority after 2009, with the exception of one large project implemented by the Centre for Law Enforcement Education (CLEEN) Foundation. Grants in the *human rights* category largely concerned civil and political rights, and were 24% of the total amount of granting. Grants categorized as 'oil' - concerning the impact of the oil industry on communities, and 'peace' - study of causes of conflicts, resolution and mediation work, were also closely related to this broad theme.

5. Portfolio assessment

Justice: Legal & Judicial Reform

Portfolio relevance: The on-going sector needs and priorities, as described by stakeholders in the context of this evaluation, consistently included the need for education, specific training and professionalization of service providers, and for *compulsory* continuing legal education; infrastructure including IT and effective transcription services for courts and judges; providing skills and tools for complex fields such as anti-corruption, anti-terrorism laws, and forensic investigation.

Foundation grants represented a broad response to these clear priorities, which appear to have been specifically taken into consideration as part of the selection process. For example, this was specifically through support for:

- Technical assistance related to reform initiatives when requested by the Legislature, for example the Criminal Procedure Act, which was anticipated to be passed in 2013 but is still in progress
- Dissemination of revised laws and processes, in partnership with the Ministry of Justice and key legal institutions
- Responses to increased challenges arising from terrorism, through sharing good practices

Over time, the Foundation considerably refined the scope of projects in the justice sector; this not only reflected a maturing in its responses to specific sector needs, but also demonstrated a stronger alignment with the Foundation's own strategy in the justice sector. It also consolidated and reinforced the Foundation's specific added value; such as the strategic support to deepen human rights and access to justice under Sharia law.

While the projects were very relevant in terms of the *needs* addressed, they were also appropriately designed, in the sense that their intervention logic (relationship between project objectives, milestones during the project period, and activities) was clear and that they had appropriate indicators of success. However, there were areas which did not, but could have benefitted from support from the Foundation, including: access to justice for vulnerable women; juvenile justice; gender sensitization; and prison conditions.

Grant effectiveness: The grantees under detailed consideration, achieved in large part their anticipated results, and at the very least made significant inroads in fulfilling their overall objectives. Over the whole period, some projects were more successful than others, but given the calculated risk-taking by the Foundation in the selection of projects, this is not considered problematic. The basis for effectiveness in the portfolio includes:

- The strategic selection of grantees, that included representation of a key legal sector institution (Nigerian Bar Association); CSOs with long-standing experience in justice issues (the Legal Defence and Assistance Project - LEDAP); those working directly with the Ministry of Justice in an advisory capacity (Centre for Social and Legal Studies - CSLS); plus opportunistic support to deepen human rights and access to justice under Sharia (WRAPA)
- The strategic selection of projects that responded directly to sector needs as identified by key stakeholders, due in large part to on-going consultation by Foundation staff at the country-level
- The specificity of projects and their activities, which were also realistic in terms of the resources and time required to achieve their objectives
- The flexibility of both grantees and the Foundation in the implementation of the projects, which allowed for necessary adjustments to activities and time-frames

Grant effectiveness also depended on significant involvement by the Foundation in the design and monitoring of the projects; thus success was partly predicated on the sustained 'accompaniment' by the Foundation. This incurs relatively high transaction costs, which the Foundation appears willing to accept. However, grantees, by relying on Foundation advice, may fail to develop fully independent project management capacity and accountability processes, particularly substituting Foundation monitoring for internal accountability.

Grant efficiency: The evaluators observed a reasonable relationship between resources expended and project impacts. This efficiency was due in large part to the tightness and coherence of activities, and the flexibility of grantees and the Foundation. This meant that resources were allocated in a realistic manner, and were applied in accordance with agreed budgets. Some grantees noted that some of their activities (for example certain training events, and the Public Prosecutors' Forum) did not provide adequate human resources for the events' logistical demands. However, this was a lesson learned for the organizations concerned, which have since taken corrective measures in the formulation of budgets, and did not have a noticeable impact on the project results. Grantees also actively sought complementarity and partnership with other organizations for certain activities; this represented a very positive indication of project efficiency, and of grantees' professionalism. For example, the grantee meetings facilitated by the Foundation were praised as an avenue by grantees to see what others are doing and to learn from each other.

Impact: The impacts of the sample of projects evaluated were evident and broad in their scope. The most visible and attributable of these is the technical support by grantees provided on request during the development of the Administration of Criminal Justice Bill 2013, currently before the National Assembly, and likely to be passed in the coming months. It is hoped that this legislation will revolutionize the criminal justice system, although the evaluators note above that for this to become a reality, significant ongoing support will be required for its implementation in practice. The support given to the Department of Public Prosecutions (DPP) and prosecutors by several grantees also provided significant results. It helped provide training to over 4,000 prosecutors across several states in human rights, including gender rights, case management and other practical issues. Both examples show that various law reform institutions now call upon Foundation grantees directly for technical assistance - government is now working directly with civil society in their reform and implementation efforts, meaning that critical human rights and other legal principles are being better reinforced.

Sustainability: The sample projects were all designed with a focus on sustainable and replicable activities. These included training of the judiciary, prosecutors, lawyers, and police, as well as some training of trainers. The content of training was varied, and included technical skills, human rights standards, and awareness raising of existing law and procedure, and building practical skills. Beneficiaries were unanimous in their appreciation as to the usefulness of this training in their professional lives.

Human Rights Protection and promotion of human rights

Portfolio relevance: The Foundation supported the promotion of human rights instruments, sensitizing citizens to human rights issues, and enhancing the monitoring of human rights in Nigeria. The portfolio demonstrated relevance in a number of ways:

- Appropriate identification of needs - the grant to the National Human Rights Commission (NHRC), alongside other donors' funding, supported its professionalization and enhanced its sense of independence.
- Granting sought to reinforce regional African human rights mechanisms, with a view to enhancing the Government of Nigeria's accountability to its peers.
- Granting to the Socio-Economic Rights and Accountability Project (SERAP) aimed to establish legal precedents, was strategically sound in a context in which few alternatives exist².
- Grants such as those on research on Islamic family law, access to justice, and paralegal assistance stemmed from appropriately identified needs in view of the Nigerian context.

There were many areas of human rights violations that the Foundation grants did not address directly. These include, for example: torture and ill-treatment in police custody, discrimination against women and other vulnerable groups, violence against women (other than in the Islamic family law context), and prisons.

Some of these issues were addressed indirectly by some grants, and some grantees work on projects supported by other donors. Many CSOs are already active in these fields; the evaluation does therefore not deem these gaps as failures on the part of the Foundation. However, it is important to ensure the Foundation remains open to addressing issues outside its current portfolio, including when the international agenda may offer an entry point – such as the next round of the United Nations Universal Periodic Review (UPR) in 2017.

² Nigeria has ratified and domesticated the African Charter on Human and Peoples' Rights, however, in Nigeria as in many other countries, the Constitution contains no directly enforceable socio-economic rights provision, and hence judicial decisions concerning socio-economic rights remain almost non-existent. In this context.

Within the Human Rights portfolio, the Foundation provided two grants to international organizations - Human Rights Watch (HRW); and the International Crisis Group (ICG). Both projects involved support for research on Nigeria, which was conducted to a high standard. HRW reports on Nigeria were made widely available to media and government in Nigeria and to State Members of the United Nations Human Rights Council, before which Nigeria appeared in 2013 as part of the UPR process.

Grant effectiveness: Human rights granting was effective at two levels. To meet the objective of sensitizing citizens concerning rights, grants focused largely on the community level. This was done through the provision of capacity building and awareness raising activities, to stimulate demand-side pressure for change. Other grants covered advocacy and campaigning, and provision of free legal services to individuals, groups and communities. The evaluation found these approaches were effective in delivering project and program objectives. For example, Institute for Human Rights and Humanitarian Law (IHRHL) trained community members as paralegals, who returned to their communities to mobilize others. Many community problems were highlighted: police detention, oil company abuses, and environmental degradation. The paralegals were provided with tools to respond to these issues, including facilitating discussion around topical issues such as community environmental rights and securing bail for detained people.

In regard to human rights information and instruments, the Foundation's work with the Alliances for Africa (AfA) focused on promoting the protocols of the African Court on Human and Peoples' Rights, through documentation, information and communication, as well as advocacy. AfA considers that the strategy adopted was effective in promoting the African Court. There was consistent and regular traffic to the coalition website www.africancourtcoalition.org; this support was partly premised on the fact that regional institutions can have influence on national laws.

Nationally, SERAP and the Social and Economic Rights Action Center (SERAC) were effective and demonstrated important achievements on economic, social, and cultural rights. Two of their cases were described as "two of the most important Economic, Social and Cultural Human Rights precedents in sub-Saharan Africa." One related to rights enforcement for the Ogoni people against violations committed by the state-owned National Nigerian Petroleum Company and Shell Petroleum Development Corporation. The other was a case brought against the Federal Republic of Nigeria Universal Basic Education Commission in the Economic Community Of West African States (ECOWAS) Community Court of Justice, which upheld the core claim that the right to education can be legally enforced, and paved the way for CSOs to access the Court as a mechanism to enforce socio-economic rights.

Grant efficiency: a number of factors contributed to the human rights work being assessed as an efficient use of resources. The use of paralegals is cost-effective, for example. The 'multiplier effect' of CSOs and individuals accessing the protocols of the African Court via the website, and the enhanced relationships between the National Human Rights Commission and CSOs also represent efficient resource use. However, as in the justice sector, the Foundation expended significant time interacting with grantees on management issues and mediating amongst them, increasing its own workload in the process.

Impact: Impacts are identifiable collectively and individually among grantees and beneficiaries. Grantees have successfully improved capacity – such as the computerization of the NHRC, which has greatly increased efficiency of handling complaints on human rights issues, and improved ability to liaise with CSOs involved in human rights work. Granting to the NHRC has also demonstrated that government institutions can implement projects in a similar manner to CSOs, and that the Foundation can, and should, work directly with government institutions. The Global Rights grant had

significant local impact in terms of capacity development for small CSOs operating in remote areas in the northeast and the Niger Delta. Representatives of these CSOs have credited the training and sub-grants provided by Global Rights for their enhanced ability to monitor and report on local human rights violations. The work of SERAP and SERAC has had tangible impacts on lives and livelihoods, for example providing support to community members from the Makoko Wright street area in Lagos, who were violently evicted. Overall, the evaluation found that the Foundation's human rights grants have established and built on well strategized, feasible small wins in an extremely difficult environment.

Sustainability: by using CSOs and a major government organization as the vehicles for the achievement of its human rights objectives, there is already an element of sustainability implicit. In all the organizations visited during the evaluation, the project objectives correspond to their particular organizational mandates, and thus there is a high probability that organizations will continue with similar initiatives and activities beyond the grant period. Likewise, the focus on capacity building at community and organizational levels infers some sustainability.

Accountability of democratic institutions, including the police

The evaluation viewed this portfolio as containing two distinct components, relating to the police and elections respectively.

Portfolio relevance: The primary police-related work was through grants to the CLEEN Foundation, on police accountability. CLEEN's crime victimization surveys were innovative in the Nigerian environment, where virtually no reliable information existed on challenges and concerns around public security. They changed the way external partners examine public security in the country and helped the Nigeria Police Force to put together credible and usable annual reports of their own statistics. CLEEN also supported improved police conduct in elections.

The Foundation supported electoral reform because elections are seen as key moments at which publics can exercise the power to choose and thus hold governments accountable. They are central to ensuring a wider environment conducive to improved human rights and justice. Conversely, elections in Nigeria are also periods when human rights abuses and injustice are more likely to occur. Thus granting to enhance the efficiency, transparency, accountability, legitimacy and overall stability of electoral processes can significantly reduce occasions when human rights abuses are likely to occur both in the short and long term.

This logic has generally held, but change has not occurred at the expected pace. The electoral environment is replete with examples of other actors making use of the opportunities that the Foundation's CSO initiatives, such as the Policy and Legal Advocacy Centre's (PLAC) platforms for CSO dialogue with the Independent National Election Commission (INEC), have created. However, events, such as the many election results challenged in court and subsequent 'off-cycle' elections have required adjustment to grants. It is clear that elections are not just moments, but processes whose importance is decided long before or after election days. To maintain relevance, grantees (and grants) have to be cognizant of covering election work over full cycles and long processes, rather than concentrating narrowly on four-yearly event windows.

Grant effectiveness: The Foundation's police and elections grants were found to be largely effective. CLEEN's MacArthur-supported programs helped to build the capacity of police disciplinary mechanisms to track and record complaints in pilot stations, leading CLEEN to work with the Police Service Commission to develop suitable guidelines for this. UK's Department for International Development is now scaling up this work.

In regards to elections, five grantees were supported – their grants responded to well-documented problems in managing and securing free and fair elections as evidenced in the flawed 2003 and 2007 elections. They also responded to the opportunity opened up by the pressure on President Goodluck Jonathan to make progress on electoral reform and overhaul INEC. By 2009, civil society groups working on electoral reforms had become unfocused; the MacArthur Foundation funded the Alliance for Credible Elections (ACE) to act as a secretariat to CSOs working in this space - which other donors then crowded-in with further support. There were successes and failures – the ACE-led coalition was unable to force government to accept the demand for a representative, popularly-constituted electoral commission; but it was able to mount sustained pressure leading to the dismissal of controversial former INEC Chair and to successfully push for a more credible candidate with broad-based acceptance. The new Chair, Prof. Jega was able to reorient INEC towards greater transparency and credibility.

PLAC supported INEC directly, for example with broad technical advice and platforms for CSO dialogue, provision of consultants to INEC, and research visits to learn from the election reform and management experiences of other countries. Their grant also supported the Technical Advisory Group (TAG), a group of experts chaired by Kole Shettima of the MacArthur Foundation, that includes many representatives from civil society who provide advice and technical support to the office of the INEC Chairman. The TAG has been recognized by other donors as providing absolutely crucial advice to the Chair, particularly on postponing the 2010 elections, so that preparations could be properly completed. All this is an important result given that INEC's relationship with civil society had previously been characterized by mutual mistrust.

Impact: The evaluation found some clear impacts from these grants. Very senior staff at the Police Service Commission stated that CLEEN's work had been fundamental in shaping how the Inspector-General instructed the NPF to better and more fairly police the 2011 elections. The 2011 election was widely considered the freest and fairest since 1993 – this is a significant success in a key area where the Foundation aims to achieve impacts in Nigerian HRIJ reform. In this, the Foundation's work, along with the work of other donors, has made a contribution that is worth noting – particularly its support to INEC, which is credited with improving the management of the election. Earlier grants were also impactful on the electoral process – for instance a change in process in the 2007 polling, which permitted voters to stay to observe and verify the counting.

6. Conclusions

The evaluation draws conclusions around the three central questions formulated in the evaluation Terms of Reference:

1. *What has changed in the wider Nigerian HRIJ landscape in Nigeria since 2000?*

The process of Nigeria's gradual return to democracy since 1999 was influenced, at least in part, by an increasingly active civil society movement at the national level and major urban centers. To the extent it can be seen as a sector, civil society has enhanced its organizational capacity and made significant gains in credibility, thanks in part to support from the Foundation on evidence-based approaches and quality research. This has helped enhance its influence, as concepts such as government accountability and transparency have tentatively gained currency.

Civil society organizations have also gained legitimacy in the eyes of some officials and decision-makers in the human rights and judicial sectors. Agencies managing the electoral process have, in effect, accepted a degree of dialogue, even partnership, with CSOs. As a result, the HRIJ landscape of 2013 is much improved compared to 2000. For example, PLAC played a constructive role working with legislators and INEC, providing platforms for CSO dialogue, technical consultants to Chairman of

INEC, and research visits to learn from the election reform and management experiences of other countries.

2. *What was the Foundation's HRIJ grantmaking strategy in Nigeria over this time, how has it responded to change in the wider environment and how has the implementation of grants contributed to strategic aims?*

The Foundation's strategy since 2000 has emphasized iterative and high-level analysis of the HRIJ context in Nigeria, a committed, long-term and continuous presence on the ground in Nigeria, and a consequent investment in relationships with reform actors in civil society and within Nigerian government institutions. Key aspects of this strategy included: supporting CSO grantees over extended periods of time to build capacity and support them to be better able to face challenges, and beyond funds, providing additional strategic support to grantees.

The Foundation has contributed to changing the HRIJ landscape by focusing its grantmaking on strategic civil society partners and by supporting its grantees over longer periods of time than many other donors. By bridging gaps between institutional and civil society stakeholders in HRIJ issues, the Foundation helped to facilitate CSOs' activities and enhance their relevance and legitimacy.

The Foundation has been deliberate in selecting its own priorities within the HRIJ sector, yet also respected grantees' independence in selecting specific fields of research and working with other stakeholders. As the political and institutional context gradually improved, the Foundation helped grantees enhance their collaboration with institutional stakeholders, ranging from the police and the judiciary to the electoral and human rights institutions. The Foundation's limited budget relative to the needs was an obvious constraint on its influence, though it carefully used available funds. Another limitation was related to lack of coordination within the civil society sector, where organizations tended to work in relative mutual isolation. It remains necessary to encourage CSOs to enhance cooperation with others and to reach out to the public and to relevant institutions.

3. *What lessons can be drawn for future HRIJ grantmaking in Nigeria?*

Three cross-cutting lessons emerge, around the need:

- **to reinforce CSOs' governance and accountability.** As CSOs grow in professional skills, staff and budget, they also must improve their internal governance. By encouraging better governance, the Foundation will encourage more independent strategic decision-making.
- **to support further collaboration between CSOs and other stakeholders.** Long-term partnerships between government institutions in the HRIJ field and civil society organizations should be further encouraged. Civil society platforms offering fair representation to CSOs are essential elements and require concerted support; the Foundation is particularly well-placed to broker and support such platforms.
- **for a greater regional dimension.** Many of the HRIJ concerns addressed by the Foundation have echoes across the West Africa region. Linkages between Nigerian CSOs and relevant counterparts in the region may enhance their effectiveness and impact.

In relation to **the five evaluation criteria**, the evaluation concludes as follows:

The Foundation's portfolio of HRIJ projects was particularly **relevant**, in that it responded to major needs and constituted a balanced response to competing priorities. The portfolio relevance has improved over time during the decade under consideration, thanks to increasingly targeted projects and direct relationships with appropriate institutions, ranging from courts to independent commissions. There were some gaps in coverage, partly due to budget, and recommendations are made below for future innovative work.

Overall, the portfolio of projects was very **effective** in the sense that planned activities were implemented – if sometimes with delays – and that most of the planned outcomes and results were achieved. The key reasons for the portfolio's effectiveness included: strategic selection of grantees, excellent strategic analysis and good political judgment of achievable outcomes, flexibility of the Foundation as funder that allowed adaptation of projects to circumstances and opportunities, and sustained dialogue between the Foundation and its grantees. The key limitations to effectiveness were related to external factors, such as political violence limiting the scope of activities in some regions.

The portfolio was **efficient** in the sense that a very significant set of outcomes was achieved in relation to the grant amount expended (under US\$25m over a decade). Contributing to the efficiency was complementarity between activities funded by the Foundation and other donors; the credibility and strategic acumen of the Foundation gave other donors confidence to invest. The key limitation to its efficiency has been the transaction cost of implementing the portfolio. Projects were appropriately resourced to achieve planned outcomes, but over-relied directly on the Foundation to achieve the cross-cutting objective of building institutional capacity. Management support by the Foundation to its grantees thus sometimes became necessary to the achievement of broader project objectives - possibly substituting for the development of grantees' internal management and accountability systems.

The portfolio achieved a remarkable level of **impact** in view of its relatively small budget. Policy improvements can be attributed to it in relation to the justice sector and to human rights; police accountability and electoral processes have also progressed in notable ways as a result of the Foundation's support to projects. In the future, impact might possibly be further enhanced by encouraging more synergies among grantees and by making a more strategic use of international human rights fora, which can be powerful "echo chambers" for work done in Nigeria.

The **sustainability** of the portfolio was adequate, though it is clear that projects in the HRIJ field rarely become self-sustaining, even in much richer countries than Nigeria. Some projects have been scaled up by other donors, while others have led to the establishment of legal precedent, thus making a long-term difference. However sustainability would be improved if grantees paid more attention to their own organizational capacity development.

7. Recommendations

The HRIJ portfolio works in a complex and difficult space; these recommendations are focused on actions within their control, with the intention of maintaining and further improving the performance of its portfolio of grants.

Recommendations on strategic and thematic issues:

1. **The Foundation should maintain the current mutually reinforcing themes of its HRIJ portfolio.** The three sub-themes (justice, human rights and political accountability) remain appropriate to the situation in Nigeria, and are sufficiently broad for the Foundation to adapt its grants to opportunities that arise.
2. **The Foundation should consider the inclusion of new issues into the major themes in the portfolio.** Possible issues may include aspects of justice and human rights that have not so far been prioritized, including access to justice, violence against women, and anti-corruption. It is also recommended to maintain some support to police accountability, though at a lower level than in past years. The human rights record of the oil industry may also be a relevant theme to cover further.

3. **The Foundation should continue to consult widely on strategic choices.** The depth of the Foundation representatives' knowledge, their proactive consultations with a broad range of Nigerian and domestic experts, has been instrumental in ensuring the good performance of the portfolio. Consultations should be maintained at Foundation Headquarters and Nigeria office levels, including with possible future grantees and representatives of relevant state institutions.
4. **Take more account of the international calendar in relation to human rights mechanisms.** In particular, the Foundation should encourage grantees to work towards highlighting their work and concerns at the next United Nations Universal Periodic Review (UPR) session on Nigeria, scheduled for 2017. This requires enhanced collaboration among CSOs and detailed planning of activities, taking account of the constraints related to work in the UN environment.
5. **The Foundation should consider ways of linking its work on Nigeria with sub-regional trends and HRIJ concerns.** Some issues in Nigeria, such as violence by religious groups, increasingly have a cross-border dimension, while civil society tends to act at the national or local levels only. It may be possible for the Foundation to enhance the effectiveness of aspects of its Nigeria work by exploring opportunities for sharing information or otherwise cooperating with counterparts in neighboring countries. An initial pilot in this respect (for example, with Cameroon) might be a good approach.

Recommendations on process issues:

6. **Ensure consistent, detailed enquiries are made ahead of agreeing grants, including renewals.** Organizations seeking Foundation grants should systematically be required to provide information about foreseen project outcomes and results, and include credible success indicators in their proposal. Such details should be required also for the renewal of existing grants, which should also systematically be backed up by independent evaluations.
7. **Ensure that grantees maintain, and where necessary enhance, their project management capacity.** The Foundation should seek to gradually diminish the level of day-to-day support it provides to grantees in terms of project management, monitoring and implementation. Where necessary, it should require grant applicants to factor in the cost of any technical assistance they may need to ensure successful project performance.
8. **The Foundation could further enhance its agenda-leading role** through at least some level of smaller discretionary pump-priming or challenge grants, which will help to identify the issues and actors of tomorrow.
9. **Ensure that grantees enhance internal accountability systems.** This should include supervision of project managers by effective boards and an adequate level of independent oversight (steering committee, technical assistance, etc.). Project design toolkits and evaluation training should be provided where required and where they can help reduce transaction costs between the Foundation and the grantees.
10. **Ensure that synergies among projects are systematically addressed,** for example by circulating summaries of approved project proposals among grantees and donors. The Foundation should help grantees and donors communicate more between themselves, and help disseminate information about the impact of funded projects. Long-term partnerships between institutions in the HRIJ field and civil society organizations should be encouraged. The Foundation should consider further supporting the work of civil society platforms offering fair representation to a broad range of CSOs in their sector. Also, the Foundation could enhance the overall impact of its portfolio by encouraging more synergies among grantees around specific opportunities such as elections and international fora, such as meetings of United Nations and African Union human rights mechanisms.