

A PRACTICAL GUIDE TO
CAPACITY BUILDING AS A FEATURE OF UNHCR'S
HUMANITARIAN PROGRAMMES

This document is the result of an internal UNHCR working group initiative, launched as a collaborative effort in March 1998 by the Directors of four Regional Bureaux (Americas, Europe, CASWANAME and Southern Africa). The group also included participants from DIP, IES, PTSS, IOSS and a member of the OMS Working Group. Support for this exercise has also included many other colleagues at Hqs and in the field who gave their invaluable time, encouragement and ideas; in particular, Pascale Moreau, Pablo Mateu, Vincent Cochetel and Andrew Mayne. The efforts of all concerned are deeply appreciated.

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“Capacity building is self-liquidating but in a manner that leaves neither a void nor a wasteland.....” (quote from a UN report)

*September 1999
UNHCR, Geneva*

Number	Country/region	Subject matter
<i>Central Europe</i>		
# 1	Central Europe (sub-regional approach)	asylum system development
# 2	Czech Republic	field-based advisory team on citizenship issues
# 3	Slovenia	bringing in refugee dimension to social welfare systems
# 4	Poland	establishing legal clinics
<i>CIS countries</i>		
# 5	Eastern Europe (CIS) (sub-regional approach)	CIS Conference and its impact on CB
# 6	Tajikistan	strengthening the judiciary in areas of return

<u>Central America</u>		
# 7	Mexico	capacity building by a refugee organization
# 8	Guatemala	strengthening the capacity of returnee womens' organisations to address land rights
<u>Africa</u>		
# 9	Angola	return and reintegration; partnerships with other agencies, and local communities
# 10	Southern Africa	strengthening regional cooperation (through SADC) on asylum
# 11	Tanzania	combating sexual violence against children through community-based crisis intervention teams

Introduction

Goals of the guide

1. The purpose of this guide is to clarify and refine capacity-building strategies relevant to UNHCR concerns and programmes, by:
 - sharpening the focus of what UNHCR often loosely refers to as 'capacity-building' to permit a better streamlining of activities, in line with regional and/or country-level strategic objectives;
 - providing practical "tips" for use at all stages in the management of capacity-building programmes - from initial design and needs identification through to planning, monitoring and evaluation;
 - emphasizing the need at the outset to set indicators to measure the desired impact to be achieved, thus ensuring that capacity-building is never open-ended, and that a phasing out strategy is envisaged *ab initio*;
 - optimising use of resources and achievement of results of a more sustainable and identifiable nature and, in so doing, be in a better position to present the Office's capacity-building programmes to donors;
 - helping to ensure that UNHCR's humanitarian programmes are more supportive of developmental processes.
2. Currently, a concise document which combines both the conceptual framework and operational guidelines for capacity-building is not available to UNHCR staff although both aspects

exist in numerous official documents and/or reports¹. This Guide is neither a manual nor an exhaustive inventory of capacity-building techniques. It represents a modest attempt to provide "hands on" support to concerned staff by building on work done to date, drawing on operational experience and applying "lessons learned".. With the introduction of the new **Operations Management System (OMS)**, which is being progressively introduced as of 1999, a unique opportunity now exists to "mainstream" capacity-building as an integral part of UNHCR operations, including the continued sharing of "best practice" via the KIMS.

What is capacity-building?

Definition of Capacity-Building as it relates to UNHCR's concerns

Capacity-building implies the reinforcement of **human, institutional or community performance, skills, knowledge and attitudes on a sustainable basis**. It is both an approach and a set of activities, intimately linked to nationally driven reform processes.

- **As an approach**, it focuses on existing initiatives, commitments and potential as distinct from relief, which addresses needs and problems. It aims to build a network of partners at various levels, is highly participatory by nature and requires shared commitments and objectives on the part of external and domestic actors.
- **As a set of activities**, it implies provision of technical support, including training, advisory services and specialised expertise in favour of national/local institutions or structures, aimed, in UNHCR's case, at fulfilling the Office's primary objectives of Protection and Solutions, in both countries of asylum and origin.

Note: Above definition adapted from one developed at a UNHCR seminar on Prevention, Feb 1997

3. An internal evaluation of capacity-building in Central and Eastern Europe (August 1996) sheds light on the relevance of capacity-building to UNHCR's concerns: 'There now seems little doubt that capacity-building activities constitute the most useful and cost-effective means of assisting governments in [this area]... Capacity-building also appears to be the best way in which UNHCR can exert significant influence over asylum laws and practices. Although less important it

¹ Some relevant internal sources on capacity-building include:

- QIP Policy and Methodological Framework (by Marika Fahlen, June 1994)
- Background documents and report of Consultation on Prevention (led by Mr. Leonardo Franco, February 1997);
- IES Study on Capacity-Building in Eastern Europe (August 1996);
- Reintegration Framework - and related District Development Mapping Guide (Marika Fahlen, August 1996)
- Adapting Capacity-Building Strategies to the Needs of War-torn Societies (Jenifer Otsea, October 1996)
- Various regional workshop reports (e.g. UNHCR Capacity Building workshop in Antigua, Guatemala, June 1997; UNHCR/INTRAC NGO Capacity Building workshops in Bishkek, April 1998 and St Petersburg, May 1998)

has also permitted UNHCR to maintain presence that enables it to conduct activities falling within its mandate. Thus, not only is capacity-building a legitimate and essential area of UNHCR's involvement, in most countries it is an activity which should be receiving the highest priority..... Unfortunately, capacity-building remains an aspect of UNHCR's work in which the organisation continues to be hesitant and somewhat ambivalent. As a consequence, UNHCR has never fully committed itself to defining, professionalising and supporting such activities..... Despite several decades of often successful experiences in many parts of the world, capacity-building has not yet been given a clear identity.... A record of the organisation's experience in other regions cannot be found....'

4. Shortcomings in the approach sometimes followed by international agencies, in relation to capacity building of local partners, is also to be found in external assessments of major operations. This issue was examined in some depth by CARE (Canada) in relation to Bosnia and Hercegovina (report of December 1996). Their report ²states, inter alia, that:

"Despite the range of capacity building efforts for NGOs, these represent a very small proportion of the funding going to NGOs. 'Capacity building' is too often equated simply with 'training'. There is little coordination between the providers of this training, and for many NGOs, the problem is not 'how to write a report', but how to write six reports, in English, in six different formats every quarter, or even every month".....In Bosnia, donors have essentially sought - and found - cheap service delivery. The focus on inexpensive service delivery is at odds with the creation of a strong pluralist civil society; the question is no longer one of doing limited good, but of doing harm". Remedial action proposed by CARE in the report proposes that:

- Organizations supporting NGOs must be much more careful and much more responsible in their assessment of an NGO's capacity;
- Organizations supporting NGOs must extend the time frames of their agreements, or find ways to provide longer-term assistance for funding;
- Donors must make their payments on time; NGOs have no liquidity of their own; delays cause great hardship and could lead to inappropriate financial management;
- Organizations supporting NGOs must pay a reasonable proportion of the NGO's full overheads;
- International NGOs, especially relief agencies, should resist the temptation to set up a local NGO that will 'take over' their project unless they are prepared to put serious effort and money into creating a financially sustainable institution;
- Donors should consider ways of reducing the paper requirements of NGOs;
- More thought should be given to responsive funding mechanisms and to funding for sustainability activities will earn NGOs income over time.

5. The experience of development agencies and NGOs over the last thirty years, as well as UNHCR's more recently, has shown the difficulty in ensuring successful capacity-building endeavours. The concept of capacity as applied to human resources and institutions is exceedingly complex. It involves economic, political, technological, cultural and social factors which are interlinked. Moreover, capacity deficits in one sector or area inevitably affect capacity in others. Consequently, policies and programmes to address capacity-building in one area must

² "Service Delivery of Civil Society? NGOs in Bosnia and Hercegovina", CARE Canada (December 1996)

take into account ways in which capacity in other areas are likely to be affected. Meeting the challenges of building capacity in individuals, communities and institutions requires effective assessment and design processes which are participatory and take into account the range of initiatives underway in a given context.

6. Finally, a discussion of what capacity-building IS, should include a discussion of what it is NOT. Activities do not automatically become "capacity-building" because we label them this way! **Capacity-building is not** an objective in itself. It implies BOTH a set of activities and a strategic approach aimed at securing sustainable change in institutional and/or human behaviour, implying an in-depth diagnosis of existing and needed capacities. Certain types of activities may either be key components of a capacity-building project -see (i) and(ii) below - or are complementary to such a project - see (iii) and (iv) below. However, in isolation they do not constitute "capacity building":

- (i) Alone, the provision of *infrastructure or equipment* (eg computers, vehicles) does not constitute a capacity-building project. Such inputs will not necessarily improve performance (For example: will the organization enhance its performance through improved access to equipment? Can recurrent costs be covered by national budgetary sources?);
- (ii) *Training* does transfer knowledge and improve skills and has some public-relations "spin-offs". Training may be targeted, however, at professionals in institutions which already have a reasonable level of performance capacity. It may not lead to a change in behaviour nor have an impact on the organisation's goals. Effectively targeted training linked to other capacity-building activities may have such an impact, and as such, training would constitute an important element of that capacity-building programme.
- (iii) *promotion activities* may involve seminars, lectures, conferences and other education-related events. The aim is certainly to influence decision-makers and change their attitudes, but unless these activities are based on a serious needs assessment of the beneficiary institution and linked to other capacity-building activities designed to have a specific impact on its performance, they do not constitute capacity-building.
- (iv) *public information and public awareness activities* may well be necessary for raising awareness and understanding of refugee issues, thus improving the environment in which UNHCR capacity-building efforts are to succeed, but alone they do not constitute capacity-building.

Chapter 1: UNHCR's Role in Capacity-building

1. Capacity-building is a regular feature of UNHCR operations, from emergency through to durable solutions. UNHCR's involvement in capacity-building also occurs across a number of varied and highly distinctive operational contexts, the great variety of which has complicated efforts in-house to systematize or generalise about them. This being said, it is possible to identify certain situation-types in which capacity-building appears to be especially relevant;

- *In new/potential countries of asylum which are recently established states or states in transition* (eg Central and Eastern Europe). In this context UNHCR aims to foster state responsibility for the management of asylum systems, in line with international standards and practices. Once the appropriate legal framework has been adopted, UNHCR sets out to strengthen the capacity of those institutions tasked with its implementation -- in a comprehensive manner -- from reception facilities and RSD procedures to integration of recognised refugees and tackling the issue of what to do with rejected cases.
- *In countries of origin, in the context of transition from war-to-peace*, (e.g. Colombia,

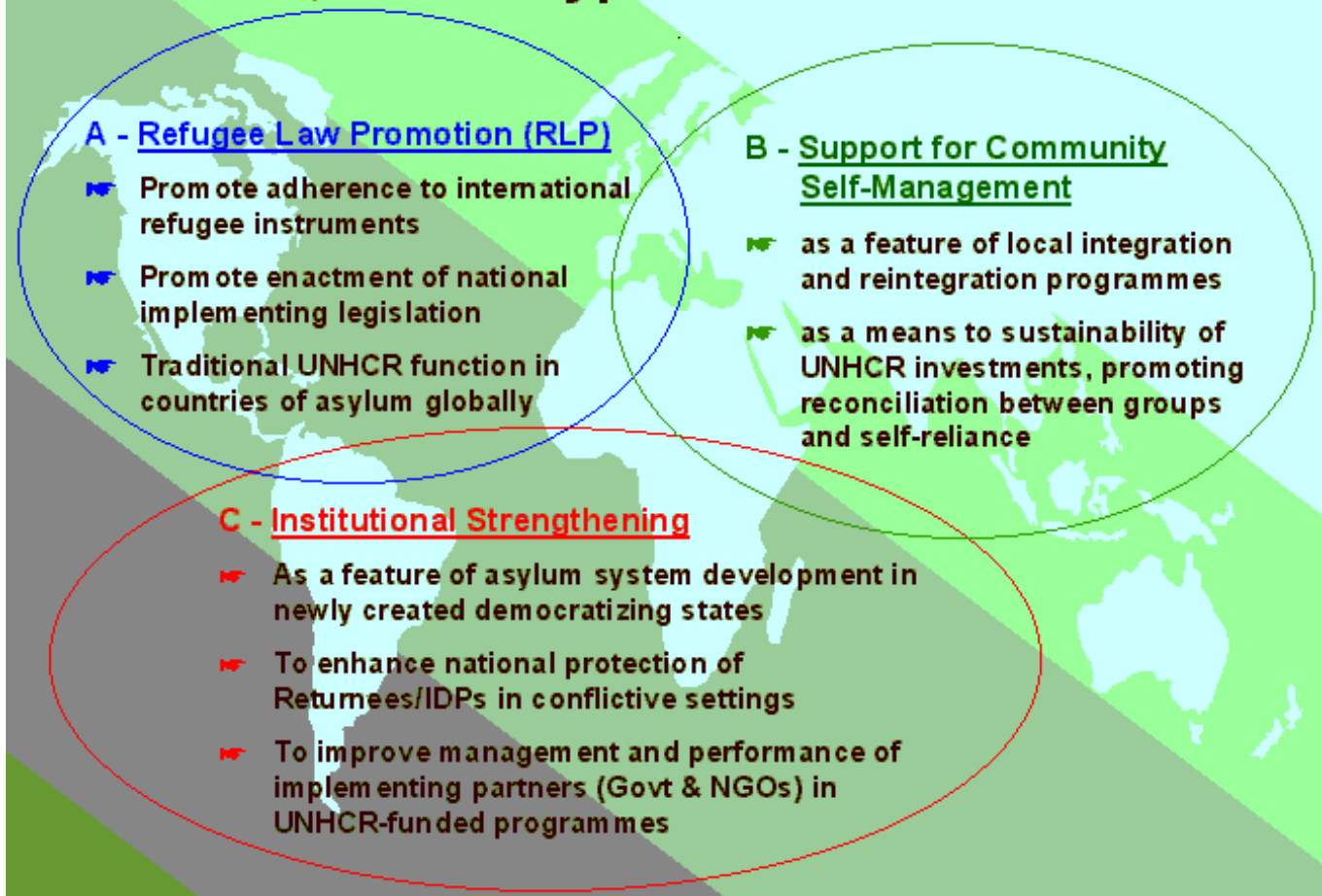
Cambodia, Mozambique, Guatemala, Tajikistan, Bosnia). Here capacity-building is an integral part of the effort to promote a smooth and sustainable reintegration of refugees/displaced, especially through progressive assumption of responsibilities by national counterparts and/or development agencies. Since repatriation and reintegration may occur prior to formal conclusion of a peace agreement or in conditions of extreme political fragility in which the causes (e.g. human rights violations) of refugee flight have not been fully addressed, capacity-building is often linked with efforts to promote reconciliation between communities and strengthen national protection, especially at the local level, as the key to safe and dignified return. In this way, capacity-building is also a means of preventing recurrence of forced displacement.

- *In (potential) countries of origin where the notion of 'prevention' (of conflict and population displacement) is relevant* (eg Eastern Europe) through, for example, strengthening the national capacity in relation to respect for human rights and minority rights. Here partnership with regional, political and human rights organisations is as crucial as with those assisting in the management of migration, and UNHCR has a limited but important role to play.

What kind of Capacity-Building is UNHCR involved in?

2. Given the range of highly varied operational contexts in which capacity-building takes place, any attempt at rigid classification of activities would prove a difficult if not impossible task. A sampling of project activities carried out by the Working Group responsible for this Guide did, however, point towards three broadly distinctive “clusters” (see box below).

In UNHCR, 3 main types of CB



The three “clusters” are neither static nor mutually exclusive. They are differentiated based on the type of programmatic approach required by UNHCR in relation to levels of existing capacity which exist (or do not exist) in the national or local institution in the following areas:

- *normative* (legal framework, rules, regulations governing institutional/social behaviour);
- *management* (roles and responsibilities, capacity for enforcement and interaction between different institutions in the same sector);
- *technical* (level of skills/knowledge amongst personnel/members of a social group);
- *physical* (access to equipment and other facilities to fulfill a given task);
- *financial* (capacity to cover operational and replacement costs through cost-recovery or resource allocation from the national sources).

3. Within the three “clusters” typical UNHCR capacity-building activities might include:

Creating the Appropriate Legal Framework (Group A): Creating/adapting an adequate legal environment is an essential capacity-building effort to enable refugees and other persons of

UNHCR concern to have access to basic rights. Several types of support may be required:

- advocacy/lobbying (awareness-building), the provision of advisory services (technical assistance), specialized training programs to facilitate the implementation problems resulting from the changed legal framework.
- Promoting a country's accession to international refugee instruments, other selected human rights instruments or a change in existing laws and/or creation of new laws;
- Assistance in drafting/reviewing draft legislation or undertaking comparative studies;
- Provision of targeted training programmes, once legal changes have occurred, to consolidate the implementation process, explaining the changes and ensuring their timely enforcement.

Support for Community Self-Management (Group B): In addition to infrastructure/material "inputs" in the various assistance sectors (water, health, education, income-generation, etc), UNHCR often provides technical support and training to community groups, such as women's organizations and cooperatives, refugee leaders, refugee field monitors. These efforts promote participation and reconciliation between groups. Their aim is empowerment, and to ensure "ownership" and the sustainability of UNHCR-funded investments (e.g. QIPs). Here the "capacities" in question are to be found in the communities themselves, in the form of values, traditions and local "coping mechanisms". Examples include:

- provision of training to enhance community leaders' broad management skills and advocacy capacity
- Support to refugee economic self-reliance via technical skills development in crop production, fish-farming and tree nurseries, microcredit programmes
- Technical support for village management committees / refugee leaders (eg in health, water and education);
- Community-based activities aimed at raising safety awareness and protection of specific refugee groups

Institutional Strengthening (Group C): In both countries of asylum and origin, UNHCR supports the transfer of skills and know-how to a wide variety of institutions, Governmental and Non-Governmental, at both central and local level. Recipient institutions may be national protection counterparts or UNHCR implementing partners. In more fragile and unstable settings, a more holistic, time-consuming and intensive approach to institutional support activities is needed - one which usually implies addressing the underlying structural problems (such as coverage of recurrent costs and shortage of qualified personnel) on which sustainability ultimately depends. Examples include:

- Provision of broad or sectoral training to NGO / Government partners and other relevant actors influential in a situation, (can also include peace-keeping forces, immigration and justice officials, border guards) aimed at improving their implementation of protection / assistance functions;
- Strengthening of overall technical and management capacity of UNHCR implementing partners;
- Provision of access to information on up-to-date technology, international legal instruments, regional /international expert studies or other initiatives;

- Development of legal counseling and social counseling networks;
 - coaching and ‘accompaniment’ by UNHCR in the development process;
 - Provision of financial assistance, and/or assistance to develop fund-raising skills
4. Whatever the area of activity or the main objectives, **capacity-building always implies:**
- A **change-oriented process**, aimed at empowering an organization or group to gradually function autonomously and take control of its own destiny, with ever decreasing dependence on external aid;
 - **Shared commitments** between external actors and domestic counterparts in favour of a jointly agreed objective;
 - **The need for sensitivity to different situational, country and political contexts**, drawing on local resources, culture and experience; continued monitoring of evolving political implications (foreseen and unforeseen);
 - **Planning over at least a medium term time-span** (2/3 years), making sustainable results in less than one year difficult if not impossible to assess;
 - **Identifying capacity-building needs from the earliest stages of involvement** (irrespective of whether carried out by UNHCR or not), possibly playing a ‘catalytic role’ to bring in the other relevant actors)
 - **Other Inputs** aside from capacity-building are probably necessary. Most often, injections of funds, and other direct assistance (infrastructure, reconstruction) may be crucial to any improvement in an institution’s ability to perform (whether forthcoming from UNHCR or from other actors)
 - **Setting the parameters for UNHCR involvement from the outset**, ie having the end results in mind and a strategy for ‘phasing out’;
 - **Presence:** capacity-building is not possible by remote control (except towards the final stages of a phase-out strategy). The coaching, partnership elements and the need for continued political / cultural awareness dictate the need for a knowledgeable UNHCR presence; and
 - **Never engaging** in capacity-building activities that cannot be shown to directly contribute to UNHCR operational objectives and/or fall within the scope of UNHCR’s particular expertise.

Constraints encountered by UNHCR

5. In several operations, UNHCR's capacity-building activities are viewed as having contributed positively to fulfillment of the Office's objectives. Certainly a number of UNHCR staff have gained "hands-on" experience in this area and/or have learned about capacity-building from other agencies with which they have worked. Yet operational experience also points clearly to a number of inherent constraints faced by UNHCR, both internally and externally, which serve to limit beneficial outcomes of capacity-building initiatives, such as:

Internal constraints:

- *Lack of internal clarity* as to how such activities relate to UNHCR's objectives have generated queries from donors as to the scope, objectives and modalities of UNHCR's involvement in capacity-building;
- The *time-frame* of capacity-building is often viewed by UNHCR as "open-ended", resulting in concerns amongst donors about "exit strategies" and "mandate creep". The difficulty of handing over to others sometimes generates a feeling of "obligation" in UNHCR to maintain its involvement longer than it sensibly should;
- *Pressure to implement and a "relief mentality"* amongst many UNHCR staff, resulting in a tendency to associate capacity-building with donations of office equipment and materials (i.e. "inputs"). These are easier, more visible ways to spend money than, for example, funding project staff to conduct on-the-job training.
- *Absence of a systematic approach* in design/identification of capacity-building needs which ensures that UNHCR-funded "inputs" (such as technical support, training and related equipment and materials) are provided in a manner likely to actually result in increased national counterpart capacity;
- *Lack of experience in how to measure impact through a structured set of performance indicators* (OMS may improve this);
- *Capacity-building, wrongly conceived*, can even have a negative impact on national/local institutions (e.g. trained staff leaving to work with international agencies);
- *Failure to recognise that capacity-building is, by nature, a time-consuming and staff intensive activity*, that it will probably require skilled expertise not necessarily available within UNHCR and is unlikely to produce results within the usual one-year time frame for programme planning;
- *Poor visibility of capacity-building in the FMIS budget structure*, resulting in difficulties in donor reporting (Note: this problem will be remedied in the new OMS budget structure);
- *Frequent rotation of key staff* hampers the close partnerships and the mutual confidence acquired over time that capacity-building implies.

External constraints:

- *A dependency syndrome* on the part of national counterparts or, in some cases, difficulties in identifying suitable national/local counterparts with which to work (N.B. this does not necessarily mean that UNHCR should jump in and fill the "gap!");
- *Absence of, or difficulties in, identifying suitable development partners* able to bring the needed "added value" to UNHCR's short-term capacity-building efforts;
- *Delayed presence (or lack of presence) of international development agencies* in remote, unsafe, underserviced and marginal areas where populations of UNHCR's concern usually are located;
- *Problems in securing the indispensable national counterpart commitment* (in both fiscal and non-fiscal resources) to ensure coverage of recurrent costs, resulting in capacity-building efforts which are unsustainable in the longer term;

- *Failure of international NGOs working with UNHCR to provide coaching and other capacity-building assistance to local NGOs* (their own organisational self-preservation tends to mitigate against this);
- *Problems in funding from donors* for the institutions whose capacity is being built; in highly politicised contexts the governmental entities may be seen as too 'political', while funding the NGOs may be seen as too risky if they are very weak institutions (or are also 'political'). Funding, however, is frequently the largest single problem slowing the development and increase in capacity of either type of institution.
- *Unstable and fluid national contexts* in which UNHCR frequently operates complicates the task of securing national commitments and evaluating impact. There may be an imbalance in the rate of development between legal, economic and socio-political notions and policies; eventually lack of progress elsewhere will slow down good progress on the protection / asylum front.

Where UNHCR may decide NOT to engage in capacity-building

6. While a capacity-building approach may frequently be crucial for achievement of UNHCR's goals, it is not a panacea for all problems. It might not even be appropriate in certain operations to go beyond the capacity building support which should, as a rule, be provided by UNHCR to implementing partners. Sometimes it is not an activity where UNHCR has a "comparative advantage" in terms of time-frame, resources and expertise over other strategic partners engaged in the same sector. These crucial questions are further discussed in the next chapter (see "Tips and Tools", paragraph 4).

Chapter 2: From Diagnosis to Evaluation - Tips and Tools

1. Since most UNHCR staff are familiar with the standard phases of Project Design, Development and Implementation, this Chapter only seeks to identify and highlight specific areas which are most relevant to capacity building projects (Note: abbreviated here as "CB" for the sake of brevity) and to provide staff with a series of practical "tools" and examples, developed either by UNHCR or other agencies. The "tools" referred to are to be found in Annex 1 of the Guide.

Phase I: DIAGNOSIS

2. Diagnosis of a situation does not necessarily lead to the Office's involvement but it is an essential phase that will enable UNHCR staff to make an informed decision over whether UNHCR's contribution is justified or not. This process can be divided into two distinct stages, the information-collection stage and the data-analysis stage.

"Area-Mapping" -- the listing of existing capacities

3. The process of project design habitually includes a "needs identification" phase. In relation to capacity building, however, it is essential to begin by "mapping" existing capacities. This step is even more important during emergencies, in situations of former conflict or in fragile, transitional settings. In such contexts, it is tempting for international agencies to believe that local capacities either do not exist or have been destroyed by events. However, this is incorrect. Indeed, any crisis calls into motion an array of coping mechanisms and survival strategies among affected individuals, groups and institutions. To ignore this fact, in the context of emergencies, can result in many missed opportunities for initiating and/or accelerating the recovery process. Even in non-emergency contexts, the cardinal principle of international agencies should be to build on, rather than to replace, existing national/local capacities, as the best means to promote longer term sustainability and "ownership" amongst stakeholders. For this purpose, in addition to the "tools" listed below, traditional and well-known techniques of information-gathering which need not be developed here as they are used throughout UNHCR can/should include:

- direct observation and common sense
- data collection
- surveys and interviewing
- specialised expertise/consultancies

TOOL # 1 - Capacities & Vulnerabilities Analysis Matrix plus Examples, (1A)

TOOL # 2 - Mapping of organisational strengths and weaknesses (step one)

TOOL # 3- Mapping of organisational strengths and weaknesses (step two)

Data Analysis and diagnosis of gaps/needs -- should UNHCR intervene or do nothing ?

4. Proceeding from the above, UNHCR can then undertake a needs assessment based on gaps identified and capacities that the organisation/group does not have and cannot provide for itself.

By definition, capacity building is an activity which has both humanitarian and developmental implications. In relation to needs assessment, therefore, critical questions for UNHCR might include the following considerations:

- Relevance of proposed CB activities to UNHCR objectives. If a proposed activity has no direct impact on UNHCR objective, then it should not be undertaken;
- Commitment and receptiveness of the national/local counterpart whose capacity UNHCR aims to strengthen;
- Complementarity and presence of other partners in a given context. How do UNHCR CB initiatives fit into a more global development strategy for the country/organisation ? This aspect is especially important given the limits in time and scope of UNHCR involvement;
- UNHCR's own capacity and resources (human/financial) which can be made available and can UNHCR's contribution be sustained for the duration of the project?
- What is UNHCR's "added value" and "comparative advantage" over other external partners already engaged in capacity building activities? Does UNHCR really need to get involved ? In some situations, for any of the above reasons, it may not be appropriate for UNHCR to get involved at all. What would happen if UNHCR did not? UNHCR may choose to get involved directly and/or may act as a catalyst for the involvement of others, or more often than not, do both.

TOOL # 4 - Problem/gap analysis worksheet

TOOL # 5 - Decision tree for UNHCR intervention

Phase II. PROJECT DESIGN

5. If the response to paragraph 12 above is that ".. yes, UNHCR should intervene and contribute to the development of capacities in a given area .." then, the next phase is for UNHCR to define very clearly its objectives and to develop the appropriate project of assistance to

achieve them.

Objective-setting

6. Objective-setting in any programme, including its capacity building components, is a crucial step in ensuring that the protection and assistance provided on behalf of refugees or other groups of concern is appropriate, timely and cost effective. A standard way of establishing effective objectives is to ask if each objective is **S M A R T**:

- S pecific
- M easurable
- A chievable
- R elevant
- T ime-bound

In operations with well-defined objectives, the result is a hierarchy of mutually-supportive objectives, cascading down from the overall goal of a project to sector/activity level. In relation to capacity building, the most important aspect of objective-setting involves consultation and joint commitment with the national counterpart whose capacity UNHCR seeks to build, as explained below.

How do you involve the national counterpart ?

7. CB projects involve at least two main sets of “actors”: UNHCR and the national counterpart which is the recipient of the Office’s support. Other “actors” involved in the project might include an implementing partner, through which UNHCR’s financial support is being channeled, as well as international agencies contributing directly or indirectly to the overall objectives of the project. Since specific rules govern selection of Implementing Partners (see Chapter 4, part 5, of UNHCR Manual), this aspect will not be repeated here.

8. The national counterpart is still, very often the least consulted and yet, a sense of “ownership” by the national/local recipient organisation is an essential element of commitment and success without which UNHCR support will not achieve desired results. Before embarking on any project, UNHCR should compare and, if necessary, even revise its objectives to ensure complementarity/osmosis with those of the national counterpart. A consultative mechanism between the two organisations should therefore be put in place before the start of the project in order to ensure that the issues addressed are relevant to both UNHCR and the national counterpart. This process must also continue throughout the life of the project in order to ensure adaptability and direction.

9. Finally, as implied in paragraph 3 above, it is essential to remember that the national counterpart will always have something to contribute to a CB project – both in quantifiable and non-quantifiable terms – eg. employees on payroll, existing premises, volunteers and personal time, networking/lobbying capacity, etc. With one exception³, UNHCR budgetary systems presently do not allow to record such intangible contributions to a project but this should not be a deterrent – a formal exchange of letters or even annexes to standard Agreements should be made to provide a record of the resources both partners are bringing to a project. This will serve

³ standard UNHCR Partnership Agreement format

to “enshrine” the organisation’s commitment to the process, it puts the national counterpart *on par* with UNHCR as a partner, and it facilitates the overall coordination, direction and eventual handover of the project by clearly defining assets and responsibilities.

What about other external partners ?

10. In its traditional delimitation of activities to be undertaken for a CB project, UNHCR should, from the very start, look for external linkages/partnerships. This can include all type of external actors such other UN agencies, international organisations and NGOs, bilateral donors, academia, private foundations/institutions, the media and even private enterprises/firms. Key considerations which should be kept in mind throughout this process must include the need to ensure:

- Non-duplication of activities
- Complementarity of objectives, activities and mutually-supportive interventions
- Support to long-term development undertaken by other actors
- Smooth phase-out of UNHCR involvement
- Sharing of “best practices” (see Chapter 4)

Specific issues relevant to establishment of linkages with international partners are dealt with in the next chapter.

TOOL # 6 - Practical checklist for the establishment of linkages

TOOL # 7 - Components of a healthy organisation

Indicators

11. Although CB projects by definition have long-term objectives, each project has immediate outputs which can be readily measurable. While some of these outputs should already be identified and listed during the project development phase, there are others which will only be seen/identified as the project is implemented. Indicators are essentially “statements about the situation that will exist when an objective is reached”⁴. The ability to define indicators is a demonstration of the clarity and understanding of the stated objectives.

12. The development of indicators are only useful “tools” in so far as they illustrate measurable/quantifiable progress and the relative importance of indicators is likely to change during the implementation of the project, i.e. in the early stages, quantitative indicators (e.g. how many persons were trained) will be most in evidence. But the development of capacities is not always quantifiable in mathematical terms. The qualitative element of CB efforts is essential, as for example, when related to institutional performance in the context of efforts to enhance asylum systems. As a useful example, the World Bank uses four main types of indicators to monitor and evaluate the progress of a project.

- *input indicators* – quantified statement of resources provided to the project/what is put into the

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World Bank Lessons and Practices, OED # 8, June 1996

project.

- *process indicators* – measurements of what happens during implementation. Processes such as participation, cooperation, coordination, planning and management may be important to show whether basic principles are being adhered to during the implementation of the project;
- *output indicators* – immediate physical quantities and/or financial outputs of the project.
- *impact indicators* – what effect the activity has had on people’s lives, or, in relation to institutions, what sustainable changes in institutional behaviour over time have been achieved? It is impact measurement which ultimately shows whether or not the overriding objectives of the project have been met and yet, it is this aspect which is the most difficult to address in CB projects, especially if no diagnosis of capacity *deficits (diagnosis)* was undertaken at the start. Moreover, impact of a project may not be measurable from within the project alone. The impact, for instance, on the local markets and economy must be seen within the context of the overall programme of all related projects being implemented at a particular time.

13. Given the importance currently being attached both within UNHCR and by donors to use of indicators in operations, it is also important to recognise potential weaknesses related with their application, such as:

- The choice of what indicators can and need to be measured may be disputed, inappropriate or simply wrong. Indeed, important aspects of programmes may be *neither readily measurable, nor expected*;
- *Cooperation may not be forthcoming* (e.g. from national/international partners expected to be involved in the evaluation of results);
- *Any system of measurement is only as good as the analysts* that interpret the information collected

The following “step by step” guide is used in OMS workshops in regard to establishment of a structured set of performance indicators:

1	<p>set objective</p> <p>-- increase participation of girls in primary education in xxx camp</p>
2	<p>determine basic indicator</p> <p>-- number of girls attending school regularly</p>
3	<p>add quantity (how much)</p> <p>-- the number of girls attending school regularly has increased from 4,000 to 8,000</p>
4	<p>add quality (what kind of change to what kind of standard)</p> <p>-- the number of girls attending school regularly and passing final exams for promotion to the next grade increased from 4,000 to 8,000</p>

5	<p>add time (by when)</p> <p>-- the number of girls attending school regularly and passing final exams for promotion to the next grade increased from 4,000 as of 1 January to 8,000 by 31 December 1999.</p>
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Timeframe

14. CB is a protracted, medium- to long-term activity. Ascertaining the continued commitment of the organisation through a prioritized and quantified allocation of resources (human, financial) is therefore a key element in project development. As mentioned before, this multi-year objective presently contradicts both UNHCR internal systems as well as internal/external demands/expectations. There is a strongly ingrained culture (in UNHCR) of yearly quantifiable/deliverable implementation rates which usually cannot be applied to CB activities and in some cases, can even be damaging to a CB project. For example, it is after all easier to count and report on the number of computers delivered at the end of each year rather than to await tangible results of a three-year training programme for NGO staff.

15. This being said, a number of elements linked to the timeframe must be thought through and appropriate tools developed before CB activities are undertaken:

- financial planning must be multi-year but sliceable into yearly installments to accommodate standard UNHCR requirements - hopefully, this *ad hoc* methodology should soon be mainstreamed into UNHCR systems when the new OMS budget structure comes into effect.
- yearly, quantifiable and visible returns of CB activities should be “mapped” in order to track project implementation and to support the multi-year expected impact. This is an absolute prerequisite for reporting/monitoring purposes thereby ensuring the proper understanding and commitment from internal and external sources.

TOOL # 8 - Logical framework for project development

Phase III: IMPLEMENTATION AND MONITORING

16. Even more so than other UNHCR programmes, monitoring the implementation of CB projects is a continuous process. The project must therefore include elements which will allow UNHCR to monitor and measure the development of the project in order to allow for readjustments of the project design in a timely manner.

Continuous monitoring and assessment is needed to evaluate/measure:

- changes in the local context/situation
- evolution and development of capacities over time
- changes in HCR capacity (eg. human/financial resources, donor interest, expertise, political/in-house commitment, etc)
- level of participation of partners
- activities external to the project which nevertheless influence project objectives

- how the project affects other capacities

17. Project monitoring is much broader than the setting of performance indicators. Four different elements⁵ of project monitoring can be identified and should be developed already during the project preparation phase:

- clear and measurable statements of project objectives
- a structured set of indicators, including input and output of goods and services generated by the project
- a methodology for collecting and analysing data including appropriate institutional arrangements
- a mechanism for feeding monitoring results back into the project design during the project's life

Methodology for collecting and analysing data

18. The methodology listed below is common to general project assessment (development phase) and implementation and monitoring. It needs not be developed further as these methods are used throughout UNHCR operations:

- existing HCR reporting/recording mechanism
- reporting/recording mechanisms of implementing agencies and other actors
- sample surveys
- specific studies
- *in situ*/field visits
- access to external sources of data
- participation of project beneficiaries

19. Worth mentioning here is the extensive and time-consuming process this type of permanent monitoring requires from UNHCR and/or its implementing partners. This should be catered for when making the institutional arrangements linked to a proper implementation of the project. Project administrative support costs are thus proportionally rather high in CB projects.

Feedback mechanism for mid-course corrections

20. Monitoring of project implementation is only useful if appropriate responsive mechanisms are identified and put in place from the very start. These mechanisms should also cover the whole period of implementation - ie. they must be multi-year monitoring corrective tools. In order to achieve this, UNHCR and its partners will need to put in place mechanisms that provide:

⁵ op.cit.

- a quick response capacity to investigate unexpected events
- a good, transparent and reliable flow of information
- a capacity to analyse the information and make concrete recommendations
- an existing capacity to include rapid corrective measures into project design
- a clear understanding of the project timeframe to ensure this process is initiated in a manner where conclusions *can be* included in the project in mid-course
- an accountability mechanism to ensure commitment/responsibility of all partners to keep the project appropriately on course

PHASE IV: EVALUATION AND IMPACT

21. According to the World Bank⁶, “.. *evaluation is the periodic assessment of a project’s relevance, performance, efficiency and impact in relation to stated objectives ..*”. This process is part and parcel of the implementation mechanism for any programme and particularly for CB projects which, encompassing several years, can be especially difficult to evaluate. In essence, impact refers to a medium or long-term developmental change and is usually measurable at the end of a project - in many capacity-building projects however, full impact only becomes measurable/visible many years after the project(s) termination.

22. It is necessary to distinguish between two types of evaluations which are equally important:

- *interim evaluations* which should occur at mid-course of a project as a first review of the above and to identify any major necessary re-orientation/readjustments in project design, although internal procedures sometimes hamper flexibility and ability to do this. These evaluations differ from the monitoring mechanisms described above which are a continuous process of mild adjustments to isolated fluctuations in project progress. It could be argued that an interim evaluation is not necessary if the monitoring mechanisms in place are sufficiently comprehensive so that early indications of impact can already be obtained that way.
- *the final evaluation of a project* is what will determine/assess the final effects (impact) of the project and their potential sustainability. In this context, it is important to highlight that impact can be positive and negative, and that it can also be expected and unexpected. It is also important to note that what is unintended is not necessarily negative – there are many examples of positive impact of CB projects which were unexpected while expected results had a negative impact...!

23. An effective “completion” date of CB is not easily defined, particularly not when UNHCR efforts are only an element of a more global socio-economic developmental strategy (eg. as in the case of reintegration for returnees). Yet such a deadline is essential to ensure proper phase-out.

Sustainability

24. A key factor in the evaluation of the impact of CB projects is the question of sustainability.

⁶ op.cit.

Sustainability is different from immediate output/outcome in the sense that it concerns elements of a project which will survive and thrive beyond the immediate life of the project. Apart from the numerous elements which can affect sustainability outside of the project parameters (eg. stable and favourable country/political conditions, continued access to resources, institutional capacity to change, etc), sustainability will also depend heavily on a sense of ownership by the beneficiaries of the project's activities. Ownership is developed through partnership and consultation and is a necessary stimulus for further development of any institution. Reference should be made here to paragraphs 17-20 above.

25. UNHCR can help to promote the sustainability of an organisation which has benefited from a CB project in a number of ways:

- (i) support development of funding diversification strategies;
- (ii) draw attention of other donors to the value of the work being done;
- (iii) jointly plan with donors how and when they will assume some core responsibilities;
- (iv) help in design of co-financing projects for submission to other donors;
- (v) support those submissions with background documentation and letters;
- (vi) 'let go' of the activities and let others take the credit for future success.

For the sake of brevity, methodologies for evaluations will not be discussed here. The reader is strongly advised to consult the guideline on "Planning and Organising Useful Evaluations" published by UNHCR's Inspection and Evaluation Service in January 1998.

TOOL # 9 - Monitoring and evaluation indicators

Chapter 3: Linkages with International Partners

Why does UNHCR gain from linkages?

1. Most refugee situations are of a temporary nature, thus implicitly limiting the time frame and scope of UNHCR involvement in capacity-building. Other multilateral and bilateral agencies, both UN and non-UN, as well as international NGOs, are often engaged in medium and long-term development programmes, many of which are relevant to UNHCR's objectives, whether in countries of asylum or origin. Linkages with such partners offer "added value" to UNHCR's capacity-building efforts in the following ways:

- *In countries of asylum*, UNHCR can enhance national capacities to offer effective protection to refugees and to manage refugee influxes and humanitarian assistance programmes. Lasting success will, however, often depend on the extent to which such concerns are linked to the broader political, migration and human rights issues - all areas where UNHCR has less influence;
- *In countries of origin*, UNHCR reintegration efforts may be significant but are of limited duration and scope. Lasting consolidation of durable solutions, especially in war-torn societies, implies addressing the underlying causes which gave rise to forced displacement in the first place. Support by development agencies for the restoration of the rule of law, governance and socio-economic recovery are clearly central to "prevention" in the real sense;
- *A timely and professional phase-out* from a country can be more easily ensured through

linkages with partners;

- *Other international agencies often have more political and financial leverage* than UNHCR to obtain commitment of national counterparts for the broader change process;
- *Support by development agencies for longer term structural and organizational change* in national institutions can complement UNHCR's more punctual efforts to enhance operational capacity in relation to a given task.

Common Approaches to Capacity-Building in the UN System?

2. Capacity building is a standard feature of technical cooperation programmes financed by both multilateral and bilateral aid agencies around the world. Whilst in the past central government line departments were the main targets of such support, increasingly capacity-building efforts are aimed at municipalities, NGOs and private institutions, i.e. involving a more participatory notion of the nation as a whole. The precise definition applying to capacity-building varies according to the mandates, institutional cultures and types of programmes carried out by the various UN funds, programmes and agencies. This being said, "core elements" of capacity-building invariably involve:

- the transfer of skills and knowledge for developmental purposes;
- sustainable enhancement of human, economic, technical, managerial and institutional capabilities;
- consolidation of viable legal structures and systems based on internationally accepted standards and principles.

How can we cooperate with other agencies?

3. Many international partners support capacity-building projects which are relevant to UNHCR's objectives and operations. The following is not an exhaustive list but a sample of useful examples.

Inter-Governmental Agencies

UNDP: UNDP serves as the central planning, funding and coordinating agency for technical cooperation for the entire UN system. UNDP has traditionally been involved in the long term strengthening of line ministries and government offices involved in development planning. Generally, UNDP support is concentrated in the areas of poverty eradication, employment creation, advancement of women, environmental protection and good governance. In post-conflict situations and newly established/restored democracies, the strengthening of key government institutions is of utmost importance, particularly if such institutional support can lead to the programming of activities which fill the "gap" between relief and development. UNDP also plays a crucial role in the establishment, maintenance and improvement of national, regional and local plans for disaster preparedness and management. These seldom include sections on forced displacements, such as refugee influxes, and thus the need for UNHCR to establish the necessary linkages with UNDP's efforts in this area. *Examples of joint / linked projects with UNHCR:*

- UNDP/UNHCR CIREFCA Joint Support Unit, established to provide technical support and follow-up to the CIREFCA process (1989/94);

- Technical support provided by UNDP for District Development Mapping (DDM) exercise in Mozambique, as a “tool” for national development planning at the local level.

OHCHR: The Office of the High Commissioner for Human Rights (OHCHR), based in Geneva, provides governments and other bodies with a broad range of technical advisory support on human rights standards and best practices. These involve both capacity-building and promotional activities such as education, training and technical advice. Key areas include the strengthening of human rights within the UN system generally and the development of national capacities in the administration of justice and through credible national human rights commissions. The OHCHR is gradually strengthening the scope and substance of its field presence. Activities involve not only capacity-building but also human rights monitoring. In view of the close interlinkage between human rights and UNHCR’s mandate, the OHCHR is a natural partner for UNHCR’s own capacity-building activities. [see generally, *Policy Paper on UNHCR and Human Rights, 7 August 1997*]

Examples of joint/linked projects with UNHCR:

- Participation of OHCHR experts in regional human rights training courses around the world

UNICEF: Projects aimed at improving a country’s capacity to enforce children’s rights is an obvious example of UNICEF’s activities of potential benefit to persons of concern to UNHCR. Their institutional support projects in the water and health sectors can also be extremely important and usually entail long-term commitments on the part of UNICEF. In certain countries, UNICEF is providing support to the Ministry of Health (MOH) in the areas of maternal/child health and primary health care. This support can include the strengthening of MOH’s capacity to cope with the increase of demands for health services brought about, *inter alia*, by massive return of refugees and/or massive influxes of refugees. In the education sector, UNICEF is involved in various capacity-building activities, including the establishment and maintenance of educational infrastructure standards. Linkages in tolerance and human rights education may be relevant for UNHCR’s ‘prevention’ goals.

Examples of joint / linked projects with UNHCR:

- Liberian Children’s Initiative (LCI), a joint UNHCR/UNICEF project aimed at reintegration of war-affected Liberian children through primary education, protection activities for unaccompanied minors and information campaigns to protect/promote child rights; includes longer term institutional strengthening of Ministry of Education via UNICEF.

ILO: In general, ILO long term technical cooperation programmes, focusing on areas such as employment, management and training, take place in relatively stable contexts. The reintegration of conflict-affected populations into the productive sector has been a recent preoccupation of ILO. Their experience with demobilized soldiers, the informal sector and micro-credit should potentially complement UNHCR’s efforts to attain durable solutions for refugees and returnees. Involvement of ILO in joint inter-agency workshops to be organised by UNHCR on micro-finance is intended to promote such linkages.

The World Bank: The World Bank is a major provider of Technical Assistance and has sharply increased its lending for this purpose in recent years, reflecting the needs of its new members. Loan-financed TA amounts to about 10 percent of the Bank’s lending. In addition, a significant volume of TA (some US\$450 million annually) flows through special programmes financed by grants and trust funds, as well as through the normal work of Bank staff. Like most development agencies, the Bank is shifting the emphasis of its TA away from preparation and implementation of investment projects and towards institutional development. The international financial institutions (IFIs) are playing an increasingly important role in the reconstruction and rehabilitation of war-torn society and in the strengthening of good

governance. The establishment of the World Bank's Post-Conflict Unit has significantly improved UNHCR's chances to build linkages, including in the area of capacity-building, in cases where the sectoral priorities and time-frames of the Bank and UNHCR coincide. The involvement of the Bank in practically every sector of government and its increasing involvement with non-governmental organizations also augur well for complementary actions. *Examples of joint / linked projects with UNHCR:*

- Local capacity building components of World Bank/UNHCR programmes for reintegration/reconstruction in Azerbaijan and micro-finance in Bosnia.

IOM: Through its technical cooperation programmes in migration management, the International Organization for Migration (IOM) offers advisory services on migration to governments, IGOs and others. Such programmes respond to needs of governments to develop coherent responses to migration challenges; their aim is to assist in the development and implementation of migration policy, legislation and management. Often Governments are more receptive to asylum/protection concerns if placed in a broader context of migration, to which many attach growing importance. In countries where the institutional framework for migration and asylum management needs to be built from scratch (such as the CIS region), large scale population movements, both actual and potential, can be more usefully addressed if approached in an integrated manner. Despite its often limited operational presence, partnership with IOM can often usefully complement UNHCR's specific areas of expertise. *Examples of joint / linked projects with UNHCR:*

- Capacity Building in Migration Management Programme, established in several CIS countries following the CIS Conference

IFRC: The International Federation of Red Cross and Red Crescent Societies (IFRC) specialises in strengthening the expertise and organizational structures of national Red Cross societies in emergency relief, disaster management, community-based health systems etc. Since many UNHCR relief programmes are implemented via national Red Cross societies, linkages with the IFRC in local capacity building is relevant for both the strengthening of local implementing partner capacity and civil society strengthening in general.

Working with bilateral development agencies

4. The majority of donor countries fund capacity-building projects through their bilateral cooperation programmes. Some of these can be relevant to UNHCR's work and should be taken into consideration whenever our projects are in the planning stage. All of the major donor countries have development cooperation agencies and these are often involved in major capacity-building programmes. These programmes vary from agency to agency and from country to country, but almost always are long-term. The case of Mozambique, outlined below, illustrates the extent to which bilateral agencies involved in long-term capacity-building programmes can establish much needed linkages with UNHCR's reintegration programmes.

The Case of Mozambique

The Mozambican repatriation and reintegration programme is one of the largest ever undertaken by UNHCR, involving 1.7 million returnees and costing some \$145 million to implement. The UNHCR reintegration activities in Mozambique were framed within a coherent Reintegration Strategy, which outlined the general and sectoral objectives of the operation, the criteria for the selection of implementing partners, as well as the methodology and institutional framework of the programme. This strategy specifically identified the building of local capacities as a general objective and as a criteria for the selection of implementing partners. However, in view of the short time-frame, capacity building was ensured primarily

through the establishment of linkages with agencies engaged in longer-term development efforts and UNHCR's own programme primarily covered infrastructure and material inputs.

The following is a sample of the linkages established with bilateral agencies in Mozambique:

- 1. Danish International Development Agency (DANIDA):** The Danish agency was involved in a cooperation programme concentrated mostly, but not exclusively in Tete Province, where the vast majority of Mozambican returnees were present. Both formal and Informal linkages were established in the education sector and, to a lesser extent, in the health sector. Their capacity building activities targeted the provincial line ministries and DANIDA utilized UNHCR's QIPs database and returnee information to enhance the absorption capacity of the provincial and district authorities.
- 2. Finnish International Development Agency (FINNIDA):** The health sector support provided by FINNIDA to provincial authorities in Manica Province (which included a strong infrastructure component) complemented UNHCR's QIP programme. While the latter concentrated on the rehabilitation and construction of health posts, FINNIDA engaged in institutional support to the health authorities, duly incorporating UNHCR's experience and activities in their project to strengthen the planning capacity of the government.
- 3. United States Agency for International Development (USAID):** The American agency was also involved in activities aimed at increasing the planning capacity of the health authorities in Zambezia Province. On a national scale, USAID's support to the World Bank's road rehabilitation project also included institutional support to the Ministry of Public Works. In neither case did UNHCR establish an official linkage, yet some complementarity of activities was ensured through UNHCR's participation in sectoral coordination bodies or through the Technical Team.
- 4. German Technical Assistance Agency (GTZ):** The German development agency was UNHCR's major implementing partner in Manica Province. They became a useful linkage in our efforts to build the capacity of communities and local authorities (both district and provincial) to maintain and repair community structures, such as schools and clinics. At the same time, GTZ continued with a development programme in that province which included, from the start, a major capacity building component targeting the Provincial Planning Commission.
- 5. Swiss Development Cooperation (SDC):** The Swiss Government had supported UNHCR's reintegration programme through the deployment of technical experts, mostly in the water sector. At the same time, its development cooperation agency was heavily involved in supporting the Center for Professional Training in Water and Sanitation (CFPAS), based in Maputo.
- 6. Cooperazione Italiana:** As UNHCR was phasing down, the Italian government was about to begin a USD 2 million project concentrating on capacity building activities in Sofala Province. In strengthening the planning capacity of the provincial health authorities, the Italian development agency utilized UNHCR's QIPs database and needs assessment, thus enhancing the sustainability prospects of UNHCR's micro-projects.

The case of Mozambique illustrates the extent to which bilateral agencies involved in long-term capacity building programmes readily established much needed linkages with UNHCR's reintegration programme. In reviewing this case, one should be careful to note that the support provided by the international community to this country is seldom found in other post-conflict contexts. In Mozambique, there is a tradition of international cooperation in the area of capacity building and development dating back to the years immediately following

independence. This focus was even more emphasized by development agencies in light of the enormous destruction and devastation brought about by decades of conflict to the country's institutions and human capital. Also, it is worth noting that some of the proposed linkages in the area of capacity building (e.g. with the World Bank) never materialized. What the Mozambique example shows is that linkages can and must be established with pertinent actors, sometimes on a sectoral, regional and/or project-specific basis. What it also shows is that linkages do not need to have a formal basis (in the form of an MOU, for example) but can be established through informal contacts and at sub-office level.

Pablo Mateu, IOS

Linkages with regional organizations

5. Partnerships with key regional organizations are often an integral part of the Office's pursuit of comprehensive regional approaches to prevent forced displacement. Often UNHCR's capacity building initiatives only find relevance if linked with broader political and socio-economic imperatives of States, as illustrated by the following example drawn from the European context:

- Future membership of the European Union (EU) is the driving political imperative behind national development processes in Central Europe. UNHCR's sub-regional strategy is geared to strengthening asylum systems in these countries and, through clear linkages with the EU membership process and EU training and funding, UNHCR's aims are more easily shared by our national counterparts whilst longer term sustainability is greatly enhanced.
- In the CIS countries, membership of the Council of Europe (COE) creates similar incentives. Joint capacity building involving the COE technical legal expertise, even if minimal, in some cases, has been visibly more productive than UNHCR's isolated efforts in the same sphere would be.
- In some CIS countries also, partnership with the Organization for Security and Cooperation in Europe (OSCE) has linked UNHCR's efforts in community-based conflict resolution and reconciliation to the broader political conflict resolution process.

The Box below illustrates a variety of partnership arrangements related to capacity building between UNHCR and regional organizations:

Regional organizations

Asian-African Legal Consultative Committee (AALCC) is an intergovernmental body of Asian and African states whose members meet annually to discuss a broad range of issues of common concern. In 1996, the AALCC adopted a set of Principles Concerning the Treatment of Refugees (the "Bangkok Principles"). Since then the principles have been reconsidered a number of times to assess their continued relevance to member states in responding to refugee issues in the two regions. More recently since 1996, the members of the AALCC have considered the principles under four general areas: the refugee definition, asylum and the treatment of refugees, durable solutions and burden-sharing. These consultations are ongoing and provide a unique opportunity for such a diverse group of States to meet and discuss refugee issues of common concern. UNHCR is actively involved in these fora which are potentially relevant to the Office's capacity building activities at national level.

Southern African Development Cooperation (SADC) includes 14 countries of the Southern Africa sub-region. SADC's principal objective is to encourage economic development and to promote peace and security. In mid 1996, UNHCR signed a MOU with SADC and agreed to cooperate in addressing the root causes of refugee and other forced population displacement in SADC countries. The agreement also covers a series of capacity building initiatives covering support to SADC in the refugee/migration area, which activities are in turn replicated at national level in the member countries (N.B. see case study on SADC in Chapter 6).

Inter-American Institute for Human Rights (IIDH), is an academic institution created in 1980 following an agreement between the Inter-American Court for Human Rights and the Republic of Costa Rica. Its primary aim is to promote and strengthen respect for human rights and consolidation of democracy through research, education, mediation and technical cooperation. IIDH has an ongoing programme dedicated to research, expertise and study on issues of forced migration (internal/external) within the Americas. IIDH and UNHCR have a long-standing cooperation, recently formalised through an MOU covering joint capacity building and promotional activities. *Examples of joint/linked projects include:*

- *the Consulta Permanente sobre Desplazamiento Interno (CPDIA)*, through which UNHCR and other related institutions have studied specific refugee/displaced situations in the Americas, most recently that involving IDPs in Colombia.

The **Organization for Security and Cooperation in Europe (OSCE)** was created following the "Helsinki Agreement" of August 1975 which established basic principles of behaviour among participating states and governments towards citizens. Membership comprises all the former Soviet republics (including the Central Asian States), all European countries, the United States and Canada. OSCE's principal aims are to consolidate common values, build civil societies, prevent local conflicts, restore peace to war-torn societies and promote cooperative security arrangements between States. Given this broad focus, UNHCR has worked to ensure inclusion of refugee/displacement issues on the "agenda" of high level OSCE meetings and/or missions to member countries. *Examples of joint/linked activities include:*

- Cooperation with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) during the CIS Conference Preparatory Process (1994/6) to discuss with concerned Governments the management of large scale population movements;
- Cooperation with the High Commissioner on National Minorities (HCNM) addressing needs of formerly deported peoples returning to Crimea (Ukraine); provision of UNHCR's technical expertise on citizenship and legal issues was complemented by OSCE's political weight and influence vis a vis national authorities

Working with international NGOs

6. Owing to their technical skills and implications for fund-raising, large international NGOs typically predominate during the early stages of a UNHCR operation. As funding decreases, however, international NGOs often leave and national NGOs are expected to take over their programmes. Whilst many international NGOs have a policy of identifying and working with national NGOs, there are often constraints to real capacity building due to time-frame and financial constraints. The recently adopted “*UNHCR Strategy for Enhancing National NGO Partner Effectiveness*” of September 1998 is an important step forward in promoting linkages. The Strategy proposes, inter alia, that UNHCR introduce a new clause into project agreements with international NGO implementing partners to the effect that the NGO agrees, during the first 6 months of an agreement, that it will attempt to identify a national/local/indigenous NGO with whom it can work and with whom it will plan a handover strategy, including provision of capacity-building support to that entity.

7. Linkages with local academic institutions may provide useful impetus for them to orient their work towards practical problems in the country, and may provide UNHCR with much needed political / cultural references and background for placing capacity-building in context.

Constraints

8. While linkages between UNHCR and partner agencies should ideally be mutually beneficial, experience has shown that establishing partnerships is neither easy nor obvious. Indeed, finding compatible ways of working to reach mutually beneficial objectives is hard work. The case of Mozambique, for example, is somewhat exceptional. Such linkages have often proven to be lacking in other post-conflict contexts, where return takes place to economically marginalised, scarcely populated and remote areas which are not a priority for either national governments or development agencies, be they multilateral or bilateral. Problems in establishing partnerships may stem from differences in organizational culture, planning time frames, programme and budgeting requirements and funding sources, as well as differing perceptions of national priorities and clarity in mandate. As far as bilaterals are concerned, information on such programmes is not always readily available. As far as regional organizations are concerned, most are operationally weak, have limited field presence and scarce financial resources to complement UNHCR’s support. As for international NGOs, their commitment is often limited to the duration of external funding for an operation.

Chapter 4: Best practices

Why “Best practice”?⁷

1. This chapter contains a selection of capacity building case studies provided by UNHCR staff around the world in order to illustrate “best practice” by means of practical experience. How does “best practice” relate to this Guide? The concept of “best practice” has gained prominence in both the private and public sector in recent years. It involves:

- identifying the most cost-effective, efficient and appropriate means of achieving results;
- making sure the right steps are carried out in the right way, while taking into account constraints and political realities, and

⁷ ***Adapted from a paper on “Best Practice” by Paul Alan Vernon, OMS team***

- recognising the importance of capturing and sharing examples of success, i.e. what has worked and why.

2. In today's competitive international environment, most agencies are attempting to seek out and identify "best practice" as a potentially powerful means of encouraging more effective operations, promoting quality and fostering organizational excellence. In UNHCR, some examples of attempts to capture "best practice" exist, such as the "Sphere Project" with NGOs, which focusses on humanitarian assistance standards and the NGO Coordinator's Operational Partnership Agreement Initiative. With the introduction of the new Operations Management System (OMS), a deliberate effort is now being made to identify and disseminate "best practice", as a means of capturing the wealth of operational experience which exists, building upon positive experiences and, in so doing, avoid having to "re-invent the wheel". By means of the **Knowledge Information Management Systems (KIMS)**, introduced as part of OMS, staff now have electronic access to multiple reference sources and information on how UNHCR carries out its operations, in the form of manuals, guidelines and evaluations.

3. Identification of "Best practice" is especially relevant to capacity building. As pointed out elsewhere in this Guide, the challenge of building sustainable human and/or institutional capacity is an intrinsically difficult and complex task - even for development agencies with many years of experience, as well as with the benefit of longer-term commitments and the advantage of working in more stable contexts than those in which humanitarian agencies usually operate. In addition, rapid turn-over of UNHCR staff often interrupts the crucial confidence building with national counterparts which capacity building implies. For these reasons, staff throughout the Office have stressed the importance of sharing experience and identifying "what worked and why?" While there may be no single best way of doing something, as situations and contexts are unique, it is nevertheless usually possible to identify examples of success (or lack thereof) and to draw lessons that may be applicable to other situations. This selection of case studies from UNHCR staff around the world aims to serve this purpose.

Case Study No. 1: Asylum System Development in Central Europe

BACKGROUND

UNHCR's aim in Central Europe has been to support the emergence of stable asylum systems which operate with a minimum of UNHCR intervention and support, but with the ability to sustain in future a quality and level of expertise and practice consistent with international standards.

The initial phase of capacity-building in the region (1992 to 1997) has been driven by the campaign to ensure adoption of refugee legislation as the basis for fair and efficient status determination procedures. As a result of the lobbying and guidance of the respective UNHCR Country Offices, asylum laws have been adopted in all but two of the countries, and are pending in the remainder. These laws support the work, and the financing, of asylum offices, guarantee the role of UNHCR, and designate other ministries as responsible for admission of asylum seekers and measures to support the integration of recognized refugees. NGOs have been drawn by UNHCR into refugee protection and assistance work, and new organizations created where viable partners did not exist. Protection, counseling and assistance training has been provided to thousands of staff, from border guards to NGO staff, to eligibility officers, migration officials, lawyers, judges, journalists and parliamentarians. This phase saw the establishment of basic systems and institutions.

A second major phase began in 1998: a renewed emphasis on strengthening the autonomy, sustainability, independence and impartiality of the "actors" in the system so as to achieve a more consistent and reliable quality of protection in actual practice, both now and in future. The hallmarks of this phase are the crucial importance of the role of civil society, the spirit of the rule of law and human rights, the need to involve other donors and alternative sources of funding, and

the unique opportunity to raise standards through the leverage of the EU accession process.

THE PROBLEM

In order for Central European asylum systems to develop to the next stage, two very strong opposing forces have to be tackled. First, while the States try to comply at one level with international conventions and European legal standards, government authorities and other institutions involved have carried over many of their former attitudes and practices, continue to recruit staff who are hard to educate and form into new ways of thinking, and continue to brief and instruct them on very traditional lines in which asylum and human rights concerns are still relatively new and unfamiliar issues. Secondly, given that many of the government services, lawyers and judges in the region who work with refugees do so only part of the time and are poorly paid, their priorities often lie elsewhere. So it is common to find that refugees are not clearly distinguished from other migrants or from other destitute or marginal groups, and there is little understanding of the specific efforts needed to ensure their protection. Refugee-assisting NGOs, too, often feel ignored from substantive dialogue by the authorities, which affects both their access to funding and their freedom to operate and to lobby independently on behalf of refugees.

OBJECTIVES

In order to surmount these obstacles, UNHCR Offices in the region have sought to ***develop professional networks for each of the main groups of governmental and non-governmental actors working with refugees, which exchange experience and best practice with experts from other countries and commit to common standards.*** In this way, individuals who may be working in relative isolation in their respective countries feel supported by membership in a self-respecting professional grouping, helping to build longer-term vision which transcends the current limitations and frustrations of the specific country context, and providing them with access to the ideas, expertise and funding needed to effect change.

SUMMARY OF MAIN PROJECT DATA

EU co-funded projects: (US \$ 400,000 in EU-funding in 1998, obtained by 8 Offices from Phare and Tacis Democracy, Odysseus and line B5-803, with a further \$ 100,000 from UNHCR): a 7-country asylum judges support project, a 7-country asylum lawyers' network, a 5-country research and documentation centre for asylum-seeker country-of-origin information, the 4th international symposium on refugee protection in Central Europe and the Baltic States (a major conference bringing together asylum officials and experts from 20 countries), and under the EU Commission Odysseus Programme 9 other programmes of exchanges, workshops and study tours each between asylum officials, border or aliens police authorities from one Central European country and counterparts in two supporting EU Member State countries.

Phare Horizontal Programme project for transposition to the 10 Associated States of Central Europe and the Baltics of the EU *acquis* (agreed common standards) on asylum and related standards and practices (1999 to 2000). UNHCR is a full partner in this project together with the EU Member States and the European Commission, whilst the funding is all provided by the EU. The project includes **a)** international round tables for senior officials for comparative needs assessment and planning, and **b)** training in a multi-country format for key practitioners from each Associated State to ensure change in legislation, institutional structures and actual practice. UNHCR expertise present throughout.

Capacity-building and regional networking for refugee-assisting NGOs (a UNHCR-funded project with ECRE, the European Council on Refugees and Exiles, to be 10 per cent co-funded in 1999). ECRE member organizations in Western Europe will also begin co-funding twinning partnerships with Central European NGOs in 1999, and an initiative is currently underway in cooperation with ECRE to establish a partnership with six to eight European donors to co-finance regular NGO refugee legal and social counseling and integration support activities in Central

Europe beginning in 1999. The regional NGO umbrella grouping, CEFTRAN (the Central European Forum for Refugee-Assisting NGOs), which until now has relied on funding from the UNHCR-ECRE project, has recently had a breakthrough enabling it for the first time to fund its own annual coordination meeting from independent sources.

PARTNERSHIPS

The basis of each of the standard-setting professional networks is partnership. In each case the management and coordination of the network structure depends on a local organization, association or government authority which carries the project, manages the funds and accounting, maintains relations with the donors and coordinates the preparation of events and the exchange of information among the partners. ***UNHCR's role is one of participation and support, and of continually exposing the group to established and developing international standards and best practices.*** There is no UNHCR "implementing partner" in this relationship (although some of the partners implement UNHCR programmes in other aspects of their work), since the funds come from other sources. This makes it possible to work in a different way, which better reflects the coordinated but autonomous type of relationship aspired to for the future of the asylum systems. Gradually the partners in the network begin to communicate amongst themselves, and UNHCR's level of involvement diminishes, making it possible for UNHCR staff to focus on new groups in the making.

METHODOLOGY

- At the beginning of such an initiative, considerable effort is needed by ***UNHCR to create the "vision" of the benefits of such a grouping***, since the potential partners usually do not sense this to begin with. To the extent that they are aware of each other's existence, potential group members are often in competition with each other - over funding from donors, for instance.
- The process of helping them to network begins with the ***creation of more plentiful and regular opportunities for exchange*** in a relaxed environment where the views, experience and potential contribution of each member of the group are seen to have a value. The process is strengthened by inviting participation in the planning of joint events, by assigning responsibilities for information-gathering and exchange between meetings, by consulting and coordinating in putting together venues and agendas, and by mixing substantive, refugee-oriented issues and agenda items with group-management ones.
- ***Early in the process a donor is contacted*** - mostly so far a particular EU department or fund, though private donors are increasingly showing interest. Much discussion is needed before the donor understands the nature of the cooperation proposed, and in particular UNHCR's supporting role in the process.
- ***Project proposals are prepared in a participatory way*** together with the leading members of the group who will take responsibility for the project. The donor is invited into the process as a participant, and usually benefits greatly from this. ***Proposals are exchanged several times*** with the donor and among the group in summary and draft form.
- ***UNHCR sometimes helps initially to top up the matching contributions*** required of participants, funds initial travel to joint meetings for project preparation, and ***provides training and coaching*** to the group where needed. ***Support is also given to partners in resolving problems during implementation***, in evaluating and drawing lessons from the experience, and in ensuring that group commitments are met.

MANAGEMENT ARRANGEMENTS/IMPLICATIONS

Each of the Central European initiatives has been ***very time-consuming*** in the early stages. One or two staff members in each country office have had to liaise frequently with their country counterpart, and particularly in the country or countries where the partner is taking the lead in the group or in a project. Supporting EU member countries and experts, as well as the UNHCR

Offices in these countries, have to be contacted, in addition to the donor, and persuaded to lend their support. Each initiative involving the EU has required continuous active coordination with and by RO Brussels in particular, and usually the EU specialists in FDRS, and both programme and protection staff in the Bureau. Three staff in the Vienna Regional Office coordinate protection and programme aspects of the partnership, the preparation of project documents and budgets, the contacting of support countries, following and supporting the approval process of project proposals, co-organizing and attending events and supporting Country Offices and partners during implementation. A further staff member helps to prepare meetings, conferences, other events and supports the flow of information and documentation. In the initial stages, it is a common problem that ***the partners who need to take responsibility lack the necessary experience***. Although a partner can usually be found that, with some gentle persuasion, is prepared to carry the project, it is harder to establish their administrative and substantive credibility among both peers and donors, and there are likely to be teething troubles and misgivings at first. Resolute UNHCR support and backup are needed.

IMPACT AND EVALUATION

- in each case the ***growing identity and self-management capacity*** of the group has been clearly observed. In some cases this takes one year, in others two, but it has happened in each case and in itself demonstrates the professional value of the network to the people involved.
- the nature of the ***topics discussed*** has moved in a clear progression from exchange of experience and exploration of common ground, through group management issues, to a point where the group is ready to take on an advocacy and lobbying role and to formulate joint positions.
- the members of the group have become significantly ***more effective in organizing initiatives and campaigns at the country level*** which are beneficial to the asylum system as a whole and help to define the relative roles of the actors within the country concerned in a positive way.
- there is a noticeable ***improvement in the relations of group members coming from the same country***, who often began the process as rivals. They find themselves able to discuss long-standing country-specific problems more openly and imaginatively because they have seen the "bigger picture" together, and this helps them reinforce each other as constructive interlocutors and negotiators in the dialogue between government, NGOs, UNHCR and other partners in their own country context. The groups become more aware of the importance of joint planning, coordination, development of shared toolkits, training materials and guidelines, and of monitoring and evaluation. This is the stage now being emphasized with the NGO network, for example.
- this greater level of openness and teamwork among the key actors is beginning to bear fruit. ***1998 saw the first funding of an NGO by a Central European government*** - for integration programmes in the Czech Republic. Two more governments have taken over asylum-seeker care and maintenance and integration support costs from UNHCR and are contributing to the cost of facilities construction, in partnership with other donors.
- in several countries, ***governments, NGOs and UNHCR have formed the habit of planning together on an annual basis***. One country completely reorganized its procedure and reception system in intensive partnership with UNHCR and NGOs.
- at the Bled Symposium, delegations funded their own participation; real dialogue took place; experts from all backgrounds were listened to attentively, and for the first time NGOs were invited to participate.
- in one country a protection NGO concluded an agreement with the migration office endorsing and guaranteeing its role as critic and advocate.
- NGO asylum lawyers from neighbouring countries began to coordinate on their own initiative to monitor borders.

- There is greater acceptance for the principle of the independent second instance, and for the importance of UNHCR access to borders and airports.
- The communication, facilitation and coordination skills of officials and key staff are improving considerably.
- Governments are showing pride in their achievements, taking greater initiative to resolve problems with independent humanitarian gestures, and proving more willing to host regional events in the asylum and human rights field.

LESSONS LEARNED

The principle lesson to date is that it is ***well worth pursuing such networking and regional partnership initiatives despite the difficulties*** which are always encountered at the beginning. One of the most encouraging discoveries has been that ***donors need an organization like UNHCR*** to help them into a position where the full value of their sponsorship potential can be deployed. It can otherwise be genuinely difficult for them to have such comprehensive and systematic influence or importance for the key players in issues which are central to the strengthening of societies, and to the development of democracy and regional institutions. Linked to this is the demonstration that ***UNHCR can be just as effective, if not more so, in playing a coordination role and helping groups spend money from other sources, as when it acts as the donor itself.*** The funder-implementor relationship can hamper its ability to work cooperatively and supportively with operational partners, and sometimes results in less autonomous structures.

Andrew Mayne

RO Vienna

Case Study No. 2: Czech Citizenship Advisory Team

BACKGROUND

The Czech citizenship law, promulgated after the split of the Czechoslovak Federation, resulted in significant numbers of de facto stateless persons considered Slovak nationals whilst having residence in and their only genuine links with Czech Republic. After extensive discussions held with Czech authorities, the legal positions of UNHCR and the Czech Republic were published. UNHCR believed that the Czech law derogated from international norms in the context of citizenship after State succession and that remedial action was critical to provide an unknown number of persons with effective citizenship. A field based consultancy was established which documented cases of statelessness in several categories, exhaustively analysed the causes for the denial of citizenship, and recommended structural solutions

The persons adversely affected by the legislation are primarily of Roma ethnicity, or foster care children, or are incarcerated in prisons. Either through legal incapacity, insufficient financial resources, or lacking the ability to negotiate the myriad bureaucratic requirements to obtain Czech citizenship, these persons were in dire need of assistance. The government maintained their denial that the problem was widespread and certainly did not recognise this need as falling under their responsibility.

Persons suffering from *de facto* statelessness had no organisation that could provide information, counseling, advocacy, or funding necessary for obtaining citizenship. Local NGOs did not have the expertise on the administrative details involved in obtaining citizenship and limited their activity to criticising the law in the media. UNHCR staff did not have the time or expertise to assist what was determined to be a caseload in the thousands.

OBJECTIVES

In order to meet these needs, it was decided that a non-governmental organisation needed to be given the mandate, resources, and technical help to become involved in assisting those without an effective nationality and promote structural changes to the law and administrative process. The work with individual cases would feed knowledge, examples and credibility into UNHCR's campaign to achieve a pivotal government response to widespread statelessness.

SUMMARY OF PROJECT DATA

- The largest Czech human rights organisation, the Czech Helsinki Committee (HELCOM) was persuaded to implement the project, staffed primarily with the field workers of the previous consultant. In addition to its name, HELCOM provided some administrative support and allowed the workers to begin immediately on the substance of the problem without delays to register with the authorities.
- The Team provides counseling to individual clients, assists in the collection of needed supporting documents, intervenes with government authorities, and in some cases provides the administrative fees necessary for completing the process.
- The knowledge gained by the field workers is transferred to UNHCR staff which regularly negotiates changes in the administrative procedure with the Ministry of Interior.
- The Team provides briefings to international organisations, Embassies, and the Press, thus maintaining the prominence of the issue in discussions between these actors and Czech authorities.
- UNHCR submitted an Aide Memoire proposing an amendment to the Citizenship Law, which in some respects has been adopted by the Ministry of Interior. The Team's work provided the background support for conceiving the proposal.

PARTNERSHIPS

The Team was designed to work in co-operation with the Ministry of Interior, and in fact the Ministry was asked to agree to such co-operation as a condition to implementation. Such relations are extremely unusual in a field often seen as the sovereign domain of States. Similarly, the Team also provides training for foster care home managers and prison social workers and has become the main source of information for Ministry of Interior and local government staff needing technical help.

The Team communicates regularly with Prague based EU State embassies, the EU Delegation, as well as the US CSCE, a major actor in pressuring the Czech Republic on what is often considered their most significant human rights failing. By keeping such outside players involved and informed, the "volume" of calls for change is increased in strength and number, yet maintained consistent in nature.

Roma leaders and NGOs are given technical advice, solicited for clients, and maintained as partners by the Team, providing a multiplier effect of assistance and ensuring the Team access to an often closed and distrustful ethnic community.

The Team is consulted on a close and informal basis by the Human Rights Commissioner of the Czech Republic, a new position which adds influence to the proposals of UNHCR and the Team from within the Government.

Impact and Evaluation

- The Government submitted and Parliament has recently approved an amendment to the law, which, if properly implemented, should resolve the remaining caseload of statelessness. Members of the Team and UNHCR have been consulted as to the nature of the amendment by

the Government Agent on Human Rights and have met with the Ministry of Interior staff responsible for the amendment (and original law) to discuss the details of the proposal. Using the expertise gained by the Team, the UNHCR Representative spoke before a Parliamentary sub-committee to advocate in favour of the bill. In its official comment on the new amendment, the US Congress mentioned the Helsinki Committee and another cooperating NGO as factors convincing the Czech Government to finally resolve this key human rights issue, after years of criticism. Prior to this legislative development, the law had undergone fundamental amendments since the initiation of the project due to pressure from UNHCR and the continued criticism of international organisations which in turn get their basis for opinion from UNHCR or members of the Team directly. Internal instructions have also been issued based on Team requests thereby facilitating the resolution of citizenship status of children in foster care.

- One of the two leaders of the Team was recently hired as a staff member of the Government Agent on Human Rights, thus enabling the UNHCR / Team views to be advocated from the inside of the Government as well as externally.

- In addition to registering approximately over 6,600 clients and resolving nearly 1,800 cases of statelessness, the Advisory Team frequently provides assistance to local municipal offices, foster care homes, and prisons. This aid, solicited by these State institutions and offered in training seminars, facilitates the provision of citizenship of an unknown number of cases which do not come to the individual attention of the Team.

- The assistance provided to individuals by the project is perhaps all that prevents this issue from becoming a major humanitarian problem.

- The Team can now function without support from HELCOM if it wished and fund raise for most of its expenses. The knowledge gained has been shared with local government offices, foster care institutions, and prison social workers.

- The Team won a 3rd place Democracy Award given by the EU and United States diplomatic representatives.

LESSONS LEARNED

Difficulties encountered: The link to HELCOM prevents the Team from participating in some funding opportunities as HELCOM co-operation is required to submit proposals and is a rival for many of the same funds. The international aspect of HELCOM also prevents the Team from soliciting a government tender, were one to be offered. Not coming from within the organisation and maintaining separate office space, the Team often feels excluded from other HELCOM activities, staff or internal communication. Finally, the speed in which UNHCR suggested the project to HELCOM and imposed certain staff members (literally the only qualified persons in the country) caused some initial strains in the HELCOM / UNHCR relationship.

Positive aspects: On the positive side, HELCOM acknowledges the Team is its best run project, and benefits enormously from the work and success achieved by the Team. These benefits accrue to HELCOM without their contributing any funds, staff or expertise. The knowledge gained is transferred to HELCOM, whose then Chair, for example, made a presentation to US Congressional staff during a visit to the US. (He has since become a Deputy Minister of Foreign Affairs).

The nature of the issue and the success of the Team have enabled it to access outside funding despite the constraints mentioned above. In 1999, no more than 50% of its funds will be provided by UNHCR. Fund raising has been supported by the partnerships, initiated by UNHCR, with the EU and Embassies. Given the expected implementation of the amendment starting in September, UNHCR does not plan to fund the project further in 2000, except perhaps on an *ad hoc* basis for events or information campaign materials.

Some of the more important strengths of the Team are as follows:

- * the project has a clear objective, a finite duration, and measurable success.
- * highly committed staff, good foreign language and writing skills. (Important for both fund raising and sharing of information with the many international actors on this issue).
- * the project has backing from significant international agencies (EU-PHARE, UNHCR, US-CSCE) from which it gained important credibility.
- * the issue of statelessness, particularly as it relates to the Roma minority, is a high-profile pressure point for the Czech Republic in its integration with Western European structures. This allowed effective advocacy as the Council of Europe, EU, UNHCR and US were able to use the Team as a resource.
- * the organisation is able to take advantage of the Helsinki Committee name, letterhead, general information materials, administrative structures (like filing taxes, statutes, board governance, etc.)

The measures of success are as described above, significant influence on legislation and regulations; nearly three thousand individual cases of statelessness resolved in addition to advice provided on hundreds more completed by local officials; an ability to raise outside funds; use as a resource by international and regional organisations. Moreover, the Project has been used as a model in the region, providing advice to the Ukraine government and UNHCR Ukraine. Finally, its acceptance and effectiveness is reflected by the continued calls from local government offices which prefer to rely on Team advice and assistance rather than that of their own colleagues in the Prague based ministries.

Lawrence Bottinick

BO Prague

Case Study No. 3: Promoting the Refugee Dimension in National Welfare Systems, Slovenia

GENERAL CONTEXT

The framework for this case study is UNHCR's policy on national responsibility for sustainable refugee assistance in a new democracy resolutely aiming at EU membership. Making governmental institutions responsible for assisting vulnerable refugees through adequate and decentralised public structures is an urgent challenge for UNHCR.

The main features of the Slovene context relevant for this case study are the lack of adequate partners, low public administration capacity coupled with heavy bureaucracy and strictly vertical decision-making as well as the absence of a culture of partnership. These features are associated with the legacy of a socialist system. Slovene society is at a challenging stage in its transition process. There are numerous opportunities for UNHCR to have a role in this process and one of these is to facilitate a sustainable partnership between Government and NGO sectors in the field of refugee assistance.

OBJECTIVES:

Within this general context, UNHCR's strategy has aimed at the following:

- social welfare schemes to create the necessary conditions and "institutional habits" for

local integration of vulnerable refugees.

- improve the cooperation between Government and NGO partners through facilitating dialogue, providing regular (joint) working and training opportunities, and thus building confidence and preparing the ground for a sustainable refugee assistance system in Slovenia.
- provide for vulnerable refugees outside collective centres through institutionalised financial assistance

METHODOLOGY:

Tri-Partite Sub-Agreement with the National Partners for Social Welfare Services, the Ministry for Labour, Family and Social Work (MLFSW) and the Centres for Social Work (CSWs)

The following steps were taken:

- Identify national institutions responsible for social welfare: MLFSW and CSWs.
- Lobby for and negotiate the incorporation of refugees into the institutional social welfare channels of these actors based on the arrangement that UNHCR provides the initial funding for the financial allowances to refugees and the training of the involved social workers on the one hand and on the other the Ministry provides the human and institutional resources to the CSW to carry out assessments, monitoring and beneficiary documentation.
- Lobby for and facilitate a "strategic partnership" among national NGO IPs and the Ministry and incorporate in the design of the Sub-Project concrete mechanisms for cooperation among them. In this case, the Sub-Agreement foresees mechanisms for horizontal beneficiary referral among all partners, complementary monitoring, joint eligibility committees and decision-making on the recommended future course of assistance, joint beneficiary data base/documentation as well as joint training on selection and assistance of vulnerable refugees and programme management skills. Partners involved have been two national NGOs (IPs) (GEA 2000 and Slovene Foundation responsible for legal assistance/income generation and vulnerable persons assistance/community development respectively) the MLFSW , the associated CSWs and UNHCR.
- Design and finalise Sub-Agreement.
- Provide strong initial coaching to all partners. Involve refugees as source for meaningful monitoring and evaluation on UNHCR's side.
- Expand co-operation and successfully established referral mechanisms to other Sub-Agreements, i.e. with the Ministry of Education and related NGO co-operation partners.
- Negotiate increased financial responsibility of the MLFSW for the future.
- Disseminate the 'success story' to other relevant governmental players in order to motivate them for similar cooperation.

Advocacy for Local Integration: Prior to and during the a/m process, UNHCR Slovenia has intensified its advocacy activities with the Slovene Government, namely with the Ministry of

Interior and diplomatic channels, to lobby for increased legal and socio-economic integration of refugees.

Time-Frame:

- Intensive negotiations with the MLFSW, OIR and MOI: Nov. 97 - Feb. 98
- Assessment of co-operation mechanisms and preparation of IP arrangement: Dec. 97 - Feb. 98
- Signature of Tri-Partite Sub-Agreement (MLFSW-CSWs-UNHCR) : 18 February 1998
- First meeting of joint Government and NGO eligibility committee: February 1998
- First payments to selected refugee beneficiaries: March 98
- By the end of 1998, some 750 refugees had benefited from the Sub-Agreement and the pilot phase of this arrangement ended.
- In January 1999, the Sub-Agreement continue with expanded project activities.
- During 1998/99, intensive negotiations with the MLFSW and MOI have taken place to increase the Governmental contributions and decrease UNHCR's financial contributions for assistance to vulnerable refugees.

Budget: Total of financial 1998 Sub-Project requirements: USD 140,000, broken down by USD 130,000 for direct assistance and USD 10,000 for training and some minor operational support costs. This corresponds to an average of USD 200/per capita during the project period.

Monitoring: Beyond the usual oversee mechanisms (SPMRs, random checks), the whole design of the Sub-Agreement is based on joint and complementary project implementation, monitoring and evaluation of the assistance's impact on beneficiaries well-being as well as on the level of co-operation among Government and NGO partners and thus the future partners of a self-sustaining and fair asylum system. This element of "soft" mutual control in a system of complementary partners has proven to be a successful and effective tool. Furthermore, the project implementation picks up already existing national expertise and structures (the CSWs) organised in a way which serves the intended purpose and create sustainable solutions. A desired side effect of the periodic joint eligibility and project evaluation meetings is an on-going monitoring feed back to UNHCR on the course of the project.

IMPACT / EVALUATION

- In July 1999, the Slovene Government announced a decree on humanitarian assistance for refugees which entailed the granting of financial subsistence allowances fro refugees enjoying temporary protection. This decree institutionalised the main features of UNHCR's beneficiary selection criteria and formally adopted the cooperation mechanisms established under the project. Since there was a well prepared local structure and expertise was available, the decree could be implemented immediately.
- The project succeeded in founding a basis for constructive Government-NGO cooperation

PARTNERSHIPS

Besides the strategic partnership and implementation arrangement as outlined above, the EU accession context was crucial and steps taken were co-ordinated with the relevant national EU representation. Additionally, the Association of the CSWs and their representatives have been invaluable during the negotiation process since the centres de facto had already taken on the burden of refugee assistance sometime ago without any recognition nor financial compensation by their Ministry. In other words, the tri-partite constellation of the Ministry, the CSW and UNHCR was a suitable strategic constellation to serve the purpose of facilitating institutionalised assistance for vulnerable refugees to the benefit of all involved parties.

LESSONS LEARNED

- As pointed out above, the crucial element of the project context was the dynamic and national obligations related to Slovenia's EU accession process which we explicitly used in all negotiations. Also the fact that we focused on a "win-win-situation" in which all parties would benefit in their respective agendas, pushed the negotiations relatively quickly forwards. From the very beginning we also made a systematic effort to create an environment of trust and build confidence among the future partners through, initially bi-lateral and later joint meetings. This element of trust then played an important role in the negotiation process.
- One of the main lessons re-confirmed in this project is how important the strategic use of implementation arrangements and selection of partners and how powerful its impact on UNHCRs political country objectives can be.
- Sometimes it requires less than we think to overcome resistant attitudes of mistrust and non-co-operation among partners who are supposed to work together. What it does require is a steady and systematic follow-up and the making available of opportunities for positive learning which is beneficial for the respective parties involved. Though the short term result of this project may not appear as tangible and visible as other activities, the on-going and mid-term impact is expected to substantially contribute to the sustainability and quality of the emerging asylum system in Slovenia.

Francesca Friz Penn

LO Lubiana

Case Study No. 4: *Legal Clinics in Poland*

BACKGROUND:

The number of persons seeking asylum in Poland rose dramatically from only 598 persons in 1994, to 3373 in 1998. By contrast, during the same period, there were only 5 part-time lawyers available in the entire country to provide legal assistance to asylum seekers and recognized refugees.

Parallel to the increase in the number of persons requiring legal assistance and as a result of ongoing training activities of Refugee Department personnel conducted by UNHCR, there was a rise in the overall quality of the rulings made the Ministry of Interior vis-a-vis refugee applications. This led to an elevation in the level of complexity, and subsequently, the amount of time required of lawyers in filing appeals to the Ministry of Interior.

It soon became clear that the capacity of legal assistance providers in the country had to be dramatically increased in order to meet the rising demand for assistance. However, in the face of

programme budget cuts, UNHCR felt it had no choice but to rely on some form of *pro bono* assistance to fill the gap. A number of training courses were conducted for practicing lawyers in an effort to encourage them to provide free legal help to asylum seekers and refugees. While quite a number of lawyers attended the training sessions, very few of them expressed interest in providing legal assistance on a *pro bono* basis. UNHCR found an alternative means of reaching the above-mentioned goal by supporting an initiative by the Jagiellonian University in Krakow to create a human rights legal clinic.

LEGAL CLINICS

Legal clinics are programmes run by law departments of universities or NGOs in which students are provided with the theoretical knowledge, as well as the opportunity to provide direct legal assistance and support to clients, under the supervision of a lawyer.

Legal clinics were first contrived in law schools in the United States, primarily as an effort to reform its curriculum, which was criticized for being too theory-specific and not focused enough on developing practical skills and ethics required by practicing lawyers. Following significant cuts by the U.S. Congress towards federally-funded legal aid programmes for aliens and low income families during the 1990s, legal clinics also began to be seen as an important means of providing high quality legal assistance to persons who otherwise would not be able to have access to such resources. Thus, clinics in many ways created a "win-win" situation whereby clients are provided with the legal assistance they need, while students who participate in the clinic programme receive academic credit for their work, and/or valuable on-the-job training experience.

IMPACT AND EVALUATION

As of January 1998, UNHCR joined the Ford Foundation, the United States Democracy Commission, and the Krakow municipality in co-funding the creation of a legal clinic at the Jagiellonian University in Krakow. The Jagiellonian Clinic consists of four sections: civil, labour, criminal, and human rights law. UNHCR has concentrated its financial and expert assistance on developing the human rights clinic.

During its first year of operation during 1998, the 7 students who took part in the human rights clinic provided legal assistance, under the supervision of both a law professor and a practicing lawyer, to a total of 47 asylum seekers and refugees. They are expected to provide assistance to over 100 asylum seekers and refugees during 1999. While the total number of clients are relatively small, the students provide legal assistance in many instances to persons who have particularly complicated cases, which normally cannot sufficiently be dealt with by our traditional implementing partners. In fact, during 1998, the human rights clinic was responsible for successfully supporting two precedence-setting cases related to asylum seekers.

The high quality of the appeals drafted by students has done much to dispel the initial scepticism exhibited by the Ministry of Interior toward the students.

In addition to providing free legal assistance, the human rights clinic monitored conditions at refugee centers and detention centers, reported on the living conditions of Roma communities in Poland, and provided a year-long training in human rights to secondary school students. The human rights clinic has also been active in organizing conferences on legal education for universities in Poland as well as in Central and Eastern Europe. During the humanitarian evacuation of Kosovar refugees to Poland, the human rights clinic assisted UNHCR by briefing Kosovars wishing to voluntarily return on the situation in Kosovo, as well as on the legal ramifications should they choose to remain in Poland.

The students who took part in the human rights programme have gone on to work as interns *inter alia* at the Council of Europe's Directorate of Legal Affairs Ad Hoc Committee on Asylum, Refugees, and Stateless Persons; the Foreign Ministry; UNDP; and UNHCR. It is hoped that as former clinic students begin working for the government and non-government institutions which deal with refugee matter in both Poland and abroad, there will be a corresponding increase in the level of capacity of Polish governmental and non-governmental practitioners to deal with refugee

matters.

At the same time, one of the main objectives of the legal clinic during 1999 is to establish a *pro bono* network of human rights clinic alumni. In doing so, the Jagiellonian clinic hopes to build upon the know-how acquired by the students during their enrollment in the clinic, by requesting members of the network to provide free legal assistance to asylum seekers and refugees on an ongoing basis.

PARTNERSHIP

The development of the Jagiellonian Clinic was a two year process, involving significant technical assistance from Catholic University in the U.S., as well as organizational assistance from OSCE/ODIHR, the U.S. Consulate in Krakow, and the American Bar Association.

THE ROLE OF UNHCR

Aside from the financial contributions, UNHCR has been actively involved in providing day-to-day operational support to the human rights clinic. UNHCR protection staff members have organized training for the clinic students in basic refugee law instruments and the European *acquis*, as well as injunctive measures toward preventing refoulement under Art. 3 of the ECHR. Given that UNHCR does not provide legal advice to individual cases, it also regularly refers complicated cases to the human rights clinic.

BUDGET

The total budgetary requirements for the 1998 sub-agreement was USD 29,430. The 1999 budget is some 20% less at USD 23,657. It is anticipated that as the human rights clinic diversifies its base of donors, the contribution of UNHCR will continue to decline, until which point the programme will function independent of UNHCR-financing.

LESSONS LEARNED

The activities of the human rights legal clinic at Jagiellonian University has shown that with relatively little money, a credible legal assistance programme can be developed, which can serve to provide a boost to badly needed legal assistance in the short-term, and at the same time, ensure that there is a systematic development of skills and competencies of potential actors in the Polish asylum system on a long term basis.

FUTURE PLANS

Following the successful launch of the legal clinic programme at Jagiellonian University, a similar programme has been initiated in June 1999 at the Warsaw University. UNHCR provided USD 13,229 in start-up funds for 1999. Once again, co-funding has been provided among others by the Ford and Soros foundations. Technical expertise was provided in large part by the Public Interest Law Initiative of Columbia Law School.

Furthermore, having identified interest in the concept of legal clinics among other field offices in the region, UNHCR Warsaw will be hosting, with the assistance of UNHCR Vienna, a working seminar on refugee and asylum law legal clinics in November 1999 for protection officers, university professors, and NGOs in Central Europe and the Baltics. The main objective of the seminar is to assist interested UNHCR offices in the region in setting up refugee clinics at local

universities and/or NGOs. A follow-up workshop is anticipated in a year's time to assess whether there has been a successful transplantation of the concept in the region. A similar workshop is planned for Eastern Europe and Central Asian countries during the first half of 2000.

Christian Mahr

B.O Warsaw

Case Study No. 5:

The CIS CONFERENCE AND CAPACITY-BUILDING IN THE CIS COUNTRIES

Background, context and main themes

The chief aim of UNHCR's operations in the CIS countries is to **make new states responsible for refugees and other persons of concern to UNHCR**. Capacity-building activities are therefore oriented to **both prevention and solutions**, and are squarely based on the need to improve **protection**.

The context: with the appearance in 1991 of a new set of borders within the former Soviet Union, several million people discovered they were now foreigners in their own country. Borders, border control, migration, forced displacement, nationality and citizenship all suddenly came to the fore with new and baffling complexity. The vast number of different nationalities and ethnicities across the region and the legacy of Soviet-era relations between them has complicated the picture. New governments have tended to approach nation-building on the basis of ethnicity of the titular state, tending to lead to discrimination and in some cases, potential further displacement because of human rights violations or statelessness. UNHCR understood that migration, refugee issues, citizenship were all very much part of the same new and large problem, and applied itself accordingly, addressing **refugee concerns very much as part of this wider context**.

The **range of countries and situations** UNHCR is working in is wide: Tajikistan used to fall into the category of 'post-conflict' and 'return', then had to be transferred to the 'open conflict' category again, and now enjoys an uneasy peace; Georgia could be described as a country experiencing low intensity conflict and is still very much in the middle of the conflict resolution phase; others such as Armenia and Azerbaijan are adapting to cease-fire situations without agreed peace settlements; Ukraine and Russia are affected by large migratory influxes, (Russia has experienced internal conflict also), and several countries are experiencing relatively large movements of transit migrants. All these problems are faced during a societal transition of revolutionary proportions from communist societies to market economies and democracies. UNHCR's capacity-building efforts in the region are **diverse and adapted to the differing needs** and the varying abilities of the countries concerned to absorb such support and partnership. UNHCR has offices in all twelve countries of the CIS (the most recently opened was in Moldova, in 1997).

The CIS Conference

In 1996 an international conference was convened by UNHCR, in partnership with IOM and the OSCE, to address the broad range of migration and displacement-related problems of the CIS region. All twelve CIS States were involved, some thirty other countries participated, along with a range of other intergovernmental organisations and several NGOs. The objectives were to develop a comprehensive regional strategy to address the problems and to try to prevent potential further displacement. In the course of the preparatory process for the Conference and the drafting of a Programme of Action, a further more specific objective was agreed of strengthening civil society and particularly the role of NGOs. The Conference itself was a

capacity-building exercise, and it also provided a great boost for UNHCR's capacity-building activities in those countries afterwards.

Results:

1) The Conference created a **positive agenda**, and **broke the ice** to some extent in terms of discussing delicate issues, across new and sensitive borders. The process **raised awareness and understanding** of new refugee and migration issues and put a political focus on them, such that consequent UNHCR's discussions and planning of programmes in most of these countries have benefited considerably. The preparatory process was as much a capacity-building experience for UNHCR and the international community as for our CIS counterparts; the research and discussion of priorities and problems and possible solutions over the two year preparatory period has proved extremely helpful for working in the region. The linkage between wider security / migration / human rights issues to refugee problems gave strength to UNHCR's efforts to have the latter understood. The partnership with other organisations whose expertise and mandate related to these wider issues gave UNHCR, a higher profile and significance in discussions with CIS Governments. The Conference thus **provided a platform** for UNHCR and other organizations — in particular IOM and the OSCE — **to engage in the range of capacity-building activities** necessary to address these interlinked issues in a meaningful way. The annual follow-up meetings since the Conference have provided a forum where a comparative analysis is made on progress in the various countries, creating an element of positive competition and the will to 'catch up'.

2) How great a part UNHCR has then played through its capacity-building programmes in the concrete successes of the Conference is hard to measure but the Office can probably claim a fair portion of the credit for the following: since 1996, significant progress has been made in developing the **institutional framework** for addressing migration and refugee problems in most countries. Some countries have acceded to the 1951 Convention, refugee legislation has been adopted, in some cases RSD procedures and reception and assistance schemes are beginning to function. Armenia and Azerbaijan have ratified the 1961 Convention on the Reduction of Statelessness; some countries have adopted legislation on citizenship which has helped to resolve some of the problems of statelessness arising from the collapse of the Soviet Union, in particular amongst Formerly Deported Peoples (eg those returning to Crimea, Ukraine) and refugees. Some countries have joined the Council of Europe. Several countries have developed some emergency capacity. Much remains to be done, however, to implement legislation and to provide protection in practice for refugees.

3) NGO networks have been set up, national NGOs have made stronger contributions each year to the follow-up meetings, and UNHCR offices have widened their cooperation with NGOs in most of the countries. It appears that in most countries, the role of NGOs is increasingly being recognised by governments, which are gradually beginning to address the question of appropriate legislation for NGOs -- the 'enabling environment'. Problems remain and there are still few strong, independent and sustainable NGOs in CIS countries. A separate case-study is warranted on the regional NGO strategy undertaken in the follow-up to the Conference, the activities UNHCR carried out to pursue it and the impact and lessons learned

Problems:

1) As we near the end of the formal follow-up process (in the year 2000), the momentum for CIS-wide cooperation has somewhat dissipated. Keen interest from outside the CIS countries was already weakening at the time of the Conference because Western European countries no longer feared great influxes of displaced former Soviet citizens. Reluctance on the part of the CIS countries to treat the 'CIS' as a valid framework for cooperation has become stronger, although bilateral and sub-regional / other multilateral cooperation is much more welcome. Several countries maintain that cooperation with their non-CIS neighbours is more important. The situation has clearly evolved, and UNHCR's own consolidation of the follow-up support to the Conference should clearly run along these lines and follow the interests of States, while striving to

inject protection guarantees for persons of concern to UNHCR.

2) Refugee issues have not been pushed higher on the political agenda of CIS Governments. Instead, the interest is more clearly in transit and illegal migration, related criminal activities, and thus, the emphasis is on control. This follows the signals of Western European Governments who are keen to protect their borders and tie assistance to progress made on border control. UNHCR's efforts to inject refugee protection issues into their funding and technical assistance strategies (eg TACIS) have not been overly successful.

Some lessons learned from Capacity-Building in the CIS countries

- The first lesson learned is that it has been hard to measure success or otherwise in capacity-building, due to the unclear and *ad hoc* institutional approach UNHCR-wide, and a paucity of well understood indicators. These difficulties were recognised early on and this is one of the reasons for the interest of the Europe Bureau in this Guide. Three years on from the Conference, UNHCR can describe the indicators of what it believes to have been genuine success in several countries, but this is easier in retrospect than it was at the planning and design phase (see 'results' paras 2 & 3). Some aspects are easier than others to measure: legislation enacted (and the quality thereof), numbers of recognised refugees, numbers of people who have acquired citizenship. The ongoing sustainability and effective functioning of some of the structures UNHCR has worked with from their 'birth' is another sign of success, and the tangibly increased know-how and level of discussion of the problem are considered to be others. (The latter point is badly affected by the problem of frequent changes in personnel which plagues some CIS country governments and weakens UNHCR's capacity-building efforts with the institutions concerned.)
- The success or otherwise of the message and objective of 'prevention', also emphasised by the Conference, is even harder to evaluate and would be too long and esoteric a discussion for this paper. A 'prevention' objective is unlikely to be the sole objective of an activity, since it is so hard to evaluate and is by nature dependent on factors beyond UNHCR's control. Activities geared toward a purely 'prevention' objective are therefore difficult to justify internally and to donors.
- The Programme of Action, wide-ranging in scope and alluding to 'prevention' as well as action to address existing problems, presented a confusing number of opportunities and pressures on UNHCR staff. Initial reactions from UNHCR offices were, in some instances, to produce long lists of creative, innovative projects UNHCR itself did not have the capacity to implement. It took some time for UNHCR offices in the CIS to **prioritise capacity-building efforts to meet immediate objectives in that country and influence the circumstances most clearly related to UNHCR's concerns**, whether this be to find durable solutions in situations of return and promote peaceful integration, to assist the conflict resolution and reconciliation process or to reduce statelessness.
- National counterparts' **commitment** to improving performance and achieving results has proved indispensable. In Ukraine (Crimea) and Tajikistan, good results have been possible through a convergence of priorities and commitment from the government. Membership or candidature for the Council of Europe is an incentive for Governments to work towards the same objectives as UNHCR (eg Georgia, Moldova). Where Governmental interest is lacking, as is the case in certain CIS countries, the question is how long to persevere in the face of disinterest and the very low priority given to resolving refugee and displacement issues.
- Since it is obvious that UNHCR cannot do everything, and does not, indeed, itself have the capacity to achieve its goal alone, much effort has been and is expended in finding complementary approaches to problems, be it with the OSCE, the Council of Europe, IOM, the EU, or the World Bank. Particularly in this CIS context, the value of **partnerships** and

closer cooperation with migration, development, financial, regional and political organizations has been evident. Success with the development agencies has been limited, 'synergies' with the OSCE and the Council of Europe have been found more easily and yielded some interesting results (eg with the OSCE's High Commissioner on National Minorities on the Formerly Deported Peoples, with the Council of Europe on citizenship and NGO legislation). In all cases, finding the partnerships has proved time and energy-consuming, since the value of such cooperation is sometimes not evident in the initial stages to any of the organisations concerned. The efforts pay off, however. These partnerships have mostly now been institutionalised through Memoranda of Understanding (OSCE, the Council of Europe). The value for UNHCR in associating itself with these other organisations has often been a raised profile, access to other parts of the Government and thus a better ability to tie its concerns in with other Governmental priorities.

- Capacity-building activities can be successful without major expense, but do involve the **presence of UNHCR** and often, a significant amount of **staff time**. In Tajikistan the equipment component of UNHCR's capacity-building project for the judiciary was paper, pens and typewriters rather than more expensive computers and fax machines, but this had a great impact on the functioning of the courts. The presence of UNHCR staff in the area was key to the understanding also of the local law enforcement bodies that cases would be followed up consistently. In all cases, persistent efforts over time are needed to gain the requisite level of understanding and cooperation.
- It has proved essential to target all the actors concerned, including raising awareness and understanding of government counterparts other than the foreign ministry ie in the ministries of justice / interior, whose cooperation is being courted by other Governments on control issues. Other refugee-related problems also depend on them, such as the internal 'propiska' system and freedom of movement for the displaced, which affects their local integration possibilities and creates a brick wall blocking the efforts of other authorities to pursue their integration. Similarly, attention has been paid to 'constituency-building' among parliamentarians in order to find support for governmental efforts in policy-making and implementation. This appears to have improved results. It is probably fair to say that in the context of the national development process, and taking into account public attitudes and concerns over current (economic) problems, progress probably could not have been made faster in the area of refugees and migration policy.

Kemlin Furley

Bureau for Europe

CASE Study No. 6: Legal and Judiciary Capacity-Building Project in Tajikistan

The Environment:

1994 -5. A small newly independent nation also emerging slowly from civil war. UNHCR engagement in country with returnee (refugee and IDP) reintegration emphasis. Significant UNHCR presence at village level in the field providing material assistance and protection monitoring. Continuing security concerns in country had slowed entry of development-oriented NGOs and UN agencies.

Why UNHCR?

Displacement in Tajikistan had been caused by political change overlaying inter-ethnic violence. The civil war had led to the emergence and empowerment of militia and military gangs, many of

which remained after the civil conflict had cooled. The effects of the war, combined with the dissolving Soviet infrastructure, left most police, judiciary and legal institutions with little authority and no salaries or supplies. Upon return of refugees and IDPs to areas of origin, ethnic suspicions lingered and small disputes could escalate to larger conflicts causing repeat displacement. Illegal occupation of refugee-owned land and homes also fueled disputes. It soon became apparent to UNHCR that the promotion of law and order in returnee towns and villages would be a vital force in stabilising populations and their eventual reintegration.

Protection monitoring by UNHCR international and national staff was thus a vital positive factor, giving a neutral reporting role as well as allowing intervention and problem-solving of individual disputes prior to escalation. *Significantly, UNHCR in its field protection monitoring never sought to replace local law enforcement structures or impose international human rights monitoring procedures. Instead, UNHCR worked to insure that local law enforcement agencies handled returnee cases impartially and in accordance with local law and procedure.* Field officers reporting crimes against returnees to local police and to courts were often met with sympathy but action was prevented by lack of knowledge, lack of transport and lack of materials.

Programme Activities:

- Resources kit for local judges and prosecuting attorneys: UNHCR assembled a standard assistance kit consisting of a typewriter, ribbons, paper, carbon paper, pens and pencils. No computers. These were then provided to all judges and all prosecuting attorneys in the country.
- National Judges Conference/ National Prosecuting Attorney's Conference: UNHCR sponsored a multiday conference of all Tajik Judges and Prosecuting Attorneys, bringing these officials together for the first time since the advent of the civil war. They were presented with information from colleagues regarding legal developments and also met in working groups to consider and comment on each of the draft codes. Additional benefit: Forum for presentations by UNHCR on refugee protection and returnee issues.
- Subsidised printing and distribution of the national Parliamentary gazette: The new national Parliament had been meeting for more than two years and promulgated substantial laws and regulations. These were published in the national gazette which then remained in the capital because of the breakdown of the national postal service. Judges and police outside the capital were thus unaware current law. UNHCR sponsored the printing of extra copies and their delivery nation-wide, if possible through UNHCR and OSCE field staff.
- Funding of national law journal: In addition to new legislation, a nation's laws develop by their interpretation in the courts and in academic publications. UNHCR sponsored the renewed publication of the national law journal which had ceased production during the civil war. Added benefit: connection with national university.
- Provision of new legal textbooks and codes from neighbouring countries: UNHCR subsidised the purchase of these items for the national library.
- Legal Intern Programme: Much of the translation, research and procurement for the project was implemented by an energetic corps of law students from the national law faculty. Additional benefit: exposure of young lawyers to UNHCR and refugee issues; connection with national university.
- Transcription of draft amended codes and translation: The newly independent Tajikistan was in the process of revising its Criminal, Civil and Family codes. UNHCR subsidised the entry of the drafts into computer format and their distribution to appropriate national agencies for comment. Additional benefit: UNHCR access to codes in draft stage and opportunity for UNHCR to comment on relevant code sections.
- International trainers in forensics: UNHCR sponsored the visit of a small team of forensic scientists from the Swedish National Police Academy to provide training seminars to Tajik national police investigators in modern forensic techniques. The visit was co-sponsored by the Swedish National Police.

Lessons Learned: Project design elements which will encourage success:

Does the project have demonstrable benefit at both a capital city and local level?: The Tajik project was a careful balance of capital and local benefit. A (reasonable) proposal to renovate the national Supreme Court premises was considered but then rejected by UNHCR as too costly and too capital-centred.

Is project assistance followed-up by contacts with UNHCR Field and Protection Officers?: By circumstance rather than by design, the Legal Capacity-Building Project was in full implementation only after the gradual withdrawal of UNHCR's field office presence. The project, and UNHCR's monitoring efforts, would have been considerably strengthened by close connection of the project, including the delivery of assistance, by UNHCR Field officers.

Do project inputs and desired outcomes seek to empower or build capacity of existing (neglected) structures? Capacity-building should augment existing institutions and people rather than attempt to introduce new institutions.

Are the project inputs locally appropriate? Including computers in the "Assistance Kit" would have been costly but also inappropriate. Knowledge of computers and word processing was rare outside of the capital. Electricity was unreliable. Computers would be a target for theft. Pens and paper were substantially less appealing to local gangs, and were immediately put to use by beneficiaries. Also the assistance kits included a heater, which allowed personnel to continue to work in their offices during the difficult winter periods.

Are the project inputs economically efficient? For the same cost as sending two or three officials for an international conference outside of Tajikistan, UNHCR sponsored the national judges and prosecuting attorney conferences in Tajikistan. These national conferences brought together all Tajik judges and prosecuting attorneys, providing room and board for several days and subsidised travel to the conference site.

External factors which encouraged success:

- Present Government favoured the return of refugees and IDPs and recognised the vital role that UNHCR played in that return
- Agency beneficiaries of programme welcomed assistance; assistance received in the field to that time had been limited to emergency humanitarian relief. The attention of the UN to these local police and judges helped to empower them.
- A irrational economy: Post-Soviet pricing structures sometimes had little relation to the costs of production. UNHCR was able to provide significant goods (local office supplies, printing of laws and gazettes, translation labour) for very little in dollar costs.
- No other significant agencies were similarly engaged.

G. Balke

ex B.O. Dushanbe

Case Study No. 7: PACEPIC: Capacity building by a refugee organization to support self-reliance of Guatemalan refugees in Mexico

THE CONTEXT

1. At end 1981, Guatemalan refugees crossed the border into Chiapas (Mexico), fleeing

from armed conflict in their country of origin. In 1984 the Mexican government decided to transfer the refugees to Campeche and Quintana Roo, in order to provide a more durable solution and promote integration into Mexican society. A multi-year project was launched which simultaneously promoted two durable solutions: voluntary repatriation and local integration. Of the total population assisted in some 15 years, 42,5% returned to Guatemala, whereas 57,5% decided to remain in Mexico. Refugees residing in 7 settlements in the states of Campeche and Quintana Roo are provided with plots of 1,5 hectare (average) for cultivation, residential plots, schools, health centers, community centers, water and electricity at household level, etc

THE PROBLEM:

2. In order to promote refugee self-reliance and prepare for UNHCR phasing out, productive projects and a credit scheme were established to provide refugees with the possibility to obtain credits to initiate their own small business activities. For most refugees, especially women, this was their first experience with credit, business management and the legalities involved. Each credit scheme has a technical committee, in charge of evaluating the proposals submitted by their members and deciding on the viability of a project. Currently, credits up to some US\$500 can be requested, with interest of 2% per month, to be recuperated within a year's time. The refugees' credit association, "Caja Comunales de Credito" (CCC) finances each member's project. The repayment rate is high, about 87% amongst those who received their credits over the past year. One hundred per cent of the revolving funds are reinvested in new projects and also benefit new members. In Campeche since July 1997 and in Quintana Roo since July 1998, refugee credit associations are formed and functioning in the various settlements, with a total of 685 members of whom 53% are women and 47% men.

3. Without capacity building and training in administrative skills, accountancy, awareness raising and follow up, the credit schemes would not have functioned successfully. This role has been fulfilled by a refugee organization, "Promoters in Administration and Accountancy for Small Productive Enterprises" (PACEPIC), in coordination with and under the guidance of UNHCR and COMAR (UNHCR's government counterpart). Initially, emphasis was placed on small projects like the production of traditional crafts, setting-up of grocery shops in the settlements, capacity building in leadership skills and mobilization of women groups. From 1997 onwards, PACEPIC played an important role in the development of the credit schemes, mainly with regard to capacity building and training of their members. PACEPIC is composed of 11 members, all either refugees or former refugees, now naturalised as Mexican citizens.

OBJECTIVES

4. Main objectives of the capacity building support provided by PACEPIC were to:

- Provide technical advice and training in administrative skills, accountancy, leadership skills and project development, taking into consideration a gender perspective, implying ensuring equal access and participation of both male and female participants.
- Provide expertise on the adequate use of available resources, materials and tools.
- Stimulate the active participation of women, raise their self esteem and reinforce their decision making and leadership skills.
- Strengthen the organization and consolidation of the productive projects, thus generating additional resources for income and labor in a sustainable way
- Enhance the socio-cultural environment of the refugee communities by promoting respect for social customs, values and traditions, including use of indigenous languages.

- Support the organization of the production (agriculture and cattle breeding) in order to find better commercial markets.

METHODOLOGY AND MANAGEMENT ARRANGEMENTS

5. PACEPIC members were selected among those identified as potential trainers, able to sensitize and train the community in managing productive projects. In 1996, UNHCR financed scholarships for 14 young students who were enrolled in a local training institute, receiving a one year intensive course in administration, accountancy and computer skills.

6. After finishing the intensive course, the PACEPIC group, in coordination with UNHCR, developed manuals on basic administrative skills to be used in the settlements. In addition, UNHCR and other specialized staff provided training to PACEPIC members on more specific issues related to credit scheme management. ("Train the Trainers"). PACEPIC's main role was to train and empower the credit scheme management committee, in order for them to take decisions on the viability and sustainability of project proposals. PACEPIC is registered as an NGO and forms part of an NGO network in the south east region of Mexico.

7. It is important to note that the existing credit schemes are managed by the refugees themselves with the technical support of PACEPIC via a community-based approach. At the moment, UNHCR and COMAR only have an advisory role, assisting in the final handover and legalization of the credit schemes. The community based approach has been central to creation of a high level of trust and motivation in the community, community participation and self management as well as sustainability of project implementation.

8. From its inception, PACEPIC has received full funding via the UNHCR programme as well as the support of UNHCR staff. From the beginning, Sub-Office Campeche's training unit (2 staff members) were involved in the development and training of the PACEPIC group. Currently there is one staff member dedicated full time to the credit scheme management, implementation and training, in collaboration with PACEPIC.

IMPACT AND EVALUATION:

UNHCR's four year investment (1996/9) in PACEPIC has resulted in the creation of a solid and potentially sustainable national NGO which has proven indispensable for the success of the credit scheme. After two and a half years of implementation, about 92% of the interest and 89% of the capital invested has been recuperated. A total of 685 members, of which 53% are women currently have access to credits. Four credit schemes are specifically reserved for women whilst nine include both male and female participation. Access to credit, for many refugees for the first time of their lives, has led to an improvement in household economy, with additional resources for daily consumption. In addition there is an increase in women leaders and more active female participation in community affairs. Capacity building and empowerment have led to an increase in self esteem, which is reflected in female participation in decision making. Measurement of impact is achieved through the use of indicators which are both qualitative and quantitative. A more thorough impact study will be carried out in the course of 1999.

LESSONS LEARNED

On the positive side:

- PACEPIC has created a high level of participation and trust created through a community-based approach, leading to sound implementation of the credit programme and loan recovery;
- Capacity building by PACEPIC has also created a high level of self-management of the credit scheme, progressively reducing UNHCR role;

- Clearly, without PACEPIC's contribution, the credit scheme's overall success would not have been achieved.
- This being said, *a number of difficulties and challenges were encountered*, such as:
 - Procedures for official registration and legalization of the credit association (underway at present) required close follow-up by UNHCR and PACEPIC owing to lack of knowledge of legal procedures to follow and implications thereof;
 - The main problem, however, has been the question of PACEPIC's longer term sustainability after cessation of UNHCR funding. To some extent, this situation is partly addressed through:
 - Marketing by PACEPIC of agricultural products commercially;
 - Some funding is guaranteed via support from the Rigoberta Menchu Tum Foundation (materials for roof replacement on credit basis);
 - The fact that PACEPIC has the required infrastructure (office, warehouse, vehicles and equipment) to carry out daily activities;
 - PACEPIC is a member of a local NGO network enabling contacts which might offer alternative funding sources in the future;

This being said, PACEPIC will have to adopt a more commercially orientated approach, searching for additional possibilities to "sell" their services and rearranging their internal organization to ensure sustainability. Clearly, PACEPIC will face new challenges once UNHCR withdraws management and funding from the settlements where, to some extent, they were working with "captive customers". After UNHCR is gone, refugees will have a choice as to whether to continue using PACEPIC's services or not.

Luis Varese and Renee Cuijpers

SO Campeche, Mexico

Case Study No. 8: UNHCR and returnee women's land rights in Guatemala

THE PROBLEM

When rural Guatemalan refugees fled into neighboring Mexico in the early 1980's (significant repatriation only began a decade later and is only recently winding down), Guatemalan women generally did not have any legal claim to the agricultural land used by the community and by their families. During the many years in exile, due to the intervention of various outside actors, among them UNHCR, and the fact that emergency and flight had put women in roles that they had not experienced before, refugee women reflected more on their rights and goals and were aided in organizing to demand these rights from the men in their communities and from the institutions supposedly working to benefit the refugees as a whole. The simple idea that women, as men, should be direct beneficiaries of goods allocated in the name of their families (whether or not the households were "women-headed" or headed by couples) was assimilated fairly easily by the women; they recognized the work they contributed to their family's survival and husband's cash income and had seen how women could end up empty handed in the case of separation with their partners. When the refugee women, with the active support of UNHCR, sought to extend this concept to the lands that were being negotiated with the Guatemalan government to enable

their “collective and organized” return movements, a number of obstacles were encountered. Instead of facing opposition primarily from refugee men as expected, or even problems from restrictive legislation, the bigger obstacles were forthcoming from government institutions, NGOs and others that advised the male refugee organizations, restrictive interpretation of government administrative policy and sometimes, from UNHCR itself.

OBJECTIVES

The need to influence discussion and create new models to enable women’s property rights at these different levels (UNHCR, international counterparts, government counterparts, written legislation, other partners and among refugees) became evident over the years, but a coherent program to address them was never projected from the beginning. It is only in retrospect and after certain gains were made, albeit with limited funds and human resources, that it is apparent that a comprehensive program with the objective of creating the capacity to address the demand of women in regards to participation and, in this case, land access through joint property rights, would have been ideal, specifically to:

- Enable refugee women’s organizations to fully understand legalities and issues involved to better their advocacy role on the refugees’ behalf.
- Work alongside national institutions to improve understanding of issues and develop practical mechanisms for addressing them; create overall sensitivity to topic’s relevance and importance.
- Create awareness from international counterparts and agencies, often funding activities relevant to land tenure so as to influence inclusion of gender sensitivity and adequate policies to ensure women’s land access.

SUMMARY OF PROJECT DATA:

No estimates are available as to costs involved but some of the activities over the last five years are:

- Workshops and activities with refugee women and their organizations, in some cases with expert resources brought from the country of origin (Guatemala) to the country of asylum.
- Support to these women’s organizations to develop materials for further study, reflection and organization among refugee women.
- Specific consultancy of Guatemalan lawyer for one year to research problem, hold workshops with both refugee and returnee women and propose actions.
- Sponsorship of two public forums (in Guatemala 1995 and 1998) with returnee women, governmental and other actors with the land issue as only or principal topic as a mechanism to formally commit other actors to respond to women’s petition to be permitted to exercise their basic rights, in this case, land rights.
- Documents written for internal UNHCR use as basis for generating within UNHCR understanding of the issues and capacity to be better advocates in different forums and at different levels.
- Lobbying (and indirectly training) with different international and national entities in regards to

developing draft legislation and/or new institutional practices to enable women's land access.

- With the exception of one legal consultant mentioned above (1995), most of the above tasks were taken on by regular staff and legal or other consultants whose jobs did not necessarily include specific work on this issue at different points in the process, nevertheless, implicitly the work was given second priority by UNHCR as this staff was not necessarily freed from carrying their normal workloads.

PARTNERSHIPS

- Refugee and returnee women's organizations and other grassroots groups both those advocating for refugees/displaced in general and organisations dedicated to women's issues and/or gender equality.
- Government institutions involved in land issues, in relation to refugees or in general (in Guatemalan case: FONAPAZ, FORELAP, INACOP, CEAR, Land Fund, INTA etc.)
- Government and inter-institutional forums involved in implementation of Guatemalan peace accords (which address both gender equality and land access).
- International actors involved with topic (MINUGUA, World Bank, IOM, UN Interagency Group on Gender).

METHODOLOGY

In retrospect, elements of the methodology employed (although in an ad hoc manner) included:

- As refugee women's consciousness and interest in demanding changes were critical to addressing the problem, the women's organisations were crucial. UNHCR supported them in their work to create awareness and interest among their membership.
- Use of experts: particularly national (Guatemalan) lawyers, in order to clarify information and ultimately to design alternative policies and to transmit information to chosen counterparts (see above) in appropriate way.
- Use of small working groups with key persons in selected counterparts to create strategic allies in process and indirectly "train" and sensitize them.
- Use of public forums using refugee/returnee women's presentations and needs as a basis for discussion and eventually commitments from other institutions.
- Development of materials and written information available for different activities ranging from those appropriate for non literate women and those for academic forums.

MANAGEMENT ARRANGEMENTS/IMPLICATIONS

See response under "summary of main project data", above.

IMPACT AND EVALUATION

Specific indicators were not set beforehand but in general the following goals were sought after and attained (although in varying degrees).

- Consciousness among women refugees and returnees as their rights and how to pressure for

their implementation.

- Important changes in government policy and legislation in some cases.
- Increased awareness among many individuals in different national and international institutions gradually changing the terms of discussion and acceptable solutions.

Periodic discussions, however, as to what extent many returnee communities and the women in particular did NOT benefit from land acquisition programs directly, showed that there were and are many missed opportunities to have carried a UNHCR policy to its logical conclusion. In retrospect, clear goals and timetables were needed as well as ongoing monitoring to best intervene in key moments. As it was, with resources only casually dedicated to the overall effort, an important groundwork was initiated but not followed through adequately.

LESSONS LEARNED

- Effective protection and real durable solutions for women require an institutional approach at all levels based on rights advocacy, as demonstrated by this case. Anything less places women and their control of the resources received from UNHCR in a vulnerable situation, thus undermining the principal objectives of UNHCR intervention.
- In regard to the role of UNHCR, taking on an issue that challenges common practice and personal belief for many within and without the institution, requires a unified approach within the institution. As illustrated by the case at hand, all staff in any context must be prepared to respond effectively to any attempt to sow doubt in the minds of the women regarding their rights.
- It is necessary for women to organize in order to be able to take on these issues in any serious way, and to be able to face and overcome obstacles and opposition. Specific actions must be taken to strengthen women technically and politically at a grassroots level and to promote recognition of their right to autonomy. Institutional support clearly plays an important role in furthering/strengthening the cause of women in working towards gender equity through women's organizations. It must be recognized that such activities require long-term commitments from UN and other funding agencies and cannot be limited to one side of the border or the other.
- It is necessary to clarify legal processes and prepare for administrative, normative and cultural obstacles in order for women to truly be able to exercise their rights. A strategy for working at each level simultaneously and to involve all the relevant actors early on is critical in this regard.
- A further essential aspect is for women's productive and community role to be made visible and recognized. Until women's full contribution to daily family and community life is fully understood and valued by both men and women, it will be difficult for either to really assume the effective exercising of women's right to community participation in general and their full access to and control of the resources and benefits derived from community development and land in particular.
- Forming women's organizations without parallel work on the traditional male structures will not necessarily lead to long-term overall change. For sustainable empowerment to be achieved, it is important to work with both women and men, separately and together. Greater understanding of the gender power relations is always required; any strategy must consider men's contribution, role and fears.

- Public affirmation of women's rights (forums) and formal affirmation (accords, documents) have a multiplier effect as institutions and governments are publicly committed and written agreements provide an organizing tool for women. Moreover, where women's organizations have been responsible for the content of an agreement or commitment, their pride and confidence in their own abilities rise, especially where women have a direct voice in expressing their demands.
- Small economic projects in refugee camps brought women together and helped validate women's skills and share experiences despite their differences. On the other hand, where these projects fail, women's confidence drops and their initiatives lose momentum. Women's outright ownership and direct control of their projects is an important step to building confidence and models for joint ownership of community projects and co-ownership of land;
- Women were given "space" by men, due to the "extraordinary" nature of war and displacement, new needs, more widows and also manipulation of women's new role for political ends. To the extent that men are made not only to accommodate but appreciate the advantages of breaking down gender roles, these will be more lasting in the return home and its aftermath.
- Women's personal ID documents are necessary for them to be land owners and exercise their rights. Their organizations may need to be legalized as well.

Paula Worby

OCM Guatemala

Case Study No.9: Capacity Building in support of return and reintegration in Angola

1. BACKGROUND

Design and implementation of the repatriation operation in the adverse Angolan context: Since the early days of its independence in 1975, Angola has been plagued by twenty-four years of almost continuous civil war, only punctuated by short periods of respite. On three occasions, UNHCR attempted to mount a repatriation operation for the return and reintegration operations of Angolan refugees having fled to neighbouring countries, namely the Republic of Congo, the Democratic Republic of Congo (DRC), Zambia and Namibia i.e. in 1977, 1992 and 1995. Following the signing of the Lusaka Protocol on 20 November 1994, UNHCR launched on 30 June 1995 an appeal which anticipated the repatriation and reintegration of some 300,000 Angolan refugees over a two and half year period (June 1995-December 1997). As a result of the slow pace of implementation of the peace process, UNHCR was never in position to actively promote repatriation. The emphasis was consequently placed on spontaneous returns. To this end, a two-pronged strategy was pursued which focused, on the one hand, on the provision of family reintegration assistance (reintegration kits, seeds and tools, food assistance up to the next harvest) and, on the other hand, on area-based reintegration projects aimed through the implementation of Quick Impact Projects (QIP) at the rehabilitation of community facilities - access road, medical and educational facilities - and the restoration of basic social services. During the period June 1995 to December 1998, some 151,600 Angolan refugees returned to the provinces of Zaire, Uige, Cabinda and Moxico. Following the resumption of the war in June 1998, the Repatriation Operation was indefinitely suspended by the High Commissioner in October 1998.

For this operation, UNHCR was confronted with a very challenging environment. The slow pace

of implementation of the Lusaka Protocol, notably the extension of State Administration process, meant that UNHCR operated for a major part of the operation in areas under the control of the ex-guerrilla movement, UNITA. UNHCR was de facto working in an “administrative vacuum” insofar as it had no local technical counterparts. Notwithstanding the above, UNHCR paid due attention to keeping government authorities informed about the content of its programmes and to ensure that sectoral standards were in line with national policies being developed.

It is also important to bear in mind the effects 20 years or so of civil conflicts have had on the socio-economic fabric of the Angolan society. The economy and the mind sets have remained heavily war-driven over the past years, with only very limited portions of the national budget devoted to social sectors. The administration, presently undergoing a decentralisation reform, is ill-functioning. The situation is particularly preoccupying at regional levels, notably in the Moxico province, where funds against approved regional budgets are received - if at all - with very long delays, salaries are paid very irregularly. It is worth stressing the situation differs quite significantly between regions, depending on the available natural resources of the area.

Ensuring the sustainability of UNHCR reintegration projects beyond its phase-out date:

As early as the end of 1996, UNHCR Angola started to work very actively on establishing linkages with development actors, namely UN institutions (UNDP, UNICEF, WHO, FAO, World Bank) and the European Commission, aimed at bridging the relief to development gap. In doing so, UNHCR was striving to ensure the sustainability of its projects beyond its phase-out date. From the outset, the general view was that the government of Angola would not be in position to fully assume by the time of UNHCR’s withdrawal the ownership of reintegration activities implemented under the repatriation operation. It was felt that continuous external capacity-building support would be required to help central and regional authorities gradually assume their responsibilities in areas of return. To this end a number of complementary initiatives were taken: attempts were made to locally institutionalise MOUs with UN sister agencies (UNDP/UNICEF); UNHCR very actively promoted areas of return for the initiating of development projects (as a result World Bank, FAO, UNOPS projects were formulated in 1998 for the Moxico Province), it actively participated in the work of an Inter-Agency programme forum on joint programming which notably entailed the production of a “UN’s strategy in support to Angola’s transition from Emergency to Development”.

In its efforts to bridge the ‘relief to development gap’, UNHCR Angola was confronted with a number of difficulties which are likely to be similar to that faced by other post-conflict reintegration programmes:

- **slow start-up of development projects:** development projects are subject, be it UN sister agencies or bi-lateral channels, to lengthy and time consuming project formulation and approval mechanisms.
- **potentially conflicting “implementation mode”:** whilst the epicentre of UNHCR’s intervention is the point of delivery i.e. field locations in areas of return, development projects are, in most instances, government driven. Establishing linkages means in this instance inscribing UNHCR’s reintegration projects in the framework of a central and/or regional authorities led project. In a context such as that of Angola, this proved a very arduous task.
- **potentially conflicting “geographical priorities”:** development projects reflect national reconstruction priorities. As areas of return in Angola did not correspond to national development priorities, it took a long time for UNHCR to attract development projects to these areas. With regard to bi-lateral projects, most of donor countries are pursuing through their assistance programmes their own national interests.

It is clear that the above mentioned three “continuum bugs” were self-reinforcing and made UNHCR’s efforts in establishing linkages very difficult. It was only towards the latter part of 1997 that UNHCR witnessed an interest of development players (World Bank, UNDP, UNOPS) in areas of return, which ultimately led to the formulation of projects. This clearly illustrates the need for UNHCR to further look into and document our experiences on the involvement, role played by local communities in the sustainability of UNHCR reintegration activities. UNHCR is increasingly faced with situation in which post-conflict reintegration projects are implemented in a context where the onus of sustainability can not be solely placed on local authorities. The second part of the case study speak to UNHCR’s experience in working with local communities in Angola.

2. UNHCR’S INTERACTION WITH LOCAL COMMUNITIES IN THE CONTEXT OF REINTEGRATION ACTIVITIES (Province of Moxico)

2.1 Working with local communities in areas of return: for the purpose of this paper, specific reference is made to the province of Moxico as the situation in areas of return slightly differed between the northern provinces of Uige and Zaire and the Eastern province of Moxico. The latter province is one of the least developed area of Angola, it has always suffered from a certain isolation from the rest of the country and a lack of attention from the capital. Moreover, it is one of the regions which has been the most affected by the civil war and is the most heavily-mined area in the country . As a result, communication within the province is extremely poor. UNHCR established its presence in Moxico in 1996 with a sub-office in the provincial capital of Luena and three field offices in the localities of Luau, Cazombo and Lumbala N’guimbo. For most of the duration of the repatriation operation, the greatest part of Moxico remained under UNITA’s authority. In areas under its control, UNITA exerted a very firm, uncompromising grip over local populations. It would turn a suspicious eye at any public gathering and would send a representative to most local meetings. Local populations were wary about not doing anything that could lead to difficulties with the UNITA administration. At the same time, the latter had to find ways to protect certain at risk-elements of their communities, notably the youngsters subject to forced recruitment. One of the biggest challenge for UNHCR in these areas was the need , on the one hand, to develop a working relationship with UNITA, and, on the other hand, to establish a dialogue of confidence with local communities. When looking at the interaction of UNHCR with the latter, three mutually reinforcing facets of the field offices’ work ought to be underlined:

- field offices strived to develop a political and cultural understanding of traditional authorities and their complex interaction with the UNITA authority. In the Moxico province, traditional systems of authority still existed that dictated the source of influence over large areas whilst the day-to-day administration of villages was in the hands of local traditional chiefs (the ‘sobas’).
- the second facet of field offices work was the establishment of a dialogue based on mutual respect with local communities. The first dimension (understanding different sources of authority and their interactions) clearly constituted a prerequisite for the successful nurturing of such a dialogue. ‘Sobas’ were consulted prior to the initiating of QIP projects. At times, ‘sobas’ also approached UNHCR for support for some of their own initiatives.
- the third dimension of UNHCR’s work with local communities relates to the involvement of the latter in reintegration activities which took several forms. For a number of QIPs in the sector of education and health, communities contributing by doing some work themselves (clearing the road leading to the health post/school to be rehabilitated for instance) or alternatively provided a work force for the repair work. The referral hospital in Luau and outreach posts as well as all schools in the three localities functioned without medical staff and teachers being paid salaries. The latter were supported by local communities in form of allocation of extra land, provision of fresh food or manpower for cultivating their land while they would be working

at the schools or health facilities. The only incentives UNHCR provided was bicycles to teachers to help them commute from their place of residence to the sometimes distant schools.

UNHCR's achievements in its work with local communities, whilst modest, ought to be gauged with a full appreciation of the heavily politically charged environment in which UNHCR operated. The delays and many difficulties which affected the extension of State Administration to territories previously under UNITA control further complicated UNHCR's work. Despite this challenging environment, UNHCR's QIP projects had a very significant impact in areas of return insofar as it facilitated the free movement of people and goods, it contributed to the boosting of local cross-border economies and a revival of social structures and services. An essential facet of this work was UNHCR's interaction with local communities.

Lessons learnt/avenues for improvement: The Angola experience clearly illustrates the need to involve local communities in reintegration programme as early as possible. Consulting local communities in initial assessments is particularly important to develop an appreciation as comprehensive as possible of the needs of areas of return. This is all the more important in a context where the onus of sustainability can realistically not be placed on local authorities. Our experience was yet another illustration of the existing contrast between UNHCR's high operationality and the relative slowness with which development actors embark upon longer term projects. The three facets of working with local communities previously outlined require time and skills that operations do not always possess. On the basis of the Angola experience a number of remarks, recommendations can be formulated:

- The development of a political and a socio-cultural understanding of local communities need to be an integral part of initial assessments. Clearly, such understanding is acquired over time. However, key information in this respect need to be factored in initial assessments and ways and means of furthering this knowledge throughout the operation formulated. Moreover, operations such as this one develop through their field offices an intimate knowledge of local communities which is rarely encapsulated in operational documents in a manner that would over time. In this respect, the initiative to document capacity-building cases is a very welcomed one.
- Working in an environment such as Moxico provinces requires inter-personal skills that the organisation needs to acknowledge and/or further develop i.e. political and cultural awareness, participatory planning techniques. In this regard, the development of the People Oriented Planning (POP) was indeed a positive initiative. However, more needs to be done. On the basis of the current initiative of documenting capacity-building cases, it is suggested to produce a "tool box" which would contain a presentation of techniques/approaches most used in dealing with local communities illustrated by UNHCR recent experiences.
- As a way of increasing its knowledge of its beneficiaries and local communities in areas of return, it is strongly recommended that UNHCR strive to ensure a greater inter-face with the academic world. This could take two forms. First, UNHCR offices should be encouraged to make themselves aware of available expertise/knowledge within academia in the country of operation and use it in its planning. Secondly, some form of "framework agreement" could be developed with reputable universities from the region and elsewhere for the conducting of field studies on refugee populations/local communities. Such thorough research work with

populations produces most valuable information, knowledge for UNHCR to design and implement its projects. The field of self-evaluation is also an area where inter-action with the academic world can be of great benefit to UNHCR.

Francois Reybet-Degat

B.O. Luanda

Case study No.10: Capacity building support for the Southern African Development Community (SADC)

BACKGROUND

Since its formal inception in 1992, the aims of SADC have remained consistent; to bring about strong regional economic co-operation with a view to uplifting the living standards and welfare of its citizens. The treaty of SADC underscores the relevance of the co-ordination of sectoral plans and programmes as a system through which progressive integration can be achieved. UNHCR has taken advantage of this set-up and aspired to move along with these regional developments involving the 14 member states to enhance the protection of refugees and identification of durable solutions for them.

Refugees who emerged from Southern Africa countries up to the 1970's and 80's, were seen in the context of national independence struggles (Angola, Mozambique) and political liberation (South Africa). The regional community took a common stand in support of independence struggles and against apartheid and its offshoots in neighbouring countries. The institution of asylum was understood in this context in the sub-continent. National legislation which evolved at that time were along the lines of Refugee Control Acts, although they were seldom strictly enforced.

Having hosted and assisted large refugee populations, Southern Africa countries acquired significant experience in dealing with refugee matters. However, with the political situation finally resolved in South Africa and refugees voluntarily repatriated, the refugee regime in the sub-region is encountering caseloads with particular profiles. Movement of refugees to and within the region have become frequent, "irregular movers" have become increasingly numerous and sophisticated in their operations, delays in the functioning of the eligibility procedures have precipitated the relocation of asylum-seekers to other countries and the various national organs charged within the responsibility of managing refugee affairs did not have an established means of co-operation.

Co-operation with a dynamic regional body such as SADC is seen as providing a unique opportunity for UNHCR not only to promote the protection and well-being of refugees in the region but also to encourage an increased involvement of individual member states in the management of refugee matters.

OBJECTIVES

The capacity-building objectives (in response to the problems above) were premised on the assumption that UNHCR would in the course of 1999 begin the process of streamlining its presence in the sub-region. It was, therefore, a priority that governments should be left in a position to handle refugee issues with an improved approach and precision. In view of the dynamics of the emerging caseload, it was equally felt that co-operation between member states would contribute to the eventual resolution of the problem of irregular movers through information sharing and access to a joint data-base on refugees. UNHCR also initiated efforts to revisit various pieces of national legislation on refugees with a view to amending them to provide also

for the socio-economic rights of refugees. In this vein, the focus was also placed on supporting regional initiatives aimed at stepping up the emergency preparedness of SADC and its individual member states.

SUMMARY OF MAIN PROJECT DATA

It should be recalled that as early as 1996, UNHCR had concluded a Memorandum of Understanding with SADC which forms the basis of its co-operation in various aspects of refugee activities and migration related issues. Since then, a number of initiatives have been taken, including a workshop at permanent secretary/commissioner level on Emergency Management, the formation of a SADC Working Group on refugees to spearhead consultations on refugee issues, co-operation with an inter-state organ for defence and security, preparing for peace-keeping operations with a focus on support to humanitarian operations during an emergency. UNHCR had set aside US\$100,000 as its contribution to various activities.

SADC member states have set aside US\$14m for the military exercises. Co-operation with SADC is an ongoing activity but each year has sets of activities which have to be achieved and reinforce those of the previous year.

PARTNERSHIPS

The partnership that exists with SADC is in a descending order, an arrangement in line with UNHCR's devolution of authority to the point of delivery. Essentially, at national level, UNHCR with its partners co-operate with the SADC National Contact Point who, in turn, liaises with the Legal Advisor in the SADC Secretariat. The UNHCR Senior Liaison Officer is the counterpart to the SADC Legal Advisor. Under this arrangement, no duplication of activities in UNHCR emerged and UNHCR offices are better linked and informed of SADC strategies and activities. The principal partners have remained line Ministries charged with the responsibility of managing refugee activities.

METHODOLOGY

This project had an added advantage in that at national level, UNHCR has in most countries consolidated its bilateral working arrangements with their respective counterparts. When the various UNHCR offices assessed training needs, "regional co-ordination" was an overwhelming requirement and it also met UNHCR aspiration of developing and effecting a regional strategy on the management of refugee affairs. The SADC Council of Ministers welcomed collective efforts of addressing refugee problems and in January 1998 formally constituted a SADC Working Group on refugees comprising 8 countries with Mozambique being the Convenor. During a Regional workshop titled "emergency management", ideas of enhancing regional co-ordination emerged. These ideas are expected to be formally endorsed by all 14 member states as renewal of their political commitment to amend their respective national legislation on refugees. UNHCR strongly supported this initiative through, *inter alia*, advisory and research services, facilitated familiarisation missions to various countries in the region by members of the Working Group and sponsored a number of working meetings

MANAGEMENT ARRANGEMENTS/IMPLICATIONS

As the efforts were more focused on capacity-building at regional level, the focal point in UNHCR Director's office, his counterpart in SADC Secretariat and the Convenor of the Working Group were the principal organizers of the direction of activities. However, considering that SADC has placed priority on addressing matters of economic interest, the SADC Secretariat is not very enthusiastic in pursuing the refugee agenda. Moreover, unlike member states and UNHCR,

SADC Secretariat has no staff specifically designated to oversee humanitarian activities. On the other hand, the activities coincided with renewed altercations in both the Democratic Republic of Congo and Angola. Schedules for consultations and meetings had to be revised repeatedly taking into account the availability of officials from these two countries.

IMPACT AND EVALUATION

When looking back at UNHCR's co-operation with SADC, a number of significant steps have been made as indicated below:

- as early as 1996 a framework governing the co-operation between the two institutions was established with the signing of a Memorandum of Understanding;
- since then results have been recorded with respect to the protection of refugees and the increased involvement of the SADC and its individual member states in the management of refugees matters as indicated below:
 - Zambia, Namibia, South Africa, Tanzania and Swaziland are either revising national legislation or are in a process of enacting refugee law;
 - UNHCR offices have indicated a broader outlook by their counterparts on refugee issues and instigating pro-active measures to finding new avenues towards durable solutions,
 - improved liaison between governments on the problem of refugees. Mozambique, Swaziland and South Africa convened a tripartite meeting on refugees, for example;
 - recruitment of specialised staff in Commissioners' offices to support programme implementation,
 - Quality of Emergency Contingency Plans are not only improved but standardised and agreed upon by all stake holders at national level. This is one activity on which time frame could be put and it was respected,
 - a recommendation that a Disaster Management Unit should be set up in the SADC Secretariat to inter-alia oversee refugee activities

The co-operation between the two institutions is still at an early stage, it would be interesting at a later stage - for instance for the fifth anniversary of the signing of the MOU - to conduct an evaluation of the impact of UNHCR capacity-building support to SADC.

C. Chanda

Southern Africa

Case Study No. 10: Combating Sexual Violence against Children: Crisis Intervention Teams in Ngara, Tanzania

Background and Objectives

In 1994, around half a million Rwandan refugees fled to the Ngara district of Tanzania, where they were accommodated in seven refugee camps. Few incidents of sexual violence were

reported during 1994, but at the end of year a report was published by an outside agency suggesting that a high proportion of women in Ngara had been sexually assaulted and that sexual violence remained a serious problem.

In response to the report, UNHCR held discussions with refugee groups to ascertain the scale of violence and how it was being dealt with in the refugee community, as well as to get suggestions for tackling the problem. The discussions established that sexual violence was a major problem, but that there were social and cultural impediments to reporting incidents. Following a meeting of UNHCR protection and community services staff, NGO partners and representatives from women groups and health teams, it was decided that Crisis Intervention Teams of refugees should be established to provide support and advice to victims of sexual violence, address the causes of violence, and promote community awareness of the problem.

METHODOLOGY: Crisis Intervention Teams (CITs)

Members of CITs were selected by the Community Services co-ordinating NGO in each camp from among existing community and social work groups in the refugee population. As a general principle women were given priority in the selection process, although it was considered important to have at least one male on each team. The teams also included at least one member with medical experience who could give advice on sexually transmitted diseases (STDs) and pregnancy, and assist with medical consultations. Team members worked on a voluntary basis. Before assuming their responsibilities, they received a three-day training course organised by UNHCR, which covered training on communication skills, interview and mediation techniques, community awareness and mobilisation, legal provisions and procedures, reproductive health, prevention measures and procedures to follow when a rape case was reported. UNICEF, CARE and UNHCR staff members with special experience of working with victims of sexual abuse assisted in training, and UNHCR Protection and Security staff briefed teams on preventive and follow-up measures.

The development and facilitation of CITs was under the overall responsibility of UNHCR community services and protection staff, with ongoing supervision from Community Services NGOs and technical assistance from UNICEF and NGOs. CITs were provided with facilities for conducting confidential meetings and interviews with victims, and the teams held weekly meetings to discuss individual cases, share experiences and information and resolve problems.

CIT Activities

The CITs were the first line of response in cases of sexual violence. Their job was to listen to victims and conduct the first interview, and then to provide information and advice on health matters and medical care, legal procedures, facilities for counseling and community reintegration, and relocation to another part of the camp if necessary. Depending on the course of action the victim wanted to take, the CIT member would accompany her to the dispensary, hospital or AIDS/STD programme and see that she received appropriate attention. Where relevant, the team member would assist the victim in contacts with Protection and Security staff or police.

In case of a reported rape, the CIT member would fill in a Sexual Violence Report Form designed by UNHCR, which would be sent to the UNHCR Community Services and Protection units. The CIT member would accompany the victim to a medical facility for STD treatment, pregnancy prevention or other medical care if necessary. If the victim wanted to proceed with legal action, the CIT member and UNHCR would follow up the case as required by Tanzanian law. The Tanzanian legal process imposed stringent requirements for the pursuit of legal cases by victims of rape, including a medical examination by the District Medical Officer within 24 hours of the attack. These requirements were often difficult to meet, and UNHCR took the matter up with Tanzanian authorities, eventually reaching an agreement that examination could be carried out by any certified Tanzanian physician.

Raising awareness in the community

A major reason for reluctance to report sexual violence was the reaction of communities to such incidents. Women who had been victims of rape were often stigmatised by members of the community, or forced to marry the perpetrator. An important role of CITs was to raise awareness of the causes of sexual violence and its physical and psychological effects on women. To this end, CIT members and UNHCR used the existing Refugee Information Networks (RINs) in the Ngara camps, transmitting an awareness campaign through inter-camp newsletters, radio broadcasts, bulletin boards, posters, public address systems, discussion sessions, videos and theatre groups. In addition to the RIN resources, some CIT members convened special discussion groups of youths, community leaders, religious and women's groups and school children to make the community aware of their presence and work. Meetings were also organised between Community Services, Protection and CITs with local authorities.

Prevention measures

In addition to information campaigns, a number of steps were taken to identify and address the causes of sexual violence. It was found that most attacks occurred while women and children were collecting firewood or water. Community workers in the camps organised meetings, discussions and interviews at tap stands to discuss the problems surrounding water collection and a report was sent to UNHCR's water unit. In response, opening times at water points were restricted to daylight hours, and refugees in some camps organised a timetable for different groups using the same taps. The risks associated with collecting firewood were more difficult to address, as humanitarian agencies did not have sufficient funds to supply fuel wood to camps. CITs encouraged women to organise groups to gather wood, and in some camps men also participated in collections.

Impact and evaluation

As a result of the CIT programme, the refugee community became more aware of the problem of sexual violence, and better equipped to deal with it. Support for victims of sexual violence improved significantly, as did the quality of medical attention they received. There was also an increase in the rate of reported cases of rape from an average of four per month in 1995 to seven per month in 1996. In terms of prevention, the risks linked to water collection were diminished. Refugees working on the CITs also became more confident in handling these issues, and began to take their own initiatives in supporting victims and dealing with community problems.

Lessons Learned:

Cross-sectoral commitment to the programme. The project faced some problems gaining the cooperation of medical staff, who did not initially see victims of sexual violence as a health priority. This highlighted the importance of involving the health sector and ensuring their commitment to the project.

Lack of Budget. The programme had no budget or additional funding, and the lack of human and material resources hampered it in a number of ways. CIT training and information campaigns would have benefited from additional resources, and from the allocation of a full-time humanitarian staff member to manage the programme.

CIT resource limitations. CIT members all had other jobs and were expected to carry out their new responsibilities on a voluntary basis. This meant that they often did not have sufficient time to devote to CIT activities. In particular, they did not engage in ongoing efforts to raise awareness of sexual violence, or to reintegrate victims into their communities. It was felt that each CIT would have benefited from having a full-time, remunerated co-ordinator.

Training for humanitarian workers and local authorities. Most humanitarian staff and local authorities lacked experience in dealing with sexual assault issues, and would have benefited from special training. There was also an initial lack of understanding as to the need for CITs, with many humanitarian staff considering that existing protection mechanisms were adequate.

Ongoing training for CIT members. It was felt that the team members would have benefited from additional information on technical questions, such as medical protocol, and legal and police procedures, as well as counseling skills, and refresher training courses.

Personal Security of CIT members. In discussions with teams, many people raised concern about threats to personal and family security from perpetrators of sexual violence. It was agreed that CIT members should work more closely with camp security staff when dealing with perpetrators.

Paige White

Office of the Sr. Coordinator for Refugee Children

ANNEXES

Tool # 1 Capacities Analysis Worksheet

	Vulnerabilities	Capacities
Physical/Material What productive resources, skills and hazards exist ?		
Social/Organizational What are the relations and organization among people?		
Motivation/Attitudinal How does the community view its ability to create change?		
Political/Legal How are Human Rights and political aspirations expressed ?		

Development is the process by which vulnerabilities are reduced and capacities increased

Tool # 1 (A) Examples of Community Capacities and Vulnerabilities

PHYSICAL AND ECONOMIC ABILITIES

- *Security from natural hazards, industrial accidents, pollution, land mines*
- *Access to/purchasing power for "basic"resources (food, water, fuel, shelter, clothes, medications)*
- *Access to processes of production (including access to productive and inputs/technologies;*

protection from environmental degradation); or access to other forms of assured income.

Also, access to alternatives if first are disrupted.

- *Access to infrastructure, trade networks, markets*
- *Transferable skills*

SOCIAL ABILITIES (relationships, services, structures)

- *Access to services (health care, education, police, legal system)*
- *Cohesion of family/community*
- *Existence/maintenance of local coping mechanisms. These involve social networks at different levels: family, community. Examples include: remittances (important), rural-urban exchanges, sharing and exchange of food and goods between groups, trading, eating wild product (spread and diversity of contacts, patronage systems, church).*

POLITICAL ABILITIES

- *Existence of, and authority of, local decision-making systems, ability of leaders to give moral authority, negotiate, mediate, and ability of community to have consensus and respect this authority. This also includes the maintenance or development of information networks for conflict resolution, including networking between social organisations.*
- *Representation, political freedom and protection of human rights*
- *Relation to local power holders (may be a function of ethnic group, family)*
- *Rights and entitlements of women, different cultural and religious groups, minority groups, vulnerable groups, and ability to maintain these in conflict.*

CULTURAL ABILITIES (norms, values, attitudes)

- *Maintenance of social belief systems, systems of social affirmation (and therefore social cohesion, social unity, a sense of confidence in the future, a sense of identity, continuity of cultural meaning)*
- *Sense of ability to bring about change/plan effectively*
- *Ability to cope with trauma, uncertainty, insecurity*

Tool # 2 Mapping of Organisational Strengths and Weaknesses (Step One)

Initially developed to assess the capacity of national NGOs to carry out their roles and aspirations, this model can be used to conduct an organisational assessment of many types of institutions. Strengths and weaknesses should be identified for each sphere and “plugged into” the model below. It is important to assess the extent to which linkages can be drawn (or not) between the different components, ie. establishing connections between context, internal organisational matters, external relationships and programme delivery.

Context: List the specific local conditions within which the organisation is functioning and which

can greatly influence its activities.

Internal Organisation: List the strengths and weaknesses of the internal structures, vision, leadership (etc) that an organisation must have to exist and successfully fulfil its mandate.

External Relationships: The other actors with whom the organisation must have positive relations in order to successfully and effectively fulfil its role. List the strengths and weaknesses of relationships the organisation has (or not) established. Complementarity and non-duplication are key factors to keep in mind here.

Programme Performance: Organisations/institutions are established “to do things”. List the strengths and weaknesses related to the services the institution is supposed to deliver to its constituents.

(model extracted from Campbell/Fowler, INTRAC, 1995, and, text adapted from INTRAC report on UNHCR Istanbul workshop on NGO capacity-building, October 1998).

Tool # 3 Mapping of Organisational Strengths and Weaknesses (Step Two)

Listing the strengths and weaknesses (identified in Step One) in a tabular form and by type of organisation then allows a comparative analysis and also highlights linkages established (or not) between all actors in a situation.

Each organisation should be asked to identify and list a number of strengths and weaknesses about themselves *and* about the other actors involved in the process. Herewith are examples of strengths and weaknesses identified in NGO capacity-building workshops conducted in the CIS region in 1998.

National NGOs	
Strengths	Weaknesses
<ul style="list-style-type: none"> · Needs oriented - sensitive to beneficiary needs · Effective channel for public awareness · Source of information - knowledge of local situation · Seeks active cooperation with other actors, especially international organisations · Working in sectors where government and sometimes international organisations are not, for example environmental advocacy · Potential to represent local interests · Ability to adapt and interpret international 	<ul style="list-style-type: none"> · Unclear objectives · Lack of clearly-defined vision · Different priorities (often fund-driven) · Lack of long-term strategic planning · Lack of transparency · Undefined legal status · Lack of (operational) experience · Lack of capacity · Financial constraints (unstability)

<ul style="list-style-type: none"> · information and resources to local levels · Motivated and qualified staff · Volunteer network · Proximity to the population, accessibility · Independence · Mobility, flexibility · Enthusiasm, display of initiative · Potential for sustainability 	<ul style="list-style-type: none"> · Narrow funding base · Weak financial management and financial accountability · Insufficient material/technical base · Poor public relations · Weak coordination (internal and external) · Relations with authorities · Vulnerable to pressure from govt/donors · Insufficient logistics · Too centrally-based (not field oriented) · Limited access to sources of information
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(adapted from INTRAC reports on UNHCR workshops on NGO capacity-building, St. Petersburg May 1998 and Istanbul, October 1998)

International NGOs	
Strengths	Weaknesses
<ul style="list-style-type: none"> · Access to funding · Freedom from local government control and pressure · Independence from state structures · Experienced trainers · Access to information and other support · Experience, knowledge, professionalism · Networking , lobbying capacity · Donor support · Freedom of opinion 	<ul style="list-style-type: none"> · Relations with local governments · Limited spheres of activities · Differing priorities (from national NGOs) · Time-limited intervention/budget cycles · Dependence on state policy · Ability to access funds · Constrained (earmarked) funding · Internal capacities - high turnover of staff · Sometimes insensitive

<ul style="list-style-type: none"> · Ability to respond quickly, flexibility · Availability of material and technical base · Access to information · Public image, PI strategy · Risk factor 	<ul style="list-style-type: none"> · Unclear mandate · Part of foreign lobby · Lack of coordination · Insufficient knowledge of local conditions · Insufficient local contact
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UNHCR	
Strengths	Weaknesses
<ul style="list-style-type: none"> · Interaction with governments, embassies, other states structures · International Mandate · International Recognition · Diplomatic status · Flexibility in working with govt. and NGOs · Steady (financial) support base · Clear understanding of purpose (mandate) · Access to international experience · Access to international resources · Strong international reputation, authority · Public image - access to public visibility · Professionalism · Physical presence, including field-based · Ability to respond quickly · Multi-cultural professional experience · Internal mechanisms for improvement 	<ul style="list-style-type: none"> · Financial constraints · Lack of human resources · Conflict - sometimes incompatibility - of priorities / policies · Staff rotation · Inconsistency in mandate implementation · Mandate and political constraints · Lack of a clear strategy · Mistrust and insufficiently rapid reaction to local initiatives · Insufficient advocacy · Limited funds for NGOs · Bureaucracy · Insufficient consideration of local conditions · Donor driven

Risk factor	
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(adapted from INTRAC reports on UNHCR workshops on NGO capacity-building, St. Petersburg May 1998 and Istanbul, October 1998)

Tool # 4 Problem/Gap Analysis Worksheet

The example given below is derived from UNHCR's⁸ experience in asylum systems development (capacity-building) in Central Europe.

It is used here only to illustrate use of the table and is therefore incomplete and not exclusive.

Core Problem	Main causes of the problem	Effects of the problem	Existing capacity	Gaps identified
Restrictive application of new asylum law	<ul style="list-style-type: none"> - asylum law is complex and difficult to interpret - restrictive interpretation of the law by the authorities - advocates of refugee rights are not aware of the potential for improved practice under the current law 	<ul style="list-style-type: none"> - large numbers of asylum seekers are refused access into RSD procedures - large numbers of asylum seekers are driven into illegality - large numbers of <i>bona fide</i> refugees do not benefit from protection 	<ul style="list-style-type: none"> - government RSD structure in place - small number of lawyers specialised in refugee law 	<ul style="list-style-type: none"> - RSD officers lack training in RSD and in understanding current law - network of lawyers is too small - training of lawyers - asylum-seekers are unclear/uninformed about current law and RSD procedures

Tool # 5 Decision Tree for UNHCR Intervention

Tool # 6 Practical Check-List for the Establishment of Linkages

The following is a non-exhaustive check-list designed to highlight some of the more important questions that need to be asked whilst exploring possibilities for external linkages.

⁸ RBE Refugee Law Training Coordination Unit

- Using afore-mentioned tools for diagnosis/project development, make an exhaustive list of areas/sectors which require capacity building activities and for which UNHCR does not have the resources nor the expertise.
- Establish priorities according to UNHCR's programme, foreseen timeframe and the needs of beneficiary populations and the recipient government.
- Make a list of the UN agencies, other regional and international organizations, bilateral agencies and international NGOs present in the country. Include those covering the country from regional offices in neighbouring countries.
- Request documentation on their respective country programmes from UN agencies, other international organizations, bilateral aid agencies and NGOs (particularly from those engaged in development technical assistance).
- Review the documentation and highlight projects and activities which have a capacity building component or emphasis. Look at the expected duration of the project, the institutions and groups benefiting from the activities and the implementation modalities especially concerning PI modalities and funding conditionality.
- Check the various MOUs and cooperation agreements signed between UNHCR and other UN agencies/international organizations (including those signed at Headquarters level) to see if they involve cooperation in the area of capacity building.
- Review the UNHCR programme and projects to see whether (and extent of) financial resources have been allocated to capacity building activities and which could be used for collaborative activities with other actors.
- Schedule meetings with pertinent officials in the organizations which you have selected for potential linkages. Do not start with these meetings until you have:
 - established UNHCR's CB needs and priorities;
 - reviewed the programmes and documentation of the various agencies;
 - information on UNHCR funding (both actual and potential) for collaborative activities in the area of CB.
- During these meetings, explain UNHCR's mandate, its strategy for the particular country, current and planned activities, and the reasons why UNHCR is interested in exploring partnerships with other agencies.
- Try to obtain additional information about their past, present and/or planned CB projects/activities, their experiences/lessons learned in this area, their counterparts (both governmental and non-governmental) and try and assess the expected duration of their commitment to that country/situation.
- Make a list of coordination fora in the country. In many countries, international assistance is coordinated by sectors (education, health, etc.) and also by issues (HIV/AIDS, gender, population, etc.). Identify the fora where UNHCR's CB needs might be directly or indirectly discussed. Two possible coordination frameworks which could prove useful are the Consolidated Appeal Process (CAP - process led by OCHA), in the case of complex

emergencies, and the UN Development Assistance Framework (UNDAF - process led by UNDP).

- Establish a dialogue with donor representatives in the country, brief them on UNHCR's strategy and plans, and seek their views regarding proposed projects and activities. Do not integrate your CB plans into these discussions until they are well advanced and sanctioned by the appropriate UNHCR authority.
- After your CB plans have been finalized and approved, seek a formalization of the linkages selected by your Office. You can do so through a country-specific MOU, an exchange of letters between the respective Representatives or a joint project. The modality selected will vary according to the needs, the resources and the country context.
- Make sure that the selected modality includes a clear delineation of roles, timeframe, benchmarks, and joint periodic reviews/monitoring mechanisms. Establish your own internal methodology for the follow-up of the linkages.
- Inform pertinent divisions and desks at HQs of the linkages established and of the progress in the implementation of these linkages. Seek pertinent technical support from Hqs.
- Design a phase-out/exit strategy which includes some form of periodic monitoring and evaluation of joint or complementary activities.

(checklist developed by P. Mateu, IOSS/Hqs)

Tool # 7 Components of a Healthy Organisation

This model prioritizes major attributes of a healthy organisation and can be used to highlight its stage of development, as well as its strengths and weaknesses - each component needs to fit with the other for the whole to be fully functional. While not all components are always present and not always so in balanced proportions, what is important is to analyse and recognise the nature of the organisation before seeking to strengthen it.

Some definitions:

Identity: A conceptual framework that allows an organisation to understand its place in the world.

Attitude: Confidence to act in and on the world in such a way that it can be effective and have impact.

Vision: The organisation's view of how it would like the world to be, its hope for "reality to be" as opposed to "reality that is".

Mission: An organisation's purpose for existence which describes in general terms how the vision will be pursued - what it does, what it does not do.

Strategy: A set of concepts that guide an organisation's use of resources to pursue its mission - the leverage points where the organisation's activity will have the most impact.

(extracted from "Capacity-building, an approach to people-centred development", D.Eade, OXFAM 1997, page 111 - original model from A.Fowler et al, "Participatory self assessment of

Tool # 8 Logical Framework for Project Development

Building upon the example used in Tool ... (Problem/Gap Analysis), the following table is suggested to help identify priority areas of assistance which UNHCR can address.

CB objective: refers to a specific capacity-building objective. It is defined following a diagnosis of the situation (i.e mapping of existing capacities and analysis of gaps) and a decision for UNHCR to intervene. In the example used, it is one of the gaps identified in the Problem/Gap Analysis table.

Activities: means of achieving objectives. Usually it takes more than one activity to achieve an objective.

External linkages: any input (direct or indirect) from non-UNHCR actors which can affect the project. External linkages can be positive or negative.

CB Objective	Activities	UNHCR Inputs	External Linkages	Expected Results	Indicators of success
To improve knowledge and understanding of refugee law and RSD procedures by asylum-seekers and refugees	- develop/support legal aid centres for refugees and asylum-seekers	- identify local NGO interested to develop a regional network of legal aid centres - promotion of legal aid centres + training prog. for law students and NGO personnel - info. campaign for users (refugees ..)	- support to legal aid centres in regions not covered by HCR - equipment for HCR legal aid centres - link up with existing social counselling centres	- free legal advice/representation for refugees - increased interest in ref. issues by law students and NGOs - increased cooperation between NGO and authorities	- increasing numbers of refugees are approaching centres - feedback from benef. as to better understanding - increased number of representation of ref. cases in courts - increased number of law students willing to work in centres

Tool # 9 Monitoring and Evaluation Indicators

The model below was adapted from World Bank documentation elaborating on techniques of Monitoring and Evaluation. The example of a capacity-building programme for refugee schools is

used to illustrate the proposed mechanism.

Inputs indicators: quantified resources provided to the project. For example, the level of financial contribution made by UNHCR (eg. procurement/distribution costs of textbooks, costs of rehabilitation of school building, etc)

Process indicators: measure what happens during implementation. They are usually milestone events/deadlines to be met, eg. date of completion of the rehabilitation, status of procurement of textbooks, etc.

Output indicators: show the immediate physical and financial output of the project. Performance should be measured against these physical quantities, eg. number of teachers trained in textbook use, ratio of textbooks to students, etc.

Impact indicators: refer to medium- to long- term developmental stage. Impact can be positive and/or negative, intended, associated and/or accessory - for example, increase in reading achievement test scores among refugee children (intended), increase in proportion of female refugee children in reading achievement scores (associated), increase of females entering university (accessory).

(modified from "Lessons and Practices", OED World Bank, Number 10, July 1997)