

Centre for Legal Education and Aid Networks in Kenya

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Department for Africa

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Sida Evaluation 98/33

Department for Africa

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Sida Evaluation 98/33
Commissioned by Sida, Department for Africa

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Registration No.: UII BKE/1.11.3/CLEAN
Date of Final Report: May 1998
Printed in Stockholm, Sweden 1998
ISBN 91 586 7651 1
ISSN 1401—0402

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1. Basic Project Data

Country:	Kenya
Sector:	Human Rights, Democracy and Governance
Project titles:	Paralegal training Support to Paralegal Networks
Core Business:	Paralegal training and support to paralegal networks
Implementing agency:	Centre for Legal Education and Aid Networks
Duration:	Two Years
Starting date:	January 1996
Completion:	December 1997
Sida contribution:	1996 - Kshs. 2,389,756 1997 - Kshs. 4,234,643 Total - Kshs. 6,624,399
Other complementary contributions:	
1997	
USAID	Kshs. 2,820,000
Netherlands Embassy	Kshs. 677,000
Total over 2 year period	Kshs 10,121,399

2. Abbreviations Used

CBOs	Community-based Organisations
4Cs	Citizens Coalition for Constitutional Change
CLARION	Centre for Law and Research International
CLEAN	Centre for Legal Education and Aid Networks
CRIC	Civic Resource and Information Centre
DANIDA	Danish International Development Agency
DDG	Democracy Development Group
DGGG	Donor Group on Good Governance
GoK	Government of Kenya
ICJ	International Commission of Jurists (Kenya)
IPPG:	Inter-party Parliamentary Group
KANU	Kenya African National Union
KHRC:	Kenyan Human Rights Commission
LFA:	Logical Framework Approach
NCA:	National Convention Assembly
NCEC:	National Convention Executive Committee
NGOs:	Non Governmental Organisations
PLN	Paralegal Network
PLW	Paralegal Worker
PPM:	Project Planning Matrix
Sida	Swedish International Development Agency
Programme	A composite development initiative comprising two or more projects
Project	A development initiative with one immediate purpose
Development Goal	A broad or macro objective of a project, programme or organisation
Project Purpose	The immediate objective of a project, programme or organisation
Output	That which a projects seeks to achieve. The change it seeks to facilitate
Activity	The actions to be taken by a project in order to achieve its outputs

3. Executive Summary

3.1 Background

Kenya is going through a difficult process of democratisation. The President has been in a position of power for over 30 years, and President since 1978. Kenya had a de facto one party system from 1969 to 1982, when section 2A of the Constitution introduced a legislative basis for one party rule. Section 2A was repealed in December 1991, thus paving the way for the first multi party elections in recent time, held in December 1992. The result was that a number of NGOs were established in the period after 1992. The

NGO co-ordinating Act of 1990 provided the legislative basis for this surge in the formation of new NGOs.

The pressure for constitutional reform has increased over the past few years and was considerable just prior to the 1997 General Elections. This pressure resulted not only in the introduction of the so-called IPPG reforms also the Constitutional Review Commission Act, which seeks to ensure a more comprehensive "review" of Kenya's Constitution. There is thus an immediate and on-going process of democratic reform in Kenya.

CLEAN is a new organisation, but one with roots in the past. This has implications for its relationships with other organisations in the sector, and with donors. CLEAN is an initiative of two previous staff members of the Legal Education and Aid Programme, which was dissolved in 1994 after protracted organisational and institutional problems. There are still some issues which have not been resolved, resulting in a labour dispute between one of the joint co-ordinators of CLEAN and the previous host organisation.

CLEAN is currently hosted by CRIC, while awaiting registration.

3.2 Major findings

CLEAN runs its workshop programme efficiently, and has completed all its planned activities. There is an evaluation process planned for the end of a three year cycle, which is an indication of a well-run and conceptualised organisation.

The content of the paralegal training is based on what the participants bring to the training themselves. This results in highly participatory workshops, which is commendable, but there may be a need for more detailed follow-up workshops.

The structure of the organisation, incorporating the PLNs into a hierarchy, is complex and appears unwieldy on paper. It is impossible to establish how effective these structures will be, as they have not all been set up due to lack of resources.

3.3 Recommendations

There is a need for the organisation to step back and analyse what it has achieved to date, and to strategise its activities for the future. The capacity of the organisation to sustain a national network of PLNs must be questioned, as must the capacity of the PLNs to be self-sustaining.

The PLWs need to provide information on their training needs for the future, and these should be incorporated into further training programmes. The question which needs to be asked is whether the PLWs are intended to provide basic legal skills to their communities, or to assist in dispute resolution and initiate social action. If they are to provide basic legal skills, then further training is required. If dispute resolution is the intended function of the PLWs, then training in negotiation skills may be more appropriate.

It would be desirable for a curriculum to be developed which builds on the training already provided. Similar participatory methods could be used, but more information could be given to the trainees in follow-up training.

4. Introduction

4.1 Purpose of Evaluation

This evaluation takes place at a watershed time in Kenya's history, with the country in a state of political turmoil and uncertainty regarding the proposed constitutional reform initiative. Civil society has a key role to play during this period.

It is only since 1992 that the environment has allowed NGOs to function relatively freely. The evaluation thus seeks to enable the organisation to take advantage of this improved environment by providing recommendations and suggestions on the work it does as well as focusing on management and organisational issues.

The purpose is thus to provide information about the organisation, to assess the work that has been done in the past, and to establish capacity for future projects. There is a possibility of increasing support to NGOs during the period of constitutional reform. However, if this is to be the case, there is a need to establish existing organisational capacity in order to make adequate preparations for the future.

CLEAN is a new organisation, and an evaluation at this stage of its development will help to ensure that it achieves its objectives.

This evaluation will also provide a benchmark for future evaluations, as the organisation has not previously been externally evaluated.

The Terms of Reference for this evaluation are annexed marked "A".

4.2 Methodology

Various evaluating tools were used. Interviews were held with all members of staff, in order to establish organisational efficiency and capacity. Other role players in the sector were interviewed, to establish the place in the sector occupied by the organisation and to establish perceptions of effectiveness and impact. Limited fieldwork was conducted. A questionnaire was circulated to role players in order to gain an external overview of the work done by the organisation. A copy of the questionnaire is annexed marked "B". The results appear under paragraph 4.4 below.

Documentation produced by the organisation was perused and analysed. Documents included project proposals, agreements, reports (both narrative and financial), policy documents, Board and organisational meeting minutes. Extensive background material

was supplied by the donors, including reports on the election process, academic articles and policy documents. Newspapers were read daily during the evaluation, to obtain a picture of the current situation in Kenya.

A report back session was held with the organisation's staff at the end of the evaluation period, in order to discuss preliminary findings and give staff members an opportunity to provide any further information.

Extensive discussions were held with Sida and other donors in the sector.

4.3 Organisational History

CLEAN has not existed for very long. It was established in June 1996, some two years after the closure of the Legal Education and Aid Programme (LEAP), an organisation which was one of the leading NGOs in the field of public legal education. LEAP closed as a result of management problems and organisational difficulties, but some core staff started CLEAN in order to continue with the paralegal work which formed part of LEAP's vision.

CLEAN is a hosted organisation. This means that it has not registered as an NGO, a requirement of Kenyan law. The Civic Resource and Information Centre (CRIC) provides CLEAN with a legal base from which to operate.

The closure of LEAP resulted in some tension between the people involved. This has potential repercussions in the future, as the human rights NGO sector is relatively small, and good co-operative relations are desirable. At the same time, there is a fair amount of interaction between individuals, as trainers are used from various organisations to conduct training sessions run by other NGOs in the sector.

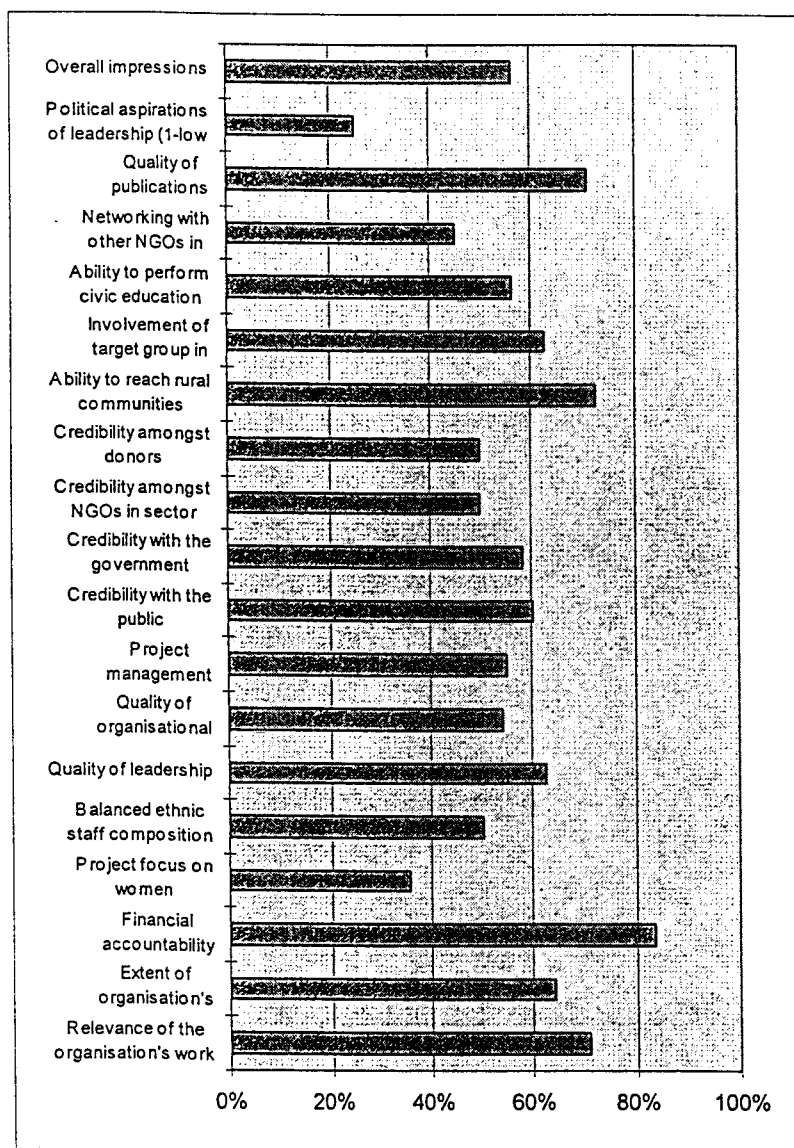
4.4 Reputation of the Organisation

The reputation of CLEAN is closely linked to its two founders, Okech-Owiti and Violet Mavisi. Okech-Owiti in particular is used by a number of NGOs for training purposes, and this is an indication of the good reputation which CLEAN has.

It is interesting to note that the choice of the name was not accidental. There was a desire on the part of the founders to make a clean break with the problems associated with LEAP, and to run a well-organised, efficient organisation.

The bar chart below provides an indication of the perceptions of CLEAN from a number of respondents drawn from the human rights, democracy and governance sector. The questionnaire (Annexure B) was forwarded to approximately fifty Organisations. Twenty five replies were received from 19 of these organisations. A copy of the circulation list is annexed marked "C".

Bar Chart showing results of External Questionnaire



5. The Project Sector

5.1 Political

The first multi-party elections in recent years were held in 1992. This was after the repeal of Section 2A of the Constitution, which had turned Kenya into a de jure one-party state. The repeal of Section 2A was seen as a loosening of the grip of the President and the ruling party, KANU. The result was that a number of NGOs were established in the period after 1992. The NGO Co-ordinating Act of 1990 paved the way for this surge in the formation of new NGOs. The Act was however also intended to control NGOs and its implementation has by no means been unproblematic. There are some NGOs which

were in existence in the period preceding 1992, but they were few in number and those critical of government were always under threat of closure.

Elections were held in Kenya on 29 and 30 December 1997. These were preceded by a period of unrest and political tension. Many NGOs and some parliamentarians came together in the National Convention Assembly (NCA) to push for major constitutional reforms prior to the holding of elections. However, in August 1997 a group of parliamentarians, including some involved in the NCA, formed the Inter Party Parliamentary Group, the IPPG. Some reforms were effected prior to the elections, as a result of the pressure exerted by the NCEC and the proposals of the IPPG. These minimum reforms allowed the elections to take place. Although the elections were marred by some violence and several allegations of rigging, the results have by and large been accepted, although the outcome of approximately 25 election petitions to court are still awaited. A number of the IPPG reforms have still not been given effect to some four months after the elections. This confirms for many their reservations about the government's political will to effect meaningful reform.

5.2 Constitutional Reform

Politics in Kenya does not appear to be issue based. Ethnicity is a major factor in determining party political loyalty and party agendas. As a result, the reform process is fluid and there is no clear reform agenda emanating from government or opposition parties. Government seems motivated by a desire to retain the initiative in the face of growing local and international pressure, and an apparent realisation that some reforms are inevitable. It appears to be a case of "the minimum we can get away with" and the retention of maximum political power for the President and those that fall within his patronage. Once the constitutional review process begins it may gain a momentum of its own. The participation of ordinary Kenyans and the pressure which they are able to bring to bear on the process may determine the nature and quality of the outcome. In this context civic education, concrete proposals for law reform and the public participation process are essential and deserving of increased donor support.

The vehicle for the constitutional reform process is still to be finalised. The Constitutional Commission Review Act was passed by Parliament in August 1997. It will however only come into effect once it is gazetted. At present, the Act provides for minimal involvement by the Kenyan population. No final date for completion of the review process has been set and a great deal of executive control over the process is retained. This Act is not acceptable to a significant number of politicians and members of civil society. An inter-party parliamentary committee was established on 3 April 1998 to review the Act and to suggest amendments. This may result in an Act which is more acceptable to all parties and which will introduce a process providing for meaningful public participation.

5.3 The NGO Sector

There are a number of NGOs operating in the field of human rights, democracy and good governance. As can be expected, the sector is highly politicised. Many of the people working in the sector hold views opposed to the ruling party, KANU. Some of the leaders of these organisations have been imprisoned in the past and still suffer harassment. As a result, there is a culture of suspicion and a reluctance to be open with information. Co-operation between NGOs is therefore limited. This situation is exacerbated by the perception that they are competing for limited resources. Questions

are raised concerning the motives of NGOs who are perceived to be linked to those in power and rumours of conspiracy are common.

The sector is also subject to personal and ideological divisions, with resultant difficulties regarding co-operation and collaboration around common objectives. The NGO sector is based in Nairobi, and there are many academic, social and political links between individuals. It is therefore not surprising to find that personal preferences and antipathies play a part in determining the nature, form and content of co-operation between organisations.

5.4 Donor Relations

Much of the donor support in this sector is undertaken in relatively small grants in a scattered approach as opposed to a clearly defined strategy and good medium to long term investments in terms of that strategy. The donors have their own objectives to achieve, in terms of the policy of the donor agency. This is linked to government policy in the case of government development agencies such as DANIDA, SIDA, DFID and the RNE.

Donor co-operation in Kenya within this sector is relatively well developed and the level of open interaction is commendable. This co-operation is on two levels:

- The Democracy Development Group (DDG) provides co-ordination at a policy level. High ranking embassy staff prioritise development issues so as to be consistent with their governments' policy considerations. Co-operation at a project level, where innovative mechanisms are required for delivery, is facilitated through the DDG. The Domestic Election Observation Project is an example of this.
- The Donor Group on Good Governance (DGGG) operates at a more practical level, sharing information on project partners and proposals, and occasionally responsibility for contract management.

Information sharing is generally very good and helps prevent duplication in project support and unnecessary competition between donors. Co-operation around project outputs occurs to a limited extent.

The DGGG is in the process of defining its role and structure. Further co-operation, particularly around streamlining of grant administration (see paragraph 6.5) and shared policy on issues of project partner accountability would benefit the sector (see paragraph 10.9).

6. Project Preparation and Planning

6.1 New Project Development

6.1.1 In Kenya Generally

Most NGOs in Kenya at present appear to submit multiple proposals for multiple projects to multiple donors, resulting in mountains of paperwork and administration for both NGOs and Donors. The proposals have to be read, analysed, accepted or rejected. The problem is exacerbated by funding proposals which are very bulky and lack a clear

discernible focus in terms of well thought out strategic objectives. As a result Donors are forced to get involved in the redrafting of proposals and there is often a series of meetings between donors and organisations around projects which are considered to have potential. Organisations, under pressure to provide proposals which comply with donor requirements and expectations, may find themselves committing to activities and time frames which are not achievable. This process of rewriting and resubmission of the original proposal can lead to fund raising initiatives being more donor driven than is desirable. The resultant time delay also often leaves the project with less than a year to achieve a project designed for twelve months, alternatively several months of unfunded and unavoidable core costs. The pressure causes a drop in the standard of output and often results in activities being carried over to the following year, which of course perpetuates the problem.

Two main interventions are required. Firstly with the NGOs we recommend that training is provided in planning methodology such as the Logical Framework Approach ("LFA"). It is imperative however that the LFA be used as a tool towards better planning rather than as an end in itself. For this reason and to ensure that the LFA tool is properly understood, it is recommended that a facilitator skilled in LFA and with knowledge and experience of the sector, be contracted to provide this training. It is imperative that the facilitator is able to assist in the practical application of the methodology. Secondly by the Donors, we recommend that they produce a framework for the sector in line with broader country frames, which sets out clear strategic goals and focus areas in terms of which NGOs can plan specific projects, aimed at achieving one or more strategic goals.

6.1.2 CLEAN

CLEAN prepared a 'master' funding proposal, which forms the basis for all subsequent proposals. The subsidiary proposals have to be read in the context of the original proposal, with the result that new proposals are not selfstanding. Proposals are presently prepared for each preparatory workshop and each training workshop, in other words, for each and every activity run by CLEAN. This requires a great deal of work on the part of the organisation itself and also on the part of the donors. However, these proposals are now somewhat standardised. Nevertheless, time, effort and paper is expended in the drafting of these detailed proposals.

6.2 Proposal Preparation and Amendment

The consistency of the work done by CLEAN means that proposals follow the same format, with specific differences reflected in the budget prepared for the particular area.

6.3 Budgeting

CLEAN has been able to provide fairly specific budgets, partly due to its status as a hosted organisation and partly because it is an organisation with limited activities. The agreement with CRIC means that the overhead costs of CLEAN are raised by CLEAN and paid to CRIC. This is an easy situation for CLEAN, which reduces its administrative burden.

It is perhaps unrealistic to budget in this way, as CLEAN's administrative costs may not reflect actual costs. It is more cost effective to run an organisation as a programme of

another organisation, but care must be taken to ensure that the host organisation does not subsidise CLEAN.

6.4 Funding Cycles

Funds are received at different times from different donors. This results in cross-subsidising of projects, as funds are taken from one account to pay for expenses incurred in a project where funds have not been received. This has dangers, as funds may not be received at all for the project in question, in which case the organisation has expended funds for an unauthorised purpose.

There are a number of reasons for this situation arising. The proposal may not be submitted in an acceptable format, resulting in rewriting and resubmission. There may be delays on the donors side in processing the proposal. The donor may require an evaluation to be done before additional funds are allocated.

CLEAN has few funders and limited activities. Specific proposals are drafted for specific activities, with the result that there is a very tight relationship between funds received and activities run. This is commendable, and it is to be hoped that this will continue if CLEAN's activities expand.

However, as a hosted organisation CLEAN is not completely exempt from difficulties caused by funding cycle problems. CRIC has a number of accounts, some of which are for CLEAN's activities. Funds do flow from one account to another.

6.5 Donor Strategy

Much of the donor support in this sector is undertaken in relatively small grants in a scattered approach as opposed to a clearly defined strategy and good medium to long term investments in terms of that strategy. The donors have their own objectives to achieve, in terms of the policy of the donor agency. This is linked to government policy in the case of government development agencies such as DANIDA and SIDA.

A number of issues are relevant when considering the impact of donor strategy on both donors and recipient NGOs. These are:

- donor administration of multiple grants
 - format of proposals
 - joint funding of projects
 - sub-contracting management of small projects
 - funding consortium of NGOs to deliver programme or project outputs
- funding of administrative overheads
 - core funding provided by single donor
 - fixed percentage for administration

- project proliferation within NGOs in order to cover administrative costs
- manipulation of project output budgets

Donor administration of multiple grants

Provided the donor objectives and time frames are clearly defined and made available to potential grantees, and provided the NGO community becomes more skilled, focused and specific in its proposal writing, Donors and NGOs should be able to cut down considerably on their current administrative burden. The effect hopefully is less frustration, increased efficiency and more time for the actual delivery of project outputs.

Joint donor funding can either be for a particular NGO or for several NGOs involved in a particular project or programme. The Domestic Observation Election Project provides an example of several donors pooling their resources which were disbursed to different organisations for different parts of the same project. This provides a mechanism for donors to disburse a large amount of funds, achieving significant impact while sharing the administrative responsibility. This assumes there is effective co-operation between the NGOs.

In order to relieve donors of the administrative burden associated with small grants, one or more donor could provide a lump sum to another organisation (alternatively a new organisation) which will disburse funds to micro projects according to agreed criteria. For ease of reference this is referred to as a "disbursement fund". Donors need not contribute more than a small percentage of their total development aid package and could still retain control of those projects and initiatives which they consider important. Disbursement funds have been established successfully in South Africa, where organisations disburse funds provided by a number of different donors, according to agreed criteria. This service includes the receipt, assessment, and redrafting of project proposals, again in terms of agreed criteria. Capacity building is a further time-consuming activity currently undertaken by donor staff. This too could be part of the work done by the contracted organisation.

The scattered approach is important in that a number of diverse projects can be supported and new ideas given the space to grow. This promotes an innovative and lively civil society. The disbursement fund concept retains these positive ideals but in a more manageable and in a more co-ordinated and sustainable way. The capacity development component which is so important and which is performed to a limited and piece meal approach by some donors, needs to be enhanced. Capacity development is especially important in Kenya where civil society is a relatively young and rapidly growing phenomenon. The disbursement fund model ensures that by the time a project or organisation is ready to receive larger grants and approach donors directly, it will be far better equipped to do so in a manner and form which is more focused and less burdensome on the donor. A disbursement fund could also be the foundation for developing regional NGO expertise in collaboration with international experts. The organisation could undertake training, and evaluation work. This would provide a lasting impact on the organisations in this sector, assisting in developing the focus which is currently lacking and also exploiting the opportunities for regional development work.

It is also possible to sub-contract the management of specific grants, both large and small. This can be done through a tender process, where an organisation charges an

agreed fee for this service. It may be necessary to create capacity within an existing organisation to provide this service or to establish a new organisation. Should donors agree to support a disbursement fund, the same organisation could also provide management services in relation to specific grants.

Funding of administrative overheads

It is often the case that one donor funds the core costs of an organisation, with other donors only contributing to the costs of specific projects run by the organisation. This scenario is repeated within different organisations with different donors playing the lead role and it is possible that in the final analysis the contributions level out fairly. It is however also feasible that there are some donors who never share the core cost burden, and who are therefore benefiting unfairly. Donor co-operation and agreed operational guidelines would ensure equity and decrease the need for organisations to undertake multiple projects for which they may not have the capacity, in order to cross-subsidise and make up sufficient administration budgets to cover their core expenses.

The practice of trying to extract fixed percentages from project budgets for core administration is wholly unsatisfactory. Projects with large budgets may contribute large amounts to core costs even when the administration burden is relatively small. Inversely small budget projects might be extremely burdensome and be contributing far less than they ought to core costs. Projects budgets should include an administrative budget which is fair in view of the administration burden created by the project.

For a fixed percentage to be set by donors is also not realistic or fair. 15% of a budget which includes some capital expenditure or distribution of large sums of money on a once off basis, may be sufficient. On the other hand 25% of a project which includes few large payments and in which the administrative burden is high, may be hopelessly inadequate.

NGOs prepare a number of project proposals. The organisation can calculate its administrative overheads, and allocate appropriate amounts to the projects for which it is seeking funding. If administrative costs are carried by the project budgets, then serious difficulties can arise if all projects are not funded, as there will be a shortfall of the administrative costs allocated to that particular project. In addition, projects begin at different times and budgets often need to be adjusted during the life of the project. This causes difficulties for the organisation with regard to its administrative costs.

Another mechanism used by NGOs to deal with this issue is to manipulate project budgets. This means that certain items may be inflated so that core costs, which donors refuse to support, are catered for under a different line item.

There are many ways to deal with the problem of administrative costs. However, it is clear that there is a need for donors to re-assess their policy in this regard. At present, NGOs have to manipulate their project budgets, raise funds for more projects than they can realistically manage, or persuade one donor to support all their administrative costs. These are not solutions to the problem, but rather mechanisms for resolving a difficult situation which is caused by a myriad of factors not least of which is the donors' need to comply with their own central policy requirements.

6.6 Recommendations

The working relationship between the NGO sector and the donor community needs to be improved. The donors need to be clear on their requirements, preferably through written documentation such as criteria for funding. Where there is a five year plan for the donor agency, this needs to be communicated to potential recipients, together with any annual revision. A clear modus operandi for project proposals, reviews and time frames needs to be established.

There is a need on the part of the NGO to develop clear and concise objectives, and strategies for achieving these. The key is for the organisation to identify what it seeks to do, and then be true to itself when conceptualising new projects. Donors should receive clear project proposals with objectively verifiable outputs and activities which support these, not documents containing statements of intent from which the donor identifies a few attractive parts to fund.

CLEAN has now existed for long enough to produce a composite proposal covering activities for a full year. This would include a needs assessment and preparatory workshop for a particular area, followed by a training workshop.

Further assessment of the PLNs is suggested, in order to establish the requirements for the effective running of these networks, and their outputs. In order for this to be done, however, the PLNs would have to be sufficiently resourced.

7. Project Descriptions

CLEAN is an organisation with a very specific objective, and its activities are geared to achieving this objective.

7.1 Development Goal

The capacity of the rural and urban poor to meaningfully participate in the development of a democratic socio-political environment is enhanced, by creating legal and general civic awareness and by developing mechanisms for social action.

7.2 Project Purpose

Communities in Kenya are aware of and are able to assert their rights, dealing with most cases on their own, through the establishment of paralegal networks.

7.3 Key Outputs

- PLWs are trained to provide basic legal services (paralegal training programme)
- The rural and urban poor are able to develop mechanisms for social action (establishment of networks of PLWs)

7.4 Activities

Training programme:

CLEAN runs training programmes for PLWs in different parts of Kenya. These programmes are run over fairly short periods, generally seven days in total. Participants are drawn from the communities themselves. CLEAN does however suggest that certain criteria are used when potential PLWs are selected. These criteria include the following:

- live or work in the community
- be prepared to work as a volunteer
- be accessible and approachable
- honest
- ability to read and write in English and Kiswahili
- respect confidentiality
- be a good communicator

In addition, CLEAN raises the issue of gender, so that communities are encouraged to include women in the group of trainees.

Material is sent to participants two weeks before the training, with the expectation that they will be able to prepare for the training.

Participants are also asked to assess the problems faced in their communities, and to apply the material they receive to these situations. At the beginning of the workshop, participants describe all the issues in plenary. These are then categorised according to type (economic, social, legal and so on) and the legal issues are then prioritised for the rest of the training programme.

The methodology used in these workshops is highly participatory, with the participants providing the direction and much of the content of the workshop. The notion is that people know many of the answers to the problems themselves, merely requiring the facilitators to provide a framework and a process so that the solutions can be worked out.

Establishment of networks:

The establishment of networks is dependent first of all on the existence of a trained group of PLWs. After the training is completed, the newly trained PLWs are asked if they want to set up a network which is linked to CLEAN. The PLWs elect a co-ordinator who is responsible for collecting information from the PLWs and submitting this to the CLEAN office.

The co-ordinators of all the networks collectively form the COBNEC (Community-based Network Co-ordinators)

7.5 Assumptions

There are a number of assumptions underlying CLEAN's project purpose. The first is that rural and urban poor communities will in fact be able to meaningfully participate in the development of a democratic socio-political environment through the provision of paralegal services. This presupposes a further assumption, namely that PLWs will be able to conduct civic awareness programmes on the basis of the training they receive, and furthermore that there is a desire for civic awareness programmes amongst the target communities.

A further assumption is that the communities are able to initiate social action through the establishment of PLNs.

There is a basic assumption that CLEAN will be able to continue with its work, that it will be able to be hosted while it waits for registration, and that there will be no intervention in its activities by the authorities.

7.6 Target Groups

The target group for training is the group put forward by the particular target community. The whole emphasis is on community-driven training, so that the participants are those members of the community in whom the community has trust.

The ultimate target group is very wide, comprising all poor communities in the country, both urban and rural.

7.7 Components

There are two aspects to CLEAN's programme. The first is the actual training of PLWs, and the second is the establishment of networks of PLWs. The organisation is small enough not to need departments or different programmes.

7.8 Financing

CLEAN raises funds from a relatively small number of donors. This is to be expected in an organisation of its size. There are sufficient donors for CLEAN not to be too dependent on any one donor, and at the same time the size of each grant is large enough for CLEAN not to have spend too much time managing the various grants.

7.9 Project Organisation

CLEAN has a very small staff, with the result that there is no separation of activities. Again, this is to be expected given the narrow scope of its work.

In addition, CLEAN is hosted by CRIC, with the result that its administration is taken care of by CRIC. The staff at CLEAN are virtually self-sufficient, with very little assistance required from CRIC beyond the financial administration and the allocation of office space.

7.10 Project Planning Matrix

In an organisation which receives funding from several sources for the same programmes, it is advisable to have a very clear understanding of which activities are funded by which donor and how these activities relate to each other in promoting the higher objective. The project planning matrix (PPM) is a useful tool in graphically and clearly illustrating this inter-relationship. The PPM flow chart (Annexure E) is an attempt by the evaluator to place one project (paralegal training workshops) in a programmatic context for CLEAN. The project objectives are set out in the third column and these are related back to the programme objectives set out in the second column. The second column also indicates which other complementary projects are being funded within the programme. The Programmes are related back to the Organisation objectives which give a broad overview of CLEAN's Vision, Purpose, Outputs and Activities.

The use of PPM flow charts not only helps donors and others to understand a specific project in terms of other projects and the broader organisational objectives, but also helps the organisation to be true to its core business by forcing it to justify new project development in terms of its existing objectives. In short it promotes a logical approach to project design.

It is possible and indeed desirable for each Programme within the organisation to have its own clearly defined PPM. An attempt by the evaluator at assimilating the 1996 and 1997 project proposals into programme objectives is set out in Annexure D. The importance of this Programme Planning Matrix, apart from focused planning, is firstly as a basis for team work and fostering individual staff responsibility and secondly as a management tool for Programme staff to co-ordinate and evaluate the activities for which they are ultimately responsible on a regular and on-going basis.

CLEAN has utilised the LFA for its planning processes. However, it seems as though the initial exercise has not been re-assessed, with the result that it is not used as an ongoing evaluation tool.

7.11 Findings of Previous Evaluation

CLEAN was evaluated in November 1996, four months after it began operations. This evaluation made the following observations:

- The plans of CLEAN were very ambitious for an organisation at its early stage of development, and some 'reality testing' would assist in making its plans more realistic. This point was made with particular reference to CLEAN's plans to train, support and network paralegals across the country.
- A pilot programme in a defined geographical area was suggested as a way of testing the methodology used by CLEAN. In this connection, an exchange visit to a country where paralegal training has been established for some time was proposed.
- The participatory methodology used by CLEAN was identified as a particular strength of the organisation.

- An assessment of the training needs of the participants in the training programme would enable the training to be more targeted and focused, and therefore more appropriate to the particular group.
- The aspects of CLEAN's work after training require further strengthening. These would include support to paralegals after training, as well as organisational and legal support. It was recommended that the selection criteria be re-assessed, and that the assessment of the conditions, needs and priorities in each community be more extensive. The question of the extent of the follow-up and support provided to paralegals was raised as an issue to be addressed.
- The use of CLEAN personnel by other NGOs in their training programmes was mentioned as a possible source of income for the organisation.
- The need for networking amongst PLWs was raised by CLEAN. The comment by the evaluator was that difficulties were experienced by a number of human rights NGOs when attempting to network effectively, and that smaller, more focused and practical networking efforts were more appropriate.
- The training material used by CLEAN needed to be revised. This could be done in conjunction with other organisations and result in the sharing of skills and experience.
- The evaluator recognised CLEAN's leadership as enthusiastic and capable. However, the twin dangers of broad aims and ambitious goals require a more focused and realistic direction for the organisation.

8. Project implementation and Performance

8.1 Activities planned and performed

Detailed schedules of all CLEAN's outputs and activities are set out in Annexure "D"

8.2 Analysis of performance

Paralegal training

During the period November 1996 to December 1997 5 training workshops were held, training a total of 150 PLWs. This figure, if extrapolated over three years, gives a total of 450 PLWs trained.

The initial contact with a community is through a contact person who assists in arranging the preparatory workshop. This workshop is held with a small number of local community leaders who take responsibility for selecting the people to be trained.

Material is sent to the participants before the training. They are requested to read the material and to identify problems within their community. They are further asked to apply the material they have read to the problems they have identified.

The workshop begins with introductions and expectations. Problems facing the community are raised in plenary. These are then classified according to categories such as legal, political, social and economic problems. The legal issues are highlighted, and small group discussions held on how to resolve these issues.

The participants break into small groups for discussions on legal issues identified in the plenary. The joint co-ordinators of CLEAN act as facilitators - they move from group to group giving guidance and information where required.

The emphasis is on a participatory approach, with the point being to solve the problems. It may be that dispute mechanisms other than the legal process are found to be more appropriate to resolve the particular issue. The focus is on assisting the participants to solve problems using their existing knowledge, and then to add legal knowledge to this. Law is seen as one way of resolving disputes.

Basic drafting techniques are taught through exercises.

Paralegal Networks

The establishment of PLNs depends first of all on the existence of trained PLWs. At the end of the paralegal training, participants are asked if they want to set up a network which will be affiliated to CLEAN. A co-ordinator is elected from amongst the participants, and they decide themselves how often they plan to meet in the future.

The co-ordinator is responsible for keeping in contact with the CLEAN office in Nairobi, and keeping in touch with the PLWs. This is a difficult task, as there are few resources and the areas covered by the PLNs is large.

8.2.1 Sample analysis

It was unfortunately not possible to attend a paralegal training workshop during the evaluation period. However, from the reports it is possible to get a good idea of how these workshops are conducted. The workshop methodology is discussed in paragraph 8.2 above.

The PLNs were not visited, but discussions were held with one of the PLN co-ordinators. From this discussion, it was clear that the PLN was effective in the area as a result of other initiatives and activities in the area. A number of development projects and CBOs exist, and these together with the PLN are able to make a real impact on the community.

8.2.2 Sample Material

The material used in the training is the same material that was used by LEAP. Most of this material was developed in 1993, and now urgently requires to be updated.

The material comprises photocopied handouts covering a variety of topics. Some of these are produced in plain language, and are therefore more accessible. However, the material is generally written in legal language without the use of case studies or other methods of explaining complex issues.

The co-ordinators submit reports to the CLEAN offices. These are generally handwritten, and there is no standard format. A great deal of information is contained in these reports, but they are difficult to read and analyse.

The contact between the CLEAN office and the PLNs is sporadic. This raises some concerns regarding the capacity of CLEAN to provide effective support to the PLNs. However, it appears clear that there is enthusiasm on the part of the PLWs and the PLNs, and this should not be discouraged or lost.

8.2.3 Shortcomings

The material is urgently in need of revision and consolidation. There is an issue regarding the copyright of this material, as it was produced for LEAP and the closure of LEAP has not finally been resolved.

Further material needs to be developed once an analysis of the needs of the PLWs has been undertaken.

The training is too short to provide PLWs with basic legal skills. If the PLWs are intended to resolve disputes in their communities, training in negotiation skills may be appropriate.

The reporting process needs to be revised and improved. Information is presented in a variety of formats, with the result that it is impossible to analyse it. It may be possible to read the reports at present, as there are a limited number of PLNs, but as the networks increase in number this will become increasingly difficult. In any event, there is a great deal of information which could be usefully collated, and which would provide figures which would assist in substantiating project proposals.

8.3 Conclusions and Recommendations

The output of training between 720 and 960 paralegals over a three year period is clearly over-ambitious. On the current basis of training, a total of 450 PLWs would be trained over a three year period. It is important to set realistic objectives, and this objective should therefore be re-assessed and adjusted accordingly.

As described above, if basic legal skills are to be provided to poor rural and urban communities, then the PLWs need to be given these skills. This is not the case at present, at least, not in the sense of paralegal training given in other countries.

The material provided to trainees needs to be revised urgently. A variety of methods such as case studies and examples should be included in the material so that the issues covered are more accessible to the trainees.

Reporting forms from the co-ordinators need to be standardised in a clear format so that information can be easily obtained and analysed. It should be possible to input data from the PLNs into a database, so that at any stage computer-generated reports can be produced which inter alia provide figures of workshops and meetings held, number of people attending, and issues covered. This would provide an invaluable resource not only for CLEAN and civic awareness programmes, but also for other development projects.

9. Achievement of Objectives, Effects and Impact

9.1 Analysis of Explicit and Implicit Project Assumptions

Assumption: The rural and urban poor will be able to meaningfully participate in the development of a democratic socio-political environment.

This assumption is at the core of all civic awareness programmes and is key to development work internationally. It is difficult to assess the validity of this assumption without detailed research. However, it may be possible to gather information on this issue through well constructed reporting forms. The participation of poor communities in the constitutional reform process would be a suitable test of this assumption.

Assumption: The PLWs are able to conduct civic awareness programmes as a result of their training.

The experience of the election period indicates that this is a valid assumption. The PLWs conducted voter education workshops in their areas during the pre-election period. There was a desire on the part of the communities to have these workshops, and it is likely that this will continue in the period of constitutional reform.

Assumption: CLEAN is able to be most effective by operating in a low-key manner.

This goes to the modus operandi chosen by CLEAN. The organisation has chosen to engage with grassroots communities in a way which empowers those communities without raising the profile of the organisation itself.

It is unclear whether this modus operandi will continue to be possible. It may well have been a strategic decision in a time of great political uncertainty. While the political uncertainty may continue for the foreseeable future, the sector is becoming more competitive and for this reason it may not be possible for CLEAN to continue to function in a low-profile manner.

Assumption: The PLWs are able to provide basic legal services after their training.

This assumption is unlikely to withstand interrogation. It is true that there have been very few requests to the CLEAN offices for legal assistance by the PLWs. However, this could be for any number of reasons. The PLWs are encouraged in the course of their training to choose the most appropriate dispute-resolution mechanism available for the particular problem. Given the constraints facing the legal system (overload of the court system and allegations of corruption) it is likely that PLWs will choose other dispute-resolution mechanisms before turning to the formal legal system.

The amount of information provided during the training, and the duration of the training itself, make it difficult to accept that the PLWs are in reality equipped to provide basic legal services to their communities.

9.2 Analysis of Objectives

9.2.1 Compatible

CLEAN does not have a wide range of activities or objectives. For this reason, its objectives are linked closely to its core business. This is a strength of the organisation, as it focuses only on its main objectives.

9.2.2 Realistic

The objectives of each proposal prepared by CLEAN are certainly achievable. However, the overall objective of establishing networks across the country would require a much greater infrastructure than presently exists.

9.2.3 Relevant

The objectives of CLEAN are certainly relevant to the situation in Kenya today.

9.3 Achievement of stated Objectives

Development Goal

The capacity of the rural and urban poor to meaningfully participate in the development of a democratic socio-political environment is enhanced by creating legal and general civic awareness and by developing mechanisms for social action.

CLEAN has succeeded in training a significant number (approximately 150) of PLWs in the short period of its existence. This in itself has a ripple effect, as the PLWs are able to assist their communities by resolving disputes and engaging with the authorities. The effectiveness of the PLWs can be seen in the period preceding the general elections of December 1997. The PLWs conducted civic awareness workshops and voter education in this period. The information supplied by the PLWs on their work is not provided in an analysable format, but reports were received by CLEAN of the work done in this period.

The PLNs are able to function effectively where there are already existing community-based organisations (CBOs). The PLN cannot by itself effect change of the kind envisaged by CLEAN. However, if there are other initiatives in the area, such as development projects, civic organisations, church groups and other CBOs, then the PLN can provide a specific legal and civic awareness component which is necessary if change is to be effected.

Project purpose

Communities in Kenya are aware of and are able to assert their rights, dealing with most cases on their own, through the establishment of paralegal networks.

Awareness of rights is increased through civic education programmes. However, the ability of communities to assert their rights is a long-term process, involving many

other aspects apart from awareness of rights. Communities need to feel empowered in order to assert their rights, and this is part of development more generally.

The ability of the PLNs to deal with most cases on their own has not been verified. It is unlikely that PLWs will have sufficient legal skills to resolve cases on their own. However, it may well be that other mechanisms of dispute resolution are more appropriate, and more effective.

9.4 Cost Effectiveness

CLEAN raises funds for specific initiatives, and there is a close relationship between the cost of the initiative and the funds raised. There is limited need for core funding, as CLEAN has a very small staff which is part-time or voluntary. CRIC assists with administrative aspects, although CLEAN does contribute to these costs. At present, the organisation provides a cost effective intervention in the area of paralegal training. However, if the recommendations are taken forward, costs would increase as a result of more substantive training and the development of materials, as well as the need to provide some resources to the PLNs.

9.5 Conclusions and Recommendations

CLEAN is able to achieve its objectives and to be effective as an organisation because it has a single focus. Its activities are directly related to the achievement of its project purpose.

10. Project Organisation and Management. (Administrative Issues)

10.1 Centralised Management

CLEAN is managed de facto by Okech-Owiti, although there are two joint co-ordinators in terms of its structure. The personnel is however very small, and management issues at present are not significant.

10.2 Charismatic leadership

CLEAN has a charismatic leader, like many other NGOs in Kenya. This is to be expected, as it is often necessary for a person with vision to provide the initial impetus and drive to start an organisation. Charismatic leaders do not always make good managers. It is, in CLEAN's case, impossible to assess management style in terms of management of staff. However, there is a commitment to decentralised decision-making as far as the PLNs are concerned.

10.3 Project hosting

Amongst NGOs in Kenya there is a lack of a clearly defined purpose regarding the hosting of organisations. The need for hosting is understood in terms of the government's registration requirements. However hosting should as far as possible be undertaken with clear strategic objectives in mind, and preferably only where the impact on the core business of the host is likely to be positive. The administrative burden, the

potential legal liability and impact on the organisation's reputation militate against indiscriminate hosting.

CLEAN is itself a hosted organisation. This has however not precluded it from hosting additional projects, the youth group at Matumaini being a case in point. This organisation operates in a similar way to the PLNs, but has its own budget. The funds are held in a CRIC account but it is overseen by CLEAN. The youth group is in line with CLEAN's core business.

10.4 Organisational Structure

The structure of CLEAN needs to be viewed in two different ways. The first is the office itself and the second is the structure of PLNs. CLEAN is viewed as one of CRIC's programmes. For this reason, the Board of Directors of CRIC is the overall body responsible for CLEAN. However, in reality CLEAN functions autonomously.

The office has two part-time joint co-ordinators, and two interns, one of whom has recently joined the organisation. The co-ordinators share responsibility for the organisation, although Okech-Owiti is physically present in the office on a virtually full-time basis. Violet Mavisi assists in running training workshops, but is not available at the office on a daily basis.

The interns assist as and when necessary, and prepare documentation for funding proposals and reports.

The PLNs form a complex system of committees in a hierarchical structure. It is difficult to assess the effectiveness of this structure, as these groups do not meet because of funding constraints.

There is an annual conference attended by representatives of all PLNs, including those set up by other NGOs. This conference has potential to be a real driving force in the paralegal movement, as it is a forum which may be able to debate and discuss issues facing the movement as a whole.

10.5 Management Style

The management style is one of self-sufficiency. Each staff member prepares their own documentation and does their own work. There is thus limited need for management.

Where the PLNs are concerned, the style is one of participation, consensus and decentralised decision-making. For example, the group of PLWs themselves decide when to submit reports to the CLEAN offices.

CLEAN is very much linked to its founders, Okech-Owiti and Violet Mavisi. Okech-Owiti is present in the office (he is on leave from the University where he is a lecturer), while Violet works from her law office, as she is a practicing advocate.

10.6 Personnel

CLEAN has a staff component of four, comprising two part-time joint co-ordinators and two interns. The administrative functions are carried out by CRIC, where CLEAN has its office.

The financial administration is done by CRIC's financial administrator, and the receptionist at CRIC takes messages for CLEAN. This is the extent of the assistance which CLEAN presently requires.

10.7 Procurement

Because CLEAN is defined as a programme of CRIC, it uses CRIC's procedures for procurement.

CRIC has a Financial Regulations Manual. This is a lengthy and comprehensive document, but is not necessarily appropriate. For example, there is no absolute obligation to obtain quotes for items costing up to Ksh 50,000 - CRIC will "strive" to obtain quotations. For items costing between Ksh 50,000 and 200,000, the approval of the CEO (in consultation with the "Departmental heads") is required. However, there is still no obligation to obtain quotes. For amounts of more than Ksh 200,000, the CEO must consult with the Central Administrative and Programme Group, again with no obligation to obtain quotes. This structure is not mentioned anywhere else in CRIC's documentation, and no clarification is given in the Financial Regulations Manual.

10.8 Accounting

The Financial Administrator of CRIC manages the finances of four different structures hosted by CRIC. There is CRIC itself, and three 'hosted' organisations. This results in work overload, and inability to keep the books up-to-date. The auditor, while doing the books for 1997, had to do a fair amount of the accounting as well.

The system is partly computerised, but not fully. The Financial Administrator has insufficient time to input data into the system, and some further training may be required.

Separate bank accounts are kept for each donor and for each organisation. Thus CLEAN has separate accounts for each of its donors, as does CRIC. This results in excessive accounting procedures on the part of the organisation.

CLEAN does not have full-time staff members. Both its joint co-ordinators prefer to be employed on a part-time basis. This means that no tax is deducted from amounts paid to the co-ordinators. Care needs to be exercised to ensure that CLEAN abides by tax requirements.

10.9 Relationship between Project Partners (donors and NGO)

There is no clear strategy on the relationship between CLEAN and its donors. The donors are in contact with each other informally and through the DGCG, and CLEAN engages with each of its donors separately. This situation is compounded by the fact that contracts are signed between CLEAN's donor and CRIC, as CLEAN is hosted by CRIC.

Joint meetings between CLEAN, CRIC and all donors may assist in defining a clear donor strategy for CLEAN and the work it does.

In addition the donors do not have established communication channels with the auditors. Direct communication with the project auditors would assist the donors in getting a clearer picture of financial management and other management issues.

10.10 Monitoring and Evaluation

The major mechanism for monitoring of the work of CLEAN is through an annual conference attended by PLWs from all over the country. This conference provides an opportunity for all those involved in paralegal work, not only those trained by CLEAN itself, to assess the effectiveness of the work they have done and to plan for initiatives in the future.

CLEAN staff visit target areas both before and after training. The preparatory workshop is intended to provide necessary information to enable the trainers (the joint co-ordinators) to prepare for the training workshop itself.

The follow-up visits are intended to identify areas where PLWs need support and assistance. Due to funding constraints and human resource limitations, it is not possible for the CLEAN personnel to visit the PLNs regularly.

The co-ordinators of the PLNs send in reports to the CLEAN offices. These reports give details of work done by the PLWs in the network, and are a rich source of information. However, the format is not consistent, and they are generally hand-written, thus making it difficult to access the information contained in them. As the number of PLNs increases, it will become increasingly difficult for the joint co-ordinators to assimilate the information contained in these reports.

The reporting requirements of the donors is a good way of ensuring that some evaluation is done on a periodic basis. However, the format of the reports, while providing a great deal of information, does not provide an accessible evaluation mechanism. It would be interesting and useful to analyse these reports with a view to improving the training provided by CLEAN and to assess the level of support required after training.

10.11 Reporting

The reporting on projects and monies spent is generally adequate, in that most information is contained in a report. However, improvements could be made in terms of layout and clarity of information. A great deal of information is contained in the reports, which thus provide a valuable resource. However, reporting for donor purposes should be discussed with the donors, so that unnecessary detail is omitted, resulting in less work required on the part of CLEAN personnel.

At present, reports are compiled after each activity. This is linked to the necessity of raising funds for each activity, and results in many reports being produced.

10.12 Conclusions and Recommendations

The annual paralegal conference should be looked at as a possible forum for the debate of paralegal issues. The organisations with paralegal programmes have not, generally, been in existence for very long. This means that there is no clear demarcation of territory between the organisations, although there is a sense that competition is increasing.

It would certainly be worthwhile trying to prevent some of the territorial battles which have occurred elsewhere by utilising a national forum to debate common issues.

Reporting mechanisms for the PLNs need to be standardised so that necessary information is easily provided by the co-ordinators and easily assimilated by the joint co-ordinators. This will in turn enable the training programmes to be better designed and more appropriate to the specific needs of the particular PLN.

11. Future Operation and Development of the Project

11.1 Sustainability of Project Outputs

The paralegal training provided by CLEAN does not equip the PLWs with legal skills per se. Rather, PLWs are encouraged to identify appropriate mechanisms of resolving problems, with a legal solution being only one of these. It is however unlikely that PLWs are able to identify which problems are best solved through the legal process. A focus on extra-judicial solutions may be appropriate in Kenya, where the legal process is time-consuming and allegations of corrupt practices abound.

If PLWs are expected to provide basic legal services, then additional training is required. It is unrealistic to expect anyone to be able to provide anything more than commonsense advice on the basis of a training programme which lasts one week.

The networks have not taken off in all areas. It is however notable that PLNs do exist in a number of areas, and that some of these have been in existence since the days of LEAP. This does give some indication of the potential of these networks to provide additional support to the PLWs, and to assist each other.

11.2 Institutional Capacity

The organisation at present has limited capacity. Its personnel are highly competent, and it is remarkable what can be achieved with such limited staff. The day-to-day running of the organisation is done essentially by one person, with some assistance from the intern. Both joint co-ordinators attend the training sessions.

11.3 Organisational Sustainability

CLEAN is dependent, in an institutional sense, on the survival of CRIC. However, it was made clear to the evaluator that the relationship with CRIC was a practical one, and that should it be desirable to do so, CLEAN would be able to relocate.

11.4 Replication of Outputs

The idea behind the paralegal training and the establishment of PLNs is that these structures will be self-sustaining and replicating. The purpose is for paralegals within communities to receive training which then equips them to deal with issues facing their communities. The networks form a structure for sharing experience and information, and strategies for self-sustainability. The level of support from the CLEAN offices is perforce limited, and thus the networks form an integral part of the structure conceptualised by CLEAN.

The PLWs run civic awareness workshops, and these in turn are intended to result in an aware citizenry which is able to engage in social action in order to assist in the democratisation process. The PLWs were actively engaged in voter education during the latter part of 1997, participating in this way in the democratisation of Kenya.

11.5 Future Development Assistance

It is certainly possible to continue and indeed extend the development assistance given to CLEAN. However, it should be borne in mind that it is able to function as effectively as it does at least partly because it is so focused and has so few staff. It has not had to deal with any organisational issues, because it is a hosted organisation.

The question is whether CLEAN should be encouraged to form an independent organisation, or whether it should continue to be a hosted organisation. The personnel at CLEAN are aware of the advantages in being hosted - there is a real sense that they are able to get on with the work, without having to deal with administrative and organisational issues. This may not be possible should the organisation increase in size.

11.6 Conclusions and Recommendations

Expansion and growth put enormous pressures on any organisation, and it is best if growth is slow and managed. CLEAN has the potential to provide good services to its PLWs, but at present runs the risk of being overextended. The answer is not to simply acquire more staff and more resources - the methodology needs to be assessed and interrogated.

12. Possible Need for Further Analysis

12.1 Paralegal Training

The place and function of paralegals in Kenya needs to be analysed. There is currently discussion regarding the introduction of a legal aid system in the country, and Kenya has the opportunity of incorporating paralegals as part of a legal aid system from the outset. There is thus a direct overlap between the development of a paralegal sector with the development of a legal aid system which aims at providing access to justice

Paralegal training has been conducted for many years in other countries, and it would be wise to investigate in detail the experiences of these countries so that Kenya can benefit from them. It is of course important to note that each country is different, but there are

valuable lessons and expertise which can be drawn upon. The development of a paralegal curriculum is an example of one area where it would be useful to have access to other countries' experience. Malawi is currently engaged in a project whereby state personnel will be trained in paralegal skills. South Africa, Namibia, Zimbabwe and the Philippines all have extensive experience in the development of the paralegal sector from an NGO perspective.

It would be useful to engage with other organisations in the paralegal sector, so that there is reduced competition and increased impact on target communities.

12.2 Network Operations

The PLNs provide a useful resource for their communities. However, it is recommended that the conditions where these PLNs are able to exist and be self-sustaining need to be identified. It may be that a specific research project is needed to establish this environment. This is of importance not only to the paralegal sector, but to the development sector generally. The PLNs form part of a group of development initiatives which collectively are able to impact on a particular area and thereby make a real difference to the lives of the people.

13. Summary of Main Findings, Conclusions and Recommendations

13.1 Organisation

- The organisation is well-run and administered. This is due to the self-sufficiency of the joint co-ordinators, and also because CLEAN is a hosted organisation, thus necessitating less administrative capacity for CLEAN itself.
- There is a need for the organisation to step back and analyse what it has achieved to date, and to strategise its activities for the future. The capacity of the organisation to sustain a national network of PLNs must be questioned, as must the capacity of the PLNs to be self-sustaining.
- The enthusiasm of the PLWs needs to be harnessed and fostered, so that the initiative displayed by these individuals is not lost.
- Expansion and growth put enormous pressures on any organisation, and it is best if growth is slow and managed. CLEAN has the potential to provide good services to its PLWs, but at present runs the risk of being overextended. The answer is not to simply acquire more staff and more resources - the methodology needs to be assessed and interrogated.
- Reporting forms from the PLN co-ordinators need to be standardised in a clear format so that information can be easily obtained and analysed. It should be possible to input data from the PLNs into a database, so that at any stage computer-generated reports can be produced which inter alia provide figures of workshops and meetings held, number of people attending, and issues covered. This would provide an invaluable resource not only for CLEAN and civic awareness programmes, but also for other

development projects. This will also enable the training programmes to be better designed and more appropriate to the specific needs of the particular PLN.

- Further assessment of the PLNs is suggested, in order to establish the requirements for the effective running of these networks, and their outputs. In order for this to be done, however, the PLNs would have to be sufficiently resourced.
- There is a need on the part of the NGO to develop clear and concise objectives, and strategies for achieving these. The key is for the organisation to identify what it seeks to do, and then be true to itself when conceptualising new projects. Donors should receive clear project proposals with objectively verifiable outputs and activities which support these, not documents containing statements of intent from which the donor identifies a few attractive parts to fund.
- CLEAN has now existed for some time, and a composite proposal should be prepared for a year at a time. This would include a needs assessment and preparatory workshop for a particular area, followed by a training workshop.

13.2 Training

- The participatory methodology used by CLEAN was identified as a particular strength of the organisation.
- The PLWs need to provide information on their training needs for the future, and these should be incorporated into further training programmes. Further material needs to be developed once an analysis of the needs of the PLWs has been undertaken.
- It would be desirable for a curriculum to be developed which builds on the training already provided. Similar participatory methods could be used, but more information could be given to the trainees in follow-up training.
- The existing material is urgently in need of revision and consolidation. There is an issue regarding the copyright of this material, as it was produced for LEAP and the closure of LEAP has not finally been resolved. A variety of methods such as case studies and examples should be included in the material so that the issues covered are more accessible to the trainees.
- The training is too short to provide PLWs with basic legal skills. If the PLWs are intended to resolve disputes in their communities, training in negotiation skills may be appropriate.
- The output of training between 720 and 960 paralegals over a three year period is clearly over-ambitious. On the current basis of training, a total of 450 PLWs would be trained over a three year period. It is important to set realistic objectives, and this objective should therefore be re-assessed and adjusted accordingly.

13.3 The Sector

- The working relationship between the NGO sector and the donor community needs to be improved. The donors need to be clear on their requirements, preferably through written documentation such as criteria for funding. Where there is a five year plan for the donor agency, this needs to be communicated to potential recipients, together with any annual revision. A clear modus operandi for project proposals, reviews and time frames needs to be established.
- The annual paralegal conference should be looked at as a possible forum for the debate of paralegal issues. The organisations with paralegal programmes have not, generally, been in existence for very long. This means that there is no clear demarcation of territory between the organisations, although there is a sense that competition is increasing. It would certainly be worthwhile trying to prevent some of the territorial battles which have occurred elsewhere by utilising a national forum to debate common issues.
- The inclusion of the paralegal sector in the provision of a legal aid system should be investigated. The experience of the Philippines as well as South Africa and Zimbabwe may provide useful pointers in this regard. In addition, the current developments in Malawi regarding the training of state personnel in paralegal skills would be worth investigating.

14. Annexures

- A Terms of Reference
- B External Questionnaire
- C Circulation List
- D Planning Matrix Objectives
- E PPM Flow Chart

Evaluation of Kenyan Human Rights NGOs

Terms of Reference

1. BACKGROUND

As a component of their respective development aid programmes, DANIDA and Sida have supported non-governmental organisations (NGOs) promoting social justice and respect for human rights in Kenya. These agencies have now agreed to co-operate in the evaluation of four of the NGOs that have received funding from them in recent years. The evaluations are to be undertaken by Frontier Consulting and include the following NGOs:

- Centre for Law and Research International (CLARION)/Research and Civic Awareness Programme (RECAP).
- Kenya Human Rights Commission (KHRC)
- Centre for Legal Education & Aid Network (CLEAN)
- Civic Resource and Information Centre (CRIC)

Sida began supporting the work of CLARION/RECAP in 1993/94 in connection with the "task forces" established by the Government of Kenya to look at law reform. Support for this activity has continued on a steady level since but has also included some support for paralegal training.

In 1994/95 KHRC received funding from Sida to cover rent and security arrangements and in 1997 they received another small amount to assist with the monitoring of elections.

CLEAN received a trial grant from Sida in 1995/96 for paralegal training and a further amount was also granted for the continuation of this work. Recently a substantial grant has been approved which includes budget for a vehicle.

Sida provided funding to CRIC to produce a series of radio programmes on civic education in 1994/95. In 1995/96 a more substantial grant was provided to hold a musical convention and a series of seminars. Recently a substantial grant has been approved by SIDA to continue supporting this work and budget is included for institutional support.

DANIDA has provided institutional and programme funding to CLARION/RECAP to support their work since 1996. This has included office costs, equipment, salaries, research and publications and their work in advocacy and constitutional reform.

The KHRC has received funding from DANIDA for core running costs during the period January 1996 to December 1997 to support their work in the areas of research, reporting, monitoring and increasing awareness of human rights and a prison reform project.

2. OVERALL GOALS OF THE EVALUATION

The external evaluation will assess the progress and impact made by four Kenyan NGOs, and assist them identify key priorities for building their capacity and developing more efficient and effective programmes and strategies to achieve their goals. The evaluation will provide a

period of reflection where priority areas for building capacity and strengthening and sustaining the work of the organisations are identified.

Specifically, the evaluation will:

- Assess the development, effectiveness, efficiency and impact of the NGOs programmes in relation to their stated aims and objectives.
- Assess the institutional capacity and efficiency of the NGO to effectively implement its programmes and thereby contribute to the attainment of its aims and objectives.
- Review the relationship between the NGO and its environment; particularly donors, other NGOs and governmental relations. An analysis of the context will identify priority needs in the environment and state the relevance of the activities of the organisation in relation to the role of other players.
- Assist the NGO identify its short and medium term priorities for programme development and capacity building.

3. PROGRAMME ANALYSIS

To critically examine the performance of each of the NGOs programmes with reference to their relevance, effectiveness and sustainability and the strategies and means used towards the attainment of its aims and objectives.

In particular:

- Evaluate the role of the NGOs in assessing its target group and identifying needs and priorities, including the processes used to analyse conditions in their environment and to develop programmes. What are the factors and influences which inform decision making and assess to what extent target beneficiaries are involved in the development of programme plans?
- In terms of each programme, what the specific objectives for each are, what have been the main activities undertaken and what the obstacles, strengths and constraints have been.
- Who have the beneficiaries been, what results have been achieved and to what extent can impact be gauged? How do programmes match the expressed and identified needs of beneficiaries and their priorities in the environment?
- What programme strategies and methods have been used, how effective has these been and how can they be improved, particularly in terms of impacting on rural communities.
- To what extent has each programme included, and benefited women, children and other vulnerable groups?
- Evaluate the mechanisms of programme design and planning within the NGO with reference to the availability of year and strategic plans (or other planning methods) to set targets for the achievement of objectives and providing indicators to measure progress and impact of the programmes.
- Establish the extent and effectiveness of internal programme management and reporting, including feedback mechanisms for monitoring and evaluation.

- Assess the extent up to which the NGOs have taken cognisance of gender relations and has developed an adequate strategy to address the specific needs and issues of women within the organisation and its work.
- Review future plans and proposals, and comment on feasibility and appropriateness of these plans.

4 ORGANISATIONAL ANALYSIS

Assess the NGOs main organisational management systems, policies and procedures in planning, office management, financial and human resource administration and management, identifying key gap areas and priority needs.

In particular:

- Assess the NGO as an organisation in itself. Looking at structures of the organisation (including satellite or regional offices) and the mechanisms of governance and accountability, leadership and decision making (where relevant reflection on issues such as expertise, management style, gender and race/ethnic composition).
- Assess policies and systems (and adherence thereto) for communication, financial management, programme administration and staff training and development
- Assess and comment on the capacity of the NGO to manage itself, and achieve its goals, highlight key problem areas and priorities for the coming term.

5. CONTEXTUAL ANALYSIS

To assess the role and relevance of the NGO within its national (and regional) context in relation to:

- * the political, legal and human rights situation and priorities
- * the nature of the relationships and links with similar organisations concerned with human rights; both nationally and regionally. Are activities complementary or in conflict with other players? Are roles being duplicated? Are lessons learned from the work of others?
- * the contribution to human rights lobbying and advocacy work and their role in influencing the development and implementation of human rights supportive laws and policies.

6. FUNDING AND RELATIONSHIPS WITH DONORS

To assess the relationships between the NGOs and their donors. Comment on donor roles and relationships and the influence and effects of these on the NGOs and their effectiveness.

Evaluate the value of the funding assistance provided (i.e. what amounts are spent for which purposes), as well as other support provided. Comment on the value and relevance of the NGOs work within DANIDA's and Sida's development aid programmes and priorities identified by them in Kenya.

7. CONCLUSIONS AND RECOMMENDATIONS

The evaluation will formulate conclusions and recommendations for both the NGO and DANIDA/SIDA. The conclusions and recommendations will be specific, relevant and achievable and will reflect upon:

- The consistency between the aims/strategies and the programme activities of the NGOs.

- The achievements and effectiveness of their programmes and activities of the NGO.
- The relevance of aims and programmes of the NGOs for DANIDA/SIDA.
- Priorities for the way forward.
- Recommendations on necessary organisational development changes, identification of training needs and other changes that will benefit the NGO and their work.

8. THE REPORT

The findings and recommendations will be documented in four written reports (between 25 and 30 pages excluding annexes) to be submitted to the DANIDA/SIDA and passed on to the NGOs. In addition, an overview, which will include an executive summary of the findings and recommendations from the NGO together with a list and contact details of all persons consulted during the course of the evaluation.

The reports will be written in concise and accessible English. Names, terms and acronyms not easily comprehended by the lay person should be explained in the text or via footnotes or glossary.

The reports will be confidential to DANIDA and Sida and the respective NGOs. Methods of developing the reports into accessible documents will be explored where required.

9. IMPLEMENTATION, TIMING AND METHODOLOGY

The evaluation will be undertaken during March and April 1998 with funding from DANIDA and SIDA.

The consultants from Frontier Consulting will professionally observe cultural, social and political sensitivities in Kenya at this time.

Participatory and inclusive methods will be used as time allows in the evaluation process so as to develop a sense of ownership and partnership.

Upon completion of the consulting period in Kenya, the consultants will send initial drafts of the reports including a report framework to Frontier Consulting for comment. A draft copy of the reports will be submitted to DANIDA/SIDA within three weeks after completion of the of the consultancy. DANIDA and SIDA will have one working week to make written comments and suggestions and the final report will be submitted within two weeks thereafter (target: 11th May 1998).

The evaluators will familiarise themselves with background documentation of the NGO and communicate with Frontier Consulting beforehand for the purpose of preparing a work-plan and schedule for implementation of the consultancy. The NGO and DANIDA/SIDA will be responsible for providing relevant background documents.

Methodologies will include:

- Preparatory review of relevant documentation and familiarisation of conditions and developments in Kenya.

- Interviews (and possibly meetings or workshops) with the NGO personnel, board members and beneficiaries, and with other relevant persons/organisations/institutions with whom they work.
- Field trips to assess actual project activities in field.
- Gathering other research information, documentation and making other contacts as may be necessary and feasible.

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3rd March 1998

ORGANISATION	CONTACT NAME	TELEPHONE NUMBER	FACSIMILE NUMBER	COMMENT
A. NGOs				
1. Abantu for Development	Njeri Mwangi			
2. Catholic Justice and Peace Commission (CJPC)	Antony Njui	02- 441112		
3. Centre for Governance and Development (CGD)	Maina Wachira and Miriam Kahiga	02- 553860/5588862/543177		
4. Citizens Coalition for Constitutional Change (4Cs)	Erustus Wanugo	02- 573332		
5. Community Development (CEDEV)	Joseph Simekha	02-715808		
6. Green Belt Movement	Prof Wangari Mathai			
7. Institute for Education in Democracy	Grace Githu, Marren Akatsa-Bakachi, Alice Mumbuchi, Ang, Ila Away	02-560002/568996/566871		
8. International Commission Jurists (ICJ) (Kenya Section)	Connie Ngondi	02-575981/2		
9. International Federation of Women Lawyers	Julie Koinange, Jean Kamau	02-717169/714629/718370		
10. Kituo Cha Sheria	Jane Weru, Jennifer Miano	02		
11. Law Forum, Faculty of Law, University of Nairobi	Mueni Mbithi	02-742261-4		
12. Legal Resource Foundation	Mburu Gitu			
13. Legal Education and Awareness (LELA)-Players	Godfrey Odwuor	02-742261-4		
14. Legal Resource Foundation (LRF)	Alfred Ndambiri			
15. Mazungira Institute	Davinder Lamba			
16. National Commission on the Status of Women (NCSW)	Maria Nzomo, Julie Ong, udi	02-558662		
17. National Council of NGOs	Elkanah Odenbo Alex Nyago, Chris Wanalwa	02-560877/562323		
18. Public Law Institute	Philip Kichana			
19. Release Political Prisoners	Tirop Kitur, Mulhoni Kamau			
20. The Law Society of Kenya (LSK)	Nzamba Gitonga			
B. Donors				
21. British Council	Ben Dickinson, Janet Kiarie	02-334811/55		
22. Department for International Development	Daniel Davies	02-717609		
23. Embassy of Finland	Dr Passo Hellman			
24. Embassy of Norway	Mr Mortenson			

25. Ford Foundation	Joseph Gitari	02-251814		
26. Friedrich Ebert Stiftung	Dr Thomas Hamer, Ms Wanjiku Mbugua	746992		
27. Hans Seidel Foundation	H. Danner Doris Annmann-Mollet	02-742054/7		
28. Oxfam	Adam Leach	442122		
29. Royal Netherlands Embassy	Jelle van Weiren	02-22711		
30. United Nations Development Programme	Luke Wasonga, Nancy Asanga	02-228776		
31. USAID	Tom Wolf	568817		
C. Government				
32. Assistant Commissioner of Police	Peter Kumanthi			
33. Attorney General	Mr Amos Wako Amos E Olendo (Assistant Director of Information)	02-227 461	02-211 082	
34. Chair of the Electoral Commission	Mr Samuel Kivuitu			
35. NGO Bureau	Mr Isac Lukalo			
36. Provincial Commissioner of Nairobi Province	Mr Joseph Kaguthi			
37. Bishop Gideon Ireri				
38. Rev Jephthah Gathaka				
39. Rev Kimani				
40. Rabitha Soti				
41. Prof Anyang Nyong'o				
42. Karuti Kanyinga				
43. John Sithongo (Chikwa)				
44. Joe Kadi (ex-UNA)				
45. Kittaka wa Mberia				
46. Kimondo Advocates				

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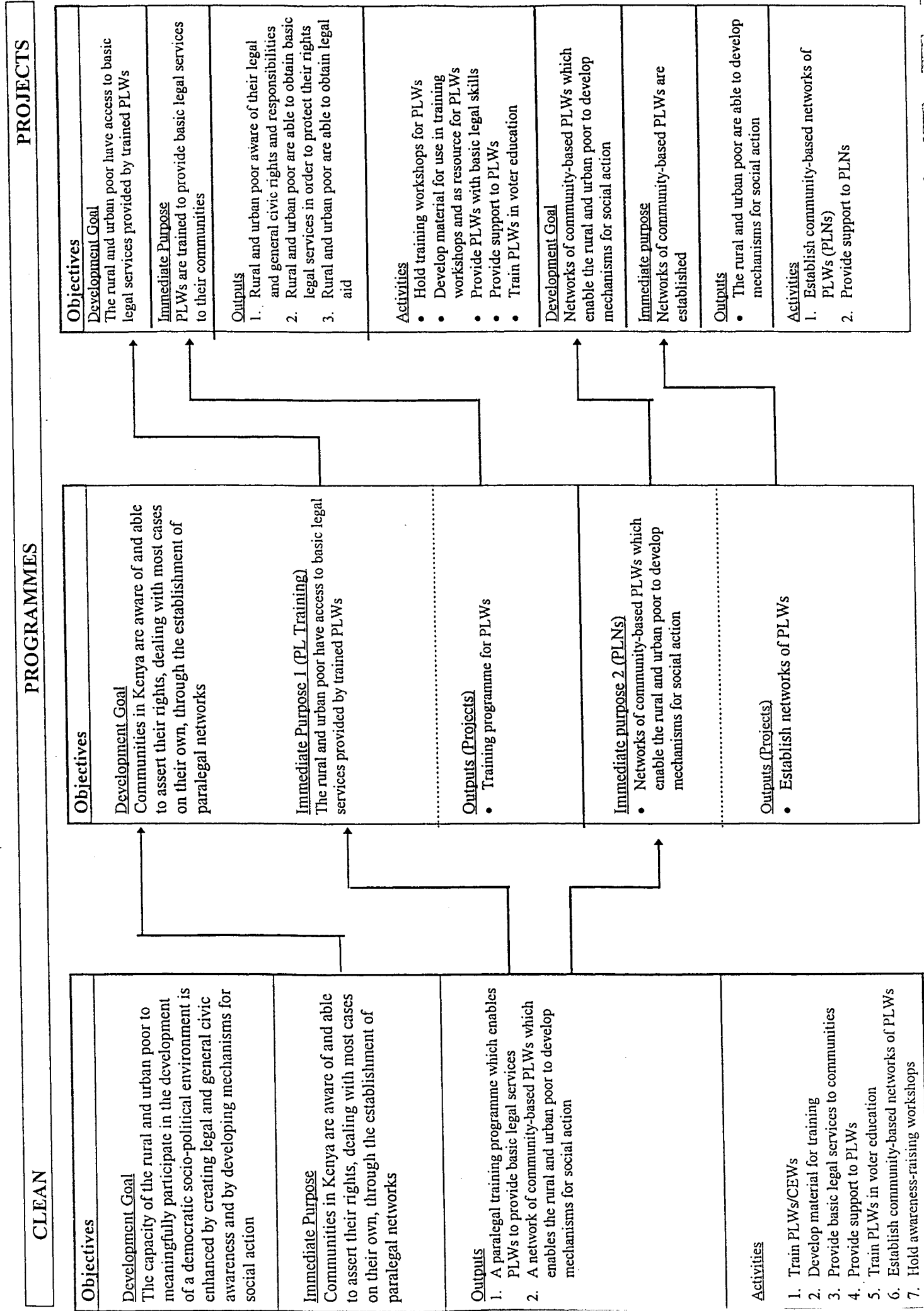
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John Gullango

Planning Matrix Objectives CLEAN - 1996 and 1997

Objectives	Indicators of Success and Means of Verification	Comments
<u>Immediate Purpose 1</u> Communities in Kenya are aware of and able to assert their rights, dealing with most cases on their own, through the establishment of paralegal networks		
<u>Outputs (Projects)</u> 1. Train paralegal and general civic education workers • Train 720 - 960 PLWs/CEWs in basic legal skills over 3 years • provide re-training for PLWs/CEWs • hold preparatory workshops for selection of PLWs 2. Develop material for training 3. Provide basic legal services to communities, including drafting of legal documents 4. Provide support to PLWs	5 training workshops were held from November 1996 to December 1997, training a total of 150 PLWs. 4 of these were funded by SIDA 10 preparatory workshops were held, 4 in the Nairobi area, from October 1996 to July 1997 The material used for the training is the same as that developed by LEAP in 1993 PLWs report on an intermittent basis to CLEAN, providing details of the work they have covered. Original reports viewed. Reports received from CLEAN, including financial reports indicating financial support given to PLNs	Target of 720 PLWs needs to be reassessed in view of number trained in one year. The content of the training could also be reassessed, to see whether PLWs receive sufficient training in legal skills for them to be able to provide basic legal services to their communities. During 1997 the re-training workshops were on voter education - reported under paragraph 5 below. This material needs to be updated and revised. It comprises papers prepared on different topics. It is not in an accessible format, and is not always in plain language. Reports from PLWs indicate a very limited amount of legal advice given to members of their communities. Most of the work entails civic awareness workshops and inputs. One of the reasons for this is the limited time in the training workshops, resulting in limited legal skills being transferred. PLWs often request further training on legal issues. PLWs routinely request additional financial support. At present, limited financial support is given for stationery costs and transport for PLWs. Requests are for funds for accommodation and refreshment costs. CLEAN provides very little legal support - two requests for legal advice in 1997.

5. Train 315 PLWs in voter education at 8 workshops, each held over 2 days	Draft reports were received for 6 workshops attended by 208 participants	CLEAN had not reported to USAID at the time of the evaluation, so the reports are in draft form only. It is not known whether there were in fact 8 workshops held.
<u>Immediate Purpose 2</u> The capacity of the rural and urban poor to meaningfully participate in the development of a democratic socio-economic environment is enhanced by developing mechanisms for social action among the collaborating grassroots communities. 1. Establish community-based networks of communities, groups and individuals • Establish 24 dynamic community-based networks (PLNs) over a 3 year period • Provide support to networks • Evaluation, monitoring and planning workshops 2. Hold awareness-raising workshops • civic awareness workshops • voter education workshops	8 PLNs established Limited correspondence between the CLEAN office and the PLNs - two sets of documents distributed in a year. 5 workshops were held in the period June to December 1997	



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- 98/24 Swedesurvey Projects in Russia and Ukraine. Land registration systems and information
management. Ivan Ford, Susan Nichols, Mark Doucette, Jaap Zevenbergen
Department for Central and Eastern Europe
- 98/25 Sustainable Dry Forest Management. Sida-supported collaborative research project between
Burkina Faso and Sweden. Karin Gerhardt, Kerstin Jonsson, Eva-Evers Rosander
Department for Natural Resources and the Environment
- 98/26 International Centre for Research in Agroforestry, ICRAF 1990-1997. Bo Tengnäs, Arne
Eriksson, Terry Kantai, Alice Kaudia, Jeff Odera
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- 98/27 Cooperative Reform and Development Programme, CRDP in Uganda. Mick Moore Lindah
Mangali, Z Ojoo
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