

**Five-Year Review of Rights & Democracy
(1998-2003)**

FINAL REPORT

DEPARTMENT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE

OFFICE OF THE INSPECTOR GENERAL

Evaluation Division

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Executive Summary

Background

This five-year programme review arises from Article 31, Paragraph 2 of the Act establishing Rights & Democracy (hereinafter “R&D”) which states: “Within one year after the fourth anniversary of the coming into force of this Act, and every five years thereafter, the Minister shall cause a review and report to be made of the Center’s activities and organization”¹. The current review is the third to be undertaken and must be completed before 30 September, 2003. As agreed upon with the previous five-year review in 1998, the costs for this evaluation would be assumed by the Minister for the Department of Foreign Affairs and International Trade (DFAIT).

The overall goals of the review are:

- To provide to Parliament general information on the activities and organization of R&D.
- To assist R&D to maintain, increase or enhance the effectiveness, efficiency and impact of its work in promoting human rights and democratic values.

The current review examined four aspects of the organization:

- Relevance – the extent to which Rights & Democracy’s programmes and policies are congruent with its mission, correspond to its partners’ needs, and are relevant to strengthening Canada’s international impact in terms of promoting human rights and democratic development.
- Effectiveness – Rights & Democracy’s achievements in terms of meeting programme objectives and expected results.
- Efficiency of Rights & Democracy’s processes, systems and management frameworks established since the last review.
- Lessons learned (best practices, insights or lessons) identified in the implementation of its programmes.

The methodology for the review included an extensive review of relevant documents; face-to-face interviews and telephone interviews with a wide range of organization staff and stakeholders; focus groups and group meetings. It also included field visits to Guatemala and Kenya. The review team developed four case studies to explore Rights & Democracy’s effectiveness in achieving expected results:

- Canadian Public Awareness and Increased Partner Credibility: The John Humphrey Freedom Award (JHA) Case Study
- Advocacy for International Human Rights Protection: The International Criminal Court (ICC) Case Study
- Empowering Civil Society to Foster Peace and Democratic Development in the Aftermath of Peace Accords: The Guatemala Case Study
- Assisting Civil Society’s Democratization Efforts Under Dictatorship: The Kenya Case Study

¹ *International Centre for Human Rights and Democratic Development Act, R.S., 1985, c. 54 (4th Supp.)*

Key Findings

Relevance

- Finding 1: As a non-partisan organization that can facilitate dialogue between the government and civil society, Rights & Democracy is fulfilling a unique role at the Canadian and international levels.
- Finding 2: There is still a mixed review with respect to the adequacy of the focus and the clarity of the Rights & Democracy niche.

Effectiveness

- Finding 3: R&D has achieved positive outcomes relative to its resources.
- Finding 4: R&D's activities are too dispersed and this affects its performance in achieving many of its objectives
- Finding 5: R&D's high level of staff expertise has benefited other stakeholders and contributes to the credibility of R&D.
- Finding 6: R&D needs to refine its strategy.
- Finding 7: R&D does not undertake enough research and has inadequate links with the academic community.
- Finding 8: R&D lacks an organized institutional communication strategy that identifies and serves its main target audiences.
- Finding 9: R&D's image is becoming clearer to those most closely involved with the organization.
- Finding 10: R&D needs to develop a revenue generation strategy if it wishes to access additional non-core funding.

Efficiency

- Finding 11: Rights & Democracy has successfully addressed the recommendations of the 1998 Review concerning infrastructure management, financial and human resources management and programme management procedures and guidelines.
- Finding 12: Rights & Democracy has had less success in addressing the recommendations of the 1998 Review concerning its corporate governance; the role of the Board of Directors and Board members continues to be an issue.
- Finding 13: Rights & Democracy has invested in increasing its Monitoring & Evaluation capacities and is making efforts to institutionalize an evaluation culture.
- Finding 14: Rights and Democracy needs to promote greater learning and sharing lessons learned across program activities.
- Finding 15: The vision put forward by R&D's new president has led to the restructuring and re-allocation of some functions and responsibilities. This has created tension between some staff and management, which the Board is aware of.

Lessons learned

- 1) An organization with limited resources will have more effect if it concentrates its resources in a few areas of interventions so as to maintain some coherence in its programming.

- 2) The development of programs and activities that have a longer planning horizon and have incorporated an exit strategy will lead to more sustainable effects.
- 3) Ensuring that different program activities are integrated and are directed towards specific strategic goals and outcomes is more effective than isolated interventions.
- 4) Given the volatile environment for human rights and democratic values, having some flexible and responsive mechanisms for action makes an organization more relevant to the emerging external demands.
- 5) With scarce resources at its disposal, an organization has greater chances of achieving results if it creates a model of intervention that supports cooperation with partners, participation in coalitions, networking, and leveraging of resources for partners from developing countries.
- 6) An organization working in partnership with a number of constituencies (governments, NGOs, academics, etc.) can be most effective in providing value added when it makes strategic programming choices to intervene where there is a convergence of issues among different stakeholders. This requires ongoing contact with a sound analysis and an understanding of the preoccupations and interests of each of its key constituencies.
- 7) The Board members of an organization must strike a balance between contributing their expertise on programming issues with their responsibilities to ensure that the organization as a whole is achieving its goals of effectiveness, efficiency, relevance and sustainability.
- 8) Change in leadership and strategic direction can be met with resistance. There is a need to accept this and at the same time promote healthy discussions around change processes as the new vision and strategy of the organization are developed.
- 9) While an organization has to be careful not to allow operating procedures to become too rigid and constraining, they can also be a means to free staff from having to analyze and treat each case separately and professionalize the management of the work.
- 10) Communication is an essential tool for an advocacy and capacity building organization to achieve its goals, to provide clarity about its purpose and to provide information to others who can act directly to reach democratic and human rights objectives.
- 11) Sound analysis and use of political judgment in the selection of key partners is essential to obtain tangible results. Knowledge of the history, language and political culture of developing countries helps establish trust and confidence with partners in the South.

Conclusions

Rights & Democracy has made a noticeable contribution in a number of areas such the International Criminal Court (ICC), contribution to the awareness of the Canadian Public on issues of Human rights, protection of HR defenders through the John Humphrey Freedom Award, and support to HR groups in developing countries through relatively modest support that can have a long-lasting effect on the work of promoting human rights and democracy done by these groups. In addition, although this went beyond the specific focus of our review R&D continues to remain well appreciated as a strong contributor to the cause of women's human rights. It is fair to say that R&D has achieved significant results relative to resources in the case studies assessed. Rights & Democracy's staff expertise is seen as one of its greatest strengths. R&D has achieved credibility with many of its most important partners, particularly in civil society. Collaboration with key stakeholders has been uneven with strong links in some cases while other key groups in government and the academic community require more attention. Working with other key civil society and government stakeholders has been a feature of R & D and the reason for some of its most productive activities. The evidence from this review suggests that R&D may be most effective when it

makes strategic programming choices to intervene where there is a convergence of interests among different constituencies.

Among external observers there is greater clarity about areas where Rights & Democracy is effective and where it is not. The area of greatest weakness identified in this review is an inadequate strategic plan for the institution as a whole. This finding is consistent with many previous evaluations of R&D and its programs and with the comments of many external observers.

R&D should be complimented for having implemented with success the majority of the recommendations of the 1998 reviews that have led to an increased professionalism of its operations. A few areas, in particular the composition, the appointments and the role of the Board continue to be problematic. As R&D continues to implement the new vision and the structure proposed by the new President the review noted a low morale amongst staff that could affect the level of energy and dedication of R&D's personnel that contributes to its success.

Over the fifteen years since its creation, the experience gained by Rights & Democracy provides it with the opportunity to draw lessons and focus on areas of greatest impact. While the Board continues to feel that R&D's niche should be very broad and that the urgency and breadth of human rights abuses require Rights & Democracy to respond to a broad range of ever changing issues, this review found strong evidence that R&D would benefit from refinement of its strategy and greater narrowing of its focus. Civil society organizations concerned with democratic and human rights have grown rapidly in the last decade. Rights & Democracy can take advantage of the fact that other organizations are able to be more effective than R&D in many areas. In an attempt to help R&D in this process, we advance the following recommendations.

Recommendations

Recommendations to the Government of Canada

If the Parliamentary Committee reviewing this report continues to regard Human Rights and Democratic Development in developing countries as priority foreign policy issues and agree that additional resources are necessary, then the Committee should request that Parliament increase the annual allocation to Rights & Democracy.

The Parliamentary Committee reviewing this report should request that Parliament take note of the need for prompt appointment of the Chair and members of the Board of Governors and to the need to ensure the Board always has some long serving members to provide continuity.

Recommendations to Rights & Democracy

R&D management and the Board should consider using one of the many effective strategic visioning methods employed elsewhere to identify and focus on those areas of greatest effectiveness. Specifically, Rights & Democracy should:

- 1) Clarify its niche where it has the greatest leverage and comparative advantage.
- 2) Narrow its focus to fewer long-term projects, which will give benefits in greater staff expertise, program integration, monitoring and evaluation lessons, and more effective networking and communication.
- 3) Promote continuity of support in the chosen areas of focus and develop an exit strategy for those areas where Rights & Democracy plans to phase out activities.
- 4) Build on its successful approach to networking with some key constituencies to support and broaden the network of human rights organizations across the country and to engage more closely with DFAIT and other government departments to identify areas in which R&D can

facilitate dialogue with civil society and academic institutions to promote a progressive agenda on human rights and democracy issues.

- 5) Pay greater attention to undertaking or supporting research with the academic community, in view of widespread recognition that Rights & Democracy can play a unique role in providing complementary research-based knowledge to other stakeholders.
- 6) Recognize that its staff expertise is seen as an area in which Rights & Democracy has acquired its greatest strength and take action to ensure that this resource is not undermined by rapid changes in strategic direction or organizational changes. Changes in strategic direction or major organizational changes require an open, participatory process of discussion and wherever possible, consensus building among management and staff.
- 7) Build on its developing expertise and activity in monitoring and evaluation to draw more lessons from its experience and strengthen its ability to be a learning organization.
- 8) Build on the good results achieved in some areas through development of a communications strategy that identifies and responds to the needs of key target audiences or constituencies (media, parliamentarians, unions, academics, churches, etc.). Communication is essential to achieving Rights & Democracy's objectives and it must be adequately resourced and staffed and move beyond passive provision of information.

Acronyms

ASIES	Asociación de Investigación y Estudios Sociales
CECI	Centro Canadiense de Estudios Y Cooperación Internacional
CEPAL	Comisión Económica para América Latina y el Caribe
CEPIC	Civic Education, Publicity and Information Committee of the Constitution of Kenya Review Commission
CGD	Centre for Governance and Development
CIDA	Canadian International Development Agency
CRC	Constitution Review Commission (Kenya)
CLARION	Centre for Law and Research International
CNICC	Canadian Network for the International Criminal Court
COMG	Consejo De Organizaciones Mayas De Guatemala
COPMAGUA (CNPT)	Coordinación de Organizaciones del Pueblo Maya de Guatemala (League of Organizations of the Maya People of Guatemala)
CRE-CO	Constitution and Reform Education Consortium
DD	Democratic Development
DFAIT	Department of Foreign Affairs and International Trade
FGR	Guatemalan Republican Front
FIDA Kenya	Federation of Women Lawyers
FOCAL	Canadian Foundation for the Americas
HR	Human Rights
ICC	International Criminal Court
ICCLR	International Centre for Criminal Law Reform and Criminal Justice Policy
ICHRDD	International Centre for Human Rights and Democratic Development
IEPADES	Instituto de Enseñanza para el Desarrollo Sostenible
IMPACS	Institute for Media, Policy and Civil Society
JHFA	John Humphrey Freedom Award
NARC	National Rainbow Coalition (Kenya)
NCEC	National Convention Executive Council
ODHAG	Oficina De Derechos Humanos Del Arzobispado de Guatemala

Acronyms

PAN	Party of National Advancement (Guatemala)
R&D	Rights and Democracy
Rome ICC Conference	The United Nations Diplomatic Conference of Plenipotentiaries On The Establishment of an International Criminal Court, Rome, 1998
UNRG	Guatemala National Revolutionary Unit

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1. Introduction

1.1 Overview

The report is organized in the following sections:

- Following this overview, Section 1 contains the methodology for the review,
- Section 2 of the draft report discusses the context of human rights and democratic development and Rights & Democracy's place in this context,
- Section 3 provides a brief description of Rights & Democracy,
- Section 4 presents the key findings of the review,
- Section 5 includes the four case studies that were undertaken as part of the review,
- Section 6 presents the lessons learned, the conclusions and recommendations of the review.

1.2 Methodology

The key review questions are presented in the evaluation matrix (see Volume II, Appendix I). The questions were articulated around the following key issues:

- The relevance of Rights & Democracy, that is, the extent to which its programmes and policies are congruent with its mission, correspond to its partners' needs, and are relevant to strengthening Canada's international impact in terms of promoting human rights and democratic development.
- The effectiveness of Rights & Democracy, including its achievements in terms of meeting programme objectives² and expected results (explored through four case studies described below).
- The efficiency of Rights & Democracy's processes, systems and management frameworks established since the last review.
- Lessons learned (best practices, insights or lessons) identified in the implementation of its programmes.

The data collection for the review included document review; face-to-face interviews and telephone interviews; focus groups and group meetings; and field visits. In total more than 120 key government officials, NGO workers and parliamentarians were interviewed in Canada and abroad.

Document Reviews

The team reviewed a wide range of pertinent documents related to the projects and the themes under consideration.

² As stated in its original act, the Center's stated objectives are: "(...) to initiate, encourage, and support cooperation between Canada and other countries in the promotion, development and strengthening of democratic and human rights institutions and programmes that give effect to the rights and freedoms enshrined in the *International Bill of Human Rights*, and to help reduce the wide gap that sometimes exists between the formal adherence of states to international human rights agreements and the actual human rights practices of those states"(Act to establish ICHRDD (1988).c. 64 assented to 30th September, 1988.

Group discussions

One group discussion was conducted with six (6) representatives from the unionized staff of Rights & Democracy. A second group discussion was held with the full Board of Rights & Democracy.

Interviews

Interviews were a primary source of data. The review team worked with Rights & Democracy to identify the key respondents. Interviews were conducted with present and past Rights & Democracy Board members, present and past Presidents and managerial staff, unionized staff, partners, government officials, other comparable organizations, specialists in human rights and / or democratic development systems and structures to support the organization's objectives.

Field Visits

Two field visits were conducted: one to Guatemala and one to Kenya. Prior to each visit, the review team collaborated with Rights & Democracy to ensure that local organizations had been adequately briefed on the purpose of the review and their role in such a process.

Case Studies

The Steering Committee for the review (composed of representatives from DFAIT, CIDA, Rights & Democracy, and the review team) agreed to focus on four areas of work and to study the effectiveness of Rights & Democracy in depth through four case studies.

The four cases were selected on the basis of the following factors: a) importance and complexity of issues; b) geographic location; c) sufficient programme history; d) critical mass of respondents available; e) gender perspective; f) interconnections between case studies focusing on Canada (JHFA and ICC) and those focusing on Rights & Democracy's work in two developing countries; g) combination of advocacy and capacity-building strategies in HR and democracy promotion. The following four cases were developed:

- Canadian Public Awareness and Increased Partner Credibility: The John Humphrey Award (JHFA) Case Study
- Advocacy for International Human Rights Protection: The International Criminal Court (ICC) Case Study
- Empowering Civil Society to Foster Peace and Democratic Development in the Aftermath of Peace Accords: The Guatemala Case Study
- Assisting Civil Society's Democratization Efforts Under Dictatorship: The Kenya Case Study

1.3 Limitations

The large number of projects supported by Rights & Democracy over the period reviewed meant that only a limited number of these projects could be assessed.

The nature of Rights & Democracy's work made it somewhat difficult to assess its contribution: where its advocacy work may have lead to important changes in attitudes and practices that are more difficult to measure than official policy changes, and where its capacity building activities may have lead to important changes in confidence, contacts and influence, which are difficult to measure. This study often relies on the judgment and experience of different observers to make assessments.

There are other actors that do similar work, some with greater human and financial resources than Rights & Democracy. It is difficult to isolate the effects of Rights & Democracy's interventions when these other actors are often also present and sometimes working in cooperation with R & D.

2. The Context of Human Rights and Democratic Development

During the five years covered by the review, 1998-2002, and in the period since 2002, there have been numerous serious challenges to the exercise of democracy. The increased politicization of human rights in many parts of the world has led to a growing gap between various rhetoric and the implementation of state obligations. Issues of national and international security have come to dominate the international agenda, such as the Israel/Palestine situation, the war in Afghanistan, and Al Qaeda attacks in the USA and elsewhere. As a result, risks are growing both for human rights defenders and for democratic institutions and systems as a whole.

Concurrently, there have been many hot spots of civil unrest, with aggression increasingly endangering civilian populations. In many instances, the perpetrators of human rights violations are non-state parties, making it more difficult than ever before to apply the leverage of international disapproval. The eruptions of crises in so many places have foiled efforts of the international community to establish methodologies for the prevention of genocide and mass movements of refugees, and to put into place early warning systems. There is also widespread concern that the long term work of rebuilding societies after prolonged civil strife (which is too often caused by the commercialization of conflict) is too arduous and that donor countries and agencies move on, leaving nearly insurmountable challenges (i.e. warlordism, drug trade) to ravaged areas or fledgling democracies.

Religious fundamentalisms are on the rise around the globe, levered by partisan leaders to foment intolerance, social destabilization and identity-based aggression. Religious and ethnic extremisms are muzzling moderate elements in societies. Disaffected youth and others engage in trafficking of women and children, drugs, small arms and weapons, and gems as a risky and violent arena of economic activity. Violence against women (the whole continuum from domestic to state-sanctioned) continues to be a constant and most disturbing reality. The role of the media in bringing the story to us has had both positive and very negative effects. HIV/AIDS is decimating populations, especially in some African and Asian countries. The world seems like a dangerous place, and to many it certainly is. For these reasons, addressing human rights issues has greater resonance than ever before.

Rapid globalization and technological progress have required institutions at many levels – whether commercial, governmental, non-governmental or advocacy-oriented – to re-think their approaches to communications, policies, alliances, codes of conduct, and strategies for action. They are re-examining the great hope of multilateralism, to consider whether it still holds promise or if it is a fruitless avenue of action.

Non-governmental actors and governments, international bodies, academia and even some corporations are looking for effective means of intervention to try to make a positive difference. Traditional strategies are being replaced by greater coordination across national or even regional boundaries. NGOs are increasingly collaborating on highly orchestrated campaigns of public education and interventions, strategically utilizing their communal and individual strengths to alter votes in international bodies, to research and disclose pertinent information, to pressure domestic and other governments, to inform the public (whether as consumers of fairly traded goods, or as voters, or as members of organizations) and to mobilize public opinion. The campaign to create the International Criminal Court is an excellent example of a worldwide coordinated campaign.

Over the years of this review, there has been a dramatic growth of civil society actors, using a wide range of techniques to access decision-making processes that affect populations at risk. In view of the changed environment, human rights and democracy organizations such as Amnesty International and Oxfam have recognized the need to make significant changes in their strategies and to re-orient their activities to remain relevant actors.

3. Rights and Democracy

Rights & Democracy is a non-partisan Canadian organization with an international mandate. It was created in 1988 by the Canadian Parliament with a mandate to encourage and support the universal values of human rights and the promotion of democratic institutions and practices around the world. Rights & Democracy works with individuals, civil society, organizations and governments, both in Canada and abroad, with the mission of promoting and protecting the human and democratic rights outlined in the United Nations International Bill of Human Rights. This is done by initiating and supporting programmes to strengthen laws and democratic institutions, primarily in developing countries.

Rights & Democracy currently employs a national staff of 27 and has 11 members on its Board of Directors. Rights & Democracy's annual budget comes from Canada's Overseas Development Assistance Budget through the Department of Foreign Affairs and International Trade (DFAIT).

In scope, as indicated in Exhibit 3.1, since the last review, Rights & Democracy directed its funding to 13 core countries and regional programmes. Its annual project portfolio varied between 105 and 128 projects with program expenditures slightly under \$5,000,000.

Exhibit 3.1 Overview of R&D Projects and Budget 1998-2002

YEAR OF OPERATION	NUMBER OF PROJECTS	PROGRAM EXPENDITURES	OVERHEAD COSTS	AGGREGATE RENUMERATION OF STAFF	RENT
1998-99	128	4,540,481	498,185	1,677,402	238,764
1999-00	119	4,244,737	610,018	1,740,260	247,836
2000-01	101	4,547,414	588,295	1,744,313	188,142
2001-02	115	4,878,344	547,115	1,753,260	179,706
2002-03	105	4,857,654	776,231	1,845,168	177,937

Source: Rights and Democracy

During the period covered by the review, Rights & Democracy has focused its work on four thematic priorities: Democratic Development, Women's Rights, the Rights of Indigenous Peoples, and Globalization and Human Rights; and two special operations: International Human Rights Advocacy and Urgent Action and Important Opportunities.

The *International Human Rights Advocacy initiative* aims to enhance the use of regional and international human rights mechanisms of the United Nations and regional human rights systems. The *Urgent Action and Important Opportunities Fund* is mandated to respond to human rights crises and seize important opportunities as they arise.

Rights & Democracy focuses its international activities on the following 15 countries in three main regions:

- Asia – Pakistan, Burma, Thailand, Indonesia and Afghanistan
- Africa – Kenya, Rwanda, Togo, Tanzania and Nigeria
- Central and Latin America – Guatemala, Mexico, Haiti, Peru and Colombia

In a document entitled *Towards the Millennium*, Rights & Democracy identified its strategy for 1998 to 2000 in which it outlined several new objectives. Through its activities in advocacy and capacity building and through a more effective use of its modest resources, Rights & Democracy aimed to:

- Intensify cooperation and promote institutions and programmes relating to human rights and democratization between Canada and other countries,
- Establish closer links with the human rights academic community,
- Develop a network of all academics and academic institutions doing work in the field in order to use their research and publications,
- Encourage networks and coalitions to share in human rights activities, continue to publish speeches, statements and analysis,
- Make greater use of the Internet and its own website for collecting information, distributing its occasional papers, and following up on all democratic development studies and commitments in accordance with Rights & Democracy's strategic objectives.

4. Key Review Findings

4.1 Relevance and Niche

Finding 1: As a non-partisan organization that can facilitate dialogue between the government and civil society, Rights & Democracy is fulfilling a unique role at the Canadian and international levels.

Working in partnership with organizations that espouse human rights, the rights of indigenous peoples, and women's rights, as well as democratic movements and governments around the world, Rights & Democracy has a unique status. As a non-partisan organization, it has facilitated dialogue and built bridges between government officials and non-government organizations in Canada and abroad. The Canadian government continues to give priority to advancing respect for human rights and democratic values. Canada has become a country open to and encompassing much of the world within its borders. There is recognition that the lack of human rights and democratic systems in other countries lead to serious abuses and ultimately can also affect the well being of Canadians.

Civil society organizations have proven to be very effective agents of change in promoting democracy and human rights. The Canadian government has found it helpful to cooperate with these organizations in a number of areas and R & D has proven to be a useful organization to facilitate cooperation. This review has found that this collaboration between different constituencies while effective in places has not been as strong as it could be.

In its 1998 strategy document, R&D emphasized the importance of partnering with other organizations, and *it has been the most relevant when it has worked in collaboration with other stakeholders*. The level of its involvement with different constituencies varies considerably. It is very involved in networking with a large number of organizations, particularly in advocacy work.

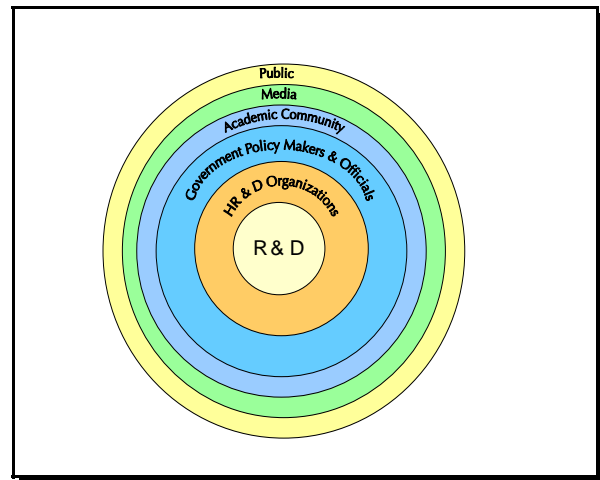
In some cases, such as the ICC and Amnesty International cases cited above, R&D has been involved in substantial partnerships. These were situations that required more sustained commitment of resources than the average R&D project and were quite demanding in terms of staff time.

The evidence suggests that R&D can achieve the greatest results when it makes strategic programming choices to intervene where there is a convergence of interests among different constituencies in developing countries (both governments and NGOs).

Civil Society Organizations in the Third World

The Guatemala and Kenya case studies show that R&D can identify appropriate partners and work in collaboration with them. R&D also works actively with a large number of southern NGOs at international meetings and has assisted some organizations from the south to participate in these meetings. Various observers noted that R&D has a good knowledge of southern NGOs and this has been useful to other organizations, such as the International ICC Coalition, in identifying good organizations to work with in the Francophonie and the Commonwealth countries in particular.

Exhibit 4.1 R&D Stakeholders



Canadian NGOs

R&D has an active programme of collaboration with many Canadian HR organizations, and participates in a number of informal networks. These organizations were generally very complimentary about the contribution of R&D to their objectives. Many NGOs commented that R&D has played a successful role as a convener by arranging meetings and cooperation with other constituencies, particularly with government departments. R&D can play a useful role in helping facilitate NGO collaboration, particularly as it is able to provide modest funding to support such networking. Until recently, when the network disbanded, R&D provided financial support to the network on International Human Rights. Canadian NGOs felt they could not justify using their own scarce resources to organize this networking themselves. The smaller NGOs were most positive about the need for and value of R&D providing such support. NGOs also commented that R&D's involvement with lobbying in international fora provided knowledge that they couldn't match. R&D needs to make a greater effort to share this information more widely. It was also suggested that R & D could make an effort to provide information to different stakeholders on some of their project activities that are of wider interest. The Centre's work in Afghanistan was cited as one example where there is a lot of interest in what R & D is doing.

Canadian Government Departments

While R&D does not share the views of the government on all issues, and cannot be expected to, there are areas in which the government has taken a position that R&D and other civil society organizations can share. The ICC initiative is a case in point: R&D was able to cooperate closely with the Canadian government, both directly and in facilitating dialogue between Canadian and international NGOs during the ICC ratification campaign.

DFAIT cooperation with R&D has been useful, such as in DFAIT's active distribution of the ICC ratification manual to governments. R&D has also helped set up meetings between Canadian NGOs and DFAIT on other human rights issues in individual countries. NGOs noted that the value of consultations with DFAIT depended on the interest of the department. In general, it appears that R&D can develop effective cooperation with DFAIT when it identifies an issue that is also of concern to the government.

Other than in its interaction with DFAIT, R&D has minimal contact with other government departments. There are many issues of concern to R&D where DFAIT has no authority to speak on behalf of the Canadian government and other departments, such as Justice or CIDA, are the appropriate government interlocutors. R&D needs to keep in closer contact with DFAIT using a variety of means and to broaden its contacts with other key government departments.

Finding 2: There is still a mixed review with respect to the adequacy of the focus and the clarity of the Rights & Democracy niche.

The review team obtained a wide range of responses in asking respondents to identify the niche of R & D. For some, the niche consisted of a specific status reflected in the Act of Parliament that gave R & D the ability to work with both sides, Government and Civil Society. For others the niche consisted of the ability of R & D to pursue human rights and democracy development through two major kinds of intervention (advocacy and capacity building). Finally some respondents described the niche as the ability of R & D to respond quickly to urgent situations without having to follow lengthy procedures. The niche of R & D probably consists of elements of each of these responses. Although the Review team was puzzled by the variety of responses some clarity emerged by listening to such a wide range of respondents. The R & D niche consists of inherent advantage and acquired advantage. There are essentially two inherent characteristics of R&D:

- Unlike other NGOs, R&D has a reliable funding base and does not have to market itself like other organizations.
- R & D has a mandate for Research

Over the years, R & D has been able to put forward the following elements that can constitute its acquired niche:

- High staff expertise
- Credibility in some specific area such as:
 - A convening role between constituencies that allows for dialogue and collaboration, between government and Civil Society
 - A facilitating role in the establishment of a network of Canadian NGOs involved in HR and DD.
 - An implementing role in some field programming in developing countries.

Clarifying one's niche is important for an organization as it allows senior managers to improve decision-making and allows external stakeholders to understand and work more effectively with the organization.

4.2 Effectiveness

The act of Parliament that created R&D provides considerable leeway for the Board in choosing its strategy. As there are so many important issues and equally compelling challenges, R&D has had to make difficult choices, in particular given its mission and resources.

Finding 3: R&D has achieved positive outcomes relative to its resources.

While it is difficult to make an overall judgment on an organization that has so many activities, the findings of the four case studies and the judgment of external observers indicate that R&D has provided major benefits in different areas. As documented in other parts of this report, R&D has developed strong links in some areas with different stakeholders and has achieved positive results in its field programming and advocacy work. It has contributed to the image of Canada's commitment to human rights and democracy internationally with civil society organizations most actively involved with these issues. There are other areas in which R&D's activities seem to be of marginal benefit, partly because it is not providing enough support or continuity of support or is not strategic enough in its interventions.

External observers had no disagreement with the four theme areas R&D has chosen during the period under review:

- The Indigenous People's theme was seen as an obvious niche for a Canadian organization – important to Canadian interests and neglected by many organizations. There was, however, little knowledge of this programme among those interviewed, and some believe that it was not strategic enough in its programming choices.
- The Women's Rights theme was seen as well defined and effective in its area of work.
- The Globalization and Human Rights theme was seen as an area that few other Canadian NGOs could address in such depth with substantial research and analysis.
- The Democratic Development theme was positively assessed through two country case studies included in this review. It was the only program that carried out a review of its activities to draw lessons for programming purposes.

Finding 4: R&D's activities are too dispersed and this affects its performance in achieving many of its objectives

While R&D has reduced the number of issues and areas it works on, it still addresses a very large number of subjects each year. This was also an area where many of those interviewed felt that the Centre is still

too dispersed in its activities. Board members agreed that R&D's activities may be difficult for outsiders to understand, but they see considerable value added from R&D's activities. They believe R&D needs to respond to rapid changes in the human rights environment, multiple constituencies, and the many human rights abuses that require urgent action. Small grants are seen as useful when strategically directed to supporting and protecting human rights activists or organizations such as the Centre for Governance and Development cited in the Kenya case study that helped it move into a position to attract funding from other donors. The Urgent Action fund was a useful initiative to allow for flexible and rapid response to urgent abuses, issues and opportunities. It would seem that the Centre could then support longer term projects and activities in its other programmes to address more of the root causes of human rights and democratic abuses which are systemic and long standing.

Even with some reductions outlined in the 1998 strategy, R&D still has a combination of four themes, two programming means, and 15 developing countries, which yields 120 possible programming combinations working at the global, regional and national levels. In addition, R&D also has an Urgent Action Fund, which allows it to respond to crises and unanticipated events around the world. R&D issues a number of press releases each year and participates in many international meetings to network and advocate on various human rights issues.

Only 15 programme staff carried out this activity in 2002. While it is impressive that staff are able to work on so many issues, observers felt it has a cost in terms of the overall effectiveness of its programming and objectives.

R&D uses two programming methods: capacity building and advocacy.

A. Capacity Building

In addition to Guatemala and Kenya (documented in the two case studies), there are other areas where one can identify positive benefits on capacity. Although it is difficult to ascertain a cause-effect relationship, there have been cases in Peru, Bolivia, and Mexico in which individuals supported by R&D have moved into senior government positions where they are in a position to influence human rights and democratic practices. R&D appears to have improved the capability of some developing country partners, although short-term project support can be expected to provide only certain kinds of benefits. They can provide short term bridging funding for organizations in temporary financial stress or provide enhanced credibility and protection for human rights and democracy activists.

What R&D cannot do with its present funding levels is create strong viable organizations in a systematic manner. The extensive literature on capacity building is almost unanimous in agreeing on the complexities and difficulties in creating organizational capacity and the need for sustained programming support. The evaluation of the R&D programme in the Democratic Republic of the Congo identified a series of requisite steps, from analysis of the country environment, to identifying areas where R&D could make the most difference, to assessment of the capabilities and needs of potential partners. Engaging in this type of careful positioning requires considerable staff time and financial resources. R&D was able to devote this time in Guatemala because it received a \$500,000 grant from CIDA. It is questionable if R&D has the human or financial resources to do much field programming of this type unless it can access more project funding. Some NGOs suggested that they are in a better position to provide ongoing project support at the field level.

B. Advocacy

R&D's advocacy activities permeate nearly all its programmes. Its advocacy work is most active at the international level where it devotes considerable resources to participate with other NGOs in lobbying government delegations at international meetings. It also engages in independent advocacy through the media and presentation to groups such as parliamentary committees. The wide variety of issues it covers

is time consuming for a small organization like R&D. While this work does contribute to staff knowledge and activities at different levels – from the international to the national – and does provide cross benefits, observers questioned whether R&D is getting sufficient results from this work. There is a growing number of NGOs who are active in this area and the value added that R&D could provide was questioned.

The ICC initiative was a major human rights achievement in which R&D had a positive influence. But, as detailed in the ICC case study, achieving results required resources, activities, and partnerships over a sustained period of time. A variety of means were required, including alliances across constituencies, research and publications, supporting communication strategy and specialized expertise. While other issues are not so complex and global in their scope, it does suggest that R&D needs to be selective in using its limited resources if it is going to be successful in other major programme objectives.

How to affect the HR agenda

A number of external stakeholders suggested that R&D should look more closely at how it can affect change rather than at the areas in which it should focus. R&D was seen as making a real difference when it looked at the issues of how to change the human rights environment rather than advocacy to address specific human rights abuses. The development of the ICC manual on how to ratify and implement the Rome Statute and the development with Amnesty International of a methodology manual for gender sensitive research were seen as providing a distinct service to other organizations. R&D's work in bringing together women's and HR NGOs to reach agreement on advocating for ratification of the American Convention on Human Rights was cited as an example of how R&D can affect the HR agenda more effectively than by more direct lobbying activities.

Finding 5: R&D's high level of staff expertise has benefited other stakeholders and contributes to the credibility of R&D.

The most frequent observation made by external observers and partners is that R&D's contribution depends directly on the level of analysis and expertise it brings to an issue. R&D was seen by many NGOs as a very knowledgeable source of information. While smaller NGOs expressed this most strongly, the large NGOs were also complimentary and generally rated the quality of R&D staff as an important asset.

R&D staff contributions were less appreciated when their involvement was seen as too peripheral. As an example, the presence of the R&D President at meetings of the International Steering Committee of the ICC coalition allowed R&D to influence the agenda because of his legal knowledge and political expertise. Otherwise, it was difficult for R&D to make a contribution to the tightly linked steering committee of New York based agencies that had several full-time legal staff dedicated to the issue of the ICC.

Finding 6: R&D needs to refine its strategy.

The most important recurring recommendation from the two earlier five-year reviews, as well as from other evaluations undertaken during the period under review, is the need for R&D to develop a clearer, more focused strategy. While various external stakeholders commented that R&D has made some progress in clarifying its niche and strategy, it does not seem to have clarified where it can be most effective. The Board recognizes the importance of this issue, as well as the difficulty of grasping the full complexity of R&D's work.

R&D has undertaken several initiatives to increase its focus in the implementation of its programmes and activities, as well as its visibility and relevance in Canada. R&D undertook a number of strategic discussions immediately before and after the last five-year review and introduced a short strategy paper entitled *Towards the Millennium* in 1998. In June 1999 Rights & Democracy organized a "think tank

session” to provide outside expertise to assist R&D in focusing its activities and programmes. It also revisited the issues of regions and themes for its activities. In 1999 the Board of Directors discussed an outline of a Strategic Planning scheme for 2000-2001. The Board passed several resolutions outlining the four strategic themes that should be given priority in programming and the creation of four oversight committees corresponding with the four strategic themes of programmes.

The Millennium strategy spelled out four programme themes and two means focusing on 13 core countries. Although this provided greater clarity, it focused primarily on what R&D would do and did not explore or identify those areas where R&D has comparative advantage. There is little evidence that R&D looked at how the external environment had changed and what implications this had in identifying where R&D could be most effective. Yet the external environment has changed dramatically over the period preceding the strategy document. One positive development referred to in the context is the enormous growth in civil society organizations concerned with promoting democracy and human rights. This creates both a greater challenge for R&D to work with this larger constituency and an opportunity to focus its efforts as other organizations devote resources to other human rights issues.

The Programme of Work for 1999-2001 followed the strategy and introduced more selection criteria, although there has been some drift from core country selection. However this document was more informative on the objectives and planned achievements of each programme and the 2002-2005 programme of work built on this by more explicitly identifying expected outcomes and performance indicators.

However these changes still do not present a well-founded strategic direction. The Centre needs to carry out a thorough review to look at the external environment including what other actors are doing to see what activities are already addressed more effectively or with more resources than R & D can provide. It needs to look at its experience over the last 15 years to identify areas where its contribution has been marginal or less effective than in other areas. This review and other evaluations have identified both areas of strength and weaknesses that can be drawn on to identify areas where R & D is most effective and has a unique niche.

Finding 7: R&D does not undertake enough research and has inadequate links with the academic community.

R&D has commissioned some research from HR and Democracy specialists and involved them occasionally in R&D conferences. While the Board has a number of academic members, R&D's operational links with the academic community are marginal. Although the 1998 strategy document identified this as a weakness and R&D planned to create a network of academics, this was not sufficiently followed up. Rather than create a specific network, it could focus on supporting work in Canada and abroad that address their key programming interests and create opportunities for debate and interaction with other constituencies based on this work.

There was strong support by those interviewed for the research that R&D has done. Many felt that R&D is one of the few HR and Democracy organizations that has research as part of its mandate. Its research and publications were seen as a valuable service that R&D could provide to the NGO community, in areas such as:

- best practices of the community,
- summaries of issues and debates within the community, and
- reflections and analysis of key issues affecting HR and Democracy.

In this area, R&D could be more effective as a complementary rather than a parallel actor in the NGO community. R&D research publications were considered useful but not distributed widely enough. It was

also noted that increased research and analysis would contribute to enhancing R&D's credibility with different stakeholders.

One example of research that would address the subject of how to influence the human rights agenda could be a study of the relative effectiveness of civil society lobbying in intergovernmental fora versus lobbying national governments in their own capital. NGOs use enormous resources to attend such meetings and it could be very helpful to NGOs to know when and where to put their lobbying resources.

Finding 8: R&D lacks an organized institutional communication strategy that identifies and serves its main target audiences.

Communication of information is a core part of R&D's programme – to meet its advocacy objective, to provide essential information to its various stakeholders, and to raise public awareness. Each of the previous evaluations commented on R&D's lack of a communications strategy, and some steps have been taken to address this. The Board commissioned the Boisvert Report on communications and increased its communication budget. A report on communication activities has been presented at each Board meeting, and the logo and title of the organization were streamlined. However, there is still not an overarching communication strategy, which creates problems in presenting a clear image of R&D and its priorities.

The Evaluation of Publications report confirms that R&D needs to give more attention to identifying the interests of different target groups and ensuring material is directed to these needs. While this is an onerous task, it is as essential as producing good quality information.

R&D has achieved significant outcomes relative to its resources in the JHFA and in its media coverage. It is a trusted source of information for many NGOs. The JHFA case study concludes that R&D has achieved reasonable to high outcomes from this programme given the modest resources that it requires. Although some progress has been made in linking it with field programme activity and it is now being fully integrated into the programme, the award programme has existed as an isolated activity. The JHFA could be used to strengthen links with some key Canadian HR organizations.

The Evaluation of Publications concluded that R&D's publications were often well received, particularly the essay series, which has been better linked to R&D's interests in recent years. Producing joint publications has provided benefits in terms of strengthening relations with other organizations, bringing in additional expertise, and adding the distribution network of other organizations.

R&D's information activities such as testimony before parliamentary committees were cited as useful, whereas the value of the large number of policy statements issued at international meetings where R&D was an observer was questionable.

Throughout the period under review, R&D has attempted to issue a limited number of press releases directly related to its areas of expertise. However, given the time required to prepare and distribute press releases R&D should consider focusing only on issues in which it is active and has detailed knowledge of the situation.

Finding 9: R&D's image is becoming clearer to those most closely involved with the organization.

R&D's image and activities appear to be clearer now to some of its key constituencies who have closest contact with R&D. Others are still not sure what R&D does. It is more difficult to explain the main thrusts or the effectiveness of R&D from its many small activities even if they achieve useful results. Part of the reason is the limited contact of different stakeholders with R&D and its activities. R&D is active in so many areas that it has limited opportunity to interact with any one particular constituency.

The concern expressed in earlier years that R&D might not be independent of the government does not seem to be an issue now. Therefore R&D should not be preoccupied with whether it is perceived to be independent of the government or in cooperating with government departments when it judges that this can be an effective approach to achieving its goals.

Observers felt that R&D was achieving a higher visibility and contributing to Canada's image and values on human rights and democracy among those organizations most involved in this area. This observation needs to be put in context. R & D is a small organization and cannot be expected to have a high visibility except for the group of civil society actors and governments with which it interacts. Even here, it is unlikely that many would think of R & D as being a government-funded agency. It would be unrealistic to expect that R & D could be seen as a vehicle for demonstrating the Canadian governments commitment to human rights and democracy to many stakeholders internationally.

The JHFA case study shows that R&D has had a beneficial effect in raising public awareness of HR issues. As a small organization, R&D should not be expected to achieve recognition or credibility with the general public when much larger organizations have not been able to achieve this. R&D should aim for credibility with its key stakeholders and limit itself as it is doing to raising public awareness of human rights and democratic development issues among the general public.

While the think tank meetings R & D has initiated were not specifically addressed in this review, it was noted that this type of activity could be another means for R & D to create an intersection of views and dialogues on difficult issues. The value could be enhanced if more emphasis was placed on problem solving rather than awareness-raising alone.

Finding 10: R&D needs to develop a revenue generation strategy if it wishes to access additional non-core funding.

After several years of decline, the R&D core grant has increased in the last two years. The annual grant level of less than \$5 million limits what R&D can achieve, particularly its ability to do sustained programming in developing countries where the costs of developing and supporting projects can be high. R&D's core grant is provided from the ODA envelope, which means that R&D has almost no funds for programming work in non-ODA eligible countries. In light of this, R&D has tried to secure additional funding, but without much success. There has been some increase in the level of non-core project funding, but R&D has not developed an adequate revenue generation strategy.

4.3 Efficiency

The 1998 Five-Year Review focused on organizational issues that affected Rights & Democracy's performance. Among the recommendations of that review, several aimed at improving Rights & Democracy's efficiency. Specifically, it was recommended that Rights & Democracy make improvements in the areas of structural governance, programme management, monitoring and evaluation, human resources management, and financial management in order to optimise the use of all resources available to the organization. Overall, Rights & Democracy has been very successful in implementing the various recommendations made in the 1998 Review and its diligence is to be commended.

Finding 11: Rights & Democracy has successfully addressed the recommendations of the 1998 Review concerning infrastructure management, financial and human resources management and programme management procedures and guidelines.

R&D has undertaken many initiatives to become an efficient organization that maintains its programme budget while paying more attention to its operating costs. R&D should be complimented for maintaining its programming budget, in spite of a fixed parliamentary allocation and increasing cost of living.

Acting promptly on the recommendation to manage its finances more efficiently, R&D contracted an external firm to analyze the needs of its financial systems. Based on the results of the study, a more robust financial system has been implemented, allowing R&D to better track all expenditures, to conduct monthly reconciliation of expenditures and costs, and to produce more meaningful financial information for decision making. The implementation of the system is ongoing, and adjustments are being made as needs emerge. Both R&D managers and financial partners report a good level of satisfaction with the increased financial management capacities of R&D since the move to the new system.

R&D has also made tremendous progress in its management of human resources. The year 1998 was a complex year in which the arrival of the Honourable Mr. Allmand coincided with the formation of a Union, a result of some of the human resources management issues that emerged in the previous period. Nevertheless, under what most considered a tough set of circumstances, a collective agreement was signed, a new structure was developed, and human resources policies were developed in an explicit manner. One key element of these changes should be noted: all staff and union representatives interviewed recognize that the leadership of the Honourable Mr. Allmand allowed the changes to be made in a spirit of respect. This allowed all differences to be expressed and problems to be addressed.

All interviews conducted with staff support the conclusion that the various changes made between 1998 and 2002 in human resources management and the structure of R&D allowed the organization to have more coherence in the administrative functions, allowed for improvement in the working relationships among the staff, and led to a better working climate.

During the 1998-2002 period, R&D professionalized its management of programmes primarily through a systematization of approaches and procedures, and through increasing information on the ways things are done. For the majority of respondents, these changes were positive. A Programme and Policy document was developed (Programme Policies and Procedures Manual, 24 May 2002), that provides guidelines for planning, implementing, monitoring and evaluating projects, deadlines, decision-making process, proposals, criteria for partnerships and hiring of external consultants. A few staff members found these changes cumbersome, as they require a longer paper trail of forms to complete, which adds to the already heavy workload of all staff. Nevertheless, from an evaluation point of view, the development of such documentation has increased the professionalism of R&D's programme management.

Finding 12: Rights & Democracy has had less success in addressing the recommendations of the 1998 Review concerning its corporate governance; the role of the Board of Directors and Board members continues to be an issue.

The 1998 Review concluded that the roles and responsibilities of Board members were not clear, and there was no sense of accountability of the Members, particularly with respect to the financial management of the organization.

Positive Achievements

Rights & Democracy has reviewed the roles and responsibilities of Board members, making them quite explicit. A document called *Guidelines for the Participation of Board Members in the Work of the Centre* was developed and approved in June 2001. It reflects the increased roles of Board members and several new committees of the Board, including the Human Resources Committee and the Oversight Committees. It also outlines the participation of the Chair and Vice-Chair in the newly created Urgent Action and Important Opportunities operation. Our review of the document leads to the positive conclusion that the roles have been described, the responsibilities outlined.

The Board of Rights & Democracy has also developed and implemented an annual evaluation process for the President. Every March meeting the Board conducts an appraisal of the President's performance for

the year based on the Presidents annual report. The Chair then forwards the appraisal, upon request, to the Privy Council Office.

With respect to financial accountability, Board minutes (1998-2002) indicate that Summary reports of programme updates, finance reports, evaluations and sub-committees reports (Urgent Action and Important Opportunities) are presented at most Board meetings. March meetings usually focus on adoption of the programme plan and budget for the next fiscal year, while October meetings usually focus on adoption of policy and programme orientations.

Ongoing Issues

In spite of the clarification of roles and responsibilities and the development of the Guidelines, several governance issues remain problematic. These include the rotation and selection of Board members, the focus on programmatic rather than organizational strategic issues, and the role of Board members as ambassadors.

The rotation cycle of Board members, as well as numerous vacancies on the Board, has affected the ability of the Board to take ownership of organizational issues. The timing of rotation often puts the Board in a situation where there are a large number of new members at the same time. At the March 2003 Board meeting, for example, two new members of the Board found it difficult to take positions on the information presented, due to a lack of historical understanding of Rights & Democracy.

The selection of Board members: Rights & Democracy attracts prestigious Board members, both Canadian and international, with expertise in the area of human rights and democratic development and strong beliefs in the mission and mandate of the organization. Although these members are experts in programmatic issues, they are less knowledgeable in the area of organizational and strategic management. Board members interviewed say they are more comfortable dealing with programme issues than with organizational issues. For some members this is due to the limited orientation they received; for others it is due to their limited managerial and governance experience.

Programmatic focus of the Board: Rights & Democracy established Oversight Committees in 1999-2000 for four programme areas (in 2002, the name was changed to Monitoring Committees). These Committees, each composed of 3 to 4 Board members, who specialize in the four strategic themes of Rights & Democracy's programmes, meet with staff members working in a particular thematic area. The purpose of the committees is to help Board members understand the issues and projects of each thematic programme and allow them better interaction with staff. Although the idea is commendable, it has reinforced Board members' focus on programmatic aspects and operational issues instead of organizational strategic issues. The Board needs to have a more professional orientation focused on policy considerations, and to distance itself from daily programme operations.

Board Members as Ambassadors: The 1998 Review recommended that Board members play a stronger role as ambassadors of Rights & Democracy to the external world. This recommendation has been addressed to some extent. Board members made presentations at McGill's Global Perspective on Human Rights conference in October 1999, and were involved in Rights & Democracy's forum on Hemispheric Integration and Democracy in the Americas at the OAS General Assembly in June 2000, and the NGO parallel Summit of the Americas in Quebec City in April 2001. Both the President and Chairperson of the Board present reports outlining their activities outside R&D, which include ambassador type activities, such as speaking at and/or chairing various conferences, and giving interviews with national and international media about R & D's activities and programmes. The review team would encourage R & D to more clearly define the scope and discretion of Board members when they are representing the positions of Rights & Democracy in public. Indeed, extreme care must be taken by R & D to avoid any situation in which a Board Member acting as ambassador in, for example, a fact-finding mission is inadequately prepared for the complexities on the ground. The volatility and complexity in some of the

situations where R & D might become involved requires a good knowledge of the situation, excellent information on the ground and experience in this type of intervention.

Finding 13: Rights & Democracy has invested in increasing its Monitoring and Evaluation capacities and is making efforts to institutionalize an evaluation culture.

The 1998 Review recommended that Rights & Democracy enhance existing systems to ensure more performance-oriented programme planning, management, monitoring and evaluation. There is strong evidence that Rights & Democracy has taken the recommendation seriously.

Positive Achievements

Beginning in October 1998 each Board Meeting has included a discussion and tabling of reports dedicated to evaluation. Some are focused on committees and activities of R&D, but the majority is focused on projects and programmes that R&D is involved in. A staff member was designated to prepare annual evaluation plans and budgets and a system whereby programmes, directorates, divisions or systems would be evaluated periodically and/or when required. At meetings of the Executive Committee, members also discuss evaluations of programmes and plans for future evaluations as well as evaluations of Rights & Democracy's financial systems.

In 1999 training sessions were organized to help programme staff develop indicators for programme evaluation purposes, and a consultant was retained to assist in developing evaluation indicators.

Between 1998 and 2003, Rights & Democracy conducted or was subject to eleven (11) evaluations – some of these were external reviews, others were conducted as internal evaluations. A review of these evaluations shows rigor and care and a deep concern for understanding issues and drawing lessons for improving programme delivery.

Exhibit 4.2 Internal and External Evaluations of R&D

INTERNAL AND EXTERNAL EVALUATIONS CONDUCTED AT R & D	YEAR
Universalia, "Five-Year Review of the International Centre for Human Rights and Democratic Development: 1993-1998", October 1998.	1998
Boisvert, Antonin. "Observations Critiques Sur Le Régime Des Communications De Centre International Des Droits De La Personne Et Du Développement Démocratique"	1999
Paul A. Turcot & Brian Rowe, South House Exchange. Evaluation of the Network on International Human Rights	1999
Paul A. Turcot, South House Exchange. Evaluation of the Rights & Democracy Programme for the Democratic Republic of Congo	1999
Nancy Thede, R & D. Evaluation of the Conference on Hemispheric Integration and Democracy	2000
Madeleine Desnoyers, Marcie Mersky, Jennifer Proudfoot. Evaluation of the Fund for Public Policy Research in Guatemala	2001
CAC International. CAC International. "Droits Et Démocratie, Évaluation Des Systèmes Financiers", Rapport Final	2001
Diana Bronson, R & D Evaluation of the Summit of the Americas	2001
Magda Seydegart, South House Exchange. Evaluation of the Urgent Actions and Important Opportunities Initiatives: Refining an Imperative Function	2002
Nancy Thede, R & D. Democratic Development: An Overview	2002

INTERNAL AND EXTERNAL EVALUATIONS CONDUCTED AT R & D	YEAR
Barry, W.E. Bragg, The Evaluation of the ICC Training Course	2002

Source: Rights and Democracy, 2003

The Board is, in general supportive of the quality of the evaluation conducted. For example, in 1999-2000, evaluations were conducted of the “Gender-Related Crimes and the ICC”, the Human Rights Network, and the Congo project. The Board minutes indicate that the Board noted the useful lessons that were learned from them. Similarly, A Financial Systems Evaluation Report was presented in March 2001 and well received by the Board. Finally, in 2002, the Board commissioned an evaluation of the Urgent Action and Important Opportunities fund. The Board felt that the report had positive aspects and that it gave management a chance to rationalize and simplify the administration of the fund.

Ongoing Issues

Using evaluation information: Rights & Democracy is faced with the challenge of institutionalizing an evaluation culture. Staff interviewed report an increased awareness of the need and the purpose of evaluations, and the need to plan for evaluations at the beginning of a project. At the same time, however, staff report that project evaluations are not used as effectively as they could be – evaluation results are not fully used to improve operations, and there is not enough discussion among staff about lessons learned that could improve future projects.

Finding 14: Rights and Democracy needs to promote greater learning and sharing lessons learned across program activities.

Previous evaluations have noted the limited degree of integration between programme activities, particularly between its communication and programme groups. The large number of activities R&D carries out limits the potential for better integration of its different programmes and its ability to monitor results, draw lessons and improve its programming strategies. Like many action-oriented organizations, there is still little evidence that it is taking the time to assess and improve performance based on past assessment. A notable exception was an in-house ten-year review of the Democratic Development programme.

Finding 15: The vision put forward by R&D’s new president has led to the restructuring and re-allocation of some functions and responsibilities. This has created tension between some staff and management, which the Board is aware of.

As with any organization experiencing new leadership, R&D has had to adapt to the vision of its new leader, the different strategies and approaches put forward to reach this vision, and to a different leadership style. Since the fall of 2002, R&D has a new President who has taken actions to support his vision and held bilateral meetings with staff working in the various areas. The change has created tension among a few R&D staff who subsequently expressed their concerns to the Board of Directors.

Since January 2003, the President has made key changes in the structure and staff composition of R&D and submitted to the Board changes in the Programme Structure. With respect to staff composition, nine positions were abolished³, one position was redefined⁴, and five new unionized positions and two non-unionized positions have been created. However, one should note that the process by which the

³ Director of Communications, Deputy Director of Communications, Coordinator of Documentation Centre, Assistant Coordinator of Documentation Centre, Communications Assistant, Management Coordinator, Assistant to Management Coordinator, Urgent Action Officer, Administrative Assistant to Regional Officers).

⁴ Communications Officer becomes External Relations Officer.

implementation of the changes has led to a deterioration of the management-union relationship. R&D Management now faces five (5) grievances for non-respect of the collective agreement during the restructuring process and the posting of new positions, nine (9) grievances for non-respect of job descriptions. However, it is worth mentioning that both the management and the union have agreed to submit the pending grievances to a mediation process.

A concern to the review team is that the emerging tense climate in the organization could affect the loyalty of R&D staff members. The existing staff is highly credible and well respected in their own thematic areas and it would be unfortunate to jeopardize their commitment to the mission and mandate of R&D.

Another area of concern for staff is the introduction of a new programmatic structure that has replaced the four thematic programmes by three levels of interventions. A few staff and Board members would like to better understand the rationale for these decisions. Overall, R&D is encouraged to establish a healthier dialogue with its staff and to maintain the cordiality between management and the union. In that sense, one of the newly created positions, which is specifically responsible for labour relations within R&D, will play a key role in ensuring that all employees make a positive contribution to R&D's mission while feeling they have the possibility to express their concerns and that their views will be taken into consideration.

5. Case Studies

5.1 Canadian Public Awareness and Increased Partner Credibility: The JHFA Case Study

Rights & Democracy presents the John Humphrey Freedom Award (JHFA) each year to an organization or individual from any country or region of the world, including Canada, for exceptional achievement in the promotion of human rights and democratic development. The Award consists of a grant of \$25,000 as well as a speaking tour of Canadian cities to help increase awareness of the recipient's human rights work. It is named in honour of John Peters Humphrey, the Canadian human rights law professor who helped prepare the first draft of the Universal Declaration of Human Rights.

R&D created the annual human rights award in 1992 and it is the only international human rights award publicized in Canada.⁵ To date, the JHFA has been awarded to organizations and individuals in developing countries, and since 1995 has been awarded only to individuals.

The objectives of the award are:

- To honour the laureate and his or her work to strengthen human rights and democracy in their country,
- To increase public awareness in Canada of human rights issues, and
- To increase the visibility of Rights & Democracy in Canada.

Finding 16: Clarity and refinement of the selection criteria and process has increased the John Humphrey Freedom Award's relevance to R&D's programme in Canada and overseas.

Rights & Democracy advertises the JHFA programme widely and receives 80 to 100 nominees each year. So far, the Award has been given three (3) times to a human rights activist from Africa (1994, 2000 and 2002), three (3) times from Latin America (1992, 1993 and 1997) and five (5) times from Asia (1995, 1996, 1998, 1999 and 2001). Selection criteria are clear, and there have been no apparent difficulties at any stage of the selection process.

The selection process has been tightened several times in order to increase the award's relevance to Rights & Democracy's programmes. The award is now given only to individuals, which provides a more direct human dimension to the award in Canada. R&D has also moved away from an external selection committee to a Board committee, and gives preference to candidates whose work reflects R&D's four priority themes.

The selection criteria indicate that the award seeks to provide some support and protection to those who risk their lives in the defence and promotion of human rights, so preference is given to those working on the front line, under hostile conditions.

The choice of awardees strongly influences the public awareness that R&D is able to generate in Canada through public meetings and media coverage. There is a desire to give the award to recognize forgotten human rights situations, but also awareness that the topicality of the issue and the reputation of the laureate can influence public awareness. Given that the selection is somewhat arbitrary among many very

⁵ There are an increasing number of award programmes in Canada given by governments, academic institutions and other award organizations. In some cases, the awards are designed to provide publicity and other benefits to the granting institution. Therefore any award programme needs to overcome suspicion that it is a self-promoting initiative and to compete with other award programmes for public attention.

deserving nominees, the selection criteria might be amended to add the potential to raise public awareness as an important criteria.

Finding 17: The reputation of the JHFA is growing and contributing to Canadian public awareness on human rights.

There is little evidence available to determine the value of the award to the recipient, but better information on the contribution of the JHFA to building Canadian public awareness and other R&D objectives within Canada. In carrying out this case study, the review team consulted various groups involved with JHFA recipient's activities in Canada as well as media coverage.

Media coverage varied considerably – from reasonably good coverage in most cases to the exceptional coverage received by the 2002 recipient Dr. Sima Samar who was selected for a cabinet position in the new Afghan government during her visit. The award is becoming better recognized by the media and R&D has begun to receive some pre-award media requests.

JHFA recipients are requested to undertake a tour of Canadian cities as part of the award programme. In most cases, recipients have contributed a great deal of time in an onerous schedule of travel and interviews. In one case, the laureate undertook only a very limited travel schedule and the benefits were correspondingly limited.

JHFA laureates have participated in public meetings and small meetings with selected groups of NGOs, media and donor agencies. While the attendance in some of the smaller cities has been very high, the travel schedule does not provide for many cities other than Montreal and Ottawa to be included on a regular basis. R & D should program travel to reach more regions of the country even if this means reducing time in Ottawa and Montreal.

Occasionally the award can lead to a strong connection with the public. The award to Dr. Sima Samar was such a case. Her visit stimulated considerable interest by different groups where she met. In Edmonton she spoke to over 650 people in an auditorium that required wiring to an overflow room. In Moncton, the organizers anticipated about 40 people would attend her presentation but received about 300 people. As an example of some of the follow up that her visit precipitated the Chair of the Advisory Council for the Status of Women in New Brunswick helped host an informal Solidarity Group which involved a government minister and member of the opposition, and other organizations. There was a fund raising concert and material in the teachers and nurses' union publications. A number of individuals contribute funds and organizations like the nurses union contributed on behalf of the organization. Her visit also helped generate two grants from the Quebec government and CIDA for subsequent work with women and children in Afghanistan.

Interviews with organizers in different cities suggested that these meetings served to put a human face to what are sometimes abstract issues and to counter media bias by showing that there are courageous people in the south who are addressing their own problems. The growing reputation of the award can be seen in the comment by Michele Landsberg in a column in 2001 in the Toronto Star when she described the JHFA as "our (Canada's) highest human rights award."

Finding 18: JHFA's potential is limited by lack of advance planning and integration with R&D's other programming activities.

Some hosting organizations indicated that they would welcome the chance to organize more JHFA meetings although this is done on an ad hoc basis each year. Some of these organizations, such as the Faculty of Law at the University of Toronto, would welcome closer ties with R&D.

Similarly, those consulted indicated that they would welcome further information, either through more extensive material on the human rights situation in the award recipient's country and follow up information after the fact in subsequent issues in Libert@s or on the R&D web site. While there are many

competing demands on the public's time, those attending presentations by the JHFA recipient represent a potentially strong audience for further information. A one-time visit by a JHFA laureate misses the opportunity to keep building knowledge and involvement.

R&D has provided limited information on the human rights issue being recognized through the award. This gap could be addressed by circulating a briefing paper in advance. Other means, such as paralleling the JHFA with related films or other activities have not been used. There was a postcard mailing campaign related to the awards to two Burmese human rights activists, but this example of public involvement appears to have been an isolated case.

The grant from CIDA provided an opportunity for R&D to launch a major project in Afghanistan. R&D also provided some project funding from its own funds for projects addressing the human rights concerns of the last two awardees.

The JHFA should be part of a broader strategy to increase public education and support for human rights issues by:

- selecting laureates in areas where R&D is able to provide programming support to the HR issues of the laureate;
- developing and providing support for a network of hosting organizations who are willing to share in organizing and publicizing information on the laureate; and
- more advance planning to prepare background papers, seminars and other informational material for interested organizations and the public.

Conclusion

The JHFA has established a visible and credible niche that could grow in influence over time. It is clear that the public education value of the JHFA is greatly facilitated by selecting laureates who work on an area of great public interest, and that linking the award to other programming activities can provide much greater benefits. In order to implement a more integrated pan-Canadian public education approach, the JHFA will require more resources. Funding should be provided, even if it means moving to a biannual award.

5.2 Advocacy for International Human Rights Protection: The International Criminal Court Case Study

Probably the most important HR achievement in the last decade was the entry into force of the International Criminal Court (ICC) in 2002. Winning agreement of the majority of governments for a treaty, negotiating the operating rules and procedures of the ICC, and getting a majority of signing countries to implement legislation required the input of many actors at the governmental and non-governmental levels.

Finding 19: Rights & Democracy clearly contributed to the success of ICC campaign.

R&D supported various activities relating to impunity in its early years but launched a sustained campaign for the ICC in the period under review. Its ICC campaign represents probably the most sustained single thrust of R&D over this period, with R&D providing ICC programme funding of \$125,000 and substantial personnel resources.

R&D hosted a significant conference in 1998 that brought together government, NGO and academic representatives to prepare lobbying strategies for the UN meetings on the ICC. R&D recognized early on the benefits of an active partnership between HR NGOs and "like minded" governments. The practice of working with other committed actors was characteristic of R&D's approach in this campaign.

R&D joined the Canadian coalition for the ICC at its inception in 1998. Members of the coalition indicated that R&D was considered a valuable partner in the coalition by virtue of its access, expertise and the resources it was able to provide. R&D was seen as having better knowledge about the ICC because of its participation in the international deliberations and its contacts with various influential and knowledgeable individuals involved in ICC activities. There was also an appreciation for the access that R&D could provide to the Minister of DFAIT and government officials. It was accepted that R&D had the resources and contacts to provide a convening role in NGO discussions with the government.

R&D was also accepted as a member of the Steering Committee of the International Coalition for the ICC, which eventually grouped together over 800 NGOs. The other members of the Steering Committee all had representatives based in New York who committed substantial resources and maintained close liaison. It was not feasible for R&D to play as active a role in the Steering Committee as the other members, and its influence was limited to the times when the President was able to be present. At those times, R&D had influence because he was seen as contributing a good political sense in advising the coalition. R&D was also able to contribute where it had strengths such as its knowledge of southern NGOs who could be brought into the coalition and to UN meetings.

Finding 20: Rights & Democracy's effectiveness in the ICC initiative was enhanced by the common interest of Canadian government, and by R&D's collaboration with NGO coalitions and academic institutions.

One major factor that affected R&D's achievements was the decision of the Canadian government to make the push for the creation of the ICC a high priority. R&D, along with other NGOs, was thus able to work in close cooperation with the Canadian government. R & D recommended the inclusion of two (2) NGOs as representatives in the official delegation of Canada to the Rome ICC Conference that reached agreement to establish the ICC. NGOs consulted frequently with the Canadian delegation on their common agenda. A number of those interviewed mentioned that R&D played a valuable role in accessing government officials because the President in particular had access to the DFAIT Minister and other government officials. R&D served as a conduit between the Canadian government and the NGO community.

A collaborative approach was also used when four organizations, ICCLR (International Centre for Criminal Law Reform and Criminal Justice Policy), a UBC based legal centre; CNICC (Canadian Network for the International Criminal Court); IMPACS (Institute for Media, Policy and Civil Society), an NGO focused on the media, and R&D jointly produced a manual and two (2) training sessions on technical assistance for States on how to ratify and implement the ICC treaty. Several government departments funded this project. Many developing countries had little capacity to address the complex legislative changes and delays in ratification by these countries could have jeopardized or at least considerably delayed getting the necessary majority of signatory countries.

The ICCLR and R&D collaborated on the preparation of a manual that brought together the common and civil law approaches in Canada for a pan-Canadian approach. The manual was rated as a significant contribution by various individuals consulted and DFAIT indicated that they have distributed the manual widely to most developing countries. In addition, an updated edition of the manual was translated into five (5) languages (French, Spanish, Portuguese, Russian, Chinese and Arabic).

Both ICCLR and R&D have strong legal capacity and an ongoing affiliation with the UN; IMPACS has media training capability; the Canadian NGO Network who undertook public education and R&D had expertise in working with civil society organizations. With these complementary skills, they were able to put together a joint training programme for government officials, representatives of the media and civil society. More than 100 civil society representatives from more than 50 countries, as well as 182 government officials and 90 journalists attended the five regional courses. R&D had capability in French and Spanish and good contacts in some regions so they took the lead in several regional courses. A

participant evaluation indicated that the course was positively received and a certain number indicated plans to mount similar national training sessions; R&D confirmed that this did happen in some countries.

The scale of the campaign required to establish the ICC and persuade a majority of countries to ratify the treaty (Rome Statute of the International Criminal Court) was so large that R&D could not hope to have much influence on its own. Therefore these partnering approaches appeared to be the only way that R&D could realistically hope to affect the outcome.

R&D also devoted considerable effort to attending the different UN negotiating meetings as well as other government meetings such as the meetings of La Francophonie and the Commonwealth heads of state. The limited evidence on the value of this participation is mixed. It undoubtedly contributed to the value provided to Canadian NGOs who could not participate at this level. It also provided opportunity for R&D to interact with other NGOs and contribute to NGO positions. However, the cost to R&D in staff time was considerable and an R&D report and the comments of some interviewees suggested that R&D was not able to contribute much to these meetings given their format.

R&D engaged in several public information activities related to the ICC. It prepared a number of ICC Bulletins on the state of negotiations and published a number of those on its website. However these were not very widely circulated and were not referred to by any of the interviewees. R&D also succeeded in getting some press coverage and major op-ed articles about the value of the ICC. The contribution of R&D in testifying before a number of parliamentary committees and individuals' conversations with MPs was cited as a more positive educational activity. R&D funded and worked jointly with the Canadian NGO Coalition to undertake outreach. A number of NGOs commented that R&D could have played a more useful role in informing the other members of the Canadian coalition.

Finding 21: Rights & Democracy's continuity of involvement in the ICC initiative and its variety of programming methods directed to one strategic goal were critical factors in its overall achievement.

In addition to R&D's working actively with partners, a number of those interviewed referred to four (4) other factors that influenced R&D's contribution to the ICC campaign: consistency and level of support; research; networking with civil society and R&D's staff expertise.

R&D provided substantial staff and financial resources to the ICC over the five-year review period. While it used a variety of means, they were all directed to a clearly identifiable common end. Where R&D was a major actor, such as in the Canadian coalition, it was seen as making a positive difference. Where it was a minor player in terms of relative expertise and resources, its contribution was seen as less substantial. In particular, it was noted that R&D's objective of influencing governments required more contact on an ongoing basis than R&D was able to achieve.

R&D devoted considerable time to developing knowledge and in-depth research on the ICC, which enhanced its credibility and influence among many NGOs. The President's involvement and the availability of legal expertise for part of the period were important aspects of R&D's contribution.

Conclusion

R&D clearly contributed to the success of ICC campaign. Its effectiveness was enhanced by the common interest of the Canadian government in the ICC, and its partnerships with NGO coalitions and academic institutions allowed R&D to provide greater value. Its strategic interventions at selected meetings and activities were more effective than general participation in large meetings. R&D's effectiveness in different areas varied according to staff and management expertise and credibility, but its continuity of involvement and variety of programming methods directed to one strategic goal were critical factors in its overall achievement.

5.3 Empowering Civil Society to Foster Peace and Democratic Development in the Aftermath of Peace Accords: The Guatemala Case Study

Since the signing of the Peace Accords between the government of Guatemala and the rebel guerrillas of the Guatemala National Revolutionary Unit (UNRG) in December 1996, the Sisyphean task to transform Guatemala from a war-torn country to a democracy has yielded little fruit. The peace agreement had initially generated hopes that the country would finally emerge from a 36-year civil war that claimed close to 200,000 lives and disappearances. But despite heavy involvement from the international community, which spent over one billion US\$ in Guatemala to support the peace process, gains were scarce and setbacks many. Both the Party of National Advancement (PAN), which signed the Peace Accords with the rebels, and the Guatemalan Republican Front (FGR), which succeeded the PAN in January 2000, made very little progress in implementing the accords. Electoral, judicial and fiscal reforms, for example, never really took off. Furthermore, the deadline for the implementation of the accords, originally set for 2000, has been extended to 2004. Yet, there are no encouraging signs that the delay has reversed the negative trend.

In reality, a climate of impunity is still very much present in Guatemala. High profile trial cases for the 1998 murders of Bishop Juan Gerardi and human rights activists such as Myrna Mack have revealed the fragility and indecisiveness of a judicial system undermined by intimidation and fear. And while government corruption is a rampant problem, organized crime appears to tighten its grips on a growing number of police, military and government circles, which prompted the US to decertify Guatemala for doing too little on drug trafficking. On the eve of another general election in November 2003, in which the infamous ex-dictator Rios Montt is expected to run, the mood is grim and observers wonder whether Guatemala's democracy is not sliding backward after a few initial peace gains.⁶

Finding 22: In this difficult environment, R&D supported important democratic initiatives with civil society organizations, which proved innovative to many observers.

From 1998 to 2003, R&D activities focused primarily on democratic development and peace building in Guatemala by fostering the participation and policy-advocacy development capacities of several civil organizations within the framework of the peace process. In 1998, R&D received a grant of close to half a million dollars from CIDA to establish a Fund for Public Policy Research. The concept of the Fund originated from a series of consultations between Canadian NGOs involved in Guatemala, DFAIT, government representatives and the Canadian Peace building Coordination Committee.

While significantly boosting R&D's operating budget for its Guatemala programming activities, the research policy Fund also allowed R&D to establish an office in Guatemala City with a full-time project manager. This field presence enabled R&D to develop a broader range of projects and ensured closer follow-up, something that is usually impossible due to R&D's limited resources.

According to many observers in Guatemala, R&D played a pioneer role in building analytical and policy-advocating capacities of civil society in Guatemala. After nearly four decades of civil conflict and counter revolutionary tactics, Guatemala was left with a highly fractured social fabric where civil society had essentially played an advocacy role, denouncing human rights violations. With the creation of a national commission stemming from the peace negotiation, however, it became clear to many observers (including R&D) that civil society in Guatemala needed support to articulate its demands and facilitate its participation in the peace commissions set up to negotiate the specifics of the peace accords. This was an area that had been traditionally neglected by the donor community despite crying needs. With the support of CIDA, R&D made this the core aspect of its intervention.

⁶ For more background information on the above, see The Economist, "A country turns upside down", May 15, 2003.

Finding 23: Overall, R&D has contributed to advance the research and policy-development capacities of several civil society organizations to translate their demands into concrete proposals, thereby facilitating their participation in the implementation mechanisms of the peace accords.

Through the policy research fund, funded by CIDA, and its regular programming activities, R&D supported the development of research and policy development capacities of several NGOs. The fundamental intervention objective was to build the technical and policy expertise of a sector of society that had long been ineffective in using political spaces to convey its grievances.

In Guatemala, both recipient organizations and external observers provided evidence that R&D played an important role in enabling NGOs from different sectors to carry out serious research, some of which was translated into policy proposals that were discussed within the framework of the peace commissions. For example, during the short life span of the Fund, six partner organizations funded by R&D presented policy proposals to different commissions and government agencies on topics such as land, education and fiscal reforms, as well as on political participation and indigenous rights. In some cases, there were spectacular results. The legislative proposal for the creation of a Land Registry put forward by the National Joint Commission on Land Rights of Indigenous Peoples (CNPT-COPMAGUA)⁷ in July of 1999, became the basis of an ongoing negotiation process with the government. The proposal was still being discussed and amended at the time of the field visit, but is expected to be imminently approved.

It should be noted that the presentation of policy proposals to bodies directly or indirectly involved in peace accords mechanisms only represents the culmination of a process that frequently required participatory consultations at the local, regional and sometimes national levels. It was often through this consultative process that Guatemalan NGOs supported by R&D developed negotiation skills and achieved most of their learning. Beyond the production of research, analysis and policy-related documents, projects supported by R&D also allowed the development of practical tools. This included, for instance, a negotiation methodology developed by the Diocese of San Marcos for resolving land conflict. The methodology is now being used at the Department level (San Marcos is one of the 22 Departments of Guatemala).

Overall, the role of R&D in strengthening the capacity of Guatemalan NGOs in policy work related initiatives was particularly manifest with indigenous, peasant and women partner organizations. There were nevertheless a few grey areas. First, the hiring of external research consultants on some occasions limited the learning of a few partner organizations. Second, R&D's contribution to organizations such as IEAPADES and AVANSCO, two Guatemalan research centers with solid experience and strong capacities in research and policy proposals, was less visible. This situation was predictable, not to say inevitable. Although R&D sought to build capacity, it also had to strike a balance. This means that in certain cases, key research and policy proposals could only be developed by organizations with already strong capacities.

Finding 24: The short-term duration of the Fund as well as the lack of support to partner organizations in their negotiation or lobbying efforts with the government were viewed as major constraints.

R&D staff members, partner organizations and external observers all concur that the Fund for policy research managed by R&D was too short-lived. It was stressed several times that this greatly limited the overall impact of R&D's democratic development activities in Guatemala. Building capacity, as many have suggested, is a challenge that takes years rather than months.

⁷ Coordinación de Organizaciones del Pueblo Maya de Guatemala (League of Organizations of the Maya People of Guatemala)

This situation was essentially due to two factors. First, CIDA peacebuilding funds have an 18-month lifespan, which obviously limited the duration of projects financed through the policy research fund. Second, CIDA turned down R&D's proposal for a second phase of funding. This was because the Peace building Unit initially operated on a "one-time funding" criteria. This was to ensure that the Peace building Unit would not take on responsibilities of CIDA bilateral desks. The Peace building Fund, in short, was set to finance emergency response and was therefore not in a position to grant additional money to R&D at the time. The CIDA Peace building Unit has since relaxed its criteria and is now considering demands for a second-phase of funding, providing that financial resources are not available at the bilateral level or through other CIDA mechanisms. Whether one agrees or not with the Unit's short-term criteria for funding peace building initiatives, it is surprising to note that R&D nevertheless submitted a proposal to the Peace building Unit at a time when criteria prevented second phase financing. R&D, for example, could have submitted its proposal to the CIDA bilateral desk for Guatemala, to DFAIT, or to another donor, given the vivid interest of all stakeholders in the field to pursue the experience.

Faced with a sharp reduction in funding after the termination of the funds in early 2000, R&D thus sought to target its support to some key partner organizations that were pursuing consultation processes or policy research. Despite R&D's attempt to ensure some continuity, however, important gaps were left and opportunities missed. Guatemalan partner organizations were particularly critical of the fact that R&D was *not* in a position to support them in the next phase of the negotiation process *after* the completion of the research and/or presentation of policy proposals to the commissions. This was viewed as a missed opportunity, which R&D was very much aware of. Pushing policy proposals through the policy process, whether at the level of the commission, with the government, or at the Congress is in fact the fundamental objective for which these NGOs carried out their research in the first place. Despite lack of funding, some organizations, like CNPT-COPMAGUA with its legislative proposal on Land Registry, pursued lobbying activities and engaged in negotiations with the government.

It should be noted that supporting lobbying and negotiation activities of NGOs at the political level is a highly politicized adventure in which most donors are reluctant to engage. For some, it is not the role of external agencies or NGOs to support such political processes. Others, on the contrary, are of the opinion that R&D should have seized these lobbying and negotiation efforts as an opportunity to advance the reform process. The latter view would have indeed fit the watchdog nature of R&D which has, over the years, made it a point of honour to remain independent and critical of government positions, whether in Canada or abroad.

Finding 25: Although partner organizations supported by R&D presented proposals that stimulated important discussion within peace commissions, as well as with government authorities on some occasions, there were few tangible legislative impacts, due to a difficult political context and a general lack of government will.

Some observers referred to the 1996-1998 years as golden years in Guatemala. This was an era when everything seemed possible on the political landscape. The international community was committed, human rights violations dropped, and some advances, although timid, were achieved such as on the reduction of the role of the army, the rights of indigenous peoples, the land issue and so on.

The Arzu led government (PAN) nevertheless failed to seize the political momentum and a series of serious setbacks, such as the assassination of Bishop Gerardi just after the release of a report detailing the army's atrocities that his diocese had published, dealt serious blows to the peace process. The turning point, however, was undoubtedly the May 16, 1999, referendum in which Guatemalans were asked to vote on some 50 proposals that addressed some key issues of the 1996 peace agreement (indigenous rights, reform of the security apparatus, etc.). After a vigorous "no" campaign that took hold among the ladino (mixed race) population, and thanks to voter apathy among indigenous communities, the "no" side won a landslide victory. These factors certainly did not encourage the PAN government and its successor,

the FRG, to push further for a reform agenda that did not rank high among priorities of the ladino sector of the population, which continues to dominate politics in Guatemala.

Conclusion

R&D sought to build capacity with NGOs from different sectors of the Guatemalan society that have been traditionally marginalized (including indigenous peoples, women and peasant organizations, etc.). Despite the short duration and limited size and funding of projects that inevitably impeded outcomes and potential impacts, R&D was, overall, effective in achieving results and benefits commensurate with its limited financial resources. Above all, R&D's projects and activities created opportunities and channels for participation in the peace processes whether at the local, regional and national levels.

The challenge for R&D and its partners is therefore to capitalize on those positive developments while increasing efforts to develop risk-mitigation strategies. It remains important for R&D's different stakeholders, including parliamentarians, to be reminded about the difficulties of seeking results when working in difficult and volatile political environments. Supporting democratization activities is a high-risk process that is by nature erratic, especially in a country like Guatemala.

5.4 Assisting Civil Society's Democratization Efforts Under Dictatorship: The Kenya Case Study

On April 30, 2003, on the formal opening of the National Constitutional Conference, the newly elected president of Kenya, Mwai Kibaki, delivered an inspirational speech on the significance of the constitutional review process. Stressing the need for national unity in this important democratic exercise, President Kibaki stated that the constitutional review represented the culmination of a long struggle for democracy. Indeed, the road to democratization in Kenya has been a long one. After the absolute reign of President Kenyatta, from independence in 1963 to his death in 1978, his Vice-President, Daniel Arap Moi, took control of the KANU one-party state. It was not until the beginning of the 1990s, after the collapse of communism and the break-up of the Soviet Union, that internal and external pressure to open up democratic channels started to take their toll on the Moi dictatorship.

Following mass demonstrations in 1997, the pro-democracy movement increased its calls for political changes and more specifically for a Constitutional review, which became the frontline democratization issue. Although the Moi government started negotiating the terms of constitutional reforms, its resistance to civil society's participation resulted in the creation of two parallel constitutional review processes. On one hand, there was the "official" Select Parliamentary Committee (or Raila Committee), led by KANU and its allies in Parliament. On the other hand, there was the "un-official" Ufungamano initiative, led by the different religious movements, civil society and opposition leaders. The Ufungamano initiative represented a powerful symbol of dissent, reminding the Parliament to open-up the constitutional review process to all sectors of Kenya society.

It was only with the appointment of the respected constitutionalist, Professor Yask Ghaï, that a rapprochement between the two review processes was made possible. As chair of the Statutory Constitution Review Commission (CKRC), Ghaï succeeded in negotiating a merger in March of 2001. In September 2002 a unified review commission released a draft constitution and a constitutional review conference to debate and amend the draft constitution was supposed to be held in Nairobi. However, Moi's sudden dissolution of the Parliament provoked a general election campaign where constitutional reform became a major issue. After fair and peaceful elections in December 2002, the National Rainbow Coalition (NARC) defeated KANU, ending *de facto* more than 20 years of Moi dictatorship. The NARC government, keeping its electoral promise to resume the constitutional review process, launched the Conference in late April of 2003.

Finding 26: Kenya has been at the forefront of R&D's efforts to define and articulate its strategic orientations in collaboration with its local partners.

Kenya is among the few countries where R&D has invested important resources to reflect on the core aspects of its programmatic work in relation to field realities. In 1993, R&D developed a “democratic development framework” which provided a methodology to assess the state of democratic development in any given country.⁸ Prior to launching its program activities in Kenya, R&D used the framework to conduct a study on the status of democratic development in the country in collaboration with Kenyan counterparts that were active in the pro-democracy movement. The goal was to define what should be the core of its programmatic intervention in Kenya. Following a series of consultations in which R&D's president at the time, Ed Broadbent, actively participated, R&D and its Kenyan counterparts identified key programmatic priorities for Kenya. These programmatic priorities related to issues such as strengthening the Parliament, civic education, gender and governance and economic governance.

R&D's evolving reflection with its Kenya partners continued over the years. In 2000, R&D conducted a series of field consultations in a few countries, including Kenya, to reassess its strategy for democratic development, in light of the developments that occurred in the 1990s. Kenya was also among the six countries (Kenya, Tanzania, Burma, Thailand, Guatemala and Peru) that were selected for the ten year review of R&D's democratic development program.

These series of consultations have been important in shaping the strategic orientations taken by R&D in implementing its programs in Kenya and elsewhere. As stated in its ten year review (1990-2000) of its democratic development program, R&D has paid particular attention over the years to foster the development of democracy by building civil society's capacity to interact with the state and its constituencies.⁹ Consistent with that orientation, R&D facilitated the establishment in Kenya of the Centre for Governance and Development (CGD), an organization that would have an important role in developing policy dialogue with parliamentarians to foster democratic reforms.

Finding 27: R&D played a central role in the creation of Centre for Governance and Development (CGD), whose work with parliamentarians was viewed by many as groundbreaking.

During the 1990s, R&D described Kenya as a case of blocked transition where democratization efforts had been undermined, co-opted or halted by the Moi regime. Based on its series of consultation with Kenyan counterparts active in the pro-reform movement, R&D nevertheless took note of the opening of political spaces in 1992 with the first multi-party elections. This change provided new and interesting opportunities to work with opposition MPs. Hence, in line with its strategic priorities to foster the interface between the state and civil society, R&D facilitated the creation of CGD, which has become the forefront of its activities in Kenya until today.¹⁰ CGD's work focused on four main programmatic priorities: strengthening of Parliament, civic education, economic governance, and gender and governance. CGD's flagship, however, was its work with the Parliament. Since its inception, the research and advocacy organization has played an innovative policy-guiding role with parliamentarians to increase their autonomy as legislators from the Executive branch of the government. Opposition MPs, in particular, lacked budgetary, secretarial and research support to effectively critique existing or coming bills and develop sound legislation. Through R&D funding and that of other donors, CGD was particularly active in producing Bills Digests that provide summaries and critiques of pending bills to MPs, as well as Policy Briefs, which offer MPs non-partisan preparatory legislative work to help them address important policy issues pending before the Parliament.

⁸ Nancy Thede, Democratic Development 1990-2000 : An Overview, R&D (Web version), April 2002.

⁹ Ibid.

¹⁰ The vast portion of R&D's funds spent in Kenya from 1993 to 2003 went to CGD.

With R&D's support, CGD also assisted in the development of some key legislative changes, including the tea and coffee acts, the industrial property bill, the bill on public funding of political parties, and the anti-corruption and economic crime bill. Parliamentarians interviewed during the course of the field mission emphasized the usefulness of CGD in providing non-partisan support to MPs to draft bills that were presented to the Parliament. For the anti-corruption and economic crime bill, for example, CGD supported the work of the Parliament select committee (the Kombo committee) in charge of drafting the bill by organizing a retreat for committee members. In the same vein, CGD also supported MPs in preparing the motion on the financing of political parties, by organizing a workshop and facilitating further sessions of a multi-partisan committee that would draft and eventually present a bill in Parliament.

In short, CGD was recognized within a few years as being instrumental in enhancing the capacity of parliamentarians. Although other NGOs are now involved in this area of work, CGD is broadly acknowledged as a pioneer, thanks to R&D's initial support. As CGD staff highlighted, R&D's financial support was "seed money"– money that could be used to raise additional funds from donors who often required co-funding as a prerequisite for disbursement.

Finding 28: The National Convention Executive Council (NCEC), the other partner organization supported by R&D in Kenya, played an important role in pushing forward a stalled constitutional process.

In the late 1990s, demands for constitutional reform became the frontline issue of the pro-democracy struggle. This struggle was highly politicized, and provoked several violent clashes with the Moi regime. At the vanguard of the movement was the National Convention Executive Council (NCEC). This social movement, created in 1997 as the executive arm of the National Convention Assembly (NCA), is a broad-based grassroots pro-reform movement with hundreds of delegates and representatives from different religious and civic sectors from all over Kenya. The NCEC also gathered under its banner several well-known opposition MPs and leaders from civil society, who joined forces to agitate for constitutional reform when faced with a KANU government that was reluctant to negotiate.

At the onset of NCEC's creation (1997-1998), R&D decided to provide punctual support to the movement. R&D felt that NCEC/NCA embodied a bold and legitimate voice for political change in Kenya. Not everyone shared this perspective, however. The donor and diplomatic community, who favoured incremental reforms and negotiations with Moi at the time, felt that the movement was too radical. NCEC/NCA was perceived as a controversial movement, prone to mass action. Yet, most observers in Kenya, whether from civil society, the Parliament or elsewhere, agree today that NCEC's "radicalism" was necessary to push forward the democratization process and force Moi into negotiations. This was particularly evident when, following the series of 1997 NCEC-led mass demonstrations, Moi started negotiating the terms of constitutional reforms, although timidly and inconclusively.

Although R&D's support has been punctual and limited (grants usually range between 15 and 20 thousand dollars), NCEC is very much dependent on such funding to achieve its activities. For example, in 2001, R&D provided 15,000 dollars from its urgent action fund to assist NCEC in the organisation of the Fifth Plenary session of the National Convention Assembly (NCA), which brought together about 500 delegates from all over Kenya. NCEC board members stated that this funding remained crucial in allowing the movement to hold its meeting in order to achieve some important outcomes such as convening the movement's official conditions with regards to the merger between the two parallel review processes. It should be noted that NCEC, due to its perceived radicalism, has faced constraints in securing external funding.

Finding 29: Although R&D's funding was crucial in building initial capacity of CGD, its main partner organization in Kenya, other donors are now supporting CGD.

R&D's funding was critical in building initial capacity of CGD. In 1995, R&D funding represented close to 90% of CGD's budget. However, as CGD started to show interesting results and became recognized by

donors, the situation changed. In 2000, R&D's contribution to the overall budget of CGD represented only about 12% and in 2001, as little as 6%. CGD now obtains most of its funding from USAID and DANIDA.

Although R&D's contribution to CGD diminished over the years, its support was crucial to the emergence of the organization. For CGD staff, as mentioned above, R&D's financial support is viewed as "seed money." Moreover, R&D's ability to provide core-funding that is not tied to a project and therefore can be used more flexibly for general programming purposes, is very much appreciated by CGD and allowed the organization to grow rapidly. The fact that CGD is almost independent from R&D's funding less than 10 years after the disbursement of its first grant (1994) is positive. It reveals that initially, R&D was able to successfully identify an organization with potential to generate interesting results, grow and secure funding from other donors, thereby allowing R&D to use its limited funding to trigger similar initiatives elsewhere.

Conclusion

R&D's involvement in Kenya was with two organizations that greatly differed from one another. On one hand, R&D supported CGD, an organization dedicated to fostering change through civic initiatives and ongoing work with parliamentarians; the flagship of CGD's activities. For many observers, CGD's work proved useful and innovative as it provided, among other things, material, technical and non-partisan support to MPs so that they could achieve their work more effectively. On the other hand, R&D provided punctual funding to a highly politicized movement, NCEC, which was at the forefront of the struggle to denounce the Moi dictatorship. Although controversial in nature, testimonies gathered in the field nevertheless revealed that NCEC was instrumental in not only putting constitutional reform on the public agenda, but also in exerting continuous pressure for democratic change and in providing moral leadership at times of repression.

With the removal of President Moi from office and the election of a new government, there have been spectacular democratic developments in Kenya in the past few months. There are, nevertheless, many remaining grey areas and concerns for Kenya. It is one thing to have, for example, a national constitutional review conference. It is another to implement a new constitution with all due changes, challenges, obstacles and difficulties that it can generate.

In this context, while R&D should seek to exploit the political momentum generated by the review process, it should at the same time carefully plan its exit strategy to ensure the viability and sustainability of its partner organizations. Urgent, punctual funding to CGD and NCEC (which very much depends on R&D) may therefore continue to be required for targeted initiatives.

6. Lessons Learned

Over the past five years, R & D has identified a series of lessons that can be incorporated into its future programming activities. The findings of this review, as well as information provided by organizations engaged in similar activities as R&D, suggest the following lessons that can be of help to the Centre as it pursue its course of actions.

- 1) An organization with limited resources will have more effect if it concentrates its resources in a few areas of interventions so as to maintain some coherence in its programming.
- 2) The development of programs and activities that have a longer planning horizon and have incorporated an exit strategy will lead to more sustainable effects.
- 3) Ensuring that different program activities are integrated and are directed towards specific strategic goals and outcomes is more effective than isolated interventions.
- 4) Given the volatile environment for human rights and democratic values, having some flexible and responsive mechanisms for action makes an organization more relevant to the emerging external demands.
- 5) With scarce resources at its disposal, an organization has greater chances of achieving results if it creates a model of intervention that supports cooperation with partners, participation in coalitions, networking, and leveraging of resources for partners from developing countries.
- 6) An organization working in partnership with a number of constituencies can be most effective in providing value added when it makes strategic programming choices to intervene where there is a convergence of issues among different stakeholders. This requires ongoing contact with a sound analysis and an understanding of the preoccupations and interests of each of its key constituencies.
- 7) The Board members of an organization must strike a balance between contributing their expertise on programming issues with their responsibilities to ensure that the organization as a whole is achieving its goals of effectiveness, efficiency, relevance and sustainability.
- 8) Change in leadership and strategic direction can be met with resistance. There is a need to accept this and at the same time promote healthy discussions around change processes as the new vision and strategy of the organization are developed.
- 9) While an organization has to be careful not to allow operating procedures to become too rigid and constraining, they can also be a means to free staff from having to analyze and treat each case separately and professionalize the management of the work.
- 10) Communication is an essential tool for an advocacy and capacity building organization to achieve its goals, to provide clarity about its purpose and to provide information to others who can act directly to reach democratic and human rights objectives.
- 11) Sound analysis and use of political judgment in the selection of key partners is essential to obtain tangible results. Knowledge of the history, language and political culture of developing countries helps establish trust and confidence with partners in the South.

7. Conclusion and Recommendations

Rights & Democracy has made a noticeable contribution in a number of areas such the International Criminal Court (ICC), contribution to the awareness of the Canadian Public on issues of Human rights, protection of HR activists through the JHA, support to HR groups in developing countries through relatively modest support that can have a long-lasting effect on these groups. In addition, although this went beyond the specific focus of our review R&D continues to remain well appreciated as a strong contributor to the cause of women's human rights. It is fair to say that R&D has achieved significant results relative to resources in the case studies assessed. Rights & Democracy's staff expertise is seen as one of its greatest strengths. R&D has achieved credibility with many of its most important partners, particularly in civil society. Collaboration with key stakeholders has been uneven with strong links in some cases while other key groups in government and the academic community require more attention. Working with other key stakeholders has been a feature of R & D and the reason for some of its most productive activities. The evidence from this review suggest the Centre may be most effective when it makes strategic programming choices to intervene where there is a convergence of interests among different constituencies.

Among external observers there is greater clarity about areas where Rights & Democracy is effective and where it is not. The area of greatest weakness identified in this review is an inadequate strategic plan. This finding is consistent with many previous evaluations of R&D and its programs and with the comments of many external observers.

R&D should be complimented for having implemented with success the majority of the recommendations of the 1998 reviews that have led to an increased professionalism of its operations. A few areas, in particular the composition, the appointments and the role of the Board continue to be problematic and, as R&D continues to implement the new vision and the structure proposed by the new President the review noted a low morale amongst staff that could affect the level of energy and dedication of R&D's personnel that contributes to the Center's success.

Over the fifteen years since its creation, the experience gained by Rights & Democracy provides it with the opportunity to draw lessons and focus on areas of greatest impact. While the Board continues to feel that R&D's niche should be very broad and that the urgency and breadth of human rights abuses require Rights & Democracy to respond to a broad range of ever changing issues, this review found strong evidence that R&D would benefit from refinement of its strategy and greater narrowing of its focus. Civil society organizations concerned with democratic and human rights have grown rapidly in the last decade. Rights & Democracy can take advantage of the fact that other organizations are able to be more effective than R&D in many areas. In an attempt to help R&D in this process, we advance the following recommendations.

Recommendations to the Government of Canada

If the Parliamentary Committee reviewing this report continues to regard Human Rights and Democratic Development in developing countries as priority foreign policy issues and agree that additional resources are necessary, then the Committee should request that Parliament increase the annual allocation to Rights & Democracy.

The Parliamentary Committee reviewing this report should request that Parliament take note of the need for prompt appointment of the Chair and members of the Board of Governors and to the need to ensure the Board always has some long serving members to provide continuity.

Recommendations to Rights & Democracy

This review has highlighted areas in which R & D is relatively unique and areas in which it has achieved much greater results than in other areas. R&D management and the Board should consider using one of the many effective strategic visioning methods employed elsewhere to identify and focus on its areas of greatest effectiveness. Specifically, Rights & Democracy should:

- 1) Clarify its niche where it has the greatest leverage and comparative advantage.

Rights & Democracy Management Response and Action Plan

Rights & Democracy fully addressed this recommendation in the response attached as Annex 1. In that document, under section IV a), the Board of Directors insisted on the very nature of the organization and on several aspects of the work performed by it that make it a unique player on the human right's scene in the country.

- 2) Narrow its focus to fewer long-term projects, which will give benefits in greater staff expertise, program integration, monitoring and evaluation lessons, and more effective networking and communication.

Rights & Democracy Management Response and Action Plan

Rights & Democracy has just commenced active preparation of its strategic plan for the years 2005-2010. In the course of the coming months, we will hold a series of consultation meetings between staff, partners in Canada and in developing countries, and like-minded international institutions. It is our intention to get an accurate assessment of the priorities of various stakeholders (ex. CIDA, FAC, DND, HRW, FIDH) for the years to come, so as to clearly determine where R&D has the best potential to make a difference, given its 14 years of programme and policy expertise and financial resources.

- 3) Promote continuity of support in the chosen areas of focus and develop an exit strategy for those areas where Rights & Democracy plans to phase out activities.

Rights & Democracy Management Response and Action Plan

As we embark on this participatory process to build a strategic plan for 2005-2010, we clearly intend to refine our existing programme criteria based on four key indicators (policy, sustainability, fundraising and communications). Entry and exit strategies will be defined in the 5-year plan. Exit strategy for our work in Kenya and Nigeria are currently being identified in consent with national partners.

- 4) Build on its successful approach to networking with some key constituencies to support and broaden the network of human rights organizations across the country and to engage more closely with DFAIT and other government departments to identify those areas in which R&D can facilitate dialogue with civil society and academic institutions to promote a progressive agenda on human rights and democracy issues.

Rights & Democracy Management Response and Action Plan

Since Jean-Louis Roy was appointed as President of R&D in August 2002, the institution has spared no effort to engage FAC on several issues of importance. From the ongoing dialogue between R&D and key officials at Foreign Affairs Canada, Department of Justice, Department of Labour, significant initiatives have moved forward. The Afghan Women's Rights project, to give but one example, came around following extensive consultations with the partners on the field and officials from the Canadian government. Early on in the process, R&D was identified as the prime institution to implement such projects, thatns to its experience and its nature that allow it to meaningfully bridge the gap between CSO and governments.

- 5) Pay greater attention to undertaking or supporting research with the academic community, in view of widespread recognition that Rights & Democracy can play a unique role in providing complementary research-based knowledge to other stakeholders.

Rights & Democracy Management Response and Action Plan

R&D's response to the evaluation found in Annexe 1 exposed at great length, under section IV b) and Annex 1, the rather extensive network that already exists between R&D and numerous academic institutions both in Canada and overseas. This network is growing on a regular basis, as we launch new initiatives that require building new relationships with various types of stakeholders, including prominent scholars. In addition, the Network of Friends of Rights & Democracy, which was officially launched at the March 19, 2004 Board of Directors meeting, is quickly developing throughout the universities and colleges of Canada. Projects aimed at raising awareness around human rights challenges in the academic community are being presented by groups of dedicated students and funded by Rights & Democracy, thanks to the financial assistance of FAC.

- 6) Recognize that its staff expertise is seen as an area in which Rights & Democracy has acquired its greatest strength and take action to ensure that this resource is not undermined by rapid changes in strategic direction or organizational changes. Changes in strategic direction or major organizational changes require an open, participatory process of discussion and wherever possible, consensus building among management and staff.

Rights & Democracy Management Response and Action Plan

R & D fully endorses this recommendation and would like to insist on the fact that the strategic plan for 2005-2010 which is currently being designed will include at different stages consultations with various stakeholders. Because we firmly believe we need to take stock of our staff's expertise and can only benefit from their input as we define our policy priorities and plan of action.

- 7) Build on its developing expertise and activity in monitoring and evaluation to draw more lessons from its experience and strengthen its ability to be a learning organization.

Rights & Democracy Management Response and Action Plan

R&D is pleased to see that the external evaluators acknowledge our efforts to institutionalize an evaluation culture within our organization (finding no 13). Indeed, R&D has taken significant steps in order to achieve that goal. A Research and Evaluation Officer was hired in May 2003, and has since developed a series of indicators which will help us progress. An external evaluation of the Indigenous Peoples Rights' thematic has just been launched, to help us get a full appreciation of what has been achieved in that field.

- 8) Build on the good results achieved in some areas through development of a communications strategy that identifies and responds to the needs of key target audiences or constituencies (media, parliamentarians, unions, academics, churches, etc.). Communication is essential to achieving Rights & Democracy's objectives and it must be adequately resourced and staffed and move beyond passive provision of information.

Rights & Democracy Management Response and Action Plan

A detailed communications strategy has been prepared for consideration by our Board of Directors at their meeting on June 11, 2004.

Annex 1



**Response
of
Rights & Democracy
(International Centre for Human Rights and Democratic Development)
to the
Five-Year Review
Of the Organization and Activities of Rights & Democracy**

undertaken by

**The Office of the Inspector General
(Department of Foreign Affairs and International Trade)
&
Universalia**

January 19, 2003

Response of Rights & Democracy to the Five-Year Review (1998-2003)

I. Introduction

The Board of Directors, Management and Staff of Rights & Democracy (R & D) welcome the Five-Year Review of the Organization and Activities of Rights & Democracy (the “Review”) which covers the period 1998-2003. We are very pleased to have received a comprehensive and highly-favourable evaluation of our activities. Notably, the Review states that “as a non-partisan organization that can facilitate dialogue between the government and civil society, Rights & Democracy is fulfilling a unique role at the Canadian and international levels” (Finding No. 1) and that “Rights & Democracy has achieved positive outcomes relative to its resources” (Finding No. 2). Furthermore, the Review recognizes that “Rights & Democracy’s high level of staff expertise has benefited other stakeholders and contributes to the credibility of R & D” (Finding No. 5).

The Review provides a road map for the improvement of the efficiency, effectiveness and impact of the work of Rights & Democracy. We are very pleased to note that a serious effort was made by the review team to consult with over 140 stakeholders and partners in Canada and in developing countries in Africa and in the Americas, and to consider the impact of specific areas of our field operations in the course of this important review exercise. The Review provides a global assessment of the relevance and the impact of the organization and is a key reference document for us as we renew and strengthen our strategies for action in the future. We wish to assure you that we remain fully committed to a serious and systematic follow-up of its recommendations.

We wish to express our full support for the principle of periodic reviews of Rights & Democracy’s performance, whether on a five-year basis as required by s. 31(2) of the *Act to Establish the International Centre for Human Rights and Democratic Development* or annually by the Auditor General and the Parliamentary Standing Committee on Foreign Affairs and International Trade. We also welcome scrutiny by Parliament of our policy and programme work and our books are open to all on request. Furthermore, all our publications are available in the official languages on our Web site at www.ichrdd.ca, as well as in print form to the public in Canada and developing countries upon request.

II. Context

We believe it is important to situate the Review in the context of both the changes within the governance structures of the institution as well as in the world, in order to fully appreciate the impact of the work undertaken by Rights & Democracy to promote respect for the protection of human rights and democratic values, in particular for the benefit of developing countries.

This five-year statutory review covers the period October 1998 to October 2003, during which time the Honourable Warren Allmand was President for the first four years until his term ended in May

2002. In June 2002, Mr. Jean-Louis Roy was appointed President and took up his position in August 2002. Thus, the Review also covers the first year of his mandate. During the transition period between the two presidencies, the Board of Directors assured stability by naming the Chairperson, Ms. Kathleen Mahoney as Acting President. In the same period, several changes took place and 10 members of the Board of Directors out of a total of 13 completed their mandates and were replaced by new members.

III. Action Under Way - Continuity and Innovativeness

The Board of Directors would like to highlight that some of the findings mentioned in the Review dovetail with Rights & Democracy's own thinking and we take this opportunity to identify some areas where action is in progress. For example:

- In June 1999, the Board adopted the shorter name "Rights & Democracy" instead of the original name "the International Centre for Human Rights and Democratic Development" in an effort to make the institution better known among Canadians across the country.
- Since March 2000, Rights & Democracy has organized during the June meeting of the Board of Directors an annual Think Tank session to facilitate dialogue between Canadian NGOs, academics, Government officials and Parliamentarians on key issues on the global human rights agenda. The June 10, 2004 Think Tank in Ottawa will focus on the Democratic Republic of the Congo where over 4 million civilians have been killed, where impunity reigns, and an effective and concerted international response to the crisis is not yet forthcoming.
- The Board of Directors will ensure the continuation of the Urgent Action and Important Opportunities (UAIO) special fund established in March 2000, to provide Rights & Democracy with the flexibility and capacity to address, on an urgent basis, the severe violations of human rights and democracy issues not foreseen at the time of the regular programme planning process. Some examples of these include Iran, Iraq and Haiti.
- The Board of Directors proposed the launch of an initiative called Friends of Rights & Democracy to develop our links with the Canadian public. Since September 2003, the President has expanded the "Friends" initiative into Canadian universities and colleges. At present, a network has been created with youth, students and academics in 18 universities across Canada.
- We will organize a training seminar for government officials in Africa on domestic compliance with the Rome Statute for the International Criminal Court.

Once again, the Board of Directors is committed to giving due consideration to the recommendations of the Review in its strategic planning and decision making. We are particularly pleased with the following findings of the Review and we hope to build on them:

- Rights & Democracy's image is becoming clearer to those most closely involved with the organization (Finding No. 9);
- Rights & Democracy has successfully addressed the recommendations of the 1998 Review concerning infrastructure management, financial and human resources management and programme management procedures and guidelines (Finding No. 11);
- Rights & Democracy has invested in increasing its Monitoring and Evaluation capacities and is making efforts to institutionalize an evaluation culture (Finding No. 13);
- Clarity and refinement of the selection criteria and process has increased the annual John Humphrey Freedom Award's relevance to R & D's programme in Canada and overseas (Finding No. 16);
- The reputation of the John Humphrey Freedom Award is growing and contributing to Canadian public awareness on human rights (Finding No. 17);
- Rights & Democracy's effectiveness in the International Criminal Court initiative was enhanced by the common interest of the Canadian government, and by R & D's collaboration with NGO coalitions and academic institutions (Finding No. 20);
- Rights & Democracy's continuity of involvement in the ICC initiative and its variety of programming methods directed to one strategic goal were critical factors in its overall achievement (Finding No. 21);
- In this difficult environment, R&D supported important democratic initiatives with civil society organizations, which proved innovative to many observers (Finding No. 22);
- Overall, R & D has contributed to advance the research and policy development capacities of several civil society organizations to translate their demands into concrete proposals, thereby facilitating their participation in the implementation mechanisms of peace accords (Finding No. 23).

IV. Concerns with some Findings of the Review

a. Mission and Niche

With all due respect to the authors of the Review, the Board of Directors does not agree with the statement that: “[t]here is still mixed review with respect to the adequacy of the focus and the clarity of the Rights & Democracy niche” (Finding No 2). We are surprised with this finding as the Review goes on to state (on page 9) that Rights & Democracy plays “a convening role between constituencies that allows for dialogue and collaboration, between government and civil society; a facilitating role in the establishment of a network of Canadian NGOs involved in human rights and democratic development and an implementing role in some field programming in developing countries”.

Rights & Democracy’s distinctive niche finds its expression in its statutory establishment, its Canadian roots and its holistic international mandate to work in cooperation with civil society and governments in Canada and for the benefit of developing countries, in the promotion of human rights and democratic values based on the United Nations *International Bill of Human Rights*.

Rights & Democracy’s Canadian roots and the international scope of its mandate of promoting the United Nations *International Bill of Human Rights* positions it to have access to governments in developing countries and in Canada. Rights & Democracy continues to creatively use its consultative status (Category II) with the U.N. Economic and Social Council, the International Labour Organization’s Special List of NGOs, observer status with the World Intellectual Property Organization, the African Commission on Human and Peoples’ Rights and its access to the work of the Organization of American States (OAS) and its subsidiary institutions, namely the inter-American human rights system, to promote a culture of respect and protection of human rights and democratic values.

In numerous cases in Canada and around the world, Rights & Democracy is increasingly invited to be a mediator, to facilitate dialogue and enhance policy debate and work on projects where the consensus between civil society and governments on cooperation is not yet built. Some examples of these include Afghanistan, Burma, the Democratic Republic of the Congo, Nigeria, Guatemala, Haïti, Peru and Mexico.

Rights & Democracy continues to support the network of Canadian NGOs on international human rights and the strengthening of a human rights culture. In numerous cases Rights & Democracy supports initiatives that governments, including the Government of Canada are unable to support as they may disturb normal bilateral diplomatic relations, require an urgent response or high risk.

b. Research and links with the academic community in Canada and Abroad

In the Review, the following comment was made by the evaluators, “while the Board has a number of academic members, R & D’s operational links with the academic community are marginal. Although the 1998 strategy document identified this as a weakness and R & D planned to create a network of academics, this was not sufficiently followed up. Rather than create a specific network, it could focus on supporting work in Canada and abroad that address their key programming interests and create opportunities for debate and interaction with other constituencies based on this work” (p. 12).

With all due respect, the Board does not agree with this statement, as various partnerships have been created over the years with several scholars and research institutes both in Canada and overseas. The Review did not focus in a detailed manner on this part of Rights & Democracy’s work *per se*. Therefore it is important for us to point out clearly that Rights & Democracy remains fully committed to research and links with the academic and non-academic community engaged in policy development and advocacy on our priority areas of focus.

Given our limited financial resources, Rights & Democracy does not support research that is purely for individual intellectual pursuit nor research that will merely end up on the shelves of university libraries; nonetheless, we have established strategic partnerships and maintain regular contact with those engaged in research which are essential to the achievement of R & D’s mandate, strategic objectives and programme of action.

c. The Governance function and role of the Board of Directors

The Board of Directors does not agree with the statement in the report that “Rights & Democracy has had less success in addressing the recommendations of the 1988 review concerning its corporate governance; the role of the Board of Directors and the Board members continues to be an issue” (Finding No. 12).

We believe that Rights & Democracy is privileged to have both field and academic experts on human rights and democratic development serve on the Board of Directors. They contribute to the work of the institution both in Canada as well as in the regions of Asia, Africa and the Americas where three international Board members are based. By participating in national and international colloquiums they serve as human rights and democracy “ambassadors” for the institution. Moreover, the Board of Directors has instituted “monitoring committees” to discuss with staff on a periodic basis, policy developments and progress being achieved in the human rights and democratic development field.

We believe that the rotation cycle of Board members, as well as the vacancies on the Board that are sometimes unfilled for long periods, is a situation that needs to be addressed. We agree with the

recommendation of the review directed at the Government of Canada that “the Parliamentary Committee reviewing this report should request that Parliament take note of the need for prompt appointment of the Chair and members of the Board of Governors and to the need to ensure the Board always consists of long serving members to provide continuity” (page iv).

V. Commitment to Build a Strategic Programme of Action (2004 and onward)

We are particularly appreciative of the conclusion of the Review that “[i]t is fair to say that R & D has achieved significant results relative to its resources in the case studies assessed. Its staff expertise is seen as one of its greatest strengths and R & D has achieved credibility with many of its most important partners, particularly in civil society. Working with key civil society organizations and government stakeholders has been a feature of R & D and the reason for some of its most productive activities. The evidence for this review suggests that R & D may be most effective when it makes strategic programming choices to intervene where there is a convergence of interests among different constituencies. R & D should be complimented for having implemented, with success, the majority of the 1998 review recommendations which has led to increased professionalism of its operations.”

Nonetheless, the Review notes that “the area of greatest weakness in this review is an inadequate strategic plan for the institution as a whole.” The Board of Directors is firmly committed to building a collective vision and a coherent strategy of action for the institution as a whole. However, it must be understood that this is an on-going challenge, given that struggle for human rights and democracy are interactive processes that vary constantly with new geopolitical realities and the changing human rights and democracy situations in different parts of the world.

VI. Future Parliamentary Allocation and Request for Increased Support to Rights & Democracy

We note that the recommendation of the *Report* to the Government of Canada states that “[i]f the Parliamentary Committee reviewing this report continues to regard Human Rights and Democratic Development in developing countries as priority foreign policy issues and agree that additional resources are necessary, then the Committee should then request Parliament increase the annual allocation to Rights & Democracy.”

We would sincerely appreciate that this recommendation be given due consideration. Rights & Democracy has the recognized professional expertise of competent staff, an institutional culture of accountability and an effective network of partners, both in Canada and in developing countries, to be able to serve Canada and Canadians in the world community even more effectively.

Rights & Democracy’s current Parliamentary allocation of \$ 4.8 million is provided on an annual basis. The disbursement of this money continues to be made on a monthly basis through the

Department of Foreign Affairs. In a letter to the Minister of Foreign Affairs and International Trade, signed by the Chair of the Board and the President of Rights & Democracy, dated October 24, 2003, we made a plea for an increase in the annual Parliamentary allocation. The Board of Directors would like to reiterate this request and would appreciate that you, as Minister of Foreign Affairs, and Parliament seriously consider increasing the annual Parliamentary allocation of Rights & Democracy and provide this organization support for its work on a multi-year basis, on the same planning cycle as the five-year review.

A decision to increase the financial resources of Rights & Democracy and provide it with multi-year support for a five-year period until the next review will positively assist the organization to plan and manage its long-term partnerships and programme of action. This support will be tremendously appreciated by many Canadian and developing country partners who know from experience that the promotion of a culture of respect for human rights and democratic values and the building of democratic institutions is a long-term endeavour.

In this regard, we note that the number of requests that Rights & Democracy receives each month for cooperation and support from fledging human rights and democratic institutions in developing countries has increased ten-fold since Rights & Democracy was established. These requests for technical, financial and policy cooperation far out-weigh those our financial resources can offer.

We thank you for your attention and look forward to meeting you to further discuss the results of the Five-Year review and our follow-up to the findings and recommendations.

The Board of Directors of Rights & Democracy

January 19, 2003