

SWEDISH SECTION OF INTERNATIONAL
COMMISSION OF JURISTS



REPORT

AFRICA PROGRAMME

FOR THE YEAR 2001

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REPORT

TO Sida REGARDING THE YEAR 2001

TABLE OF CONTENTS

INTRODUCTION	3
BRIEF BACKGROUND	3
ACTIVITIES COMPLETED IN PHASE ONE	3
COMMENTS ON PHASE ONE BUDGET	6
Annexure 1: Financial report for the period July- December 2001	

INTRODUCTION

In accordance with § 10.1 and 10.3 in the signed frame agreement, Sida ref: 1999-04826, the Swedish (ICJ-S) and the Kenyan (ICJ-K) Section of the International Commission of Jurists hereby submit the report for the period 1 July-31 December 2001 regarding the African Human Rights and Access to Justice Programme.

BRIEF BACKGROUND

This Programme is implemented as a joint venture between the Swedish and Kenyan Sections of the International Commission of Jurists

Its development objective is to ensure that individuals and groups within three regions of Eastern, Southern and Western Africa have improved access to justice through legal protection of their human rights according to international standards.

In its design and as the tripartite agreement between the two sections and Sida, the Programme is implemented in two phases as follows:

1. **Phase one** – a consultative process coordinated by the two sections in the three regions to develop and ensure a cooperation framework is in place between national actors in all three regions. In essence this framework provides the machinery through which substantive activities of the programme are carried out. Phase One is a six month planning and start up phase from July to December 2001 and is the period covered under this report.
2. **Phase two** – a two-year period when substantive activities of the programme, meaning key human rights watchdog functions and equal access to justice activities, are implemented. This is the next immediate phase of the programme 1 January 2002 to 31 December 2003.

ACTIVITIES COMPLETED IN PHASE ONE

In coordinating the consultative process, the objective was to develop through discussion and agreement with various actors in the three regions, procedures and mechanisms to enable cross regional cooperation and joint activity.

The envisaged mechanisms where:

- A **Programme Committee** comprising regional representation as a decision making organ
- A **Programme Secretariat** in Africa with coordination role through a core implementation team of the two sections with legal responsibility for the funding.
- **Regional contact persons or committees** as agreed
- **National actors** in a number of African countries from the three regions who would cooperate to achieve the programme objective.

The envisaged procedures where:

- An inclusive process to initialise and conclude identification, assessment and prioritisation of programme activities in the three regions and appropriate international support.
- Formalised working relations between the programme committee, programme secretariat and national organisations from the three regions

An initial planning meeting was held on **1-2 June 2001 in Nairobi, Kenya**. Participants at the meeting were from ICJ Geneva and Afronet in Zambia. Both the Swedish and Kenyan Sections also participated

This meeting appointed an Interim Programme Committee and drew up the time frames for completion of the key outputs of Phase One. This meeting also drew up tentative documentation for the Programme describing its key development objectives, some strategies for joint implementation of activities and draft appraisal for regional and national partners.

A second meeting was held on **August 2-3, 2001 in Cape Town, South Africa**. Participants were members of the Interim Committee and represented the following organisations and countries: ICJ Geneva, Zambia, South Africa and Cameroon. Both Swedish and Kenyan Sections again coordinated the meeting.

The meeting discussed and made decisions on the following.

- The general policy framework for the programme agreeing on its key policies and partnership responsibilities. Among other things, the framework lays down an essential list of principles for the programme as terms reference for all potential actors and partners
- A human rights monitoring framework, including assessment of possible support for litigation and traditional or community justice mediation services.
- Access to justice intervention framework, including assessments of trial observation and court monitoring, and related capacity building.
- Dissemination of programme information through a website.
- The languages to be used in programme communication. These are English, French and Portuguese where necessary.

This meeting formalised the creation of the supervisory advisory committee. It also ratified a decision to base the programme secretariat in Nairobi.

Following the 2nd meeting, discussion was held with individual national organisations in countries within the three regions as follows:

- **Uganda regional meeting of the Human rights Network- October 5-9, 2001**

A presentation was made to a plenary meeting on October 7, 2001. Consultations were held with Irene Sekagya, Fida (Uganda); Ralph Kassamabara, Civil Liberties Committee (Malawi); Women's Forum (Eritrea); Canadian International Development Agency in Tanzania; Millie Odhiambo, CRADLE, Kenya; Margaret, Uganda Human Rights Commission; and Rev. Grace, Human Rights Network, Hurinet-Uganda.

- Regional meeting of NGOs participating at the 30th **Ordinary Session of the African Commission of Human and Peoples' Rights-October 10-18, 2001 in Banjul, the Gambia.**

Consultations were held with Germain Baricako, Secretary of the African Commission, the African Centre (ACTS), Julia Harrington, Institute for Human Rights and Development, both from the Gambia; Sadiki Niass, RADDHO, Senegal, and Ibrahima Khane, Interrights based in London.

- Southern Africa regional meeting of the South African Legal Aid Network/Southern African Human Rights NGOs Network (SALAN/SAHRINGO), **November 27-30, 2001 in Cape Town, South Africa.**

A presentation was made to plenary on November 28. Expressions of interest were received from Fresh Chauke, Legal Resources Foundation (Zimbabwe); Rahim Khan, Ditshwanelo (Botswana); Paulo Cookane, LIGA (Mozambique); M. Bidi, Zimrights (Zimbabwe); Komene Brown; and CLARC (Lesotho).

SALAN passed a resolution during this consultation to allow individual members participate in the programme.

- Meeting of the committee on legal aid mainstreaming for law clinics during the Global Alliance for Justice Education from **December 4-9, 2001 in Durban, South Africa.**

A presentation on the Programme was made to plenary on December 6, 2001. Consultation was held with Frank Upham, Equal Justice Project of the Association of American Law Schools (United States), Sibonile, Street Law Program (South Africa); Diana Hotch (New York University) Tuli Mhludi, Land Rights Project, Natal (South Africa); Louise Mckinney (US).

Tentatively, some names were placed on the expert panel list as follows:

Judge Andre Davis, U.S District Court, Maryland, U.S- Criminal Justice Project expert panel. Frank Upham, Ad hoc monitoring expert panel.

An informal consultation with NGOs was also held in Geneva, Switzerland during the **ICJ Triennial Conference between 10-14, September 2001** with representatives from affiliates in Senegal, Cameroon, Togo and South Africa. Informal consultation was carried out as well with ICJ Canada and Justice, United Kingdom both sections of ICJ interested in working with the programme.

The meetings took place ahead of the mid term programme review on **September 21, 2001 in Stockholm** between ICJ Sweden, ICJ Kenya and Sida.

The final formal meeting of the programme was held in **Gaborone, Botswana November 6-14, 2001**. Participants represented national and regional organisations from Botswana (Ditshwanelao), Mozambique (SALAN), Nigeria (Constitutional Rights project and Legal Resources and Development Centre), the Gambia (African Institute for Human Rights and Development) Zimbabwe (Women in Law and Development – WILDAF), Uganda (Hurinet) and both Swedish and Kenyan Sections.

- This meeting formalised the creation of the Programme Advisory Committee. Its representation will be members representing the three regions (two per region) and the ICJ-Kenya, Sweden and Geneva (one each).
- This meeting also prioritised the seven thematic project activity areas. Namely project on the Rights of Workers, on the Property and Inheritance Rights of Women, on Ad Hoc Trial Observation and Court Monitoring, on International Human Rights Litigation, on Implementation of international human rights standards through capacity building, on Health Rights and Criminal Justice Support Project.

- This enabled the programme implementation team to make tentative budgetary allocations and timelines for Phase two.
- The meeting also finalised the implementation proposal for Phase 2 for transmission to Sida for approval. This document is the basis of the advance request for the first year of Phase 2.

COMMENTS ON PHASE ONE BUDGET

During the September quarterly review for Phase One, the two sections reappraised the budget for Phase One.

From the costing projection, it was clear that the budget was minimal for Phase One activities, largely because travel costs in Africa would be over-shot. The original travel budget for USD 13,346.97 could not possibly fund the envisaged consultation trips at the existing actual costs of an average USD 1000 return fare. It was a serious underestimate as it turned out. In this regard, a decision was made on September 21 in Stockholm, to coincide most of the regional travels with externally planned meetings, where appropriate. This was done in relation to the Uganda, Gambia and South Africa regional consultations.

The travel budget line has still been overshoot nonetheless by USD 23,238.02. This means the programme contingency set-aside by the two sections amounting to USD 10 000 would be entirely absorbed.

ICJ Kenya Section was also forced to reduce the computerisation budget line from USD 8,127.87 to USD 1,745.92 to accommodate the travels deficit.

ICJ Sweden operation costs met out of the Programme is USD 10,270.

As documented, the total budget deficit is the USD 2,00.08 or 1.9% of the total budget.

In order to avoid this in future, Phase 2 budget has costed travel in relation to each activity, for example, for trial observation or workshop attendance at more realistic rates. In addition, a contingency for USD 20,000 has been set aside for extra litigation costs.

The administration costs now exclude salary overheads. Instead labour contributions to the Programme will now be paid using a time-dollar approach. National actors will then have to bear some of the costs in relation to activities supported by the programme, especially in litigation.