

## EXECUTIVE SUMMARY

### 1. Object of the evaluation

At the request of the Belgian Federal Public Service of Foreign Affairs, Foreign Trade and Development Cooperation, an evaluation of the programme of activities of the non-governmental organization 'Attorneys Without Borders' (ASF) in Rwanda, Burundi and the Democratic Republic of the Congo was carried out by the Institute of Development Policy and Management, University of Antwerp. Though in principle limited to the activities funded in the 2001-2003 period, the evaluation also took into account the ASF programme in Rwanda and Burundi prior to that period, given the continuity of different components of the programme. For the three countries, the review also occasionally refers to the current programme of ASF and formulates suggestions for possible future orientations. Though essentially ex post, this evaluation also adopts a forward-looking perspective.

Each of the chapters starts with a brief description of activities country by country. As far as Rwanda is concerned, the main activities were: judicial assistance, training of judges (and other judicial personnel), support to the confessions programme, involvement in the preparation of the gacaca trials and the publication of case-law. For Burundi, ASF's programme covered judicial assistance, training, legal aid to victims of human rights violations, support to the publication of the *Bulletin Officiel*, the publication of case-law and institutional support to the Bar. In the case of the Congo, ASF was involved in the training of judges, a support to the library at the law faculty of the University of Kinshasa, the publication of the *Revue Juridique du Congo* and a support to the *Commission Permanente de Réforme du Droit Congolais*.

### 2. Objectives of the evaluation

In accordance with the terms of reference, the evaluation had two objectives: (1) to evaluate the activities of ASF, using the usual criteria of relevance, effectiveness, efficiency and sustainability, and draw conclusions and recommendations for a possible future collaboration between the Belgian Development Cooperation Administration and ASF; (2) contribute to a strategic reflection regarding Belgium's international cooperation policies in the area of peace-building.

### 3. Methodology

This evaluation was carried out on the basis of a documentary analysis and field missions to each of the countries, enabling the evaluation team to conduct qualitative interviews with a range of relevant actors (officials in the public administration, judges, detainees, attorneys, other non-governmental organizations, other donors, etcetera). As a theoretical approach to this evaluation, the three main instruments used were: (a) the Logical Framework, (b) elements of the Peace and Conflict Impact Assessment, (c) the conclusions of the Joint Utstein Study of Peace-building.

### 4. Main Findings

The evaluation has found that ASF has an important comparative advantage, which lies in its expertise and experience regarding judicial assistance. The evaluation also noted that, in putting into operation this specific expertise in a long term cooperation programme in the particular context of Rwanda, Burundi and the Democratic Republic of the Congo, ASF has gone through a lengthy and ongoing learning process, with ups and downs, in defining its working relationship with other relevant national and international, governmental and non-governmental actors and in carefully assessing the risks associated with its intervention. The expertise and added value of the contribution of ASF to the judicial sector is considered to be most relevant and is generally highly appreciated. This is, in turn, reflected in the important expectations formulated by other actors vis-à-vis ASF.

Attempts at diversifying its programme of activities have gone hand in hand with and even resulted in various difficulties: a blurred identity, a lack of specific expertise in conceptualizing and operationalizing the new types of activities, an initial competition with other actors (which, in most cases, was successfully adapted to a complementary division of labour and, sometimes, even synergy), a lack of clear communication and reporting to other actors and funding agencies.

Overall, the evaluation found that a better planification and conceptualization would have been helpful in ensuring an increased effectiveness of the interventions and in better defining the specific role of ASF as an actor that seeks to contribute to the promotion of the rule of law and the consolidation of peace in general, and to the availability of legal aid more specifically.

As far as efficiency is concerned, the important turn-over of staff has definitely had a negative impact on the performance during the period under evaluation. As far as the payments of national and international lawyers are concerned, various remuneration systems have been used. None of them are perfect, all of them carry with them certain risks, not only for an efficient financial management of the programmes themselves, but also, on a larger scale, in terms of distortion of prices and salaries (and, as a consequence, of the educational and professional attractiveness) of the judicial and legal sector more generally.

The evaluation found that the sustainability of its activities might benefit from a more systematic follow-up of its interventions and a better design of exit-strategies, including – but not solely - as far as judicial assistance is concerned. In addition, the overall sustainability of the programme of activities of ASF obviously strongly depends on the judicial, legal and political context of its interventions. ASF seems to be rightly aware of the risk of political instrumentalization of its presence by incumbent regimes, and has, more in the case of Burundi than in the case of Rwanda, adjusted its programme of activities accordingly. The position it has taken as a human rights NGO that at the same time actively operates as a development cooperation actor – with the inevitable limitations such a role entails - , seems to be generally respected.

## 5. Conclusions and recommendations

As a result of this evaluation, two sets of conclusions and recommendations have been formulated, addressed both to ASF and accessorially to the Belgian Administration for Development Cooperation.

As far as ASF is concerned, these are the headlines:

1. It is recommended that ASF takes better care of its “corporate identity”, by building on its specific expertise in the area of judicial assistance as core business.
2. ASF must make sure to build its own “institutional memory” and revise its human resources management and information management policy from this same perspective.
3. There is a need for ASF to strengthen its capacities in terms of long-term planning and strategic thinking. This recommendation applies to the identification and formulation of its programme of activities, to its capacity and role as a non-governmental organization dealing with human rights issues but acting as an implementing agent, to its position as an actor amongst other (non-governmental) partners as well as to its own internal ‘quality control’.

As far as the Belgian Administration for Development Cooperation is concerned, these are the headlines:

1. It is recommended that the Administration carries out a strategic analysis of its sectoral policies in the area of justice and peace-building, looking, a.o., at the role of a non-governmental organization as implementing agent of bilateral cooperation programmes.
2. It is important to better streamline the strategies and improve coordination, both at national and at regional level.
3. The specific budget line on conflict prevention, peace-building and human rights is a highly valuable instrument. It is recommended that evaluations and other lessons learned are integrated in policies regarding the use of this budget line.