



Civil Society for Good Governance Looking Back and Way Forward

Progress Review 2009 and
Planning for Phase II 2009-2012



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ACKNOWLEDGEMENT

GTZ would like to express its appreciation to the many individuals and institutions that made possible the undertaking of this review and the subsequent compilation of its findings into a comprehensive report, which has formed the base for the programme design for the second phase. This work was commissioned in the wake of a transition of the *Programme State, Democratization and Civil Society – Good Governance* and the change of a new head of the programme in January 2009.

The transition period from January to September 2009 allowed to engaging with partners from civil society, state institutions and donor community aiming at taking stock and planning for the second phase which will commence in October 2009. The transition period further aimed at ensuring continuity and innovativeness in the programme's approach and in its communication with partners in particular.

The programme staff is equally to be commended for competently contributing to the consolidation process in the transition period. The tireless efforts of the external consultants at the helm of the review are also hereby acknowledged.

GTZ would like to pay special tribute to the implementing partners, cooperating partners, German Embassy in Lusaka and the Ministry of Community Development and Social Services (MCDSS), who all in different ways formed part of the consultative process the programme undertook from February to April 2009, in fact a comprehensive learning and feed-back exercise, that resulted in the report before us today. To all these, and others that may not have been explicitly mentioned here, GTZ owes a burden of gratitude. We are particularly indebted to all participants of the workshop cum partner consultation held on 26 March 2009 to which the Ministry of Community Development and Social Services delivered an encouraging key address.

Last, but not least, GTZ would like to place on record that care has been taken to eliminate all errors of facts and misrepresentations, but where these have escaped our scrutiny, we would like to absolve all mentioned parties of any responsibility.

EXECUTIVE SUMMARY

OVERVIEW

This report is a product of the work of consultants contracted by the German Development Cooperation (GTZ), Lusaka country office, in March 2009. The main objective of the mission's assignment was to provide expert input to the Review of Progress and Programme Planning for phase 2 of the Democratization, State and Civil Society (Good Governance) Programme. The approach used to conduct the review and the planning for phase 2 took the form of an institutional learning exercise with a strong focus on consultations with civil society organisations (CSOs) and Development Partners.

This report integrates several individual analyses done by six different authors:

- i. Political Changes in the Governance Landscape by Dr. Fred Mutesa
- ii. Internal Assessment of the Performance of Good Governance Programme by Ms Kaputo Chenga from the Good Governance Programme
- iii. External Assessment of the Performance of Good Governance Programme by Dr. Armin Nolting, GTZ governance advisor based in Ethiopia
- iv. Support to legal aid and anti-corruption by Ms Johanna Beate Wysluch, GTZ United Nations Convention against Corruption (UNCAC) Project
- v. Contribution to promoting gender by Ms Julia Gruhlich, Gender and HIV/AIDS expert
- vi. View, perceptions and contribution from DED by Ms Pia Wahl, DED Zambia Good Governance Programme

POLITICAL CHANGES IN THE GOVERNANCE LANDSCAPE

The main political event that has taken place in Zambia's governance landscape since the 2008 Programme Progress Review (PPR) was the death of president Levy Mwanawasa in August 2008. Mwanawasa was succeeded by his vice-president, Rupiah Banda, who won the ensuing presidential by-election held on October, 30, 2008, which was contested by three other candidates. The peaceful election of Banda as Zambia's fourth republican president therefore restored continuity to the nation, albeit under new political dynamics. These dynamics are exerting pressure on GTZ's Good Governance programme and would therefore have to be taken into account in the second phase of the programme. The report cites the National Constitutional Conference (NCC), NGO Bill, Public Sector Management Programme, Decentralization and Funding Mechanisms to civil society as some of the key issues that are bound to affect the new political dynamics during the Banda presidency.

The review and programme planning for the second phase (2009-2011) of the Programme on Democratization, State and Civil Society largely upheld the main findings and recommendations of the PPR of February, 2008.

INTERNAL ASSESSMENT OF PROGRAMME PERFORMANCE

This section reflects on the Good Governance (GoGo) programme implementation since May 2008 to the present, seen through the lenses of the commonly termed five success factors: Strategy, Cooperation, Steering Structure, Processes and Learning and Innovation. Some questions are posed to provoke contemplation about where the programme might see itself in future:

- How do we ensure that we do not grow CSOs to death with increased funding?
- How will the various mechanisms available work to ensure that they do not only crowd out the rural based organisations but also the supposedly weak CSOs at national level?

EXTERNAL ASSESSMENT OF PROGRAMME PERFORMANCE

The team is extremely strong, team members seem to have good management skills, appropriate working culture as well as expertise in the fields of Governance. Currently, the team needs to absorb multiple coinciding changes and related challenges.

The recommendation, unsurprisingly, is to:

- not spread unconfirmed information or scenarios to avoid unnecessary fears
- give strong signals of trust and appreciation to ensure continued performance on the basis of healthy self esteem

Among the civil society, the programme has a substantial number of partner organisations, networks, as well as individual organisations. This is a great asset contributing to the high esteem the programme enjoys from civil society. In a second and possibly concluding programme phase it is advisable to consolidate the relationships and recalibrate them towards increased sustainability. This would speak against additional partners (unless they come with a particularly great potential) and might even point towards a reduction of civil society partners.

The following challenges for objectives (and indicators) have been identified to need revision:

- more impact orientation
- addressing the national – sub-national and related urban – rural divides
- integrating of impact (component?) on Access to Justice Programme (AtoJ)

SUPPORT TO LEGAL AID AND ANTI-CORRUPTION

This section of the report focuses on access to justice and anti-corruption as agreed on in the terms of reference. On the whole, three proposals for a third component goal have been developed:

- Strengthening CSO engagement in the Governmental Access to Justice Programme
- CSOs and networks improve their capacity in the provision of legal services to enhance access to justice for the indigents/vulnerable communities/poor population
- Civil society contributes to constructive dialogue for improved access to justice with emphasis on poor and vulnerable people (working definition).

Notwithstanding the Governance Programme has to take into account, that anti-corruption work through a comprehensive and/or mainstreamed approach has been missed in Zambia. Governance Sector Advisory Group covers broad areas of governance, without a specific focus or sub-group on corruption-related issues, has further complicated this situation. A proactive communication about the status of the policy, activities already undertaken, and information about some first results are important instruments for coordination amongst Cooperating Partners (CPs). It is therefore recommended to bring on board other CPs and/or coordinate activities through participation in the CPs anti-corruption group.

DED CONTRIBUTION

A German Development Service (DED) consultant participated in the GTZ Programme Progress Review (PPR) in 2008. In 2009 the DED governance coordinator joined the mission and was rather seen as a member of the GoGo-team. The recommendations of the DED consultant and the DED coordinator replenished the PPR Missions by bringing the view of DED into the mission.

DED supports the civil society (CS) network Civil Society for Poverty Reduction (CSPR) to build up and strengthen their sub-national structures. DED has placed three development workers in

three different provincial offices of CSPR. Furthermore, DED provides salary subsidies for five provincial coordinators of CSPR. This intervention is a contribution to component goal 1. For the next phase it is recommended to focus on the support of Non Governmental Organisation (NGO) forums at decentralized level. NGO forums at sub-national level are important to improve networking and knowledge management within CSOs. The objective is to assume greater responsibility of CSO participation in Provincial Development Coordinating Committees (PDCCs) and District Development Coordinating Committees (DDCCs). This development intervention is a contribution to component goal 1 and 2.

DED will place a development worker to support the paralegal programme and women shelter project of the Catholic Diocese in Ndola. Furthermore DED will support a national expert who will be placed in the women shelter project. The main goal of this development intervention is to assure low cost legal advice for poor population. The second goal is to reduce gender based violence in the Copperbelt province. This development intervention is a contribution to the incoming new component access to justice. It also mentions gender issues.

DED entered into negotiations with the gender network Non Governmental Organisation Coordinating Council (NGOCC). They request support for different activities, the main one being related to supporting NGOCC's sub-national structure. NGOCC intends to strengthen their provincial centres to define advocacy and capacity building at local levels especially in rural areas. For this activity a development worker and salary subsidy for a national expert is requested. This intervention would be a contribution on component goal 1.

DED entered into negotiations with the media related NGO PANOS. They requested support for their media programme at sub-national level. PANOS cooperates with CSOs in rural areas with the aim to improve information sharing and to create new communication channels. This intervention would be a contribution to component goal 1.

ACRONYMS

ACC	Anti Corruption Commission
AIDS	Acquired Immuno Deficiency Syndrome
APRM	African Peer Review Mechanism
AtoJ	Government Access to Justice Programme
AU	African Union
AVAP	Anti Voter Apathy Project
BDF	Berater Demokratie Foerderung, NGO advisor
BMZ	German Ministry for Development Cooperation
CCZ	Churches Council of Zambia
CPs	Cooperating Partners
CPD	Continuing Professional Development Programme
CS	Civil Society
CSO	Civil Society Organisation
CSOs	Civil Society Organisations
CSPR	Civil Society for Poverty Reduction
DANIDA	Danish International Development Agency
DC	District Commissioner
DDCC	District Development Coordinating Committee
DEC	Drug Enforcement Commission
DED	Deutscher Entwicklungs Dienst, German Development Service
DFID	Department for International Development
DI	Development Intervention
DIP	Decentralization Implementation Plan
DPP	Director of Public Prosecution
DW	Development Worker
EAZ	Economics Association of Zambia
ECZ	Electoral Commission of Zambia
EFK	Einheimische Fachkraft, local expert
EIU	Economist Intelligence Unit
EM	Entwicklungsmassnahme
EPWDA	Eastern Province Women Development Association
ESCR	Economic, Social and Cultural Rights
EU	European Union
FNDP	Fifth National Development Plan
FODEP	Foundation for Democratic Processes
GCF	Gender Consultative Forum
GDP	Gross Domestic Product
GFP	Gender Focal Points
GIDD	Gender in Development Division
GoGo	Good Governance
GRZ	Government of the Republic of Zambia
GS	Governance Secretariat
GTZ	German Technical Cooperation
HIV	Human Immunodeficiency Virus
IJM	International Justice Mission
INGOs	International Non Governmental Organisations
JASZ	Joint Assistance Strategy Zambia
JCTR	Jesuit Centre for Theological Reflection
JDP	Judiciary Development Programme
JGSP	Joint Gender Support Programme
KOR	Koordinator, coordinator
LAB	Legal Aid Board
LADA	Law and Development Association

LAZ	Law Association Zambia
LRF	Legal Resource Foundation
MCDSS	Ministry for Community Development and Social Services
MMD	Movement for Multi-party Democracy
MOFNP	Ministry of Finance and National Planning
MoJ	Ministry of Justice
MTEF	Medium Term Expenditure Framework
NACP	National Anti-Corruption Policy
NCC	National Constitutional Conference
NDP	National Development Plan
NGO	Non Governmental Organisation
NGOCC	Non Governmental Organisation Coordinating Council
NGP	National Gender Policy
NLACW	National Legal Aid Clinic for Women
NORAD	Norwegian Agency for Development Co-operation
NSAG	Non State Actors Group
NYCA	National Youth Constitutional Assembly
ODI	Overseas Development Institute
OYV	Operation Young Vote
PAN	Paralegal Alliance Network
PCs	Provincial Coordinators
PDCC	Provincial Development Coordinating Committee
PEMFA	Public Expenditure Management and Financial Accountability
PF	Patriotic Front
PFK	Projekt Fortschritts Kontrolle
PLP	Parliamentary Liaison Programme
PME	Planning Monitoring Evaluation
PPMT	Provincial Programme Management Team
PPMTs	Provincial Programme Management Teams
PPR	Programme Progress Review
PRS	Poverty Reduction Strategy
PS	Parliamentary Secretary
PSCAP	Public Sector Capacity Building Project
PSM	Public Sector Management
PSMP	Public Sector Management Programme
PU	Planning Units
PVK	Projekt Verlaufs Kontrolle
SACCORD	Southern African Centre for Constructive Resolution of Disputes
SAG	Sector Advisory Group
SAGs	Sector Advisory Groups
SC	Steering Committee
SDI	Support to Decentralization Implementation
SPA	Strategic Plan of Action
SIDA	Swedish International Development Agency
SPDP	Strategic Plan and Development Plan
SwAP	Sector-wide Approach
TC	Technical Committee
TI Z	Transparency International Zambia
ToR	Terms of Reference
UNCAC	United Nations Convention against Corruption
UNDP	United Nations Development Programme
WILDAF	Women in Law and Development in Africa
ZCEA	Zambia Civic Education Association
ZEC	Zambia Episcopal Conference
ZGF	Zambia Governance Fund
ZIALE	Zambian Institute of Advanced Legal Education

1.0 INTRODUCTION

1.1 Background

This report is a product of the work of consultants contracted by the German Development Cooperation (GTZ), Lusaka country office and GTZ head office in Eschborn, Germany, in March 2009. The work was carried out by a multi-disciplinary team of five experts comprising the following:

Dr. Fred Mutesa, mission leader and Zambian expert on Governance
Ms. Johanna Beate Wysluch, GTZ legal counsel and anti-corruption expert in the German project to promote the UN Convention against Corruption (UNCAC)
Dr. Armin Nolting, GTZ governance advisor at the African Union and in charge of preparation of the GTZ commission report and mission leader of the progress review mission 2008 (PPR)
Ms. Pia Wahl, DED Governance Programme Coordinator in Zambia
Ms. Julia Gruhlich, Gender and HIV/AIDS expert and in charge of the overall preparation of GTZ commission

1.2 Objective

The main objective of the mission's assignment was to provide expert input to the internal review of progress and programme planning for phase 2 of the Democratization, State and Civil Society Programme (Good Governance Programme).

1.3 Methodology

The approach used to conduct the review and the planning for phase 2 took the form of an institutional learning exercise with a strong focus on consultations with CSOs and Development Partners. This was a triple track approach which was applied by the Good Governance Programme team and the seconded DED governance coordinator. The main elements were:

- i. Review of what has been achieved vis-à-vis the recommendations of the evaluation through internal consultations, review of reports and reflections of changing institutional environment.
- ii. Engaging partner organisations in brainstorming and pre-planning talks.
- iii. Finally the external consultants reviewed and conceptualised the documented findings of i. and ii. thereby making use of the recommendations of the evaluation of 2008.

The following documents provided the base for the review and planning exercise: PPR report and e-Val report 2008, lessons learned report of April 2008, write-ups from consultations with partner organisations done by the Good Governance Programme team from February to March 2009 and conclusions from the DED member of the mission. Further, a consultative workshop with CSOs and Development partners held on 26th March, 2009, provided additional insights into critical issues to be considered for the second phase.

1.4 Structure of the report

This report integrates several individual analyses done by six different authors:

- i. Political Changes in the Governance Landscape by Dr. Fred Mutesa
- ii. Internal Assessment of the Performance of Good Governance Programme by Ms Kaputo Chenga from the Good Governance Programme
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2.0 POLITICAL CHANGES IN THE GOVERNANCE LANDSCAPE by Fred Mutesa

The main political event that has taken place in Zambia's governance landscape since the 2008 PPR was the death of president Levy Mwanawasa in August 2008. Mwanawasa was succeeded by his vice-president, Rupiah Banda, who won the ensuing presidential by-election held on October, 30, 2008, which was contested by three other candidates. Prior to the by-election, there was great anxiety as to whether Zambia would have a smooth transition to a new leader, a factor that caused implementation of many governance programmes to stall as a result of uncertainty on the future political direction of the nation.

The peaceful election of Banda as Zambia's fourth republican president therefore restored continuity to the nation, albeit under new political dynamics. These dynamics are exerting pressure on GTZ's Good Governance programme and would therefore have to be taken into account in the second phase of the programme. The rest of this section looks at the National Constitutional Conference (NCC), NGO Bill, Public Sector Management Programme, Decentralization and Funding Mechanisms to civil society as issues bound to be affected by the new political dynamics during the Banda presidency.

2.1 National Constitutional Conference

The National Constitutional Conference (NCC) established by an Act of Parliament in 2007 is set to conclude its sittings in July, 2009. Yet, by the time this report was finalised its lifespan was extended until late 2009. The recommendations on both content and process of adoption of the new constitution will have a huge bearing on the governance landscape in the country.

The major complication arises from the fact that some of the key stakeholders, particularly influential church mother bodies, other important civil society organisations and the main opposition Patriotic Front (PF), continue to boycott the NCC. This raises the question of credibility and legitimacy of what will come out of the constitution making process.

2.2 NGO Bill

Zambia's civil society sector remains largely unregulated, governed by archaic legislation which is no longer in sync with the *diktats* of the times. Government had tried unsuccessfully to introduce legislation on NGOs in 2007, but was forced to withdraw the bill from Parliament because of an uproar from CSOs who saw the draft legislation as leaning more on control rather than creating an enabling framework for civil society work. As long as there is no clear direction on future NGO legislation, civil society will continue to operate in an uncertain environment, characterised by uneasy relations with the state. It's therefore important to foster government-civil society collaboration on this very important issue. Meanwhile the NGO Bill had passed Parliament in August 2009 and was signed by the republican President to become law.

2.3 Framework for democratic and accountable governance

Considering that president Rupiah Banda's term of office is less than three years away from a general election due in the last quarter of 2011, the election fever in the nation is likely to start earlier than usual. President Banda is likely to remain under intense scrutiny from opposition political parties, civil society organisations and the independent media. In turn, his administration may find it unavoidable to over-react to some of the criticism directed at him.

Banda's effort will not be made any easier by the fact that he has to simultaneously seek to consolidate his power within the ruling Movement for Multi-party Democracy (MMD) while keeping an eye on the upcoming elections. He will be looking for quick wins to establish credibility. This might pose a risk to the manner in which public resources are utilised, especially in view of the drastic decline in government revenue coming from copper exports.

2.4 Public Sector Management Programme

Implementation of the Public Sector Management Programme (PSMP) is considered to be critical to prudent management and utilisation of public financial resources. In the face of the current global economic recession, quick and successful implementation of this programme has become more crucial now than ever before. The PSMP is a two-pronged programme consisting of the Public Expenditure Management and Financial Accountability (PEMFA) and Public Sector Management (PSM).

PEMFA's overall objective is to contribute to efforts of government in improving its capacity to effectively and efficiently mobilise and utilise resources and to strengthen overall financial accountability, with the aim of improving pro-poor government services.¹ Progress on programme implementation is reported to suffer from "anxiety among officers likely to be affected by the implementation of new systems and the natural response is resistance which is manifested in many forms such as lack of cooperation, demand for allowances, etc."²

PSM, on the other hand, aims to build upon progress made in the earlier effort under the Public Sector Capacity Building Project (PSCAP), including:

- The pay reform strategy approved by Cabinet
- The new General Orders defining standards for behaviour in the public service
- The plans prepared with the assistance of World Bank specialists to reform the public service pensions
- The plans to strengthen social safety nets
- The ongoing actions to bring the wage bill down to a sustainable level
- The retrenchment based upon ministerial restructuring plans

PSM implementation has made little progress towards attainment of the above objectives. A combination of lack of political will on the part of the authorities and in-built resistance within the civil society bear no small blame for this stagnation.

It will be interesting to see whether a government with elections on its mind will move quickly to deal with the identified stumbling blocks to the PSMP. Monitoring of, and lobbying for, the PSMP can be an interesting arena of action for CSOs.

¹ Government of the Republic of Zambia (GRZ) (2008): Public Expenditure Management and Financial Accountability (PEMFA) Programme: Highlights of the Third Quarter Progress Report, November 2008, p.4.

² Ibid p.11

2.5 Decentralization

Concern remains on the slow pace associated with decentralization in Zambia. The policy was adopted in 2002 and officially launched in 2004. A Decentralization Implementation Plan (DIP 2006-2010) was developed in 2006. Government has used the issue of lack of capacity, particularly fiscal capacity, to explain the slow pace which characterises the implementation of the decentralization policy.

The Banda administration has announced that it intends to implement the DIP. In his 2009 budget address, Minister of Finance and National Planning, Situmbeko Musokotwane, stated that “in this regard, a local capacity building programme will be developed this year, equipping local councils with the human, technical and financial capacity to effectively deliver quality and responsive services.”³

Surprisingly, there has not been much concerted effort on the part of civil society to advocate for decentralization. This is difficult to understand in view of the importance of decentralization to the delivery of quality and responsive services.

2.6 Justice Sector Reform

The justice system in Zambia is characterized by a comparatively low level of effectiveness and efficiency. It lacks the capacity to deliver services within a reasonable period of time. People in rural areas have to cover long distance to access justice delivery agencies and often legal aid services are not affordable to them. Those who deal with law implementing bodies find it difficult to understand the legal language and the procedural requirements.

It is for the limited accessibility of the justice system to poor population groups in particular to women and children that the Governance Chapter under the Fifth National Development Plan in the chapter on governance mentions the delivery of justice as a pivotal area for poverty reduction.⁴ Government recognises that a fair and predictable justice delivery system creates the preconditions for economic empowerment.

2.7 Anti-corruption

Zambia has made some progress in the fight against corruption such as the prosecution and conviction of high level officials by the Task Force and the Anti Corruption Commission (ACC) from the former governments, the reinforcement of the Auditor General and the Anti Corruption Commission, improvements in the financial management systems, the passing of a more transparent Procurement Act and the recent design of a National Anti Corruption Policy.

However, Zambia’s score in the Corruption Perception Index of Transparency International still scores below three, which indicates very limited progress. The risk and incidences of corruption in Zambia remain high. The Auditor General’s Reports indicate that large amounts of public funds remain unaccounted for (although not necessarily misappropriated). Political corruption (particularly during elections) remains high and there is no regulation on political campaign financing as well as on political parties. Petty corruption at service delivery points is a common practice. Other shortcomings are under resourced and to some extent dependent oversight institutions, long delays in court processes, inconsequent practice of complaints handling mechanisms and the lack of a specialized corruption court.

³ GRZ (2009): Budget Address by the Minister of Finance and National Planning Hon. Dr Situmbeko Musokotwane, MP. 30th January 2009, p. 2-3.

⁴ FNDP, Part 7, Cross-cutting issues, Governance, 31.3.4 Administration of Justice, p. 281.

2.8 Funding mechanisms to civil society

The growing interest of donors providing budget support in Zambia has created some uncertainties regarding the future of donor funding to CSOs. The trend towards “pooled funding” to support civil society appears to be one major response by donors to calm this apprehension. The establishment of the Zambia Governance Fund (ZGF) is a good example of donor response. The challenge posed by “pooled funding” hinges on whether it will promote cooperation, or, fuel competition among civil society organisations.

2.9 Consequences for the second phase

The review and programme planning for the second phase (2009-2011) of the Programme on Democratization, State and Civil Society largely upheld the findings and recommendations of the PPR of February, 2008. The implementation of the second phase of the Good Governance Programme was already recommended by the February, 2008, PPR. The report noted that all three indicators of component goal 1 showed positive results.⁵ However, it was noted that the weak political environment (e.g. the partial absence of Government-led SAG meetings or lack of progress in decentralization) strongly influenced the impact of the programme. This report reaffirms that recommendation.

2.9.1 Component goal 1 indicators

Indicator 1

Ongoing civil society participation in the National Development Plan (NDP) process in at least three SAGs at the national level (activity reports)

It was observed that civil society was involved in the PRS/FNDP process and has been participating in several Sector Advisory Groups (SAGs). However, the quality of civil society participation in those SAGs was questionable. This is because only few CSOs participated frequently, among them the Civil Society for Poverty Reduction (CSPR) Secretariat and its member organisations such as Jesuit Centre for Theological Reflection (JCTR) and Southern African Centre for Constructive Resolution of Disputes (SACCORD). Many others were not involved. In general, the PPR reported that several factors affecting the overall development of civil society-state relations led to an observable “participation fatigue” on CSOs.

⁵ The programme’s overall goal is: “CSOs and networks support governance reform processes and the poverty reduction policy.” Component goal 1 is “participation of civil society in the national poverty reduction process” while component goal 2 is: “In the context of governance reform processes, CSOs and networks effectively monitor whether government action is transparent, efficient and consistent with applicable regulations.”

Component goal 1 has three indicators: i) Ongoing civil society participation in the NDP process in at least three SAGs at the national level (activity reports); ii) Ongoing contributions by civil society to the NDP processes at the provincial level (via provincial structures in the Southern Province) and in selected districts (activity reports); iii) Thematic groups of the network Civil Society for Poverty Reduction (CSPR) develop and coordinate positions within the network itself, which are channelled into the relevant SAGs (activity reports).

Component goal 2 has four indicators: i) CSOs and networks publish independent annual monitoring reports on the Green and Yellow Books; ii) CSOs and networks conduct independent annual budget and expenditure monitoring in at least five districts in five different provinces that systematically take into account gender aspects; the results are published throughout the country; iii) At least three public events are organised on governance reform processes and/or transparency and efficiency of government action; iv) Civil Society actors support the parliament’s growing role in governance reform.

Indicator 2

Ongoing contributions by civil society to the NDP processes at the provincial level (via provincial structures in the Southern Province) and in selected districts (activity reports)

The lack of political will to decentralize decision-making, budgeting, etc has severe impact on the space for civil society to get involved at provincial and district levels. On the positive side it can be noted that CSPR, for example, strengthened its own decentralized structures by establishing several Provincial Programme Management Teams (PPMTs). Unfortunately only few civil society organisations make contributions to the sub-national FNDP process and most PDCC are inactive.

Indicator 3

Thematic groups of the network Civil Society for Poverty Reduction (CSPR) develop and coordinate positions within the network itself, which are channelled into the relevant SAGs (activity reports)

The PPR noted that within CSPR the thematically oriented discussion on poverty related issues was strongly developed. The evidence of this could be seen from the contribution of CSPR to the formulation of the FNDP. However, this positive work was seen to be undermined by the weak performance of the SAGs.

2.9.2 Component goal 2 indicators

Again, within component goal 2, all indicators showed satisfactory to very positive results. While this was most obvious with respect to indicators 1 to 3, progress in indicator 4 needed more qualification, and hence this attracted a specific recommendation, as we shall later see.

Indicator 1

CSOs and networks publish independent annual monitoring reports on the Green and Yellow Books

This indicator was fully met. Civil society statements regarding the annual budget are published frequently in various media before and after the presentation of the budget to Parliament. CSOs, especially CSPR, JCTR and CARITAS Zambia, also monitor other budget related processes and documents such as the Medium Term Expenditure Framework (MTEF) or General Budget Support by CPs. Moreover, these civil society organisations also contribute to the Parliamentary committees and are seen as influential in budget debates in parliament.

Indicator 2

CSOs and networks conduct independent annual budget and expenditure monitoring in at least five districts in five different provinces that systematically take into account gender aspects; the results are published throughout the country

This indicator showed significant progress and was expected to be fully met by the end of phase 1 of the programme. With support by German TC, CSOs monitored PRS implementation in various districts. Gender and HIV/AIDS are aspects systematically considered in these monitoring exercises.

Indicator 3

At least three public events are organised on governance reform processes and/or transparency and efficiency of government action

Since a significant number of public events on governance issues had been organised by CSOs (and supported by GTZ Good Governance Programme) e.g. Constitutional process, the NGO Bill and the APRM process, it can be concluded that this was fully met. The fact that the

requirements of this indicator were exceeded by far suggests that it was too carefully worded and could have been made more demanding or qualitatively more specific.

Indicator 4

Civil Society actors support the parliament's growing role in governance reform

A noticeable improvement in the working relationship between parliament and civil society was observed. However, the PPR mission reached the conclusion that there were still enormous as yet unused potentials in the cooperation between parliament and CSOs. A more institutionalised link between parliament and civil society was recommended for the enhancement of cooperation between the two groups and to improve the quality of political culture in general.

2.10 Future directions

On the basis of the findings the mission team suggested that the second programme phase should be implemented. The mission team observed that although progress towards the overall objectives was already considerable, the second phase should ensure the full realisation of objectives and in particular a sustainable anchoring of the progress made. The following recommendations were therefore put forward for consideration by the Federal Ministry for Economic Cooperation (BMZ) and German Technical Cooperation (GTZ).

Recommendations on programme objectives and indicators

The mission team recommended that the overall goal “CSOs and networks support governance reform processes and the poverty reduction policy” should be retained as it is considered still relevant. A critical review of the indicators was, however, recommended to make them reflect changed realities or be phrased more ambitiously with an even clearer orientation towards sustainable impact. It was also recommended that the importance of sub-national processes in poverty reduction and governance reform processes be made more pronounced by rephrasing some indicators or creating an additional one specifying the programme's impact at the provincial or district level.

Recommendations on the partner structure

The mission team recommended strengthening the relationship with the Ministry for Community Development and Social Services (MCDSS) beyond the ministry's role as host, to include engaging the ministry in programme activities. On the side of CS it was recommended that capacity development for key partners should be intensified. In this regard, it was recommended that effective interfaces for constructive and results oriented cooperation between state and civil society be identified and promoted. Particularly with Parliament, it was noted that there appeared to be promising fields of cooperation that have not yet been fully exploited. Support to such interfaces at sub-national levels, were stressed as well.

Recommendations on modes of delivery

It was recommended that financing contributions, advisory services in the areas of organisational development, networking and dialogue building remain in the mix of modes of delivery that have helped make the programme so flexible and successful. It was recommended that cooperation with DED Development experts at sub-national level be expanded.

With respect to funding mechanisms, the mission recommended to continue with silent partnership arrangements if and when this is requested by other CPs. It was also recommended that in as much as striving for more refined and better harmonised mechanisms is indispensable, abrupt turnabouts should be avoided in order not to destroy established relationships.

3.0 INTERNAL ASSESSMENT OF PROGRAMME PERFORMANCE by Kaputo Chenga

This section reflects on the Good Governance Programme implementation since May 2008 to present seen, through the lenses of the five commonly termed success factors⁶: Strategy, Cooperation, Steering Structure, Processes and Learning and Innovation. Some questions are posed to provoke contemplation about where the programme might see itself in future. The paper draws mainly from three angles: Firstly, from informal discussions with colleagues in the programme within GTZ, as well as some key partner (implementing and cooperating) organisations; Secondly, from literature on civil society work and perceived or felt impact on the target audiences (Overseas Development Institute (ODI), 2008; Bano, 2008). Finally, the Good Governance Programme was used as a case during the short training on Capacity WORKS⁷ for GTZ programme staff held between 18th and 20th March 2009. The feedback from our colleagues during this training greatly benefited this write up, in terms of structure and thought.

3.1 The context

The socio economic and political environment in which the programme is situated has been comprehensively documented in the PPR of 2008. Many aspects of the description are still accurate.

3.2 Framework conditions

What has slightly changed in the aid framework in Zambia is the scaling up of direct budget support to government. This has implications on the work of CSOs – service delivery as well as advocacy organisations. The support to CSOs in governance has also a new entrant mode of delivery, a pooled funding mechanism to be administered through call for proposals, in the name of the Zambia Governance Fund (ZGF). The ZGF had been in conceptual stage at the time of last years' PPR.

Other funding for CSOs in the governance sector from the European Union (EU) is envisaged. The EU has also recently unveiled the Public Financial Accountability Initiative, led by the Economics Association of Zambia (EAZ) in collaboration with JCTR and CSPR among others. A fund to support elections and related reforms has also been set up by the EU and other donors, managed by the United Nations Development Programme (UNDP).

Hence, from a situation of less funding for CSOs in the governance field in the last two years, we may have a saturation of funding in the sector:

- How do we ensure that we do not grow CSOs to death with increased funding?
- How will the various mechanisms available work to ensure that they do not only crowd out the rural based organisations but also the supposedly weak CSOs at national level?

3.2.1 Effect of the global financial crisis

Zambia is clearly affected by the global financial crisis as evidenced in the job losses in the mining sector, as well as the collapse of some service industries. According to the Economist Intelligence Unit (EIU) Zambia's "real GDP growth is forecast at 1.6% in 2009 and 2.7% in 2010, as the global economic slowdown hits Zambia. Mining investment and production are expected to be especially badly hit by weaker prices. The finance minister, Situmbeko Musokotwane, in presenting the 2009 budget anticipated a tough year for Zambia, given the uncertainty in the

⁶ GTZ: Capacity WORKS, The Management Model for Sustainable Development.

⁷ Ibid.

world economy. The budget contains ambitious plans to improve agricultural productivity as a way of diversifying the economy.

3.2.2 Political context

The political landscape since the last review has transformed only marginally, following the ushering into power of Mr. Rupiah B. Banda as new Head of State. The election of President Banda saw cabinet reshuffles or contract terminations in several ministries, the most visible one being the Ministry of Finance and National Planning.

Continuity of late president Mwanawasa's policies and programmes, was the pronouncement of the ruling MMD at election time. The FNDP and other related documents remain the guiding policy documents. The National Constitutional Conference (NCC), aimed at drawing a new constitution is still sitting, despite boycotts of participation and calls for its disbandment by some influential interest groups such as the Zambia Episcopal Conference (ZEC), Non Governmental Organisation Coordinating Council (NGOCC) and the Christian Council of Zambia (CCZ) among others.

Suffice to point out that from our programme perspective, the NCC has been one matter through which we have seen *partitions, due to different opinions on the process* among CSOs in Zambia. This happened when the Law Association of Zambia (LAZ), a prominent member and founder of the Oasis Forum decided to participate in the NCC whilst the church mother bodies such as ZEC and CCZ and NGOCC boycotted. Paradoxically, we have some partner organisations that are sitting on the NCC and some that have chosen to boycott and lobby outside the NCC.

Controversial to the process has been the sitting allowances paid to participants, which several observers argue is a form of *corruption*, as it is high and that most of the participants are sitting in the NCC representing their organisations. It is argued that specific organisations sending these representatives could have met their costs for participating in the NCC. As for parliamentarians, this would be within their mandate – representing their electorate.

The Good Governance Programme's funding to its partners that are undertaking constitutional work has been specifically directed towards lobby and advocacy on the Economic, Social and Cultural Rights (ESCR), a subject where we gather CSO consensus exists.

Conclusion:

- i. *Despite all these divides on the constitutional review process, it is evident that most of the governance issues that our partners deal with hinge on the constitution: Electoral Reforms, Parliamentary Reforms, Powers of the Executive and Judiciary and the Rights of Citizens and Obligations of Government, for example.*
- ii. *Much as there is scepticism about the current process addressing the concerns of all parties adequately, it would be beneficial for our partners to be focussed, strategic, clear and consistent in their approach to the various issues on which they engage.*

One matter that may threaten CSO's work is the NGO bill legislation, which government may take back to parliament in 2009. CSOs have been waiting for a response from the Ministry of Justice on their suggestions to the 2007 bill. So far, none of the CSOs have been proactive in lobbying against the enactment of the bill.

During our discussions with partners, the issue of a Code of Conduct for NGOs has been raised as a possible counter proposal to the NGO bill, but calling for CSO self regulation. Such a code could include issues of how to deal with accountability and integrity challenges within CSOs.

The first half of 2009 has also seen extensive debates in parliament about the need to regulate the media. Whereas the media fraternity itself has called for self regulation, strong counter missiles have been thrown from the legislature and the executive. No conclusions yet but it is worth staying on guard.

3.3 Impacts: Five success factors

The following section looks at the Good Governance Programme since March 2008, using the five success factors of Capacity WORKS, a GTZ Management model. The factors are: Strategy, Cooperation, Steering Structure, Processes and Learning and Innovation.

3.3.1 Strategically 'hosted' by government

A bilateral programme politically hosted by the Ministry of Community Development and Social Services (MCDSS) but, working with civil society organisation (CSO) partners makes the programme design and strategy unique; because the state and CSOs in several instances not just perceive but also treat each other with doubt. Therefore, how both partners treat each other affects the success of the programme.

Conclusion:

- i. But this arrangement also opens the programme activities as well as those of its partner organisations to scrutiny, at least to the astute observer.*
- ii. But if the situation is that the mistrust of CSOs by government continues amidst all this good work done, how about a tripartite information sharing arrangement where donors, government and CSOs converge?*

3.3.2 Strategic orientation: Governance – the contested concept and sphere

While there is no written law that inhibits CSOs in Zambia to undertake political advocacy, it seems the government is more comfortable to have CSOs undertake service delivery as opposed to advocacy activities. Indirect or direct statements suggesting that some outspoken CSO representatives or their organisations are subsets of opposition political parties have been made by government officials. Such views are perhaps to be expected. However, what may have to be preserved is the extent to which such negative perceptions of CSOs breed the stifling of citizens' fundamental freedoms and participation in legitimate issues.

The above observation is by no means to suggest that CSOs have surpassed the government in as far as adherence to democratic or governance principles are concerned. Rather, it reinforces the fact that the governance agenda is contested both at conceptual and operating environment level. Therefore, the extent to which CSOs working in this field put their internal governance in order is as critical as the extent to which their major target – the government does.

Conclusion:

- i. When analysing the success factor 'strategy', it becomes apparent that the Good Governance Programme seems to have paid little attention to it at design level, probably assuming that the 'networks' would manage their own internal affairs.*
- ii. Therefore, it may be critical for Good Governance Programme to consider facets that attempt to address not only internal governance challenges in partner organisations but also the general political landscape where CSOs operate.*

With the foregoing thinking, we would be treating governance as a balance of power between those that govern and the governed and the transparent management of resources by both the

governors and those that seek to watch them. GTZ's strategic position as I perceive it is situated to enhance both systems, in compliment with the Macro project, for example.

3.3.3 Whose topics and strategies?

In a bid to escape from setting Zambian CSO agenda, a situation where partners have approached the programme with their requests for support towards their activities has been the preferred norm of entry or discussion about partnership. In rare circumstances, the programme has realised some proactivity could add value to the work of CSOs and has therefore approached certain partners with ideas that have been further developed or implemented by the respective partners. Further, CSOs themselves are responsible for their own strategies of engaging their constituencies.

By and large, reports from our partners' work, which is our most comprehensive form of communicating with them, indicate that workshops have been one of the most common forms of engaging respective stakeholders. This could be one of the points at which the links start missing: the disconnection between the national and sub national structures, as there is limited interaction or engagement between the different structures beyond the workshop or specific activity agenda. The fact that many of the CSOs operate in a centralised manner, where power, resources (human and financial) and information are centrally concentrated further contributes to severing this urban – rural dichotomy poses the question: *How far should we go in shaping or sharpening the agenda and the methodologies for our partners?*

3.3.4 Governance - for what?

"...governance reform processes and poverty reduction."⁸

The incidence of poverty is not reducing in rural areas and reportedly declining in urban areas⁹. Considering that poverty is a multi-dimensional phenomenon, requiring multi-faceted strategies to tackle it, it is not surprising that our partners creatively link their work to governance. With time, I have tended to crudely categorise our partners' work portfolios as economic, social, legal or political governance. Sometimes the topics criss-cross each other and the lines between these broad divisions seem artificial, slim or simply not present.

Though our partners maintain that they work across several provinces and districts, many, if not all of them have their head offices in the capital city. As earlier observed, their activities and resources are also frequently concentrated at the centre or along the so often referred to 'line of rail'. If this is the case, the argument would be that only little benefits of their work trickle down to the intended targets¹⁰.

Without losing sight of our successes under the current programme we ask two questions:

- i. *How can we strategise our future interventions so that we help to break this rural – urban dichotomy that is now also being perpetuated by [our] support to CSOs?*
- ii. *How can CSOs utilise their complimentary role and space accorded in the existing environment to conduct advocacy work that leads to poverty reduction or improvement of livelihoods (without really engaging in service delivery)¹¹?*

⁸ Good Governance Programme Goal.

⁹ Central Statistics Office, Living Conditions Monitoring Survey, 2007.

¹⁰ See reflections by Bettina and Andreas, as well as ODI (2008) Report for SNV on Local Capacity Development Funding Mechanism concept to be piloted by SNV in 5 countries; also Masooda, Bano.

¹¹ Many actors advocate that the state should take over its role of providing public goods and services and that CSOs should conduct software work or ensuring that the state lives up to this expectation. This has in a way informed the thinking of the direct budget support, good principle theoretically. But what are the experiences of CSOs who undertake advocacy work at the grassroots level?

3.3.5 Modes of support vs. results or impact

To what extent can we spread our wings, break the orthodox forms of partnership and engage beyond established CSOs at every level?¹²

The support to partners has been at two levels: financial and technical cooperation. But the modes of this support have been varied, i.e. financing agreements, local subsidy agreements, or direct purchases for goods and services. The programme has often preferred contributing towards the partners' strategic plans, and in several cases, this has meant contributing towards a particular organisation's basket fund.

Whereas these modes of delivery are welcomed by our partners, and admittedly some may be exigent for them, the real challenge for the Good Governance Programme has been isolating, capturing or measuring results or impact of our support. On a wider level, the challenge of showing impact could also be seen in the sense that GTZ contribution to development work or cooperation is not reflected in the national budget. The inclusion of an objective at country level, which aims at ensuring that "...specific and advanced scenario of the aid architecture in Zambia is used for adjustment of our core processes and for enhancement of GTZ performance and position", may be one of those steps in the right direction.

3.3.6 Cooperation with various stakeholders

A programme such as the Good Governance Programme invariably has several stakeholders, ranging from prominent and visible, to active but invisible, or silent, yet effective organisations.

Internal cooperation

Internally, the Good Governance Programme intersects with all the other programmes i.e. Water, the Support to the Ministry of Finance and National Planning (MofNP) and the Support to Decentralization (SDI). Clearly, the focus of this intersection is the government, which is the owner stakeholder of all the programmes. Except, the Good Governance Programme counts on CSOs as the mechanism to reach the government, whereas the other three programmes interact with government directly.

Within GTZ Zambia, a process of identifying synergies in the different programmes has reached advanced levels and it is expected that this process will strive to enhance internal cooperation (see annex 1 for a complete list of synergies identified by all the projects).

External cooperation

Efforts are made for active information sharing within the German Development Cooperation Framework. An important stakeholder in the cooperation is the German Development Service (DED), which has placed three development workers in North Western, Western and Southern Provinces for the support to CSPR. DED also contributes towards the office of the Provincial Coordinator for CSPR in the three provinces. Some observers have pointed out that the three provinces supported by the presence of the development workers seem to perform better than those without. Other partners at provincial level feel they have missed an opportunity in capacity development from the development worker, and would wish for one to be seconded.

Conclusion:

For the future, it would probably be worthwhile to interrogate this observation, just as much as it would be worth considering the role of the development worker(s) to cut across several partner CSOs wherever they are placed.

¹² See footnote 4.

Implementing partners - selection and programme flexibility

The prominent stakeholders in the programme are the implementing partners, with whom Good Governance Programme has contractual relationships with. Five major partners are supported through combi-financing arrangements with CSPR (with Department for International Development (DFID)) and Anti Voter Apathy Project (AVAP), Caritas, Foundation for Democratic Processes (FODEP) and JCTR (with Irish Aid). Other partners have been supported through local subsidy agreements or direct purchases of goods and services.

The programme partners collaborated with or supported under the current phase have been carefully selected to reflect the above overall objective or the component goals. Often, the programme has operated with flexibility, allowing for unforeseen governance related *needs identified by partners* to be filled or met at the shortest possible demand. For instance, lobby and advocacy on the NGO Bill (2007) and voter education (2008) were such unforeseen needs.

Conclusion:

This is arguably one of the strengths of the programme as it has stuck literally with partners in a changing operating environment. Much as this is strength of the programme, it can also be a risk, as we would have to ponder over sustainability issues.

Cooperation with other cooperating partners

The cooperation with other bilateral partners has been on an information sharing level, except for Irish Aid and DFID, with whom the programme has contractual relationships for combi support to CSO partners. The German Embassy sits in the Donor Governance Group meetings and feed back to GTZ. The recently created Zambia Governance Foundation (ZGF) is one platform where GTZ will interact with other bilaterals on a common agenda.

Cooperation with CSOs and the Non State Actors Group (NSAG)

The interaction with cooperating partners in the Non State Actors Group seems stronger than that with other bi-laterals. The NSAG's strength appears to lie in the convergence of several CPs with support to CSO partners, including some religious and non religious International Non Governmental Organisations (INGOs). GTZ has chaired the group meetings since inception four years ago. Recently, the Swedish International Development Agency (SIDA) has expressed interest in taking over the chair ship.

Combi arrangements

The combi financing arrangements with Irish Aid and DFID can be taken as a case of best practice of harmonised support to CSO partners.

3.4 Processes

3.4.1 Internal management processes

The GTZ instruments provide guidance in our contractual undertakings with partners. However, the partner assessment criteria are unwritten, even though wide consultations do take place within the team before bringing new partners on board.

3.4.2 Processes linking to partners

One clear message to all the implementing partners is that they need to have working financial and human resource systems in place. *This is a challenge for many of them.* What the Good Governance Programme has no control over are the methodologies or processes partners ultimately select to reach their constituencies, as alluded to under their own programmatic and strategy.

One of the key concerns regarding our partner engagement with different stakeholders from the legislature or executive has been the challenge of accessibility to the key persons, such as parliamentarians. This is because the parliamentary procedures require that the organisations inviting parliamentarians meet their fuel and sitting allowances. The amounts involved are arguably exorbitant and do bulge, based on the number of parliamentarians an organisation is targeting to reach, and the further the constituency is from the capital city, the higher the fuel and kilometre refunds. Inconsequential as the issue of parliamentary privileges may appear, it has ramifications on the impact of CSO lobby and advocacy manoeuvres, as many of the governance issues that are at play in Zambia require an interface with the legislature more than the other two wings of the state / government (judiciary and executive) in order for them to be resolved. Until now, the parliament is dominated by the ruling party and has limited influence to prevail over the executive. Thus parliament in several ways is perceived as failing to meet the aspirations of the citizens.

The parliamentary reform programme, which is being supported by some bi-laterals such as Irish Aid is aimed at narrowing the gap between the electorate and parliamentarians. On the CSO side, a programme such as the Parliamentary Liaison Programme (PLP) under the governance programme of Caritas Zambia has the objective of engaging parliamentarians on the identified needs of the electorate.

Conclusion:

The challenge our partners have posed to us is to explore the potential of making these reforms work as intended; that the parliament does not shift further away from the citizens, given the support under the reform programme.

3.5 Programme steering structure

Apart from GTZ and German Development framework arena internal systems of management, the programme has no deliberate steering structure to direct and shape the programme. However, the programme draws on ideas and information from different partner organisations or their representatives or eminent individuals, as well as other cooperating partners on particular issues (see cooperation).

Conclusion:

Thoughts could go into discussing whether such a structure is necessary and if so, what its envisaged contribution to the programme direction could be.

3.6 Learning and innovation

3.6.1 Horizontal learning

The PPR of 2008 had several recommendations for the programme, and also did include a section on lessons learned. The lessons touch on the complexity and lengthy process of capacity development, the volatility of CSO partners and the need to guard against client - agent relationships as well as need to be flexible on designing cooperation programmes with CSO partners. Interestingly, the network example of support to the CSO African Peer Review Mechanism (APRM) secretariat is used as a best practice of our cooperation with CSOs. Much as this was the case and may still be the case, *challenges encountered in working with network organisations seem to teach us that we should attempt not to invest all our programme objectives in one network organisation.*

Clearly, the value that can be derived from the success of the network organisation is greater and cost and time more efficient than what can be obtained from investing in several small organisations. A typical example of network input into national policy processes is CSPR's

contribution to the making of the FNDP, when it produced, together with member organisations a FNDP from “Civil Society Perspective” (2005) whose content substantially found its way into the final FNDP. Bearing in mind the successes of such initiatives, one may want to ponder about what we can do in order to keep CSOs actively engaged and focussed on specific agenda?

Conclusion:

All issues considered, it seems the amount of time and effort spent on partner identification should be carefully interrogated and this may call for more investment in our own processes, as the partners we ultimately work with in a way mirror the impact of our support.

3.6.2 Vertical learning

It appears learning and innovation in our partner organisations and at inter-organisational heights has been constantly taking place. On the one hand, our partners have sought different ways of engaging government and parliament at national level. For instance, to the extent that our partners challenge us to explore potentials of ensuring that the parliamentary reform programme works as intended is reason enough to assume learning and innovation has taken place at this level.

The Basic Needs Basket of JCTR replicated and acclaimed in other countries is another case of learning and innovation. On the other hand, the fact that we are seeking to cross-examine the methodologies used to connect to the grassroots or sub national level structures might imply that:

- i. *It is not clear whether there has been innovative ways of engaging the grassroots or citizens in a manner that they are activated to bring about sustained change in their respective areas.*
- ii. *The vertical learning by the programme is another aspect that has to be considered in the next phase.*
- iii. *How have other countries with similar programmes gone beyond some of the issues that we raise or grapple with in Zambia?*

Similarly, there is need for cross vertical and horizontal learning. In this regard, exploration of developing knowledge management techniques as well as regular information exchange for which can be used as learning platforms is fundamental.

4. EXTERNAL ASSESSMENT OF PROGRAMME PERFORMANCE by Fred Mutesa with contribution from Armin Nolting

4.1 Rationale of the programme review exercise and my role therein

Due to the delay in formulation of a project design to BMZ for a full year after the 2008 PPR the additional learning and conceptualising exercise undertaken by the programme team was useful to i. Establish a shared understanding of the situation and related needs, ii. Strengthen ties between the new programme management and partners and iii. Create ownership for future cooperation.

The role of Dr. Nolting in the review mission that he joined only for the last five days in March 2009 was threefold: i. Provide continuity from last year’s PPR (where he acted as mission leader), ii. Provide input on recent requirements for programme planning and iii. Offer writing as well as facilitate the partner workshop. The following paragraphs are some general observations and recommendations on the basis of this exposure. Last year PPR report was deliberately not consulted to bring into the learning and consultation process as much as possible, fresh thinking.

4.2 Observations at team level

The team is extremely strong, team members seem to have good management skills, appropriate working culture as well as expertise in the fields of Governance. Currently, the team needs to absorb multiple coinciding changes and related challenges:

- After a long period of stability, the Team Leader has been exchanged, resulting in changes in the leadership style.
- The arrival of an additional non-Zambian team member, resulting in changes of communication culture (language) and working processes.
- The preparation of a delegation co-operation for the Zambian “Access to Justice Programme” (AtoJ) and implications for the topics to be dealt with by programme staff. Staff members might fear redundancy by a programme that is venturing strongly into legal and judicial topics.

Recommendation, unsurprisingly are:

- i. Not bring in unconfirmed information or scenarios into the process of conceptualising phase 2 to avoid unnecessary fears.*
- ii. Give strong signals of trust and appreciation to ensure continued performance on the basis of healthy self esteem.*

4.3 Implications of expected delegation cooperation with the EU Commission

According to observations but also hearsay the communication between the programme and the German Embassy could have been more constructive than experienced of late. Apart from questions of style and misunderstandings there seems to be the following bone of contention: The delegation cooperation as discussed right now, which would bring an amount of 6 million € as EU contribution into the AtoJ, managed by the GTZ Good Governance Programme, would bind at least 45% of the BMZ funds earmarked for the second phase. It seems that a significant input in Technical Cooperation into the AtoJ by Germany (i.e. GTZ) is expected by the EU Commission as kind of buy-in. A figure floated (but not substantiated yet) for this was € 1,5 million. BMZ representative at the German Embassy in Lusaka did not warm to the idea to request additional funds to offset the resources going into the new component. Overheads alone to manage the delegation cooperation would amount to € 240.000.

Recommendation:

- i. From a corporate policy perspective it is interesting to venture into the field of legal/judicial support again, especially when this is backed up by a delegation cooperation, which is a business opportunity that could be replicated elsewhere. Should this stretch resources allocated for the Good Governance Programme it would force a stronger focus on strategic investments at the crucial linkages between state and civil society, however, severely reduce the widespread capacity development activities for a larger number of CSOs.*
- ii. As to the communication with the Embassy: Extra efforts should be made to engage the colleagues at the political and strategic level in order to avoid their involvement in matters of implementation. The Desk Officer at BMZ Bonn should be alerted to the implications of an additional component without additional German TC funds, particularly regarding the sustainability and visibility of German contributions in this field.*

4.4 Partner landscape

Among the civil society, the programme has a substantial number of partner organisations, networks, as well as, individual organisations. This is a great asset contributing to the high esteem the programme enjoys from civil society. It is also an asset for future relations with state institutions since the programme is able to facilitate contacts with many organisations, rendering it a one-stop-partner for MCDSS and other state institutions that want to work constructively with civil society.

From a different angle the number and variety of partner organisations comes with risks attached: In a second and possibly concluding programme phases it is advisable to consolidate the relationships and recalibrate them towards increased sustainability. This would speak against additional partners (unless they come with a particularly great potential) and might even point towards a reduction of civil society partners.

It is considered almost impossible to effectively and sustainably contribute to state – civil society relations without constructively engaging with both partner systems. Whilst the programme has multiple and close working relations with civil society organisations and their networks, relations with state institutions have been minimal and restricted to the absolute necessary contacts. In line with the findings and recommendations of the PPR of 2008 we consider this a decisive resource that is not yet fully utilized in the interest of the programme’s objectives. Over and above the political host MCDSS, the following institutions could be considered: Governance Secretariat, other units within the Ministry of Justice (MoJ), Parliamentarians and parliamentary administration, Human Rights Commission, Anti-Corruption Bodies with the aim to create lasting relationship.

In order to get state institutions and government more involved, one needs to take into account their incentive structures and the personal environment they operate in: In depth analysis of individual relationships between important stakeholders on both sides is needed to identify dividers (to be avoided or carefully turned around) and connectors (to be courted, involved, strengthened within their structures).

Recommendation:

Build on the positive messages expressed in the speech of the Parliamentary Secretary (PS) of MCDSS at the consultative workshop of 26 March 2009 by opening up more regular and also informal exchanges. The idea aired in Kaputo Chenga’s paper on an “advisory board” for the programme could be another aspect of this. It is also important to strengthen analytical capacities to better understand the political-economic incentives of key stakeholders.

4.5 Future structure and goal system of the Good Governance Programme

The following challenges for objectives (and indicators) have been identified to need revision:

- A higher degree of impact orientation
- Addressing the national – sub-national and related urban – rural divides
- Integrating of impact (component?) on the Access to Justice Programme

The first two points were already considered when drafting the April 2008 version of the phase 2 programme design. This draft is the backbone for the programme offer to the BMZ as it is based on the signed minutes of meeting of February 2008.

Not surprising, but still new as a requirement of the new phase, is the establishment of a reasonable field of action to link up to the expected EU delegation cooperation for the Zambian AtoJ Programme. In order to justify Germany’s active role in the delegation co-operation, a

significant involvement and engagement in the topics of the AtoJ Programme as well as with partners in the legal sector is required.

Two examples for the architectures and goal formulations of the phase 2 Good Governance Programme are given below. However, these are sketchy and merely meant as starting points for a structured process to fine tune the programme design¹³.

Model 1: Three components¹⁴

Overall goal: **Zambia's poverty reduction, political and legal reform processes are implemented with public visibility and societal participation**

Component goal 1 Civil Society participates effectively in the steering of Zambian Poverty Reduction Strategies

Component goal 2 CSO involvement in governance reform processes is institutionalized

Component goal 3 The Zambian AtoJ Programme reflects positions of professional organisations as well as organised Civil Society

Strength:

- Three independent components with specific indicators facilitate impact monitoring
- Components would have their distinct partner structures
- At the management level more components allow for higher degree of independence of advanced team members (Durchführungsverantwortung)

Weakness:

- Programme steering structure gets complicated, decentralized management of components makes knowledge management and synergies within the programme management and for partners harder to accomplish.

Model 2: Two components (as at present) with Access to Justice being subsumed under the GRZ's governance reforms

Overall goal: **Zambia's poverty reduction, political and legal reform processes are implemented with public visibility and societal participation** (as above)

Component goal 1 Civil Society participates effectively in the steering of Zambian Poverty Reduction Strategies

Component goal 2 Option 1: The Zambian AtoJ programme and other governance reform processes reflect positions of organised Civil Society
Option 2: CSO involvement in the AJP programme and other governance reform processes is institutionalized

¹³ Note GTZ's annual objective "Facts and Figures" that will result in in-depth scrutiny of impact indicators, particularly their quantitative dimension.

¹⁴ For component 1 (assuming it will stand): Programme will run up to and beyond the end of the FNDP implementation. Therefore, the results of the FNDP, and the role of civil society in its evaluation could lend themselves as an indicator, as well as the impact of civil society in the formulation of the Sixth NDP.

Strength:

- Integration of governance reforms and AtoJ in one component allows better synergizing and particularly cross-sectoral fertilization within the programme team as well as with partners

Weakness:

- The lack of stand-alone component with clear AtoJ reference might considerably weaken GTZ's case for the delegated co-operation

5. PHASE 2 GOALS, COMPONENT GOALS AND INDICATORS by Dedo Geinitz

5.1 New goal system

After having discussed the options of either maintaining two component goals or adding the facilitation of legal aid through CSOs a third component and considering that at the time this report was drafted consultations on this question continued, however, meanwhile a decision was taken to expand to three component goals. It was felt appropriate to briefly introduce the new goal system as a separate chapter in this report. The new goal system was presented as part of the programme design to the Federal German Ministry for Economic Cooperation and Development in May 2009. It was confirmed through the commission for phase 2 received by end September.

For its second phase the programme comprises three components: i. Stakeholding in the national poverty reduction process organised by civil society, ii. Monitoring of governance reform processes organised by civil society and iii. Strengthening of civil society in legal aid. This caters to the fact that poverty reduction, political reforms and the strengthening of rule of law are closely connected with each other via improved access to justice. Closely coordinated support for these areas enables optimal utilisation of opportunities in reform processes and reinforcement of network formation and cooperation between various partner organisations. Furthermore, the programme makes a crucial contribution to supporting coordination and harmonisation of donor inputs. Together with the Swedish SIDA German Development Cooperation assumes the chair of the development partner's workgroup *Non State Actors*. Here the programme makes a key contribution to establishing joint financing mechanisms and to management of these by the partner organisations.

The components of support of the German contribution comprise sectoral advisory services, mobilising of target groups, events, training measures, production of materials and publications within the framework of knowledge management, organisational development measures and networking, as well as local subsidies and financial contributions to promote thematic initiatives. Furthermore, materials and equipment will be provided to a limited extent, above all for non-governmental actors.

5.2 Goal, component goals and indicators

The **goal for phase 2** reads as follows:

Governance reform processes and the poverty reduction policy are supported responsibly by civil society organisations and networks.

Indicators:

- 1) At least two gender and HIV/AIDS themes (e.g. improved access to justice for women and girls, increased political participation of women, HIV/AIDS workplace programmes) are processed in all multi-year implementation plans of the civil society partners; at least

three recommendations for action are implemented in committee work (source: documentation of the responsible partner organisations, evaluation).

- 2) Coordinated participation of civil society organisations in institutionalized bodies at national and sub-national level and introduction of three useful contributions of their own each year, e.g. comments, analyses, reports, policy recommendations (source: own baseline survey and evaluation / impact assessment, reports in the media).
- 3) There are formal reference systems in Lusaka and four provincial towns/cities for improved cooperation between civil society organisations and state institutions in the area of legal aid. Civil society makes a significant contribution to the Access to Justice Programme and to implementing the anti-corruption policy by presenting an alternative Legal Aid Policy (source: impact assessment, reports by government institutions, reports in the media).
- 4) Civil society bodies for exchange and cooperation on national reform processes are acknowledged dialogue forums vis-à-vis state institutions, e.g. APRM Secretariat (source: documentation of the partner institutions, official documents, reports in the media).

Component 1: Organised civil society stakeholding in the national poverty reduction process

Component goal 1: The implementation of the national development plan is co-steered by effective civil society stakeholding.

Indicators:

- 1) Civil society participates in a minimum of eight pertinent thematic and policy dialogue forums and/or coordination bodies a year (e.g. SAG) in mandated and coordinated manner and contributes specific positions (source: documentation of the partner institutions, reports in the media, reporting by SAG and civil society umbrella organisations).
- 2) Participation of civil society in all official and own provincial and district coordination bodies (DDCC, PDCC, DJCC, PPMT, APRM) in three to five provinces leads to at least three recommendations / positions being adopted in the province development plans or for direct implementation by local institutions (source: documentation of the partner institutions, reports in the media, documentation of the bodies).
- 3) Civil society positions are adopted by recommendations of the SAGs and other bodies and forums and by direct recommendations from networks / consortia in at least six sections of the Sixth National Development Plan (source: documentation of the partner institutions, reports in the media, draft versions of the SNDP).

Component 2: Monitoring of governance reform processes organised by civil society

Component goal 2: The transparency, adherence to rules and efficiency of government action in governance reform processes is effectively monitored by civil society.

Indicators:

- 1) Civil society is involved in some two thirds of the priority national reform processes for constitutional, parliament, media and election law reforms, APRM and NGO legislation and individual initiatives (e.g. freedom of information act, anti-corruption policy) and publishes at least one statement on each initiative (source: reports in the media, documentation of the partner organisations, impact assessment).
- 2) Civil society contributes its experiences in budgeting processes at national and sub-national level to at least three events and three publications (source: documentation of public forums, round tables, documentation and use of results, reports in the media).
- 3) The implementation of the anti-corruption policy is promoted by at least three events at province level, one event at national level and at least two sectoral contributions (source: documentation and use of the results, reports in the media).

Component 3: Strengthening of civil society in legal aid

Component goal 3: State institutions and civil society organisations (paralegals and networks) expand their dialogue capacity and their competences in legal aid.

Indicators:

- 1) The increase in networking of state and civil society actors in legal aid via the Zambian network Paralegal Alliance Network (PAN) is displayed through at least three joint events (source: documentation and use of the results, reports in the media).
- 2) The use of interfaces between the Access to Justice Government programme and participation of civil society are processed in at least two national and two local events jointly with state institutions (source: documentation, use/implementation of the results).
- 3) At least eight civil society organisations and paralegals dispose of a joint legal aid strategy that is oriented to a particular degree to rural and disadvantaged population groups (source: reporting of the partner organisations, impact assessment).

6. SUPPORT TO LEGAL AID AND ANTI-CORRUPTION by Johanna Beate Wysluch

6.1 Preliminary remarks

Cooperating partners, government and civil society have formed the Joint Assistance Strategy (JASZ) under which institutional arrangements such as Sector Advisory Groups (SAG) were established to foster policy dialogue, coordination and cooperation in implementing the national reform agenda as set out in the FNDP. A prominent initiative in the governance area is the Zambian Access to Justice Programme (AtoJ) which is receiving support from the Danish Government. This programme aims at the level of cooperation between state institutions and CPs at better harmonisation and alignment in the justice sector through a sector-wide approach (SWAP) under the leadership of the Ministry of Justice (MoJ).

6.2 The justice sector

As a result of the colonial legacy Zambia has a dual system made up of statutory common law and customary law. Common law is viewed as conceptually superior to the parallel traditional customary law. Yet customary concepts are known and understood by the majority of the population. The dual legal system therefore poses the risk of maintaining inequality before the law since it lacks uniformity in the dispensation of justice. Discriminatory practices in traditional settings and in the application of customary law often leads to the discrimination of poorer strata of the society and women and children in particular. Moreover, lack of implementation of domestic law on legal protection for certain groups, e.g. women, children, aged, rural poor impacts negatively on poverty reduction.

The courts of Zambia have the shape of a pyramid with more than 464 local courts at the bottom and the Supreme Court at the very top. Between the two are the subordinate courts, which are located in every district and the high courts, located in some of the provincial capitals. The performance of the courts is subject to criticism, which is attributed to a number of reasons, among them the lack of infrastructure and limited human resources. The number of courts available is a limiting factor in accessing justice. Even where courts exist, the condition of some is unsatisfactory. The time it takes for cases to be heard and disposed of by the courts is of

further concern. A source of delay in the disposal of cases is frequent adjournments at the instigation of either legal practitioners or the courts themselves. Delays in court proceedings result in excessive legal costs, which are not affordable for poor population groups and hence, further inhibit the politically proclaimed access to justice for all. The infrastructure and conditions of service at the level of local courts is critical. The majority of the local court justices have no formal training. Courts lack resources. Despite this, the majority of the rural population and the poor strata of society prefer the local courts where they are able to express themselves more freely and in their own language than at higher courts where they have to be legally represented and feel that their complaints are not handled adequately.

Overall, access to justice is limited by lack of knowledge and a low degree of awareness about rights of citizens and duties of the court system. Knowledge is power, which means that low levels of awareness about the justice system, affects the right to justice. Lack of awareness about the accessibility of justice institutions is also due to the geographical distance between people and the formal justice centres. Other impediments are clauses in the law that prevent legal and paralegal institutions from advertising their services, use of technical jargon in the published documentation and lack of information translated into local languages, low literacy levels especially among women, limited access to media and absence of justice related media awareness. Few civil society organisations that offer legal aid are established outside the urban centres.

6.2.1 The Access to Justice Programme

Under the FNDP, the Government of Zambia is committed to "... a Zambia where the citizens and the communities they live in have an opportunity to earn a dignified living, raise healthy and educated families, participate in economic, political, cultural and social decision making in a safe secure environment with respect for the constitution and fundamental rights and where rule of law prevails"¹⁵.

The Access to Justice Programme works towards these aims by ensuring easier access to justice for all, including the poor and vulnerable, women and children. The purpose is to support the development of an effective and accountable justice sector that is capable of meeting the needs and interests of poor, vulnerable and marginalised people. The beneficiary institutions in the initial phase of the AtoJ Programme are the Police, Director of the Public Prosecution, the Judiciary, the Prison Service and the Legal Aid Board.

6.2.2 Legal aid service providers

The services of professional lawyers are available to a comparatively small number of Zambians only. The Legal Aid Board (LAB) steps in to provide services to the poorer strata of the society. However, its capacities to cover the needs of the country are seriously constrained, which constitutes a serious challenge in ensuring the rights to a fair trial, equality before the law and remedy where rights are violated. Against these constraints a number of civil society organisations are engaged in the provision of legal aid throughout the country. Services provided include legal representation at court, legal advice as well as legal awareness and education services.

Legal aid provided by paralegal organisations in Zambia range from obtaining assistance from law firms and lawyers to providing awareness, counselling and advise to their constituencies. Some paralegals work with backing from lawyers in more complicated cases, whereas others refer people and cases to other civil society organisations that have a specific capacity or they

¹⁵ This is the Super Goal as defined in the Fifth National Development Plan (FNDP) to which the AJP has been aligned.

refer them to public authorities. The role and qualifications of the staff of civil society based legal aid service providers varies widely.

According to the Legal Practitioners Act, paralegals are considered to be “unqualified persons”. However, they can represent somebody at court where proceedings to be held in such courts are civil and further that there is a rule by issuance of the Chief Justice allowing such persons to represent some litigant¹⁶. As a rule, representation at court can only be done by legal practitioners, which means a person who has been admitted to practice under the provisions of the Legal Practitioners Act. Against this regulation CSOs provide legal aid more or less in an unregulated and comparatively risky institutional environment. Their focus is predominantly on awareness and education of legal and civic rights in particular, obligation of government to render services or holding government accountable according to its own laws and regulations.

The **Legal Aid Board** is mandated to provide legal aid to the poor. While most CSOs provide legal aid in addition to a wide range of activities, the Legal Aid Board has a very specific mandate. The Board is established as an autonomous body by the Legal Aid Act of 2006. Regardless of its formal independence, the relation to the Ministry of Justice (MoJ) remains strong. MoJ still recruits, controls and determines the conditions of services for legal aid personnel and is responsible for mobilizing and disbursing resources to the LAB. The LAB has offices in five cities of the country (Lusaka, Kitwe, Ndola, Kabwe and Livingstone). At present (March 2009) it employs a total of 21 lawyers against a target of 34. The lawyers acting for the board work heavy caseloads, having to cope with resource constraints. As a result LAB limits the granting of legal aid to accused persons facing serious criminal cases at the high courts. The inability to decentralize the Board coupled with other limitations is a de facto denial of legal aid services to the population in rural areas.

The LAB receives budget from Government under the **legal aid fund**. This fund was established to provide legal aid through the employment of high profiled legal practitioners from outside. In view of the close cooperation with the Law Association of Zambia (LAZ) the LAB presently only contracts lawyers from the LAZ. Paralegals can be neither contracted nor supported from the legal aid fund as they are not officially accepted by law and are not, contrary to legal practitioners, covered by the Legal Practitioners Act.

To **broaden the base** of legal aid services to rural areas and poor communities, the formal recognition of paralegals and paralegal organisations through legislation and the launch of a medium-term based training to secure an adequate degree of professional capacity without completing the legal training would be recommended. Responding to this challenge, a legislation for paralegals has been developed, however not yet passed by Parliament. In the first place it aims at creating 60 paralegal posts within the Legal Aid Board to be placed across the country. In the absence of a law for paralegals the development of a **legal aid policy** is being considered. The LAB is working on such a policy as one of their immediate to medium-term objectives expected to be drafted until October 2009. A comparative survey on the legal aid provision in Zambia is presently undertaken by the Governance Secretariat of the MoJ.

Once the national policy on legal aid has been put in place, the LAB intends to develop a **curriculum for paralegals**. In the framework of the AtoJ Programme, the professionalization of legal aid providers from civil society and the expansion of their outreach to the districts appear to be the main task. Yet, a certain hesitation to bring paralegals into the mainstream of the justice system is perceived, which might be due to the position of the legal professionals vis-à-vis civil society activists and a certain deficiency in understanding and accepting the different roles and mandates of actors. The existing District Legal Aid Committees, which are said to be hardly existent, are expected to include paralegals in future and to be supported by LAB. At the

¹⁶ Section 3 (3 a) of the Legal Practitioner Act provides that: *Nothing in this Act contained shall be construed or deemed to prevent an unqualified person from appearing for and representing in a court any part to any civil cause or matter, if duly authorised thereto by any rule of the Court or subordinate court.*”

forthcoming legal aid conference in May 2009, it is planned to involve CSOs to consult on the anticipated national legal aid policy.

The **Law Association of Zambia** (LAZ) is established under the Law Association of Zambia Act and is mandated to provide legal aid services. The LAZ is also mandated by law to cooperate with other institutions or interest groups for the furtherance of the legal system. This can be in the area of improving access to justice through e.g. training for paralegals or education for legal rights of communities. A Legal Aid Committee governs LAZ's contribution to legal aid as pro bono services. There is currently **no pro bono scheme** for private practitioners existing in Zambia. At a time the idea was mooted and almost passed into legislation by government, however, the initiative was contested and abandoned by LAZ stating that it was tantamount to forced labor. However, once the Continuing Professional Development (CPD) Programme envisaged by LAZ is effected, the provision of pro bono services might become one of this programme's alternatives for practitioners to accumulate the necessary points required under the CPD.

The LAZ established in 1990 a project under its' Women Rights Committee, the National Legal Aid Clinic for Women (NLACW). The NLACW was created to provide affordable legal aid to women and children who cannot afford to hire a lawyer to represent them at court. The capacity of the NLACW to provide significant relief to the poor is limited as it is dependent on external funding and also lacks the necessary logistical support to meet the challenges of providing legal services to the poor.

6.2.3 Ministry for Community Development and Social Services

The **Department for Social Welfare** of the Ministry for Community Development and Social Services (MCDSS) is another important government agency in relation to legal services. The department provides statutory services such as counselling within areas relating to the welfare of children. In complicated cases, they might also refer clients to the LAB. However, being aware of the fact that the LAB is hugely understaffed and under-resourced, MCDSS refers cases to the **Legal Resource Foundation** (LRF).

LRF is as an indigenous and professional CSO established in 1991 to promote and protect human rights primarily through the provision of legal aid services to poor communities. LRF has established community based legal advice centres and a prisons legal assistance project that targets prisoners including illegal immigrants and refugees. The primary aim of the LRF is to supplement the understaffed Legal Aid Board with regard to the provision of legal services. It is one of the biggest and most powerful CSOs in Zambia relating to legal aid.

A number of **CSOs provide legal aid** services to the population in the form of primarily legal advice and information and also some legal representation at courts. Faith based organisations promote justice by rendering support for handling disputes from their value based perspective. Currently legal assistance provided outside the courts remains unregulated. A common code of conduct for regulating such services is absent among CSOs. NGO intervention in the provision of legal aid, although addressing urgent concern of people lacks professionalism and coherence, which is mainly due to the nature of the prevailing legal aid system but also to the lack of access to adequate information on the activities of actors and the inability to make use of opportunities for expanding capacity and services.

The recently established **Paralegal Alliance Network** (PAN) aims at establishing a kind of coordination mechanism amongst non-state legal aid providers. It took off with 12 organisations and appears to progress in developing some programmatic common views.¹⁷ The main focus

¹⁷ Caritas Zambia as lead organisation, National Legal Aid Clinic for Women, Legal Resource Foundation, Legal Aid Board and Law Association of Zambia as co-opted members, Eastern Province Women Development Association, Law and Development Association, Zambia Civic Education Association,

has been standardization of training for the organisations as well as the development of a training curriculum for a paralegal diploma training course based on the work of LRF. The coverage of paralegal organisations and practitioners is limited. Bearing in mind the serious limitations and constraints faced by the LAB, poor people are often unable to afford legal practitioners to represent them at court. Due to the exorbitant legal fees charged by lawyers, capacities of paralegals need to be urgently established. Altogether, there is a limited access to the services provided by paralegals. Not only are there only few organisations available that provide help and services but those that offer such services are restricted to a few districts and provincial capitals.

6.3 Combating corruption

6.3.1 Anti-corruption landscape

Zambia has made some progress in the fight against corruption such as: i. The prosecution and conviction of high level officials by the Task Force¹⁸ and the Anti Corruption Commission (ACC) from both the former Chiluba and Mwanawasa governments; ii. Reinforcement of the Auditor General and the Anti Corruption Commission; iii. Improvements in the financial management systems, including current implementation of a single treasury account; iv. Passing of a more transparent Procurement Act; v. design of a National Anti Corruption Policy; vi. Improvements in Zambia's performance on international corruption indicators vii. A robust debate in the media and among civil society and also the promotion of standards of behaviour.

However, the risk and incidences of corruption in Zambia remain high. The Auditor General's Reports indicate that large amounts of public funds remain unaccounted for (although not necessarily misappropriated) political corruption (particularly during elections) remains high and there is no regulation on political campaign financing as well as on political parties. Petty corruption at service delivery points is a common practice. Other shortcomings are under resourced and to some extent dependent oversight institutions, long delays in court processes, inconsequent practice of complaints handling mechanisms and the lack of a specialized corruption court. Election observer groups highlight political corruption through vote buying and vote rigging including dishing out beer, food and cash, the latter in the form of donations to prospective voters. The presidential by-elections of October 2008 underline the comparatively severe degree of political corruption.

6.3.2 CSOs in anti-corruption

The most prominent CSOs that deal with anti-corruption matters at the national level are Transparency International Zambia (TIZ), Integrity Foundation Zambia and - until recently - the National Movement Against Corruption. Several other organisations that deal with activities related to human rights, democracy, election monitoring, good governance, civic education etc also carry out corruption awareness activities.¹⁹

International Justice Mission, Prisons Care and Counselling Association, Women in Law and Development in Africa.

¹⁸ The anti-corruption **Task Force** was created as an ad hoc institution with the mandate to recover stolen under the former Chiluba presidency and to bring the perpetrators to justice. The Task Force's investigations and prosecutions were to focus on alleged cases of corruption that had happened between 1991 and 2001. Originally it had a limited lifespan until December 2006. Its mandate was recently extended by the President for an indefinite time in order to allow the Task Force to finalise its work. As a non-permanent institution, the Task Force relies on the secondment of personnel from its main members, such as the ACC, the Police, the Director of Public Prosecution (DPP) and the Drug Enforcement Commission (DEC). The Task Force operates under the directions of an Executive Chairman with guidance from a board consisting of the heads of the aforementioned institutions.

¹⁹ These include FODEP, AVAP and SACCORD (POs of the Good Governance Programme), Operations Young Vote (OYV), Zambia Civic Education Association (ZCEA), Caritas Zambia, the Citizens Forum,

The relation between political authorities and civil society organisations remains tense. Some CSOs with a critical stance on corruption and governance are being met with hostility. Though the situation had improved considerably under the late President Mwanawasa and cooperation with CSOs has been sought by government, the recent anti-corruption tribunal initiated by ten CSOs and governments position on the new NGO Bill has deepened the divide between state institutions and civil society organisations.

6.4 Consequences for the Good Governance Programme

6.4.1 New component goal: Facilitation of legal aid through CSOs

The Good Governance Programme works together with seven implementing civil society organisations, which also address access to justice and anti-corruption. This should be further sharpened in the new phase. As some partners are engaged in the fight against corruption and improving access to justice, the risk of undermining ownership and capturing CSOs through new themes does hardly exist. Yet, a number of CSOs do not have a clear strategy, which makes capacity development for strategic planning, networking and interaction with governmental wings a necessity.

During the Planning Workshop, the question whether access to justice and anticorruption should be included in the second phase of the programme was raised. CSO partners agreed that supporting access to justice primarily means building confidence and trust between CSOs and government institutions. Access to justice as third component, therefore requires the establishment of a link between CSOs and the AtoJ Programme.

Three proposals for a third component goal were proposed:

- i. Strengthening CSO's engagement in the governmental AtoJ Programme
- ii. CSOs and networks improve their capacity in the provision of legal services to enhance access to justice for poor and vulnerable groups in the population, in particular for women and children.
- iii. Civil society contributes to a constructive dialogue for improved access to justice with emphasis on poor and vulnerable people.

Furthermore the participants agreed on strengthening anti-corruption as one element in the ongoing components and incorporate it into phase 2.

6.4.2 Access to justice and anti-corruption

Four of the present programme partners are legal aid service providers. Caritas Zambia runs a justice and peace programme. The core activity is the formation and training (capacity building) of justice and peace teams in all parts of the country. This includes the establishment of paralegal capacity, counselling and advocacy.

JCTR is engaged in research, education, advocacy on economic, social and cultural rights and poverty reduction and also anti-corruption. It provides in house trainings and legal case work. JCTR further proposed that the facilitation of access to justice and anti-corruption through CS should be a third component.

The National Youth Constitutional Assembly (NYCA) works with juveniles. It covers areas like convening children's tribunals and conducts sensitization workshops for young people on policies and laws that relate to them.

Zambia Land Alliance, Oasis Forum and the Non-Governmental Organisation Coordinating Council. Civil society initiatives against corruption are generally highly dependent on donor funds.

The Law and Development Association's (LADA) mandate is to provide legal assistance to victims of human rights violations especially women and children, trainings for community trainers as paralegals, awareness and training of school children, development of training manuals. This NGO supports awareness raising on human rights, gender, HIV/AIDS.

SACCORD although not a core partner of the Good Governance Programme, but a cooperative partner also provides legal aid support through conflict resolution, mediation, management and transformation as well as lobby for the reform of laws.

Almost all partner organisations are engaged one way or the other in anti-corruption: Budget tracking and monitoring, debt monitoring, monitoring of service delivery, engagement in voter education and transparent election campaigning. All this is related to requesting accountability and integrity of state institutions. Equally, the programme's partners are undertaking serious efforts to maintain high standards of governance in their own organisations.

6.5 Learning processes and lessons learned

Two missing links were identified with respect to the programme's future engagement in legal aid or contribution to access to justice. The first one is between CSOs at national and sub-national level. Many CSOs and particularly the Lusaka based ones lack decentralized structures. However, the Good Governance Programme will continue to work with umbrella organisations and yet see to it that the sub-national level is adequately addressed. The DED development workers will continue to serve the decentralized structure of CSPR. Caritas will become a new partner.

Secondly, relations between government and CSOs remain rather difficult. To overcome this divide the programme should intensify its promotion of knowledge management through exchange of information, dialogue for a direct engagement, which would include lobbying for co-funding CSOs from government sources.

The former GTZ project in Zambia, which aimed at improving the legal status of women and girls (September 2000 to June 2007), still serves as good practice for cooperation between civil society and government institutions in the justice sector. The project made valuable contributions to improve the capacity of paralegals and local courts alike by developing manuals and training materials, sensitization of traditional leaders and village authorities and communities and the general public on the legal status of women and girls. The project's advisory board comprised project partners from civil society as well as state organisations. It has evidently enhanced networking activities between the project partners and served as platform for dialogue. The Good Governance Programme should make use of key results of this project.

6.6 Recommendations for the second phase

6.6.1 Links between civil society work and the Access to Justice Programme

Access to justice in general rests on three foundations: Substantive law, legal institutions and legal services. Substantive law must advance appropriate norms that promote productivity, efficiency and social justice. If not, then improving access to legal systems cannot be considered to be the equivalent of improving access to justice. Secondly, the institutions that develop, apply and enforce law must be competent, impartial, efficient and effective. Access to

a legal system must be able to rely on an efficient and equitable system for producing and allocating legal services²⁰.

It is important to note in relation to the third cornerstone that most people cannot use the legal system effectively without the assistance of specialist legal service providers. Without access to such providers access to a legal justice is difficult or impossible. Hence, to assess the opportunities and challenges for a justice reform programme that promotes access to justice for all, it is necessary to assess the capacity and vision / will to implement reforms. This would include the capacities of CSOs to hold justice institutions accountable and to monitor the implementation of their work.

The comprehensive AtoJ Programme shows the political will to reform the justice sector in Zambia. However, the programme addresses the supply side of justice. Civil society as demand side activists is somehow included, but has still not a prominent role in implementation. Nevertheless, government will not be able to implement the AtoJ Programme without CSOs. They are addressed as pivotal partners directly and indirectly in some of the planned activities highlighted in the programme.

To enhance cooperation and dialogue between CSOs and government, it is important to create accepted links on both sides. A joint strategy can help to build coherence and trust. The experience from the former GTZ justice project has shown that parallel support to CSOs and justice institutions can create stable relations, which influence policy decisions. However, it has also demonstrated that sound facilitation is a prime condition for success.

The AtoJ Programme provides a number of strategic and practical interfaces with CSO engagement. It is the challenge for CSOs to identify and use them without making their core mandate obtained from their constituencies obsolete. Civil society can complement the government's programme and disseminate its objectives at grassroots level. Legal aid support through paralegals is one of the main resources for the population in getting their rights and their legal entitlements secured, especially at rural level. Paralegal services are not formalized, though they cover most of the judicial procedures. PAN could be a partner for a structured and formalized legal aid support. Important organisations like LAZ can make the skills of its members available to the staff and volunteers of paralegal CSOs through training and mentoring. A constitutive meeting at level of the PAN could develop a legal aid strategy in compliance with the AtoJ.

The Ministry of Community Development and Social Services as political partner of the Good Governance Programme could engage its structures in cooperation with the formal justice providers. Access to justice involves community development and social welfare. The Good Governance Programme could address MCDSS in view of broadening paralegal coverage within the mandate of the ministry.

6.6.2 Anti-corruption

The value of CSOs for engaging with the state and the private sector is instrumental in the fight against corruption. Yet, serious limitations in the internal governance of these organisations and constraints that stem from their own governance systems have occurred. The role of technical cooperation is to provide context specific support, addressing weaknesses in their governance structure in dialogue with local, national and regional CSOs. CSOs need to have within its vision and mission statement a well defined and workable code of conduct and transparent standard operational procedures in place.

²⁰ Republic of Zambia, Commission on Legal Empowerment of the Poor, Draft Working Group 1, Access to justice and the rule of law meeting, July 2007.

Anti-corruption efforts rely on preventive measures, enforcement mechanisms and institution building. CSOs can aid in all three of these activities and supply development cooperation with country-specific knowledge with the chance to make political dialogue more effective and anti-corruption measures undertaken by development cooperation more likely to be culturally accepted. Legal instruments, budgets and government performance can be monitored by CSOs. By strengthening organisations to take on watchdog functions, ownership of anti-corruption efforts is enhanced. Another involvement from CSOs can be in the realm of whistleblowing: Giving citizens the possibility to anonymously expose corruption for example via a telephone hotline. Lastly, NGOs can take on the role of an advocate. Moreover, the UN Convention against Corruption (UNCAC), ratified by Zambia, advocates in its article 13 the active involvement of civil society. This provision broadens the mandate and the international legitimacy of CSOs in the fight against corruption.

7. GENDER MAINSTREAMING IN THE GTZ PORTFOLIO IN ZAMBIA **by Julia Grulich**

7.1 Gender mainstreaming

7.1.1 Gender: cross-cutting theme

Within GTZ, there are topics known as 'cross-sectoral themes' that are so fundamental that they merit a place in all GTZ work, regardless of sector. Gender equality is one of these. However, the implementation of gender equality through gender mainstreaming (GM) measures meets with varying degrees of acceptance, reservations and even resistance.²¹ The introduction of gender mainstreaming not only implies a change in administrative and working methods and processes (with equal treatment as a cross-sectoral theme) but must also be understood as a process of change on cultural and personal levels. Raising the issue of gender equality therefore often means that people are affected personally.

It may be this personal aspect that explains why a focus is seldom placed on this theme, even though it is formally integrated into the project Democratization, State and Civil Society in Zambia (marker: G1-project), and why it is only being poorly mainstreamed. Perhaps this factor of being personally affected also explains why the project's civil society partners, who accept the theme officially, nevertheless decline to address it at meetings and other occasions for professional exchange.²² There may however be other reasons for this silence as well. Negative talk within the society on gender as an issue may also be playing some role in this. In Zambia negative misinformation circulates about gender, gender mainstreaming, and gender equality: these idle rumours would convey to the general public that gender equality is an invention of the donors, with no relevance to real life in Zambia, or that it has solely to do with the promotion of women's interests and thus belongs exclusively in the 'women's sectors' – health and education – or within the remit of women's organisations.

To ignore the silence on this issue in GTZ and in the civil society is to further hinder or even block the process of implementing gender mainstreaming. More active participation and links to existing values and goals could promote the acceptance and integration of gender mainstreaming. Efforts must be made on the professional/organisational level to back up the personal and cultural process on the road to greater gender equality. This report deals with

²¹ Types of resistance are described on:

<http://www.genderkompetenz.info/gendermainstreaming/implementierung/widerstaende/>

²² Equality between men and women is not mentioned as a major element within the framework of civil society efforts to introduce human rights elements into the new Zambian constitution. Gender budgeting is not mentioned as an instrument during budget training. The role of women in politics is not being raised as part of preparations for the 2011 elections and reform of election legislation; the same applies to parliamentary reform.

weaknesses in the current government organisational framework and in GTZ, and improvements that might be made.

7.1.2 What is gender mainstreaming?

The principle of gender mainstreaming is already integrated into German development cooperation, as is the empowerment of women (see below), as a two-pronged strategy within the BMZ gender equality concept. This makes it obligatory both on BMZ and on German implementing organisations.

“Since there is no such thing as gender neutrality in the real world, gender mainstreaming means regularly taking into consideration, right from the start, as an integral part of all social projects, the different living situations of women and men ... Thus gender mainstreaming is a task for the highest level of any administration, organisation or business and for all employees to take into consideration, from the start, the different interests and life situations of women and men within the structure of their organisation, in the shaping of processes and workflows, in output and products, in communication and public relations, and in management, so that the objective, the equality of women and men, can be realised effectively.”²³

Empowerment is understood to be an ongoing process whereby the self-confidence of disadvantaged population groups is strengthened and they are enabled to articulate their interests and to participate in the community. They gain access to and control of resources, so that they can determine their lives themselves, on their own, and so take part in the political process. The empowerment approach in the promotion of women's interests (empowerment of women) aims for self-determination, greater autonomy of organisation, and a more active role for women in all processes within the society.

The aim of all of this is gender equality. Full equality between men and women is premised upon women's and men's profiting and benefiting equally from the goods, resources and opportunities of their respective societies. The principle of equality calls for equal opportunity for both genders. Due to current gender-based discrimination, the equal treatment of women and men does not amount to a sufficient strategy for the achievement of equal opportunity. Under these conditions, equal treatment usually means the prolongation of existing disparities. For the attainment of full equal opportunity, changes must be made in the institutional frameworks and social structures in which inequality is rooted.²⁴

7.1.3 Gender mainstreaming and promotion of women's interests

One must take care not to employ the term 'gender mainstreaming' as a synonym or new buzz word for the promotion of women's interests. This is not correct, because gender mainstreaming and the promotion of women's interests in fact have different meanings. Moreover, the effectiveness of both approaches is weakened by this confusion. Often, what happens is that instead of promoting women's interests and mainstreaming gender, the label 'gender mainstreaming' is applied to the promotion of women's interests in order to save on human and financial resources.²⁵ Therefore, to ensure that disadvantaged men are not overlooked and that

²³ Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) (2002): *Gender Mainstreaming. Was ist das?*, Berlin.

²⁴ GTZ-Gender-Glossary:

http://www2.gtz.de/gender_project/deutsch/weiterfuehrend/glossar/glossar/diskriminierung.htm

²⁵ The New Aid Modalities (Paris Declaration) have stepped up the competition between gender mainstreaming and other development cooperation principles. Gender mainstreaming was neither added to the list as a sixth principle, nor was a connection established between the five principles (ownership, alignment, harmonisation, results, mutual accountability) and gender, which further complicates the implementation of gender as a key issue. As a result, there is too little prioritisation of gender in national action plans, which would otherwise be able to bring about an implementation of gender mainstreaming on the local level.

the interests of women – who are among the most disadvantaged persons in almost all areas of the society – are more vigorously promoted, gender mainstreaming should be instituted not in place of the promotion of women's interests but rather as a supplement to it. As a two-pronged strategy, gender mainstreaming and the promotion of women's interests both aim and function to achieve more and better participation by women on all levels of politics, the economy and the society.

There are numerous reasons for promoting women's interests in Zambia. Zambian customs and traditional law place women in an inferior position in regard to the possession of property, inheritance laws, marriage, and other forms of self-determination, despite the formal judicial protection that is in fact in place. The law guarantees women the same rights as men in most areas, yet they are still at a disadvantage in the formal job and education sectors, and they thus continue to be very dependent on their husbands. Violence against women²⁶ is a widespread problem on all social levels and is a negative contributing factor in the HIV/AIDS pandemic. Women hardly participate in political decision-making at all (only 14% of parliamentarians are women) and seldom occupy authoritative political positions. Only 22 of 286 tribal chiefs are women.

By the same token, there are problems in Zambia that relate only to men and that are not addressed by a form of gender mainstreaming intended only to promote women's interests. For instance, a disproportionate number of young men have been convicted of crimes and are serving sentences in Zambian prisons. These young men do not have sufficient legal counsel or representation, for one thing, and for another they do not receive adequate advice about HIV/AIDS or have sufficient access to condoms and health care. Closely linked to this is the issue of homosexuality, which is classified as a criminal offence in Zambia. It is mostly men who are affected by this: men who have sex with men can be sentenced with up to 15 years in prison.

7.2 Gender mainstreaming in Zambia: the national framework

7.2.1 Policy level

Zambia has ratified most of the international declarations on human and women's rights²⁷ and has made a major effort to realise these principles in national legislation and policy. However, this implementation effort tends to take place irregularly and unsystematically. Political decision-makers and ministries have integrated gender concepts into some sectors (health, education), while in other sectors (energy, agriculture) there is no sign of them.

²⁶ The Zambian constitution and the law prohibit discrimination based on race, tribal affiliation, gender, origin, marital status, political conviction, skin colour, physical handicap, language, social status or religious belief. Yet violence and discrimination against women remains a major problem. The Ministry of Justice and the Zambia Law Development Commission, in cooperation with the civil society, have drafted legislation against sexual violence and gender-based violence (with the exception of domestic violence between married partners).

²⁷ On the international level: Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (1984), Beijing Declaration and Platform of Action (1995), Millennium Development Goals (MDGs) (2000).

On the regional level: Southern Africa Development Community (SADC) Declaration on Gender and Development (1997), Addendum on the Prevention of Violence against Women and Children (1998), African Union's Solemn Declaration on Gender Equality in Africa (2001), Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003).

On the national level: Establishment of the Gender in Development Division (GIDD) (1997), National Gender Policy (2000) and Strategic Plan of Action (2004); the constitution and other legislation contain clauses on women's rights, and a law prohibiting violence against women is currently being drafted (2008).

Despite the existence of a Zambian women's movement and official recognition of international women's rights agreements, the issue of gender is perceived as being donor driven and not essentially 'Zambian'. In addition, the Zambian public, the civil society and the government all share the view that gender mainstreaming serves the interests of women only, instead of accomplishing its actual aim, which is to assist both women and men to realise equal rights. As a result of this interpretation, fewer resources, less attention and less motivation are associated with gender issue efforts and activities.

The ministry that is responsible for gender mainstreaming is the Gender in Development Division (GIDD), which has the challenging task of coordinating, monitoring and evaluating implementation of National Gender Policy (NGP) and the Strategic Plan of Action (SPA). In addition, it supports all gender actors in Zambia with information and advice on their activities. The GIDD functions by means of a number of different mechanisms:

- Gender Focal Points (GFPs) in all ministries and provincial and district offices that supervise the implementation of gender in their ministries
- Gender sub-committees in all institutions with GFPs
- The Gender Consultative Forum (GCF) in which government, civil society, church, labour representatives and private sector actors gather together for thorough discussion with the government of recommendations about current gender-related issues and to ensure that all policies are drawn up with the gender factor in mind.

Problems on the government level are to be found in weak implementation and planning uncertainty, which is the result of irregular funding. The weak coordination with GIDD units, along with poor planning, prevents the GIDD from carrying out its gender mainstreaming task in other government units. In most sectors there are no mechanisms for accountability. The connection to the civil society as strategic partner is not well captured. Furthermore, the GIDD's centralized structure means that there are not enough gender-related activities on the decentralized level. The national monitoring system does not pursue gender-related developments adequately or on a gender-differentiated basis, which means that even improvements that may have been made do not emerge clearly, and that there is a lack of data on which to base further planning.

To eliminate these weaknesses, the Zambian Government, together with international donors (Ireland, Netherlands, Norway and the UN), passed the Joint Gender Support Programme (JGSP) in 2008. This programme aims to enhance and strengthen national capacities for gender mainstreaming in the spheres of law, culture, social life and politics to the point that women and men will be able to benefit equally from the process of development.

7.2.2 Civil society activities within the national gender framework

All in all, Zambia has a relatively well developed national framework for gender when it comes to both the government and the civil society. The 2008 Sida Country Profile – Zambia²⁸ reports that the women's movement is 'fairly well organised and centralized' in the civil society. The project that is most relevant in regard to governance and at the same time the largest umbrella organisation is the NGOCC (Non-Governmental Organisations' Coordinating Council), which unites 83 NGOs and community and religious groups. Its functions include public relations and information, capacity building, and networking among its member organisations. In addition to this, the NGOCC monitors the ratification and implementation of the national, regional and international range of gender instruments. There are few men's organisations in Zambia. The Young Women's Christian Council of Zambia (YWCA) supports a separate men's initiative in addition to the promotion of women's interests.

²⁸ http://www.sida.se/shared/jsp/download.jsp?f=SIDA46981en_Zambia_Gender.pdf&a=41981

One weakness within the civil society itself is the lack of networking among women's organisations and other organisations whose work focuses on governance. Generally speaking, it appears that the civil society partners separate gender mainstreaming strictly from other governance processes and that this theme is for the most part left to the women's organisations. Consequently, the issue of gender is seldom brought into processes of governance reform, and never systematically. The range of issues that come under the heading of gender is so large that any organisation that attempted to deal with them all would soon lose its identity. Yet the women's organisations tend to attempt to cover all areas nevertheless. As a result, their identity and image are weakened; they appear unsystematic, and implementation remains superficial. Moreover, most of the women's organisations lack the necessary professional, human and financial resources; donors provide adequate support only in the health and education sectors.

Various steps need to be taken to make the general public more aware of the issue of gender mainstreaming and to improve its implementation: gender training measures, also for organisations that are not specifically women's organisations (both for their internal structures²⁹ and also for their external gender mainstreaming tasks), a more intensive exchange among the Zambian governmental organisations to identify interfaces between gender and other issues, and increased participation by women's organisations in governance forums for political reform (SAGs, constitution-forming, APRMs, election reform and parliamentary reform).

7.3 Gender mainstreaming in the project Democratization, State and Civil Society

German development cooperation has recognised gender equality as an issue that is relevant and important to development policy, and this is reflected in numerous concepts and plans of action.³⁰ However, on the project level the aims formulated are not kept sufficiently in focus or sufficiently realised. Even when gender mainstreaming is acknowledged to be important, its implementation is not consistently pursued.

Three Gender Focal Points operate within the GTZ Office in Zambia. One of these Focal Points resides within the project Democratization, State and Civil Society, and in addition to its daily work it is responsible for covering the cross-sectoral themes of gender, HIV/AIDS and environment. Part of its task is to offer training on gender, gender mainstreaming and gender budgeting (capacity development) in order to enable employees and cooperation partners fully to integrate the gender approach.

Because of the burden of daily work and the additional effort involved for gender mainstreaming, this Focal Point simply does not have the time – however great the motivation of the people involved – to cover even one of these three issues satisfactorily. And if HIV/AIDS and gender are then given a place at the top of the daily agenda, not only is the portfolio weakened but the effectiveness of the work itself suffers as well.

Successful implementation would dictate that the Focal Point should participate directly in gender training sessions, workshops and networks, that the team itself should work on mainstreaming gender (through papers, presentations, workshops and discussions), and that at the same time it should coordinate the civil society partners, make training measures available to them, require that they carry out activities, and then follow these up. To date the Focal Point has indeed launched approaches of this kind, but for reasons of time they have not completed them or have not seen to it that they are effective.

²⁹ For example, the proportion of women in the AVAP is shockingly low – even though the AVAP has gender as part of its portfolio, which is positive in itself.

³⁰ The BMZ Concept on Gender Equality, the World Bank's Gender Action Plan, the KfW's Gender Strategy, the GTZ Corporate Strategy on Gender (2006 – 2010).

7.4 Recommendations for better gender mainstreaming

- 1) **Integrate gender (and HIV/AIDS) into project indicators and objectives** in the (future) governance priority strategy paper³¹ and also in partners' indicators and action plans and annual plans.
- 2) Make clear that **all are responsible** for the implementation of this theme and, in association with this, redefine the **role and competences** of the gender and HIV/AIDS Focal Points (see Point 3).
- 3) Within the framework of each respective area of responsibility, make available the **resources** needed (in terms of **funds, time and staff**). One example of a good practice is the TC water project, for which an external consultant from this sector was engaged to implement the theme of HIV/AIDS, with very successful results.
- 4) Agree upon **concrete objectives**: make clear to all parties involved who is about to do what and by when, and make available the technical and operational knowledge and expertise needed for this in cross-sectoral political themes (e.g., New Aid Modalities).
- 5) Offer **gender training and sensitisation** to all GTZ employees and Zambian governmental partner organisations, and mainstream gender in other training sessions (e.g., gender budgeting should be introduced at training sessions about budgeting). This will ensure that any remaining uncertainties are clarified, that anxieties about being out of one's depth are relieved and that support is given to the practical implementation of gender mainstreaming.
- 6) Explain **concepts and terminology** more clearly and make them feasible in terms of operations. Offer **more practical, hands-on** training so that gender mainstreaming becomes a task in itself, using existing instruments, for example.
- 7) **Raise gender aspects** regularly as part of various professional tasks, for example **within the framework of meetings and conferences**.
- 8) **Setting an example (especially managers)**, for example by taking part oneself in information events or gender mainstreaming training.
- 9) Introduce an **incentive system** for work on the issue of gender. For example, use agreed objectives to demonstrate that gender mainstreaming is taken seriously as one criterion for improving quality, and that employees expect this.
- 10) **Give greater attention to gender and HIV/AIDS at meetings with the partner**: have various team members or the project manager introduce it at meetings and information events or inquire of the partner directly.
- 11) Stimulate a constructive **competitive spirit** and an **exchange of knowledge and experience** within the **civil society**: offer support for **the formation of networks** and

³¹ The head of the GTZ Peer Group Review Team (HIV), Anna von Roenne, is in a position to configure the indicators and the sector strategy paper in HIV/AIDS-sensitive terms. Contact (after discussing with Jutta Wagner): aids.ms@gtz.de

an exchange of lessons learned and best practices on gender among Zambian governmental organisations that have had training and among women's and governance organisations.

- 12) **Make use of national gender know-how** (GIDD) and act in concert with existing structures (**cooperation with chiefs** is especially important on the local levels).
- 13) **Monitoring** of the activities conducted by Zambian governmental organisations and their **impacts on the national** and particularly on the **decentralized level**: raising of awareness of the gender situation in urban and rural areas.
- 14) Request **gender-differentiated data** (e.g., when the JCTR publishes its household survey, the data should be differentiated according to gender and HIV/AIDS (HIV/AIDS-positive) households).

8. DED CONTRIBUTION TO THE PLANNING EXERCISE FOR PHASE 2 by Pia Wahl

A DED consultant participated in the GTZ Programme Progress Review in 2008. In 2009 the Zambia based DED governance coordinator joined the mission as a member of the Good Governance Programme team. The recommendations of the DED consultant and the DED coordinator replenished the PPR Missions of 2008 by bringing the view of DED into the mission.

German Development Policy in Zambia is characterised by many structural changes. Focal sectors were good governance, decentralization and water, when at the end of 2007 BMZ decided to exclude good governance. Now, the Good Governance Programme is a stand-alone programme, a merger with the decentralization sector is not considered yet, but might be a better solution. This exclusion is also the formal reason against a common Project Proposal for the next phase. In practice, a good cooperation and implication of DED Zambia will hopefully take place considering the good relationship between the Good Governance Programme and DED.

According to reports from BMZ the Good Governance sector may be re-established to a Focal Sector in 2009. However, at this moment of time there are no clear signals concerning the approval and a schedule of this plan.

8.1 Objective of the mission: DED contribution

The DED contribution to the PPR of 2008 had two major goals. The first target was to participate in the GTZ progress review of Good Governance Programme and the second was to develop recommendations for DED's work in Zambia. The PPR consisted of the analysis of the overall environment for civil society support, the evaluation of the first phase of the programme, completed finally by recommendations for the second phase. The DED analysed its position in the programme with emphasis on its contribution through development workers to the CSPR-network and its inter-linkages to other DED project places in the governance sector.

The mission in 2009 was initiated to bring the recommendations from the PPR of 2008 into line with the current events and challenges. The updated information and recommendations aims at contributing to the programme planning for the second phase. The second objective of the mission in 2009 was to work out potential, complementary initiatives by the Good Governance Programme towards the new incoming third component goal "facilitating legal aid through civil society organisations".

This report is the conclusion of findings throughout interviews with partner organisations and development partners. This report provides conclusion of discussions with the Good Governance Programme team members as perceived by the DED mission member, discussions within the mission and the results of the final workshop with partner organisations and cooperating partners of 26 March 2009. With respect to the adaptation and the improvement of the indicators, the results of the working groups at the partner's workshop were essential. This chapter attempts to contribute to fine tuning the indicators towards more impact orientation.

8.2 Meetings

Individual meetings

The DED Coordinator participated in two meetings / talks with partner organisations during the internal reflection process and preparation for the planning exercise within the Good Governance Programme team. Both meetings were with organisations (CSPR and Caritas) that are already partners of DED in the Good Governance Programme.

Major meetings

The DED Coordinator participated together with two DW from Mongu and Solwezi in a meeting with the mission and the Good Governance Programme team to reflect and review the team's findings from its consultations with partners during February and March 2009. The mission met the representatives of the BMZ and Foreign Office at the German Embassy. Prior to the consultation and planning workshop with partners the DED Coordinator, as part of the mission and the development workers as resource persons participated in the preparation for the workshop. After the workshop a short reflection with the Good Governance Programme team and the mission was held to evaluate the results.

8.3 Zambia country context

The relation between the state and civil society is varying. As long as CSOs limit their activities to service delivery or income generation, they are appreciated as partners of development. As soon as they play their watchdog role by analysing human rights or governmental politics, mutual distrust and tension arise. In 2007, Government tried to introduce a NGO Bill in order to control their finance and activities, but through civil society's lobbying Parliament withdrew the Bill. Since 2007 there has been no new attempt made by the government to bring in another NGO Bill, but nevertheless the issue is still pending. It is questionable whether the NGOs have learned their lessons and will be prepared, if the issue of a NGO Bill will come up again.³²

Zambia is highly involved in the Poverty Reduction Strategy and became also a pilot country of the commonly known as Paris Process. The debate about harmonization led to the Joint Assistance Strategy for Zambia (JASZ) with major cooperating partners. This resulted in a strong budget support policy with a good governance orientation at the macro level, which created space for intervention and advocacy by CSOs. On the other hand, this reorientation to budget funding is limiting donors to further directly or jointly fund the activities of NGOs.

New funding mechanisms are a result of the Paris Process. Basket funding is getting more and more common. In Zambia a governance fund is about to be established. The challenge, especially for network CSOs is to assure access to this fund at sub-national level. It remains to be seen whether the new fund will be able to bridge the disparity between urban and rural CSOs in terms of financial and technical support. As most of the networks are young organisations without strong structures and capacities at their disposal direct support and capacity development remains a key prerequisite for them.

³² Meanwhile the NGO Bill was reintroduced by mid 2009 and became law in August.

8.4 Principal findings

The mission tried to screen the frequent recommendations and innovative ideas from the write-ups the Good Governance Programme team concluded from their talks with partner organisations and development. The most significant recommendations and ideas for the second phase of the programme were concentrated. Meanwhile, the recommendations in the PPR report from 2008 still remain valid. They are, however, not completely mentioned in this report.

8.5 Selected recommendations linked to component goal 1

Component goal 1:

Selected CSOs and networks have the necessary capacities to effectively participate in the steering of national PRS process.

8.5.1 Decentralization of internal CSO structures

In the PRS process strong CSOs are essential to participate and monitor the process on national and sub-national level. To obtain legitimacy for an organisation to advocate and lobby for Zambian CSOs it is important to create strong networks. The focus in the networks and organisations in the last years was on building up effective structures, especially on national levels. Even though the process of consolidation on national level is not yet finished, partner organisations from civil society commenced to orientate themselves more into the direction of the sub-national level. This has different reasons. The weak results on poverty reduction and the small impact on sub-national development have forced them to re-orientate themselves to the sub-national level. Big networks like CSPR and NGOCC have difficulties to justify their poor performance on poverty reduction towards their member organisations and their donors. A better balance between national and sub-national level has to be found. In terms of limited financial resources this is a challenge. The sub-national structures have to be strengthened without weakening the national structures. It must be assured that the recent success on national level is not jeopardized.

It was mentioned several times that member organisations of networks have to take more responsibility on sub-national as well as on national level. The networks should share responsibilities for different tasks and subjects within their members according to the focus and experiences of the member organisations. As it is seen from CSPR, the national secretariat hardly has the capacities to work on all sector subjects. To share tasks and responsibility is one suggestion, but to work on a better branding of networks and organisations is another issue. The organisations have to focus on their core abilities and business. To be active on everything will not show impact – especially on sub-national level.

8.5.2 Influence on advisory groups

Civil Society is invited to participate in SAGs on national level and on PDCCs and DDCC at the sub-national level. The influence of CSOs in the SAGs is still very limited. Even in case of participation concrete inputs are rare and often of low quality. As mentioned above the input to the SAGs and the sub-committees could be much more efficient and effective if a clear system of shared responsibilities had been established. Some organisations have expertise in certain fields. These should get the mandate to represent CSOs in SAGs.

More challenges appear at the sub-national level. Weak capacities and weak finances make it difficult to act for local NGOs in advisory groups. The question about the mandate i.e. who has the right to speak on behalf of all or some CSOs remains unanswered. The result is the lack of engagement and commitment vis-à-vis decentralized decision making bodies such as DDCCs and PDCCs. Contrary to general criticism, a good experience with an NGO forum has been

made in Eastern Province, which to some extent could be considered good practice. The results of the discussions in this forum enter into the SAG and further serve information sharing.

8.5.3 Transparency and information management

The improvement of communication systems and information flows are important subjects to strengthen the internal decentralization process within the networks and big NGOs. The exchange among the different levels is essential to implement effective advocacy and lobbying. Capacity building on knowledge management systems will improve transparency. The implementation of a knowledge management system with functional communication channels is recommended. Filing and reporting systems have to be standardized.

New creative methods of information sharing will help to create new communication channels. The use of all media has been mentioned. Especially the use of radio transmitters could support the information sharing with rural areas. The use of radio stations to reach rural areas is not a new tool for NGOs. On behalf of systematic information sharing within networks seems to carry potentials. However all media (from TV to cartoon magazine) are potential tools to improve the information sharing system between CSOs.

8.5.4 Gender aspects

The partner organisations mentioned disregard of gender aspects. Most organisations lack a clear strategy for gender empowerment. Promoting gender mainstreaming strategy could be linked to already existing HIV/AIDS mainstreaming approaches. Raising gender awareness requires capacity building.

8.6 Selected recommendations linked to component goal 2

Component goal 2:

In the context of governance reform processes, CSOs and networks effectively monitor whether government action is transparent, efficient and consistent with applicable regulations.

8.6.1 Monitor FNDP

Supporting CSOs in monitoring the FNDP remains a key issue of the Good Governance Programme. For the second phase it was recommended to monitor the PRS process more broadly. The monitoring activities of CSOs should reach community level. More accountability of local government was required.

8.6.2 NGO Bill

The NGO Bill is an unsolved issue, which holds a key position. Almost all organisations considered the NGO Bill as a big challenge, even as a risk. The recommendation for the next phase is to support the establishment of codes of conduct within CSOs. If CSOs would commonly be able to agree on a code of conduct, advocacy and lobbying for a CSO friendly law would be much more successful. Lobbying and advocacy for a CSO friendly law is considered the task of the larger umbrella CSOs and networks at national level. They are the negotiating party of the Parliament and have to prepare themselves for the moment the NGO Bill will be tabled again. Meanwhile the bill was passed by Parliament and has become the NGO Act.

8.6.3 Constitution making and parliamentary reform

The civil society partners of the Good Governance Programme (Pos) showed dissatisfaction with their actual involvement in contributing to and influencing political processes in Zambia. Their limited opportunity in getting engaged in the debate on the new constitution, presently ongoing under the NCC and in the parliamentary reform process was mentioned. A coordinated approach from within and from outside these processes would be important for bringing in the views of the civil society.

8.6.4 DIP

CSOs emphasized the need for lobbying for the Decentralization Implementation Plan. Especially on sub-national level, CSOs realize the need for sensitising the stakeholders. The PDCCs and DDCCs would be entrusted with far more decision making authority compared to the present situation, which would also allow that civil society becomes a partner.

8.7 Selected recommendations: Cross-cutting themes

Anti-corruption

The importance of anti-corruption was seen by all partner organisations. Awareness raising on anti-corruption in and through CSOs was recommended. Though anti-corruption is only mentioned in some of the strategic plans of partner organisations it is obvious that holding government accountable requires maintaining highest standards of integrity and accountability in CSOs themselves. To facilitate anti-corruption in the activities of partner organisations calls for the formulation of an adequate indicator.

HIV/AIDS

The Zambian National HIV and AIDS response has attached more importance to civil society in acknowledging its comparative advantage for mainstreaming HIV and AIDS across sectors and disciplinary boundaries. However, CSOs whose core mandate is not HIV and AIDS or health have found it difficult to strategically incorporate HIV and AIDS mainstreaming into their work.

Mainstreaming HIV and AIDS in the work of the Good Governance Programme attempts to strengthen the ability of civil society organisations to advocate for effective policies, and to support development activities that strengthen or contribute to the national HIV and AIDS response. On a national level support to CSPR in the creation of an HIV and AIDS CSO theme group to effectively contribute to the respective SAG has been quite cumbersome. Observations also indicate a lack of understanding and / or awareness of the key concepts relating to HIV and AIDS mainstreaming through CSOs. Further, it has been found that internal mainstreaming (implementation of HIV/AIDS workplace policies) pose a particular challenge to CSOs due to the diversity of organisational structures and their often limited human resources and financial capacities.

Trained focal persons face difficulties in implementing, maintaining and gaining support for an internal HIV and AIDS workplace programme. The classical workplace programme approach referring to the integration of HIV and AIDS into employer and employee relationship described in a workplace policy and made operational in the workplace programme has demonstrated to be complicated. Currently, new approaches are explored focusing on external mainstreaming through promoting HIV and AIDS through decentralized training of members of CSPR's PPMTs. The aim is to systematically identify relevant external mainstreaming activities, being in line with the core mandate of the membership organisations.

Recommendations:

- Include a chapter on HIV and AIDS mainstreaming, including a relevant indicator in the project design for phase 2 (programme offer to BMZ)

- Intensifying advocacy for external mainstreaming in partner organisations, thereby incorporating and building on past GTZ research findings through workshops and / or training sessions organised for leadership from civil society organisations
- Adaptation of work place policy training approaches according to CSO needs and organisational functioning
- Up-scaling of decentralized training for members of CSPR's PPMTs including assurance of consistent follow-up and support through e.g. focal persons charged with HIV/AIDS mainstreaming in German Development Cooperation
- Furthering linkages between partner organisations and the CSO People Living With HIV/AIDS via support groups
- Identification of strategies to further incorporate HIV/AIDS mainstreaming tools such as Join-in-Circuit

8.8 Comments on component goals and indicators

This section reflects on the component goals and indicators of phase 1 in terms of whether they would still be valid for phase 2 and summarises recommendations for either reformulation or amendment.

8.8.1 Component goal 1

Selected CSOs and networks have the necessary capacities to effectively participate in the steering of national PRS process.

This component goal is related to internal CSO processes. Regarding the recommendations and ideas for the second phase, the component remains valid for the second phase. It is not necessary to reformulate or add further aspects.

Indicator 1

Ongoing civil society participation in the NDP process in at least three SAGs at the national level.

The group work participants at the partner workshop on 26 March 2009 recommended to sharpen this indicator as follows:

- i. To add qualitative factors; Instead of only measuring the number of CSO participation it would be necessary to have a look at the influence, efficiency and effectiveness of CSO participation in SAGs.
- ii. To complete the indicator with a view on the sub-national level (PDCC and DDCC). Additional recommendations were to include the aspect of ownership in decision making and the clarification of representation and mandate of CSOs participating in SAGs.

Indicator 2

Ongoing contributions by civil society to NDP processes at the provincial level (via provincial structures in the Southern Province) and in selected districts.

The following recommendations were made to complete this indicator for the second phase:

- i. Broaden the operational area; at least to add one more province
- ii. Include qualitative aspects
- iii. Quantify, e.g. x recommendations / contributions of CSOs were taken into the Provincial Development Plan or were implemented by local authorities

Indicator 3

Thematic groups of the network Civil Society for Poverty Reduction (CSPR) develop and coordinate positions within the network itself, which are channelled into the relevant SAG

The recommendation focus on clearer impact orientation: Include the reporting and feedback system for instance for CSPR the following: An effective knowledge management system is established and "... the write ups/minutes of the SAGs are distributed and evaluated by CSPR."

8.8.2 Component goal 2

In the context of governance reform processes, CSOs and networks effectively monitor whether government action is transparent, efficient and consistent with applicable regulations.

This second component goal does not correspond to the recommendations given by partner organisations during the workshop of 26 March. The second component goal of phase 1 shows monitoring aspects only. For the second phase it was recommended to change this component towards a higher degree of impact orientation. This would call for including the aspect of CSO's influence on policy making. It was further recommended to emphasize the active role of CSOs in decision making processes.

Indicator 1

CSOs and networks publish independent annual monitoring reports on the Green and Yellow Books.

The recommended indicator for phase 2 reads:

CSOs are contributing to five parliamentary hearings.

Indicator 2

CSOs and networks conduct independent annual budget and expenditure monitoring in at least five districts in five different provinces; the results are published throughout the country.

The recommended indicator for phase 2 reads:

CSOs and networks conduct independent annual budget and expenditure monitoring in at least five districts in every province.

This recommendation may not be achievable and hence the number of provinces should be reduced.

Indicator 3

At least three public events are organised on governance reform process and/or transparency and efficiency of government action.

The working group recommended the following indicator:

CSOs are empowered to take an active role in SAGs, APRM, PDCC, DDCC and council meetings.

Indicator 4

Civil society actors support the parliament's growing role in governance reform.

The recommended indicator for phase 2 reads:

CSOs support is being sought by parliament in its reform process.

Indicator 5 for phase 2

CSOs are empowered to play an active role in voter registration, education and election monitoring, decentralization and ECZ.

8.9 DED contribution to the second phase

8.9.1 CSPR (GTZ-DED cooperation)

The DED supports the civil society network of CSPR with the aim to strengthen the sub-national structures. So far the DED has placed three development workers in three provincial offices of CSPR. Furthermore the DED provides salary subsidies for five Provincial Coordinators. This intervention was a contribution towards component goal 1 of phase 1.

Recommendations for the second phase:

Two development workers placed at CSPR's provincial offices in Solwezi and Mongu provided feedback on work experience. They made recommendations for the next phase (annex). These recommendations are to a large extent shared by the workshop participants.

At the time of the planning for the second phase CSPR was still in a critical stage. Still being a young umbrella organisation with rather weak internal structures, the need for consolidating the national secretariat and CSPR's internal governance is a pivotal task for bringing the whole organisation back to where it stood earlier. The challenge for the next phase will be to stabilize CSPR structures. If CSPR continues its downward trend through internal wrangling, lack of capacities and as a result of this, lack of funding, the good results reached especially on sub-national level during the first phase of the Good Governance Programme will be lost.

8.9.2 NGO advisory offices (own DED intervention)

DED supports two NGO advisory offices, one in Livingstone and one in Chipata. Two development workers and one national expert offer advisory services to local NGOs. Their prime objective is to facilitate capacity within local NGOs. They offer training in planning, monitoring and evaluation, project management, strategic planning and proposal writing. Their second objective is to support the dialogue between local government and civil society.

For the second phase it is recommended to focus on the support of decentralized NGO forums. NGO forums at sub-national level could become the trigger for networking and knowledge management within CSOs. Strengthening organised local structure would allow to effectively participating in PDCCs and DDCCs. This development intervention is a contribution to the component goals 1 and 2.

8.9.3 Pending development interventions

Caritas Ndola (GTZ-DED cooperation)

DED is committed to place one development worker for supporting the paralegal programme and women shelter project of the Catholic Diocese in Ndola. Furthermore DED will fund the employment of a national expert who will be placed in the women shelter project. The main goal of this development intervention is to assure low cost legal advice for the poor population. The second goal is to reduce gender based violence in the Copperbelt province. This development intervention is a contribution to the incoming new component goal of facilitating legal aid through CSOs. It also addresses gender issues.

NGOCC (own DED intervention)

DED entered into negotiations with the gender network NGOCC. They request support for different development interventions. The focus would be on the support of NGOCC's sub-national structures. NGOCC wants to strengthen their provincial centres to intensify advocacy and capacity building at local levels especially in rural areas. For this intervention one development workers plus salary subsidy for a national expert would be required. This intervention would be a contribution on component goal 1. It also addresses gender issues.

The second contribution to NGOCC is related to promote capacity for accessing the newly established Zambian Governance Fund (ZGF) as well as to promote an internal funding strategy for the network. NGOCC proposed the secondment of a young professional to carry out a research on the funding mechanism of the governance fund and to establish an internal plan for NGOCC with the aim to incorporate their member organisations in rural areas.

PANOS (own DED intervention)

DED entered into negotiations with the media related NGO PANOS. PANOS proposed support for their media programme at sub-national level. The organisation cooperates with CSOs in rural areas to improve information sharing and to create new communication channels. The evaluation of the proposal is ongoing. This intervention would be a contribution to component goal 1.

Annex

Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ)
 Democratization, State and Civil Society – Good Governance Programme (PN 2004.2082.8)

Review Progress and Programme Planning for Phase 2, February to September 2009

Dates and schedules of internal progress review and partner consultations, planning exercise and follow-up

February	Organisation	Subject / progress	Participants / in charge
03 - 27	All partner CSOs Selective CPs MCDSS	Consultations on review of progress with partners since February 2008 Forward looking views for phase 2 planning: strategy, themes and initiatives, processes and cooperation Continue ongoing initiatives, follow-up for phase 2 Bridging interim phase: intensified dialogue	Representatives from partner organisations GoGo-team
	GTZ, GOGO and Eschborn	Review of the first MoU for the Zambia Governance Fund ; negotiation about how to manage the basket fund; Ongoing process among development partners and ZGF main sponsor Denmark	Dr. Popp, Dr. Geinitz, Bettina Krasemann, Sylvia Drescher, Elisabeth Birkenhaeger
March			
03 - 31	All partner CSO Selective CPs MCDSS	Cont. consultations with partners Planning with review mission for phase 2 Partner workshop and follow-up	Representatives from partner organisations GoGo-team Review/planning mission
		Zambia Governance Fund: Review of proposal to establish a 'Society Limited by Guarantee' by the Zambia Governance Fund; negotiations about management of fund	Dr. Popp, Dr. Geinitz, Bettina Krasemann, Sylvia Drescher, Elisabeth Birkenhaeger

April			
15 24 30	GTZ, GoGo	Mission report Draft write-up: available 1 st draft: on time 2 nd draft report: on time for editing Offer phase 2	GoGo-team Review mission, Dr. Fred Mutesa Review mission and Dr. Geinitz
10 30		1 st draft: available Final draft: on time	Julia Gruhlich Johanna Wysluch
17 week	GoGo	Finalise TOR and SFF proposal on EU delegated cooperation institutional assessment of 6 AJP institutions Mobilise consultants	Dr. Geinitz, Dr. Popp, GTZ finance management group and EU liaison officers
18 week	GoGo	Duty trip Accra, GTZ Governance network	Dr. Geinitz, Kaputo Chenga, Dr. Popp
all April	GoGo and GTZ Eschborn	Zambia Governance Fund: Possibilities to enter into a separate MoU between GTZ and Danish Embassy are under review	Dr. Popp, Dr. Geinitz, Bettina Krasemann, Sylvia Drescher, Elisabeth Birkenhaeger
May			
11 08	GTZ, GoGo	Certification of offer for phase 2 Formal presentation and dialogue with GTZ country director and HQ country manager (ZAK) at GTZ Office Lusaka (telephone conference)	Johanna Wysluch + GQA, Angebotsschreiberin Dr. Geinitz, Robert Kressirer; Video Div. 103? Elmar Kreutzer
15 16		Final offer to BMZ ready Review of report ready (2 nd draft)	Dr. Geinitz Dr. Fred Mutesa, Johanna; editing: Dr. Geinitz
05	GoGo and partners	Consultation cum workshop with paralegal network PAN on access to justice	GoGo-team, Dr. Popp, CARITAS/PAN, LAB, LAZ, AJP (Christian Eldon)

14	GTZ and ZCSD	Establishing formal agreement for support to NGO INSAKA (May to October 2009)	Rev. Malawo Matyola, Dr. Geinitz
18 - 22 22+23 11 - 29	Programme leader	Duty trip Eschborn: Finance management, IT On leave, return on 09.06.09 Consultants work on assessment of 6 AJP institutions	Dr. Geinitz Dr. Popp, Dr. Geinitz, Consultants (Messrs. Krimmel, Kabinga, Chellay)
all May	GoGo and GTZ Eschborn	Options for modes of managing Zambia Governance Fund are under review	Dr. Popp, Dr. Geinitz, Bettina Krasemann, Sylvia Drescher, Elisabeth Birkenhaeger
June			
01 – 12	GTZ, Governance Secretariat, AtoJ institutions	Assessment of 6 AJP institutions continues; Results presentation at Governance Secretariat and GTZ work on contribution to EUC “Action Fiche”	Dr. Geinitz, Dr. Popp, Consultants (Messrs. Krimmel, Kabinga, Chellay)
16	Governance Secretariat	Presentation of preliminary results of fiduciary and management risk assessment of 6 AtoJ institutions	AtoJ Steering Committee, EU delegation, DK Embassy, DK AtoJ Advisor, Dr. Popp, Dr. Geinitz, Johanna Beate Wysluch from GTZ HQ
16 - 18	U4 Anti-Corruption Resource Centre	Anti-corruption in-country course for agency staff hosted by GTZ and DFID in Lusaka	Dr. Geinitz, Wilfred Mwemba (DFID), U4 team (Karen Hussmann, Hannes Hechler); Johanna Beate Wysluch from GTZ HQ
all June	GoGo and GTZ Eschborn and ZGF partners	Options for modes of managing Zambia Governance Fund are under review	Dr. Popp, Dr. Geinitz, Bettina Krasemann, Sylvia Drescher, Elisabeth Birkenhaeger
30	GTZ	Draft assessment report sent to 6 AtoJ institutions, EU Delegation and GTZ HQ for comments	Dr. Geinitz

July			
all July	AVAP, GTZ	Support to AVAP's strategic plan process through assignment of elections analyst: Coaching of AVAP management and staff, work on strategic plan 2009-2012	AVAP management and team, Ms Florence Ganoux, Elections Analyst and Observer
18	JW&O	Legal aid clinic by Justice for Widows and Orphans Project in Kabwe	JW&O team, PS Central Province, Dr. Geinitz
02 - 22	AtoJ institutions, EU Delegation, GTZ HQ	Received comments on draft assessment report from DK Consultant, Governance Secretariat, EU Delegation and GTZ HQ	Dr. Geinitz
until 30	GTZ AtoJ Consultants	Finalising assessment report	Consultants (Messrs. Krimmel, Kabinga, Chellay), Dr. Geinitz
24	GTZ, GoGo	Launch of 1st GoGo Factsheet	GoGo-team
28	ISRL and JCTR	Workshop on budget tracking and monitoring for members of ISRL in NW province in Mumbwa	JCTR specialists, GoGo team
29	Parliament	Submission on NGO Bill to Parliamentary Committee	Dr. Geinitz and Ms Kaputo Chenga
31	GTZ, GoGo	Lessons learned workshop with DED development workers from Mongu and Solwezi and partner organisations	DED staff, partners, GoGo-team
August			
14	GTZ	Send assessment report to all AtoJ institutions , DK Consultant, Governance Secretariat, EU Delegation and GTZ HQ	Dr. Geinitz

all August	AtoJ	Negotiations between EU Delegation, Governance Secretariat and AtoJ SC, GTZ on funding modalities and TA contribution	EU Delegation, DK Embassy and AtoJ Consultant, Governance Secretariat, GTZ
20 - 21	JW&O	Legal aid clinic by Justice for Widows and Orphans Project in Choma	JW&O team, Ms Precious Ng'onga, Dr. Popp
26	GoGo	Presentation and lecture on governance and anti-corruption to SADC Heads of Mission meeting in Lusaka	Dr. Geinitz
September			
02	AtoJ	AtoJ SC meeting on approval of CA and decision on funding modalities	SC, Governance Secretariat, EU Delegation, DK Embassy and AtoJ Consultant, GTZ
all September	AtoJ	Negotiations after failure to agree on funding modalities; delegation cooperation stalled	Governance Secretariat, EU Delegation
14 - 18	GoGo and DED	Visit DED and CSPR in Mongu	DED, Ms Bettina Schoop; GoGo-team, Makani Mzyece, Dr. Geinitz
21	MCDSS, GTZ	Visit to PS MCDSS Ms Gladys Zaloumis Kristafor: Introducing GoGo, presenting 2 nd phase outline	PS MCDSS, Dr. Geinitz, Dr. Popp
23	GTZ, GoGo	Consultations with CSOs on human rights on occasion of visit of GTZ HR specialist to Lusaka	Ms Juliane Osterhaus, CSO partners, GoGo-team
28	GoGo 2 nd Phase	BMZ commissions 2nd phase	GTZ HQ, Dr. Geinitz
30	GTZ, GoGo	Review report finalised	Dr. Geinitz and review team

Review of Progress and Programme Planning for Phase 2 2009 – 2011

Approach and Terms of Reference

(Final Version of 06 March 2009)

1. Background

The German funded Programme on *Democratization, State and Civil Society* (Good Governance) is about to complete its 1st phase which runs from November 2005 to September 2009. The programme's overall goal is:

CSOs and networks support governance reform processes and the poverty reduction policy.

To this end, the two programme component goals promote

- i. *Participation of civil society in the national poverty reduction process and*
- ii. *Civil society monitoring of the governance reform processes.*

The programme underwent a comprehensive progress review in February 2008. The evaluation team found convincing evidence for impressing progress towards the overall goal and particularly the two component goals. The evaluation recommended to maintaining the overall goal for the second phase and the two component goals.

However, the evaluation team addressed the need for clarifying the indicators in terms of a clearer focus on the intended

“... impact and sustainability and specific towards the programme's contribution to the parliamentary reform programme and the improvement of access to justice ...”

through civil society contribution.

In addition, a lessons learned mission conducted by GTZ in early April 2008 highlighted a number of good practices from GoGo's support to civil society organisations (CSO) in the context of the prevailing political landscape in Zambia. These lessons learned are also to be used for conceptualising phase 2.

In view of the above and acknowledging the increasing role of CSOs in their advocacy initiatives for rule of law as a process, where customary regulations and local culture meet for critical and constructive dialogue with the formal system as e.g. established through the National Constitutional Council, the Parliamentary Reform Programme, the Zambian Access to Justice Programme or through engagement of formal structures by community based para legal initiatives at local level, a third component goal could be considered:

- iii. *Civil society contributes to constructive dialogue for improved access to justice with emphasis on poor and vulnerable people (working definition).*

2. Approach

The proposed approach to conduct the review and the planning for phase 2 is organised as an institutional learning exercise with a strong focus on consultations with partner organisations and development partners. It is an internal process of reflection with partners and within the GoGo-team supported by external experts through consultation and coaching. In this way the approach contributes to knowledge management and team formation. It further eases the pressure from partner organisations since the GoGo-team arranges meetings within time budgets, which in turn contributes to keep transaction costs low, both of which are commitments under the Paris Declaration. Acknowledging the quality of the evaluation of February 2008 and the recommendations for phase 2 in particular a triple track approach for GoGo's anticipated review and planning exercise 2009 is proposed:

- i. Review of what has been achieved vis-à-vis the recommendations of the evaluation by GoGo-team and seconded DED governance coordinator through internal consultations, review of reports and reflections of changing institutional environment;
- ii. Engaging partner organisations in brainstorming and pre-planning talks through GoGo-team and seconded DED governance coordinator;
- iii. Having the documented findings of i) and ii) reviewed and conceptualised by the external consultants thereby making use of the recommendations of the evaluation of 2008.

The review and pre-planning would also address the Ministry for Community Development and Social services (MCDSS), development partners with whom direct cooperation has been established such as Irish Aid, DFID and also the NSAG, the Zambian Governance Fund (ZGF) coalition, the EU Commission and others as considered appropriate.

The outcome of the review and planning will contribute to drafting a coherent context for the common programme, which are goals and indicators, components and indicators and outline initiatives for implementation. It will also set the stage for preparing for the operational planning for phase 2.

3. Documentation and recent development

Base documentation for the review and planning exercise 2009 are the evaluation report of February 2008, the e-Val report, and the lessons learned report of April 2008 and also the conclusions from the DED member of the mission. GoGo's activity and impact monitoring for partner organisations provides an overview about the dimension of cooperation with core partners and other relevant organisations. The GTZ annual progress report 2008 and the common GTZ-DED progress report 2008 and also DED reports are further sources. Reports from partner organisations will be used for the review and forward orientation. Furthermore, relevant GTZ documents will be considered as well as reports from development partners.

GoGo will draft a state of governance position paper with a view to where the programme stands and what orientation points are anticipated for phase 2. In addition, new events that emerged during the last year such as the establishment of the ZGF and the initiatives of Non-State Actors Group (NSAG) as well as changing orientation of CSOs will be considered.

4. Tasks of GoGo-team and mission

The GoGo-team will consist of the Zambian and German experts including the DED team members and the DED governance coordinator. The consulting team will consist of the specialists engaged in the evaluation of February 2008, viz. Dr. Fred Mutesa from UNZA and Dr. Armin Nolting from GTZ's Governance Programme Ethiopia. Additionally, Ms. Johanna

Beate Wysluch, GTZ anti-corruption specialist in the German UNCAC Project and Ms. Julia Grulich, gender expert will join. GoGo is further seeking the engagement of Mr. Reuben Lifuka, chair of TI Zambia.

Whereas Dr. Mutesa, Ms. Wysluch and Ms. Wahl are expected to be available from 18 to about end of March, Dr. Nolting will concentrate few working days from 23 to 27 of March on specific GTZ expertise vis-à-vis the requirements of the formal programme proposal to BMZ and also consult on aspects of the new GTZ planning tool *Capacity WORKS*. Subject to his availability he would be writing the first programme draft (part A); otherwise this task will be taken over by the GoGo programme head.

The predominant function of the consulting team is to engage GoGo and partners in a consultation process. This means to reflect what is intended for phase 2 based on the recommendations of the evaluation and the outcome of GoGos talks with partners. For the work on the programme design, which will constitute the core of the assignment the tasks are the following:

GoGo-team

- Review progress according to performance of partner CSOs
- Screening reports, update GoGo monitoring matrix
- Preparing a governance outline paper: *Good Governance in Zambia and the GoGo programme* serving as orientation paper for preparing the programme design
- Engage with the five core partners (CSPR, JCTR, AVAP, Caritas, FODEP) plus a number of other partners such as LADA, SACCORD and others, and also development partners in particular Irish Aid, DFID, MS Zambia, Dan Church Aid, Diakonia and others on the outline of the proposed programme goal for phase 2 and the programme components
- Preparing notes of the meetings with a focus on goal, components and possible indicators and initiatives, a summary of the outcome of talks for a joint workshop and for intensive talks between GoGo-team, partner CSOs and development partners and consultants and address – as far as possible – elements of *Capacity WORKS* (new GTZ planning instrument)

Consultants

Dr. Fred Mutesa, Ms. Johanna Beate Wysluch, Ms. Pia Wahl³³ and selectively Dr. Armin Nolting

The mission lead is proposed to Dr. Mutesa. Earlier Dr. Nolting was head of mission, however in view of his limited availability vis-à-vis his very specific tasks this arrangement is suggested. The mission members jointly divide tasks for the following:

1) On GoGo programme

- Critical reflection of GoGo's own review from March 2008 to date
- Reflecting on the GoGo programme as presented in the outline paper against changes of the governance in Zambia with emphasis on policies, relation between state and civil society and other actors, including relevant cross-cutting development policy issues
- Proposing orientation for the 2nd phase in terms of policy approach, focused themes that have emerged or are likely to become relevant for the work of CSOs in the near and distant future, relevance of themes addressed to date, outreach of GoGo and risks that might be encountered, thereby making use of
 - i. Results of evaluation 2008 and
 - ii. Paper *lessons learned of the GoGo programme* of April 2008

³³ Ms. Wahl is rather seen as member of the GoGo-team since in her capacity as DED Programme Coordinator for Governance she will also take part in the talks with partners during the internal reflection process and preparation for the planning exercise.

- iii. Other relevant documentation covering the Zambian context
- iv. GoGo's outline paper and the outcome of talks with partners
- Critical reviewing the recommendations of the evaluation of 2008 whether goal and components still stand and working with GoGo-team and partners of the formulation of goal and components
- Advising on GoGo's partner structure: Continue supporting core partners – addressing new partners?
- Advising on communication and cooperation with government: How to facilitate relation between state institutions and CSOs?
- Advise on modes of capacity development for promoting strength and potential of partner CSOs
- Recommend institutional relations vis-à-vis the ZGF and possible complementary initiatives
- Recommend alternatives and innovative modes for information sharing and networking including a common CSO media approach
- Address cross-cutting themes, particularly the HIV/AIDS mainstream component at local level
- Working with GoGo-team and partners on result/impact chains and indicators for goal and component goals

2) On specific topics

Dr. Fred Mutesa

- Takes care of the Zambian context governance trends, role of CSOs and support through development partners with emphasis on GoGo's comparative advantage
- Takes care of specific policy issues and GoGo's possible contribution such as the parliamentary reform programme, NCC and NGO Bill
- Fine-tuning formulation of goal and components, impact chain and indicators

Ms. Johanna Beate Wysluch

- Access to Justice Programme of GTZ: Brief overview for potential complementary initiatives by GoGo through talks with Governance Secretariat, DANIDA and others
- Consults GoGo of the proposed new component/sub-component *access to justice* in two dimensions:
 - i. Review elements of access to justice in GoGo's ongoing cooperation
 - ii. Reflect on access to justice as a potential third component in phase 2 at the outreach level
- Briefly reflect on the new EU programme *support to the strengthening of the justice sector in Zambia* and the potential delegated cooperation to GTZ
- Advise GoGo on how best anti-corruption can be included under one of the three component goals and what areas should be addressed

Ms. Pia Wahl

- Reflection and review of DED contribution according to DED's evaluation of the performance of the three DED development workers and the five local experts embedded in GoGo
- Reflection of compatibility of indicators and impact chain for phase 2
- Reflection of DED contribution to the intended component goals for phase 2 with emphasis on proposed initiatives and specific indicators as viewed by DED for personal support provided by DED
- Contribution to identifying partner institutions, concepts and outline initiatives for DED's engagement within GoGo also considering the intended component goal 3
- Contribution to write-up for the common programme proposal for phase 2
- Ms. Wahl's participation in the preparatory talks and in the mission's consultative process would facilitate common understanding, exchange of experience and knowledge

Dr. Armin Nolting

- Reflects on outcome of GoGo's review and proposals for planning for phase 2 vis-à-vis recommendations of evaluation 2008
- Brings in specific GTZ knowledge on formulation of impact chain and indicators and reflects appropriateness of formulation
- Reflects on consistency of approach for phase 2
- Brings in knowledge of *Capacity WORKS*
- Moderates the partner workshop

Ms. Julia Gruhlich

- In charge of the documentation during all team and partner meetings, workshop and summary notes drafting the presentation for the partner workshop
- Bringing in her views with respect to her engagement in late 2008 when she drafted GoGo's progress report 2008 and the report for phase 1
- Bringing in her gender know-how during talks and meetings

5. Timing

The review and planning will cover the time from mid February until end of March 2009, whereby the GoGo team is already engaged in talks with partner organisations.

The consulting team will work from 19 March to 31 of March as follows:

- Dr. Fred Mutesa 19 March to 10 April for a total of up to 12 working days including follow-up. In case meetings, workshops and other work has to be attended on weekends the contract will be amended.
- Ms. Johanna Beate Wysluch 18 to 31 March for a total of up to 14 calendar days including travelling to and from Zambia plus follow-up at GTZ HQ for contributing to the draft offer to BMZ and for anti-corruption support.
- Dr. Armin Nolting 23 to 27 March for a total of 5 working days including travelling from Addis Abbeba to Lusaka and return.
- Ms. Pia Wahl 18 to 27/28 March and during the pre-mission phase.
- Ms. Julia Gruhlich 19 to 31 March for a total of 13 additional days for preparation at GTZ HQ and write-up.

6. Reporting

- The consultants will submit a joint summary report of not more than ten pages, thereby contributing individually according to tasks assigned and with respect to aspects relevant to GTZ and DED. This report is to be coordinated by Dr. Fred Mutesa. The report shall be submitted to the GoGo-team leader by 10 April 2009.
- In addition, Ms. Johanna Beate Wysluch is expected to write a brief outline report of not more than ten pages on access to justice with a focus on GoGo's possible engagement in phase 2 and on outline proposals for specific anti-corruption initiatives.

- Dr. Armin Nolting is expected to deliver observation and commendation notes of not more than five pages. Subject to capacity he would be expected to draft and contribute respectively to part A of the programme proposal to BMZ.
- Ms. Pia Wahl summarises her observations and conclusions for feeding them into the GoGo write-up from the talks with partners.
- Ms. Julia Gruhlich prepares the overall and GTZ specific documentation, thereby addressing own observations and recommendations.

GOGO – QUO VADIS? SUGGESTIONS AND OPTIONS FOR THE 2ND PHASE

By Andreas Kahler, DED

Solwezi, 9.2.2009

To start with

It is as usual: Dependent on the respective vantage point we arrive at different pictures of the current dynamics of civil society organisations (CSOs) in Zambia, emerging trends or challenges, but also at different outlooks. Before drafting the next phase, many different perspectives have to be taken into account. As the ideas sketched in the following carry about experiences mainly from advisory work in the province, they definitely have to be complemented by scenarios from elsewhere.

1. Disadvantaged rural areas

Rural areas in Zambia are even more disadvantaged, underprivileged, poor than urbanized parts of the country. Accordingly, CSOs outside the capital experience less supportive environments in their work. Moreover, we have to acknowledge the same asymmetry goes for technical cooperation (TC) and financial cooperation (FC) with civil society. Here, again, rural sites are underrepresented too.

The GoGo PPR report (19.3.2008) recognizes therefore the requirement “to counterbalance the exclusion of rural”, vulnerable groups. Of course, we are facing no easy task since the available non-urban CSO structures; quantities likewise, are equally weaker than for instance in the provincial capitals. In my view, there are two anchor options GoGo can orientate towards to increase coverage:

- Work with NGOs in the province shows the prevalence of weak communication and suboptimal information flow. It is in particular from this angle that GoGo can address specifically rural challenges. Not only by “pro-active information sharing” with the partner organisations (PPR report) but also by widening and deepening the facilitation of information and communication between state and civil society as well as among CSOs themselves in general. Be it community media or new media projects from CSOs – pilots could target in particular rural districts in the first place to “counterbalance”.
- First experiences from the Eastern and Southern (also Western?) Provinces with the formation of “NGO Forums” demonstrate the feasibility of deliberate, additional civil society coordination efforts in association with participation in PDCCs and DDCCs (Meanwhile it seems certain that CSPR alone cannot manage to fulfil this function, even though it might play a key role in organising such forums. Bearing in mind the very successful development of CSPR at provincial level – indeed, the network’s strength lies with its PPMTs – there are good reasons to believe that more emphasis should be placed on that sub-national levels.).

For sure, we are looking at an area of uncertainty when considering decentralization. In the recent Budget Speech, Government announced an upcoming capacity building need assessment at local levels. We do not know whether this is more than a kind gesture. However, within civil society and within its organisations there are a lot of things to be done in terms of decentralizing – independently from state. Thus, CSPR, like other CSOs, has to face its own challenges regarding lacks of “trickling down” of funds or whatever capitals. In this sense, immediate measures can be taken to tackle decentralization, somehow in preparation of the “official” process to come.³⁴

³⁴ Regarding “Access to Justice” we cannot say much due to lack of information, but it seems interesting to collect details on a recent South-African Programme, recently started by The Atlantic Philanthropies in

2. Selecting programme partners

Another dimension concerns the selection of future programme partners. Here are several options imaginable, and GoGo has always to balance continuity-assurance against promotion of diversity (as we note, “diversification” has finally entered the limelight, in 2009 (see for instance this Year’s budget speech), and this might also open up spaces for new state – civil society constellations and relationships). Let me list up seven suggestions:

- Taking up some brainstorming we had earlier, especially CSOs close to the interfaces with economy might be interesting. Associations dealing with labour, professionalism, economy, value creation, are likely to provide extra expertise relevant for inputs into political dialogues. This might be the case with professional or trade associations, with professional organisations, unions on the one hand, and expert networks – comparable EAZ – on the other (how to address the informal sector?). Regarding the “Access to Justice” component one might also ask whether to include Lawyer associations. We may assume that such associations offer special knowledge and open perspectives productively complementing others.
- Noting the current re-discovery of agriculture in Zambia, one could also consider closer linkages with agricultural organisations – as long as they are articulate concerning Governance: cooperations, networks of farmer associations etc. This would again stress the outreach to rural areas where only comparably few exclusively political CSOs can be found.
- Another sphere, not unfamiliar for GoGo, comprises the realm of academics, science and higher education system. With the University of Zambia (UNZA), but also with the eminent think tank JCTR it already maintains cooperation. For the sake of knowledge generation and transfer towards civil society as well as expertise inputs into policy processes it has to be asked where any potential groups from that angle – political engaged student fraternity? Critical academics? Socially committed lecturers? – are to be found.
- It might be contributing if further partners came from the angle of the media. There are good reasons why this would make a lot of sense: Not only is it the intermediating role GoGo plays in the space between state and civil society implying chances of information sharing, but also looking at the needs and demands within (civil) society itself why it seems desirable to enhance such infrastructures (Finally, it has to do with the facilitation of the role clearing necessitated by recent Media Bill proposals which could threaten freedom of speech and media work in Zambia to a large extend putting harm to CSOs and citizenry in general.).
- To promote internationalization appears as another selection criterion for future GoGo partnerships. Cooperation with trans-national CSOs accelerates the transfer of know-how and information, for instance regarding decentralization (e.g. Malawi), NGO Bill (Ethiopia?), Media Bill (Kenya?). When Southern Africa’s civil societies learn from each other then also the political culture benefits through impulses from outside Zambia, through trans-national exchange.
- “Climate Change” – Like a new brand, the problem of global warming is now recognized as a key global challenge. Looking at the weak environment MDG progress in Zambia, it can be argued that in connection with Good Governance “green” groups show potential

conjunction with Inyathelo, Cape Town: A Non-Profit Sustainability Programme “is targeted at selected human rights organisations and was born out of the realisation that non-profit organisations working in rural areas are confronted with the challenge of implementing their mandates in a complex, multi-level context. Increased demands by the poor in rural areas for access to their constitutionally entrenched rights as well as shifting donor priorities...” shall be addressed “to build the sustainability ... working on behalf of the poor in rural areas ...” (Inyathelo, Annual Report 2008, p. 14f.).

for critical impulses if they know how to translate their issues into legislative procedures etc.

- Last year, the Extractive Industries Transparency Initiative (EITI) was joined by Zambia, providing a number of action possibilities for CSOs regarding transparency and accountability. The initiative is a remarkable opportunity as it provides joined ventures or common ground for government (state), private sector (mines) and civil society in Zambia. Why not “buying in” into this reform process?

3. Cooperation: CSOs and state

When it comes to the thematic scope of co-operations, the programme is in a good position to assist relationships between civil society and state: While the issue of the NGO bill stands for the challenge of mistrust between CSOs and government (see documentation “Dialogue between the Southern Africa Trust and Zambian CSOs”, 17.8.2007, www.southernafricatrust.org/events_01.html), the GoGo project is characterized by its role between state and civil society, thus enabling it to mediate or moderate the interplay of government, state institutions and CSOs, for instance through dialogue forums or facilitation of policy work on both sides.

From its overall orientation, the programme’s function of strengthening the interaction between state and civil society might become stronger. The PPR report (19.3.2008) points at options for deepening that function: in connection with parliament and members of parliament (compare Caritas Parliamentarian Liaison Programme), for example with view of their constituencies; through linkages with the MCDSS (also at provincial level?); and of course through the already stressed SAG interactions (“participation fatigue”). It seems crucial not to refer too much to concrete policy issues or quarrels like the constitution making process, media bill or NGO bill. GoGo’s strength lies in its formal support of interfaces.

4. Indicators

As an overall recommendation the PPR report asks how an additional goal or indicator can be identified. But it is not easy to decide if that complementary indicator should either refer to new modes of delivery, to the realm of parliamentary reforms or last but not least to participation structures at sub-national level like PDCCs and DDCCs. Which complementary indicator represents the best measurement and goal refinement for the next phase? Is it solely the additional measurement for “Access to Justice”?

The matter of parliamentary reforms could likewise be addressed from sub-national level (constituency level) to underline its significance. Meaning, in my view, an additional indicator may combine two aspects, so that it would be more comprehensive and solid. The goal and indicator set is likely to become more informed but also more informative when it takes evidence regarding sustainable sub-national anchoring of programme results into account.

GOGO – QUO VADIS? THOUGHTS FOR THE NEXT PHASE

by Bettina Schoop, DED

Mongu, 01.03.2009

First of all I would like to commend Andreas Kahler for his excellent paper containing a wealth of ideas and suggestions on possible options for GoGo's next phase. In the following I am using his paper as a basis for some few comments and ideas from my perspective.

The disparity between urban and rural CSOs in terms of support through financial cooperation (FC) and technical cooperation (TC) is indeed a great challenge.

- Besides weak communication linkages between provincial CSOs the biggest stumbling block remains inadequate funding in terms of accessibility, quantities and consistency.

The fashion of funding patchy ad hoc isolated projects by GRZ and donors rarely shows sustainable impact. Most local CSOs providing either social services or working in advocacy do not have a reliable funding base to provide them with resources in order to operate on a level that would guarantee meaningful results in policy change, behaviour change or reliable quality services. The Government still perceives CSOs as "opposition" and very rarely supports its operations - unlike in the western context - and donors shy away from long term commitments yet, CSOs will always rely on outside funding unless they venture into income generating activities like door mat weaving, brick making or goat rearing leading their focus away from their main objectives and purpose.

In addition, the competition among CSOs applying for project funding to donors with a wide range of preferences and conditions makes the submission of proposals an unnerving act and is perceived by applicants as a mere "Proposal Roulette" based on sheer luck and causes – despite existing capacities - a sadly noted proposal writing fatigue.

In this regard, GoGo's role could be to lobby donors and the government for longer term commitments in order to achieve strategic goals rather than funding singular one-off interventions merely executed within short time windows of a few weeks or months at its best with no further possibility of repetition, consolidation or expansion or noting of impact.

- Local CSOs affiliated to or being local chapters of larger networks, e.g. FODEP, SACCORD, NGOCC, YWCA, YMCA, Women for Change, Youth Activist Organisation, Youth in Crisis, FAWEZA just to mention a few benefit insignificantly from their affiliation to their Motherboards even if those are fully donor funded.

The inclusion of provincial or district structures by larger networks and organisations is rarely conceptualized and included in their plans, yet they provide an army of motivated and capable human resource which remains untapped and dormant.

In search of new partners GoGo should emphasise on the inclusion and support of those chapters and affiliated member organisations and appeal to the existing ones to do so in order to achieve impact on local level and to prevent a "Lusaka Closed Shop" approach. Decentralization "starts with their own structures" as Andreas rightfully stipulated.

- The weaknesses in the organisational structures of local and national CSOs are obvious but should not be generalised and should not provide a reason not to assist them.

There should be an understanding among donors that the development of CSOs is not a linear process and it has to be kept in mind that the assumption of CSO's capacity to execute their operations in a flawless weberian western bureaucratic manner may not hold water – it's a

learning process and applies to small local self-help groups as to larger professionalized NGO networks. The danger of 'Cooptation' as mentioned in the PPR Report Chapter 'Modalities for civil society support' on page no 8 does exist but the dangers that lie in the manner donors' 'hire and fire' their cooperating partners seems to be much bigger.

GoGo's role could be to provide pro-active support in these processes (whilst not to be confused with apologetism for mismanagement or purposeful outright fraud if evident) and to lobby other donors not to initiate mere reactive consequences to perceived "poor performers".

Selection of future programme partners

Referring to the wealth of suggestions by Andreas for future GoGo partners there are only a few thoughts that I would like to share at this point:

Andreas' list is quite comprehensive and I would only be able to add the APRM process in connection with internationalization of GoGo's support of the governance sector. Zambia has shown very little commitment to it, yet the importance and relevance of monitoring governance issues of African States by African States can't be overemphasised. The slow pace of implementing APRM – related activities could be an indicator for lack of political will though which I would dare to compare to the slow developments in the decentralization process and could bear the danger of GoGo support having little impact.

Considering the comprehensive list of possible future partners I still feel that the addition of new partners has to be considered very carefully taking into account that the partners that have been supported so far may not yet be ready to be weaned. It might not be wise to spread the programme too thinly among too many partner organisations while there are still places "under construction". Referring to the problem stated earlier of CSOs not being funded otherwise and the fact that the process of organisational developments takes longer than for western CSOs I would appeal to GoGo not to drop any so far supported partner because others may appear more "sexy" and to risk the collapse of the already achieved good results (e.g. on provincial level in case of CSPR and AVAP).

In addition, for the achievement of strategic goals it might be of importance to develop some minimum selection criteria. What should GoGo's partners have in common? Where are the synergies? What is the common denominator?

On the other hand, I am very much attracted by the idea to take on board organisations and/or groupings that have more political clout than the group of organisations that are being either under the control of the NGO-Bill (GRZ) or the Church – not to diminish their excellent work though. This leads me to a thought that has puzzled me ever since I started to work in the programme *Democratization, State and Civil Society* and particularly working with CSPR.

I have always been wondering why Civil Society is being defined as the sole accumulation of formally organised groups. I had rather opted for a definition as *a space* in which the Zambian citizenry acts as guide and corrective for itself, the government, the market and donor behaviour. In the case of the latter I would strongly recommend to widen the arena to groupings that are more involved in the political sphere. The stronger involvement in the parliamentary reform process may be one avenue to do so.

In addition to the above I would like to also point out that the approach of the so far supported NGOs and Church organisations to poverty reduction is a rather technical one and carries strong aspects of charity and self-help. Slogans like "pro-poor development" and "working for the poor" and "advocacy for the poor and voiceless" show a pursued segmentation of society into "poor" and "not poor". But who is poor in Zambia? In the SADC Region? In Africa? A defined group of people on whose behalf formal organisations have to speak?

This reminds me on the charity approach of the *Suffragetten* in Germany in the beginning of the 20th century but falls short of the acceptance of the reality that we should not be talking of poor people but rather poor classes, poor nations if not a poor continent. The technical approach prevents solidarity and political consciousness among the populace and hinders collective actions. But poverty is inherently a political and not a technical problem. Therefore, widening the scope of partners outside the formalised sphere of Civil Society and looking for innovative and even unorthodox ways of assistance to other groups/formations/movements of society could provide a broader more inclusive approach to the complexity of Civil Society.

Access to Justice

Concerning this “new old” component I just want to comment that it is one example of the “Rein in die Kartoffeln und raus aus den Kartoffeln” – donor approach that I tried to explain earlier.

The very good work that has been done in this sector should have never been interrupted. I just hope that we will be able to pick up the loose ends and come up with a strategy that will finally show the impact this sector needs – after an adequate period of support.

Opening Remarks by Mr. Davison Chilipamunshi, Permanent Secretary MCDSS at the Partners' Workshop 26 March 2009

Directors of Government Departments, Heads of Cooperating Partners, Representatives of Civil Society Organizations, Ladies and Gentlemen,

I am delighted to be here with you today, to deliver some opening remarks on behalf of the Permanent Secretary for the Ministry of Community Development and Social Services on this important partner's workshop on the second phase of the Good Programme. The programme we are here for was commissioned by GTZ through a team of consultants who conducted a Programme Progress Review for the Good Governance Programme in Zambia through the analysis of the implementation of the Fifth National Development Plan.

Ladies and Gentlemen,

Government is gratified to know that civil society is making significant efforts in exploring ways and means of complementing its efforts. This is a reflection that civil society considers government as a partner and not an opponent in issues relating to national development. Similarly, Government recognizes that civil society organizations play a critical role in national development through implementing poverty reduction programmes. In this regards, CSOs mostly focus on promoting Health, Education, Agriculture, Social Protection, Employment creation, Cross-cutting issues, Good Governance, Civic Education, Human Rights and Advocacy and Capacity Building activities. However, Government and CSOs are faced with numerous challenges when implementing various programmes aimed at reducing poverty. These include inadequate financial resources and a policy framework to facilitate communication, coordination and mutual collaboration between CSOs and the Government.

Ladies and Gentlemen,

I wish to state that the Ministry had begun the process of development a policy on Non Governmental Organisations which has not yet materialised because of competing demands against available resources. Once developed, the said policy will provide clear and constructive guidelines for a realistic and practical operational framework which will:

- Strengthen the coordination and networking processes between government and NGOs;
- Promotes participation of the affected people and NGOs in the formulation and implementation of programmes and projects;
- Set the stage for development of essential legal tools necessary for CSOs to excel to their fullest potential and;
- Endorses a mechanism which embraces the crucial need for accountability and transparency while preserving the integrity of the COS.

Ladies and Gentlemen,

I wish to stress that the non existence of an NGO Policy has contributed to the overlapping implementation of various programmes which are not properly coordinated.

I therefore wish to call upon cooperating partners and specially GTZ to facilitate the development of a policy on NGOs by rendering financial support. With a policy in place, it is expected that relationship and coordination of various poverty reduction programmes implemented by both government and CSOs would be enhanced.

I now wish to take opportunity to inform you of government's efforts in providing social protection in Zambia as outlined in the Fifth National Development Plan. The goal for social protection as stated in this plans: to contribute to the security of all vulnerable Zambians by ensuring that incapacitated and low capacity households have sufficient livelihood security to meet basic needs and are protected from the worst impacts of risks and shocks. The Government through my Ministry has among others continued to implement the following

programs in line with state goal directly and in partnership with statutory bodies, donors and civil society organisations:

- The public welfare assistance scheme in all the 72 districts
- The social cash transfer schemes in 5 districts
- The street children's programme in most districts of Zambia
- The food security pack programme through the Programme Against Malnutrition (PAM)
- Support to women's development groups
- Provision of microfinance services to the vulnerable through the Micro Bankers Trust (MBT)
- Support to old people's homes etc.

Ladies and Gentlemen,

In conclusion I wish to recognise the role played by our cooperating partners and donors in providing support to fighting poverty in Zambia. Also thank GTZ and the consultants in particular for convening this workshop. As a Ministry in charge of coordinating the Social Protection Sector Advisory Group, we remain open to dialogue which seeks for solutions to vulnerability and poverty.

May God Bless and I thank you.

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