

SECTION THREE

PLANS AND PROGRAMS

Health:

- *Lobbying and advocacy for the establishment of complaints mechanisms and codes of conduct in hospitals and health care centres. While the state has primary responsibility of providing a single comprehensive equitable and integrated national health system, implementation will rely on the input of NGOs.*
- *Contributions to the drafting of legislation as well as standards and guidelines relating to health care, forbidden discriminatory practices.*
- *Lobbying of relevant governing bodies to institute adequate monitoring procedures for implementation of standards and guidelines.*
- *Awareness-raising. Materials should be developed to inform patients of their rights regarding HIV/AIDS;...*

Education:

- *Lobbying for a reconstruction of school education. ... A major priority will be introduction of 10 years of free and compulsory education.*
- *Lobbying and advocacy for the establishment for complaints mechanisms or codes of conduct, particularly in primary and secondary schools. ... The complaints mechanisms would enable parents and others to come forward with claims.¹*

There is considerable similarity in the practices of bilateral donors in the provision of their development assistance. Some donors emphasize different target groups of beneficiaries while others treat development in more traditional fashions. Obviously an agency whose focus is exclusively towards direct poverty alleviation will design different types of programs than one that stresses economic development as a means towards the same end.

It is difficult, therefore, to produce a model that will apply in the same way to the vast range of approaches to program and project design and delivery. However, this Manual assumes that there are at least three components to how donors give their official development assistance and that these are relatively standardized across donor practice. The three features are drafting country strategy; developing a country program; and delivery, whether at the program or project level.

If the human rights objectives arising out of the situational analysis have been clearly identified and agreed through the policy dialogue, the task of devising a country strategy to achieve these objectives is made much easier. As with all aspects of the provision of development assistance, a human rights approach calls for participation at every stage. Therefore participation must be built into the design of the country program and the

¹ From the European Union Human Rights Programme in South Africa. This quote is describing NGO participation proposed for the program.

formulation of the country strategy. We propose the establishment of an In-Country Representative Team to address this.

It would be unrealistic to expect that a wide-ranging national or even regional consultative process be initiated at every stage of the development cycle. This would be time and resource consuming, not only for donors and recipient governments but also for the people and groups involved in the consultations.

Establishing an In-Country Representative Team will allow an adequate level of participation without clogging up the system. The challenge of course will be to select individuals who are seen as being credibly representative. We outline below a mechanism and possible make-up for an In-Country Representative Team.

1. COUNTRY STRATEGY

Country strategies identify the means for achieving the objectives of the development cooperation program based on the situational analysis of human rights in the recipient country as described in Section One. The country strategy is a product of the policy dialogue between two governments and is an outcome of a participatory process.

As part of the donor and recipient government's commitment to transparency and accountability the country strategy should be made publicly available in the major languages of both countries.

1.1 Agreement on strategy

Final approval of the broad strategy rests at a senior level in donor and recipient governments' agencies and should conclude with an agreement signed at Ministerial level. This should only come after agreement has been reached with all the key stakeholders, not just the relevant government agencies.

The legitimacy of an agreement reached through appropriate participation will help to ensure the continuing commitment of all parties over the term of the broad country strategy.

The approval process offers further opportunities for building rights awareness and for,

- reaffirming both governments' commitment to the rights framework and to human rights outcomes
- identifying problems or obstacles to the realization of economic, social, cultural, civil and political rights.

1.2 Application of the strategy

In addition to being the formal agreement between donor and recipient government, the country strategy with its explicit human rights objectives can be used in a number of ways:

- as an important statement of policy of both donor and recipient governments
- as the framework within which the different forms of development assistance are decided, designed and implemented
- as a reference and base when negotiating and seeking approval for particular projects or activities under the program
- to increase accountability and to provide the rationale for programs and projects in bilateral relations
- to set the objectives by which an assistance program can be monitored and evaluated and to which the partner countries can be held mutually accountable.

1.3 Format of the country strategy

While each country strategy will be different - a product of the unique set of circumstances that make up each society and bilateral relationship - each strategy is likely to have a similar structure that includes the following components:

a) an introduction that summarizes the strategy

b) a description of the country situation, providing

- the summary findings of the participatory research and analysis process - including (disaggregated) indicators on the current realization of rights - and relevant economic, social and political trends, to constitute the baseline from which progress can be measured
- objectives in National Action Plans and reports to the UN where these exist
- details of what other donors are doing and lessons learnt from past experience of these
- relevant donor country expertise and resources
- the priority focus for the development assistance program
- the obstacles identified in the path to the realization of these rights

c) the strategic objectives, addressing

- the human rights objectives over a specific period - e.g. five years
- the short to medium-term objectives in order to realize the longer-term objectives
- the agreed indicators against which progress can be monitored

d) the process to achieve the objectives, including

- the processes for ensuring participation
- the manner in which the policy dialogue evolves
- the processes for agreeing to changes in the country strategy
- the terms of any conditionality
- the grievance procedure

e) the methods for achieving the objectives, including in broad terms,

- the focus of the policy dialogue on specific rights
- the nature of technical assistance and training on specific rights
- the allocation of financial or other resources on specific rights

f) monitoring and evaluation processes, including how participation will be ensured and the means by which lessons learned progressively throughout the implementation period of specific programs and projects based on the strategy can change and be reflected in progressive revisions to that strategy.

2. COUNTRY PROGRAM DEVELOPMENT

Following agreement on the broad country strategy, both governments should develop and agree on a detailed program outlining continuing commitment to participation, the mix of assistance best suited to the objectives of the country strategy, implementation schedules and resource requirements.

To allow for greater flexibility for changing circumstances and to enable sufficient detail, country program papers should focus primarily on the short to medium term human rights objectives of the program over a limited and clearly stated period to allow review and evaluation.

2.1 The In-Country Representative Team

In accordance with good governance principles, the preparation of the situational analysis and in country strategy requires extensive participation in both the donor and more particularly the recipient country. In preparing the country program such extensive participation becomes more problematic.

An In-Country Representative Team should be established to continue to develop the participatory relationship and to ensure program objectives are consistent with the agreed

broad country strategy. It would include representatives of those who took part in the situational analysis and in the establishment of the country strategy.

The composition of this team will be determined by both the process and outcomes of the research and analysis stage. Typically, however, the In-Country Representative Team might include

- a senior official of the recipient government
- an official representing the donor who should have expertise in human rights and who is clear about the human rights objectives of the agency
- officials from departments or regions most relevant to the program
- representatives of communities who are to benefit from the development assistance
- representatives of national-level human rights and development NGOs.

In situations where NGO representatives may feel constrained in their comments by the presence of senior government officials, alternative arrangements should be made to ensure their continuing involvement and participation.

The In-Country Representative Team,

- ensures continuing participation of stakeholders in the development and the implementation of the country program
- contributes to the development of human rights expertise and knowledge in the donor and recipient countries;
- provides practical donor and recipient government recognition of the right to participate, thus contributing to the evolution of what has been termed civil society.

2.2 The ongoing review process

Sophisticated methods of reviewing the progress of programs are already in place in all donor agencies. A human rights approach calls for reviews to be participatory, including throughout the review of program objectives. Outcomes should be measured against agreed human rights criteria and the participatory process should extend to the high level discussions between donor and recipient governments. The outcomes of these reviews will be useful in preparing future country program papers.

2.3 High-level endorsement of the country program

As with the country strategy, agreement on the country program should be reached through a high level meeting between donor and recipient governments. While earlier close participation of officials from both governments should ensure that approval is

straightforward, approval at this level is important for providing further legitimization of human rights outcomes as development objectives.

2.4 Management of the program

In the normal course of the donor/recipient relationship, problems or grievances may arise on both sides and need resolution. In addition, changes in the donor country or the recipient country may require changes to the overall development assistance program, in specific country programs and to projects.

To avoid such changes being arbitrary, to prevent grievances being resolved in a way that necessarily reflects the interests and priorities of the donor, and to minimize potentially negative effects on the realization of rights, it is important that donor and recipient governments agree on a number of principles for guiding how such changes or grievances are negotiated and managed.

These principles flow from the donor and recipient governments' acknowledgement of the rights framework, the need for international cooperation to realize rights, and the centrality of participation in realizing the right to development. They would include,

- negotiation of changes within the agreed framework and priorities of the country strategy
- community development projects having the same force of contractual obligations for the funder as major infrastructure projects
- agreed penalties for cutting funds for reasons other than that the objectives have been achieved or changed through mutual agreement
- penalties for the donor where there are delays in provision of agreed funding or other delays that are the responsibility of the donor
- an obligation to give detailed reasons for proposed changes in funding of program or projects to all participants with sufficient time to allow subsequent involvement in negotiation of the changes
- overall cuts in the funding of individual country programs reflecting the priorities of the agreed country strategy;
- where the changes involve a cut in funding for reasons other than an evaluation of effectiveness, the donor working with other participants to secure alternative funding sources.

Section Four explores a mechanism for dealing with changes in program and project management, hearing complaints and adjudicating when differences occur in relation to strategy, program design and delivery or when a contract cannot be fulfilled due to unforeseen circumstances.

2.5 Taking each right in turn

In Section One we looked at some of the rights in the International Bill of Rights and listed the sources of information that could be drawn upon to analyze the status of each right in a country situation. Here we follow that approach by suggesting the nature of a program and its methodology to realize each right.

The methods focus mainly on developing awareness of human rights and on advocacy. These need to be seen as complementary to the transfer of resources and technology providing that the latter is consistent with the formulated human rights objectives. The list below of course is not exhaustive.

2.5.1 Slavery

Ensuring that slavery is eradicated in practice as well as in law

- Methods:
- legislative reform including labour laws
 - review of practices to eliminate enforced prostitution
 - review of the practice of bonded labour
 - establishment of regulatory, monitoring and inspection systems
 - establishment of complaints and investigation mechanisms to address abuses of the rights of women, children and minority groups

2.5.2 Torture or cruel, inhuman and degrading treatment or punishment

Ensuring that police, custodial and security personnel do not practise torture or cruel, inhuman and degrading treatment

- Methods:
- provision of training to personnel (custodial, security, judicial)
 - revision of penal and judicial codes
 - establishment of complaints, investigation and compensation mechanisms
 - support for community reporting and appeals against these practices
 - administrative reform
 - social mobilization
 - training of medical staff
 - wages and conditions of personnel
 - functioning human rights institutions

2.5.3 Recognition before the law

Overcoming legislative and cultural obstacles to legal protection for all

- Methods:
- reform of legal aid assistance provisions
 - geographic spread of legal services
 - human rights education
 - establishment of self-help legal groups
 - affirmative action programs

- human rights and anti-discrimination legislation

2.5.4 Legislative appeal

Developing universal acceptance of and access to appeal processes

- Methods:
- law reform
 - training of lawyers and judges
 - administrative reform
 - technical assistance for public education programs
 - exchanges of judges and lawyers
 - direct support to advocacy groups

2.5.5 Arbitrary arrest, detention or exile

Preventing agents of the state from abusing due process

- Methods:
- provision of training to police and security personnel
 - revision of penal and judicial codes
 - establishment of complaints, investigation and compensation mechanisms
 - support for community appeals against these practices
 - support for reform of treatment of the mentally ill
 - human rights education

2.5.6 Asylum

Ensuring protection for those forced to leave their country for fear of persecution

- Methods:
- assistance with legislative and administrative reform
 - legal assistance
 - policy dialogue
 - training of police and immigration officials
 - support for health, education, housing (relates to the respective rights)
 - support for legal advice and advocacy services

2.5.7 Nationality

Overcoming barriers to nationality for certain groups

- Methods:
- legislative reform
 - support for advocacy groups

2.5.8 Property

Ending discrimination in owning property.

- Methods:
- legislative and administrative reform

- direct support to women, ethnic communities
- gender sensitization
- human rights education
- provision of legal advice and advocacy

2.5.9 Assembly

Ensuring that the right to freedom of assembly is respected and protected

- Methods:
- inclusion in policy dialogue
 - legislative reform
 - training of security and police personnel
 - monitoring by diplomatic posts and NGOs

2.5.10 Association

Enabling the formation of lawful associations without arbitrary or impermissible restriction

- Methods:
- direct support to trades unions
 - direct support to non-registered NGOs where appropriate
 - legislative reform

2.5.11 The will of the people

Assistance for democratic processes

- Methods:
- electoral reform
 - monitoring of elections
 - assistance for community participatory processes
 - support for freedom of information mechanisms
 - support for civil liberties groups
 - direct support for NGOs
 - constitutional reform
 - support for local government reform

2.5.12 Work

Overcoming discrimination in access to employment, ensuring safe and healthy work conditions and overcoming unemployment

(i) Discrimination

- Methods:
- assistance with training and education
 - support for publicity and public relation campaigns
 - exchanges of information on anti-discrimination legislation
 - direct support for women's and other organizations representing disadvantaged workers
 - training programs and advocacy

(ii) Safe and healthy working conditions

- Methods:
- direct support for trades unions
 - training and technical assistance
 - investigation and compliance training for regulators
 - establishment of regulatory systems
 - exchanges of personnel (health professionals, trades unions and so on)
 - provision of education facilities for children and young women within the workplace

(iii) Employment

- Methods:
- technical assistance for re-training schemes
 - assistance for apprenticeship schemes
 - support for labour-intensive manufacturing
 - priority for labour-based rural development

2.5.13 Social security

Enabling the provision of and overcoming lack of access to social security by certain groups – the disabled, ethnic minorities, widows, the elderly, the unemployed

- Methods:
- sharing administrative and bureaucratic expertise
 - assistance with priority setting
 - direct support for non-government organizations
 - support for legislative reform
 - assistance to develop and administer a comprehensive taxation system

2.5.14 Protection of the family

Supporting equal rights for women and protecting children from economic and social exploitation and harmful working conditions

(i) Women

- Methods:
- reform of inheritance laws
 - reform of marriage laws and procedures
 - women's health programs
 - affirmative action on education
 - reform of maternity leave provisions
 - programs to combat violence against women
 - support for women's self-help groups
 - support for rape counseling programs

(ii) Children

- Methods:
- human rights training programs
 - labour reform

- alternative education programs
- community education

2.5.15 Right to adequate food

Enabling communities to feed themselves, to have access to sufficient and nutritious food and addressing the food needs of disadvantaged groups

- Methods:
- assist in the formulation of nutritional benchmarks
 - dissemination of principles of nutrition
 - micro-credit schemes
 - assistance for land reform programs
 - support for alternative technology

2.5.16 Right to adequate housing

Overcoming conditions which lead to homelessness, inadequate shelter and unhealthy housing environments and protection from forced resettlement and evictions

- Methods:
- policy dialogue
 - assistance for housing of the most disadvantaged groups
 - assistance with the access to the provision of land title to ethnic minorities, women and slum dwellers
 - provision of infrastructure that respects the right to housing of affected communities
 - support for alternatives to urban renewal programs that displace communities or bring about evictions

2.5.17 Right to highest attainable health

Enabling the achievement of the highest attainable health with particular focus on the disadvantaged

- Methods:
- policy dialogue and advice on priorities
 - technical assistance
 - overcoming lack of access to
 - treatment
 - immunization
 - safe water
 - waste disposal
 - trained personnel in pregnancy
 - family planning information
 - affordable medicine
 - provision of child care
 - environmental and industrial hygiene
 - community participation in primary health care
 - education

2.5.18 Right to education

Provision of assistance to bring about compulsory and free primary education and overcoming obstacles to access to secondary and tertiary education for all.

- Methods:
- legislative guarantees
 - support for affirmative action
 - technical assistance and dialogue over budgetary priorities
 - setting priorities (free and compulsory primary education)
 - support for teaching in mother tongue
 - priority resources for the education of women, disabled, immigrants and minorities
 - technical education available and higher education equally accessible
 - support for education directed to the strengthening of respect for human rights and fundamental freedoms
 - alternatives made available for parents to choose the kind of education they want for their children

3. PROGRAM DELIVERY

Most bilateral development assistance will be delivered through specific development projects, whether sectoral or infrastructure projects². These projects take place within the framework of the agreed country strategy. Each needs clearly to articulate human rights outcomes that contribute to the human rights objectives specified in the country strategy and program.

The situational analysis, strategy and programming processes will have provided a detailed human rights picture of the particular country, identified particular human rights that the program will focus on and determined the broad mix of aid forms most appropriate to achieving these objectives.

The In-Country Representative Team (ICRT) will have been established to ensure continuing participation of stakeholders in the realization of rights through the project identification, design, approval and implementation stages and to oversee the consistency of projects with the objectives of the country strategy and program.

Experts are engaged by donors to implement projects. They may either be donor government staff or skilled individuals or companies contracted to carry out the work. These agents of the donor must be familiar with the project's human rights objectives and committed to their achievement.

The following steps or stages in the birth, life and evaluation of specific projects are intended to ensure that the process for identifying, approving and implementing projects is accessible, clear, transparent and accountable to the different stakeholders.

² This Manual does not deal with the activities of the multi-lateral development banks and the donor relationship to them. Considerable work needs to be done on engaging the banks in adopting the human rights approach to development assistance. Similarly, other international financial institutions such as the IMF, and trade forums such as APEC, NAFTA and the World trade Organization need to start to address the human rights dimensions of their policies.

3.1 Project identification

3.1.1 Purpose

The purpose of this identification stage of the process is to gather sufficient information to decide whether a project proposal fits within the country strategy and program objectives, and whether it should proceed to the design and implementation stages. The first priority will of course always be to identify projects that will focus on the most disadvantaged sectors of society.

The participatory process for agreeing on country analysis, strategy and program will have identified particular rights and involved particular sections of the community; in doing so, it will have contributed to building rights-awareness and an awareness of new opportunities for assistance in realizing rights. That process should help to generate worthwhile project proposals, especially from NGOs.

3.1.2 Who proposes projects?

Proposals for projects are likely to come and should be encouraged from many sources including communities, NGOs, community-based organizations (CBOs), business organizations, government departments, professional associations, trade unions, UN treaty bodies, national human rights institutions and individuals.

Nevertheless, special steps may need to be taken to ensure that communities, regions or sectors targeted for assistance in the program are made aware of their human rights, and the possibilities of their identifying particular projects to realize these rights³. They may also require assistance to formulate and develop project proposals. Knowledge and awareness of human rights should not be a prerequisite for asking for assistance or proposing a project, and initial proposals do not have to be made in terms of rights.

3.1.3 Content of project proposals

A project proposal should identify:

- the human right in question (e.g. the right to health)
- the obstacles in the path of the realization of that right (e.g. local administration not placing priority on provision of clean water)
- the contribution the project is intended to make to overcoming these obstacles (e.g. work with local administration on obligations in relation to right to health and with community and local administration on identifying ways of delivering service).

This can also be formulated as the goal, purpose and outputs of the project. The logical frame that appears below is a rudimentary schema at the project identification stage. It represents an

³Such steps might include for example the holding of open meetings with communities, the preparation and distribution of written or other materials, street theatre, meetings with community representatives.

attempt to incorporate a human rights approach in the traditional logframe technique familiar to most donor professionals.

The In-Country Representative Team or someone delegated by this team should be closely involved in discussions with project proponents while the proposal is developed.

3.1.4 Assessing the project proposals

The In-Country Representative Team will be able to assist in the assessment of project proposals. In doing so it looks first at

- whether the proposal is consistent with the human rights focussed on in the country strategy and program
- the extent of actual or proposed participation of those involved in or affected by the project proposal
- consistency with the program budget.

Where the ICRT judges that the project proposal is consistent with the country strategy and program and with the program budget, the Team or its representative can enter into discussions with the community/sector/proponent on a participatory framework for further project development and design. Before substantial investment of time or money is committed in developing the proposal, the ICRT should answer the following questions

- will the proposed project have negative or potentially negative effects on the environment?
- will the relevant government administrative structures be willing to cooperate and if not will this affect the viability or sustainability of the proposed project?
- will the proposed project have a negative effect on whole or part of the community?

While the answers to any of these questions may not on their own determine the progress or otherwise of a project proposal, they identify factors that may be significant for the long term effectiveness of the project and the sustainability of its achievements. Ultimately, however, these factors – long-term effectiveness, sustainability and viability – will be the critical issues to consider once it is determined that a project falls within the agreed country strategy and program. Addressing these questions in the initial approvals process also helps to ensure accountability in the workings and decisions of the ICRT.

3.2 Project preparation and design

3.2.1 A new relationship.

Acceptance by the donor agency and the ICRT of the initial project proposal may mark a further development of relationships between all the participants established in the country analysis, strategy and program processes, or it may be the beginning of that relationship.

The logframe at project identification stage

| Narrative Summary | Planning Assumptions |
|--|--|
| <p>Goal (long term objective)</p> <p><u>Right to highest attainable health</u> (Article 25) access to treatment; access to immunization; safe water; waste disposal; access to trained personnel in pregnancy; child care; environmental and industrial hygiene; community participation in primary health care; education</p> | <p>A commitment at all levels of recipient government to realizing the right to health will redirect resource allocation and facilitate participation that will lead to sustained improvements in health outcomes</p> |
| <p>Purpose (the immediate objectives)</p> <p>To gain recipient government commitment to the WHO primary health care approach and to redirect health resources in line with this</p> <p>To gain commitment of local authorities to target resources to assist disadvantaged or vulnerable groups to overcome existing barriers to access to health services</p> <p>To work with disadvantaged and vulnerable groups to build awareness of their right to health</p> <p>To work with local communities and government authorities to develop sustainable supplies of potable water</p> | <p>That currently health expenditures are disproportionately directed to capital and technology intensive health provision to urban elites</p> <p>That some groups have been effectively excluded from service provision, including access to reliable supplies of potable water, partly through lack of awareness of their rights and no avenues of participation</p> |
| <p>Outputs (the physical outcomes of proposed project activities)</p> <p>Increased proportion of recipient government expenditure on primary health care</p> <p>New and rehabilitated wells</p> <p>Local community participation in determining health priorities and strategies</p> <p>Procedures for holding government accountable to community for continuing access to potable water</p> <p>Disaggregated data on infant mortality</p> | |

In either case, acceptance of that initial proposal commits the funding agency to a new level of commitment to that relationship. While this commitment does not mean the project will, or should, necessarily proceed through subsequent stages of preparation, design, implementation and evaluation, it does mean that the donor has

- accepted a responsibility to work on the further development of the project with the other participants in a fair and just way
- undertaken to base its decisions on clear criteria rooted in the principles of participation

- agreed to make its decisions open and accountable to the project proponents and stakeholders⁴.

The logframe matrix during pre-feasibility

| Objectives (Narrative summary) | Indicators | Means of Verification | Assumptions |
|---|--|--|---|
| <p>Goal (the long-term objective) <u>Right to highest attainable health</u> (Article 25) access to treatment; access to immunization; safe water; waste disposal; access to trained personnel in pregnancy; child care; environmental and industrial hygiene; community participation in primary health care; education</p> | <p>*Infant mortality rates (by sex, rural/urban division) *Population access to safe water (disaggregate urban/rural) *Infants immunized *Access to trained personnel during pregnancy *Policies to increase access to services of disadvantaged sections of community</p> | <p>DoH statistics Reports to CESC WHO UNDP Details of legislation & policy changes</p> | <p>A commitment to realizing the right to health at all levels of recipient government will: *redirect resource allocation, *facilitate participation that will lead to *sustained improvements in health outcomes</p> |
| <p>Purposes (the immediate objectives) To gain recipient government commitment to the WHO primary health care approach and to redirect health resources in line with this</p> <p>To gain commitment of local authorities to target resources to assist disadvantaged or vulnerable groups to overcome existing barriers to access to health services</p> <p>To work with disadvantaged and vulnerable groups to build awareness of their right to health</p> <p>To work with local communities and government authorities to develop sustainable supplies of potable water</p> | <p>*Adoption of WHO *Health indicators *Change in health department policies to emphasize primary health care *Resource allocations of local authorities</p> <p>*Involvement of disadvantaged sectors in sharing service delivery</p> | <p>Health Budget</p> <p>*Health statistics on numbers from disadvantaged sectors accessing services *Nature of representation to health authorities on service provision *Statistics on numbers ill due to bad water</p> | |

Most importantly the funding agency has

- accepted that adoption of the project and its rights objective may be achieved through other avenues, including diplomatic representations or use of its good offices⁵

⁴ To make decisions accountable there needs to be a system of review and the possibility of reversing the decision. It is recommended that this system of review be graded to reflect the extent of the commitment to the relationship i.e. the decision of a donor to withdraw midway through project implementation should require a more substantive review than a decision not to proceed with a project in the first place.

⁵ It may not be possible to proceed with a project because of recipient government objections or obstruction of authorities at the local level. In such cases, diplomatic representations may be of assistance in removing obstacles to the realization of

There is an inherent power imbalance between donor and recipient and the above steps can help to reassure stakeholders that their participation is genuine and respected and that the relationship is based on a mutual commitment to achieving rights outcomes.

3.2.2 Appointing contractors

The extent of any further project preparation and design depends to some extent on the scale of the proposed project. In general terms the larger or more complex the project, the more important and substantial is the preparation needed.

The donor agency after consultation with the ICRT will normally appoint contractors to work with the proposed recipients and other stakeholders on developing the design of the project in more detail. It is important that the contractors

- have experience in, and commitment to, the human rights approach and to participatory development
- demonstrate awareness and knowledge of the human rights framework and practice
- commit to respect international human rights standards (e.g. right of employees to belong to a trade union, to enjoy safe and healthy working conditions, to be fairly remunerated).

Preferred practice should also ensure that the communities and individuals working with the contractor benefit (through pay, training etc) from their contribution to this process, even where projects do not subsequently proceed.

3.2.3 Decision points

In the preparation and design of each project there will be a need to identify specific points at which decisions will have to be taken by the donor and recipient agencies following consultation with the ICRT about whether to proceed further and if so what changes might be required. These points are most likely to be located

- on completion of the project feasibility or design document
- where progress is dependent on specific steps by participants (e.g. authorities commit to the removal of discriminatory legislation blocking access to services)
- when decisions need to be taken on the approval or allocation of funds
- when the initiation of new, distinct phases of the project need approval

rights and in reinforcing consistency of commitment between the donor agency and its ministry of foreign affairs. It may be that resource or other restrictions mean that the project cannot proceed but “good office” representations to other agencies may succeed in securing needed resources and commitment - this happens at present in some cases but only in an arbitrary fashion.

- when changes in the project context occur that affect its viability.

Clear terms of reference related to the need to realize human rights outcomes should be established with the proposed recipients and contractor to provide a basis and accountability for subsequent decision-making.

It is important that in taking these decisions the donor and recipient agencies and the ICRT respect the commitment to assist participants in the realization of rights and to ensure that decisions are transparent and, under certain conditions, open to review and change.

3.2.4 Project design

The contractor, working with the participants, will produce a detailed design document that will specify in greater detail

- the most appropriate forms of development assistance for realizing the specific rights outcomes
- how the necessary changes will be achieved and by whom
- a schedule
- a budget
- the precise indicators and process for monitoring and evaluation
- the means by which continuing participation in the project will be facilitated and ensured
- the review and grievance procedures for participants.

3.2.5 Project approval

The contractor and representative(s) of the stakeholders will present the written project design document to the ICRT and representatives of the donor agency and should be available to do an oral presentation of the report if requested.

At this stage the ICRT should seek to ensure that the project objectives and process are consistent with the human rights objectives of the country strategy and program. It is the responsibility of the ICRT to suggest changes to the project design to ensure this is the case.

Participants should be able to challenge and seek independent review of the changes suggested by the ICRT.

3.3 Project implementation

Two key ingredients in project implementation, participation and evaluation are the subject of separate sections and so are not dealt in detail here.

Continuing monitoring and evaluation that involves the stakeholders are described in Section Four. That Section proposes an Independent Monitoring and Inspection Panel to arbitrate and mediate between the stakeholders in cases of disagreement or non-performance of contract.

The donor-recipient relationship should always be seen as one of contractual obligations, even if they are only of the moral kind, in which penalties occur when breaches of the contractual obligations incur penalties. These obligations would encompass

- participation of the stakeholders throughout the duration of the program or project
- adherence to the formulated human rights objectives
- respect and protection of the human rights of all the parties in the implementation of the program or project
- acceptance of human rights obligations at the local level as well as the national level
- willingness to review and redirect the program or project through a consultative process
- acceptance of a grievance procedure
- accountability of all the parties in the program or project.

3.4 The role of non-governmental and community based organizations

Where they exist NGOs and CBOs may represent community opinion and/or have particular experience and expertise in addressing the issues that will be the focus of any development program and of particular projects.

NGOs and CBOs can bring to the development process

- particular skills and a capacity for effective action in areas such as community participation and grass roots development
- the ability to operate in areas where an official development cooperation program is unable to reach for reasons of conflict, remoteness or other causes
- an emphasis on people-to-people contact often through partnerships with local organizations or development networks designed to empower the most needy sections of developing countries so they are better able to help themselves
- alternative delivery mechanisms which can be used by the government in circumstances where mainstream development activities may be curtailed
- efficient and effective poverty alleviation activities based on grass roots experience.

NGOs and CBOs should be involved both at the program and at the micro level of the development program, as recognition of their valuable place in society, as a check that the positions of government and experts incorporate the diversity of views and as a practical measure to strengthen civil society. Donor and recipient governments may need to take special measures to facilitate this participation (see below), including provision of necessary information to enable informed participation. These measures are likely to vary from country to country. The process involves

- explicit formulation of a commitment to participation in analysis and research in policy documents, MOUs and so on
- provision of information to interested parties including representatives of community groups and NGOs
- support for monitoring and evaluation by interested parties including representatives of communities and NGOs.

The issue of the representative nature and accountability of NGOs needs to be taken into consideration when planning participation in analysis, objective setting and implementation. Considerations are:

- Who represents the community affected most directly and how will their contribution be enabled?
- Are there significant individuals who have the pulse of the community (for example, village elders, religious leaders, sectoral representatives) and how can they be ensured of a voice?
- Is there a body of thematic expertise among local specialist NGOs (for example, people living with HIV/AIDS, women's groups, ethnic communities)?
- Is there a body of expertise to contribute to the analysis among expert NGOs who may not be directly representative such as national human rights groups?
- In case of differing interests among the community, how are the input of each to be included?

Prior to the commitment of resources at the country program level, communities likely to be identified as beneficiaries need to participate in identifying their needs. It may be that in effect CBOs and/or NGOs are the community representatives but the participation of elected representatives (for example where power has been decentralized) or traditional elders should also be sought.