

## SECTION FOUR

# MONITORING AND EVALUATION

Collectively, donors have a great deal of expertise in monitoring the delivery of development assistance programs and projects as well as in evaluating them against predetermined criteria – the logframe analysis partly serves the purpose of systematizing the monitoring and evaluation process. The process is designed to ensure that outcomes can be judged against measurable inputs and that accountability can be assured in the use of funds and resources. With the experience of over fifty years, the methodology for monitoring and evaluation that has evolved over time is fairly standard among development agencies, with the corresponding bureaucratic processes based on best accounting practice, standard statistical methods and recognized sociological analysis.

As we have seen in previous sections of the Manual, the setting of explicit human rights objectives will impact on the design and delivery of programs and projects. Similarly, the identification of human rights indicators is important in order to measure whether the human rights objectives are being met and these indicators need to be incorporated into the existing methodology for monitoring and evaluation. Once again, in line with the emphasis on meaningful participation, provision has to be made for the involvement of stakeholders in both.

It should be noted that while donors are usually prepared to alter programs and projects based on information that arises from the monitoring process, this is doubly important for the realization of human rights objectives. Donor agencies must be responsive to the rights situation on the ground and be prepared to change the human rights objectives accordingly. This responsiveness should not be limited simply to crisis situations but the monitoring process must highlight the progressive realization of rights – whether positive or negative – throughout the duration of the program or project.

### 1. INDICATORS

In drawing up benchmarks for the realization of human rights it is important to bear in mind that the obligations to ‘respect’, ‘protect’ and ‘fulfil’ rights will necessitate the identification of separate indicators for each. The obligation to respect a certain right might entail the drafting of new legislation, the training of service providers or reform of the bureaucracy and this can be evaluated in terms of action taken immediately. The obligation to protect might require looking at mechanisms by which state and non-state actors are regulated in relation to that right. By contrast, the obligation to fulfil will require looking at changes in budgetary allocations and at the reviewing of resource priorities. The outcome of these actions will also differ over time, requiring a longer timeframe for the evaluation process as explained below.

For effective monitoring and evaluation, the indicators for judging success have to be agreed by all the relevant parties from the very outset. This will prevent disagreements at a later stage and

ensure that only reasonable grievances will be addressed when they occur. The participatory approach also requires that the stakeholders will contribute to the identification of indicators since they are the ones affected by the outcomes in the program or project.

The indicators can be drawn from many sources, but as a minimum need to take account of

- the baseline situational analysis (see Section One) including
  - the objectives outlined in the national human rights action plan where this exists
  - reports and analyses of the national human rights institution where it exists
  - reports to the UN treaty bodies together with their General Observations
  - lessons learnt from past development assistance.
- broad indicators agreed to through the high level policy dialogue
- benchmarks identified by the ICRT
- benchmarks identified in the participatory process by the targeted beneficiaries.

### **1.1 National human rights action plans**

Section One outlined the baseline analysis of the state of human rights in a specific country to map the human rights objectives for the donor program. Any monitoring and evaluation process will need to base itself on this map and to measure progress against it. In line with the need to ensure meaningful participation, the involvement of those targeted as beneficiaries needs to be an integral part of the monitoring and evaluation process and governments have an obligation to facilitate this throughout the development process.

One of the most effective sets of benchmarks against which evaluation can be measured is the national human rights action plan B if this exists in a comprehensive and honest form<sup>1</sup>. This lists the state of play, the shortcomings in the realization of rights, and the intention of the government to meet the challenges to overcome these shortcomings.

Those countries that are parties to the International Covenants and to CEDAW, CERD, CAT and CRoC and have submitted their periodic reports will be in a position to treat these reports much as a ready-made national action plan. This is particularly the case where the respective committee has made some general observations to assist the better implementation of the articles of each of the human rights treaties. Government statements delivered at the UN Commission on Human Rights also often outline a country's intentions with respect to certain rights.

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<sup>1</sup> As is argued throughout this Manual, the formulation of a NAP should be a priority for both donor and recipient governments since it establishes human rights objectives that will lead to the setting of priorities in the resources allocated to particular programs. The NAP will also redirect resources to the most disadvantaged B a prerequisite to a human rights approach to development.

## 1.2 UN Manual on Human Rights Reporting

The UN Manual on Human Rights Reporting can also be used as a measuring tool for the realization of rights. In the words of its Preface,

*The system of periodic reporting established within the context of all major international human rights instruments is the central element in monitoring the full and effective national implementation of international human rights standards. The reports submitted to independent expert bodies are expected to provide comprehensive information on the measures taken by a government to fulfil its commitments resulting from the ratification of or accession to a particular human rights convention.*

This document is especially detailed in its treatment of the International Covenant on Economic, Social and Cultural Rights and the questions that it suggests ought to be incorporated in the report under the Covenant provide a useful set of benchmarks for development practitioners.

## 1.3 Criteria built into the policy dialogue

The policy dialogue is designed to articulate a common rights based commitment that is manifested in governments' human rights objectives for the development assistance program. The outcomes will be evaluated according to these human rights criteria. Even if the recipient government is reluctant to accept this, it should be made clear that these are the criteria that will be used by the donor in its evaluation processes. In line with the policy of moving away from negative conditionality, this approach will bear long-term results only if the donor is determined to argue for its position consistently.

The criteria will be guided by the benchmarks determined in collaboration with the stakeholders. Some questions for evaluation will include

- Has the project succeeded in advancing the right(s) singled out in the objectives?
- Have people's ability to challenge and affect in a meaningful way government decisions (at the national, provincial or local level) been enhanced as a result of the program or project?
- Have budgetary priorities been re-aligned in favour of the most disadvantaged during the course of the program or project?

## 1.4 Disaggregation

The situational analysis should contain data which is disaggregated according to criteria which will reveal an accurate human rights perspective. Thus when considering primary school attendance it is necessary to look at figures for girls, for indigenous children, for children of minority background, for urban poor children and so on separately.

This applies equally to the monitoring and evaluation process. This kind of disaggregation will demand resources and in some cases will require technical advice and training for the non-professional evaluators. Provision for this needs to be incorporated in the program design.

### **1.5 The In-Country Representative Team**

The function of the ICRT is sketched out in Section Three. This group is involved in the agreement on the country program and is a mechanism for the participation of the principal stakeholders. In the course of its consultations and during consideration of the program, the ICRT will have to be involved in examining the criteria for the success of the program which will then be built into the country strategy.

Each country program will be different depending on the state of human rights, the stage of development and the degree of cooperation between the parties. One important role for the ICRT is to ensure that monitoring and evaluation is done in a culturally appropriate manner but at the same time that it involves the voices that may not traditionally be able to be heard. In this the ICRT has a crucial role to play to ensure the credibility of the monitoring and evaluation process.

### **1.6 Donor coordination**

This Manual has noted the benefits of coordination among donors. These benefits include

- the avoidance of duplication of research for the situational analysis
- the exchange of lessons learnt
- overcoming competition among donors
- the efficient and equitable distribution of limited resources.

These considerations apply equally to monitoring and evaluation, although the specificity of each donor's program means that the potential for exchange of information is more limited. However, the establishment of indicators in a participatory process by one donor willing to pass the information on will assist other donors and save considerable resources.

There is another aspect of donor coordination which impacts directly on the participatory process. For a number of perfectly valid reasons, donors expect accountability from the recipient side, from the national level to the community level project. One reason, of course, is the requirement to be accountable to the donor government and the community that elects it. Not unreasonably the latter expects that resources are spent wisely and actually benefit those they are supposed to assist.

At the same time onerous reporting requirements can place an undue burden on targeted beneficiaries that may adversely affect their ability or efforts to realize their rights. Donors have a responsibility to reduce that burden, as much as possible consistently with the requirement of

accountability. One of the primary means of doing this is through effective coordination with other donor agencies.

In sectors or communities where there are many external inputs, a coordinated evaluation approach will reduce possibly competing demands for information and participation and may enable a clearer idea of how different inputs contribute to the overall picture.

While greater coordination may reduce the extent to which evaluations serve the distinct accountability and bureaucratic needs of individual donors, there is no doubt that it will better meet the capacities of the beneficiaries.

The type of information that should be shared is that in the country situation analysis including,

- statistical information disaggregated according to gender, ethnicity and disadvantage
- the acceptance of human rights objectives at various levels of government
- sectors and regions where participation is most readily recognized
- changes in cultural perception over time towards women and minorities
- changes over time in the awareness of human rights among specific communities
- details of changes in administrative practices that take note of human rights.

### **1.7 Decentralization**

The new allegiance to good governance and participatory development places a great deal of emphasis on decentralization. The argument is that only through a process of decentralization is power transferred to elements of civil society at a more immediate level. This meshes with a trend to devolve the provision of basic services from a centralized system to one where provinces, regions and local communities are expected to take over this function. While undoubtedly many inefficiencies are apparent in the centralized bureaucracies in many developing countries (including pervasive corrupt practices), there are a number of problems associated with the ideology of smaller government and the notion of decentralized responsibility.

When a development program provides assistance for a process of decentralization the foremost question that needs to be asked is ‘does decentralization in this case lead to the realization of rights’. Accordingly, decentralization must also be contextualized within the human rights objectives of the program.

One main difficulty arises in ensuring that local authorities in fact meet the human rights obligations placed on governments under the UDHR and the other human rights instruments. The shifting of responsibilities for the delivery of services to regional and local authorities without adequate revenue raising powers or funding from the national budget often results in a

diminution of basic services most usually affecting negatively the realization of economic, social and cultural rights (this applies equally to developing and developed countries). A rights-based monitoring and evaluation process will address this situation proactively.

Any credible set of indicators will therefore need to take into account the nature of the decentralization process supported by the country program and the degree of acceptance by the regional and local authorities of the obligations under the human rights instruments. The factors that need to be looked at include

- the exact understanding of the nature of the obligations at the regional and local government level<sup>2</sup>
- willingness by these local governments to accept a participatory process,
- acceptance of the program requirement that budgetary priority allocations will be made to the disadvantaged (women, minorities, disabled)
- acceptance of the involvement of monitoring bodies such as ICRT and IMIP
- willingness to be accountable to the central government and internationally for the realization of rights.

## 2. MONITORING OVER TIME

One difficulty in evaluating the human rights outcomes of any endeavour is that often these will only become manifest some time after the event. For example if the issue is the progressive realization of a specific economic or social right - linked as it will be with the civil and political rights to claim it B then it may not become immediately obvious whether the action has been effective until the program or project has come to an end. A long-term approach to the evaluation of success or otherwise of both program and project is required.

A characteristic example of such a situation is the experience of the Asian financial crisis where donors have had to rethink the 'graduation' of some South-East Asian countries from developing-country status to that of no longer requiring development assistance. A closer look at the human rights situation would have predicted that assistance would be needed for longer than imagined. This is a strong argument for encouraging human rights reporting to the treaty bodies. For the human rights analysis needed for the UN human rights reporting system will reveal areas needing reform or changes in resource allocations - reform and changes that can be supported through development programs.

Most donors, however, are not in a position to set up the kind of structures to carry out such longer-term monitoring and evaluation and to support these on a consistent basis over time. Yet without such a long-term view it becomes difficult to apply lessons learnt and to adjust objectives, programs or projects accordingly.

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<sup>2</sup>See Section One.

The Independent Monitoring and Inspection Panel (see below) will be in the same position since presumably its activities will be mostly concerned with current development assistance projects. There is therefore a need to structure the continuing process of evaluation through other means.

On the programmatic level this will involve

- establishing a timetable for reviewing the program outcomes on a regular basis B say yearly for five or ten years
- negotiating approval by the recipient government in the course of the initial policy dialogue.
- establishing the reviewing mechanism which will need to include
  - the ICRT
  - OHCHR
  - participants at a yearly conference organized for the purpose
- willingness to be flexible and to change the direction of the program according to new human rights objectives in changed circumstances,
- a commitment to resume the program focus in cases where the review reveals that the program or project has not delivered the outcomes expected from the objectives.

At the project level this long term monitoring and evaluation follows a similar pattern:

- a regular assessment process
- participation of the targeted beneficiaries
- a willingness to resume the project if the human rights objectives have not been achieved.

## **2.1 A note on human rights impact assessments**

This Manual does not recommend human rights impact assessments. There is, of course, an urgent need to carry out such assessments *post facto* in the context of the conditionalities imposed by the World Bank and the IMF and the regional development banks. These conditionalities have often resulted in a retreat from the protection of human rights through government repression brought about by the social instability resulting from structural reforms and through the reduction or even the denial of economic, social and cultural rights brought on by these reforms.

The Manual has not focused on the human rights consequences of the mega-development projects, sometimes funded by these same financial institutions and sometimes through private investment. These too have resulted in abuses of human rights and a lowering of human rights standards. There is beginning to be some recognition that these bodies need to be accountable for

the negative impact on human rights brought about by their activities and that mechanisms are needed to control the human rights outcomes of this type of development.

However in the context of development *assistance* it is important to concentrate on the achievement of human rights objectives on the basis that donors will ensure that their activities will never willfully be human rights-negative. As the Introduction pointed out, donors are searching for better ways to target and to deliver development assistance in a world that recognizes that poverty itself is a human rights violation. The realization of economic, social cultural, political and civil rights must underlie all development assistance programs. It is against this criterion that evaluation must be effected.

## **2.2 Capacity building**

The UN Manual on Human Rights Reporting makes it plain that one function of the reporting process is to provide an opportunity to build awareness and promote human rights among the population. Thus the involvement of various sectors of civil society will expose them to the obligations of states in relation to human rights.

An evaluation program built into the development assistance package that involves a participatory process contributes towards building human rights expertise in the population. This expertise can be tapped if and when states undertake consultations in the course of preparing reports to the UN treaty bodies.

Involvement in and exposure to professional evaluation techniques can also help develop skills for further participation in balanced human rights impact assessments. This will contribute to the future situational analysis and program design. Exposure to independent monitoring bodies can have the added benefit of laying the groundwork for increased acceptance of and familiarity with such independent organs as ombudsmen and national human rights institutions.

## **3. GRIEVANCE PROCEDURES**

### **3.1 The Independent Monitoring and Inspection Panel**

Commercial contracts contain clauses that address situations and circumstances in which the terms of the contract need to be changed or are not met by the parties to the contract. This applies equally to the type of contract that development actors engage in. In circumstances when one or more parties wishes to change the terms of the agreement of a program or project, when they are not satisfied with their implementation or when the outcomes have not met the objectives, there ought to be a mechanism that enables resolution of the disagreement. The World Bank's Independent Inspection Panel provides a model for such a mechanism.

The agreement between donor and recipient governments should include a standard provision for an independent monitoring panel for each country program. The panel would be given the power

to arbitrate where disputes or grievances cannot be resolved to the satisfaction of interested parties.<sup>3</sup>

### **3.1.1 Panel constituents**

The panel should include

- at least one recognized authority on human rights from a third country
- representatives of special interests, including women, children and ethnic and religious minorities
- an equal number of panel members appointed by the donor and the recipient country, reflecting a diversity of experience and expertise on both sides.

The selection of panel members should be guided by awareness of and expertise in the implementation of the rights objectives formulated in the country program. The appointment of the panel members should be achieved through a participatory process in which the interests of the beneficiaries are represented.

### **3.1.2 Powers of the panel**

The powers of the panel should be extensive and should include

- authority to rule on the eligibility of matters it is asked to hear
- the power to recommend changes in the overall country program and individual projects
- where necessary, the power to order compensation from the donor country or other redress from donor or recipient country.

### **3.1.3 Panel procedures**

The panel should follow strict rules of communication between all interested parties to ensure its independence and a fair hearing for all parties. This means that it will need to be in a position to

- ensure equal access for all parties, where necessary providing financial support for this purpose
- ensure an opportunity for all parties to respond to the case put by others as well as to the proposed recommendations of the panel
- make provision for the translation and circulation of materials in a form accessible to all parties

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<sup>3</sup> The Manual has argued for greater cooperation and coordination among donors. It may be that in certain circumstances donor agencies could select a panel member from their midst that would represent a common interest and approach to the realization of human rights.

- actively seek to meet with the complainant, affected people and communities and make site visits unless precluded from doing so by exceptional circumstances
- ensure that the existence and mandate of the panel be made known to all interested parties in the bilateral program including at the project level
- make advice and guidance available to complainants where it may assist them to meet the technical or other requirements of the panel
- allow third party representation that meets agreed criteria
- publish the findings of reports.<sup>4</sup>

#### Making donors accountable – The World Bank Inspection Panel

*I regard our Independent Inspection Panel as a valuable asset.* President of the World Bank, James Wolfensohn, 1995

In its 1997 assessment UK NGO Oxfam described the creation of the World Bank Inspection Panel thus: “(it) was established in September 1993 to consider claims from those suffering a ‘material adverse affect’ under Bank-funded projects because of the Bank’s own failures or omissions when applying its policies and procedures”.

Oxfam has voiced criticisms of the Panel and has made a number of recommendations for its reform. However it has acknowledged that its establishment has been a step forward in making the Bank more accountable.

In comparing the World Bank Inspection Panel with comparable mechanisms of some of the regional development banks, Oxfam noted,

“The World Bank Inspection Panel also has greater independence which increases the confidence of potential complainants in the mechanism ... Finally, given the World Bank’s pivotal role in standard setting and policy development, the Inspection Panel is justified as an additional resource available to the Board for ensuring an efficient and effective program.”

The precedent established by the World Bank has not, however, been followed by individual governments in the management of their own donor programs.

The establishment of an independent monitoring panel that clearly bases its mandate on the realization of rights and that is able to call on the expertise of the UN human rights reporting mechanisms would help to ensure transparency and accountability to all affected.

<sup>4</sup>Based on recommendations submitted by Oxfam UK in a 1997 policy paper reviewing the performance of the World Bank Inspection Panel.

### 3.1.4 Credibility of the panel

The IMIP needs to gain the confidence of all the parties to be effective. There is an argument for linking its activities with other human rights monitoring mechanisms in the recipient country. For example, where there is an independent national human rights commission or where an independent ombudsman's office exists it may be possible for this to be the host institution for deliberations of the panel and it may even have an input in its functioning.

As a last resort and if the donor or recipient government flatly refuses to accept the establishment of the IMIP, the national human rights commission or if there is none then the ombudsman's office may be the mechanism to adjudicate grievances. In such a case the onus falls on the donor to provide financial and technical support for the national institution to carry out the arbitration functions that would have been the responsibility of the IMIP.

### 3.2 Remedies

A manual such as this one cannot predict and address the various types of circumstances that will lead to grievances on the part of the recipient or donor government, elements of civil society, community groups or other parties in the context of the development assistance program or of individual projects.

Rather, the principles that will guide remedies should be spelt out in the policy dialogue and incorporated in the contract between donor and recipient governments. These principles include

- that suspension or diminution of the country program or of individual projects will only be done in consultation with the affected parties
- that the donor government will be responsible for attempting to enlist support from other donor sources in those cases where it suspends or diminishes a program or project and when this has not achieved its human rights objectives
- that the donor undertakes to compensate parties whose human rights have been negatively affected in the course and as a result of the program or project to the same extent as under the laws of the donor country
- that if agreed human rights objectives have not been achieved by the end of the program or project, the donor will consider extending or renewing the program or project until they are achieved.