

NORWEGIAN REFUGEE COUNCIL

EVALUATION REPORT

▶ ▶ FOSTERING INTEGRATED COMMUNITIES IN BURUNDI:
ADDRESSING CHALLENGES RELATING TO THE
REINTEGRATION OF BURUNDIAN REFUGEES
AND INTERNALLY DISPLACED PERSONS

INFORMATION, COUNSELLING AND LEGAL
ASSISTANCE PROGRAMME IN BURUNDI

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***Fostering integrated communities in Burundi:
Addressing challenges relating to the reintegration of
Burundian refugees and internally displaced persons***

**An evaluation of the Information, Counselling, Legal
Assistance program in Burundi**

**REPORT TO
THE NORWEGIAN REFUGEE COUNCIL**

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TABLE OF CONTENTS

ACRONYMS.....	4
i. Introduction	5
ii. NRC’s intervention.....	5
iii. Impact Assessment	5
iv. Principal findings	6
v. Principal Recommendations.....	7
I. INTRODUCTION	10
II. METHODOLOGY	10
i. Evaluation Terms and Concepts	10
ii. Information Collection	11
III. BACKGROUND	13
i. General, Political and Security Context.....	13
ii. Key Current Challenges	14
a) <i>Many Burundians without a durable solution</i>	<i>14</i>
b) <i>Continued presence of refugee populations within Burundi</i>	<i>15</i>
c) <i>Insufficient access to property and land.....</i>	<i>15</i>
d) <i>Continued human rights violations and weaknesses in the administration of justice</i>	<i>16</i>
IV. DESCRIPTION OF THE PROGRAMME	17
i. NRC Mandate	17
ii. Strategy of Intervention.....	17
iii. Objectives, Structures, Management of ICLA	18
iv. Assessment of Implementation.....	19
<i>Activity 1: Listening and Advice / Counselling Centres (CECOs).....</i>	<i>19</i>
<i>Activity 2: Training.....</i>	<i>22</i>
<i>Activity 3: Awareness Raising.....</i>	<i>23</i>
<i>Activity 4: Monitoring.....</i>	<i>24</i>
<i>Activity 5: Advocacy (Cross-Cutting)</i>	<i>26</i>
<i>Activity 6: Congolese Refugees (Cross-Cutting)</i>	<i>29</i>
<i>Activity 7: Expulsions (Cross-Cutting).....</i>	<i>29</i>
V. FINDINGS AND CONCLUSIONS	30
i. Overall Findings	30
ii. Relevance/appropriateness.....	31
iii. Effectiveness	32
iv. Efficiency.....	34
v. Coordination	34

vi. Impact	35
vii. Sustainability	35
viii. Protection/durable solutions.....	36
ix. Conclusions	37
VI. LESSONS LEARNED – RECOMMENDATIONS FOR FUTURE PROGRAMMING	37
VII. APPENDICES	40
ANNEX I: PERSONS AND ORGANISATIONS CONSULTED	40
ANNEX II: IMPACT AND QUALITY INDICATORS	42
ANNEX III: ICLA LFA for 2007	44
ANNEX IV: EVALUATION TERMS OF REFERENCE.....	47

ACRONYMS

ACCORD	African Centre for the Constructive Resolution of Disputes
ASF	<i>Avocats Sans Frontières</i> – Lawyers without borders
BINUB	<i>Bureau intégré des Nations Unies au Burundi</i> – Integrated Office of the United Nations in Burundi
CBO	Community Based Organisations
CECO	<i>Centre d'Ecoute et de Conseil</i> – Listening and Advice / Counselling Centres
CNDD-FDD	<i>Conseil National pour la défense de la démocratie - Forces pour la défense de la démocratie</i> . National Board for Defence of Democracy – Forces for Defence of Democracy.
CRP	Civil Rights Project
DRC	Democratic Republic of Congo
DSRP	<i>Documents de stratégie pour la réduction de la pauvreté</i> – Strategic Documents for Poverty Reduction
GTS	<i>Groupe Technique de Suivi</i> – Technical group of monitoring (United Nations) High Commissioner for Refugees
HCR	(United Nations) High Commissioner for Refugees
HCDH	<i>Haut-Commissariat aux droits de l'homme</i> – High Commissioner for Human Rights
ICG	International Crisis Group
ICLA	Information, Counselling and Legal Assistance Programme
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person
INCOR	Information and Counselling on Repatriation
LFA	Logical Framework Approach
M&E	Monitoring and Evaluation
Norwegian MFA	Norwegian Ministry of Foreign Affairs
NGO	Non-Governmental Organisation
NRC	Norwegian Refugee Council
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
PALIPEHUTU-FNL	<i>Parti pour la libération du peuple hutu-Forces nationales de libération</i> Party for Liberation of Hutu People - National Forces of Liberation
PARESI	Project for the Support of the Repatriation and Reintegration of War Affected Persons
PRSP	Poverty Reduction Strategy Paper
RCN	Réseau des citoyens network justice et démocratie
SIDA	Swedish International Development Cooperation Agency
TEP	Teacher emergency package
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UPRONA	Union pour le Progrès National – Union for National Progress
WFP	World Food Programme

EXECUTIVE SUMMARY

i. Introduction

The main purpose of the evaluation is to provide an independent assessment of the effectiveness, impact, relevance and sustainability of the past activities of the Information, Counselling and Legal Assistance (ICLA) programme in Burundi since 2004, in order to facilitate the elaboration of an enhanced programme lay-out. This is a mid-term evaluation, and therefore the goal is to provide the ICLA Programme Manager with useful information, analysis and recommendations, thereby enabling the NRC to engage in effective policymaking, planning, programming and implementation with respect to the continuity of the programme, identifying any core strengths, areas of weakness and recommendations for possible changes in intervention strategies.

The evaluation used a combination of strategies, including interviews, direct observation of programme activities, review of reports and programme documentation as well as workshops with programme staff. The evaluation team attended at the ICLA Burundi offices from 17th November to 30th November 2007, and conducted its assessment in four locations: Bujumbura, Bujumbura rural, Makamba and Musinga. During the field assessment, more than 50 individuals were interviewed, including programme managers, staff of the ICLA programme, collaborating international agencies, local government officials and traditional authorities, national community based organisations and beneficiaries, including recipients of training and counselling and advice services.

ii. NRC's intervention

NRC has been engaged in activities in Burundi since 1997. Its programme in Burundi serves the overall objective of the organisation to promote and protect the basic rights of returnees, IDPs and refugees and to facilitate voluntary return or reintegration as a durable solution. NRC's activities in Burundi include: Shelter (construction of shelters/houses and classrooms); Education (provision of basic education to out-of-school children and providing access to basic literacy and skills training); Camp Management (the management of several refugee camps); and Information, Counselling and Legal Assistance (ICLA), the focus of this evaluation.

iii. Impact Assessment

ICLA

ICLA is a core activity of the NRC designed to assist persons displaced due to conflict to achieve durable solutions and to fulfil their rights, and to enable them to make free and informed decisions. The programme has its historical roots in two NRC projects: 1) INCOR; Information and Counselling on Repatriation, in Norway and 2) CRP; the Civil Rights Project, in former Yugoslavia, and has been adapted to a range of country situations since that time. The programme is achieved through the provision of information and free legal assistance to remove legal and other obstacles to return or other durable solutions, coupled with advocacy and other activities designed to complement individual assistance work. The programme is designed to tackle the lack of information that refugees and IDPs regularly experience, as well as the legal obstruction, abuse, discrimination or simply lack of action by governments that hinder return or local integration.

In Burundi, a precursor to the ICLA programme (the Protection programme) was established in 2001, to ensure the dissemination of the UN Guiding Principles on Internal Displacement throughout the country. The ICLA programme started in 2004. The programme has three specific objectives:

1. To assist in peaceful conflict resolution through counselling and legal assistance and by strengthening local capacity on human rights

2. To raise awareness on the socio-economic and humanitarian situation of returnee, IDP and host populations among local and national administrative authorities, the humanitarian community, and other NRC projects, contributing to a better coordination of humanitarian and development interventions
3. To assist Congolese refugees in Burundi with available information on their home communities to allow them to decide on the most appropriate durable solution

The programme accomplishes these objectives through information, mediation, counselling and legal assistance, by strengthening local capacity on human rights and by supporting adequate and coordinated response to the protection needs of the refugee, returnee, IDP and host populations.

The ICLA programme commenced its activities in Burundi in Makamba province in 2004. Since then it has expanded its areas of intervention to Bujumbura Rural, Muyinga and Rutana provinces. ICLA's main collaborators include UN agencies (Unicef, UNHCR), governmental ministries and specialised bodies (e.g. PARESI), international nongovernmental organisations, local government officials and community based organisations. The main funders of the programme include: Norwegian MFA, SIDA and Unicef.

The programme does not appear to have a clear or fixed time-frame, though NRC's current assessment of the political situation and pattern of returns, as well as a number of obstacles that still need to be overcome, indicate that NRC could potentially withdraw from Burundi in 2010.¹

iv. Principal findings

The principal findings for the assessment of ICLA Burundi include:

Strengths

- Motivated and well qualified employees;
- An appropriate mandate well linked to beneficiaries;
- The programme gives a direct assistance to beneficiaries, in particular the listening and advice centres and the training and awareness-raising activities;
- There is a good appreciation of the work by beneficiaries, in particular of the listening and advice centres and the training and awareness-raising activities;
- There is a good appreciation of specific aspects of the programme by project counterparts and partners, in particular in relation to the work on expulsions;
- There is a reasonably good field presence which appropriately prioritises locations affected by displacement.

Weaknesses and Risks

- A main weakness in the programme is the lack of viability, ownership and consequently sustainability of the programme as a result of lack of built capacity with CBOs and other local community structures;
- Insufficient needs assessment carried out prior to the commencement of the project resulting in a lack of scalable baseline information to measure efficiently and fully the progress made in respect of the beneficiaries;²
- Insufficient internal and external indicators to measure the impact of programme activities;
- There are insufficient relations, coordination, collaboration and sharing of information with local and national authorities and other local and international actors concerned by ICLA's work;
- Institutional differences in approach and the real or perceived risk of mandate and activity overlap with certain institutions such as UNHCR could have been better managed by NRC;
- At times insufficient coordination and collaboration between ICLA and the other programmes of NRC resulting in a lack of synergy of outputs;

¹ NRC Country Strategy Burundi 2007-2008.

² It is unclear whether any needs assessment took place. Changes in staff personnel and poor record-keeping have resulted in a lack of institutional memory within NRC Burundi. If a needs assessment did indeed take place, the results of such an assessment are not available to existing programme managers and are not factored in to regular internal assessment and evaluation systems.

- At times difficulties to adapt the ICLA programme to the actual and evolving needs on the ground, in particular the monitoring project and the work of the information and advice centres;
- Insufficient outreach to beneficiaries to advise them of the services offered by ICLA, particularly in relation to the information and advice centres which reach far too few beneficiaries;
- At times insufficient follow-up and support of the work of field-based staff, in particular in respect of high-level individual case interventions of the information and advice centres;
- At times, the locations selected to hold awareness-raising sessions did not achieve optimal coverage of focal areas;
- Delays in receipt of project funding have at times had a negative impact on the planning and timing of project outputs;
- Gender policy is insufficiently integrated into the overall orientation of the programme and the project activities (personnel resources, beneficiaries, daily work);
- Reconciliation policy is not reflected in the personnel resources: lack of ethnic balance in ICLA personnel resources.

Opportunities

- There is a possibility to increase relations and collaboration between ICLA/NRC and local authorities, international agencies and organisations and local community based organisations. There is a continuing and insufficiently explored potential to create formal partnerships and other more regularised working relationships;
- There is a possibility to more directly integrate local, provincial and national authorities in project implementation;
- There are important synergies to explore between the different areas of activity of ICLA, between ICLA and other programmes of NRC and with external organisations and institutions.

v. Principal Recommendations

Based on the findings of the evaluation, the following recommendations are made in respect of the ongoing ICLA programme in Burundi.

1. Policy cohesion

NRC should develop Burundi specific policies and positions regarding all major challenges impacting target groups: e.g., land and property issues; durable solutions and villagisation in order to ensure consistent interventions between and within programmes. These policies and positions should be widely known and understood by all staff and fully incorporated into the daily work.

2. Sustainability

Empowerment and progress to self-sufficiency in the structures are essential for long term change. Future interventions should be more participatory, involving beneficiaries as well as local and international organisations and officials, as appropriate in the initial conceptualisation of the programme as well as with the implementation of programme activities. The ICLA programme has implemented all activities directly. It is recommended that from the outset, a strategy aimed at involving local actors in all aspects of the programme be in place. This may be a tiered or progressive approach to local engagement if the context so requires.

3. Coordination

Relations, coordination, collaboration and sharing of information should be enhanced with stakeholders, partners and beneficiaries. ICLA should engage deeply in discussion and coordination with other organisations. Coordination and collaboration should be understood as a cross-cutting objective, not solely as a means to achieving other objectives. ICLA should enhance coordination and collaboration with other programmes of NRC.

4. Mainstreaming gender

The NRC has produced a gender strategy which is in force. It would be desirable for NRC to develop practical guidelines for its country missions on how to implement the strategy, complemented where necessary, by staff training, the provision of expert advice to programmes on what changes should be made and how, given the current context. As has been indicated, gender sensitivity has not been specifically targeted or integrated into the strategies and activities of ICLA. The programme had a high level of interaction with target groups affected by gender based violence and, as identified in the assessment, their concerns and perspectives were not specifically considered in programme design or implementation, nor were staff especially trained to service their particular need. Thus, gender sensitivity should be regarded as a cross-cutting issue for future programmes, particularly in areas relating to integration and reconciliation, and should be incorporated into the overall orientation of the programme and the project activities (personnel resources, beneficiaries, daily work).

5. Recruitment policy

According to the realities of the Burundi social situation and the policy of reconciliation promoted within the country, NRC recruitment policies should, in addition to professional competency, take into account ethnic balance as part of its recruitment policy, as well as gender.

6. Improving programme delivery

There are a number of areas in which ICLA Burundi's work could be enhanced, as is explained throughout the Report. The evaluation team draws particular attention to the following specific areas:

➤ Poor Beneficiary attendance rates at CECOs

It is recommended that the Programme Manager take immediate steps to improve the attendance rates at centres, and that for future programmes, NRC include an outreach strategy to accompany all activities with beneficiaries to maximise impact. This should include:

- a) Consultations with beneficiary target groups in the most affected centres to obtain their views on the accessibility of the centres.
- b) Take steps to publicize the CECO's by affixing visible signs in community areas to advice of the services provided by the CECO's, the opening hours and days of operation.
- c) Ensure that staff is present on the opening hours and days of operation to ensure continuity.
- d) Consider earlier opening hours to meet beneficiary needs.³
- e) Provide regular information to local grassroots groups and other civil society agencies on the activities of the CECOs to maximise referrals and collaboration.

In addition, the evaluation team believes that further mobility of CECOs could potentially enhance access to beneficiary groups in more remote locations. The Programme Manager's idea to introduce mobile CECO activities at the end of sensitisation meetings appears appropriate and perhaps could be introduced as a test model in one of the CECO sites in Makamba with the most consistently poor attendance rates.

➤ Maximising the utility of monitoring reports

Survey samples should be aligned with the needs and purposes of the survey and efficiency considerations such as statistical sampling should be incorporated into monitoring work, in order to speed up report completion. A more rigorous approach to deadlines should be taken. In addition, the use of other monitoring techniques such as focus groups should be encouraged, particularly with those groups whose voices have traditionally been silenced: women, children, the elderly, as well as minority ethnic groups.

³ Part of the reason for the late opening hours is the security restrictions which impede travel before a certain hour. Whilst the evaluators are not suggesting that security protocols be overlooked, it is suggested that security protocols should continually be revised in light of the changing security situation, and in some areas of the country, an earlier travel time may be feasible.

7. Evaluating impact

The existing monitoring systems for ICLA do not provide for qualitative statements about achieved changes or outcomes, nor are the quantitative indicators developed in the context of the desired changes or outcomes. This is particularly important for advocacy or human rights focused programmes in which one is often seeking to effectuate changes to policies and behaviours. Without such a framework, it becomes exceedingly difficult to appraise sustainability and results.

When the change primarily happens at an individual or community level, where delivered resources turn into activities and service is provided to the target groups (or beneficiaries) a future outcome-monitoring should orientate towards these changes. To gain more reliable information about the outcome of activities, future programmes should focus on the beneficiaries as additional information providers and take care to integrate them into internal outcome-monitoring processes. Community participation can be arranged through jointly elaborated questionnaires, result workshops and small scale evaluations on the spot.

As a first step for future activities, NRC should revise existing M&E structures and develop strategies for outcome-focused monitoring activities. Initial needs assessments should contain scalable baseline information from which to evaluate progress.

I. INTRODUCTION

NRC runs a number of programmes in Burundi. The ICLA programme is delivered by NRC with the overall objective of facilitating voluntary return or reintegration as a durable solution. The current political and social context in Burundi requires that ICLA and other programmes of NRC are planned, implemented and monitored in a manner that tackles the multiple challenges facing returnees, refugees, IDPs, the expelled and host communities and contributes to long-term solutions for such target groups.

The purpose of the evaluation, as defined in the terms of reference is to analyse the effectiveness, impact, relevance and sustainability of the past activities of the ICLA programme since 2004, as related to NRC's intervention in Burundi as a whole. Furthermore, the evaluation maps out areas in which ICLA has been most effective as well as any areas of concern or in need of modification, and appraises the effectiveness of programming options made to date.

Based on the findings of the assessment, recommendations are made to inform NRC in respect of policy options for the continuation and/or modification of ICLA activities in Burundi, and input is provided on implementation strategies and options for internal systems of monitoring and evaluation.

II. METHODOLOGY

In developing its methodology, the evaluation team took as its starting point the Terms of Reference provided by the NRC which outlines the methodology to be followed for the evaluation. In addition, the evaluation team took into account the NRC's published evaluation policy,⁴ other related experience of the team as well as additional NRC policy documents relevant to the evaluation.⁵

In all respects, the evaluation team was guided by the following principles:

- Openness and transparency – The evaluation team made clear to all interviewees the purpose of the interviews and how information received would be used.
- Publicity/public access – The evaluation team made clear to NRC management in Burundi and programme staff its preliminary findings and incorporated comments and revisions as appropriate. Interviews with beneficiaries and counterpart organisations and institutions were conducted without the presence of NRC staff in order to encourage the interviewees to speak freely.
- Broad participation – The evaluation team sought to interview as wide as possible a range of relevant stakeholders and beneficiaries, in addition to NRC management and programme staff.
- Reliability and independence – The evaluation team made every effort to verify information collected and conclusions arrived at and sought to confirm its findings with a variety of sources.

i. Evaluation Terms and Concepts

The evaluation team employed the following terms and concepts relevant to the evaluation, all of which are further explained in the Terms of Reference:

- a) Relevance/appropriateness
- b) Effectiveness

⁴ Norwegian Refugee Council. Evaluation Policy: Learning from Experience, available on the NRC website: http://www.nrc.no/arch_img/9154436.pdf.

⁵ For example, NRC Policy Paper (http://www.nrc.no/arch_img/9154478.pdf); ICLA Handbook; NRC Country Strategy Burundi 2007-2008; ICLA Core Activity Policy Document; NRC Gender Policy.

- c) Efficiency
- d) Coordination
- e) Impact
- f) Sustainability
- g) Protection/durable solutions

ii. Information Collection

The evaluation methodology was comprised of the following components:

1) Desk research:

The evaluation team studied relevant internal NRC material, including policy documents relevant to NRC in general and the ICLA programme in particular, the NRC country strategy for Burundi, status reports, public materials and reports, action plans and other planning materials, organigrams, staff responsibilities, financial documentation, external funding applications and reports and other documentation of ICLA Burundi. In addition, the evaluation team reviewed materials external to ICLA such as UNHCR statistical data, policy and thematic reports of international organisations, humanitarian situation reports, programme documents and news reports.

2) Field mission:

The evaluation team attended in-country from 17th November to 30th November 2007. Preliminary meetings were held with NRC management and key programme staff in the Bujumbura country office. The purpose of such meetings was to gain an understanding of the issues around achieving the objectives of the ICLA programme from the perspective of the employees, to understand better the internal management structures in place to ensure transparency, professionalism and the timely, efficient and effective meeting of programme outputs, to assess monitoring and evaluation structures in order to analyse progress in meeting objectives and the strength, flexibility and capacity of the programme to evolve to meet new challenges. Additional interviews were conducted in Bujumbura with UN agencies (UNHCR, UNICEF, and OHCHR), international nongovernmental organisations (ASF and RCN) and national government (*Commission nationale des terres et autres biens*, the Project for the Support of the Repatriation and Reintegration of War Affected Persons (PARESI)). These meetings, as well as those with counterparts at the regional level were aimed at gaining an understanding of the level of cooperation and collaboration between ICLA and such bodies and to assess whether greater synergies between different institutional interventions could be developed, the extent to which they perceive the different components of the ICLA programme to be useful and to meet clear and pressing needs, and/or whether there is unnecessary duplication or other inefficiencies and if so, to identify the ways in which the same could be avoided in future. Additionally, the evaluation team sought out particularly the views of project counterparts on questions of sustainability and durability.

The evaluation team sought to visit the principal areas of ICLA intervention throughout the country. The wide geographical area to be covered in the assessment made it necessary to choose a sample of locations to visit. Together with ICLA management staff, field locations were selected on the basis of the scale, importance and range of ICLA programme activity and beneficiary groups were identified for interviews and observation. The evaluation team was in Bujumbura Rural on 20th November during which it observed a training session at Rukarama zone and monitoring activities in Gatumba zone and met with certain beneficiaries. It attended at Makamba from 21st – 23rd November where it met with a range of ICLA staff, observed ICLA activities including the work of information and advice centres and monitoring activities, met with counterpart organisations (UNHCR, Ligue ITEKA, Search for Common Ground) and government officials (*Commission nationale des terres et autres biens*, PARESI, local administrators including the head of the zone of Kabonga, Nyanza Lac). It attended at Muyinga from 26th – 28th November during which it met with ICLA staff and the NRC Camp Manager for Gasorwe and Musasa, government officials including

PARESI, the principal provincial advisor for Muyinga. In addition it met with representatives from the *Association des Femmes Juristes* and the Burundi Red Cross.

3) Observation of Programme Activities and Interviews with beneficiaries

Through the evaluation mission, the evaluation team sought to observe project activities and to meet with direct beneficiaries. It observed training sessions in Bujumbura Rural (Rukarama) and met with a beneficiary of a previous training session in Gatumba. It observed monitoring activities in Bujumbura Rural (Gatumba zone); Makamba (Nyanza Lac) and Muyinga (Burimajoro, Giteranyi) during which it examined how interviews were conducted, had sight of questionnaires used and interviewed the monitors. Additionally, it visited several information and advice centres in Rutana (Giharo Commune, Zone Muzye), Makamba (Commune Kayogoro; Zone Kabongo, Commune Nyanza Lac) and Muyinga (Kinazi camp; Murama colline, Rugari Zone, Mihigo and Mugano). During the information and advice centre visits, the evaluation team observed mediation and counselling sessions, spoke with beneficiaries and with the ICLA staff members. In addition, the evaluation team attended at Kinazi camp of expelled persons and Gasorwe refugee camp. The evaluation sought to observe an awareness-raising session in Muyinga but on the date in question, the local population did not show up to the designated location.

In the observation of project outputs and discussions with direct beneficiaries, the evaluation team sought to assess the extent to which the activities were relevant to the needs of beneficiaries, whether the beneficiaries were satisfied with the services rendered and the comportment of ICLA staff and whether the issues addressed by the activities were of significant concern to beneficiaries. The evaluation team also sought to discern whether there were any real or perceived difficulties for beneficiaries to access the services (whether the services were easy to find, in locations convenient to beneficiaries and with useful and clear hours of operation), whether the recipients of the service were those targeted by ICLA for assistance (e.g., whether the persons who benefited from the service were amongst those especially targeted and prioritised by NRC as part of its mission goals in the country), and most appropriately targeted for same (whether the targeted groups were the groups in most need in the local context). In addition, the evaluation team sought to discern, where possible, whether the outputs contributed to long term positive changes for the beneficiaries in the manner envisioned by the programme objectives, and/or whether there were other strategies which could be employed to achieve the desired objectives in a more efficient or effective manner.

4) Group interview and feedback sessions

In addition to the evaluation methodologies listed above, the evaluation team sought to meet with a wide range of ICLA staff individually and collectively. Collective interview and feedback sessions were held in Makamba and Muyinga field offices. These sessions were held in Muyinga with the National Programme Manager, the Assistant local Programme Coordinator, trainers and monitors and in Makamba with the local Programme Coordinator, the trainers and monitors. They provided a useful forum to exchange ideas, and to discuss some of the preliminary findings of the evaluation team. In addition, a final feedback session was held in Bujumbura at the end of the field mission. This session was attended by the Chief of Mission, the ICLA Programme Manager, the Protection and Advocacy Advisor and ICLA senior programme staff. This session provided a further opportunity for the evaluation team to explain its preliminary findings and for any clarification and discussion.

The evaluation team would like to thank the NRC Mission in Burundi, the ICLA programme staff in Bujumbura and in field offices, and others who collaborated in the evaluation for their support and patience over the course of our mission. We hope our findings will be useful in the furtherance of the aims of the programme.

III. BACKGROUND

i. General, Political and Security Context

Burundi is a constitutional republic with an elected government and a population of approximately 8.4 million inhabitants. The country is split into 17 provinces. There are two main ethnic groups, the Hutus (85%) the Tutsis (14%), alongside the Twa (1%). Burundi is poor and densely populated, with over 90% of the population dependant on subsistence agriculture. Coffee and tea are the main exports.

The country has been mired by conflict since gaining independence in 1962. The ongoing violence has caused severe economic disruption and dislocation. It was exacerbated by instability and other conflicts in the sub-region and also had consequences for other countries in the sub-region, notably in the areas of security and human rights.

In the last decade alone around 150,000 civilians were killed and 1.5 million more up-rooted. About 348,483 Burundians are recognised as refugees, most of them living in Tanzania, including several hundred thousand who fled as part of the mass exodus in 1972 caused by the eruption of civil war leaving more than 100,000 dead.⁶ There are a further 100,000 internally displaced persons.⁷ Burundi also currently hosts 30,645 refugees, mostly from the Democratic Republic of the Congo (DRC).⁸

Burundi's first democratically elected president Melchior Ndadaye was assassinated in October 1993, triggering widespread ethnic violence between the Tutsi-dominated army and Hutu rebel movements and the virtual paralysis of national institutions. More than 200,000 Burundians died during the ensuing conflict that spanned more than a decade and hundreds of thousands of Burundians were internally displaced or became refugees in neighbouring countries.

By 1995 political power had reverted to the army, UPRONA, and paramilitary militias. President Ntibantunganya was overthrown in a military coup in July 1996. Massive displacement continued, with many forcibly displaced into camps by the government in the second half of the 1990s. The number of IDPs peaked in 1999, with over 800,000 displaced, 12% of the population. In June 1998, President Buyoya promulgated a transitional constitution and announced a partnership between the government and the opposition-led National Assembly. The Arusha Peace and Reconciliation Agreement was signed in 2000 paving the way for a new beginning. The Accords made provisions for a transitional government from 2001 to 2005 aiming to secure a gradual change from a mono-ethnic government and public sector to more balanced representation. However, certain armed factions refused to accept the Accords or were not involved in the Accords and the armed rebellion continued.

In November 2001, a 3-year transitional government was established under the leadership of Pierre Buyoya as transitional president and Domitien Ndayizeye as transitional vice president for an initial period of 18 months. Fighting again broke out in January of 2003 between the Hutu rebels and the Government. The fighting abated, and in April of 2003 Domitien Ndayizeye became the new president, succeeding Pierre Buyoya.

By mid-July 2003, most of Burundi was ensconced in sporadic fighting, looting and armed banditry. A new peace accord- The Global Ceasefire Agreement with CNDD-FDD - was brokered in Dar es Salaam on 16 November 2003. This paved the way for a transition process that led to an integrated defence force, established a new constitution in 2005, and elected a majority Hutu government in 2005 with Pierre Nkurunziza, a member of the CNDD-FDD as President.

The new government signed a South African brokered ceasefire agreement with the country's last rebel group PALIPEHUTU-FNL on 7 September 2006. Although the security situation is calm in most of the

⁶ UNHCR statistics, September 2007.

⁷ OCHA, Consolidated Appeal for Burundi, 2007.

⁸ Ibid.

country, fighting continues in Bujumbura Rural and Bubanza Provinces, the traditional strongholds of the PALIPEHUTU-FNL.⁹

Further progress is noted with the adoption of the Poverty Reduction Strategy Paper¹⁰ and the selection of Burundi along with Sierra Leone, by the United Nations Peace Building Commission, as primary focus of its work.¹¹ In addition, on 2 November 2007, the Government signed a framework agreement on the establishment of a Tripartite Steering Committee for National Consultations on Transitional Justice Mechanisms in Burundi,¹² further paving a way for reconciliation and the consolidation of peace.

ii. Key Current Challenges

The evaluation team sought to gain an understanding of the key current challenges facing Burundi and NRC's key beneficiaries in order to better understand whether ICLA is relevant in addressing the main challenges within its sphere of activity, both in content and the manner of programme delivery.

The key interconnected challenges as they relate to NRC's sphere of activity can be understood as follows:

a) *Many Burundians without a durable solution*

The evaluation team understands the term "durable solution" in respect of refugees as it is understood by UNHCR: "Three durable solutions—voluntary repatriation, local integration in the country of first asylum or resettlement in a third country—are the options available for the permanent resolution of the 'refugee cycle'. All three are regarded as durable because they promise an end to refugees' suffering and their need for international protection and dependence on humanitarian assistance."¹³ In respect of IDPs, a durable solution would imply that vulnerability as a specific result of displacement has ended, and would be based on three elements, long-term safety and security, non discrimination and equal access to services and rights, and reintegration.¹⁴

The different conflicts that have affected Burundi created a high number of internal and external displaced persons. Despite progress with peace, many internally and externally displaced persons remain without a durable solution primarily as a result of the land crisis, described below. The Tripartite Commission for the Voluntary Repatriation of Burundian Refugees (Government of Burundi, Government of Tanzania and United Nations High Commissioner for Refugees (UNHCR)) decided to shift from facilitation of repatriation to promotion on 20 June 2006 in response to the stabilised situation in Burundi. However, as indicated by the latest Consolidated Appeal Process, important challenges remain, including the need to mitigate the negative side-effects of the possible return of approximately 100,000 IDPs and more than 390,000 refugees¹⁵.

While most provinces have enjoyed relative security, the number of IDPs and refugees returning to their homes has remained low. This may be explained by harsh economic and agricultural conditions, lack of sufficient social infrastructure, lack of means to rebuild houses and lack of sufficient trust among communities.¹⁶ The main challenges, as has been identified by the PRSP will be:

⁹ Second report of the Secretary-General on the United Nations Integrated Office in Burundi (S/2007/682), 23 November 2007.

¹⁰ Republic of Burundi, Poverty Reduction Strategy Paper, September 2006.

¹¹ Strategic Framework for Peacebuilding in Burundi, PBC/1/BDI/4, annex, of 22 June 2007

¹² Second report of the Secretary-General on the United Nations Integrated Office in Burundi (S/2007/682), 23 November 2007

¹³ UNHCR. The State of the World's Refugees 2006: Human displacement in the new millennium.

¹⁴ Brookings Institution – University of Bern Project on Internal Displacement, entitled: When Displacement Ends: A Framework for Durable Solutions, June 2007. [available online at:

http://www.brookings.edu/~media/Files/rc/reports/2007/09displacementends/2007_durablesolutions.pdf].

¹⁵ IDMC. Burundi: long-term IDPs still wait for durable solutions despite improved security , 23 February 2007 .

¹⁶ Ibid.

“to develop peaceful conflict resolution capacities at the community level, promote social mechanisms of mutual aid, and develop the habit of community management of social infrastructure and micro projects with an eye to securing a sustainable reconciliation. The response to the problems of victims must place an emphasis on their socioeconomic reintegration and ensure full respect for human rights. It should also be rooted in a strategic approach of providing assistance to vulnerable persons, thus enabling them to strive for self-sufficiency and truly participate in the socio-economic development process. Successful implementation of this strategy will necessarily entail the implementation of additional programs designed to: (i) welcome victims in their communities; (ii) support reintegration; (iii) upgrade the productive capacities of victims; (iv) improve the coordination of interventions targeting victims; (v) strengthen the capacity to treat psychological trauma; and (vi) assist the disabled.”¹⁷

In addition, the Tanzanian Government has forcibly expelled Burundians without refugee status, leading to extreme vulnerability for those affected. According to BINUB statistics, as at 16 November 2007, 8,902 Burundians had been expelled from Tanzania in 2007 alone.

The majority of Burundian refugees expected to return, will return to the Eastern and Central provinces. In areas of significant population displacement, such as parts of Muyinga, Makamba and Rutana provinces, significant reintegration challenges have been noted, largely as a result of the dearth of property and land, difficulties encountered in securing identity and other civil documents and conflicts between returnees and the remaining population.¹⁸

b) Continued presence of refugee populations within Burundi

Burundi is also host to refugee populations, with current estimates placed at 30,645,¹⁹ the great majority of these from Democratic Republic of Congo. Burundi hosts three refugee camps sheltering over 12,000 refugees, and in addition, 6,254 refugees are living in Musasa Transit centre and the others are scattered in urban areas.²⁰

The number of Rwandan asylum seekers peaked around April 2005 at approximately 20,000 in three sites in Ngozi and Kirundo provinces. The majority of asylum seekers have been repatriated to Rwanda.²¹

c) Insufficient access to property and land

Burundi is one of Africa's most densely populated countries with about 90% of the population depending directly on agriculture for survival. Access to land is becoming increasingly limited due to demographic pressure. This has led to over-exploitation and food insecurity. Land scarcity also impacts on landless groups and families, particularly the Batwa. Existing land scarcity is further exacerbated by the return of refugees and displaced persons. Some of the refugees who left the country in 1972 had their properties reallocated by successive regimes, either to new families or as part of expropriations. They are now beginning to return. However the 1986 Land Act grants legal title to whomever occupies land for at least 30 years, if no claims are made within two to three years of this period - regardless of how the land was obtained.²² Those refugees from 1993 are also having difficulty accessing their property which was often occupied during their absence, expropriated or re-sold to bona fide third parties.²³ Not only does the land problem have the

¹⁷ PRSP, paras. 440, 441.

¹⁸ Amnesty International. *Refugee Rights at Risk: Human Rights Abuses in Returns to and from Burundi*, AI Index: AFR 16/006/2005.

¹⁹ UNHCR, Burundi Fact Sheet, September 2007.

²⁰ Ibid.

²¹ Amnesty International voiced its concerns that the asylum seekers had been brought back. See, Amnesty International. *Refugee Rights at Risk: Human Rights Abuses in Returns to and from Burundi*, AI Index: AFR 16/006/2005.

²² Global Rights. *The Long Road Home: Burundi's Land Crisis*, 2005.

²³ ICG Report 2003.

potential to stall return efforts, it may intensify socio-economic problems and has the capacity to intensify tensions and breed conflicts, particularly in rural areas.²⁴

Disputes over land and property are commonplace throughout the country. The traditional Bashingantahe local elders play a critical role in resolving disputes through mediation, though some question their impartiality as a result of fees or other 'offerings' the complainants are expected to pay. Local government officials are also regularly called upon by the population in land disputes,²⁵ and a number of NGOs, including ACCORD, *Association des Femmes Juristes* as well as the ICLA programme of NRC are involved in local mediation efforts.

In addition to the mediation efforts described above, the Government established the Commission on Lands and Other Assets in 2006. The Commission is mandated to hear disputes related to lands and other assets between victims and third parties or public or private agencies. It is also charged with identifying and recovering state lands that have been improperly allocated, hearing all cases submitted to it by victims who seek to recover their property, providing technical and material assistance to help victims exercise their property rights, assigning new lands to victims who have none, and studying the possibilities and methods of compensation for victims who have not recovered their lands and other assets. The Commission is only recently functional and its capacity to respond effectively to the challenges posed remains unclear.

Some complainants will approach the courts when there is a failure to resolve the dispute through mediation. Approximately 80% of the contentious cases in the judicial system involve conflicts over land, though proceedings are lengthy, expensive to pursue and often un-enforced.²⁶

Given the lack of alternate solutions, many IDP sites have grown into 'village' settlements. Many question the sustainability of such settlements, given the lack of proximate cultivation land and absence of other employment opportunities and the unclear or at times contested ownership of the sites. The Government, in its recent Poverty Reduction Strategy Paper has noted, however, amongst the series of strategies it intends to reduce the risk of land-related disputes, that:

"This policy of villagization is also conducive to the gradual transformation from a subsistence economy to a market economy, with the objective of diversifying income sources and thereby reducing the structural causes of income poverty. This vision also lends itself to the development of cooperatives that supply labor, products, and services at the sites of the new villages. The government is aware of the stakes and challenges associated with the villagization policy. Accordingly, it intends to engage in serious discussions with the participation of the primary stakeholders in order to work out together the best strategy for true integration of communities and achieve peaceful cohabitation among Burundians."²⁷

d) Continued human rights violations and weaknesses in the administration of justice

The culture of violence and impunity acquired during years of conflict is deeply established. Human rights bodies and organisations have consistently raised concerns about extra-judicial killings, torture and sexual violence. Sexual violence against women and children remains an issue of particular concern,²⁸ with more than 300 cases of rape of women and minors in all provinces of Burundi reported during the first five months of 2007.²⁹ The UN independent expert on the situation of human rights in Burundi has repeatedly called upon

²⁴ See generally, Amnesty International. *Refugee Rights at Risk: Human Rights Abuses in Returns to and from Burundi*, AI Index: AFR 16/006/2005.

²⁵ Global Rights. *The Long Road Home: Burundi's Land Crisis*, 2005. See also, Amnesty International. *Refugee Rights at Risk: Human Rights Abuses in Returns to and from Burundi*, AI Index: AFR 16/006/2005.

²⁶ Global Rights, *ibid*.

²⁷ PRSP, at paras. 446, 447.

²⁸ Second report of the Secretary-General on the United Nations Integrated Office in Burundi (S/2007/682), 23 November 2007

²⁹ Report of the independent expert on the situation of human rights in Burundi, Akich Okola 8 August 2007, A/62/213.

the Government to address the impunity of human rights violators;³⁰ and justice reform, promotion of human rights and action to combat impunity have been identified as priorities by the Peace-building Commission.³¹

IV. DESCRIPTION OF THE PROGRAMME

i. NRC Mandate

The objects clause of the NRC is specified as follows:

“The NRC shall promote and protect the rights of all people who have been forced to flee their countries, or their homes within their countries, regardless of their race, religion, nationality or political convictions. This will be achieved by acting as an independent and courageous spokesman for refugee rights nationally and internationally, by providing humanitarian assistance in emergency situations, and by strengthening the capacity of the UN organizations to offer and coordinate international aid and protection. The NRC shall in all ways seek to provide viable, durable solutions with regard to both its spokesman activities and its emergency relief efforts.”

This clause makes clear the beneficiaries of NRC assistance (all people who have been forced to flee their countries, or their homes within their countries, regardless of their race, religion, nationality or political convictions) and outlines the orientation of programme interventions.

NRC’s intervention policy in Burundi is clarified in the NRC Country Strategy 2007-08 which explains that its overall objective in Burundi is to promote and protect the basic rights of returnees, IDPs and refugees and to facilitate voluntary return or reintegration as a durable solution, by focusing on the most recent and the most vulnerable returnees and IDPs.

Cross-cutting issues are identified as:

- To promote an active participatory approach in all NRC activities
- To promote a gender sensitive policy throughout all NRC activities
- To strengthen a Capacity Building approach in all NRC activities
- To strengthen HIV/AIDS awareness through all NRC activities
- To contribute to the emergency response capacity in close collaboration with the humanitarian coordination mechanism through advocacy and assistance activities with NRC resources (in personnel, in kind and financing) when possible and/or with extra resources when available
- To contribute to the peace and reconciliation process in Burundi through NRC’s approach and programmes

ii. Strategy of Intervention

NRC has engaged in Burundi since 1997. Under the 2007-08 strategy which has a three year perspective and is revised annually, the organisation has collaborated with local authorities (both centrally and in the provinces), UN agencies, especially UNHCR, OCHA (IDPs, emergency coordination), WFP (food distribution in the camp, school feeding), UNICEF (Education) and local organizations.

An appropriate change of approach has occurred within the period. The country strategy indicates a gradual shift in target groups from almost exclusively IDPs to now include returnees as well as refugees. In addition,

³⁰ Interim report of the independent expert on the situation of human rights in Burundi, Akich Okola, A/HRC/4/5, 26 February 2007.

³¹ Strategic Framework for Peacebuilding in Burundi, PBC/1/BDI/4, annex, of 22 June 2007.

the strategy notes that whilst focusing on NRC target groups, beneficiaries will also include the host population on the basis of vulnerability criteria with a view to ensure equity and to support the reconciliation process.

The strategy recognises *inter alia*, the particular vulnerability of displaced persons and refugees. The related programme goal is to advocate in favour of refugee and IDP rights, particularly regarding access to land, to reinforce the legal system and reconciliation structures, to increase social and physical protection of returnees and displaced people, through contribution in house and school construction and rehabilitation, and access to basic education. A further need is identified to monitor urban displacements as well as the expulsions from Tanzania, for advocacy and response to the specific needs that arise.

The strategy refers to the intention to emphasise a more integrated and Protection-oriented approach and response in order to increase NRC's understanding of returnee and IDP protection needs and to maximise the expected impacts in intervention areas. Further, it mentions that programmes include returnees, refugees and IDPs themselves in a participatory approach supporting their empowerment.

iii. Objectives, Structures, Management of ICLA

The ICLA Programme is an NRC core activity developed by the organisation in the context of other country situations. The programme has its historical roots in two projects: 1) INCOR; Information and Counselling on Repatriation, in Norway and 2) CRP; the Civil Rights Project, in former Yugoslavia, and has been adapted to a range of country situations since that time. At present, ICLA programmes are in operation in almost all of NRC country missions.

In Burundi, a precursor to the ICLA programme (the Protection programme) was established in 2001, to ensure the dissemination of the UN Guiding Principles on Internal Displacement throughout the country. The ICLA programme commenced in August 2004, following an in-situ review of the situation conducted by the ICLA Advisor in collaboration with NRC staff, in which various stakeholders were consulted, including representatives from UNHCR, international organisations and several IDPs and returnees.

The ICLA programme commenced in Burundi in August 2004. Initial plans of actions were prepared and advice and existing protocols/questionnaires were received from the already operational ICLA programme in Goma, Democratic Republic of Congo, and adapted to local context. Further monitoring forms were received from UNHCR and extended to cover IDPs. The initial activities consisted of monitoring and information, counselling and advice, and got underway in Makamba (Kayogoro and Nyanza Lac), chosen due to the high level of IDPs and returnees to these locales. From the outset, ICLA personnel sought to consult with counterpart organisations to share information and maximise synergies.

In 2005 the ICLA project was extended to Bujumbura Rural and Musinga and in 2006, activities were further extended to Rutana province. By the end of 2007, there were activities in Makamba, Rutana, Musinga, Bujumbura Rural, Cankuzo and Ruyigi, and the range of activities equally comprised information and advice centres, monitoring, training and awareness-raising and advocacy work.

There are currently approximately 50 staff persons within the ICLA programme, the majority are trainers and monitors, with a tiered management structure (both activity- and location- based), and an overall ICLA Burundi Programme Manager. The Chief of Mission ensures direct oversight with additional support structures in Oslo (ICLA Advisor) and in-country (Protection & Advocacy Advisor).

The overall objective of the programme is facilitating voluntary return or reintegration as a durable solution. This is further developed in the NRC country strategy as follows:

To facilitate voluntary return or reintegration as a durable solution through information, mediation, counselling and legal assistance, by strengthening local capacity on human rights and by supporting adequate and coordinated response to the protection needs of the refugee, returnee, IDP and host populations.

Main objective:

- To facilitate a voluntary and durable return and/or resettlement of refugees, returnees and IDPs
- To strengthen awareness on refugee, returnee and IDP rights at local and national levels
- To contribute to the physical and social protection of returnees, IDPs, and refugees
- To contribute to a better understanding of the humanitarian situation in Burundi leading to an improved coordination of humanitarian and development interventions
- To support formal and informal justice mechanisms in Burundi

Additional objectives are listed as:

- To assist in peaceful conflict resolution through counselling and legal assistance and by strengthening local capacity on human rights
- To raise awareness on the socio-economic and humanitarian situation of returnee, IDP and host populations among local and national administrative authorities, the humanitarian community, and other NRC projects, contributing to a better coordination of humanitarian and development interventions
- To assist Congolese refugees in Burundi with available information on their home communities to allow them to decide on the most appropriate durable solution³²

The broad objectives of NRC remained generally constant throughout the period 2004-2007 though the gradual shift in target groups (to include returnees and refugees) and inclusion of the host population as beneficiaries resulted in broader ICLA programme objectives and activity emphases. This is in part mirrored by certain changes in the context of displacement in Burundi and particular challenges facing potential beneficiaries and is evidenced in all ICLA intervention areas.

iv. Assessment of Implementation

Activity 1: Listening and Advice / Counselling Centres (CECOs)

By the end of 2007, 21 centres were operational throughout the country. These were located in Makamba (4 for Nyanza-Lac, 4 for Kayogoro communes), 4 in Rutana (Giharo), 5 in Muyinga (3 in Giteranyi, 1 in Muyinga, 1 in Gasorwe) and 4 in Bujumbura Rural (2 in Mutimbuzi, 1 in Kabezi, 1 in Magara). In addition, CECOs were established in transit sites for persons expelled from Tanzania.

The CECOs were established gradually; the first were set up in Makamba (Kayogoro and Nyanza Lac) in 2004. Twelve counselling centres were operational by the end of 2005 (7 in Makamba, 3 in Muyinga and 2 in Bujumbura), and 16 by end 2006 (2 in Bujumbura Rural, 3 in Muyinga, 3 in Rutana, 8 in Makamba). The timing of establishment of locations of the CECOs coincided well with the external context in Burundi. The decision to commence activities in Makamba was appropriate given that at the time of the establishment of the programme, Makamba province had the largest population of IDPs with the communes of Kayogoro and Nyanza Lac most affected,³³ with more than 75% of IDPs expressing a willingness to return to their communes of origin at some future point.³⁴ The establishment of further CECOs in Ruyigi and Muyinga in 2005 coincides with the significant increases in refugee returns experienced by those provinces. Within Muyinga, Giteranyi received the highest returns followed by Muyinga. In Ruyigi, the highest returns were experienced in Gisuru,³⁵ and in Rutana, Giharo commune,³⁶ and these locations are all prioritised by ICLA for the location of CECOs.

³² Evaluation Terms of Reference.

³³ NRC/Global IDP Project. PROFILE OF INTERNAL DISPLACEMENT :BURUNDI , Compilation of the information available in the Global IDP Database of the Norwegian Refugee Council (as of 26 March, 2004).

³⁴ OCHA Survey 2004.

³⁵ However, no CECOs were established for returnees in Ruyigi. The CECO in Gisuru focuses on persons expelled from Tanzania.

³⁶ UNHCR Statistics.

Since the commencement of the activity in 2004, approximately 4000 beneficiaries received advice in the CECOs.³⁷

The ICLA Programme sought to develop a database to assist in measuring the impact of the CECOs and to have a better overview of the nature of beneficiaries and subject matter treated by the centres. The initial conceptualisation of the database took place in early - mid 2006, however the initial design only allowed new cases to be entered and could not properly track progress with ongoing, solved or transferred cases. Whilst this problem was noted in 2006, by the end of 2007 the database had not been satisfactorily revised, apparently due to the continual difficulties to find a suitable database expert.

A persistent problem noted in respect of the CECOs was the poor beneficiary attendance rates. In many of the CECOs the number of beneficiaries who attended at CECOs was extremely low, sometimes zero or one per day. The evaluation team discussed at length this challenge with CECO staff, who noted that awareness-raising activities designed to boost attendance were generally undertaken at the opening of centres, but did not continue thereafter. It was further explained that the lowering numbers reflect the better understanding of the population of their rights. Nonetheless, the evaluation team noticed that the CECOs were not sufficiently visible (most centres visited by the teams had no signs, nature of service, days and hours of service). In addition, the opening hours of centres (many commenced sessions at 10:30 or 11:00 am) were not always conducive to beneficiaries, who were occupied at that time of day, and the multiple functions of centre staff meant that assured days and times were difficult to maintain, adding confusion to potential beneficiaries.³⁸ Some of these problems were identified as early as 2005,³⁹ as well as several potential solutions, though more than 2 years later the ICLA programme does not appear to have implemented any major modifications to its intervention strategy to address this concern, though plans to do so are apparently underway.

The ICLA Programme Manager has advised the evaluation team of plans to restructure the CECOs and given the poor attendance rate this is something which is to be encouraged. The evaluation team had occasion to meet with approximately 15 beneficiaries in centres in Makamba and Muyinga, and also had the possibility to monitor mediation sessions in progress. In each case, the assistance of the ICLA staff had been invaluable and was highly appreciated by the beneficiaries. The problem of poor attendance therefore does not appear to relate to poor or irrelevant service, and given the overall statistics and wide discussions with a range of stakeholders the needs of potential beneficiaries appear to be great.

The opening days and hours of CECOs varied; most opened once or twice per week. Initially, the ICLA strategy was to employ one social and one legal staff person in each centre, to ensure a broad competence and experience in each listening point. This evolved over time; some centres were staffed by single staff persons, others by more than one though not necessarily with different competencies.

It is recommended that the Programme Manager take immediate steps to improve the attendance rates at centres. This should include:

- a) Consultations with beneficiary target groups in the most affected centres to obtain their views on the accessibility of the centres.
- b) Take steps to publicize the CECO's by affixing visible signs in community areas to advice of the services provided by the CECO's, the opening hours and days of operation.
- c) Ensure that staff are present on the opening hours and days of operation to ensure continuity.
- d) Consider earlier opening hours to meet beneficiary needs.⁴⁰

³⁷ These are approximate figures extrapolated from available ICLA reports. Approximately 1367 in 2005; 1443 in 2006; 531 in the first half of 2007.

³⁸ Centre staff is also responsible for training and awareness-raising sessions. These occasionally take precedence over listening points.

³⁹ In June 2005, the ICLA Programme Manager noted that: "The low level of visits to the ICLA centres is worrying when considering the problems identified in the area through the monitoring. A discussion will be held in order to identify why the numbers are low, and how awareness can be raised in order to improve the population's knowledge of the centers." [Internal Monthly Report]

⁴⁰ Part of the reason for the late opening hours is the security restrictions which impede travel before a certain hour. Whilst the evaluators are not suggesting that security protocols be overlooked, it is suggested that security protocols should continually be revised in light of the changing security situation, and in some areas of the country, an earlier travel time may be feasible.

- e) Provide regular information to local grassroots groups and other civil society agencies on the activities of the CECOs to maximise referrals and collaboration.

In addition, the evaluation team believes that further mobility of CECOs could potentially enhance access to beneficiary groups in more remote locations. The Programme Manager's idea to introduce mobile CECO activities at the end of sensitisation meetings appears appropriate and perhaps could be introduced as a test model in one of the CECO sites in Makamba with the most consistently poor attendance rates.

The initial strategy focused on access to social services, i.e. schooling and health services, access to identity documents, and property and land issues, mainly due to the lack of information on how to access social services, rights and procedures to reclaim land and property. By 2005 and 2006, strategic themes covered by the listening points also included family-related problems and sexual and gender based violence. These new themes replaced access to school and to health care which were found to be redundant after the government declared primary education as well as health care for children under 5 free of charge. In 2006, about 50% of cases dealt with property and land-related issues. This percentage remained constant for 2007 and other cases involved family-related conflicts (17%), identity documents (9%) and sexual and gender based violence (2%). The themes treated by the CECOs accorded well with the needs and context.

The CECO staff has a good knowledge and understanding of the areas of intervention and regularly discuss amongst themselves strategies and approaches to difficult cases or new scenarios. The staff received a training on family law issues before this theme was prioritised though other themes within the remit of the centres, such as the treatment of sexual or gender based violence were not the subject of staff trainings. The work of the CECO staff is overseen by the regional coordinators and the Bujumbura-based legal coordinator. The evaluation team was not able to ascertain detailed quality control measures for the substantive handling of cases, or methodologies to ensure the consistent application of NRC policies, in particular in relation to property or land issues and sexual or gender based violence. The CECO staff is limited in his interventions (the highest authorities that they can deal with are communal authorities). For cases which require a higher level intervention, the evaluation team noted delays and at times an absence of adequate follow up of cases.

The initial strategy taken in the CECOs was to utilise a reconciliatory approach, although the staff would serve more as facilitators, with the Bashingantahe and other local community leaders serving as the primary mediators. This approach of working closely with community leaders is appropriate in the local context and reinforces the roles and capacities of such leaders for the longer-term and was applied throughout the activity term. Durability would be further strengthened if local organisations, such as the *Commission des terres et autres biens*, which is mandated to resolve property matters but is under-resourced, were further engaged and supported.

Nonetheless there are a percentage of cases that cannot be resolved by mediation within the CECOs. In recognition of this, ICLA sought to seek out partnership agreements with other organisations providing legal assistance, in order to ensure a system of case transfers. The ICLA Programme Manager met with *Avocats Sans Frontieres* in September 2006⁴¹ though this initial contact does not appear to have been adequately followed up.⁴² At times, other services may be required to successfully resolve a case. In one instance in which the evaluation team was made aware, the distance between the beneficiary's temporary residence and his property was quite significant and he was unable to afford the transport costs to attend at his property to meet with the other disputed occupant. NRC's procedures prevented ICLA from providing one-off transport costs or otherwise facilitating transportation, which hindered the resolution of the case.

ICLA is not the only programme providing grassroots mediation or related services. Others active in this area are ACCORD (South Africa) and the *Association des Femmes Juristes*. Enhanced and regular coordination would help avoid duplication, improve synergies and ensure that approaches are complementary and strategic. ICLA could play a stronger role in ensuring such coordination.

⁴¹ ICLA Monthly Report, September 2006.

⁴² The evaluation team met with *Avocats sans Frontieres* who expressed a willingness to discuss modalities of formal collaboration with ICLA.

The beneficiaries of CECOs consisted of NRC primary target groups (refugees, displaced persons, returnees...) but also the host population. Given that much of the CECO services consisted of mediation work on housing and land issues, the inclusion of the host population is seen as appropriate.

Activity 2: Training

ICLA has been engaged in training since the establishment of the programme; indeed the ICLA programme developed out of a prior initiative to disseminate the Guiding principles on internal displacement. In 2004, training centred on the Guiding principles, with fifteen workshops conducted of which three consisted of general provincial workshops in the provinces of Muyinga, Makamba and Bujumbura Rural. These sessions targeted IDPs and the local administration - six separate workshops for IDPs, and six workshops for local authorities. In addition, two trainings for trainers, targeting staff in the NRC shelter and TEP programmes were organised in order that they could raise awareness on the rights of IDPs whilst targeting beneficiaries for other NRC programmes.

In 2005 and 2006, trainings on the IDP principles continued, though the level of training activity was relatively low in comparison with 2004 or previous years due to the elections which took up much of the time of local authorities, and the need for ICLA to adapt its modules to the new political and social context connected to the significant number of IDP returns, with new reintegration challenges. The training module on the IDP Guidelines was consequently adapted to the new political context. During the trainings on IDP Guiding principles, basic information was provided on land rights, though no specific training seminars were organised on this topic. However, a consultant had been hired at around the same period (early 2006) to draft a training module on Refugee land rights. Due to unclear ToRs and unclear expectations, the consultant didn't deliver a useful result. Since mid 2006, only in Muyinga, some training seminars on the IDP Guiding Principles have been organised, since in the south of the country, most IDPs had returned home. Also, ICLA invested in a number of internal trainings for its staff to widen their training capacity in the new environment. The training staff received instruction on conflict resolution and on monitoring methodology as well as on training methods and human rights.

By 2007, work had been undertaken to further evolve the training curriculum by including a new module on family law. The module was aimed at raising awareness about the importance of officially registering births and marriages as a way of protecting basic rights, and also extended to issues surrounding inheritance and access to health services. The module also covered the issue of polygamy, a practice which is more common with returning refugees.

The training material on family law was prepared initially by the ICLA trainers, under the direction of the ICLA legal coordinator and with additional input. The family law modules which commenced in May 2007 were three day sessions, as opposed to the two days that had been allotted previously for other modules, to take into account the complexity of the subject matter. At the time of the evaluation, ten training workshops had been organised on family law (4 in Rutana, 2 in Makamba, 1 in Muyinga and 3 in Bujumbura Rural). 553 local community leaders attended, covering all groups of society.

No formal internal evaluation of the training programme has taken place so far but feedback from both trainers and participants has been extremely positive. It would be advisable for ICLA to introduce an evaluation framework for training sessions which could include beneficiary feedback forms and follow up on specific targets identified in relation to the themes covered in the sessions.

The evaluation team was advised by ICLA trainers that one of the intended outcomes of the training sessions was for beneficiaries to return to their communities and constituents and raise awareness on the themes treated in the training modules. ICLA could usefully integrate a training of trainer's component to its modules to encourage such follow up and could provide to beneficiaries materials for further dissemination. This is discussed in the section on awareness-raising, below. The evaluation team had occasion to meet with a local official from Bujumbura Rural who had attended a family law training session. He indicated that following the training session, there was a marked increase in the registration of births. This anecdotal response is a very

positive indication of the direct utility of the training sessions and could usefully be confirmed by more systematic follow up and evaluation strategies.

It is not the practice of ICLA to implicate local authorities in the giving of the training, from the local, communal or provincial level. Officials are invited as participants only. Involving local authorities such as PARESI in sessions regarding civil document registration, the *Commission des terres et autres biens* in sessions regarding property and land would increase the durability of the training programme by building local capacity and enhancing the confidence of the population in their officials. Additionally, ICLA could involve as trainers or partners those specialised local or international organisations or institutions with a particular competence in specific fields, e.g. RCN on land and property rights, UNHCR on refugee protection and returnee integration, and the Office of the High Commissioner for Human Rights on sessions dealing with human rights.

The number of trainings accomplished in the last years appeared to be significantly lower than what was planned in budgeting documents. This is explained in part by the time that was spent to prepare new modules but is apparently also due to delays in the receipt of funds which had impacted on scheduling.

Activity 3: Awareness Raising

Awareness-raising activities at the grassroots level are a core component of the ICLA programme in Burundi. The non country-specific ICLA policy does not prioritise awareness-raising activities and these are not featured in key NRC policy documents.⁴³ However, the decision to include awareness-raising activities within the sphere of Burundi ICLA activities appears justified in light of the existing context and situation of target groups. The vast majority of the most vulnerable returnees and displaced persons are living in extremely rural settings with little access to information about their rights. General communication is poor in such locales, some have access to radio, and the vast majority do not have access to other forms of media. Many are far from CECOs, and indeed the low attendance rates at most centres may well indicate that this strategy of assistance is not accessible to most. At the most grassroots level, collective meetings 'on the field' are a common method employed by local leaders to advise the population. Collective meetings are also employed by humanitarian agencies for food or other distributions and consequently the population is used to such types of interventions.

As part of the transition from the programme on the dissemination of the UN Guiding Principles on Internal Displacement, a series of awareness-raising activities were incorporated into the ICLA programme from the outset. In 2004, a number of radio programmes were supported under the production of a private local radio station. The programmes, focusing on the prevention of displacement and reintegration, each focused on one particular right such as the right to education or the right to property, as set out in the Guiding Principles. In the programmes, IDPs or returnees themselves talked about their situation, and addressed questions that were responded to by local authorities and humanitarian actors. ICLA had planned to disseminate the radio programme further, and to produce additional programmes, but this was aborted due to high costs. There was a change of policy amongst radio stations to charge commercial rates for NGOs.

The diffusion activities on the Guiding Principles were complemented with the illustration, production and distribution of a simplified illustrated version of the Guiding Principles, and posters highlighting particularly important principles. This material was distributed throughout Burundi to IDPs and returnees, the national and local administration, NGOs etc. Due to a major interest and positive feedback from the recipients, additional material was produced.

Later awareness-raising sessions coincided mainly with the opening of the CECOs in locales adjacent to the centres. Whilst the sessions were important, focusing on areas adjacent to the centres necessarily restricts the scope of the population to ICLA activities, and it would be useful to expand the areas where sessions are held, whilst keeping within the communes in which ICLA is generally active. In addition, it would be useful to

⁴³ See, in particular, NRC, Core Activity Policy Document: Information, Counselling and Legal Assistance (ICLA); ICLA Handbook.

hold such sessions in refugee,⁴⁴ IDP and expelled person camps. This would also have the advantage of increasing collaboration with other NRC programmes, in particular Camp Management.

These sessions were aimed at raising the awareness of the population on key themes linked to reintegration and rights of refugees, returnees, IDPs, and to provide information on the services offered by the CECOs. These awareness-raising sessions did have a marked impact on the attendance rates at centres, which were well attended in the weeks immediately following such sessions.

A positive, unplanned result occurred in Muyinga. The results of returnee monitoring in Muyinga identified a high degree of suspicion and mistrust between IDPs and host populations. ICLA facilitated the creation of a theatre troupe which was comprised of a mix of IDPs and local residents, coming from different ethnic groups. Under the direction of a visiting playwright, the troupe was coached and developed a play on reconciliation. Four public performances before local audiences of several hundred people were organised. The troupe has continued to perform together at the end of this support and has competed in theatre competitions.

Several stakeholders with whom the evaluation team consulted reconfirmed the need for additional work on integrating communities and reconciliation. Many spoke of the need to bring together different ethnicities and persons with opposing views and perspectives to enhance dialogue. One listening point beneficiary suggested that ICLA involve persons such as him who had managed to resolve his land issue through mediation, to speak to others about his experiences. Involving beneficiaries in the implementation of awareness raising-activities (as with other activities) should be further explored. This may increase their ownership over their futures and build much needed capacity.

At present, the ICLA awareness-raising activities appear to be organised independently. Local authorities are consulted in advance and asked to assemble the population, and then it is mainly or only the ICLA staff who conduct the sessions. Involving the local authorities more directly in the sessions may be advantageous as this will build the confidence of local populations in their authorities and enhance capacity of officials. It may also be useful to coincide the sessions with other events in which the local population is already present, in order to maximise efficiency. Greater coordination with other organisations working in the same locations is vital, as this will avoid overlap or competing events. The evaluation team was due to attend an awareness-raising session in Muyinga but on arrival, the population had not shown up. It was not clear why exactly this occurred; the local administrator may not have advised the population, or there may have been confusion as there was a micro-credit activity organised by World Vision underway at the same location as where the awareness-raising session was due to occur.

The ICLA Programme Manager hopes to link future awareness-raising sessions to information, counselling and mediation work, for example by multiplying the number of awareness-raising sessions and their locales and holding impromptu listening and advice sessions directly thereafter. This would have the advantage of increasing access to individual advice services, and at the same time maximising the output of 'general advice' to local populations, though it may however complicate follow-up work.

Activity 4: Monitoring

Monitoring activities were always important components of ICLA programmes as it is recognised that in order to help the refugee/displaced population it is important to fully understand their needs and concerns. These activities are important at the outset of the project as they can help to set out a project framework – priorities for intervention, a baseline of indicators from which changes and progress can be evaluated over time. Monitoring activities are also crucial to assess conditions of return and to have a fuller appreciation of obstacles to return/obtaining durable solutions.

⁴⁴ With the agreement of UNHCR.

As with other activities of the ICLA programme in Burundi, monitoring activities initially focused on IDP issues, then broadened to include additional targets relating to refugees, returnees and expelled persons. In 2004, as a result of limited knowledge on the conditions of return and whether the returnees managed to return to their areas of origin, NRC signed an agreement with UNHCR on joint monitoring of the return process.

UNHCR had been engaged in monitoring since 2002 together with a national organisation, Ligue Iteka. NRC sought to complement and strengthen these initiatives. Discussions ensued with UNHCR and it was agreed that NRC would complement the UNHCR/Ligue Iteka monitoring and contribute with technical expertise in the development of the monitoring tools. The NRC monitoring team made some slight modifications to the monitoring form already in use by UNHCR, particularly in relation to IDPs. The province of Makamba was prioritised because of its relatively high level of returnees and IDPs, a strong return process, and finally also because of the already existing NRC structure in the province. A linkage was also made between the return of refugees and IDPs as well as the host population. The reason to increase the target group in the monitoring was to have a comparison between the situation for returning refugees and IDPs and those who remained in their homes.

In 2005 and 2006, the monitoring team extended the area of activity and was working in return areas in Bujumbura Rural, Makamba, Rutana and Muyinga. In 2005, 2 internal and one external monitoring report were produced, explaining the protection gaps and humanitarian needs on the local level in Makamba. In June 2006, a second monitoring report relating to Makamba was published. It detailed the humanitarian situation of approximately 2,500 households in the areas of return of Nyanza Lac and Kayogoro, and it related to investigations that had been conducted in April – May 2005. In 2007, a monitoring report relating to Muyinga Province was published. It related to interviews undertaken between December 2005 and October 2006 and focused on the perceptions of the host communities towards the IDPs, living in the nearby IDP sites, but who used to live in the communities and followed up on a previous OCHA study (2004) which had considered the return intentions of IDPs.

From end 2007, the monitoring team has further extended its focus and had begun to do much more monitoring and evaluation work for other programmes of NRC, eg. Shelter, Camp Management. These new relationships with other NRC programmes are positive and demonstrate the high regard that such programmes have for the work of the monitoring team. Consideration should be given to whether the size of the team is sufficient to undertake this added function in a timely and efficient manner (see comments below on delays in the production of reports).

At the time of the evaluation, a number of monitoring surveys were underway at various stages of completion. A survey of 2399 households (98% of the registered refugee population) was undertaken in Gasorwe and Gihinga Camps hosting Congolese refugees. These interviews focused on return intentions and the results whilst not yet published, have been made available to partners in DRC. The purpose of the survey is to provide feedback to refugees on the situation in their places of origin in DRC, however the volatility of the situation in Congo has made it difficult to get timely and accurate information about return conditions for the second part of the survey, and has led UNHCR to suspend the repatriation programme. There is a new survey in Muyinga province which is analysing the 'villagisation' phenomenon – which is the tendency of certain IDP sites to develop an air of permanency and transform into local villages and for new villages to be created. The results will assist NRC to consider possible future interventions of its Shelter programme to construct villages in Burundi. In addition, monitoring surveys are ongoing in Rutana and Bujumbura Rural provinces. A report for Rutana province is due by end 2007, based on 2226 interviews collected until June 2007. Data collection for Bujumbura Rural will continue for some months with a report due early 2008. In addition, a new survey will then start in the northern provinces of Cibitoke and Bubanza on the reintegration of landless returnees.

One of the most significant concerns relating to ICLA's monitoring, fully recognised by the team is the extensive length of time between the conduct of the survey and the publication of the final results. In most cases this has taken more than a year. This is problematic for a number of reasons. Firstly, the situation in Burundi continues to evolve very quickly; by the time the survey results are published the situation will have evolved and the findings will no longer be trustworthy. Secondly, the monitoring reports are intended to be a

tool for policy and advocacy work to press for improvements to the actual situations of target groups. The delay in the production of reports means that advocacy initiatives will either not benefit from the reports or the advocacy itself will be so delayed that it is no longer effective.

The reasons for the delays in the publication of monitoring reports are multi-fold. Some of these relate to the internal functioning of the monitoring team and were lessened with time. For example, there has been a high staff turnover within the monitoring team; at the early stages of the monitoring programme there was a problem with the efficiency of monitors though this has improved over time; there were a number of early problems with databases; the analysis of statistics and approval process took much longer than anticipated. But equally, the evaluation team noted that in most cases, the statistical samples used by the monitoring team were exceedingly high (for instance, 98% of Congolese refugees in Gasorwe and Gihinga camps) when, depending on the purpose of the activity, a smaller sample may have been just as suitable.⁴⁵

Another concern relates to the representativeness of the sample. In most instances, the monitoring team adopted the following approach with respect to its sampling. A list of sample households was provided by the local administrative official, the monitors would interview the head of household of each of the sample households provided by the local administrator, and the questionnaires would be filled in, analysed and compiled into statistically useful information. It might be useful for the monitoring team to tailor its sampling approach to the reports it wishes to produce. In addition, the monitoring team might also employ a variety of methodologies to arrive at answers, in addition to questionnaires, such as use of focus group meetings, interview of local leaders, community and special interest groups, etc. In particular, problems relating to gender based violence may not be elicited by only interviewing heads of households.

Another challenge for the monitoring team relates to the coordination and collaboration with other organisations conducting monitoring in order to maximise the utility of the outputs. NRC had developed its monitoring programme in coordination with UNHCR, however by the end of 2007, the evaluation team was able to note that collaboration had waned, that institutional relations were less consistently positive, that there were perceptions of overlap of work. Some of the challenges relate simply to the lack of a vertical relationship between UNHCR and NRC, unlike for instance UNHCR and its partners for whom it resources to undertake monitoring activity, translating into less regular meetings and consequently less coordination and dialogue.

Activity 5: Advocacy (Cross-Cutting)

NRC defines advocacy broadly as “a set of activities, such as persuasion, mobilization, denunciation, and sometimes capacity building, undertaken in order to convince decision-makers to change a given situation for the benefit of refugees and internally displaced persons.”⁴⁶ Advocacy work can be aimed at systematic changes to policy or practice, but is usually most effective when combined with work on individual cases that can draw attention to the practical challenges faced by individuals subjected to particular policies or practices, and how changes to such policies would impact on them directly. Advocacy initiatives target persons or institutions with the potential to influence the situation that has been identified to be addressed and can take a number of forms.

Advocacy is understood to be one of the main pillars of NRC’s work and all divisions at headquarters, the Geneva office and all field offices are understood to carry equal individual responsibility for identifying and implementing NRC’s advocacy work.⁴⁷ The organisation established a special advocacy project at its head office in 2003 as a means to enhance advocacy within the organisation, and this has filtered to the field with

⁴⁵ According to the Programme Manager, it had been the ambition to interview every household, and in this respect, the survey was successful in reaching almost the entire community. His view is that taking a sample might have exposed the monitoring campaign to remarks of discrimination, though it is accepted that this issue is open to debate and in the view of the evaluation team, the approach taken may not have been the most efficient. The Programme Manager indicates that the large number of refugees interviewed is not the main reason why the publication of the final report is delayed, though the evaluation team is not aware of other reasons for the delay.

⁴⁶ Advocacy Toolkit.

⁴⁷ ICLA Handbook.

special policies and toolkits to assist country offices with advocacy strategies and implementation. In addition, most country missions including Burundi have received a Protection and Advocacy Advisor, with the responsibility of integrating more seamlessly advocacy and protection initiatives into the work of country offices.

The ICLA handbook notes that:

“In order to ensure the implementation of the advocacy strategy it has to be included in action plans on an annual basis. All sectors of NRC must adopt such a detailed plan. A minimum of two advocacy issues are to be incorporated into all action plans in NRC field offices. A greater focus should be put on the effect of NRC’s advocacy work by measuring results. This entails making an evaluation on whether NRC has critically reflected on the issues at hand and communicated the issues to appropriate target groups. Such “reflections” must include a thorough analysis of the needs and interests of all potential beneficiaries and, if relevant, an analysis of conflicting interests.”

This indicates the seriousness with which advocacy is taken within the ICLA programme and NRC in particular.

Since 2004, advocacy has regularly featured in ICLA Burundi’s planning though in a very generalised way. For example, in 2006, advocacy is listed in the plan of action with “2 or 3 advocacy files in which NRC plays an active role (i.e. risk of refoulement from Tanzania/Burundi, return situation in Burundi, settlement of refugees in Tanzania and national policy on internally displaced persons)” listed as an objectively verifiable indicator. By 2007, the overall objective was framed in advocacy terms and the development and implementation of a clear advocacy strategy on target group’s rights (regional approach, risk of refoulement, return/resettlement conditions...) was listed as amongst the activities. Advocacy was specifically integrated into the separate plan of action on expulsions, though the expected results that relate to advocacy are listed simply as “the response to protection gaps advocated for in adequate forums.”

The ICLA programme appears to understand advocacy mainly as a result or consequence of its other core activities as opposed to a stand-alone activity with its own goals and measurable results. This is evidenced by the way in which ICLA has reported on its advocacy successes which simply list activities without explaining the impact of same – i.e., its monitoring reports are widely distributed ; it participates actively in different coordination forums and collaborates with NGOs and the administration. In 2004, advocacy work consisted primarily in ICLA’s participation in coordination meetings of the GTS (*Groupe Technique de Suivi*) for the protection of IDPs; the Protection Working Group; the UN inter-agency working group on the establishment of a reintegration strategy. In 2005 and 2006 ICLA continued to participate in such forums but also undertook certain actions, including coordination and raising awareness to tackle certain specific problems.

The ICLA programme became involved in the responses to the influx of Rwandan refugees in the Northern provinces of Burundi due to rumours of prosecution connected with the Rwandan Gacaca jurisdictions. The influx began in April 2005 and the Rwandan Government has put pressure on Burundi not to grant the individuals refugee status and to keep the asylum seekers close to the border. Rwandan and Burundian authorities have worked together to “sensitise” the asylum seekers to return, but it had rather been perceived by the humanitarian community as disguised *refoulement*. Indeed, many were returned in June 2005 under questionable circumstances. In July 2005, NRC signed on to a joint letter to advocate for the remaining Rwandese asylum seekers and for those who have already been returned and was sent to Norway, Sweden, Denmark, UK, France, Belgium, Netherlands, Germany, Luxemburg, Switzerland. NRC sent a further correspondence to the State Secretary of the Norwegian Ministry of Foreign Affairs in August 2005. ICLA has advised that the reason why a more timely response was not taken and why more preventive advocacy strategies (to avoid the refoulement when it was clearly anticipated) were not initiated in April – June, was because “there were too many risks for the RAS and for the humanitarian workers”, Burundi was in an election period (very sensitive time when any action undertaken could be interpreted by Burundi as destabilising the situation). The situation was very tense also with Rwanda (with threats and intimidations from the Embassy of Rwanda).

Following a sudden increase in expulsions of irregular Burundians living in Tanzania towards Muyinga province, ICLA produced an important report about human rights violations carried out during the expulsions. The report was based on a series of interviews by ICLA trainers in Muyinga, near the border crossing point at Kobero and the Red Cross run transit site at Kinazi. The report was immediately presented to the Tripartite meeting between UNHCR, Burundian and Tanzanian authorities which took place in Bujumbura the same day (November 2006). Although Tanzanian authorities refused to discuss the ongoing expulsions during that forum, the Burundian Minister for National Solidarity and Human Rights stressed the importance of this matter during the meeting and afterwards during contacts with the press. The report, which was the first of its kind on expulsions, and produced in a timely way and disseminated to key decision-makers, had an important impact in galvanising national and international responses to the issue. Amongst its emphases, ICLA has advocated for the respect of the expelled persons' fundamental rights (including the non-separation of families) and non-discrimination. ICLA has advocated that expelled Burundians receive assistance similar to what is provided to Burundian returnees and that they be included, according to vulnerability criteria, in integration programmes. As a result of these early advocacy initiatives on expulsions, ICLA is recognised as having a particular expertise on the issue and has been engaged in a range of activities in this domain ever since (see further, below).

Advocacy strategies

As already indicated, during much of the period under review (2004 – 2007), advocacy was recognised as an important component of ICLA work and that of NRC more broadly. Nonetheless, advocacy objectives, if and when they were identified were vaguely listed and without clear and objective indicators relating to progress made. As is set out in the Advocacy Toolkit, “an indicator defines a performance standard to be reached in order to achieve an objective.” The engagement of a Protection and Advocacy Advisor should significantly improve the advocacy component by setting clear objectives and targets that can be implemented systematically, and by helping to ensure that interventions are timely, appropriate and professional. Already a draft Advocacy Strategy has been prepared by the Advisor with input from the ICLA Programme Manager and other NRC personnel.

The impression of the evaluation team was that there is some confusion, however in respect of roles and responsibilities – who is responsible for undertaking advocacy work and in what context. Advocacy was always understood as an integral component of the ICLA programme, though it was always undertaken in an ad hoc manner as described above. With the arrival of the Protection and Advocacy Advisor, the ICLA Programme Manager stopped reporting on advocacy initiatives in monthly reports (simply indicating – see the separate advocacy report of the Protection and Advocacy Advisor), and gave the impression to the evaluation team that ICLA was no longer responsible for advocacy work. On the other hand, the Protection and Advocacy Advisor made clear that his role was to provide guidance and support on policy and on the overall cohesion of advocacy initiatives, as opposed to taking over the function of advocacy from specific programmes.

More fundamentally, the evaluation team noted an absence of organisational or ICLA-specific advocacy strategy on particular challenges facing the target groups. Without such fundamental policies or strategies, there was a risk that different activities would take inconsistent or counter-productive approaches, and/or that strategies would not be sufficiently integrated into the work of the different activities. This was perhaps most evidenced in respect of property or land issues. Here, at the central level it appeared that the organisation understood that it was important to focus on reducing the society's dependence on subsistence agriculture as this was not economically sustainable; further that the practice of the *Commission Nationale des Terres et Autres Biens* and other local administrative bodies to promote a 50 – 50 split of properties between the occupant and returnees was dangerous, as properties were becoming so small that owners could no longer survive on what they were able to cultivate. However at the field level, ICLA CECO staff were regularly working with local authorities and encouraging the sharing or splitting of properties. At the same time, little concrete activity has been undertaken by ICLA with the Government or others to reduce dependence on subsistence agriculture. This should be resolved in part with the new Advocacy Strategy.

Activity 6: Congolese Refugees (Cross-Cutting)

In 2007, the ICLA LFA matrix lists “to assist Congolese refugees in Burundi with available information on their home communities to allow them to decide on the most appropriate durable solution” as a specific project purpose. “Information is available to 11,000 Congolese refugees on their home areas in the Democratic Republic of Congo” is listed as one of the intended results and amongst the listed activities is the “development and implementation of a clear advocacy strategy on target group’s rights (regional approach, risk of *refoulement*, return/resettlement conditions...)”

The evaluation team observed that this purpose was not fully integrated into the range of ICLA activities nor did it appear to be considered by the team as a priority or specific project purpose. It appeared that this purpose was reflected as a relatively limited one-off activity of the monitoring team, the results of which are still outstanding.

In December 2006, ICLA Burundi has organised an information meeting with NRC Uvira (Democratic Republic of Congo) to exchange information about both programmes and more particularly about ways to improve the impact of ICLA activities. This has resulted in a positive cross-border relationship between both teams, which was due to be further exploited during 2007 with the monitoring survey on return information and intentions of Congolese refugees in the refugee camps in Burundi. As previously indicated in the section on monitoring, above, 2399 households had been interviewed in the course of the ICLA survey. Whilst the information from the survey had already been made available to the ICLA team in the Democratic Republic of Congo, the monitoring survey has still not been published and no information has thus far been provided to the Congolese refugees about the situation in their home areas.

Due to the volatile security situation in the Democratic Republic of Congo, the planned Tripartite Commission (UNHCR, Burundi, DR Congo) had to be postponed *sine die* and any voluntary return in the coming period is unlikely. The follow-up activity - to ultimately provide the refugees with precise information about their home communities, to allow them to decide independently about their most favoured durable solution - has thus not materialised.

Activity 7: Expulsions (Cross-Cutting)

As previously indicated in the section on advocacy, above, ICLA’s work on expulsions was timely, ground-breaking and understood to be extremely valuable to a variety of local and international organisations and partners. Following the commencement of the expulsions, in September and October 2006, ICLA conducted interviews with expelled persons in the Kinazi transit site. This resulted in a report, published in November 2006 on human rights abuses during the expulsion of Burundians from Tanzania.⁴⁸ The findings were that expelled persons are often uprooted from their house and expelled without any opportunity to sell their belongings or to take their possessions with them. There have also been registered cases of violence and human rights abuses (for instance, separation of mothers from their infants, looting of property, people being intimidated and beaten).

Following this initial work, ICLA planned a series of further intervention in anticipation of future expulsions from Tanzania. In April 2007, NRC opened a counselling centre in Kinazi, Muyinga province. Initially, once per week, two ICLA trainers received expelled persons and took note of their legal and administrative concerns and provided initial advice. This was eventually increased to five days per week, as the average stay in a transit site is three days only, thereby requiring a more regular ICLA presence. As the counselling centre was located directly in the transit centre, it was easily accessible to the expelled persons and highly frequented. The ICLA trainers/mediators also regularly monitored the situation at the border crossing in Kobero, where humanitarian needs may arise during the screening process. ICLA also went on a fact-finding

⁴⁸ See NRC report, Human rights violations during the expulsion of Burundians from Tanzania, November 2006. Human rights violations were confirmed by Human Rights Watch in 2007 and reported in a letter addressed to the Tanzanian President on May 8th, 2007.

mission to Ngara and Kibondo Districts in Western Tanzania, to obtain first-hand information about the expulsions.

In meetings with partners and stakeholders, the evaluation team received extremely positive feedback on ICLA's work on expulsions. This is attributed to their early and consistent intervention, and the good collaboration and coordination between all partner organisations, assured by UNICEF. Many, including representatives from PARESI and UNICEF expressed their hope that ICLA could become more involved in monitoring the returns of the expelled persons to their places of origin. Very little information was available on what was awaiting these individuals on return, and it was anticipated that they could face important reintegration challenges due to the length of time they had spent outside of the country. It is understood that the monitoring team is planning to engage in such work in 2008.

In addition, greater linkages could be made between the Kinazi counselling centre and ICLA's other CECOs, in order to ensure an adequate follow up and assistance to expelled persons during the reintegration process. Due to the very short time that individuals spent at the transit centre, and the fact that many expelled persons did not yet know what problems they would face on arrival in their home communities, the counselling work of the ICLA team in Kinazi was naturally limited.

V. FINDINGS AND CONCLUSIONS

i. Overall Findings

In general terms, the evaluation team found the ICLA programme to be relevant to the context in Burundi and the situation of target groups, and a wide array of activities were successfully accomplished.

There could have been a much stronger development of programme strategy and implementation of programme strategy to ensure that the desired changes took place and to make changes as necessary to the emphasis of the programme and the programme methodology. The absence of readily available baseline information to guide the programme inhibited internal reflection on whether the programme was meeting needs in the most effective and efficient way. Deliverables were often described and accomplished as a series of events without sufficient analysis of the extent to which they fit cohesively into an integrated whole or achieved the desired changes.

There was turnover of senior staff within the 3.5 years under review, particularly in the earliest part of that period. The evaluation team forms no view on whether this is in itself a cause for concern, however the lack of a clear strategy and haphazard document storage meant that there was a lack of institutional memory. This is most strongly evidenced by the fact that there was a poor knowledge amongst existing staff of the thought processes that had gone into the initial conceptualisation of the programme.

NRC's expertise on internal displacement evidenced by the extensive work of the Internal Displacement Monitoring Centre and its initial work in Burundi on the Guiding Principles made it well-placed to initiate the ICLA programme. However, as its work evolved and new target groups were incorporated into ICLA's activities, it was most important for ICLA to work in full coordination and collaboration with others, in particular UNHCR. The evaluation team is of the view that further collaboration with UNHCR and other stakeholders would have built greater synergies and facilitated the work.

In addition, the evaluation team is of the view that much more could be done to incorporate a gender perspective in all aspects of the work. NRC has adopted an organisation-wide gender policy which acknowledges the fundamental impact of gender on the protection of refugees and internally displaced persons, and sets out its commitment to integrate a gender perspective in all aspects of its work. The lack of a sufficient gender perspective in the ICLA programme was evidenced on several levels. Firstly, the number

of female employees within the programme was extremely low, particularly amongst trainers and monitors which have the most contact with the population. Positive steps should be taken to address this imbalance by researching why so few women apply for such posts and to put in place measures to encourage such applications. Secondly, the activities lacked sufficient consideration of the impact of gender. For example, the monitoring programme did not take special steps to ensure that women's and girls' voices were effectively captured within its surveys. Insufficient awareness-raising and partnership work was undertaken with women's associations to ensure that women and girls were made aware of the services offered by the CECOs and that they were accessible to them. The CECO staff was not trained in how to deal with cases of sexual or gender based violence though this was a priority theme identified by the ICLA programme. Instead, staff was of the practice of simply referring such cases to counselling organisations. Whilst ICLA could never pretend to take on psychological counselling in such cases, training could have helped them to better respond to the other, often compounded needs that such vulnerable individuals may have, such as physical protection and property-related concerns.

Furthermore, the evaluation team noted that more could have been done to ensure that the staffing of ICLA better reflected the various ethnicities in the country. Ethnicity is a sensitive issue in Burundi, not often spoken about but often thought about. Yet other organisations have managed to develop positive recruitment policies to encourage broader representation. This is especially important for NRC given the dynamics of displacement in the country and the differential impact on particular ethnic groups.

ii. Relevance/appropriateness

At the time that the ICLA programme was initiated in Burundi, the country was immersed in a humanitarian crisis characterised by a fragile peace with recurrence to hostilities by some parties to the conflict, internal displacement, an influx of refugees and asylum seekers from other countries as well as spontaneous and forced return of Burundians.

An assessment was undertaken prior to the design of the programme. There was an in-situ review of the situation conducted by the ICLA Advisor (Oslo) in collaboration with NRC staff, in which various stakeholders were consulted, including representatives from UNHCR, international organisations and several IDPs and returnees. In addition, there had been a number of surveys undertaken on the situation of beneficiaries, in particular an IDMC report⁴⁹ on the situation of IDPs, an OCHA survey⁵⁰ as well as general statistical information from UNHCR on refugees and returnees.

The current project design is consistent with the humanitarian and protection needs and the local environment. The decision to prioritise Makamba and in particular the communes of Kayogoro and Nyanza Lac in the early interventions of ICLA appear justified in relation to the findings of such reports. Later decisions to broaden the target groups to include refugees, returnees and expelled persons were consistent with the evolving situation, in particular the high level of returns and the decrease in the number of IDPs. As well, the decision to increase the area of interventions to include Muyinga, Bujumbura Rural and Rutana reflected the realities on the ground. The emphasis of the programme on listening points, monitoring and training and awareness raising appeared appropriate in line with the needs, in particular given the vast problems posed by reintegration and access to land.

As part of the initial in-situ visit of the ICLA Advisor, some consultations were held with IDPs and returnees, though for the most part, the initial conceptualisation of the programme and its evolution over the course of its duration were not interactive. Nonetheless, the nature of ICLA activities and the presence of ICLA staff in the field in close proximity and regular contact with beneficiaries undoubtedly impacted on the progression of the project. In particular, issues that arose in CECOs were taken up in training and awareness-raising sessions; findings of monitoring surveys impacted on project design.⁵¹ Nonetheless, more concrete and regular consultation of beneficiary groups could have led to a more interactive programme design, and could

⁴⁹ NRC/Global IDP Project. PROFILE OF INTERNAL DISPLACEMENT: BURUNDI , Compilation of the information available in the Global IDP Database of the Norwegian Refugee Council (as of 26 March, 2004).

⁵⁰ OCHA. Internally Displaced Populations and Displacement Sites in Burundi (March – Apr 2004)

⁵¹ For example, the theatre troupe that was established in Muyinga province.

possibly have addressed some of the concerns identified in relation to gender, above.

The ICLA programme does provide an appropriate response to the needs of NRC's population of concern and the objectives are in line with NRC ICLA policy. The decision to include training and awareness-raising sessions within the ICLA programme as reflected in ICLA activities⁵² is consistent with NRC ICLA policy though not a recognised priority of action. This decision was appropriate in light of the context as described earlier in this report. Furthermore, the decision to limit the work of CECOs to counselling, advice and mediation (and not extend to legal services) was appropriate in light of the challenges with the legal system and the existence of other organisations better suited to this task. In addition, it would arguably be difficult for ICLA to represent clients in court who had previously received mediation support, as ICLA would have previously assisted both parties to the conflict and there may be unavoidable conflicts of interest. The importance of undertaking mediation work at the grassroots level was specifically underscored by the Peace Building Commission in its recommendations to civil society, religious communities and the Bashingantahe institution.⁵³

The ICLA programme has the required capacity in terms of staffing, local knowledge and experience in the country to conduct a relevant and appropriate response. As already indicated, further efforts should be ensured to redress the gender and ethnic balance of the ICLA team (according to the Burundi social reality and reconciliation policy promoted in the country based on the Arusha Peace and Reconciliation Agreement). In addition the arrival of the Protection and Advocacy Advisor should soon translate into much more effective advocacy capacity within the ICLA programme and NRC in general.

There are a number of modifications to the current design of the ICLA programme which could enhance relevance and accessibility. In particular, including mobile listening points and incorporating them more directly with awareness-raising activities, as has been suggested by the ICLA programme manager, could increase accessibility to the very important individualised advice services that ICLA currently provides. In addition, working in direct partnership with local groups to maximise the accessibility of the programme to the most vulnerable groups including women, would be advantageous. The ICLA programme offers an important service in the Burundian context as it caters to the grassroots needs of target groups.

As has been indicated previously, there are insufficient mechanisms in place to monitor whether the programme has adapted to changes in the context and needs. A revised overall monitoring structure would be beneficial with clear indicators, which should be incorporated in the overall planning, management and reporting structure of the organisation. For instance, once appropriate indicators are defined, monthly programme reports should indicate the progress made in achieving benchmarks.

iii. Effectiveness

The envisaged outcome of the ICLA programme in Burundi is to contribute to durable solutions and to protect the rights of the population of concern, with a focus on recent and vulnerable returnees and IDPs. It works towards that goal through a number of specified objectives. These objectives are relevant to the context and to the envisaged outcomes but could be more clearly defined. This would assist in monitoring and evaluation of progress and would help to map out the interim steps necessary to achieve the intended results.

The evaluation team is not aware of specific criteria for selecting beneficiaries. Indeed, the CECOs are open to all and no special efforts are made to encourage and/or facilitate special individuals or categories of persons to benefit from the service. The invitees of training sessions tend to be a wide array of local authorities and community leaders, church groups, women's associations and others relevant to the theme of the session. The survey population for monitoring activities will depend on the nature of activity. In most

⁵² The evaluation team is not aware who took the decision to undertake such activities.

⁵³ "(g) Undertake actions at the grassroots level to bring communities together, focusing in particular on community mediation and socio-economic reintegration of various groups affected by the conflict (demobilized combatants, repatriated persons, displaced persons, child soldiers and those who remained in the collines, etc.)"

cases this will be a sample of heads of households, and as already indicated, the evaluation team recommends that the monitoring team develop further criteria for individual and group interviews to ensure that the broadest spectrum of views and perspectives are accurately recorded.

Aside from generalised management structures, yearly planning processes and accountability to funders, there does not appear to be a detailed internal monitoring mechanism with objectively verifiable indicators in place to assess whether or not objectives are achieved.

The programme and the organisation as a whole, utilises log frame approaches (LFA) to prepare the plan of action each year. Nonetheless, on review of ICLA's LFAs, it is the view of the evaluation team that further thinking should go into the identification of objectively verifiable indicators in particular.⁵⁴ Indicators are the operational description of the objectives, purpose and results and should describe the objects in terms of quantity, quality, target groups, time and place. The ICLA indicators that are listed are exclusively quantitative [e.g. 1,500 cases solved or transferred; 50% of population is assisted in sensitisation campaigns or training; 25 listening points in operation; 4 partnership agreements in place; 17,000 households are interviewed].

Objectively verifiable indicators should emphasis the value and not just the type or quantity of achievement. Questions that should be posed, to assist in the formulation of appropriate indicators include:

- What are the quantitative ways of measuring, or qualitative ways of judging, whether these broad objectives are being achieved?
- What are the quantitative measures or qualitative evidence by which achievement and distribution of impacts and benefits can be judged ?
- What kind and quantity of outputs, and by when will they be produced?

Advocacy initiatives or projects with a human rights emphasis should ideally employ verifiable indicators that describe the manifestations of a process of change resulting from the pursuit of an action.⁵⁵

To what extent has the ICLA programme achieved objectives?

On review of the indicators set out in the 2007, there are a number of areas in which the ICLA programme has failed to meet its objectives:

- The ICLA programme did not achieve the numbers of beneficiaries envisioned in the listening points, nor the number of training and awareness-raising sessions;
- No partnership agreements were entered into;
- Several monitoring reports were delayed impacting on broader programme work, in particular in respect of Congolese refugees.

Nonetheless, the recipients of ICLA services were satisfied with the quality of the services and certain key activities demonstrated demonstrable policy and practical changes on the ground. In particular, ICLA's work on expulsions helped to galvanise the international community's response and led to marked protection-related improvements for the groups concerned.

⁵⁴ ICLA's LFA for 2007 is annexed.

⁵⁵ See generally, Channel Research. Generating Impact Indicators, European Initiative for Human Rights and Democracy, March 2005. The report is available online at: http://ec.europa.eu/europeaid/where/worldwide/eidhr/documents/impact_indicators_channel_en.pdf.

iv. Efficiency

The evaluation team did not observe any evidence of improper resource or time management though changes to programme design (increasing access to CECOs, limiting the number of trainers in CECOs (in most cases one may be sufficient); revising monitoring strategies in order to reduce the time between conceptualisation and publication of reports) would greatly increase the efficiency of the programme.

All of ICLA's activities are directly implemented. The evaluation team believes that greater involvement of local actors would greatly enhance the efficiency as well as the durability of the programme. In respect of efficiency considerations in particular, involving NGOs and local agencies in trainings where they have a specific expertise would reduce the amount of time to plan new modules and potentially allow for a greater number of trainings and awareness-raising sessions. Working more closely with the *Commission Nationale des Terres et Autres Biens* during mediation on property and land issues would reduce the incidences of duplication and enhance the weight of the results.

v. Coordination

The ICLA programme has coordinated to a certain degree with other legal and non legal service providers, though the evaluation team observes that this could have been enhanced and more frequent. There appear to be good relations between ICLA and local authorities and civil society groups that could be further exploited. In Makamba in particular, the evaluation team noted that there was a lack of consistent coordination with other stakeholders. This was partly as a result of the bureaucracies of other organisations though ICLA could have taken more initiative to improve coordination.

The benefit of coordination and collaboration with local and international actors does not appear to have been specifically considered as a policy objective in and of itself. In contrast, with few exceptions relations with other stakeholders appeared ad hoc; individuals and organisations were consulted on an 'as needed' basis as opposed to with a view to forging systematic relations.

An exception is ICLA's work on the expulsions which is well coordinated. There are regular meetings amongst stakeholders, a clear understanding by each of their respective roles and responsibilities, and good collaboration on advocacy work and strategy, leading to improved effectiveness and impact. ICLA participated in a number of other joint forums and shared its expertise and knowledge as appropriate.

One of the goals of ICLA was to arrange formal partnerships with legal service providers in order to ensure an efficient transfer of cases. Several preliminary discussions were held with relevant organisations though these did not translate into the desired partnerships. This should be further explored in 2008.

In addition, the evaluation team noted that there are important synergies which could be better exploited between ICLA and other programmes of NRC. In general, the relations between programmes appear to be courteous and based on mutual respect. The work of the monitoring team with other programmes of NRC on monitoring and evaluations is a good basis for extending coordination of activities and collaboration. For example, the Shelter programme employs its own trainers which could work more closely with ICLA. ICLA could benefit from Shelter's distributions and other projects to animate discussions. In addition the Shelter trainers could assist ICLA by advising beneficiaries about the services offered by ICLA. Similarly, the monitoring team could work more regularly with the Camp Management monitors. ICLA could equally assist Shelter with the identification of vulnerable beneficiaries if it is advised of the selection timeframes, and can assist Shelter to ensure that beneficiaries do not have property conflicts.

The coordination with NRC Congo appears to have been relevant to the objective of offering cross-border information and assistance to Burundian and Congolese refugees. However, the results of this coordination have not yet been fully realised and this matter should be revisited once the monitoring report has been released and cross border information is provided to the refugees.

Whilst the evaluation team did not have the opportunity to consult with the implementers of land security (property registration) programmes in the country undertaken by several development cooperation agencies, it would be useful for ICLA to establish relations with these agencies to integrate land tenure security into property law trainings and advice work, and to help ICLA to develop clearer advocacy strategies with respect to land use and tenure.

vi. Impact

The assistance provided by ICLA has helped the beneficiaries to take well-informed decisions concerning durable solutions for themselves and their families. The CECOs in particular offer a very concrete and direct assistance to beneficiaries and well complemented with the grassroots awareness-raising campaigns.

The ICLA programme and its components have not engaged substantially in legal reforms regarding obstacles regarding housing, land and property and obtaining basic services. Its activities instead have been focused on the implementation of existing laws, by building the capacity of local officials through training and awareness raising and direct engagement and one-on-one advocacy. This is believed to be an appropriate emphasis of the work as there are other organisations involved more directly in legal reforms. However, it may be appropriate for ICLA to become more engaged in national policy on land and property rights and the revitalisation of national institutions.

The main positive effects produced by the ICLA programme are the raising of awareness on rights and responsibilities both with individual beneficiaries at CECOs and the authorities called upon to help resolve their case and through training and awareness-raising sessions. The latter is perhaps best evidenced by the work ICLA has undertaken on civil documents which led to measurable results in the affected communes. There were several unintended positive effects produced by the programme, in particular the establishment of a reconciliation theatre troupe in Muyinga made up of individual beneficiaries of different ethnicities, as well as the extensive work on expulsions which was initially unplanned though later became an integral part of the ICLA programme. There were no negative effects produced by the programme, though as previously indicated several of the outputs were not as efficient as hoped.

As explained above, the ICLA programme identified quantitative indicators to measure the impact of its activities, though no qualitative indicators. Monitoring and analysis mechanisms are in place though these are not currently effective in monitoring desired outcomes or changes.

vii. Sustainability

The 2007-08 Country strategy indicates that NRC could start its exit from Burundi between 2009 and 2010. In some areas, like Muyinga province, it is indicated that phasing out will begin sooner, probably in 2007,⁵⁶ due to the decreasing movement of returns and to the important number of partners already meeting the needs of the population. The strategy provides that ICLA activities are justified as long as high rates of returns are registered and no other organisations or local capacities can address the returnees' specific needs. Furthermore, it is indicated that capacity building activities and close collaboration with the authorities are already part and parcel of most NRC's programmes. In the next years, and in the anticipation of NRC's exit, further actions will be defined and implemented to build local capacities and to transfer know how to local NGOs, to prepare the hand-over of activities to various partners.

⁵⁶ The planning documents that the evaluation team consulted made reference to 2007 though it is assumed that this projection is out of date. The Programme Manager has indicated that in early 2008, activities in Muyinga will increase to the level of Makamba, thanks to a newly obtained funding by the Belgian Development Cooperation DGDC. This calls into question the frequency with which planning documents are updated.

Despite the above, the ICLA programme does not appear to have developed a specific strategic response to its eventual exit from Burundi. The evaluation team was advised that where/if possible, local staff would be assisted to create a new local organisation to continue the work, though this does not appear to have evolved into the planning stages. It may be more sustainable for ICLA to consider ways in which its activities if still relevant when it exits can be transferred to existing organisations with established operating frameworks and procedures.

The evaluation team considers that much of the awareness-raising aspect of the work is likely to be sustained over time. The information and training received will continue to be of benefit to the beneficiaries long after the ICLA programme ends, though the preparation and dissemination of training of trainers modules and the shift to such methodologies would enhance the sustainability of these outputs. Already, it would be advisable for the ICLA team to involve community based organisations in training curricula, not only as participants but as full partners.

There are a number of natural successors to ICLA's mediation work in CECOs. The *Association des Femmes Juristes*, a local legally focused organisation is already involved in mediation work, and other well reputed organisations such as the Ligue Iteka may be equally well-suited. ICLA listening point staff indicated to the evaluation team the importance of staffing the centres with persons other than local officials, as the work at the centres was primarily to liaise with such officials and ensure that they carried out their responsibilities in respect of the beneficiaries. This might currently be the case though ideally the training and awareness sessions would have increased the competencies, impartiality and working ethics of officials to the point where the need for third-party interventions would become less pressing.

The *Commission des Terres et Biens* is specifically mandated to resolve through mediation or other means conflicts relating to land and property. Integrating more closely the Commission in the work of the listening points may be another alternative.

viii. Protection/durable solutions

The ICLA Burundi programme has in most cases responded well to existing protection issues for NRC beneficiaries (IDPs, returnees, expelled, refugees). In particular, its work in CECOs and its training and awareness-raising sessions provided timely and appropriate response to the context in the country. The organisation's early work with IDPs on the Guiding Principles raised the awareness of a range of stakeholders on IDPs rights and the obligations of authorities, which may have contributed in part to the significant decrease in the number of IDPs in recent years. Its decision to study the phenomenon of 'villagisation' was timely and appropriate and the results once available should assist the organisation and other stakeholders to develop appropriate policy responses. Similarly, its work on expelled persons was both timely with preventive and long-ranging results.

The programmes' work on returnees, in particular returnee monitoring, was successful to the extent that it provided a form of protection and support to returnees and may have avoided negative recriminations or repercussions, and in those circumstances in which the programme was able to react swiftly to problems identified by monitors in the course of surveys. The final results of monitoring surveys in most instances were not produced in a timely fashion and therefore did not serve the intended purpose of effecting policy change.

ICLA's work on refugees was not as effective as planned. Despite the explanations provided, its advocacy work on Rwandan refugees got underway principally after half of the refugees had already been sent back (refouled), and its monitoring survey of Congolese refugees is still in the final stages of preparation. The latter was also negatively affected by the worsening security situation in Congo which diminished the overall utility of the action.

Please see the section on advocacy, above, for a discussion on its role in achieving durable solutions.

ix. Conclusions

Most of the activities of ICLA had a positive impact with beneficiary groups. ICLA's work in Burundi was clearly necessary, relevant and important when the programme was initiated and has continued to be relevant as the context evolved. In general, ICLA has responded well to the evolving context by integrating new programme activities and revising the locations of intervention.

There is significant room to improve the programme outputs in order to enhance efficiency and durability in particular. Greater attention to improving accessibility of listening points and to increase the access to and relevance of the programme for vulnerable groups and women in particular would be a significant programme enhancement.

Increasing coordination and collaboration both internally with other NRC programmes and externally with a range of local and international actors would increase efficiency, effectiveness and impact, as well as durability.

VI. LESSONS LEARNED – RECOMMENDATIONS FOR FUTURE PROGRAMMING

Based on the findings of the evaluation, the following recommendations are made in respect of the ongoing ICLA programme in Burundi.

1. Policy cohesion

NRC should develop Burundi specific policies and positions regarding all major challenges impacting target groups: e.g., land and property issues; durable solutions and villagisation in order to ensure consistent interventions between and within programmes. These policies and positions should be widely known and understood by all staff and fully incorporated into the daily work.

2. Sustainability

Empowerment and progress to self-sufficiency in the structures are essential for long term change. Future interventions should be more participatory, involving beneficiaries as well as local and international organisations and officials, as appropriate in the initial conceptualisation of the programme as well as with the implementation of programme activities. The ICLA programme has implemented all activities directly. It is recommended that from the outset, a strategy aimed at involving local actors in all aspects of the programme be in place. This may be a tiered or progressive approach to local engagement if the context so requires.

3. Coordination

Relations, coordination, collaboration and sharing of information should be enhanced with stakeholders, partners and beneficiaries. ICLA should engage deeply in discussion and coordination with other organisations. Coordination and collaboration should be understood as a cross-cutting objective, not solely as a means to achieving other objectives. ICLA should enhance coordination and collaboration with other programmes of NRC.

4. Mainstreaming gender

The NRC has produced a gender strategy which is in force. It would be desirable for NRC to develop practical guidelines for its country missions on how to implement the strategy, complemented where necessary, by staff training, the provision of expert advice to programmes on what changes should be made and how, given the current context. As has been indicated, gender sensitivity has not been specifically targeted or integrated into the strategies and activities of ICLA. The programme had a high level of interaction with target groups affected by gender based violence and, as identified in the assessment, their concerns and perspectives were not specifically considered in programme design or implementation, nor were staff especially trained to service their particular need. Thus, gender sensitivity should be regarded as a cross-cutting issue for future programmes, particularly in areas relating to integration and reconciliation, and should be incorporated into the overall orientation of the programme and the project activities (personnel resources, beneficiaries, daily work).

5. Recruitment policy

According to the realities of the Burundi social situation and the policy of reconciliation promoted within the country, NRC recruitment policies should, in addition to professional competency, take into account ethnic balance as part of its recruitment policy, as well as gender.

6. Improving programme delivery

There are a number of areas in which ICLA Burundi's work could be enhanced, as is explained throughout the Report. The evaluation team draws particular attention to the following specific areas:

➤ **Poor Beneficiary attendance rates at CECOs**

It is recommended that the Programme Manager take immediate steps to improve the attendance rates at centres, and that for future programmes, NRC include an outreach strategy to accompany all activities with beneficiaries to maximise impact. This should include:

- f) Consultations with beneficiary target groups in the most affected centres to obtain their views on the accessibility of the centres.
- g) Take steps to publicize the CECO's by affixing visible signs in community areas to advice of the services provided by the CECO's, the opening hours and days of operation.
- h) Ensure that staff are present on the opening hours and days of operation to ensure continuity.
- i) Consider earlier opening hours to meet beneficiary needs.⁵⁷
- j) Provide regular information to local grassroots groups and other civil society agencies on the activities of the CECOs to maximise referrals and collaboration.

In addition, the evaluation team believes that further mobility of CECOs could potentially enhance access to beneficiary groups in more remote locations. The Programme Manager's idea to introduce mobile CECO activities at the end of sensitisation meetings appears appropriate and perhaps could be introduced as a test model in one of the CECO sites in Makamba with the most consistently poor attendance rates.

➤ **Maximising the utility of monitoring reports**

Survey samples should be aligned with the needs and purposes of the survey and efficiency considerations such as statistical sampling should be incorporated into monitoring work, in order to speed up report completion. A more rigorous approach to deadlines should be taken. In addition, the use of other monitoring

⁵⁷ Part of the reason for the late opening hours is the security restrictions which impede travel before a certain hour. Whilst the evaluators are not suggesting that security protocols be overlooked, it is suggested that security protocols should continually be revised in light of the changing security situation, and in some areas of the country, an earlier travel time may be feasible.

techniques such as focus groups should be encouraged, particularly with those groups whose voices have traditionally been silenced: women, children, the elderly, as well as minority ethnic groups.

7. Evaluating impact

The existing monitoring systems for ICLA do not provide for qualitative statements about achieved changes or outcomes, nor are the quantitative indicators developed in the context of the desired changes or outcomes. This is particularly important for advocacy or human rights focused programmes in which one is often seeking to effectuate changes to policies and behaviours. Without such a framework, it becomes exceedingly difficult to appraise sustainability and results.

When the change primarily happens at an individual or community level, where delivered resources turn into activities and service is provided to the target groups (or beneficiaries) a future outcome-monitoring should orientate towards these changes. To gain more reliable information about the outcome of activities, future programmes should focus on the beneficiaries as additional information providers and take care to integrate them into internal outcome-monitoring processes. Community participation can be arranged through jointly elaborated questionnaires, result workshops and small scale evaluations on the spot.

As a first step for future activities, NRC should revise existing M&E structures and develop strategies for outcome-focused monitoring activities. Initial needs assessments should contain scalable baseline information from which to evaluate progress.

VII. APPENDICES

ANNEX I: PERSONS AND ORGANISATIONS CONSULTED⁵⁸

ICLA Staff

Roel Debruyne	ICLA Programme Manager (Bujumbura)
Erick Ngoga	Coordinator of the Monitoring Programme (Bujumbura)
Nicole Batumubwira	Coordinator of Legal Assistance (Bujumbura)
Susanne Nsabimana	Programme Coordinator (Makamba)
Steve Ndikumwenayo	Ast. Programme Coordinator (Muyinga)
Grevis NIZIGAMA	Formateur (Makamba)
Egide NDACASABA	Formateur (Makamba)
Moïse NZEYIMANA	Formateur (Makamba)
Maurice NZOSABA	Formateur (Muyinga)
Pacifique NDAYIRAGIJE	Formateur (Muyinga)
Thérènce NKURUNZIZA	Formateur (Muyinga)
Alexis NIYUNGEKO	Formateur (Muyinga)
Bernard NDUWAYEZU	Moniteur (Muyinga)

Non-ICLA NRC Staff

Sophie Cazade	Chief of Mission (Bujumbura)
Stephane Vaugon	Shelter Programme Manager (Bujumbura)
Philippe Allard	Camp Management Programme Manager (Bujumbura)
Eduardo Garcia-Rolland	Protection and Advocacy Advisor (Bujumbura)
Eric Batonon	Coordinator Camp Management (Muyinga)
Paul Nesse	NRC (Geneva)
Fernando de Medina Rosales	ICLA Advisor (Oslo)

Local Authorities

Fabien Yamuremye	National Director of PARESI (Projet d'Appui au Rapatriement et à la Réinsertion des Sinistrés (Bujumbura)
Jean Baptiste Nyabandi	Secretary of Zone Gatumba (Bujumbura rural)
Mme. Louise	Permanent Secretary of the Commission Nationale de Terres et autres Biens) (Bujumbura)
Jean Claude Kameya	Coordinator PARESI
Louis Ndarusheheye	Chef d'antenne PARESI- UNICEF (Muyinga)
Déo Niyonzima	1er Conseiller Principal (Makamba province)
Cyprien Nsizotuma	Conseiller Socio-Culturel du Gouverneur (Muyinga)
Yosiya Kagoma	Chef de Colline et des Bashingantaha (Makamba)
Arthémon HAVYARIMANA	Chef de Zone Kabonga, Makamba

International agencies and organisations

Ismael DIALLO	BINUB, Head of the Office of the High Commissioner for Human Rights
Aude Rigot	UNICEF, Emergency Protection Officer (Bujumbura)
Helene Morvan	RCN (Bujumbura)
Anne-Elisabeth Ravetto	UNHCR Protection Officer (Bujumbura)
Eric Gervais	UNHCR Protection Officer (Makamba)
Fidel Nsita	Chief of Mission, Avocats sans Frontieres (Bujumbura)
Joséline BUCUMI	Search for Common Ground (Makamba)

Local organisations

⁵⁸ The evaluation team has not provided a list of consulted documents. At the outset of its mission, the evaluation team was provided with a hard disk which contained hundreds of programme documents, each of which were consulted by the evaluation team. This provided the team with a good insight into the programme, though the inclusion of multiple versions of documents and numerous draft documents made the task of gaining essential information more complex.

Emile SIMBOKOKA	Ligue Iteka (Makamba)
Pascal MISIGARO	Croix Rouge Burundi, Coordinateur du Camp de Transit de Kinazi (Muyinga)
Dieudonné NDAYISHIMIYE	Association des Femmes Juristes (Muyinga)

Beneficiaries

Jean Baptiste Nyabandi	Formations (Bujumbura rural)
Bernard HENEGERI	CECO (Makamba)
Alexis NTAMPERA	CECO (Makamba)
Angèle BANDIRUBUSA	CECO (Makamba)
Bernadette NTAMASAMBIRA	CECO (Makamba)
Stanislas BONDO	CECO (MAKAMBA)
Bernard CIZA	CECO (MAKAMBA)
Jofri BUCUMI	CECO (MAKAMBA)
Athanase NDIKUMANA	CECO (MAKAMBA)
Déo NDAYIZEYE	CECO (MAKAMBA)
Faustine NAHIMANA	CECO (MAKAMBA)
NTIYANKUNDIYE Stéphane	CECO (MAKAMBA)
Phanuel MPEBERANE	CECO (MAKAMBA)
Jamad NTIBIBUKA	CECO (Muyinga)
Famille NKESHIMANA	Monitoring (Muyinga)
Jean-Marie KIKWINDI	Monitoring (Chef de Camp des Refugies Congolais (Gasorwe, Muyinga)

ANNEX II: IMPACT AND QUALITY INDICATORS

Impact and quantitative and qualitative indicators are best determined as a result of a participatory process and after having completed a baseline study. What follows is therefore for illustration purposes only.

Indicators are ways in which to assess whether progress has been achieved, and in this sense the starting point (baseline) must be clear in order to measure the extent to which the position has shifted towards the ultimate goal, and whether intermediate objectives have been achieved. Benchmarks are the key markers which are set at intervals between the baseline and the intermediate objectives or ultimate goals; they are markers which help assess whether progress is being made towards the realisation of particular objectives or goals. The indicators are the methods by which to verify if the benchmarks were realised and should be capable of being verified. However, indicators should go beyond a listing of project outputs as all this will indicate is that the work was undertaken; it does not indicate the extent to which the work was useful for the beneficiary group and/or whether it contributed to the achievement of the intermediate objectives and ultimate goals.

Indicators should relate directly to the ultimate goal; intermediate objective or benchmark. They may be quantitative (e.g., 200 cases resolved, knowledge passed on to 500 beneficiaries; 20% reduction in reported incidents of violent resolution of disputes) but also qualitative (e.g., victims have greater trust in local authorities' ability to resolve local disputes; beneficiaries' capacity was built in the most relevant and appropriate domains). The below are drawn from the objectives set out in the ICLA LFA; they are not meant to be complete or exhaustive but are provided for illustration purposes.

ICLA Objective 1 : To assist in peaceful conflict resolution through counselling and legal assistance and by strengthening local capacity on human rights issues

Objectively verifiable indicators relevant to objective 1	Sources of Verification
20% reduction in reported incidents of violent resolution of disputes)	- Police records; human rights incidence reports of UN, UNHCR
Intervention was focused in areas with the highest number of disputes	- police records, human rights incidence reports of UN, UNHCR
Counselling and capacity building interventions were focused on issues which caused the greatest disputes and reflected the greatest tensions in the society	- police reports, human rights incidence reports of UN, UNHCR, beneficiary surveys and sampling - programme documents
Beneficiaries feel safer and securer within communities and there is greater trust of officials and greater mutual respect and understanding between potential conflicting parties	- beneficiary sampling, human rights reports, return movements (UNHCR statistics)

ICLA Objective 2 : To achieve a better understanding by local and national administrative authorities, the humanitarian community and other NRC projects about the socio-economic and humanitarian situation of returnee, IDP and host populations leading to a better coordination of humanitarian and development interventions

Objectively verifiable indicators relevant to objective 1	Sources of Verification
The socio-economic and humanitarian situation of returnee, IDP and host populations is well-known	- Monitoring reports of NRC, other national and international agencies and government bodies

(there are detailed, accurate, accessible and up-to-date studies regarding each population listed; NRC monitoring reports provided detailed, accurate, accessible and up-to-date information regarding the populations listed, complementing the work of other agencies (filling gaps)	
The socio-economic and humanitarian situation of particularly vulnerable or marginalised groups is well-known	<ul style="list-style-type: none"> - Review of methodology and targets of monitoring reports - beneficiary sampling - human rights reports
Local and national administrative authorities are well aware of the socio-economic and humanitarian situation (the quantum and quality of dissemination of reports; the extent to which findings and recommendations were considered, debated and adopted)	<ul style="list-style-type: none"> - report dissemination lists - frequentation of downloading of reports from website - feedback received on reports from stakeholders - agendas of policy dialogues and debates, law reform debates, meeting notes -
Regular meetings, dialogue and coordination between counterparts on issues relating to returnee, IDP and host populations (monthly meetings between all agencies working on these issues; partnership agreements between collaborating agencies; identified overlaps in programme areas are eliminated)	<ul style="list-style-type: none"> - agendas and meeting notes - partnership agreements and MOUs - programme planning documents

Objective 3 : To assist Congolese refugees in Burundi with available information on their home communities to allow them to decide on the most appropriate durable solution.

Congolese refugees in Burundi are provided with available information on their homes (- information is collected on 90% of home communities in DRC; information collected corresponds with the types of information that refugees want to know about)	<ul style="list-style-type: none"> - UNHCR statistics - monitoring reports - survey results - beneficiary sampling
Collected information is disseminated to Congolese refugees (90% of the entire refugee community benefits from relevant information about their home community - number of sensitisation sessions held and their locations and number of beneficiaries; timing of sessions vis-à-vis the collect of information – the difference between the time when the information was collected and the time when the sessions were held)	<ul style="list-style-type: none"> - UNHCR statistics on where refugees are located and numbers - programme statistics and ICLA internal reports - Beneficiary sampling
Number of refugees capable of finding durable solutions (50% reduction in the number of refugees living in camps within 3 years)	<ul style="list-style-type: none"> - UNHCR statistics

ANNEX III: ICLA LFA for 2007

LFA MATRIX: Core Activity 1: ICLA (Information, Counselling and Legal Assistance)

	Intervention Logic	Objectively Verifiable Indicators	Sources of Verification	Risks and Assumptions
Overall Objectives	To promote and protect the basic rights of returnees, IDPs and refugees and to facilitate voluntary return or reinstallation as a durable solution, by focusing on the most recent and the most vulnerable returnees & IDPs.			
Specific Project Purpose	<p>Obj 1 : To assist in peaceful conflict resolution through counselling and legal assistance and by strengthening local capacity on human rights issues</p> <p>Obj 2 : To achieve a better understanding by local and national administrative authorities, the humanitarian community and other NRC projects about the socio-economic and humanitarian situation of returnee, IDP and host populations leading to a better coordination of humanitarian and development interventions</p> <p>Obj 3 : To assist Congolese refugees in Burundi with available information on their home communities to allow them to decide on the most appropriate durable solution</p>	<ul style="list-style-type: none"> - 1.500 cases (75%) of land and inheritance conflicts are solved or transferred - All NRC Protection and Monitoring reports distributed/presented to all relevant stakeholders and coordination forums - 50% of adult population in communes of intervention has assisted to rights sensitization or training - Presence in all national Protection-related forums and NRC-initiated coordination to respond to protection gaps identified when no existing coordination mechanisms 	<ul style="list-style-type: none"> - UNHCR, OCHA and other UN field operators statistics and reports - NRC's statistics & reports - Other reports - Meetings minutes 	<ul style="list-style-type: none"> - Stable security and humanitarian situation - Around 50,000 Burundian refugees or IDP's return to their land of origin or are relocated as a permanent solution in 2007 - UN agencies and other organisations provide adequate protection & assistance to refugees, returnees & IDPs - Risk of refoulement for refugees from Tanzania
Results	<ul style="list-style-type: none"> - R1.1: Returnee, IDP and host communities receive adequate guidance and legal assistance on specific obstacles to return and durable reintegration - R1.2: Local authorities as well as returnee, IDP and host communities 	<ul style="list-style-type: none"> - 25 Listening points for ICLA services operating (9 Bujumbura, 6 Muyinga, 3 Makamba, 3 Rutana, 4 roving) 2.500 clients (100/listening point) - 4 partnership agreements to guarantee follow-up of selected 	<ul style="list-style-type: none"> - See above - NRC Monitoring reports and information on return process and displacements 	<ul style="list-style-type: none"> - See above; - Good collaboration with the authorities

	<p>are well informed on basic rights to act on legal obstacles to a durable reintegration</p> <ul style="list-style-type: none"> - R2.1: Findings of humanitarian and return monitoring are published, presented and advocated for in regular contacts with authorities and humanitarian community - R3.1: Information is available to 11,000 Congolese refugees on their home areas in the Democratic Republic of Congo 	<p>cases</p> <ul style="list-style-type: none"> - 17.000 households are interviewed/monitored (6000 Bujumbura, 6000 Muyinga, 3000 Rutana, 2000 to be determined <i>ad hoc</i>). - 6 Monitoring reports (2 Bujumbura, 1 Muyinga, 1 Rutana, 2 to be determined <i>ad hoc</i>) - 100 trainings/seminars are organised 		
<p>Activities</p>	<ul style="list-style-type: none"> - A1.1.1: Provision of information, guidance and mediation efforts in private listening points (permanent & mobile) on strategic ICLA issues (land & property, document procurement, family-law related issues, SGBV & HR violations) - A1.1.2: Establishment of a database, compiling cases received in listening points, with success indicators, which is to serve as knowledge centre on peaceful conflict resolution on strategic legal themes - A1.1.3: Conclusion of partnership agreements with other Legal Service Providers and human rights organisations to guarantee adequate follow-up on identified cases falling outside the scope and specialisation of ICLA know-how - A1.2.1 : Training sessions and seminars on protection-related issues for local authorities - A1.2.2 : Sensitisation campaigns, community workshops and media 	<p><u>MEANS / INPUTS</u></p> <ul style="list-style-type: none"> - Staff costs : - Implementing costs & operational costs : - Administrative costs : <p><u>DONORS</u></p> <ul style="list-style-type: none"> - BIFL0701: SIDA - BIFL0702: DGCD (applied) 	<p><u>COSTS</u></p> <ul style="list-style-type: none"> - 2.550.000 Nok - 2.050.000 Nok - 400.000 Nok <hr/> <hr/> <ul style="list-style-type: none"> - 5.000.000 Nok (735.290 \$) <ul style="list-style-type: none"> - 2.700.000 Nok (397.000 \$) - 2.545.105 Nok (389.065 \$) 	<p><u>ASSUMPTIONS</u></p> <ul style="list-style-type: none"> - See above <p><u>PRECONDITIONS</u></p> <ul style="list-style-type: none"> - Security and access to the intervention areas - Authorisations to operate from local and national authorities

	<p>awareness campaigns on family-law related issues and conflict resolution</p> <ul style="list-style-type: none"> - A2.1.1 : Monitoring on humanitarian and socio-economic situation of returnee, IDP and host population in return areas - A2.1.2 Sharing of monitoring reports with all relevant stakeholders to assist in identifying protection gaps and coordinating response efforts, and advocacy on relevant issues - A3.1.1: Monitoring in Congolese refugee camps on knowledge and information about home communities - A3.1.2 : Provision of information to facilitate reintegration upon repatriation by cross-border exchanges with NRC ICLA project in the Democratic Republic of Congo 			
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ANNEX IV: EVALUATION TERMS OF REFERENCE



TERMS OF REFERENCE (ToR)

Project/ Program:	BIFL 0702 ICLA – Information, Counselling, Legal Assistance
Country:	Burundi
Date final version:	21 September 2007

A. Project Background

Project context and rationale

Information, Counselling and Legal Assistance (ICLA) is one of the Norwegian Refugee Council's (NRC) core activities. The ICLA project aims at facilitating voluntary return or reintegration as a durable solution through information, mediation, counselling and legal assistance, by strengthening local capacity on human rights and by supporting adequate and coordinated response to the protection needs of the refugee, returnee, IDP and host populations.

It provides information, guidance and mediation in fixed information and counselling centres on land conflicts, identity documents, GBV⁵⁹, and family-law related issues. The project also conducts surveys to monitor the humanitarian situation, protection and security issues and the reintegration of the returnee population. It advocates for the rights of IDPs, returnees, refugees and expelled persons, and strengthens local capacities on human rights.

After several years of displacement, hundreds of thousands of IDPs and returnees are returning home. With a very basic social infrastructure, both the returnees and the host communities need information about their essential human rights, be it about their legal status, the use of registering births or contracting marriages, or about the functioning of the judicial system. However, the local administrative authorities often lack knowledge of basic legal principles, the judicial system and the basic rights of IDPs, refugees, returnees and the host communities.

Despite the end of armed violence, there are still cases of human rights violations and gender-based violence (GBV). Also, land is a scarce resource in Burundi, and inheritance conflicts over land due to previous displacements and lack of documentation, are very common and can seriously affect the stability of the society. Women living in informal relationships are often particularly vulnerable, and so are their children.⁶⁰ Moreover, since August 2006, an increasing number of Burundians are being expelled from Tanzania. They are facing similar reintegration challenges as the returnees. Also, depending on the security situation in the Democratic Republic of Congo, a substantial number of the 11,000 Congolese refugees in Burundi may want to return home, but they often lack the essential information about their home areas for them to make an informed decision on return.

⁵⁹ Gender-based Violence

⁶⁰ Informal relationships are relationships between people who live together in a family-like situation, without being officially married. Children born out of such relationships are rarely officially registered.

As a response to these problems, the ICLA project started its activities in Burundi in Makamba province in 2004. Since then it has expanded its area of intervention to Bujumbura Rural, Muyinga and Rutana provinces. The activities include information, counselling and legal assistance on issues related to land, housing and property rights, on legal documentation and civil status, on family-law related issues, and on GBV. This is done in close collaboration and partnership with local administrations and other Legal Service Providers⁶¹. ICLA activities also contain monitoring of the humanitarian situation in return areas as well as awareness-raising and dissemination of specific fundamental rights through training seminars and sensitisation campaigns. In 2005-6, some local administrations have attended training sessions on the Guiding Principles on Internal Displacement. In 2007, a new training programme started on Family law, with local community leaders as main beneficiaries.

ICLA Burundi is also conducting a cross border exchange of information with NRC ICLA in the Democratic Republic of Congo in 2007. Through a survey in the refugee camps for Congolese refugees, ICLA Burundi has forwarded specific requests to the DR Congo team which in turn will gather needed information on the home areas of the refugees, and disseminate the information back to the Burundian team and the Congolese refugees through cross border exchanges. This in order to provide the refugees with as much useful information about their home areas as possible, thus enabling them to decide individually about the opportunity to opt for voluntary repatriation or not.

Throughout its implementing period, the ICLA programme has been shifting its focus in response to the changing sociopolitical situation. Following new national policies on free primary education and health care for children under 5, access to services is no longer included in the strategic themes for the counseling centers. Also training seminars on the IDP Guiding Principles have come to an end, because of the change in the IDP situation in Burundi.

Project outcome

NRC's overall objective in Burundi is to promote and protect the basic rights of returnees, IDPs and refugees and to facilitate voluntary return or reintegration as a durable solution, by focusing on the most recent and the most vulnerable returnees and IDPs.

Project outputs

More specifically, NRC aims through this project to promote and protect the basic rights of returnees, IDPs and refugees and to facilitate voluntary return or reintegration as a durable solution.

The programme has three specific objectives:

2. To assist in peaceful conflict resolution through counselling and legal assistance and by strengthening local capacity on human rights
3. To raise awareness on the socioeconomic and humanitarian situation of returnee, IDP and host populations among local and national administrative authorities, the humanitarian community, and other NRC projects, contributing to a better coordination of humanitarian and development interventions
4. To assist Congolese refugees in Burundi with available information on their home communities to allow them to decide on the most appropriate durable solution

B. Purpose and phase for the evaluation and intended use

The main *purpose* of the evaluation is to provide an independent assessment of the effectiveness, impact, relevance and sustainability of the past activities of the ICLA programme since 2004, in order to facilitate the elaboration of an enhanced programme lay-out. The evaluation team should provide the ICLA Programme Manager with useful information, analysis and recommendations, thereby enabling the organisation to engage in effective policymaking, planning, programming and implementation.

⁶¹ Legal Service Providers are other local and international NGOs, providing some kind of legal aid or legal assistance.

Since the ICLA programme in Burundi started in 2004, it has been decided by NRC Burundi to have an external **Mid-term** evaluation of the programme in 2007 to improve the programme design and further implementation in the new political environment, characterised by an end of hostilities, democratically-elected local and national authorities, focusing on long-term development, but within a context of structural, extreme poverty. Moreover, access to land in an essentially agricultural and densely populated society is becoming increasingly challenging. Given the current political situation and pattern of returns, as well as a number of obstacles that still need to be overcome, Burundian IDPs and refugees from Tanzania and other countries are not expected to have all returned and/or resettled before 2009. NRC could withdraw from Burundi in 2010.

Intended use of results

The *results* of the evaluation will be used by the ICLA Programme Manager to re-direct, if necessary, the focus and methodology of the ICLA programme in this new, post-conflict socio-political environment.

C. Scope of work and methods

The evaluation should cover the overall assistance provided through ICLA in the period of September 2004 – June 2007. The main *perspective* of the evaluation is to provide a mid-term review of the ICLA approach in Burundi, its results so far and to what extent the current methodology will need to be improved to ensure higher impact and effectiveness in the coming years, before phasing out.

The *methodology* will include:

- 5) **desk studies**, As general background, the evaluation team should study relevant material in the NRC, such as Country information, the NRC country strategy for Burundi, action plans, project applications, correspondence, agreements and reports
- 6) **field visits to Muyinga and Makamba** field offices (Makamba field office supervises the activities in Rutana). In addition, the evaluation project should include in depth studies during field visits to the geographical areas of relevance for the ICLA project. These visits should include interviews with target groups incl. ICLA clients, international and national ICLA personnel, other (non-ICLA) NRC staff, representatives of national and local governments, donor representatives and other partner organisations. Through these visits the team should **assess** ICLA activities:

- mediation activities and legal information provided in counselling centres,
- the strategic issues dealt with in the counselling centres (land, housing & property rights, ID documents, administrative problems, family-related conflicts, GBV),
- monitoring activities,
- training on family law, and
- advocacy in favour of expelled persons.

In this respect, it is important to assess whether the key issues raised and the responses provided by ICLA Burundi have been the most relevant ones for the beneficiaries, whether there have been changes in their needs and whether ICLA has been able to adapt to such changes.

- 7) **Interviews with stakeholders**. Consultations in the field will be held with all relevant stakeholders: ICLA staff, local authorities, beneficiaries. Beneficiaries are clients received in listening points, local authorities and other community leaders attending training seminars, the Congolese refugees in the refugee camps and the humanitarian community as a whole.

Evaluation principles

The evaluation will be guided by the following ethical rules/considerations:

- Openness – of information given, to the highest possible degree to all involved parties
- Publicity/public access – to the results when there are not special consideration against this
- Broad participation – the interested parties should be involved when relevant/possible
- Reliability and independence – the evaluation should be conducted so that findings and conclusions are correct and trustworthy.

D. Issues to be covered

The evaluation team will assess the performance of the ICLA project in Burundi by applying the following criteria. These criteria are defined in NRC's Evaluation Policy. The questions under each criterion are meant to guide the evaluation team in focusing on key issues of interest for NRC.

1. Relevance/appropriateness

At the time the ICLA project was initiated in Burundi, the country was immersed in a humanitarian crisis characterised by a fragile peace with recurrence to hostilities by some parties to the conflict, internal displacement, influx of refugees and asylum seekers from other countries as well as spontaneous and forced return of Burundians. In those circumstances:

- Was a thorough assessment undertaken prior to the project design focusing in the relevance of an ICLA project in such context?
- If so, to what extent was the current project design consistent with the humanitarian and protection needs and the local environment identified by the assessment?
- Given the context of extreme poverty in which most Burundians live – including NRC's population of concern – did potential beneficiaries, including host communities, participated in any way in defining how an ICLA project could respond to their needs?
- To what extent does the ICLA programme provide the right response to the needs of NRC's population of concern: refugees, returnees and IDPs? Are the objectives of the project in line with NRC ICLA Policy?
- Has NRC the required capacity in terms of staffing, local knowledge and experience in the country to conduct relevant and appropriate response?
- What are the alternatives to the current design of the ICLA project? Is ICLA the best alternative in the Burundian context and why?
- Are there mechanisms in place to monitor whether the project has adapted to changes in the context and needs?

2. Effectiveness

The envisaged outcome of the ICLA project in Burundi is to contribute to durable solutions and to protect the rights of the population of concern, with a focus on recent and vulnerable returnees and IDPs. It works towards that goal through concrete objectives (see page 2 of this TOR).

- Are objectives and activities sufficiently clearly defined? Are they relevant to the context and to the envisaged outcome of the project?
- Has the project defined criteria for selecting beneficiaries in accordance with its objectives? If these exist have they been applied consistently?
- Is there an internal monitoring mechanism and objectively verifiable indicators in place to assess whether or not objectives are achieved? What indicators are being used?
- To what extent has the ICLA programme achieved objectives?

3. Efficiency

- To what extent the programme has utilised its resources and time efficiently?
- Is direct implementation the best alternative? Would other modalities, i.e. the use of implementing partners, have improved the balance between inputs and outputs?

4. Coordination

- To what extent has there been coordination with other legal and non legal service providers?

- Has the coordination with NRC Congo been relevant to the objective of offering cross-border information and assistance to Burundian and Congolese refugees?

5. Impact

- Has the assistance provided by ICLA helped the beneficiaries to take well-informed decisions concerning durable solutions for themselves and their families?
- Has the ICLA programme and its components contributed to the removal of legal obstacles regarding housing, land and property, to obtaining basic services, etc?
- What intended and unintended, positive and negative effects are produced by the ICLA programme, both on the population of concern and others who are affected?
- Has the ICLA project in Burundi identified quantitative and qualitative indicators to measure the impact of its activities? Are monitoring and analysis mechanisms in place?

6. Sustainability

- Has the project identified exit strategies?
- To what extent are those in line with NRC policies?

7. Protection/durable solutions

- To what extent does the ICLA Burundi programme respond to existing protection issues for NRC beneficiaries (IDPs, returnees, expelled, refugees)?
- To what extent have advocacy efforts, initiated by ICLA, achieved positive and timely results?

E. Evaluation team and steering committee

The evaluation should be undertaken by a team of two persons with legal and human rights competence and experience with the Great Lakes region. The team leader will lead the work of the team and be responsible for writing the report. The Team Leader should have evaluation experience regarding legal aid and/or human rights projects and experience with situations of forced displacement. The local consultant should have knowledge of the conflict and culture in Burundi. Both team members must be able to communicate fluently in French, and should be gender aware. Difference of opinion between team members regarding conclusions/recommendations will be reflected in the report.

A Steering Committee will be established, with the following members: Programme Coordinator for Burundi, NRC HQ; Head of Africa Section, NRC HQ; ICLA Advisor, NRC HQ; Country Director for Burundi, NRC Burundi, ICLA program manager for Burundi, NRC Burundi and Evaluation Advisor, NRC HQ. Evaluation manager is the Evaluation Adviser, Kine BRODTKORB. The main function of the Steering Committee will be to select the external evaluators, review preliminary findings and recommendations and establishing a dissemination and utilisation strategy. The main function of the Evaluation Manager will be preparing the terms of reference (in close collaboration with the stakeholder and members of the steering committee), administration and over all co-ordination, including monitoring progress.

F. Timeframe and budget considerations

The whole process of the evaluations will have a time frame of six weeks starting in November 2007 and ending mid December 2007. The evaluation team is scheduled to start its work in early November 2007, conducting field visits to Muyinga and Makamba mid November 2007.

The team leader should alter the Evaluation Manager at NRC immediately if serious problems or delays are encountered. Approval for any significant changes to the evaluation timetable will be referred to the Steering Committee.

Stipulated budget frame: NOK 300.000 (USD 54,000,-)

Expression of interest should be forwarded to the Advisor for evaluation and quality assurance, NRC HQ, Kine BRODTKORB (kine.brodtkorb@nrc.no) not later than October 9th, 2007. The final decision will be taken by October 12th.

For further information please contact:

Advisor for evaluation and quality assurance, NRC HQ, Kine BRODTKORB (kine.brodtkorb@nrc.no)
Programme Coordinator for Burundi, Heidi SOLHEIM NORDBECK (heidi.solheim.nordbeck@nrc.no)

G. Reporting

At the end of the field research, the evaluation team will hold a workshop with the ICLA project team and other relevant staff of the NRC office in Burundi identified by the Steering Committee to discuss the preliminary findings of the evaluation exercise.

A draft report should be submitted not later than December 15, 2007. The completion date for the Final Evaluation report will be January 11, 2008, the consultants having addressed NRC's comments as appropriate.

The size of the report should be approximately 40 pages (appendices not included), clearly written, with English and French versions, using Arial 11 point.

The evaluation report should consist of:

- Executive summary and recommendations not more than six pages.
- Main text, to include index, emergency context, NRC mandate, evaluation methodology, commentary and analysis addressing evaluation purpose and outputs to include a section dedicated to the issue of particular lessons-learning focus, conclusions (not more than 35 pages)
- Appendices, to include evaluation terms of reference, maps, sample framework, and bibliography)

All material collected in the undertaking of the evaluation process should be lodged with the Evaluation Manager prior to the termination of the contract.

H. Follow up/Management response

For the follow up of the evaluation the ICLA Programme Manager in Burundi is the main responsible, with the Programme Coordinator for Burundi as focal point at NRC HQ. The conclusions emerging from the workshop with the evaluation team at the end of the field research will be taken into account in the project implementation for 2008. A management response, responding to the recommendations, including an action plan should be prepared by the ICLA Programme Manager, Burundi not later than two months after receiving the final report. It is the responsibility of the Country Director, Burundi to ensure that the realisations of these plans are monitored and documented.