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Name of your Organisation:	Norwegian Church Aid
Local Partner(s):	InterAfrican Network for Human Rights (AFRONET)

ABOUT THE EVALUATION

Evaluation year: 2003
Conducted by: Hivos/Michelo Hansungule and Hope Chigudu
Country: Zambia
Region: Southern Africa
Theme/DAC sector: 150: Government and Civil Society- 63: Human Rights:

SUMMARY OF THE EVALUATION

Title of Evaluation Report:

Evaluation Report of Afronet Human Rights Programme in Zambia

Background:

The Inter-African Network for Human Rights and Development (AFRONET) is a brainchild of some of Africa's leading human rights defenders. Meeting on the sidelines of the United Nations (UN) World Conference on Human Rights held in Vienna, Austria, in 1993, African human rights defenders conceived the idea of establishing an organization principally to act as a network of human rights civic bodies on the continent. In 1995, this dream came true. AFRONET was registered as a non-governmental organization under the Society's Act of the Laws of Zambia where it was headquartered and from where it set up an embryonic secretariat. From these humble beginnings, AFRONET has evolved into a powerful institution it is.

Conceptually, AFRONET is a pan-African organization. The original idea was for AFRONET to act as a cobweb of African civic bodies. This was in order to respond to a felt- need among NGOS in Africa who called for some kind of a network between and among them which, unlike their counterparts in other parts of the world, did not exist. African NGOs tended to work in isolation thereby duplicating their functions and therefore not exploiting their potentials. It was expected that AFRONET would serve as the missing link between and among NGOs in the region. It would maximize the potentials of the African NGO terrain by linking them together thereby enabling easy contact among them and jointly undertaking such things as creating programming, information-sharing as well as activities and actions. However, in practice, AFRONET: is perceived as a Zambian based NGO which is predominantly operating in Zambia with a few selected instances of work in Southern Africa. The perception of Afronet as a Zambian NGO is based on among other things the fact that all staff is Zambian despite the Constitution stipulating that conditions of service to apply to foreign employees

In order to increase its effectiveness and to make it more relevant to rapidly changing circumstances, AFRONET underwent a major constitutional reform in 1998.

Purpose/ Objective:

The main objective of the evaluation was to assess progress with respect to the implementation of Hivos funding for the period 2001-2004. It was to assess the extent to which AFRONET has been implementing the recommendation of the 1999 evaluation. The evaluation was to provide input for AFRONET's internal learning and establish whether AFRONET and its funding partners have adhered to the guidelines and activities as outlined in the funding agreement and describe the role and effectiveness of the board.

Hivos has maintained regular contact with AFRONET since 1994 and the first funding was in 1996.

In 1999, Hivos commissioned an evaluation of AFRONET. The evaluation concluded that AFRONET was generally meeting its overall objectives, but the evaluators pointed out that the organization could and should improve its performance, address gender and development issues, governance and management (especially financial management). It recommended a three-year grant. In 2001-04, Hivos gave AFRONET Euros 304 033. One of the provisions of this three-year grant was a mid year evaluation by external consultants.

The purpose of the evaluation is to assess the extent to which AFRONET has implemented the planned programmes. The evaluators should most importantly assess

- the effectiveness of the stated programmes of AFRONET towards creating public awareness among rural and urban people on human rights issues in Zambia
- the effectiveness of AFRONET in influencing changed behavior (positive) on the part of policy makers and parliamentarians regarding how they conduct their functions in a quest to bring about a transparent and accountable governance and government systems.
- Effectiveness of its anti corruption lobby in influencing policy makers and other institutions in dealing with corruption
- The effectiveness of its media programme in influencing media in reporting on human rights, corruption and governance issues
- The way AFRONET has integrated gender issues in its programmes and within the organization.
- And generally the role played by AFRONET in influencing important processes and events within the country e.g. parliamentary and local government elections through the stated programmes.

The evaluation is commissioned by Hivos and is meant to assess the extent to which AFRONET has used Hivos support to effectively influence the public and policy makers regarding issues of human rights. The last evaluation of AFRONET was done in November 1999. While it confirmed the relevancy of AFRONET in the human rights sector in Zambia, it also pointed to the need for AFRONET to address governance and management issues. These were seen as weaknesses. The issue of gender particularly identifying women's rights issues and financial management were other areas that needed attention. Gender was also critical in view of military abuses of the public.

This evaluation should cover the period 2000 – 2003 and should mainly focus on: accountability and management issues, programme issues, gender, relationships with other Human rights and relevant civil society organizations in Zambia and the region, financial management, relationship with Hivos Foundation and other donors and based on findings, provide conclusions and recommendations on the future of Afronet's work in Zambia and the region.

Methodology:

According to the TOR consultants were requested to review literature relating to AFRONET's programmes, interview staff in the different programmes of AFRONET, the Director and Board members (mainly those based in Zambia, contact other Board members through e-mails and telephones. They were further expected to also interview selected beneficiary institutions, members of the public male and female in rural and urban areas as well as relevant institutions (Non governmental organisations) operating in the field of human rights and gender as well as Media institutions and Parliamentary organs.

Below is a summary of the principal method/s used by consultants at each stage:

Stage I-Literature review: to get an insight into what was supposed to be done in accordance with the project sent to Hivos on which the current funding is based, what has been done over the project period as recorded in the project documents, work plans and progress reports; publications and review of the evaluation done in 1999, audit report and the constitution. The output from this stage was an understanding of emerging issues, which were validated in the fieldwork. These same issues informed the discussions with AFRONET staff in stage II

Stage II-Interviews: with AFRONET Structures to cover both programming, financial and OD issues at all levels.

Management level - as the starting point we talked to the Director, who shared his insights into the areas where he felt the organization had done well and where he needed assistance with deeper

reflection and analysis; the consultants also shared issues and concerns arising from the desk study during these discussions.

Staff level- involved discussions focused on programme officers who go out to interact with partners or those that work on the design, production and distribution of the materials produced by AFRONET. Two or three members of staff were not engaged as they were new or non-programming or in non-critical administrative functions.

Board members- face-to-face discussions with one board member were held to review strategic direction and governance issues. Engagement with two other board members including the chairperson was through email.

The principal methods applied in engaging with these various stakeholders include the following:

One-on-one interview and groups discussions with the various department managers/programme officers with the evaluators as one team. This made it possible for us to get the same briefing and have long discussion as a team.

Assessment of quality, strengths, delivery gaps, gender and organisational development issues.

Field visits based on the issues arising from the desk study (stage I) and the discussions with the AFRONET staff (stage II)

Stage III - External stakeholder engagement: We talked to the stakeholders of AFRONET seeking feedback on AFRONET service delivery vis-à-vis results. We met other NGOs (allies and competitors) donors, the Ministry of Information and Broadcasting Services, Chairperson of the Electoral Commission of Zambia (ECZ), Anti-Corruption Commission (ACC), MPs etc, ex employees, the general public, to obtain national perspectives on the relevance and effectiveness of the strategies chosen by AFRONET and its partners as well as feedback on mechanisms for interaction among the various stakeholders. We also wanted to get a donor perspective on funding of AFRONET...their funding experience, who was still on board or who wanted to come on board.

Stage IV - Data Analysis and Reporting: This stage basically involved collation of the information from the previous stages and drafting a preliminary report, which was submitted as a draft. Written comments on this were obtained and based on that feedback, a final report was produced.

Key Findings:

1. The general perception is that AFRONET is an important need in the Zambian society. Most of the people we talked to including Government and non-Government officials spoke highly of AFRONET.
2. AFRONET'S human rights programme was running very well though more could be done. While it did not engage in litigation, AFRONET did very well in advocacy work. Examples of projects that are successful include the publication of the Zambia Human Rights Report and the anticorruption awareness campaign project.
3. However, Consultants found the Constitution of AFRONET to have a lot of lacunas and loopholes that needed urgent attention.
4. Consultants confirmed the earlier finding that AFRONET has not been convening the board of Directors. Consequently, the board had not met since the last evaluation.
5. The operating frameworks and financial systems in AFRONET are very weak or non-existent. For instance, most staff members, starting from the Executive Director to the lowest employee, do not have valid contracts of service. At the same time, the modus operandi of the financial systems in place do not allow for accountability. For instance, only staff members are signatories to the organisation's accounts. Similarly, we discovered a number of payments and transfer of funds from one item to another among AFRONET, Monitor and SAHRINGON, that were only possible due to the weak financial infrastructure.
6. Though in practice, management is taking measures to hive the Monitor off from AFRONET, the same people who are on AFRONET board of DIRECTORS are on the Monitor Board.

Recommendations

1. The management team at AFRONET is slowly beginning to own the organization of ensuring that AFRONET does not sink deeper into debts. The team should continue to take a proactive role and ensure that the ownership of the organization is not left in the hand of one person. The Director himself should see this as a progressive stage and support it. He has invested in the organization and should not allow it to die.
2. Addressing the culture of the organization should be part of the restructuring of the organization. The intangible assets (team work, interpersonal issues etc) of the organization need to be developed with the same enthusiasm as its tangible assets. The core intangible assets should be identified and developed in a planned manner. A human rights organization cannot afford not to pay attention to intangible assets.
3. If AFRONET is to survive, it needs to embark on a restructuring process immediately to address some of the syndromes that continue to haunt the organization. The syndromes include the following: lack of adequate systems and structures, a culture that is not conducive to growth of individuals and the organization, indebtedness, neglect of gender in programmes, lack of reflection...etc. It needs to soul search and renew itself.

Comments from Norwegian Church Aid (if any):

The evaluation was conducted in November and December of 2003. The evaluation of AFRONET was commissioned by HIVOS but many donors that supported AFRONET shared the Hivos reports. In the case of NCA-Zambia, interest was taken to ensure that AFRONET reorganises and repositions itself in its Human Rights Work. In November 2004, AFRONET refunded the remaining amount of money to NCA on Human Rights and HIV/AIDS which was granted from the regional office (US\$14,971.00). Problems related to reporting between AFRONET and NCA hinged on lack of clarity in the agreement between "basket funding" and "earmarked" funding from NCA. The issue has since been resolved. NCA has however not resumed the partnership with AFRONET since 2004. No doubt, AFRONET has been influential in promoting a human rights culture, democracy and good governance in Zambia and should be supported through organisational and institutional capacity building. Organisations as AFRONET are needed in a young democracy as Zambia to put pressure on Government as the many duty bearers in the protection, promotion and fulfilling rights for its citizens.

EVALUATION REPORT

OF

AFRONET HUMAN RIGHTS PROGRAMME

In

ZAMBIA

Hansungule, M., Chigudu, H., and Ncube, M.

Lusaka, December 2003

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ACKNOWLEDGEMENTS

Many people have immensely contributed towards the success of this report. Besides ordinary people like marketeers at Soweto market in Lusaka and some villagers on the outskirts of Lusaka, we spoke to school-teachers, senior government officials, leaders of non-governmental organisations, Members of Parliament, the media people, in addition to Lusaka-based diplomats, etc. We are most grateful to them all.

Immediately we were appointed, we contacted the AFRONET Executive Director, Ngande Mwananjiti. The Team leader, and one of the consultants, held separate meetings with the Executive Director prior to the group visit. This was one week before the visit. These contacts were intended to explore the terrain and to agree on some of the ground logistics. However, besides looking at logistics, we just as much discussed some of the issues.

On the afternoon of 2nd November, 2003, the first day of our visit to the AFRONET offices along Lukasu Street, we had a preliminary meeting with Mr. Mwananjiti who was accompanied by his Director of Finance and Administration, Mr. Chikoye. During this meeting, we spoke mainly about the programme, and once again clarified some logistics. Most of the interviews we were going to conduct had not yet been arranged at the time we had our first meeting but we decided to go ahead and take on whatever was practically possible. We held our main meeting on the second day, November 3rd, 2003. Save for Mr. Chikoye, Ms. Yuyi (Information Officer), Mbinji Mufalo (Director of Research and Development) and Hope Ndlovu-Chanda (Legal Counsel), all the staff were present at this meeting. However, the absence of the four senior officials from this meeting was to prove fatal.

Following this, we went out to the field where we met with various stakeholders including Government and non-governmental officials and individuals. In particular, we visited the Danish Embassy, Norwegian Embassy, Netherlands Embassy, Norwegian ChurchAID, Swedish Embassy, NGOCC, FODEP, Women for Change, The Monitor, WILSA, University of Zambia, Electoral Commission of Zambia, Human Rights Commission, etc. Before the main field-visit by the three consultants, research assistants engaged by one of the consultants interviewed a wide

spectrum of people including the Netherlands Embassy, Swedish Embassy, Ministry of Information and Broadcasting, and several NGO's.

Later starting from mid-December right through to Christmas, we, especially the Team Leader, had occasion once again to engage with senior AFRONET staff. This was after the organisation's response to the draft report. As we explain in the methodology below, this second encounter with AFRONET proved even more valuable than the November field visit. We were able to speak to AFRONET staff again on one-to-one basis, this time with the draft report in mind. We also spoke to other people as well besides AFRONET staff such as the NGOCC chairperson whom we did not have the opportunity to meet in November. The discussions were aimed at feeling up the gaps on the outcome of our work and addressing resulting issues. The experience was that the report would not have been balanced had we not had the opportunity of a second chance in December.

There was a mishap that nearly adversely affected the production of the draft report. Towards the end of November, Internet facilities in Harare suddenly went off air for about a week. Consequently Hivos could not receive on time the draft document sent to them. Simultaneously, the Team Leader's Yahoo email was suddenly blocked. It could only receive but not send or at least emails and documents sent do not reach the addressees. The latter incident remained the case up to the production of the final report. The result was that work was significantly slowed as communications between and among the various parties was on and off. For instance, it took rather long before AFRONET could receive the draft report. In other words, in the end, we had to rely on the traditional methods of communicating to get the information and the report across. We sincerely regret the developments.

Finally, very disturbing information reached us towards the end to the effect that AFRONET Executive Director Ngande Mwananjiti was involved in a serious road accident along the Great East Road in Lusaka. However, we were delighted to learn that while his car was extensively damaged, he himself was out of danger. We are deeply sorry for this. It is our sincere hope and prayer that he quickly recovers.

To conclude, we would like to acknowledge all those good people that helped us complete this assignment. We found all our meetings with the various people we approached to be very fruitful. Even though most of them were arranged on the spot, the various people we visited co-

operated with us very well. We are indebted to each and every one of them.

ACRONYMS

ACC	Anti-Corruption Commission
AFRINET	Inter-African Network for Human Rights and Development
CAT	Convention Against Torture
CRC	Constitutional Review Commission
CEO	Chief Executive Officer
CELTEL	Cellular Telecommunications
CG	Consultative Group
DANIDA	Danish Development Aid
DCDM	De Chazal Du Mee
DRC	Democratic Republic of Congo
ECZ	Electoral Commission of Zambia
EUOM	European Union Observer Mission
ECOSOC	Economic and Social Council
F& A	Finance and Administration
FODEP	Forum for Democratic Process
Hivos	Humanist Institute for Cooperation with Developing Countries
ICT	International Communications Technology
INDECO	Industrial Development Corporation
LAZ	Law Association of Zambia
LRF	Legal Resources Foundation
MISA	Media Institute of Southern Africa
MP	Member of Parliament
MMD	Movement for the Multiparty Democracy
NGO	Non Governmental Organisation
NORAD	Norwegian International Development Agency
NGOCC	NGO Co-ordinating Committee
OD	Organisation and Development
PAYE	Pay As You Earn
R&D	Research and Development
SADC	Southern African Development Community
SIDA	Swedish Development Agency
SAHRIT	Southern African Human Rights Trust
SAHRINGON	Southern African Human Rights NGO Network
TOR	Terms of Reference
UPND	United Party for National Development
USD	United States Dollars
UN	United Nations
WILDAF	Women in Law and Development in Africa
WILSA	Women in Law in Southern Africa
ZARD	Zambia Research and Development
ZHRSP	Zambia Human Rights Strategy Programme

OUR METHODS OF WORK

The report is the result of the evaluation, carried out between November and December 2003 by the following:

- Mary Ncube of MTN Special Engagement Limited, Lusaka;
- Hope Chigudu of Chigudu & Associates, Harare; and
- Professor Michelo Hansungule, of the Centre for Human Rights, University of Pretoria, South Africa.

The main objective of the evaluation was to assess progress with respect to the implementation of Hivos funding for the period 2001-4. It was to assess the extent to which AFRONET has been implementing the recommendation of the 1999 evaluation. The evaluation was to provide input for AFRONET's internal learning and establish whether AFRONET and its funding partners have adhered to the guidelines and activities as outlined in the funding agreement and describe the role and effectiveness of the board. The full Terms of Reference are included as Annex 1.

Hivos has maintained regular contact with AFRONET since 1994 and the first funding was in 1996.

In 1999, Hivos commissioned an evaluation of AFRONET. The evaluation concluded that AFRONET was generally meeting its overall objectives, but the evaluators pointed out that the organisation could and should improve its performance, address gender and development issues, governance and management (especially financial management). It recommended a three-year grant. In 2001-04, Hivos gave AFRONET Euros 304 033. One of the provisions of this three-year grant was a mid year evaluation by external consultants.

We did not strictly adhere to the TOR as the situation on the ground demanded that we spend more time with the Director. Quite often, we were dictated by stubborn realities on the ground to shape our methods accordingly.

Below we summarise the principal method/s to be applied at each stage:

Stage I-Literature review: to get an insight into what was supposed to be done in accordance with the project sent to Hivos on which the current funding is based, what has been done over the project period as recorded in the project documents, work plans and progress reports; publications and review of the evaluation done in 1999, audit report and the constitution.

The output from this stage was an understanding of emerging issues, which were validated in the fieldwork. These same issues informed the discussions with AFRONET staff in stage II

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The principal methods applied in engaging with these various stakeholders include the following:

One-on-one interview and groups discussions with the various department managers/programme officers with the evaluators as one team. This made it possible for us to get the same briefing and have long discussion as a team.

Assessment of quality, strengths, delivery gaps, gender and organisational development issues.

Field visits based on the issues arising from the desk study (stage I)
and the discussions with the AFRONET staff (stage II)

Stage III - External stakeholder engagement:

We talked to the stakeholders of AFRONET seeking feedback on AFRONET service delivery vis-à-vis results. We met other NGOs (allies and competitors) donors, the Ministry of Information and Broadcasting Services, Chairperson of the Electoral Commission of Zambia (ECZ), Anti-Corruption Commission (ACC), MPs etc, ex employees, the general public, to obtain national perspectives on the relevance and effectiveness of the strategies chosen by AFRONET and its partners as well as feedback on mechanisms for interaction among the various stakeholders. We also wanted to get a donor perspective on funding of AFRONET...their funding experience, who was still on board or who wanted to come on board.

Stage IV - Data Analysis and Reporting

This stage basically involved collation of the information from the previous stages and drafting a preliminary report, which was submitted as a draft. Written comments on this were obtained and based on that feedback, a final report was produced.

The list of persons met is included in the annexure together with some of the key documents reviewed such as the 1998 amended constitution.

However, an anecdote on methods is necessary. During our November field visit, it turned out we did not learn as much about AFRONET as we did later on in December. In November, staff members were somewhat restrained and not forthcoming on a number of issues put to them. However, later in December, after the release of the draft report, which was bitterly critical of AFRONET, staff became much more willing to supply us with relevant information. For instance, we were in December supplied with copies of minutes of the 'Management Committee' which show that in a bid to address some of the problems AFRONET is facing, several decisions have in fact been taken. Some of these decisions clearly prove the delinkage AFRONET from anything to do with the Monitor, one of the main bones of contention in relations between AFRONET and donors. Similarly, in these minutes, 'Management Committee' asserts its authority over the Executive Director in a number of ways; something that gives hope to the future of the organisation. For example, the 'Management Committee':

- refused to ratify the appointment of the Executive Director's Secretary as in the Committee's view, the recruitment and appointment did not follow laid down procedures
- terminated the employment in AFRONET of the Monitor Managing Editor resulting in the latter suing the organisation (AFRONET)
- took the painful decision that led to the withdrawal of most of the benefits due to the Executive Director in view of the bad financial situation
- decided to freeze all payments that are not programme-related
- refused to authorise payment of the rentals for the Executive Director's house, etc.

A number of decisions have already been taken though without the blessings of the board. This is important. However, without the blessings of the board as provided for in the Constitution, their integrity is in question. Consequently, while we would encourage the staff to continue with this attitude, it must be clear that there is no option to regular board meetings.

SUMMARY OF FINDINGS

1. The general perception is that AFRONET is an important need in the Zambian society. Most of the people we talked to including Government and non-Government officials spoke highly of AFRONET.
- 2 AFRONET'S human rights programme was running very well though more could be done. While it did not engage in litigation, AFRONET did very well in advocacy work. Examples of projects that are successful include the publication of the Zambia Human Rights Report and the anticorruption awareness campaign project.
3. However, we found the Constitution of AFRONET to have a lot of larcunas and loopholes that it needs urgent attention
4. We confirmed the earlier finding that AFRONET has not been convening the board of Directors. Consequently, the board has not met since the last evaluation.
5. The operating frameworks and financial systems in AFRONET are very weak or non-existent. For instance, most staff members, starting from the Executive Director to the lowest employee, do not have valid contracts of service. At the same time, the modus operand of the financial systems in place do not allow for accountability. For instance, only staff members are signatories to the organisation's accounts. Similarly, we discovered a number of payments and transfer of funds from one item to another among AFRONET, Monitor and SAHRINGON, that were only possible due to the weak financial infrastructure
6. Though in practice, management is taking measures to hive the Monitor off from AFRONET, the same people who are on AFRONET board of DIRECTORS are on the Monitor Board.

SUMMARY OF RECOMMENDATIONS

Consultants recommended:

- 1 That AFRONET Management takes the necessary measures to immediately convene the founding meeting of the board of Directors, at least not later than the first of six months of 2004
- 2 That notwithstanding the commendable efforts so far introduced by the 'Management Committee' to ensure accountability in the use of AFRONET resources, a Treasurer be appointed from among Lusaka-based Board members who should be mandatory signatory for payments on all accounts
- 3 That in spite of the fact that other donors may have expressed satisfaction with the financial regime in place, AFRONET should come up with a Plan of Action and Programme aimed at implementing our recommendations and observations on its financial systems and regulations as recommended herein.
- 4 That the board of Directors reviews and validates all contracts of service in the organisation within the first six months of 2004
- 5 That the Board of Directors take the necessary measures to regularise the de-linkage between AFRONET and the Monitor newspaper in line with the actions already instituted by the 'Management Committee'
6. That Hivos should base release of its funds on the outcome of the meeting of the board of Directors and satisfactory performance of the recommendations in this report. If there is no progress on these two items within the first six months of 2004, Hivos should discontinue its co-operation

EXECUTIVE SUMMARY

This evaluation was very difficult, and at times frustrating. Little did any of us know what was in store for us at the time we were contracted by Hivos to undertake the exercise. What made it difficult is that, unlike

other evaluations, it came at a time when AFRONET was going through trying times. Previous evaluators did their evaluations in relatively easy environments. Ours was incomparably uneasy. For instance, we did not know at the time of our appointment, that some of AFRONET'S main partners especially the Danish Embassy had a serious rift with the organisation concerning use of DANIDA funds. This fall-out has had a serious snowball effect on the whole donor/AFRONET relations.

We also did not know that AFRONET was in such serious financial problems that creditor after creditor was after their money. For instance, information reached us, towards the end of the exercise in December that bailiffs had pounced once more at the AFRONET offices looking for assets to seize in order to settle a creditor's claim. They later seized the Executive Director's personal possessions on the grounds that being such, he is the guarantor of AFRONET. This came shortly after the 'Management Committee' had taken a drastic decision to sell some of their vehicles to settle yet another claim AFRONET lost in court in connection with the Human Rights Commissioners' case. We were told the situation was much worse before. Nearly each and every day, bailiffs would call at the organisation's offices enforcing this or that Order. If the board does not act decisively, there will be no AFRONET. However, in spite of all this, management allayed our fears that AFRONET would go bankrupt. According to them, AFRONET is fairly liquid. They are referring to programme funds. But these funds cannot remain secured when the rest of AFRONET is burning. There is no doubt that these cases and claims are making it difficult for the organisation to focus on its work.

A ritual problem that has greeted past evaluation teams at AFRONET is the issue of institutional structure. Lack of a board that meets regularly to transact AFRONET business is *[the]* weakest point in AFRONET's image. At the core of this is the question of governance, ironically the very subject the organisation seeks to champion. Governance has been AFRONET's worst nightmare. This leads to numerous problems. Foremost among them is weak framework and operating system, which poses threats to the security of the organisation's finances. Predictably, the same issues that have occupied previous reports on AFRONET surfaced during our evaluation. Regrettably, it would seem that AFRONET has not heeded previous concerns about governance in the organisation as well as finance systems which it has repeatedly been pointed out are weak or non-existence. On the other hand, the human rights programme especially the outside of the apparel rather than the inside speaks well of the organisation. There are not many concerns on

AFRONET'S human rights programme including the anti-corruption programme. But the same cannot be said of election monitoring project. Election monitoring and the Monitor have significantly added to the woes of the organisation.

ORIGINAL CONCEPT

Over the years, AFRONET has earned itself a reputation as a powerful no nonsense human rights defender. All the donors conceded as to the importance of an AFRONET as a promoter and protector of human rights particularly within the Zambian spectrum. This has largely been made possible through the personal charisma of the incumbent and founding Executive Director, Ngande Mwananjiti. AFRONET is now what it is mainly because of the person of the Executive Director. Mwananjiti is the institutional embodiment of the concept AFRONET and many people would find it hard to imagine an AFRONET without him.

While AFRONET was originally conceived to be a pan-African organisation, it has since found this order simply too ambitious and practically unaffordable. Donors were tight-fisted when it comes to proposals for regional projects. Though they are funding other organisations involved in regional work, it is not so easy to get funding for regional programmes. In the result, AFRONET has evolved into a human rights non-governmental organisation within the Zambian geographical domain. Outside the Zambian jurisdiction, there is not much activity beyond the rudimentary work mainly carried out through the sub-regional project SAHRINGON.

PERSONALITY ISSUE

AFRONET is a legal person within the Zambian legal domain. It is registered as an organisation under the Society's Act. To fulfil the registration requirements, it had to supply a list of board members to the Registrar of Societies in addition to basic requirements like place of business, minutes of the first meeting of the board, etc. With this personality, AFRONET can sue and be sued. However, one of the biggest problems at AFRONET is that the board has not been meeting. This meant that the minimum requirements of the law have regularly been ignored. This has been pointed out several times in previous evaluations. Without the board in place which meets regularly, management has been operating the organisation single-handedly. This offends the principles of corporate democracy which AFRONET champions when it comes to ensuring good governance tenets in Zambia.

One of the reasons why it has not been possible for AFRONET to convene the board is the cost involved. Donors have not been keen in funding the costs involved in ensuring donor meetings especially for organisations like AFRONET, which has a pan-African/American composition. But AFRONET must also bear responsibility for this. Its constitution states that board members shall be African personalities 'resident' in Africa. The residence requirement automatically disqualifies 'members' resident in other parts of the world beyond Africa. If this requirement were read carefully, the costs issue would have significantly been ameliorated. The point is that it is not possible for AFRONET to operate without regular board meetings. Quite apart from it being a grievous breach of the Constitution, it infringes the principles of good governance and accountability for the management to double as the board of Directors.

PROGRAMMES

AFRONET's human rights programme has won it universal endorsement. Most people and organisations that have dealt with AFRONET have praised most its human rights crusade. There is no let up to these praises. During our evaluation, most people and institutions we interviewed spoke highly of AFRONET's human rights programme. This is a reference to the Zambia Human Rights Report (which is published annually), the press conferences and statements, workshops including exhibitions of extra-judicial killings, fact-finding visits, election monitoring, etc.

Of these, the Zambia Human Rights Report is the jewel of the organisation. Due to the fact that the report circulates all over the world and more especially in the human rights circles in the West, it has really put AFRONET on the world map as a serious defender of human rights. With each report, AFRONET'S position as a human rights defender has been skyrocketing thereby ensuring for it pride of place among the world's leading human rights organisations. The report's main aim is to expose the human rights violations at various levels of society, including the areas that are traditionally out of bounds especially to busy bodies like AFRONET. Along with the Zambia Human Rights Report, the other evidence of AFRONET'S determination to do whatever it takes to protect and defend human rights is the bold decision to publish their investigations into the suspicious deaths of prominent Zambian politicians in the so-called Justice with Memory expose'.

Equally to its credit is the newly introduced anti-corruption project. Most people do not know that AFRONET undertook a fundamental reform of its founding constitution in 1998. One of the most important aspects of the new law is the additional mandate granted to the organisation to help fight corruption. Though only introduced recently, there is no doubt that AFRONET'S noisy anti-corruption campaign has been a resounding success. Obviously, this has greatly been facilitated by the changing fortunes in Zambia. President Levy Mwanawasa's new emphasis on corruption has facilitated this fight. His unprecedented decision to drag his predecessor, former President Frederick Chiluba, to court to answer charges of corruption is testimony of this commitment. Working through community radio stations spread across the country, AFRONET has managed to empower many ordinary Zambians with the message that it was up to them to determine their own destinies. Communities that were previously shy or which had no courage to even appear in public were suddenly on air in community radios discussing the scourge of corruption and showing how it affected them. This way, many people are enabled to claim a stake in the shaping of their own destinies.

Election monitoring is another good example of AFRONET'S successful accomplishments. As part of its governance programmes, AFRONET has participated as election monitor in both the 1996 and 2001 general elections, in addition to several by-elections. Here, AFRONET has mainly participated together with other organs of society although in each case, it has played the leading role. While the final verdicts of the reports the organisations issued may obviously not have pleased authorities, it is clear that AFRONET'S involvement either by itself or jointly with others has given the electoral process the necessary legitimacy the process badly required. Government's negative sometimes openly harsh reaction which at one time led to Ngande Mwananjiti's incarceration should be seen as proof of his and his organisation's resolve not to compromise when it comes to principles.

Since 1996, AFRONET has been running a newspaper, initially introduced as a project. The Monitor newspaper began as a weekly paper. It later became Bi-Weekly. Reporting mainly on human rights and development issues in accordance with its stated motto, the Monitor has been very useful in exposing maladministration acting as a forum for the expression of views inconsistent with official policy. However, its fortunes have recently drastically fallen. Of late, after dispensing with the AFRONET file, AFRONET is producing Occasional Papers. Four have been published thus far.

PROBLEMS & CONCERNS

In spite of the splendid record in its human rights programme, things at AFRONET are however not simply beds of roses. In the report, we have not exaggerated when we predicted a certain death for AFRONET if it did not immediately embark on reforming its institutional structures and culture of doing things. Practically, the organisation died yesterday. The Executive Director conceded that it should have closed last year.

A ritual question for AFRONET has been its institutional weaknesses and consequent management style. Related to this are weak financial systems. All these form the bottom of the organisation so that they cannot be ignored. The structure of the organisation has attracted repeated criticisms in past evaluations. It has been pointed out, for instance, that one of AFRONET's main weaknesses is that it is basically a one-man organisation. Most observers have wondered whatever happened to AFRONET'S board of directors whose members are simply never heard. Like many other NGOs, the Constitution of AFRONET provides for a board of directors and the Secretariat took the necessary step to formally select and appoint some of the highly respected individuals including Africa's foremost scholars. However, nothing else has happened beyond this. Needless to say this has greatly frustrated the board members who agreed to join the board in good faith under the mistaken impression they would contribute something to the cause of human rights in Africa through AFRONET. The board member we interviewed in Lusaka and the other two we were able to reach via email expressed deep frustration at AFRONET'S failure to call for even a maiden meeting. AFRONET does not seem to understand that the need for board meetings is a constitutional and moral imperative for the organisation and the individuals concerned.

The board is provided for in AFRONET'S own constitution and therefore it is duty-bound to convene it. Failure to convene the board flies directly in the face of everything the organisation stands for as stipulated in its basic law. In the report, we have rejected the reasons AFRONET management advanced for not complying with its own constitution. At the same time, we felt duty-bound to draw the attention of donors who have been funding AFRONET to the fact that they are complicity to the problems brought about by this constitutional quagmire. Donors knew or ought to have known that in its current format and organisation, AFRONET did not qualify to receive assistance. Having regular board meetings is one of the most basic features of good governance, which AFRONET would be foolhardy to ignore. Second, the board gives the

organisation the much-needed legitimacy that is essential for the personality of AFRONET. We are very delighted however that after the release of our draft report, action is already being taken to remedy the anomaly. The founding meeting of the board of Directors was due to be held in Lusaka during January 2004.

Most systems have been contaminated by the problem of governance. For example, several previous evaluation reports have bemoaned the fact that AFRONET'S financial systems are weak. We found the same situation. Even though other donors are reportedly happy with what prevails at AFRONET, we have documented several instances that need to be addressed in order to secure and safeguard especially Hivos funds of which we were principally concerned with. What comes out from this criticism is once again the issue of governance. However much AFRONET tries to exonerate its management from any wrongdoing, doubts will continue to linger in the minds of people as long as the issue of governance is not addressed. AFRONET has a duty to set the standards of transparency, accountability and honesty in its dealings with the outside world and the starting point for this is to put in motion the board so that it (board of Directors) can take stock of what is going on. AFRONET must understand that it infringes against the principle of accountability for management to monitor itself.

What we have said about the finance applies with equal force to the personnel systems. There is need for AFRONET to go back to the drawing board as far as the employment situation of staff is concerned. This is another area, which calls for the board and donor assistance. The employment situation is a responsibility of the board to review and validate all the contracts so as to come up with clearly revised contracts consistent with the law. Donors can help by funding this exercise. It is essential for its continued existence that AFRONET addresses the issue of governance and more especially accountability and transparency in its work procedures and systems.

The Danish Embassy in Lusaka has finally taken on AFRONET for having diverted its money meant for regional projects to other unplanned activities. About USD 100,000 is said to have been diverted to election monitoring during Zambia's 2001 election. This has so incensed the Danish authorities, previously one of the closest partners, with the result that relations with AFRONET have all but collapsed. A forensic audit initiated by the Danes on AFRONET was underway as we compiled the evaluation. AFRONET has tried to provide answers to some of the

questions but due to the non-existent of the board, any measures taken by management have lacked integrity.

It is important to observe that AFRONET cannot afford to ignore the Danish Embassy. Until the African NGOS are able to take responsibility for their agendas, they will have to live with the fact that agendas for human rights are designed by others or externally driven. It is pointless from this perspective for AFRONET to try and act as if donor funding is a human right. At least it has not yet matured into a human right, which can be demanded irrespective of the wishes of the donor. Donor funds are still made available purely at the discretion of donors and quite often decisions in that regard are influenced by constituencies outside the immediate environment of the NGO. However, having said this, it is important for both AFRONET and the Danish authorities to accept the possibility of mediation as a way forward. AFRONET will not pay back the USD 100,000 because it doesn't have it. But it is important for AFRONET to put all the cards on the table in discussions with donors and avoid being evasive, arrogant, and insensitive.

Besides, AFRONET faces a number of other problems for example in trying to justify to the donors that it has completely separated from the Monitor newspaper. The Monitor has now become a 'bottomless pit', which understandably worries donors. AFRONET'S insistence that it is separate from the paper is unconvincing, and AFRONET must address this. Donors are justified in being nervous their money to AFRONET could end up being channelled to bail out the Monitor, which is facing severe economic problems. Also, donors do not think it efficient use of resources to put it in a newspaper, which could end up distorting the media market. AFRONET has not yet discharged its responsibility to separate it from the Monitor completely and convincingly. The Executive Directors' 40% shareholding in the Monitor which together with the Monitor Managing Editor's 40% ensure them a virtual monopoly in the paper. We also learnt that most of the debts AFRONET owes the outside world are due to the Monitor. In this situation, it would not be enough to simply state that the Monitor is separate from AFRONET as it is being contended by management. The separation should be demonstrably clear. In this respect, we appreciate the several practical steps the 'Management Committee' has recently taken to remedy this problem. In particular, the decision to discontinue making payments to the Monitor including salaries for the staff is eloquent testimony of the newly found determination in the ranks of the staff to address this problem once and for all. This is something that deserves encouragement from all

concerned. What is needed now is to articulate this effort in basic rules governing AFRONET.

The issue of gender programming in AFRONET is worrying. AFRONET, in its proposal to Hivos, promised to hire a gender officer. It has not but says that it is in the process of doing so. To address gender in a meaningful way, AFRONET needs a trained gender officer able to train staff in gender awareness and analysis. It also needs to make gender and development part of organisational change.

It is understandable if AFRONET does not understand gender to be a priority it must address. But once it applies for funding for it, and that funding is approved, it has no excuse for not delivering the service it promises in the project documents. Besides, AFRONET is aware that there is so much work on gender in Zambian society. It has even acknowledged this through its work such as in the study it did on local court justices. In this study, AFRONET was trying to document the number of female local court justices vis a vis their male counterparts. As Hivos itself has observed in their response to the draft report, AFRONET could have developed programmes on issues like gender in prisons, gender at work places, gender in education, even gender in the electoral system, etc. This is a subject that cannot run out of issues in a society like that in Zambia. It is reassuring however that AFRONET was recruiting the gender officer.

Finally, of equal significance is the high number of lawsuits and extra-court demands AFRONET faces both from the Monitor and AFRONET ex-employees as well the general public. Already, it has had to sell some of its assets in order to raise funds with which to clear some of the claims and debts. These problems have diverted the attention of the organisation away from its core objectives. We were told that the situation had in fact improved and that creditors are no longer bothering them as used to be the case. This is not because AFRONET has cleared all its debts. Either creditors are simply fatigued or are still counting their options before deciding to pounce on the organisation. It seemed to us that unless drastic action was taken by AFRONET management to try and ameliorate the situation, the debts alone would cripple the organisation if they have not already done so.

We were glad to learn however during our December visit of some of the strategies and actions the 'Management Committee' had mooted towards addressing these problems. As we pointed out before, the minutes of this Committee eloquently testify to the resolution of the staff to break with

the past. The Director of Finance and Administration, for instance, has since been frequenting the Government tax and provident fund offices in a bid to try and clear the organisation's debts so as to give it a fresh beginning.

WAY FORWARD

The management team at AFRONET is slowly beginning to own the organisation of ensuring that AFRONET does not sink deeper into debts. The team should continue to take a proactive role and ensure that the ownership of the organisation is not left in the hand of one person. The Director himself should see this as a progressive stage and support it. He has invested in the organisation and should not allow it to die.

Addressing the culture of the organisation should be part of the restructuring of the organisation. The intangible assets (team work, interpersonal issues etc) of the organization need to be developed with the same enthusiasm as its tangible assets. The core intangible assets should be identified and developed in a planned manner. A human rights organisation cannot afford not to pay attention to intangible assets.

If AFRONET is to survive, it needs to embark on a restructuring process immediately to address some of the syndromes that continue to haunt the organisation. The syndromes include the following: lack of adequate systems and structures, a culture that is not conducive to growth of individuals and the organisation, indebtedness, neglect of gender in programmes, lack of reflection...etc. It needs to soul search and renew itself.

HIVOS PROGRAMMES

In the light of all this, we were duty-bound to alert Hivos to treat its programmes with AFRONET with extreme caution. In as much as we would have wanted to recommend continued funding of AFRONET, we had to be awake to the numerous problems the organisation is currently going through and to the fact that management has not been responsive to previous calls from donors to take the necessary restructuring measures. Previous evaluations clearly show that AFRONET has more than been forewarned on measures it would have to take to address the several

concerns that have been pointed out. No one would like to see AFRONET disappear from the Zambian landscape. Donor concerns on what should be done at AFRONET are specifically within the domain of the organisation. It is our strong recommendation that continuation of Hivos programmes should be made conditional on AFRONET undertaking the drastic measures previously called upon to restructure the organisation and strengthen its systems so as to increase accountability and transparency. Towards this end, we have recommended that Hivos should adopt ‘performance-based’ criteria for the funding AFRONET. The ‘business as usual’ approach so far adopted by Hivos and others even after their own evaluation reports call for caution could be setting dangerous precedents. What we are calling for, for instance, is that if the board does not meet within the next three to six months to start addressing the issues we have raised, Hivos should terminate its programmes. Similarly, if AFRONET does not perform to satisfaction measured against the criteria built in our recommendations, then there would be no need to continue with the co-operation. Otherwise, AFRONET is a worthwhile project to invest in provided it adopted the plans and strategies called for in evaluation reports.

CHAPTER ONE

ESTABLISHMENT, OBJECTIVES & PROGRAMMES

1. 1 Establishment

The Inter-African Network for Human Rights and Development (AFRONET) is a brainchild of some of Africa's leading human rights defenders. Meeting on the sidelines of the United Nations (UN) World Conference on Human Rights held in Vienna, Austria, in 1993, African human rights defenders conceived the idea of establishing an organisation principally to act as a network of human rights civic bodies on the continent. In 1995, this dream came true. AFRONET was registered as a non-governmental organisation under the Society's Act of the Laws of Zambia where it was headquartered and from where it set up an embryonic secretariat. From these humble beginnings, AFRONET has evolved into a powerful institution it is.

Conceptually, AFRONET is a pan-African organisation. The original idea was for AFRONET to act as a cobweb of African civic bodies. This was in order to respond to a felt- need among NGOS in Africa who called for some kind of a network between and among them which, unlike their counterparts in other parts of the world, did not exist. African NGOs tended to work in isolation thereby duplicating their functions and therefore not exploiting their potentials. It was expected that AFRONET would serve as the missing link between and among NGOs in the region. It would maximise the potentials of the African NGO terrain by linking them together thereby enabling easy contact among them and jointly undertaking such things as creating programming, information-sharing as well as activities and actions. However, in practice, AFRONET:

- is not a pan-African organisation but a Zambian based NGO
- is not active in African countries besides Zambia except for isolated instances in Southern Africa
- has not been successful in establishing the called for network among African NGOs even after ten years of its existence as evidenced in workshops when African NGOS express ignorance of the organisation
- has no network even in and among Zambian NGOS but does things alone or with weak NGOS
- with the exception of the Co-ordinator of the regional project SAHRINGON, employs only Zambian staff. This is in spite of provisions in its constitution referring to conditions of service to apply to foreign employees

In order to increase its effectiveness and to make it more relevant to rapidly changing circumstances, AFRONET underwent a major constitutional reform in 1998. Article 3 of the amended constitution chronicles the organisation's objectives as follows:

Encourage networking, co-ordination and co-operation among non-governmental organisations in Africa

Facilitate the generation, dissemination and sharing of information and activities in and outside Africa relevant to the enhancement of human rights, accountable government and development in Africa

Undertake programmes for the implementation by African states of the African Charter on Human and Peoples' Rights and other regional treaties and instruments acceded to by African states for the enhancement of living standards in Africa

Promote awareness of other international human rights procedures, standards and obligations to which African states are parties

Fight corruption through programmes which create community empowerment and popular participation to ensure public accountability at all levels of the African society

Ensure effective and representative participation of African Non-Governmental Organisations before international bodies, institutions and gatherings devoted to the cause of human rights and development

Strengthen collaboration with intergovernmental and international non-governmental organisations working in Africa or running programmes relevant to Africa; and

Carry out any other programmes, activities or initiatives which are necessarily relevant to or incidental to the capacity of AFRONET to attain its aims and objectives

1.2 Country Context

AFRONET is one of the several human rights organisations in Zambia. By the last count, the number of NGOs country-wide on the register of societies at the Registrar's office exceeded 200. Of course the majority of

these have since become dormant while the Registrar has for various reasons been pruning some of them.

Not all the over 200 are engaged in human rights work. Some of them are in human rights while others are in such fields as refugees, humanitarian rights, environmental protection, gender, etc. It has been suggested that the NGO field in the country is saturated. This is not an entirely accurate picture because as indicated, a number of these NGOs remain inactive throughout their establishment. Some of them become active once in a while depending on availability of funds. Until the next grant is secured, they would fold camp.

Some of the common features of Zambian human rights NGOs include the fact that they:

- are dominated by one man/woman;
- have a very high staff turnover;
- mainly focus on political and civil rights;
- are totally dependant on donor funding;
- are concentrated along the line of rail and in urban areas; and
- are highly competitive particularly with each other, etc.

AFRONET shares most of these characteristics. Recently, donors have increasingly become weary about supporting human rights programmes in Zambia. Some of those we spoke to felt that the Zambian human rights situation was not such as would require them to maintain the existing levels and margins of support as say in Zimbabwe. Consequently, the country's human rights support programme is likely to reduce drastically.

1.3 HUMAN RIGHTS PROGRAMME

Much has been said about AFRONET'S human rights programme. While it is difficult to quantify the success of a human rights programme, it can be observed in the case of AFRONET that the organisation has added enormously to the value of the work of civil society in Zambia in particular in the protection and promotion of human rights. This is demonstrated in a number of ways. For instance, due to civil societies like AFRONET, there is increased awareness of human rights in Zambian communities. It is easy to detect this on radio and other channels of communication when ordinary people are enabled an opportunity to express themselves. By and large, Zambians have become assertive and

are disinclined to submitting to authority without questioning. This has happened, for instance, in the opposition to former President Frederick Chiluba's third-term bid. Similarly, people from all walks of life are opposing President Levy Mwanawasa's style of governance. For instance, the civil society's boycott of President Mwanawasa's indaba (public meeting) which he held recently is testimony of this assertiveness. Finally, the current opposition to the Constitutional Review Commission (CRC) which the President has anointed for the purposes of writing a new constitution, is again clear testimony of the growing awareness both of civic and human rights, just to cite a few examples. Alleged rights abuses in Zambia no longer go unchallenged by bodies such as AFRONET and many others.

While it is true that the work of defending human rights in Zambia did not start only with the coming onto the scene of AFRONET in 1995, the fact that the organisation has had such an impact is clearly undeniable. AFRONET'S work in defending human rights has won it recognition everywhere in the world. For example, AFRONET has been granted observer status at the African Commission on Human and Peoples' Rights at Banjul, The Gambia. Similarly, it enjoys observer status with UN's ECOSOC. These are important credentials to AFRONET in this global village. Globalisation has created the need for human rights defenders to increase capacities such as by universalising their strategies and methodologies. Observer status in regional and global systems is the latest means of maintaining collective vigilance in the defence of human rights particularly since human rights are universal values. Having joined the international community of societies, AFRONET is able to share experience with others as well tackle the problems more effectively using the regional and global means at the disposal of defenders.

This has already had loud dividends. For example, AFRONET, together with Amnesty International, were cited recently in the case of Dr. Rodger Chongwe v. Zambia before the UN Human Rights Committee in Geneva, as the sole source of the information Dr. Chongwe relied upon in making his case. Dr. Chongwe had accused the Zambian authorities of trying to assassinate him and the country's first President to prevent them from exercising their basic freedoms of association, assembly and expression. Zambia was found to have breached several human rights guarantees and condemned by the Committee.

1.4 THE ZAMBIA HUMAN RIGHTS SUPPORT PROGRAMME

The 2002 Annual Report describes the Zambia Human Rights Support Programme as 'the cornerstone of AFRONET's pursuit of contributing to the long-term promotion of a human rights culture in Zambia'. This is easily an eloquent testimony of the priority which the programme enjoys in AFRONET. Overall, the objective is to work towards the development of a culture of human rights in the country. In 2002, the programme involved the following:

- human rights monitoring and reporting
- human rights investigations
- monitoring Parliament; and
- social mobilisation for anti-corruption

1.5 HUMAN RIGHTS MONITORING AND REPORTING

The crux of this aspect of the programme is the compilation on a monthly basis of human rights information, as can be deciphered from a diverse of sources. Compilation is in effect documentation of cases which entails:

- holding interviews with the victims of human rights abuses or their relatives
- holding discussions with public authorities like the Police and hospitals
- preparing summaries of court judgements involving cases on human rights
- use of non-court sources such as newspapers

The information obtained after being analysed is fed into the production of the Annual Human Rights Report. The Human Rights Report is the hallmark of the Zambia Human Rights Support Programme. It has been universally praised by the donor community, and the general public at large. The 2001 Report in particular won the most praise in the donor community. Launch of the Report is an important public relations exercise. It is attended by key institutions and individuals in the promotion and protection of human rights from as diverse backgrounds as the academia, Diplomatic Corps, NGOs, media personnel, heads of some governmental institutions, etc. The 2001 Report, for example, was launched on May 7, 2002. Two thousand and five hundred copies were printed and distributed countrywide. AFRONET head of the library section explained that the main destination of the Report include:

- Zambia Police
- Selected schools

- Donor community
- Prominent individuals

Copies of the Report are kept at the AFRONET library in Kamwala for use by the growing number of readers and researchers. In their response to our draft report, AFRONET management also indicated that researchers from the University of Zambia are among the users of the Annual Report. Specific examples of this were referred to.

There are problems however. The first of these is the ritual problem of inadequate funding. Funding is a major challenge facing the production of the Report in quality and quantities that would meet the needs of the market. We have, for example, pointed out, in the financial section, how in a bid to maximise resources, AFRONET staff use one field visit to attend not to one but to several assignments. This of course is fraught with difficulties but the idea is to ensure the maximum use of limited resources. One vehicle would be used for the anti-corruption as well as human rights data gathering exercise. Similarly, one officer on an anti-corruption mission could also be requested to gather information on human rights. Needless to say this affects the quality of the reports due to lack of adequate time and resources. It is important that AFRONET is adequately funded and staffed for it to handle this particular assignment effectively. Present efforts are important but they need to be augmented with even more resources and staffing that is skilled with the task of gathering data and facts in human rights. More important is the need for the staff to be trained in the process of verification and analysis so as to reduce opportunities for treating the cases out of context or reporting the subjectively. This is especially the case instances where facts are derived from less reliable sources such as newspapers as some of the cases are. Journalistic reporting is often inconsistent with objectivity and AFRONET would have to make double sure that cases deciphered from news sources are reliable enough to grace a respectable report. Subject to the rider on the need to verify as well as collate and collect information as professionally as possible, AFRONET's reports highlight violations and infringements which officials would hate to expose. Police brutalities in named police stations are documented in ways that sufficiently arouse public apprehension that something is seriously flawed in our criminal justice system. Similarly, the 2002 report contains graphic details of electoral malpractices in the 2001 tripartite elections showing very clearly the difficulties surrounding the Zambian electoral system. Publicity is a very important form of shaming device that can act as a prevention mechanism on the part of those set on violating the basic rights and freedoms of others. AFRONET is strongly encouraged to continue with

the publication of the Zambia Human Rights Report as it serves an important objective in trying to expose violations of human rights.

1.6 PARLIAMENTARY WATCH

Another programme that AFRONET has conducted is keeping an eye on Parliament. According to the 2002 Report, the Parliamentary Watch programme 'aims at advocating policy and legislative reforms to promote justice, accountability and conformity to democratic governance as well as creating a sustainable partnership between Parliament and the Zambian citizenry'. Additionally, the programme acts as a forum for the exchange of information and enhancing public debate on the role and performance of the Zambian Parliament. Between January and July, 2002, AFRONET produced two issues of the Parliamentary Watch. The first issue carried articles including on Zambia's Multi-Party Parliamentary Set-up-Dawn of Democracy or Crisis; Appraisal of the Performance of Past Speakers; Mwanawasa's First Budget and the 'Rekindled Hope for Change and Reflections on Parliamentary Reforms'.

In the Second Issue, there were articles on:

- Pace Setters of the 57th Session of Parliament
- Parliamentary Reforms
- The Constituency Fund Scheme; and
- An Analogy of the Constitutional, Parliamentary and Political History

In addition, the Second Issue profiled carried profiles of two female Members of Parliament in an effort to increase awareness of gender representation in Parliament. Parliament is an anachronistic institution, which is hardly known among the Zambian populace even though they are the ones who vote for its members. Up to now, most of the modus operandi governing the operation of the institution has remained stuck in ancient British practice. Consequently, efforts to educate the public about the goings on in the House, its composition, gender representation, etc., is critical. What needs to be done however is to try and fund this programme adequately so that publications can be made in local tongue. This will ensure that electorate understand what happens to their vote and how the vote can be made to improve their lives. Issues like how to petition Parliament, how to comment on bills that are before the various readings in the House, parliamentary business and practice, etc., would be very important subjects to take to the electorate through publications and where possible radio drama.

Also, AFRONET has made submissions to the Parliamentary Committee on Legal Affairs, Governance, Human Rights and Gender. This is part of Parliament's public accountability programme in which members of the public through civil societies are enabled a voice to directly lobby the government through Members of Parliament. On June 7, 2002, AFRONET submitted a Memorandum on Accountability and Transparency of Public Affairs to the National Assembly. The Memorandum contained submissions with regards to harmonisation and institutional linkages among institutions concerned with accountability and transparency; powers and effectiveness of prosecution of cases of corruption and strengthening of independence of the institutions from the executive. The National Assembly has been impressed with AFRONET's work. The Parliamentary Committee on Legal Affairs, Governance, Human Rights and Gender acknowledged AFRONET's positive work when it officially congratulated the organisation 'for their role in promoting the observance of human rights and good governance'.

1.7 OCCASIONAL PAPERS

Previously, AFRONET used to run an online file called 'AFRONET File.' However, this has recently been discontinued and replaced by occasional papers. So far, a total of four papers have been prepared in-house and circulated. The papers have centred on critical subjects as follows:

Elections in Zambia: A Question of People, Law and Governance
Rethinking the Missing
Justice and Memory: A Question of History and Accountability; and
The Role of the Code of Conduct in the Electoral Process.

The first paper, which was issued in January/February 2002, takes a close look at the just ended 2001 tripartite elections in the country 'with emphasis on peoples' right to make political choices, law and governance.' The main thrust of the paper is that the law in Zambia has failed to control political behaviours of those individuals in government who undermine the legitimacy of government. It accuses politicians in government of being responsible for impeding the advancement of democracy through the sum total of their individual behaviours, which goes against the law.

The second paper, Rethinking the Missing, was issued in June 2002. It was presented to a workshop organised by the International Committee of the Red Cross (ICRC) on the theme 'the missing' held in Geneva during the same month in 2002. Although it is not clear, AFRONET in this

paper, tries to lobby the international community for new strategies on the duty of States to intervene and prevent in situations so as to protect people from internal displacements. It criticises the self-serving interests of Western countries who often do not see the need to intervene in third world situations like in Zambia unless there is a full blown out war.

The third paper, Justice and Memory: A Question of History and Accountability, was issued in June/August 2002, as a complement to the justice and memory human rights exhibition, which we discuss in a little more detail below. This paper sets the stage for the investigation in 'mysterious deaths' or deaths that raise questions in the majority of the minds of the Zambian people.

Finally, the fourth paper, The Role of the Code of Conduct in the Electoral Process, was issued in July 2002 for presentation to a FODEP electoral reform conference. The paper takes the view that elections in emergent democracies like Zambia are frustrated by the failure to uphold electoral legislation or regulations. It points out that inequities and perpetuation of the interests of sitting governments and or strong interest groups make it necessary for the ordinary people to rely on legislation to protect their right to political choice.

Further to the above, AFRONET, as intimated before, has continued to use of press statements and press briefings as an 'immediate response mechanism to emergent issues on human rights'. The statements and briefings were made mostly on corruption, torture, and other governance and human rights protection issues. There was a difference of opinion, however, on the desirability of these mechanisms during the time of this evaluation. After the Supreme Court confirmed the death penalty on forty-one of the Zambia Army soldiers accused of treason, there was no response from AFRONET. Some staff in the organisation would have wanted AFRONET to come out and condemn the use of the death penalty. However, others thought AFRONET stood to gain nothing by such publicity stunts. In the end, no statement or press briefing on this was issued or organised.

1.8 CAMPAIGN AGAINST TORTURE

AFRONET has been involved in the campaign against torture. For instance, on June 25, 2002, the organisation featured the Chairman of the Law Association of Zambia, a representative of the Ministry of Legal Affairs and AFRONET's legal assistant, in a discussion on torture, as part of the launch of the Campaign against Torture. The following day,

AFRONET organised an Experts Workshop to review the Zambian legislation in the light of the Convention against Torture, Inhuman and Degrading Treatment. The workshop was held to commemorate the UN day in support of Torture victims. At this workshop, AFRONET proposed a lay draft amendment bill to the Penal Code to lobby for reform in the law so as to strengthen provisions against torture. The objective of the draft bill was:

- to provide for the offence of torture and its definition
- to provide for compensation and rehabilitation of the victims of torture
- to provide for exclusion of evidence in any hearing where evidence is obtained as a result of torture
- to provide for the incorporation of the relevant provisions of the Torture Convention into domestic law

The workshop recommended that AFRONET should undertake a review of the Police Regulations and Standing Orders, including Extradition laws. It was also recommended that sections 6, 30 and 250 of the Penal Code should be amended to cater for the definition of torture, incorporation of the Convention against Torture into domestic legislation, and compensation and rehabilitation of victims of torture. This workshop was attended by experts and activists from LAZ, Prison Fellowship, Legal Resources Foundation (LRF) Catholic Commission for Justice and Peace (CCJP), and the police. In addition, the workshop attracted participation from victims of torture in the 1997 failed coup, and a Member of Parliament.

It should be pointed out that the campaign against torture is a very important part of AFRONET's human rights programme. Torture in Zambia is known to be widely practised. This is in spite of the clear position of the law both in the Constitution and in international law applicable to Zambia against the practice. At the same time, little is being done in other NGOs to speak out against torture or promote awareness on the evils of the scourge. It is therefore important to acknowledge the good work AFRONET has been doing on this crucial subject. AFRONET may consider a more longer term project against torture as an indispensable part of its work programme. Highlighting incidents of torture such as in the Zambia Human Rights reports acts as a protective device.

1.9 COALITION 2001

AFRONET has tried at partnerships with other NGOs in the country. This is the case during elections when it is required to undertake their

monitoring. For instance, in 2001, AFRONET, together with other NGOs, came together to form the Coalition 2001 with the purpose of monitoring the 2001 tripartite elections. This was an alliance of civic and human rights organisations some of them drawn from the trade union movement as well as from the youth groups. The strategy had three main objectives:

- advocating for integrity in the electoral process
- enhancing popular participation; and
- undertaking voter education.

AFRONET, together with other partners, published a report on the 2001 elections. The report described the Zambian December 27, 2001 elections as severely lacking in integrity. It went on to observe that 'the public agency tasked with the administrative and management of the elections "exempted" itself of the responsibility to guarantee the right to make political choices'. It went on to question the Chief Justice as the Returning Officer for the presidential elections for his assent which suggested the elections were legitimate expression of the will of the people when not. Overall, the Report concluded that based on the Coalition's countrywide election monitoring, the December 2001 elections did not have the integrity that could lead them to be declared free and fair.

It will be hypocritical not to mention the fact that the Coalition 2001 was controversial. Right from the word go, civil societies were divided right in the middle regarding the support to give to the idea of the Coalition. AFRONET which led the initiative to form the Coalition was joined by some and resented by others. In the end, about twenty civic bodies including the Zambia Congress of Trade Unions as an observer came together to put up the Coalition. Some of the main NGOs however including FODEP declined the invitation to join. During the period of monitoring, there were open disagreements among the Coalition members to the extent some of them would make secret reports to government about the goings in the alliance which were damaging to the cause of the initiative. As we have indicated elsewhere in this report, the main bone of contention was the distribution of the money donated for the monitoring exercise. After failing to reach agreement on the modus operandi, some of the Coalition members simply vanished. The point about the Coalition is that in future, AFRONET must try and avoid such enterprises to safeguard its interests. A number of claims the organisation is facing today are as result of things gone wrong in the Coalition. In future, programmes like this need to be specifically endorsed by the board prior to embarking on them to allow the board an opportunity to examine each and every of its implication.

1.9 CONSULTATIVE GROUP PROCESS AND MEETING

AFRONET was nominated by civil societies to prepare the Political Governance paper for submission to the 2002 Consultative Group Meeting, which was held in Lusaka and Livingstone on July 7 to 10. To prepare for the paper, AFRONET facilitated a workshop for civil societies at which views were obtained particularly from LAZ, OASIS Forum, FODEP, etc. Thereafter, the Executive Director prepared the paper which centred on human rights protection and governance issues. The paper was warmly received by the donor community. Consequently, the French Ambassador to Zambia nominated AFRONET to represent Zambia on a human rights competition organised by the French Government, which recognises organisations for their contribution to outstanding human rights work.

It should not be understood from this that only donors value AFRONET's work. Quite the contrary, Government officials value AFRONET's work. For instance, in response to our question, the outgoing Chairperson of the Electoral Commission of Zambia, Judge Bobby Bwalya, spoke highly of AFRONET particularly its election-monitoring programme. The judge observed that though AFRONET has sometimes personally attacked him, he nonetheless appreciated its work of trying to jealously safeguard the principle of free choice. At the Ministry of Information and Broadcasting, which also acts as Government spokesperson, officials initially refused to co-operate with our team of research assistants when requested to comment on AFRONET. They said it was Government policy not to comment on the organisation. However, in private, the same officials praised AFRONET and its work. The Ministry of Legal Affairs has even worked with AFRONET as we have seen above in commemorating the torture convention. In addition, AFRONET joined the Ministry in the first ever-training programme on state reporting funded by the Swedish Government. This programme led to the preparation by authorities of the maiden state report on the newly acceded Convention against Torture.

As for the members of the public, AFRONET has grown into a household name. Two examples will suffice to demonstrate this. First, the members of the general public we interviewed spoke highly of AFRONET. We spoke to teachers, Marketeers, Members of Parliament, leaders of NGOs, etc. It was amazing how ordinary people recognised AFRONET especially from its role as a human rights organisation that has spoken out against abuses, and as an election monitoring group. Second, AFRONET participated as an exhibitor during the 2003 annual show held at the Show Grounds in Lusaka. This was the first time ever a human rights NGO

participated as an exhibitor. The response from the public who passed through the AFRONET stand was overwhelming. Writing in their own hands, all the AFRONET visitors showered praises on the organisation and encouraged it to forge ahead with its work.

What is important however is for AFRONET to complete the programmes it has started. We have made mention below of the frustrations families have undergone of not seeing to the fruits of their labours after responding to the appeals from AFRONET to come forward and denounce the violations they or their families may have suffered at the hands of the State. Half way, AFRONET bolts from the actions either due to lack of adequate funds or owing to internal differences in the organisation. This must be stopped. AFRONET must learn to finish to the satisfaction of all concerned cases that the public may have trusted them with. Second, projects like seeking to amend the Penal Code so as to adequately provide for sanctions against torture need completing. These are issues donors must feel proud to fund. It is not good to leave house half way.

1.10 THE FOURTH ESTATE: MONITOR NEWSPAPER

From inception, the Monitor was a project within AFRONET. Later, attempts were made to hive off the paper from the NGO. While the intention was to put AFRONET's shares in a Trust, what came out from the Registrar of Companies was a private company, which we discuss in the financial chapter below. Although AFRONET claims that the Monitor is no longer part of AFRONET, donors have not been convinced. Donors fear that funds for programmes would be diverted to bail out the newspaper. This used to happen frequently in the past.

It must be understood however that donors contributed to this set up. Initially, when the Monitor was set up, donors were very much aware of it being part of AFRONET and, this notwithstanding, went on to finance the project. If separation had been insisted upon from the very beginning, the present problems would have substantially been ameliorated. We have made reference to the donors' contribution to the current AFRONET/Monitor relationship not in order to find blame for the sake of it but because we appreciate that everything AFRONET does is possible only through donor support. The kind of leverage donors enjoy on AFRONET and indeed on other NGOs in the country means that practically no project is possible without their support. Consequently, donors are in a position to positively influence the structuring and programming of AFRONET and other NGOs.

We were however satisfied that indeed the Monitor used to be a project of AFRONET, and that even after it ceased to be so, AFRONET continued to divert funds from its core programmes to the Monitor. With regards to the creditors of the two organisations and the general public out there, AFRONET was being perceived either as the guarantor of the Monitor or at most its parent company to which to direct queries, claims and demands. This was the case even if they related to the specific aspects of the Monitor.

However, we were adequately satisfied that the Master/Guardian AFRONET/Monitor relationship is being addressed. In the absence of the board of Directors, the 'Management Team' (MT) AFRONET has instituted is addressing this matter. In addition to the Executive Director, members of this team comprise the Director of Finance and Administration, SAHRINGON Co-ordinator, Legal Counsel and Director of Research and fact-finding. The MT has been working round the clock to try and undo the harm that the Monitor had done to AFRONET as a result of this relationship. For instance, around September 2003, AFRONET gave the Monitor a one-month grace period after which it ceased all payments and other forms of support to the financially troubled paper. We were told that no fresh funding from AFRONET to the Monitor has been forthcoming at least since the September decision to the time we set down to compile this report.

As proof of this delinkage, Monitor Managing Editor (ME) Arthur Simuchoba, has commenced legal proceedings against AFRONET claiming breach of his contract of service with the organisation. He is demanding unpaid salary and *[as per tradition]* gratuity. This action follows AFRONET's decision to discontinue the payments of the salaries and other benefits to the Monitor Managing Editor, which the ME claims to be entitled to in terms of the open-ended contract he allegedly executed with AFRONET. The contract is said to have been executed between the ME and AFRONET at the time the former joined the paper, and when the paper was a project within AFRONET. His argument is that AFRONET's decision to delink from the Monitor and to terminate all support to the paper including payment of his salary constituted a breach of contract giving him a right to sue. AFRONET's view on the other hand is that the ME's contract was only for one year. Consequently, with the organisation's decision to delink the Monitor from its structures, all contracts that subsisted in the interlocking web between the two organisations became invalid on the grounds of the doctrine of

frustration, and were therefore, of no consequence. The case shows the efforts to delink, which is a thaw in relations with donors.

We expressed concern however that this relationship may resurface again especially after AFRONET moves premises from its present site in Rhodes Park to their Kamwala building which is currently hosting the Monitor. In order to cut costs, the MT has decided not to renew their lease of the Rhodes Park premises and to shift to less attractive surroundings but in their own building in Kamwala. This would substantially save them costs. However, we fear that depending on circumstances, the move to locate the two organisations in one building could either lead to renewed friendship with the problems this entails or result in even sour relationship to the detriment of their programmes.

What would be needed however is for the board of Directors to synchronise and articulate the decisions of the MT into binding norms for the organisation. To avoid any doubts, AFRONET board of Directors should spell-out in clear terms the extent of the relationship if any between AFRONET and the Monitor. For instance, the board must address the issue of board members of AFRONET also holding positions on the Monitor board and vice versa. The effect of the Monitor board members sitting on AFRONET board is basically behind the general perception that the Monitor is AFRONET and that AFRONET is the mother of the Monitor.

In terms of its operation, however, the paper was as good as dead. A number of people were not aware it was still being produced. Due to several operational problems, the publishers only manage a handful of papers not more than 1,000 per week, a far cry from what it used to be. It was previously a **BI**-weekly paper boasting over 3000 copies at a time. As regards to its contents, the Monitor has become like any other newspaper on the market. Although its motto is human rights and development, very few issues of human rights and development are covered. Most journalists have left the paper. It is just struggling to survive.

1.11 FACT-FINDING MISSIONS

During the period under review, AFRONET has undertaken limited fact-finding visits principally to police-holding cells and prisons mainly on the Copperbelt and particularly in Southern Province. The purpose of these visits was to check on conditions of inmates in both police holding cells and prisons, and to monitor compliance with national and international

procedures and standards. The main focus of the visits was to check on the conditions of untried prisoners and juveniles, which is a main source of concern in Zambian jurisdiction.

Even though inadequately funded, this project has been successful within the limited circumstances of the situation. Some of the facts the visits confirmed on the ground of course include extreme overcrowding in these centres and existence of systematic breaches of elementary standards such as the rules against mixing adult prisoners with juveniles in the same prisons. AFRONET explained that it was able to persuade authorities especially in Southern Province to decongest the centres visited and to spread the prisoners to other centres. During the visits, AFRONET established certain facts, for example, that the longest untried prisoner in Zambian custody has been in cells for seven (7) years.

It is important to acknowledge the value of these visits and subsequent discussions with concerned authorities. First and foremost, such visits serve to bring embarrassment to the responsible authorities especially when accompanied with threats of publicity, which could prove beneficial to inmates. Second, it is during the period of detention that the victim is at his greatest danger of having his rights violated simply by the fact that he is inaccessible to the outside world. Visits by non-governmental organisations at this stage serve the crucial function of exposing authorities and therefore preventing abuse of the prisoner at a critical juncture when the prisoner is totally at the mercy of the state system. It is important therefore that AFRONET is encouraged to continue the visits and to spread them to other yet unvisited areas.

The problem as usual is funding. Due to inadequate funding, such visits can only take place once and again in a hiccuping manner. Lightening or hiccuping visits have the disadvantage that they do not enable systematic monitoring of the detentions. In some cases, this could even lead to escalation of abuses as authorities would tend to revenge on those prisoners known to have supplied information on their situation to visiting NGOs. Since there is no follow up on these visits, they could act as incentives for authorities punish outspoken prisoners. Inadequate funding prevents repeat visits, which are essential in following up on the promises that authorities may have made. Donors should consider increasing their funding levels to AFRONET to enable it carry out this project systematically and effectively. Site visits to prisons and police-holding cells is also an area which no other NGO in Zambia is involved save for prison fellowship groups, which, however, do not have the requisite knowledge and skills of human rights but are more of

humanitarian entities. It will be expected that AFRONET increases its police and prison visits in future so that the visits benefit even more inmates who are now without any means of seeing to their minimum rights.

A word of advice to AFRONET is that in order to ensure effectiveness of the visits, AFRONET officers conducting the visits should be thoroughly trained and exposed in all aspects of human rights protection in regional, global and national systems. It would be necessary for AFRONET to seek co-operation of the office of the UN High Commissioner for Human Rights especially so as to tap from his experience particularly from the various visits by Rapporteurs. Similarly, though not developed as yet, the African Commissioner in charge of prisons can be enlisted to provide her experiences in visiting African prisons and especially in the application of the African human rights norms relevant to prisoners. Also, AFRONET could engage the Zambia Human Rights Commission as regards to the implementation of some of their findings from these visits. Since the Human Rights Commission enjoys statutory power to formally request action on some of the findings, there is every benefit in seeking to work with them. Furthermore, AFRONET could target institutions like courts as recipients of their reports from fact-finding missions. Given that magistrates and judges have statutory and legal power, for example, to order the trial or release of untried prisoners, AFRONET would want to tap this important avenue in trying to enforce some of their observations and recommendations. Finally, AFRONET must publish their reports from these visits and do so as widely as possible. Publicity is one of the most important enforcement mechanism in modern human rights protection. As soon as a visit is over, a publicity meeting of stakeholders or conference could be organised at which the report that has been compiled would be presented. This could help publicise the findings and enable the stakeholders pressurise for action.

1.12 TACKLING THE ISSUE OF IMPUNITY

Realising that impunity is a major problem in Zambia, AFRONET, during the period under review, mooted a one-time project called Justice with Memory. In this project, AFRONET was trying to bring to public attention a number of leading and other Zambians who died in suspicious circumstances. Extra-judicial killings of prominent politicians and individuals perceived to be opposed to ruling regimes are widespread. Some of those include Wezi Kaunda, son of the first President, Ronald Penza, former Finance Minister, Paul Tembo, former senior MMD official, Baldwin Nkumbula, leader of an opposition party, etc. Others

include prominent lawyers at the time of death handling controversial cases involving government. Officially, government claimed that the former politicians or high profile personalities died in road accidents or were murdered in armed robberies to which the state had no hand. This however did not go down well to the general public. The general public saw foul play in the murders and accidents. This was because there were far too many coincidences and unanswered questions in these incidents. For example, the killings followed a particular pattern which raised questions. Also, no member of Government is known to have fallen victim of the fatal and armed attacks. However, this happened only to opposition or members of Government as soon as they left Government to join opposition forces. Finally, either Government would refuse to investigate the killings or, in case they did investigate, the killings or murders remained unresolved.

AFRONET took up the dangerous challenge to investigate the killings and accidents with a view to try and shed more light on them. With the help of informants in the system itself, and other sources, AFRONET managed in some cases to throw some new light, and to uncover what authorities had not wanted to be known to the public. In one such case involving a certain Mr. Pumulo who died in Mongu in unexplained circumstances while in police custody, this investigation led to conceding to the request to institute an inquest pursuant to the Zambian Criminal Procedure Code. A date for the first hearing was set to be within the magisterial district of Mongu where the deceased met his fate. AFRONET retained a well-known defence counsel to undertake the proceedings on behalf of the deceased's family. However, due to a number of factors, not least among them the lack of adequate funds, and the sudden unavailability of the defence counsel owing to his other commitments, the hearing fell through. This has of course disappointed the Pumulo family which had hoped that the inquest would help them know the truth behind the death of their beloved one, and which would have helped them reconcile with the past.

The other matter that AFRONET tried to follow involved one soldier Leonard Mulenga. This has led to a formal complaint known as Leonard Mulenga v. Maxwell Mukale (1st Accused) and Five Others. All the accused are police officers in Mufulira. Soldier Mulenga was severely tortured by Mufulira police officers who had accused him of loitering. His life on the knife-edge, from the beatings at the hands of the officers, he was served by dedicated medical staff. His mother learnt of AFRONET and its work from watching a TV programme featuring the Executive Director discussing his organisation's work. She approached

AFRINET seeking their assistance. When approached with demands to have the six police officers accused of torturing Mulenga prosecuted, police refused to prosecute. They found it hard to prosecute one of their own. After mobilising enough evidence including the doctor who treated Mulenga, AFRINET applied to the DPP for permission to undertake a private prosecution. In a rare show on co-operation between Government and civil society, the DPP granted the permission but made it to the person of AFRINET Legal Counsel. In other words, the private prosecution would not be in the name of AFRINET as an organisation but in the name of the Legal Counsel. There were differences of opinion in AFRINET on whether this was right and what implications it would have. In the end, AFRINET or its Legal Counsel did not proceed with the prosecution. The case was referred by the organisation to the LRF which has not yet taken up the challenge. Such developments could tarnish the name of the organisation. It should be possible for AFRINET to agree in advance of taking up a case as to whether or not to take it up. It is morally wrong to leave victims stranded by the way side having built a lot of confidence and expectations in the ability of the organisation.

1.13 ANTICORRUPTION PROGRAMME

AFRINET has been very active in the anti-corruption crusade especially since the present Mwanawasa administration came to power. The objective of the anticorruption programme is to try and stimulate public interest into freely talking about corruption and to give them a sense of understanding of what corruption is all about.

The 2002 Annual Report describes a number of activities conducted by AFRINET around the issue of corruption. For instance, AFRINET has organised a radio phone-in discussion programme on Radio Phoenix which ran for a total of 15 weeks from 17 June to 7 October, 2002. The report states that the objective of the programme, which was titled "Talking Corruption", was to "increase debate on issues of corruption so as to develop an informed citizenry...". With an informed citizenry, AFRINET is hoping to contribute towards the development of the spirit of responsiveness in the minds of the general public against corruption and abuse of office. In particular, AFRINET sees the radio programmes as a form of pressure on Government to see the need to review the existing legislation on corruption.

The discussions covered the following topics:

- Corruption: a challenge for human rights protection;

- A culture of corruption in Zambia. Can it be reversed?
- Evaluation of the agencies responsible for combating corruption;
- Corruption and Immunity of the President;
- The law and public information in corruption investigations;
- The role of NGOs and Media in the fight against corruption; and
- Parliament and public accountability

Discussants were drawn from the academia, the Anti Corruption Commission (ACC), Auditor-General, Media institutions, the Church, non-governmental organisations and Parliament. Radio Phoenix covers four of Zambia's nine provinces, namely, Southern, Central, Copperbelt and Lusaka, which combined have over 50% of the country's population. According to the 2002 Report, the response was overwhelming. There was an average of six (6) calls within the 30 minutes apportioned to participants. Perhaps not necessarily due to AFRONET, Government has begun to review the 1996 Anti Corruption Commission Act.

Radio discussions are important means of mobilising public opinion and it is important that AFRONET is afforded the means to continue with the programme. Popular participation in the fight against corruption is the surest way to ensure success particularly for a crime like corruption, which exists and breeds in the public. However, it is important that discussions are informed. Without proper grounding as to the meaning of corruption and how it is committed, and the law around it, discussions will have little value. Therefore, adequate preparation prior to the programme being aired is a sine qua non. Similarly, radio programmes need to be adequately funded. It is easy for the public to forget discussions on air because by their very nature, aired programmes do not last. Consequently, there must be adequate funds to enable for repeated broadcasts. Finally, AFRONET must ensure that discussions do not lead to allegations of defamation of reputation. Subjects like corruption have the potential to lead to costly litigation AFRONET is not in a position to afford at the moment.

AFRONET has also been engaged in trying to shed new light on the concept of corruption. To this end, the organisation launched a seven-chapter reader on corruption in Zambia, entitled, Nchekelako, a local Nyanja word meaning, 'Cut me a portion'. In this reader, the idea of corruption is analysed from its historical to the current perspectives. It deals with issues of governance, corruption in society at large, issues of public procurement and public accountability, corruption in political and electoral systems, administration of law and order vis a vis corruption, public and private business sector and corruption, and corruption in

bilateral and multilateral support programmes. In other words, there was no taboo subject not to be discussed. Even the donor community was discussed. The reader, which was edited in-house, was a culmination of a study commissioned in 2001. It is selling, at an affordable price, at the AFRONET offices in Lusaka and in the Bookworld outlets.

In addition, AFRONET in 2002 published Issue No. 2 of the Corruption Eye. The Corruption Eye is intended to act as an exposition of irregularities and abuses in public institutions in Zambia. Through this, AFRONET hopes to galvanise civil society activism against corruption. Together with radio discussions, the Eye is intended to be a means of generating debate on corruption and a means to disseminate the same. Some of the topics highlighted during the February Issue include:

- The Shortcomings of the Electoral Act
- Corruption and Abuse of Office in the 2001 General and Local Government Elections;
- Corruption in the Public Sector, etc.

There were highlights on specific cases of corruption such as the Two billion Kwacha scam involving diversion of National Assembly funds to the Movement for Multiparty Democracy (MMD) Convention. Some of the recommendations from the articles include a call for legislative reform to strengthen laws against corruption as well as the need to introduce a Code of Ethics for politicians and public service workers. Others include the recommendation to increase funding to the ACC, and strengthen the public sectors measures of safeguard.

The importance of the Corruption Eye is evident. The Eye is meant to be a regular publication, which is important in the fight against corruption. But this calls for constant flow of funding to guarantee its publication and sustainability. Given the high levels of illiteracy in Zambia, AFRONET will need to consider producing the Eye in local languages. This is when the programme will become meaningful to the majority of the people. Currently, the English production effectively restricts accessibility to most people who are the majority of those affected by corruption on account of their illiteracy. Just like the above, this however requires adequate funds. This being a very important aspect of governance, it will be expected that donors will respond accordingly.

Particularly innovative in AFRONET anti corruption programme is the community radio drama. Beginning the second week of November up to December 31, 2002, AFRONET embarked on a revolutionary anti

corruption crusade aimed at mobilising the social forces against corruption. Community radio stations at Yatsani in Lusaka, Lyambai in Mongu, Chikani in Monze, Ichengelo in Kitwe, Maria in Chipata and Chikaya in Lundazi, were paid by AFRONET to air drama programmes produced by an NGO: Theatre in the Arts for Development (TAFOD). All the episodes were in local languages, which is very important for accessibility by the majority of the Zambian audience. The theme of the episodes was: Corruption: A Challenge for Human Rights. All the various facets of the paradigm of human rights were encapsulated. Naturally, the response was overwhelming. Interestingly, most people requested for repeats of the episodes in health, education and the agricultural sector which are the typical areas of concern to the rural population the radio stations cover. With this, AFRONET is bound to touch the lives of ordinary people thereby becoming a practical tool for the protection of human rights. Radio drama is the most effective means of conveying information to rural populations. Given that previous studies have confirmed the widespread use of the radio in Zambian rural areas, there is no doubt that such information reach the intended targets. This explains the positive response. However, the challenge is to find ways of continuing the programmes. Of all of AFRONET's programmes, this is perhaps the most effective. While it may not be possible to tell the impact in a scientific way, it is clear that measured from the response, the message reached the intended audience. It is encouraging therefore that AFRONET is continuing with this programme expanding to other areas of Zambia. Donor investment in this is not wasted money.

Besides community programmes, and in addition to what we have said about advocacy above, AFRONET has specifically invested in trying to pressurise for the revision of the Anti-Corruption Commission Act of 1996. In December 2002, it conducted polls intended to find out from the public how the ACC Act could be strengthened and made more adequate. Targeted groups in the polls included policy makers, the academia, institutions of governance, NGOs and Churches. Some of the subjects the respondents were requested to comment upon include: adequacy of the definition of corruption, provision for the protection of whistle-blowers; consent of the Director of Public Prosecution (DPP), and, accomplice evidence. The first public polls were conducted in Lusaka, the second in Lusaka, Copperbelt, Eastern, Southern and Northern Provinces. During the second polls, the objective was to determine the appropriateness of the penalties (punishment) provided for under the Act, independence of the ACC; independence of the judiciary in dealing with matters of corruption, and; general understanding of the law dealing with corruption in Zambia. In the second phase, the target groups were ordinary Zambian

citizens, NGOs and churches. We confirmed the second polls in Livingstone. The Livingstone ACC office and some magistrates talked to confirmed being visited by AFRONET in 2002 the conducting polls. We have said above that whatever the reasons behind, Government has decided to review the ACC Act, and the process is currently going on. AFRONET would be well advised to approach the ACC and lobby for consideration of its findings in the ongoing review. We did not find the AFRONET study among the sources the ACC consultant was given as primary materials for the review. It could even promote public debates to discuss the findings of its polls and lobby the ACC review process.

Finally, AFRONET, together with several NGOs, initiated a civil society lobby with the aim of pulling their efforts together to fight corruption. A Memorandum of Understanding (MOU) outlining the objectives of the lobby was executed. The MOU sets out the activities members committed themselves to undertake and a Code of Conduct to govern relations among the member organisations. The climax was on July 15, 2002, when the Lobby was launched at ZAMCOM Lodge in Lusaka. The signed up members are:

- Transparency International
- Foundation for Corruption Awareness
- Zambia Civic Education Association
- Operation Young Vote
- University of Zambia Anti Corruption Movement; and
- AFRONET

It must be pointed out, however, that another Lobby with more or less similar objectives was born at almost the same time as the AFRONET-led Lobby. The National Movement against Corruption (NAMAC) was launched by President Mwanawasa. Among others, it includes Integrity Foundation, which is a break away of Transparency International: Zambia Chapter. Whatever the case, however, two anti-corruption lobbies exist side by side in the same jurisdiction.

During the demonstrations for the lifting of former President Chiluba's immunity from prosecution, AFRONET joined other civil societies. It printed two hundred T-shirts for the occasion with the words: 'Prosecute Corrupt Leaders Now'. These were distributed to the marchers. Again, while this may not have been the reason for the subsequent Government action, President Chiluba and several of his senior aides are now facing trial in court. Overall, the anti-corruption programme is one of the most successful of AFRONET's programmes. With more effort, the

programme is likely to produce dividends to the Zambian society. It being understood that human rights of any kind of generation are not possible in the absence of a value-based society, civil society's fight against corruption is an indispensable part of the overall goal of nurturing a society based on respect for the fundamental human rights and freedoms. There is no doubt about the need to support AFRONET in this respect.

1.14 LITIGATION

Just like in international sphere, AFRONET has done very little in litigation. It has been quite equivocal in advocacy but not so in litigation. Throughout its existence, AFRONET has only litigated one case. This was the case of junior medical doctors whom the Zambian Government dismissed enmasse following their wildcat strike to back up demands for improved conditions of service and work environment. Through a Lusaka-based legal firm - Mvunga & Associates - AFRONET initiated proceedings against the Government alleging breaches of contract and asking for specific performance. Though it did not win the case, this sent an important message namely that the organisation was capable of dragging the disputes into the court-rooms, as far as human rights are concerned. There is need for more such cases to be taken up by AFRONET in courts.

One of the reasons why the organisation has not been forthcoming in initiating litigation is lack of funding. Donors prefer to fund the LRF for litigation and they feel it is not necessary to fund other NGOs. This of course is wrong. First, LRF cannot possibly undertake all the litigation work from victims. Second, LRF has lately not been litigating at all. Third, it should be an inherent policy of any human rights NGO to pursue the remedies necessary to assure the basic rights even as far as the court-room. Fourth, AFRONET, like LRF has a lawyer within it who can discharge the very functions LRF lawyers can. Of course the other problem is the fluid nature of the law in Zambia on the right of standing in courts of NGOs. This issue is not clear though the general view is that NGOs have no standing to pursue remedies in cases in which they are not themselves victims. However, even this needs authoritative interpretation by courts and AFRONET could very well be the one to seek a court's view.

1.15 SOUTHERN AFRICAN HUMAN RIGHTS NGO NETWORK (SAHRINGON)

In these terms of reference, SAHRINGON falls outside our mandate. However, due to the interconnectedness of AFRONET's programmes particularly the human rights programme, it is automatic that a reference be made to it.

In 2002, SAHRINGON, the regional arm of national civic bodies in the area, created a platform for dialogue on issues such as police and civil society, the Chagos Archipelago question in Mauritius, a human rights approach to HIV/AIDS, and facilitated a human rights festival in Swaziland at which human rights NGOs exhibited their work. In their response to our draft report, AFRONET strongly defended the publication on the Chagos Archipelago as having met its objective. However, the point made is still valid namely that the report should have been able to attract attention as persuasive source in judicial proceedings especially given the nature of the case it dealt with. In future, AFRONET and SAHRINGON should try and aim at producing materials and studies, which can be reliable tools not only in advocacy work but also in ensnaring judges and similar personalities in regard to human rights standards.

But this being said, the point should be made that hosted by AFRONET, and literary run by it, SAHRINGON has taken a number of important initiatives towards developing human rights mind in the region. Besides organising festivals, SAHRINGON publishes a human rights magazine called 'The Human Rights Observer'. This is a forum for exchange of information on human rights in the region. Some of the themes carried include 'HIV/AIDS: A Challenge for a Human Rights Approach', and 'Civil Society versus Globalisation'. These publications are later distributed through the network focal points and other partner organisations. Coupled with this, SAHRINGON has introduced and updated the information brochure, a folder which contains information relating to the project. Most importantly in this modern age, SAHRINGON has introduced a Website, which is often used to inform member affiliates on developments and activities taking place on the national and regional level. The web is at: www.oneworld.org/afro-net/sahringon/sahringon.htm. As the host organisation, AFRONET is directly responsible for the work programme of SAHRINGON and for its development. Again, it is to the benefit of AFRONET to understand that SAHRINGON members are not happy with the continued hosting of SAHRINGON at AFRONET headquarters. Most of those talked to resented the fact that AFRONET has been hosting SAHRINGON since its formation and accused it of renegeing on the

original intention that the secretariat rotated among the members. Besides the foregoing, AFRONET is implementing several other initiatives notable among them: facilitation of regional workshops such as the Regional Meeting on HIV/AIDS held from October 25 to 26 in 2002 in Windhoek, Namibia.

1.16 INTERNATIONAL PROCEDURES AND INSTRUMENTS

As pointed out above, AFRONET has observer status with the African Commission on Human and Peoples' Rights based in Banjul, The Gambia. Similarly, it enjoys the same status with the UN's Economic and Social Council. As an official observer, AFRONET has a right to attend and address opening sessions of the AFRICAN Commission. NGOs with Observer status at the African Commission can intervene during the opening session to read a statement on 'Human Rights in Africa', a very broad theme. AFRONET has not yet utilised this important mechanism which is open to it to make public statements on national and regional human rights issues at an international forum. It is good that AFRONET has vowed to name defaulters of the state reporting obligations under the African and other international human rights instruments but these are already very well known. The issue at stake is how to ensure they reported especially States Parties within the AFRONET and SAHRIT jurisdictions.

Another strategy that AFRONET has not yet implemented is the communications procedure under the regional and universal systems. Whereas this is not so open under the universal procedures, the African system encourages greater civil society participation in originating complaints on behalf of victims of the Charter-guaranteed rights and freedoms. This is however something most NGOs in Zambia are guilty of not doing. Even after local remedies in a case are exhausted without coming up with adequate remedies, and positive resolution of the case has potential to reward many people, NGOs simply go to the press to condemn rather than pick it up with the rights protecting bodies. Only the Legal Resources Foundation has been to Banjul, The Gambia, to petition the African Union's human rights protector on behalf of Zambian victims. With its explicit mandate in the Constitution on promoting and seeing to the enforcement of regional and universal standards and instruments, AFRONET is well placed to play an effective role as a friend of a number of victims of human rights abuses.

1.17 CONCLUDING OBSERVATIONS

Looking at it from their Annual Report, AFRONET is doing very well in as far as the human rights programme goes. And it might in fact be true that it has very few problems with this particular aspect. Few among the general public would dispute the good work AFRONET has been doing. There is however a lot of room for improvement.

For example, in the project proposal to Hivos, AFRONET promised to educate the media in human rights and to impart the necessary skills on how to report issues of human rights. There is nothing in the Annual Report on this subject. Similarly, they promised to produce a Human Rights Manual and to embark on the training of trainers on human rights education. We were not given evidence this has been done. There is also nothing to report on gender although funds for it were allocated. On Parliamentary Watch, the AFRONET proposal states that the organisation intends to engage parliamentarians to improve their functioning. This would be a very important project. However, what has been done so far is certainly less than ‘engaging’ the parliamentarians in any sense. Production of two or three papers on previous Speakers cannot in any sense be understood to be engaging the parliamentarians.

We also noticed that AFRONET doesn’t in fact have projects on the ground. This is wrong. To be effective, it is necessary for AFRONET, to have projects physically on the ground. Like the LRF, AFRONET should have officers in their operational areas to do fact-finding and advocacy work rather than always sending officers from Lusaka at great cost. The value of the fact-finding exercises through ‘lightening visits’ is little more than academic. Inspecting prisons and police holding cells is such an important exercise that it would require permanently stationing officers in selected areas. These would be officers that are thoroughly trained in the art of the investigation of the application and non-application of human rights standards.

Regarding the role of AFRONET in monitoring the application of international norms, we would strongly recommend that the organisation begins to prepare shadow reports to various human rights treaty-bodies; publish in newspapers reports of Conclusions and Recommendations from these bodies concerning their consideration of Zambia’s state reports; utilises the intervention due to it at the African Commission Sessions to make statements on Human Rights in Africa; and participates in the complaint procedures before the African Commission as complainant on behalf of victims.

CHAPTER TWO

ORGANISATIONAL DEVELOPMENT ISSUES

2.1 Structure and Constitution

AFRONET was registered as a membership organisation according to the constitution AFRONET is supposed to have the following organs:

- The Board of Directors
- The Secretariat
- The Advisory Council

The same constitution states that the members of the board shall be persons of African nationality, resident in Africa. The treasurer shall be a person resident in Zambia and shall be a person with knowledge and expertise in financial matters.

Among the duties of the board are the following:

- Be the highest making organ of AFRONET
- Provide general supervision and support to the secretariat.
- The treasurer is supposed to be a signatory to the principal account of AFRONET.

Comment

- AFRONET is not a membership organisation.
- Two of the board members do not reside in Africa
- There is no advisory council in place
- There is no treasurer although two of the board members are Zambians, the signatories are staff members.
- The board of AFRONET has not met since 2002.

AFRONET maintains that it has not been able to organise and hold board meetings because it had no money. It is definitely expensive to organise board meeting for an international board although these days, if people cant have a face to face meeting, an electronic one can be organised. .

The staff of AFRONET has been doing both administrative and governance work. As an organisation evolves from infancy to maturity, important changes take place, bringing the organisation

closer to the need of clearer distinction between governance and management issues. It is imperative that the secretariat's responsibilities shift from governance to management leaving governance issues to the board. This requires clarification and consolidation of systems and procedures for both governance and management aspects of the organisation. Policy issues/decisions are the Board's responsibility. Planning and implementation of decisions are the responsibility of the CEO. The Board defines limits to the discretion that the CEO can exercise, e.g. the maximum level of expenditure that CEO can authorise without seeking Board approval, the levels of staff s/he can hire without the Board's assistance etc. Separation of powers is important. These issues are not defined in the AFRONET procedures manual. For example, currently, the Director and one other member of staff can withdraw any amount of money without notifying the board, a rather dangerous privilege.

If AFRONET can operate for two years without the board's guidance, what is the board's responsibility? The procedures manual does not indicate how the board, as a whole, should relate to and communicate with the Director. This situation has exposed AFRONET to loss of focus, mal-administration, bad governance and might lead to its eventual demise.

The "key result areas" for the organisation, in relation to the mission, should be clarified for the Board members, together with the indicators and methods for monitoring and assessing progress in those areas. This will enable the board to give informed strategic direction.

The "core business" and expected outputs of the Board meetings should be clarified. A register of key decisions/resolutions of the Board should be kept to keep track of the Board's governance record.

2.2 What needs to be done soonest:

A treasurer is needed even before board members meet. The board should quickly meet in order to assume responsibility of the situation or quit. This meeting (which would be its maiden meeting) should take place within the next six months. During this meeting, the following should be included among the things to be done

Induction process to provide an opportunity to board members as individuals and as a team to know AFRONET and where it is today. They need to know what they are dealing with.

Familiarise the board members with the organisation's vision, policy, goals and mission and the organisational strategy for achieving these

Clarify the governance role of the board and the management role of the CEO

Explain the main policies and operational systems and procedures of the organisation and how these are articulated at the various levels of the organisation

Clarifying the strategic visioning role of the board as a whole

Indicating the expected inputs from the individual board members towards the realisation of the organisation's vision, and co-ordination of the inputs

Define indicators and procedures for monitoring and assessing the performance of the board and that of the Director

Review the constitution of the organisation especially with regards to qualifications to the board, number of times in a year board must convene, etc.

Review the constitution

Share the main findings of this evaluation report and respond to the recommendations

Review the staff contracts and decide on overall staff conditions of service

Receive and decide on the status report of all law suits and claims against AFRONET

Map out a way forward and give a feedback to Hivos and other donors.

2.3 Staffing issues

The Executive Director assisted by an Executive Assistant organisation heads the organisation. AFRONET is divided in two departments, Research and Development and Finance and administration. Two Directors head the departments. Reporting to the ---R&D Director, are the following:

- Coordinator-SAHRINGON,
- Project officer-Corruption
- Legal Counsel
- Information office
- And interns

Under Finance and administration are the following:

- Finance Officer
- Assistant Finance Officer
- Administrative Assistant
- Drivers and office assistant.

Comment

The organization has the ability to attract professional staff but is not able to retain them. There has been high staff turn over during the period under review and AFRONET is remaining with only skeleton staff. Each of the above positions is occupied by one staff member. One of the reasons for this low retention capacity is funding. Short- term contracts or no contracts are also discouraging especially where staff members are in the youthful to the prime phase of their professional careers. Unless there is a good package to hold them down in the organization, they will leave and they have. Without long term funding there is not going to be any significant change in the staff retention. The other reason for high staff turn over could be related to interpersonal issues (some former and present members of staff suggested this).

Lack of funds (see the Finance section) has also meant that contracts are not renewed. Staff members are working without valid contracts and feel insecure. Obviously, they are looking for jobs and will go as soon as they get them. Without valid contracts, they don't have to give the requisite notice. For instance, the Information Officer suddenly quit even as we were conducting this evaluation. Continuity will be difficult if people just leave.

People are indispensable. In one form or the other, people make up organisations. Numerically and intellectually, does AFRONET have the capacity at the secretariat? Can the small number of staff left implement the Hivos funded programme? Our assessment is that they can't. They will need reinforcements. They also need to be motivated and to be assured that their jobs will be there tomorrow and that they will be given a living wage at the end of the month. Right now there are many uncertainties. As suggested earlier, if the organisation does not stop, reflect and restructure, it will die or at least its spirit will.

2.4 Terms and conditions of service

(a) Staff policies

Policies are the operational guidelines for an organisation. The purpose of the policies is to protect and steer the staff and the Board as they fulfil the mission of the organisation. They are a reference tool for appropriate action, ethical decision making, and for dealing with potential or actual conflict. Policies can paraphrase a law, explain a procedure, clarify a principle, or express a desired goal. They are the protocol to follow which, when properly used helps diminish embarrassing or potentially harmful situations, improper behaviour and ineffective decision-making. The primary policies of AFRONET are mostly found in the constitution and the procedures manual.

Below we comment on some of the sections in the manual, which need to be revised.

(b) Assessment of staff

Section 5 discusses the regulations concerning assessment of staff. However, assessment of staff has not been implemented. Staff members need to be clear about what it is that they expect to achieve within a given time frame, the tools they are expected to use and the support that they will get in their work. If the expected outputs are not clear, judging staff's performance can be problematic and subjective. It can also cause conflict in the organisation and has actually already done so. To try and address this matter, AFRONET needs to recruit an Organisation and Development consultant. At present, there does not seem to be in place an organisational scheme of expectations and achievements.

© Recruitment of employees

In the absence of a board, it is not clear who the employer in AFRONET is. AFRONET should clarify those posts that need to be referred to the board and the ones that should be referred to the Director. In most organisations, senior personnel are recruited by the board. The procedures manual is silent on the recruitment and supervision of the

Executive Director. The Executive Director's position is even more controversial. The constitution seems to declare him life Director, something untenable and without precedent. As a result, there is a problem at the moment. The Executive Director had wanted to claim payment of some of his rentals. However, the Legal Counsel asked him to instead apply for advance of salary as claims for rentals over a house he is buying would pose legal problems. The problem is given that the board does not in fact exist, to whom should the Executive Director apply for an advance? Consequently, this particular payment has not been processed. Regarding staff recruitment, the 'Management Committee' has recently tried to be decisive on this issue. They have rejected the recruitment of the Executive Director's Secretary on the grounds that she was not employed according to the existing procedures manual. Consequently, the Executive Director, whilst rejecting the decision of the 'Committee', has nonetheless assumed responsibility to meet the salary of his Secretary from his own resources.

(d) Reporting requirement

Section 17 states...all formal contact with the Governing Board by any staff member shall require the authority of the Executive Director...' Our concern is that should staff member be unhappy with the performance of the Executive Director, they have no recourse except to leave the organisation. There is no appeals mechanism at the board level. Besides, the decisions of the Governing Board should not have been made subject to the Executive Director as this is inconsistent to the principle of accountability. These constitutional questions need clarity and only the board of Directors can do so. Only the board of Directors has competence to authoritatively address constitutional issues.

(e) Medical examination

Section 21 states, 'No person shall be appointed on contract or become an established employee of AFRONET unless he/she has been examined and declared fit by a registered medical practitioner...'In view of issues pertaining to HIV/AIDS infected people and their right to work, AFRONET

needs to clarify what it means by 'fit'. Discrimination on grounds of HIV/AIDS or disability can't be right in a human rights organisation. Is it ethical to reveal the medical condition of the status of a prospective employee? What is meant by fitness? What if the person is alert mentally but physically unfit? AFRONET should clarify what it means by fitness. Conditions imposed such as on recruitment should try and conform to the country's constitution as well as international law applicable to the host country.

(f) Referees

Section 22 states that all positions shall require recommendations from referees, one of whom should be a prominent person...AFRONET needs to indicate what criteria it uses to assess prominence. Certainty and clarity are essential in proper administration of organisations. Use of vague terms should be limited to the barest minimum because of their potential to abuse.

(g) Housing allowance

Section 32 states that the Executive Director and expatriate staff shall be eligible for rent –free accommodation provided by the organisation. The article needs to give an indication on the type of accommodation that AFRONET can afford. Vague clauses can be played around with. Further, the term "rent free accommodation provided by the organisation" could be interpreted to imply that the present quarters occupied by the Executive Director in fact belongs to AFRONET, and not the Executive Director. The Executive Director told us the house in question was in fact offered to him by the vendor and not to AFRONET.

(h) Insurance

AFRONET staff travelling on duty outside the country will be covered by appropriate insurance applicable on travel. We are concerned that AFRONET does not have such insurance and yet some personnel of AFRONET are always on the road. This exposes them unduly to the risks such trips entail and the situation must be corrected by AFRONET.

(i) Transport

Article 60 states that the 'Executive Director is empowered to use his/her discretion to permit in writing a head of department to use the vehicle for incidental personal use.' Phrases such as this are not only subjective but are sources of abuses the organisation should try and avoid. We urge AFRONET to be clear and specific about the conditions under which a head of department is allowed to use AFRONET vehicle for personal use. Such conditions should be clear so that employees know their rights and obligations. Besides, such a responsibility would at best be that of a departmental head. Ordinarily, the Director of Administration should be the one to administer the use of the organisation's transport, and not the Executive Director.

2.5 Forms of possible penalties

Article 96-97 explains the penalties that shall apply to maintain discipline in the organisation. Articles 122-131 indicate the possible dis-demeanours. Since AFRONET is a human rights organisation, one would have expected the demeanours to touch on issues of values and ethics. A good example is sexual harassment which is conspicuously missing in the classification of offences and penalties. The procedures manual should be reviewed by both staff and the board.

2.5 Leadership of AFRONET

The Executive Director is the founder member of AFRONET. He has steered the organisation from infancy to where it is today. It may not be doing well but AFRONET has had its successes in the past. It was able to attract donor funds and to become a household name. It was courageous in its approach and was admired by many.

Like human beings, organisations grow and change. The founding role, just like the parenting role changes too. AFRONET is no longer an infant but has the Director's role changed significantly to reflect its stage of growth? Staff members feel that the Executive Director's paternalistic (maternalistic) instincts make it hard for him

to let go and delegate. They (staff members) are looking for a closer relationship based on a vibrant exchange, impartiality, honesty, mutual learning, and greater sharing, caring and coaching which they don't get. Some staff members reported that in their opinion, the current workload is becoming too burdensome for the Executive Director. This is in part linked to his personality and impressive capabilities as a social entrepreneur, in part linked to the problems of wanting to run a growing organization in the same way as he did during the infancy phase.

Comment.

Entrepreneurs start organisations and carry them to greater heights. However, they get tired but don't seem to realise. They slog on, spitting in the wind, even when everyone around them thinks that they should rest. The director's behaviour is not unique. It is characteristic of many NGOs driven by a dynamic social entrepreneur and a founder member especially where the founder member leads an organization from the infancy to mature phase. Inability to realise that different phases require different management styles ends up harming an organisation. Now that AFRONET has reached maturity, staff members and other key stakeholders need to reflect more together, on the long-term strategy. They may not have done that in the past but behaviours functional in one phase don't necessarily work in another phase. Founding strategies could also create organisational cultures that make it difficult to change.

Just as we request our leaders to embark on succession plans before seeking a third terms, NGOS need to do likewise. There is no succession plan in place. The organization should prepare a succession plan as this relieves the organization of anxiety. As a critical human asset in the organisation, the Director should open debates about the future of the organisation.

The board should come on board now and help the Director to think about his next journey. Leaving the leadership of AFRONET does not necessarily mean divorcing the organisation or abandoning a sinking ship. He could still engage with the organisation in other capacities. If there is no change, the organisation will remain a prisoner of the director and he a prisoner of the organisation. This is not a desirable situation.

2.6 Ownership of AFRONET

Ownership comes in many forms. It could be physical, spiritual or emotional. In this context we are talking about spiritual and emotional ownership.

Who owns AFRONET? Who hears it when it cries? Is it the Director, the staff, the board or the beneficiaries? Is it the state, other NGOs, the ordinary Zambians, or the donors? At the time of writing the report, there is a strong feeling within and without the secretariat that the Director owns the organisation.

The Director is the founder member so this is understood. However, as the organisation continues to grow, there is need for wider ownership. Aunties and uncles are needed. If this is not done, when the Director leaves, the organisation will leave with him. Wider ownership also ensures that the organisation will be protected should there be any external threats. Even threats from donors!

2.7 AFRONET's Organisational Culture

(a) Values and Traditions

The culture of an organisation is normally defined as “the way we do things around here and the attitude with which we do it with”. It is the personality of the organisation. It is the way people deal with each other and the values and beliefs that are dominant. The organisation's culture determines the conventions and unwritten rules, the norms of cooperation and conflict and the channels of exerting influence. It is the software of the organisation. The values of the organisation are the fundamental principles and beliefs that underline its practice. To a large extent, the head of an organisation sets the tone. There is a close connection between the values and the politics of the organisation. No matter how clear the systems and structures, programmes etc, if the politics are not right, everything will fall apart

Issues to do with team-building, making the working place cosier and friendlier, flexible working hours, dealing with issues of difference, activism, sharing of information, welcoming new people,

celebrating birthdays etc. are all part of “how we do things here and the attitude with which we do it.”

Comment

There is a culture of fear, mistrust and insecurity in the organisation.

Some snippets from discussions with staff are revealing:

- Not every one shares the values of the organisation. It is also difficult to ascertain how genuine are people who work in AFRONET.
- Staff members are involved in issues that harm the organisation
- Only a few people are committed
- Currently few staff members have contracts, they are just working and hoping that they will be paid. Initially people were troubled by this but now see an opportunity in the sense that they can just leave without giving notice (employees using AFRONET to survive while looking for other jobs)
- Fear of taking decisions
- Left hand does not know what the right hand is doing, communication very poor
- Inconsistencies in the application of policies
- Remuneration policy not clear
- Divide and rule common
- There used to be staff meetings, of late, they have not worked well. Discovered that the information being discussed was at state house. The meetings were stopped. (Infidelity)
- The values and commitment of staff questionable
- Too much dependency on the Director
- Director think that criticisms are a sign of rebellion

It is difficult produce quality output under such conditions, there is need to openly address the culture of the organisation.

Organisational culture does not change overnight, and it is sometimes also difficult to start the process without outside assistance. But a place to start would be the staff meetings. In the meetings, AFRONET's values need to be discussed with all staff

members and even the recruitment process needs to be informed by such well known and shared values.

It is paramount for AFRONET to create an environment where people in the organisation are encouraged to share their learning and knowledge with others. By fostering a learning culture, staff members will enjoy working together much more. Even if not all learning processes are documented, an informal learning culture can really increase the sharing of information across various programmes of the organisation - and it will increase creativity and productivity.

AFRONET must initiate trust- building activities within the organisation to encourage staff members to talk about the results and challenges they are experiencing in their work. If people know that they can discuss weaknesses without being judged, they will feel comfortable to open up.

Communication between all levels and structures is important. Everyone must know who is doing what in the organisation. This is pre-requisite to effective networking, decision-making, collaboration and co-ordination. The organisation needs to place great value in staff and its contributions and to inculcate a sense of belonging among staff. A culture of open discussion with staff about their strengths/weaknesses is needed.

Addressing the culture of the organisation should be part of the restructuring of the organisation. The intangible assets (team work, interpersonal issues etc) of the organization need to be developed with the same enthusiasm as its tangible assets. The core intangible assets should be identified and developed in a planned manner. A human rights organisation cannot afford not to pay attention to intangible assets.

2.8 Sustainability of AFRONET

Criteria for sustainability of an organisation could arguably be:

- its service, products, function is needed or in demand in a particular environment

its service or products or function is appropriate to these needs and demands

the internal capacity (skills, knowledge, resources, personnel et cetera) is appropriate and sufficient to meet these demands

the organization is sufficiently reflective to recognize changes in the environment and flexible enough to re-position itself to respond

it can attract, manage, and allocate the financial resources to implement its programme

it does not rely on the capabilities of the pioneering leadership in the longer run;

the outputs of an organization warrant the quantity and quality of inputs (finance, staff, voluntary energy, thought).

The structure needs to ensure strategic leadership

- In terms of this criteria, we have already indicated that AFRONET's situation leaves a lot to be desired. However, as elaborated in another section, the human rights programme seems to be appreciated by the majority of people that we talked to. Even ordinary people such as taxi drivers, market men and women know the Director and others even know AFRONET. It is possible that its functions are appreciated. However, it is doubtful if AFRONET has been carrying out an environment scan. If it has, we did not see the results of the scan. For an organisation to remain relevant a systematic environmental scan is important.
- As already indicated the internal capacity has been weakened by lack of resources and other internal dynamics.
- One of the current major problems of AFRONET is that it is not able to attract resources. (More on this issue under the financial report section). It should also be noted that the donor sources are never as sustainable as organisations would want them to be. The critical factors for sustained donor support include the soundness and relevance of the programmes, proper financial management and the management of the relations between donors and the recipient NGO. Terms of funding contracts and a show of value for the money in terms of achievements and impact realised have to be fulfilled. If sustainability is looked at in terms of the viability of the organisation's programmes to attract and manage funding now and in the future rather than

the ability of AFRONET to raise its own revenues to support its programmes, then there are question marks. The programme can attract funding but the financial systems in place do not imbue confidence in the donors. Ability to adhere to the funding contracts is questionable. It is because of the inability to adhere to the terms of the funding contracts that AFRONET has been dancing with its main donors and stepping on their toes.

- AFRONET still relies very much on the capability of the founding Director and there are no apparent succession plans in place.
- Board members are not active and hence strategic thinking, one of the responsibilities of the board, is not a strong element in the organisation.

In its current shape, AFRONET is not sustainable.

2.9 Gender in AFRONET...so much talked about, little understood

Hivos has got a gender and women in development policy which all partners are supposed to read and understand. Among other things, the strategy indicates the importance of addressing gender in human rights/mainstream organisations. It does not appear as if the policy has ever been discussed within the organisation.

In the proposal submitted to Hivos, 2001-4, AFRONET admits that one of its weaknesses has been the failure to clearly articulate mainstreaming of gender in the organisation and in its programmes. In view of this, AFRONET promises to develop strategies that seek to enhance gender mainstreaming within its human rights programme. It states...'the challenge is to develop institutional capacities to systematise gender mainstreaming within the institutional framework as well as in the overall programme process... Both female and male programme officers require relevant exposure, skills, knowledge and attitudes. Measures have been instituted to ensure that gender is mainstreamed in policy objectives, strategies and measures of progress.

Hivos in its assessment of the same proposal, acknowledges that for the first time, gender has been programmed and mentioned as one of the programme areas. Thus, 'initially staff will attend gender

sensitisation workshops and training courses organised by AFRONET. AFRONET will develop a plan for mainstreaming gender in its activities. It will link up with women's NGOs to ensure that gender is profiled in its policies and publications...'

It should be noted that in the last evaluation, concern was expressed that gender had not been mainstreamed in the AFRONET programme.

Comments

AFRONET employs women and men and therefore, on the question of numbers, it can't be faulted as it has done well on this front. It also developed a gender strategy paper, which unfortunately was not based on its work but was rather general. It did not inform the work of AFRONET. Gender is mentioned in some documents in an ad hoc manner.

There are several reasons given by AFRONET for failing to address gender in the organisation

- Inability to understand what is supposed to be done. There is a feeling in AFRONET that addressing gender requires them to start a programme for women yet there are women's organisation such as WLSA dealing with issues of human rights
- The organisation has been busy fire fighting, gender has not been high on the gender.

We would like to address the first concern. There is an on-going debate on the meaning and practice of gender mainstreaming. One notion is that the concept refers not only to taking gender concerns on board but also to changing the course and direction of the stream. Maintaining the original course and direction can only mean that gender issues have been marginalized. It means focusing too much on smaller parts of the elephant and losing sight of the whole animal. We all know the story of the blind-folded people trying to understand this creature placed in front of them – some touched the ears, others the tail and others the tusk. Every now and again AFRONET touches the ears but at other times it forgets.

For the purposes of this evaluation, gender mainstreaming refers to, in short:

- Ensuring that the gender issues are visible in situation analyses and problem statements (AFRONET attempts to do this in its proposal)
- Explicit reference to the gender issues in policy statements and development goals (Has not done this)
- Ensuring that program objectives explicitly address the identified gender issues (this was not done in the proposal although gender was mentioned in the problem statement)
- The gender issues are explicitly addressed in program/project design and implementation (not done)
- Ensuring that the monitoring and evaluation instruments and data facilitate visibility of progress in addressing the gender related goals and objectives (not done)

AFRONET, like many organizations has problems with transition from identifying gender issues in the problem statement to continuing with gender throughout all the stages of the project cycles in the proposal. When it comes to the strategies, gender evaporates.

Some of the constraints to gender mainstreaming in AFRONET are as follows:

- Gender mainstreaming is perceived as an end itself, it is not properly 'contextualized.' It is not understood that gender has to be looked at in terms of re-visioning, strategic planning and organizational restructuring. It should be a planned process of organizational change - structural changes as well as paradigm shifts. AFRONET has not yet realised that gender mainstreaming is a strategic question. Where the new strategy should lead to a new organizational structure, it is assumed that the strategy should be made to fit within the existing structure and operational systems and procedures. (Putting new wine in old bottles!)
- Lack of a learning culture on gender issues (may be other issues as well) has lead to early burnout of the enthusiasm shown in the proposal sent to Hivos. There are no moments for reflecting on gender issues in AFRONET programmes

- Personnel within AFRONET are not gender activists. The Legal Officer, a key person in AFRONET, has never been trained in gender issues. Therefore, self-motivation to mainstream gender in one's work is low.
- Donor funding seems to be the entry point for efforts to promote gender mainstreaming. AFRONET seems to embrace gender concerns because it is perceived as a pre-condition for donor funding. This makes gender mainstreaming an externally driven and unsustainable process.
- Donor support for gender mainstreaming is inadequate. Donors seem to have under-estimated the full scope and content of the gender mainstreaming process

What strategy could be used to effectively mainstream gender in AFRONET?

Gender mainstreaming should be visible at three levels:

- In the situation analyses, policy position and mission statements of the institution
- In the structures of the institution and their formally defined functions and in the job descriptions of all the relevant personnel
- In program objectives, program design and implementation methodologies and monitoring and evaluation systems

Some of the indicators of gender mainstreaming in AFRONET could be:

- Visibility of gender issues in the AFRONET project cycles
- Visibility of gender issues in the AFRONET materials / activities
- Number of programmes with gender explicit policies, development goals, program objectives and program/project design
- Number of programmes incorporating gender training as part of on-going staff development and community education activities
- The proportions of program budgets that are gender specific

In short, the integrity of the gender issues identified at the stage of situation analyses and policy statement should thereafter be maintained through all the stages of the program or project cycle. A checklist of probing questions could be drawn up to help the organisation and beneficiary groups to check if the relevant gender issues have been incorporated at each stage of the program/project cycle.

At all times, it should be remembered that both women and men have gender needs that need to be addressed in human rights-related interventions. Gender concerns affecting women cannot be effectively addressed if men are not liberated from their notion of masculinity and the consequences in terms of the spread of abuse of human rights that accompany blind adherence to this notion. If for example AFRONET is analysing issues of corruption, a question to ask is: what is the cause of corruption? The following might be some of the responses: the desire to be a REAL man as defined by society, societal pressures to carry out certain roles expected of a man, Need to make a woman happy even it means stealing, issues related to sexuality and it etc. If these are some of the causes, then it means that in its strategy, AFRONET needs to come up with programmes that address issues of masculinity and femininity. After all it is not enough to uncover corruption cases, the causes should be addressed as well.

AFRONET, in its proposal to Hivos, promised to hire a gender officer. It has not but says that it is in the process of doing so. To address gender in a meaningful way, AFRONET needs a gender officer able to train staff in gender awareness and analysis. It also need to make gender and development part of organisational change. It should not be addressed in a vacuum

2.10 Organisational change

AFRONET is ten years old. It seems to be in the general ward but might find its way soon to the intensive care unit unless something is done. It needs a physician of organisations to help, a specialist in gender, OD and programming in the areas of human rights.

As an organisation grows from conception, birth, and infancy to maturity and maybe death, it develops certain syndromes that need to be tackled if the organisation is to remain relevant, gain

adequate strength to achieve good performance and allow regeneration and avoid death. Syndromes can be embodied in particular individuals, systems, structures, and any form or aspect of an organisation. AFRONET's syndromes include lack of adequate systems and structures, a culture that is not conducive to growth of individuals and the organisation, indebtedness, neglect of gender in programmes, lack of focus...etc. It needs to soul search and renew itself. It needs to overhaul its engine. It needs to change. The process of change will be painful as consequences of change are unpredictable. Initiating change therefore requires lot of optimism. The organisation should expect both the expected and unpredictable consequences, but on balance the consequences will be beneficial for the organisation. Such optimism should be based on great faith in the leadership, that they it will steer the organisation through to the desired outcome. However, the leaders must deserve such faith in them, through a proven record of effective leadership.

Change in one aspect of the organisation is likely to affect other aspects. E.g. Vision, policies, goals, mission; Core business; Governance structures; Strategic positioning of the organisation; and Programs.

We propose the following process restructuring:

Suggested terms of reference for AFRONET organisational development and restructuring process

1. Understand the previous and current strategies, which led AFRONET to its current situation and identify the challenges facing the organisation based on the information gathered from the evaluation and consultation with selected internal and external sources. Understand the politics of the organisation

Part of the context for an organisation development process is understanding where the organisation came from, and how it arrived where it is today. What lessons from history are either the keys to stability and growth or potential causes for the organisation's instability. The OD consultant and the staff need to have a common understanding of the historical context so that the process is being built on the same foundation and the history from

the past can be incorporated into everyone's thinking. Understanding when the organisation started, important events in the organisation's history, shifts in priorities, as well as other external events that affected the organisation is an important process.

The politics of the organisation have got to be understood. No matter how clear the systems and structures, programmes etc, if the politics are not right, everything will fall apart. Politics really mean the internal dynamics and interrelationships.

2. Review and clarify the strengths and limitations of AFRONET in relation to its mission, programmes and methods of work.

Programmes: who are the 'clients?'. What product or services should AFRONET offer them? How should the service be provided? How much staff time is required to provide the services? What are the weaknesses and strengths of each current programme? Should the organisation expand, maintain, eliminate or start new programme?

Staff will take the lead in developing programme portfolio and presenting it to the consultant for comments. The process will involve the board and staff in the form of a workshop.

3. Review the current organisational structure and systems, its efficacy: pay attention to board, secretariat...what is the role of each of these bodies?

Does the structure facilitate or hinder the work of the organisation? What is the role of the board? Does the current board carry out the role specified in its terms of reference? If not, what are the constraints? How can the organisation ensure that such constraints are not repeated? Which policies are in place and which ones are not? To what extent does the board monitor performance? Is there a balance between the board and management?

4. Discuss and select core strategies (the primary focus of the organisation, the overarching priorities that will make the organisation move toward achieving its purpose).

Strategies are broad categories of action which indicate how human, financial and other resources are deployed in order to achieve agreed objectives and how resources will be allocated to different objectives and activities. Strategy is not static. It changes with time and is influenced by circumstances and people. Strategy results from a process of bargaining, negotiating, and trade-offs between people with competing interests in the organisation. Discuss the overall strategy for the organisation as whole and separate strategies for each service provided.

The aim of reviewing the strategy is to focus the organisation on strategically significant trends –those few things that are a driving change. From an improved understanding of the organisation's strategic position, the staff can identify the key strategic issues that need to be given attention.

5. Assess the current ability of AFRONET to provide services to the 'clients', (and who are they)? What additional staff is needed to meet increased levels of service if there is need to increase the services?

The consultant will need to look at the internal management required to support the programmes. S/he together with the organisation will identify the major constraints at various levels –board, top management, middle management, programme level, policies, terms and conditions of service, staffing and benefits, public relations, financial resources, systems, facilities and equipment, planning, monitoring and evaluations, communications and assessment of staff.

2.11 Gender and development

The consultant will assess what gender and development knowledge exists in the organisation and identify the gaps-. S/he will recommend ways of strengthening staff in this area.

Given the future vision of the organisation, does the role of the board need to change and if so, suggest how. The consultant will review the current board job descriptions. Work out a matrix in terms of the needs of the organisation and the skills required at governance level.

After the process, the organisation should be able to understand the kind of organisation AFRONET is going to be. This will be the process to determine the calibre of staff needed for the organisation.

CHAPTER THREE

3.1 SUMMARY OF RECOMMENDATIONS: FINANCIAL MANAGEMENT

(a) GOVERNANCE

A board member resident in Zambia should be designated Treasurer and be co signatory to all the organisation's bank accounts.

A management committee made up of the Treasurer, the Executive Director and the Board Chairperson must be urgently set up to provide direction in between the board meetings.

(b) THE AFRONET CONSTITUTION

Provisions strengthening the oversight role of the board should be included and highlighted in the constitution. In particular

- The role of the board and the Treasurer should be explicitly spelt out
- The board should receive and review periodic management accounts of the organisation

- The board should approve the work plans and budget of the organisation

- As indicated before, a member of the board must also be a signatory to all the organisation's accounts not just the principal account as stated in the current Constitution.

- The audited accounts must be approved by the board

- The constitution should prescribe the minimum number of meetings that the board should hold to, in addition to other matters, review operations and finances of the organisation.

c) FINANCIAL MANAGEMENT

Some areas of the financial regulations manual require to be strengthened or revised.

In particular the financial regulations should specify the format and

content of the organisation's periodic financial reports. Currently the manual is silent on this important matter.

The regulations should also specify in more detail procedures for preparation of budgets and the need for comparison of actual expenditure to budget for monitoring and control purposes. The manual makes no reference to any plans or activities as a reference point for preparation of budgets.

The impression given by some sections of the manual that over expenditure on budget lines is permissible must be removed.

(d) ACCOUNTING / RECORD KEEPING AND FINANCIAL REPORTS

AFRONET should put in place a Chart of Accounts and code its payments appropriately to ensure accurate capture of data into relevant expense accounts.

It is necessary for AFRONET to computerise its accounting system to allow for efficient and accurate processing of accounting information. the use of spreadsheets is not only inefficient but also prone to error.

Monthly and quarterly financial reports must include, in addition to information for the relevant month, cumulative figures for the year to date.

Comparison of actual expenditure to budget and review of variances should be done for all financial reports for monitoring and control purposes.

The financial reports should highlight expenditure per project /programme as far as possible for ease of comparison with the budget.

STAFFING IN THE ACCOUNTS DEPARTMENT

The staff complement in the accounts department is supposed to be two officers and the Director of Finance. The department is currently staffed by one accounts officer and the Director of Finance. Both do not have employment contracts. Effectively they

could walk out of AFRONET without any notice thereby crippling AFRONET in the area of financial management.

We recommend that staff in the accounts department be put on contract for the security of both AFRONET and the respective members of staff. Efforts must be made to recruit experienced staff, particularly at supervisory level.

PLANNING AND BUDGETING

The budget process should be clearly detailed in the financial regulations manual. It must involve the programme /section heads and officers. It should focus on planned activities as a basis for the budget. The work plan and the annual budget should be approved by the board.

STRUCTURE AND CONTENT OF AUDIT REPORTS

The format of the report should allow for a comparison to be made between reported expenditure and the organisation's budget. This could be included as part of the notes to the Income and Expenditure account.

(h) MANAGEMENT REPORTS

AFRONET must make greater effort to rectify weaknesses identified in the management reports issued by its auditors. Much will be gained both for operational efficiency and a more supportive relationship with donors.

The current high turnover of staff in the accounts department makes this problematic as new staff are continuously having to learn the modus operandi. It is necessary to stabilise the turnover of staff and ensure that experienced and qualified staff, particularly at supervisory level are engaged, and conditions created to attract them to stay.

ORGANISATION ETHOS

A culture of discipline must be cultivated in all areas of operations. Funding agreements confer rights, obligations and responsibilities which must be observed. AFRONET must seriously take this into

account in all its dealings and operations.

Respect for local laws should be taken seriously. In particular, misrepresentations appear to have been made in the past to suppliers to the effect that AFRONET was exempt from paying Value Added Tax. Penalties and interest for non compliance could bankrupt the organisation.

Communication between the finance department and other sections of the organisation should continue to be improved upon and a spirit of openness devoid of management override encouraged. Pay As You Earn and National Pension Contributions should also be remitted on time.

(j) RECOMMENDATIONS FOR HIVOS

MANAGEMENT REPORTS

It is normal practice for auditors to issue management reports on conclusion of each audit. Hivos should make it a regular part of the conditions for further funding for implementing partners to avail copies of their management reports together with the annual audited accounts. This will allow Hivos to be kept abreast of issues related to finances and operations from an independent source. Where the auditors do not find any issues to report on they may issue a NIL report which Hivos could request sight of. The Funding Agreement could provide for sanctions in the event of default to report or to report timely.

(k) DEALINGS WITH GOVERNING BODIES

As far as is practicable contracts with partner organisations must be discussed with/signed for by a member of the Secretariat AND a representative of the organisation's governing board. This may sound cumbersome but it ensures that the funded organisation's governing body is aware of and takes responsibility for obligations enshrined in funding agreements.

3. 2 DETAILED FINANCIAL MANAGEMENT REPORT

Hivos has funded AFRONET since 1996. Hivos' support is focused on the AFRONET human rights programme in Zambia.

THE ZAMBIA HUMAN RIGHTS SUPPORT PROGRAMME (ZHRSP) 2002 -2004

Hivos has agreed to provide funding of up to EURO 303,033 towards AFRONET's Zambia Human Rights Support Programme. The basis for the current funding is the programme document which was produced by AFRONET in 2002. The total budget for the programme over three years is US \$2,174,029. The main objective of the programme is 'to contribute to the creation of a critical social mass for promotion of social justice and protection of human dignity as well as build a rights conscious citizenry able to hold the corrupt and perpetrators of human and women's rights abuses accountable for their actions...'

A budget, log frame matrix and project implementation plan are attached as appendices to the ZHRS Programme document.

The current support to AFRONET is for the following activities:-

- The parliamentary watch forum where AFRONET will engage parliamentarians through information sharing and workshops to improve their functioning

- Corruption programme

- Media workshops to help groom the media in covering human rights issues

- The production of a human rights manual and the training of trainers on human rights education

Hivos has encouraged AFRONET to mainstream gender in its programmes.

The purpose of this evaluation is to assess the extent to which AFRONET has implemented the planned programme and in so doing also assesses the extent to which the organisation has used Hivos support.

The contract for Hivos' support to ZHRSP was signed in May 2002. The contract period is from May 2002 to December 2004.

As part of the conditions for funding, AFRONET is required to submit to Hivos during the period of cooperation a copy of its annual accounts covering the overall financial management of the organisation approved by an external auditor. The report must reach Hivos by the end of June and must comply with the guidelines as laid down in the general conditions.

Not later than December, AFRONET must submit to Hivos its updated work plan for the new year including a detailed budget which should be based on the original application and its budget.

AFRONET must develop a mechanism to ensure that its board is closely involved in giving guidance to the Secretariat regarding programme implementation and in ensuring accountability by the Secretariat of AFRONET.

SUMMARY BUDGET OF HIVOS 2002 – 2004 FUNDING TO THE ZAMBIA HUMAN RIGHTS SUPPORT PROGRAMME

Budget Item	2002	2003
2004		
	US \$	US\$
Parliamentary watch	14,400	15,000
15,000		
Civil Society Anti Corruption		
Lobby	1,200	1,200
1,200		
Media education on corruption	4,400	4,620
4,351		
Investigation of malpractices in		
State institutions	9,294	6,335
6,594		
Zambia human rights report	10,212	14,040
12,342		
Dossier on archaic laws	0	0
10,000		
Production of human rights		
Manual	4,650	0
0		

Human rights training of trainers	0	6,000
6,950		
Gender and human rights	16,000	15,940
16,112		
Contribution to administration	20,000	17,000
15,000		
Vehicle 4x4	0	20,000
0		
Total	<u>80,166</u>	<u>100,195</u>
		<u>88,172</u>
Exchange Rate 15 March 2002 Euro/US \$= 0.8832		

Just prior to signing the funding contract for 2002 – 2004 the following finance related issues were highlighted by Hivos for communication to AFRONET as part of the conditions for funding:

Accountability Structure

AFRONET to be challenged to put in place mechanisms which will allow close monitoring of the Secretariat by the Board. Hivos to advise AFRONET to form a Zambian based board.

Financial Capacity

- AFRONET needs to monitor the financing of the ZHRSP plan on a regular basis and where necessary to make adjustments and set priorities
- AFRINET is obliged to submit an audited variance analysis

Progress Reports

The AFRONET 2002 Annual Report was issued in February 2003 and submitted to Hivos well within the time limit stipulated in the funding agreement. The report has 36 pages of which 35 contain narrative information and only one page is devoted to financial information.

The financial information provided on the one page is inadequate to gauge financial outlay on the activities being undertaken by AFRONET. It does not even contain details on expenditure on specific budget items that are contained in the budget that was presented as a basis for funding.

A statement explaining the deficit registered by AFRONET states that ‘....AFRONET incurred a deficit for the year 2002 due to decline in funding from cooperating partners and debt write off on two programmes that owe the organisation , this action was necessitated after a series of meetings and non cooperation from all stakeholders....’

Commentary

It would appear that AFRONET management does not still appreciate the need to be able to validate narrative information on progress of the programme with adequate financial information in support thereof.

Inasmuch as cooperating partners would like to know the progress and rate of delivery on specific projects they fund, they would like to know that expenditure on the programme is in line with the progress outlined in the narrative report.

3.3 FINANCIAL RELATED PROVISIONS ENSHRINED IN THE AFRONET CONSTITUTION

The AFRONET Constitution currently in force was amended in 1998.

Part II of the AFRONET Constitution on Membership states that AFRONET shall have two categories of members – Ordinary members and Associate members. Discussions with AFRONET reveal that no members are registered with AFRONET and therefore no membership register exists and no membership fees are received by the organisation.

Part III on the Structures and Organs of AFRONET states that the organisation shall have

- A Board of Directors
- The Secretariat and
- The Advisory Council

There is provision for a Treasurer on the board. Article 20 of the Constitution further states that the Treasurer shall be resident in Zambia and shall be a person with knowledge and expertise in financial matters.

One of the functions of the board is stated as “... to provide general supervision and support to the Secretariat...”

Part IV of the constitution is on financial provisions. Salient provisions include:-

- The signatories to the principal account of AFRONET shall be operated by the Treasurer and the Executive Director
- Financial resources of AFRONET shall be derived from
 - Members’ subscriptions
 - Loans, gifts, grants, legacies and donations
 - Interest from investments
- No funds of AFRONET shall be advanced to member organisations or individuals for their private use
- The Executive Director shall obtain the approval of the Board prior to the charging or disposal of any immovable property of AFRONET
- At the end of every financial year the accounts of AFRONET shall be audited by the external auditors appointed by the Board.

The Constitution is rather weak in terms of provisions related to governance of finances. This is so for the following reasons:

No role is spelt out for the board or the treasurer

The constitution does not prescribe the minimum number of meetings that the board should hold to, in addition to other matters, review operations and finances of the organisation.

What is lacking in the current Constitution?

Provisions strengthening the oversight role of the board over management of finances must be included in the constitution

The board should receive and review periodic management accounts of the organisation.

The board should approve the work plans and budget of the organisation

A member of the board must also be a signatory to all the organisation's accounts not just the principal account as stated in the current Constitution.

The audited accounts must be approved by the board

AFRONET'S FINANCIAL MANAGEMENT SYSTEM

The accounting and financial management system currently in use by AFRONET is based on a mix of manual and Microsoft excel maintained records. AFRONET used an accounting package called PASTEL prior to 2002 when it crashed.

The current system is not based on double entry. Financial information such as management accounts is not produced from information maintained in one comprehensive/complete system. The information produced is therefore prone to error.

Donor funds

A separate bank account is maintained for each donor. Depending on whether the donor funds are earmarked or non project/activity specific, funds are transferred into the main Kwacha account as and when need arises.

Payments

Section heads make requisitions for payments. Requisitions are then sent to the accounts department for the finance director to authorise. Once authorised a payment voucher is raised. The voucher is approved by the ED and a cheque issued. Payment vouchers are not coded with the account code of the account to which they are supposed to be entered.

It is necessary for the organisation to develop a Chart of accounts which will take into account donor requirements for dedicated reporting where applicable. This may assist the organisation to separately account for and track expenditure.

Signatories

Currently the signatories to the organisation's bank accounts are the Executive Director and the Legal officer. Though the arrangement has lately worked very well with the Legal Counsel rejecting some claims due to the ED, this arrangement is in contravention of Part IV of the Constitution which permits only the ED and the Treasurer to be signatories. AFRONET has a duty to strictly adhere to its own Constitution. For an organisation solely dependent on donor funds for its activities accountability would be enhanced by having a board member as co signatory.

PERIODIC MANAGEMENT ACCOUNTS

Currently the organisation produces financial reports monthly. The reports are based on a consolidation of movements on all the bank accounts for each particular month. The report details information pertaining to that month only. Cumulative results for the year to date are not highlighted. Actual results are not related to any budget. No variance analysis is performed.

In the absence of cumulative figures and a comparison of actual results with the budget, AFRONET's monthly financial reports do not form a reliable basis for monitoring and control of operational expenditure.

The format of the monthly reports is not user friendly. It details income received during the month plus any brought forward cash balances. Expenditure for the month is itemised and shown separately as a note. The excess of income or expenditure over income is not shown separately.

Explanatory notes to the monthly accounts are provided detailing and explaining the major income and expenditure captions. A balance sheet is not prepared. Notes explaining the quantum of debtors, creditors and provisions are provided despite there being no Balance Sheet attached to the monthly accounts.

The monthly report does not report expenditure per project or activity with the exception of Fact Finding and Human Rights Education expenditure. There is therefore no information disclosing expenditure per project as contained in funding proposals presented to donors. As a result it would be difficult to ascertain at any given point in time expenditure on a specific project without having to refer to payment vouchers and recasting and unweaving figures. The accuracy of the accounts cannot be guaranteed.

PLANNING, BUDGETING AND FINANCING

Discussions with section heads indicate that there has been significant improvement in communication with the finance department in the preparation of budgets and in provision of information regarding amounts available for spending as the year progresses. Previously the involvement of section heads in finances was limited. The planning and budgeting process in AFRONET is not clearly defined in the financial regulations manual. This is an area that requires to be revisited.

It was noted that the budget that AFRONET prepares for presentation to donors before the start of a new year is not revised once pledges and funding contracts are signed to reflect a more realistic budget based on 'expected' funding. The budget for the core ZHRS Programme was therefore unrealistically high compared to available and pledged funding eleven months into the year. Under this scenario an analysis of actual expenditure to budget would be of little value.

We recommend that once pledges from donors are received and possible funding levels are known AFRONET should consider calling for a meeting with donors to review the funding against the organisation's budget presented to them in order to seek approval for changes that may be required to be made to planned activities in the light of the pledged funds. This meeting should be held towards the end of the first quarter or soon thereafter. A revised budget tailored to pledged/committed funds would result from this meeting.

FINANCIAL REGULATIONS MANUAL

The financial regulations currently in use by AFRONET were prepared by the organisation and adopted in May 2003. The document is broken down into thirteen parts and documents do and don'ts relating to accounting procedures and custody of assets.

The manual is deficient in that it does not detail the format and content of monthly or periodic accounts that the organisation requires to be prepared. The manual does not also detail the planning and budgeting process that the organisation has adopted. It would appear that a systematic approach to budgeting has not been adopted. Reference in the manual to 'estimates' as a basis for preparing budgets takes away from the seriousness with which AFRONET budgets could be viewed.

Part VIII of the financial regulations manual deals with Estimates. Article 99 under this section states that '....the estimate of capital and revenue expenditure shall be laid down before the first available Governing board meeting prior to every financial year for consideration and approval of the same for the following financial year...'

In arriving at the draft estimates the regulations state that '...the heads of department on consultation with the staff in their departments will frame their draft estimates in the form in which they are rendered including supporting schedules and other details required in the circular...'

In the procedure for preparation of the 'estimates' noted above there is no reference to work plans or planned activities for the period for which 'estimates' are being prepared. The manual does not clarify what the basis of the estimates should be.

Inadequate Funds For Activities

The manual describes procedure to be adopted for inadequate funds. Article 105 states that '...when expenditure is of a nature which was not anticipated when the estimates were prepared or when the expenditure of any item cannot be met from savings on another cost centre, the head of department shall submit to the director of finance, an application for supplementary expenditure provision provided it will not be in contravention of funding contractual obligations. In

case of excess expenditure, the application will require giving reasons for such requests...’

Article 107 states that ‘...application for supplementary provisions which has the support of the director of finance and the Executive Director and which do not contravene funding contractual obligations shall be submitted to the management committee, as identified and appointed by the Governing Board....’

Article 128 on limitations in payment for expenditure states that ‘...the following points shall be observed in limiting expenditure;

- 1 When an invoice has been received, the amount shall be checked with the budget allocation before payment is made**
 - 2 the Director of Finance will seek authority to pay before payment is effected**
- If the invoice price is more than the budgeted amount- approval for payment shall be obtained from the following officers**

- A the director of finance if the amount in excess is not more than K250,000**
- B the executive director if the amount in excess exceeds K250,000.**

Article 109 states that the Executive Director and the Director of finance may impose restrictions on expenditure under any sub –cost centre or item appearing in the estimates. The heads of departments will be informed of the reasons for the restriction and the circumstances under which he/she can apply to have the restriction removed by the director of finance and the chief Executive.

Commentary

The financial regulations do not address the issue of the format and content of the organisation’s periodic accounts. There is no section which instructively deals with this important matter. There is no indication anywhere in the financial regulations manual where it is specified that actual expenditure shall be reviewed against budget.

Article 103 in the financial regulations manual only mentions in passing that ‘...Budgetary control shall be strictly adhered to as a basis of controlling expenditure. It shall be monitored by the Director of Finance...’

Article 128 and other articles of the financial regulations manual cited above appear to water down the need to control expenditure and could be seen as a statement by the organisation encouraging a soft approach to budgetary control.

It seems high handed for article 109 above to give express powers to the ED and FD to arbitrarily impose restrictions on expenditure on cost centres without consulting programme managers.

(h) ACCOUNTABILITY

What comes out clearly from a review of AFRONET’s accounting system, records and discussions with staff is a struggle to get things into shape against conditions that are not supportive of good financial management practice:

Staff turnover in the accounts department is high and currently there is need to get support staff with the requisite skills and experience.

The accounting and reporting system currently in place is prone to error and does not provide a reliable basis for monitoring and control of the organisation’s activities.

The absence of a functioning board implies that the organisation is not accountable for its financial and other decisions.

3.6 COMMENTARY ON STRUCTURE AND CONTENT OF ANNUAL AUDIT REPORTS

AFRONET’S financial statements are audited by Grant Thornton, a registered firm of Chartered Accountants.

(a) Audited Accounts for The Year 2000

The audit report was signed by the auditors on 12 April 2001. The report contains a qualification due to limitation in audit scope because K204,474,659 of the organisation’s recorded income of

K3,391,802,285 comprised Monitor Newspaper proceeds over which there was no system of control on which they could rely for the purpose of the audit. The auditors specify that the accounting records maintained for the monitor Newspapers have been inadequate.

(b) Income And Expenditure Account

Total recorded income for 2000 is stated as K3,391,802,000 against total expenditure of K3,288,564. Significant items under expenditure include staff costs (31% of total annual expenditure), conferences and workshops (26% of annual expenditure) and report production (13% of annual expenditure).

(c) Balance Sheet

The balance sheet shows that the organisation had an unsecured overdraft totalling K108,888,891 as at 31 December 2000.

A balance of K20,750,000 is shown as owed by the SAHRINGON Programme to the Zambia Human Rights Programme. This implies that funds for SAHRINGON activities were in deficit and monies were advanced from the ZHRP budget to cover SAHRINGON expenditure.

Creditors and accruals in the balance sheet total K210,269,283. No breakdown is provided in the notes to show composition of this figure.

(d) Audited Accounts For The Year 2001

The accounts were signed on 6 August 2002. The audit opinion is not qualified except for the small charities qualification which states that '.....the organisation like other charitable organisations of a similar size, derives a proportion of its income from voluntary donations and other fund raising activities which cannot be fully controlled until they are entered in the accounting records and are therefore not susceptible to independent audit verification...' This is a normal qualification.

(e) Income and Expenditure Account

Income for the year totalled K3,848,788. Included in this figure is

grant income of K3,483,745,000. Expenditure in 2001 totalled K3,127,643,000. Staff costs make up 25.4%, conferences and workshops 25% and advertising /publications 7% of this amount.

(f) Balance Sheet

The balance sheet shows that a leasehold building valued at K350 million was acquired during the year.

The notes also indicate that AFRONET is owner of 100% equity in Monitor Agencies Limited which was incorporated during the year. The equity holding is shown at K2 Million. Monitor Agencies Limited publishes the Monitor Newspaper.

Based on information at the Companies Registry the Monitor Agencies Limited is owned by three individuals, the current AFRONET Executive Director, the Managing Editor for the Monitor Newspaper and a non Executive Director on the AFRONET board, owning 40%, 20% and 40% respectively. It is therefore incorrect and misleading for the annual audited accounts to reflect that AFRONET owns 100% of the Monitor Agencies Limited which publishes the Monitor Newspaper

A long term loan of K68 million to Monitor Agencies Limited being value of fixed assets made available to the company is reflected in the balance sheet. The loan is interest free and carries no fixed repayment terms.

The balance sheet shows K77,726,000 as owed by the Zambia Human Rights Support Programme to SAHRINGON programme. Contained in the figure of debtors of K593 Million is an amount of K384 Million owed by the Monitor Agencies Limited to AFRONET and K192 Million owed by coalition 2001 to AFRONET.

Creditors totalling K735 Million comprise K624 Million accruals and provisions and K111 Million owed to coalition 2001 by AFRONET.

The organisation had an unsecured temporary overdraft of K31,456,000.

(g) Audited Accounts For The Year 2002

The audited accounts for 2002 were signed on 7th February 2003.

Apart from the normal Small Charities qualification, the audit opinion rendered is clean.

(h) Income and Expenditure Account

Total income for the year totalled K2,447,426,000. Of this amount K2,188,196,000 is grant income.

Expenditure for the year totalled K3,642,948,000. A deficit of expenditure over income of K1.2 Billion was registered during the year.

Included in the figure of expenditure for the year are the following **amounts written off:**

K

Amount receivable from Monitor Agencies Limited	751 Million
Amount receivable from Coalition 2001	216 Million

Staff costs make up 30.2% of expenditure excluding the extra ordinary write offs noted above. Conferences and workshops 10%, report production 9.3% and travel 6%.

(i) Balance Sheet

The balance sheet contains the figures for investment in Monitor Agencies Limited and the long term loan due from the same company that were reflected in the accounts for 20001.

An amount of K239 Million is shown as owed by the Zambia Human Rights Support Programme to the SAHRINGON Programme. An additional amount of K311 Million is shown on the balance sheet as owed by the Zambia Human Rights Programme on Coalition 2001 to SAHRINGON programme.

The Creditors figure of K618 Million is made up of accruals and provisions. No breakdown of the figure is provided in the accounts.

3.7 Commentary On Information In Audited Accounts

(a) Budget Comparison

Users of the AFRONET accounts include stakeholders such as cooperating partners who have provided funding for the organisation's planned and budgeted activities. In all instances funding is made available on the basis of a work plan and budget presented by AFRONET when soliciting for funds for its projects/programmes.

The funding agreements for Hivos and PACT specifically require that the audited accounts include actual expenditure in a format that can enable an analysis against budget figures to be made.

The audited accounts are not framed in such a way that AFRONET expenditure can be easily related to the AFRONET budget for the relevant accounting period.

It is also not possible to identify expenditure by project or major programme from the Income and Expenditure account. The accounts are therefore not user friendly for stakeholders who would wish to ascertain what major projects AFRONET's available resources have been spent on and how such expenditure compares to the organisation's budget.

We recommend that the audited accounts should include a schedule showing actual expenditure per project/programme in a format similar to that used in AFRONET's budget for purposes of gauging how AFRONET has adhered to its project/programme budgets.

(b) Transfer of Funds Between Projects/Programmes and Between Budget Lines

The information in the audited accounts reveals that AFRONET has used (transferred) funds for earmarked or specific donor projects/programmes to undertake other projects/activities which the organisation deemed necessary without the express consent of the relevant donor (s).

Recorded transfers noted above are large and should have, in addition to the consent of relevant donors, required that the Board of Directors were notified of the problems that the Secretariat was

facing. All funding agreements made available for our review expressly require that funds availed be utilised in accordance with the application for funding.

A clause in the Hivos funding agreement states that ‘...if at any time during the contract period, it becomes obvious that it will take longer to implement the activities than already agreed upon, or if the implementing organisation deems it necessary to modify the nature of the activities and /or the budget referred to in the contract, the implementing organisation must inform Hivos accordingly and seek its written approval...’

The financial regulations adopted in May 2003 seem to encourage transfer of funds between budget lines/programme funds by condoning supplementary expenditure provision applications and seemingly permitting the Director of Finance and the Executive Director to sanction payments of expenditure in excess of the budgeted amount.

We recommend that sections in the financial regulations manual that appear to sanction over expenditure be revisited and removed. The organisation should make an effort to be and be seen to be making an effort to contain expenditure within permitted limits.

Funding contracts should also be adhered to. There are rights and obligations enshrined in the contracts that the organisation should take seriously. A culture of discipline in relation to financial management is currently lacking.

Write Off Of Amounts Receivable Without Board And Donor Approval

The financial statements for 2002 reflect a write off of debts owed by the Monitor Agencies Limited and Coalition 2001 totalling K967 Million. There was no Board approval for the write off of such a significant amount nor is there evidence that donors were consulted/informed prior to the decision being taken by AFRONET.

The decision may be considered by the AFRONET Secretariat as an internal matter which did not require the involvement of external stakeholders. The sheer size of the amount written off, the fact that the amount written off was effectively advanced for programme activities by donors and the absence of a functioning board that

would have been expected to give direction and advice to the organisation is cause for worry. It raises the question **‘Who is AFRONET accountable to’?**

3.8 MEETING WITH AFRONET’S AUDITORS

AFRONET’s auditors confirm that they were not fully satisfied with the level of financial management within the organisation and had repeatedly raised issue with AFRONET management regarding the quality of accounting records and the integrity of accounting information arising from the procedure adopted to prepare accounts (use of spreadsheets).

When informed that the audited financial statements did not address some requirements enshrined in donor contracts, particularly the absence of a comparison of actual expenditure with budgets, the auditors intimated that they were not availed the contracts for funding by AFRONET and that they were informed that apart from DANIDA funding all other donor funds were pool funds and spent at the discretion of AFRONET and, hence they were not aware that other donors specified what their funds should be spent on.

On the question of the write off of significant amounts that were owed to AFRONET by the Monitor Agencies Limited and Coalition 2001 the auditors indicated that as they were aware that the two organisations had no capacity to pay back the amounts they owed, the write off of the debts was the only option if the accounts were to reflect a true and fair view. On the question of the absence of approval from the donors/the board it was felt that since they were informed that all non DANIDA funds were not earmarked funds and particularly that AFRONET was not a limited company governed by the Companies Act which requires express board approval for such transactions, the absence of board/donor approval was not an issue that they pushed for.

The auditors believe that the strengthening of the finance function through funding support to pay for an experienced accountant and setting up of workable accounting procedures and internal controls that are not easily susceptible to management override whilst at the same time concentrating on the core objectives of AFRONET – support for the improvement of the Human Rights atmosphere in

Zambia and the region- would increase the survival possibilities for AFRONET.

3.9 TO WHAT EXTENT DOES AFRONET FOLLOW THE RECOMMENDATIONS OF THE AUDITORS OUTLINED IN THE MANAGEMENT LETTER

A management letter is a report that is issued by auditors at the conclusion of their audit, in addition to the audited financial statements. The management letter contains matters that the auditor wishes to bring to the attention of management for corrective action in relation mainly to accounting and internal controls. Internal controls are the procedures and tasks which management operates in order to facilitate orderly conduct of activities, ensure adherence to policies, safeguard assets and secure as far as possible the completeness, integrity and accuracy of records and information.

The Finance Director and the Accounting Officer appear not to have had sight of the management letters issued by the auditors. They both initially referred us to the Executive Director. Later, copies of the management reports for 2001 for the ZHRSP and the SAHRINGON programme were located in one of the Cabinets in the Accounts Officer's office.

It would appear that the management letter is not considered an important document, otherwise the officers in the accounts department would have known about the letter and its contents.

The management letter for 2002 was not located and the two officers indicated they had never seen it. AFRONET's auditors confirmed having issued the report for 2002. Where the management report is not shared with the officers that need to know the concerns raised by the auditors it is unlikely that weaknesses noted would be rectified.

(a) AUDITORS' REPORT TO MANAGEMENT - ZHRSP - 31 DECEMBER 2001

A summary of issues raised by AFRONET's auditors in the 2001 management reports for ZHRSP follows.

- Supporting documents for a number of payments (K10,649,000 and US \$3020) from SIDA, NORAD and NCA Kwacha and SIDA US\$ account were not made available to auditors
- Imprest totalling US \$1,000 from SIDA account not retired
- There were a number of transfers between bank accounts without evidence of proper authorisation
- Bank balances recorded at 1 January 2001 were as per bank statement instead of the cash book balances recognised at 31 December 2000.
- The cash trial balance was incorrectly prepared. There were differences between information given in the trial balance and schedules representing figures that were on the trial balance.
- General ledger printouts provided to auditors did not have the respective account totals
- The salary of one officer was omitted from the payroll for March 2001 even though the officer was paid their salary for that month
- PAYE and pension deductions were not remitted on time
- There was insufficient record keeping with respect to loans and advances given to staff
- There was no fixed assets register maintained. Only a list of fixed assets was available
- There was inappropriate accounting for and unapproved inter – sector transactions. In particular the auditors highlight that ZHRSP funds were applied to other programme expenses and vice versa and recorded as own funds. These were corrected during the audit.

Prior to finalising the audit the auditors had sent a letter to AFRONET cataloguing numerous issues relating to record keeping, payments made for SAHRINGON and Monitor Newspapers being recorded as AFRONET expenses, payments made by SAHRINGON and Coalition 2001 for AFRONET not captured in AFRONET's books, and inaccuracies in computation and treatment of payroll expenses among other issues.

(b) AUDITORS' REPORT TO MANAGEMENT – SAHRINGON PROGRAMME – 31 DECEMBER 2001

Salient issues raised by auditors on the SAHRINGON Programme include:-

- Payments totalling US \$10,147 and K4.4 Million not supported by documentation.
- No general Ledger was maintained instead expenses were provided as a summary on spreadsheets
- Closing balances for both the Kwacha and Dollar accounts for each of the twelve months of the year did not agree with the opening balance for the following month. The cashbooks were not properly maintained
- Letters of instruction to the bank in respect of transfers totalling US \$79,000 were not made available to the auditors
- A fixed assets register was not maintained
- Expenses paid on behalf of other sectors of the organisation were recorded as own expenses by the SAHRINGON Programme. These were corrected during the audit
- Transfer of cash from SAHRINGON accounts to other sectors of the organisation were not approved by donors
- The payroll was not accurately maintained
- PAYE and NAPSA deductions not remitted on time

3.10 HIVOS EVALUATION REPORT OF 1999

C Anyangwe, S Chidumayo and D Dube conducted an evaluation of AFRONET for Hivos in 1999. In relation to financial management some of their findings included:-

The personnel, Procurement and Financial Procedures manual in use was not in line with operational needs of AFRONET and required to be revised to allow the organisation meet its operational objectives.

At the time of the evaluation the accounting records were in the process of being computerised, and the process had taken inordinately long. It was noted that the financial records produced by the system were neither reliable nor transparent at both overall organisation or project level.

No clear relation could be discerned between the system of financial reporting in operation and other reports on progress in projects/programmes.

AFRINET did not consistently meet the reporting deadlines contained in the funding contracts.

Accounting staff did not appear to understand the organisation's financial policies and procedures even though they were contained in the procedures manual.

Communication of financial information within the organisation was weak.

There was no systematic and periodic analysis of actual expenditure with budgets

AFRINET did not seem to be ready to cope with the demands of an organisation growing rapidly in terms of financial/budgetary support from donors and growth in programmes.

Staff turnover in the accounts department is high.

The board does not meet often enough

The issues raised in the auditors' management letters should be addressed and not be glossed over

There should be proper controlled co-ordination between the programmes office and the finance office

COMENTARY

Many of the issues raised in the 1999 report had not been rectified by the time of our evaluation in November 2003.

1. Of significant concern is the inability of the board to meet or confer in order to give direction and advice to the organisation.
2. Record keeping in the accounts department appears to have improved appreciably. However, the reliability and accuracy of financial reports that are prepared monthly is questionable as the reports are prepared from information that is not based on double entry and can therefore not be deemed to be complete for accounting purposes.
3. There is still no clear relationship between the system of financial reporting in operation and other reports on progress in projects/programmes. The monthly financial reports do not contain details that are project specific.

4. AFRONET, to a large extent still does not consistently meet the reporting deadlines contained in the funding contracts.
5. Turnover of staff in the accounts department is still high. The two staff in the department were recruited during 2003. The Finance Director was initially recruited as Assistant to the Director Research and Development in December 2002. He has a postgraduate Degree in Human Rights and Political Science. His first Degree is in Accountancy. He was encouraged to add the supervision of the accounts function after it was known that he had previously worked as an Accountant. His passion is in research. The Accounts Officer has a Degree in Accountancy and is pursuing a professional Accountancy course. He is relatively inexperienced but displayed a lot of zeal for his work.

3.11 DISCUSSIONS WITH COOPERATING PARTNERS

In our discussions with donors it was clear that donors felt that AFRONET's Human Rights Programme was worthy and necessary for the nation in particular. It was also clear that AFRONET/Mwananjiti was viewed as a brave voice that stood up to speak when human rights were violated even by state agents. The Zambia Human Rights Reports produced by AFRONET annually were cited as a very useful and important document that gave an insight on the 'temperature' of human rights in Zambia.

The majority of donors raised concern with AFRONET's lack of financial discipline, particularly the tendency to utilise funds meant for a specific project/programme on other projects without the consent of the donor.

It was also stated that record keeping, financial management and budgetary control within AFRONET was weak thereby raising questions about the integrity of the financial reports produced by the organisation.

At the time of our evaluation DCDM, a firm of Chartered Accountants contracted by DANIDA was concluding its forensic investigation into financial management in AFRONET specifically targeting the circumstances that led to transfer of funds DANIDA had advanced for the SAHRINGON programme to the Coalition 2001 election monitoring exercise which had little to do with the

DANIDA programme.

The majority of donors spoken to indicated that they would be reluctant to continue funding AFRONET until the organisation resolved the issue of the alleged mismanagement of DANIDA funds and put in place financial management procedures that would ensure that funds were properly accounted for. There was also general consensus that the AFRONET Executive Director wielded too much power in the organisation and that there was need to reorganise management in order to share this power for the sake of accountability.

3.12 INFORMATION ON EXPENDITURE RELATING TO HIVOS FUNDS

From the information maintained by AFRONETs accounts department it is difficult to provide project/activity specific details of how each donors' funds have been utilised. It took the accounting officer over three days to prepare information outlining projects/activities on which Hivos funds were utilised between 19 August and 30th October 2003.

Information relating to HIVOS funding for 2002 and 2001 could not be provided. Below is an account of expenditure of Hivos funds for 2003.

Analysis Of Hivos Funding Expenditure For The Period 19 August 2003 To 31 October 2003

Budget Line	Amount K	%
Administration	190,002,761	61
Parliamentary Watch	9,456,514	3.3
Human Rights training	4,397,825	1
Media education on corruption	-	
Civil society anti corruption Lobby	3,682,260	1
Malpractices in state institutions	19,161,150	6.1
Gender and human rights	1,187,500	
Human rights report	29,983,980	9.7
ADVANCES not allocated to Hivos	<u>49,541,138</u>	16.2
Total expenditure out of Hivos account	<u>307,413,128</u>	

Included in administration expenditure are staff salaries costs including a payment to the SAHRINGON Coordinator. Also forming part of the administration expense is K15 Million paid to INDECO Estates, vendor of the house purchased by the Executive Director. Payments to Auditors for professional services included in administration expenditure total K42,750,000.

Discussions with AFRONET indicate that the SAHRINGON programme has been absorbed into the ZHRSP. As SAHRINGON was initially budgeted for separately outside of the ZHRSP it is questionable whether the budget for the Zambian programme is not being eaten into by activities of SAHRINGON which were not included in the initial budget.

Advances not Hivos specific include a cheque payment for K21,375,000 to a H T Kalabula. This payment is for rent for the offices for the period July to September 2003.

Expenditure on administration related items is about 70 % of the amount received from Hivos. On average the allocation for administration expenses in the Hivos budget is 20% of the total budget. Effectively funds that should have been spent on programmes have been utilised to cover administration. Specifically the budget allocated for Gender and Human rights is 16% whilst the amount actually spent on Gender and Human Rights out of the funds received is less than 1%.

3.13 MATTERS SPECIFIC TO SURVIVAL OF AFRONET

(a) Litigation

AFRONET faces a number of lawsuits from former members of staff, suppliers, printers and people who claim to have been defamed by the Monitor Newspapers. A significant proportion in value of lawsuits result from AFRONET's connection to the Monitor. The estimated value of claims against AFRONET is about K1,300,000,000.

(b) The Monitor Agencies Limited

The monitor news paper was originally a project under AFRONET. It was loss making and donors insisted that it be separated from

AFRONET activities mainly to avoid funding for other activities being channelled into the Monitor.

In 2000 the Monitor Agencies Limited was registered as a limited company. The audited accounts for 2000, 2001 and 2002 include some amounts owed to AFRONET by Monitor Agencies Limited. In the 2002 accounts an amount of K 751 Million owed by the Monitor to AFRONET was written off without board or donor approval.

Although we were informed that the Monitor is now separate from AFRONET the fact that the Executive Director of AFRONET owns 40 % of the shares of the Monitor Agencies Limited and is a Director on the Monitor Board is clear indication that there still exists a connection between the two organisations. The rest of the shares are owned by the Managing Director of the Monitor Newspaper and a non executive Director on the AFRONET board. It is worth noting that the annual accounts incorrectly reflect the monitor Agencies as owned by AFRONET.

Donors spoken to have raised reservation about this relationship and are apprehensive that funds could still find passage from AFRONET to the Monitor

(c) Sale Of Assets To Pay Off AFRONET Debts

AFRONET has had to sell off a number of its assets, mainly cars to raise money to pay off debts arising out of judgement debts. The sale of these assets has not been sanctioned at board level.

It would appear that funds that were misapplied to the Coalition 2001 monitoring exercise will require to be paid back to the relevant donor DANIDA. AFRONET does not have assets that could be sold to raise \$100,000, the figure being floated as misapplied.

(d) Coalition 2001

The coalition 2001 was a loose consortium of NGOs that came together to monitor the tripartite elections in December 2001. The coalition managed to obtain about K13 Billion from donors for the purpose. We were informed that as a result of the voting being extended to three days from the original one day, funds to pay monitors were 'borrowed' from the DANIDA account to cover the

shortfall. The donor's approval was not obtained. In the 2002 audited accounts K 216 Million recorded as money borrowed by the Coalition 2001 from AFRONET was written off.

3.14 PAYMENTS REVIEW 2001 TO 2003

A review of payments made over the period from 2001 to date was undertaken. A few months in each year were sampled and all bank accounts maintained were covered on a sample basis.

(a) The following are some of our findings

- Expenses are not coded thereby raising the possibility of incorrect classification of expenditure.
- Some payments were not supported by invoices. Lack of supporting documentation could result in incorrect amounts being paid
- Some cheque payments were made to individuals who are not agents of AFRONET to cash over the counter thus attracting a bank levy of K25,000 for each transaction
- The June 2003 bank reconciliation for ZHRSP Kwacha account contained cheques that were drawn in 2002 which had become stale and should have been written back.
- Certain payments were not approved by the Executive Director
- A number of bank accounts were inactive and were only attracting bank charges
- There were instances where imprest to staff was not fully retired
- The Information Officer was paid a salary of US \$1,800 from the DANIDA account in January, February, March and April 2003 whilst the amount budgeted for and agreed with DANIDA is \$800.
- Although Bank reconciliations are prepared there is no evidence that they are reviewed by a senior official

APPENDIX I

GRANT INCOME IN KWACHA'000

	2002	2001	2000
DANIDA	675,750	2,300,544	1,846,950
MS – ZAMBIA		-	8,125
OXFORD LEARNING SPACE		-	110,329
EMBASSY OF SWEDEN	227,891	197,050	242,97
FINNISH EMBASSY	178,854	222,670	198,739
HIVOS	357,927	192,146	196,033
KIOS	-	-	4,773
NCA	108,288	76,862	73,681
NETHERLANDS EMBASSY		-	57,376
NORAD	494,255	221,936	197,304
EU ELECTORAL UNIT	-	53,600	-
PACT ZAMBIA	71,311	-	-
DFID	38,000	-	-
AUS AID	-	218,937	-
EMBASSY OF IRELAND	35,920	-	-
	<u>2,188,196</u>	<u>3,483,745</u>	<u>2,936,285</u>

3.15 MANAGEMENT REPORT BASED ON REVIEW OF AFRONET TRANSACTIONS FROM 2001 TO 2003

(a) INTERNAL CONTROLS

Internal controls refer to the collection of procedures and tasks which management operates to facilitate orderly conduct of activities, ensure adherence to policies, safeguard assets and secure as far as possible the completeness, integrity and accuracy of records and information.

The controls include but are not limited to:

Segregation of incompatible duties so that the work of one person or section acts as an internal check on the work of another;

Physical controls concerned mainly with the custody of assets and procedures and measures designed to ensure access and use are for authorised purposes;

Effective authorisation and approval of transactions and activities;

Accurate, timely and complete recording of accounting information for management decision making and reporting of results;

Procedures to ensure personnel have capabilities commensurate with responsibilities assigned including competence, integrity, professional qualifications and experience;

Supervision and management to ensure effectiveness of control procedures;

Procedures put in place to ensure project objectives are achieved within the intended timeframe; and

Procedures put in place to ensure compliance with the terms of the grant agreement and laws of the Country.

During the audit we came across certain aspects of internal control for which, in our opinion, corrective action is required. More details on these together with our recommendations have been provided in section 2 of this report.



(b) DETAILED OBSERVATIONS AND OUR RECOMMENDATION

RETIREMENT OF STAFF ADVANCES

<i>Findings</i>	Implication of the Findings	Recommendations
We noted instances where money advanced to staff was not fully retired by way of receipts/invoices or cash. Below we cite examples:	Non-retirement of retirable advances is contrary to the AFRONET Travel Policy requirements. Funds may be used for activities which do not relate to the project	All retirable advances should be retired by way of receipts/invoices or cash not spent.

Payee	Date	Amount Advanced	Amount Retireable	Amount Retired	Unretired Amount	Account	Cheque No.
R M Simfukwe	05.02.03	K3,340,000	K2,125,000	K1,758,006	K366,994	DFID	L015.02.03
Luuwo K.A.	13.02.03	\$1,340	\$640	-	\$640	ZHRSP	177845

DANIDA PROJECT SALARIES

<i>Findings</i>	Implication of the Findings	Recommendations
We noted that the Information and Communications Officer was paid a full salary of US \$1,800 from the DANIDA account in January, February, March and April 2003. However, the amount budgeted for and agreed to by DANIDA is US \$800.	Non-adherence to budget limits undermines budgetary control. Expenditure on the staff members's salary is in excess of that approved.	Efforts must be made to keep expenditure within budget. The relevant donor must be informed when expenditure is to be incurred beyond the limit authorised.

CODING OF EXPENDITURE

<i>Findings</i>	Implication of the Findings	Recommendations
AFRONET has not adopted a chart of accounts and does not utilise codes for expenditure incurred.	Coding of all expenses makes it easy to identify which budget line an expense incurred relates to.	A chart of accounts coding system should be in place for all donor expenditure. This will reduce the risk of misallocating expenses.

(c) REVIEW OF BANK RECONCILIATION STATEMENTS

FINDINGS	Implication of the Findings	Recommendations
We noted that although bank reconciliation statements are prepared, there is no evidence that they are reviewed by a senior official.	A bank reconciliation is a detective control. The organisation's management may not become aware of any unusual transactions passing through the bank accounts where these are not reviewed.	All bank reconciliation statements should be reviewed by a senior official. The review should be evidenced by written signature.

SUPPORTING DOCUMENTS

<i>Findings</i>	Implication of the Findings	Recommendations
<p>We noted that some payments were not supported by invoices/relevant supporting documents.</p> <p>We cite examples below:-</p>	<p>Lack of supporting documents could result in wrong /incorrect amounts being paid.</p>	<p>We recommend that payments be supported by invoices to ensure accurate payments made.</p>

DATE	CHEQUE NO.	PAYEE	AMOUNT
04-06-2003	559962	Davy Hakaloba	K3,500,000
27-06-2003	559993	Geoget	K550,000
12-02-2003	559832	K.A. Luuwo	K1,500,000
12-02-2003	559830	K.A. Luuwo	K572,000
12-02-2003	169428	K.A. Luuwo	K218,000
11-02-2003	169424	NAPSA	K1,118,704
05-02-2003	169417	Lulu	K523,600

CASH WITHDRAWALS BY NON AGENTS

<i>Findings</i>	Implication of the Findings	Recommendations
<p>We noted that some cheques were issued in the names of individuals who are not agents for the AFRONET bank accounts. These cheques were cashed over the counter and attracted a charge of K25,000 per transaction.</p> <p>We cite examples below:</p>	<p>AFRONET is incurring avoidable charges which negatively affect funds available for projects/activities.</p>	<p>We recommend that v a supplier/individ requires immediate payment a cheque written in an agents to draw cash for supplier/individual. would ensure that charges are kept minimum the improving Afro liquidity.</p>

Date	Cheque No.	Payee	Amount	Bank Charges
03-06-2003	991706	John Jere	K275,000	K25,000
03-06-2003	991707	Richard Simfukwe	K 125,000	K25,000
03-06-2003	991708	Richard Simfukwe	K291,000	K25,000
10-06-2003	991709	Richard Simfukwe	K580,000	K25,000
17-06-2003	991712	Richard Simfukwe	K125,000	K25,000

STALE CHEQUES

<i>Findings</i>	Implication of the Findings	Recommendations
<p>We noted that the August 2003 bank reconciliation statement for the ZHRSP Standard Chartered Bank account included cheques which were issued in 2002.</p> <p>We list below the cheques in question:</p>	<p>The picture presented by the reconciliations is inaccurate.</p>	<p>We recommend these cheques be written back in the cash book so the bank will not have cheques which become stale.</p>

DATE OF ISSUE	PAYEE	CHEQUE NO.	AMOUNT
17-07-2002	Jowie Mwiinga	582709	K200,000
10-09-2002	Leonard Hikaumba	376067	K 60,000
17-10-2002	NAPSA	376120	K2,099,154
10-12-2002	Blue Crest	376178	K3,571,500
Total			K5,930,654

APPROVAL OF PAYMENTS

<i>Findings</i>	Implication of the Findings	Recommendations
<p>We noted that certain payments were not approved by the Executive Director.</p> <p>We cite some examples below:</p>	<p>Unauthorised payments could result in loss to the organisation.</p>	<p>We recommend that payment vouchers be approved by the Executive Director prior to payment.</p>

DATE	CHEQUE NO.	PARTICULARS/PAYEE	AMOUNT
01-08-2003	-	Transfer from US \$ a/c to ZMK	\$6,000
04-06-2003	559962	Davy Hakaloba	K3,500,000
10-06-2003	559977	Robby Chabaya	K744,000
12-02-2003	-	Transfer to ZMK ZHRSP account	K6,000,000
20-06-2003	991716	Richard Simfukwe	K370,000

INACTIVE BANK ACCOUNTS

<i>Findings</i>	Implication of the Findings	Recommendations
<p>We noted that some bank accounts have remained inactive for several months.</p> <p>Below we cite examples of bank accounts which are inactive:</p>	<p>AFRONET is incurring expenses in bank charges for banking services which are not being utilised.</p>	<p>We recommend that the n bank accounts be kept to a to minimise bank charges.</p>

Name of Bank	Account Number	Account Name
Standard Chartered	0100111417100	Hivos
Standard Chartered	0100110253800	Netherlands
Standard Chartered	0100111417000	Finida
Stanbic	01400/302788/01	NCA

FINDINGS

We found that:

- 1. AFRONET is a necessary need in the Zambian society**
- 2. AFRONET is a leading human rights organisation in Zambia**
- 3. AFRONET beneficiaries greatly appreciate the services the organisation renders to them**
- 4. AFRONET board of Directors has not met to transact the organisation's business since at least the last evaluation**
- 5. Previous evaluators similarly complained about the fact that the board of Directors had not met**
- 6. Financial systems and procedures are weak and ineffective**
- 7. There is no member of the board of Directors designated as treasurer with the power to act as signatory to AFRONET accounts**
- 8. Staff contracts of service have not been validated by the board and that nearly all of them have expired**
- 9. Practically, the Monitor is no longer part of AFRONET. However, this has not yet been articulated in the organisational rules especially as regards to shareholding.**
- 10. AFRONET has been bailing out the Monitor without the latter paying back what it owes**
- 11. SAHRINGON funds have been utilised in AFRONET-related activities without the latter paying back**
- 12. The Constitution of AFRONET needs urgent radical revisions to restructure the board of Directors, give the organisation the necessary authority to focus on Zambia, and to provide for an independent method of recruitment and appointment of the board members**
- 13. AFRONET is facing numerous cases from the general public as well as ex-employees which makes the organisation highly insecure**

14. Gender mainstreaming enjoys very low priority in the programmes of AFRONET. However, management is trying to rectify this beginning with the recruitment of the gender officer

15. The 'Management Committee' was busy trying to address some of the organisation's problems and that it had already taken some key decisions towards this end.

RECOMMENDATIONS

1. The need for an AFRONET in Zambian society was universally acknowledged. Virtually everyone we had opportunity to speak to recalled AFRONET as a leading and indispensable organisation in the field of promotion and the protection of human rights particularly but not only in Zambia. However, it is equally recognised that for AFRONET to continue to play this vital role and to do so more effectively, important and radical restructuring of its management system was urgently needed. To this end, it is **recommended**:

That the Executive Director should call for the founding Board of Directors' meeting. This meeting should be convened at an appropriate time within the next six months the purpose of it being:

- to appraise the members of the situation at AFRONET;
- to take the necessary decisions required for the continuity and stability of the organisation; and
- to approve a policy on the appointment of members of the board of Directors that would take into account the need for their independence and autonomy from management

That Hivos and other co-operating partners facilitate the convening of this and subsequent AFRONET board meetings as and when called for by the Executive Director in accordance with the Constitution.

NB. For the avoidance of any doubt, the board meetings we are recommending for are those that are anticipated in the Constitution of AFRONET as amended, which at present can only be legally convened by the Executive Director or his agent.

2. An issue of particular concern is the status of signatories to the AFRONET Bank accounts. The prevailing situation was that all bank signatories were members of staff which did not reflect well on the organisation's principles of accountability and transparency. Consequently, we **recommend**:

- (a) That provisions strengthening the oversight role of the board should be included and highlighted in the constitution. In particular

The role of the board and the Treasurer should be explicitly spelt out

The board should receive and review periodic management accounts of the organisation

The board should approve the work plans and budget of the organisation

A member of the board must also be a signatory to all the organisation's accounts not just the principal account as stated in the current Constitution.

The audited accounts must be approved by the board

The constitution should prescribe the minimum number of meetings that the board should hold to, in addition to other matters, review operations and finances of the organisation.

2.1 Furthermore, in order to augment the above, we recommend the following:

- (a) Financial regulations should specify the format and content of the organisation's periodic financial reports. Currently the manual is silent on this important matter.
- (b) The regulations should also specify in more detail procedures for preparation of budgets and the need for comparison of actual expenditure to budget for monitoring and control purposes. The manual makes no reference to any plans or activities as a reference point for preparation of budgets.
- (c) The impression given by some sections of the manual that over expenditure on budget lines is permissible must be removed.

2.2 Additionally, on this point, we **recommend** that:

- (a) AFRONET puts in place a Chart of Accounts and code its payments appropriately to ensure accurate capture of data into relevant expense accounts.
- (b) It is necessary for AFRONET to computerise its accounting system to allow for efficient and accurate processing of accounting information. The use of spreadsheets is not only inefficient but also prone to error.
- (c) Monthly and quarterly financial reports must include, in addition to information for the relevant month, cumulative figures for the year to date.
- (d) Comparison of actual expenditure to budget and review of variances should be done for all financial reports for monitoring and control purposes.
- (e) The financial reports should highlight expenditure per project /programme as far as possible for ease of comparison with the budget.

2.3 Incidental Issues

The staff complement in the accounts department is supposed to be two officers and the Director of Finance. The department is currently staffed by one accounts officer and the Director of Finance. Both do not have employment contracts. Effectively they could walk out of AFRONET without any notice thereby crippling AFRONET in the area of financial management.

We **recommend** that staff in the accounts department be put on contract for the security for both AFRONET and the members of staff. Efforts must be made to recruit experienced staff, particularly at supervisory level.

Organisation Ethos

A culture of discipline must be cultivated in all areas of operations. Funding agreements confer rights, obligations and responsibilities which must be observed. AFRONET must seriously take this into account in all its dealings and operations.

Respect for local laws should be taken seriously. In particular, misrepresentations appear to have been made in the past to suppliers to the effect that AFRONET was exempt from paying Value Added Tax. Penalties and interest for non compliance could bankrupt the organisation.

Communication between the finance department and other sections of the organisation should continue to be improved upon and a spirit of openness devoid of management override encouraged. Pay As You Earn and National Pension Contributions should also be remitted on time.

Management Reports

It is normal practice for auditors to issue management reports on conclusion of each audit. Hivos should make it part of the conditions for further funding for implementing partners to avail copies of their management reports together with the annual audited accounts. This will allow Hivos to be kept abreast of issues related to finances and operations from an independent source. Where the auditors do not find any issues to report on they may issue a NIL report which Hivos could request sight of.

Dealings with Governing Bodies

As far as is practicable contracts with partner organisations must be discussed with/signed for by a member of the Secretariat AND a representative of the organisation's governing board. This may sound cumbersome but it

ensures that the funded organisation's governing body is aware of and takes responsibility for obligations enshrined in funding agreements.

3. The continuation in office of the incumbent Executive Director was a source of great concern expressed by a number of stakeholders we spoke to. Some of them suggested that there was need for a smooth exit strategy/plan under which the Executive Director stepped down from the organisation altogether while others suggested that the Executive Director may still be necessary in other ways such as an ordinary member of the Board of Directors. It was also pointed out in his favour that the incumbent Executive Director would be necessary in any restructuring in order to see towards smooth transition. In the first place, we must put on record the fact that the Executive Director recognises that change of office is an inevitability in any organisation. He was no exception. The question, he asked, was what form that change should take. In other words, the issue is more of the approach to the change of the ED than change itself. We have addressed our minds to the possibility of one senior members of staff in AFRONET succeeding the Executive Director in an effort to address this concern. However, we noted that almost all the senior staff members may for various reasons not qualify to succeed the incumbent Executive Director. Apart from being new in AFRONET, some of them are on full-time employment elsewhere or are not holding Zambian citizenship which would be essential in work of this nature.

That the first priority for the board of Directors should be to stabilise the organisation by putting in place the necessary systems essential for this purpose as recommended in this and previous reports

That the board of Directors should set in place a definite transitional programme in which to see to the change of the Executive Director and other staff in a smooth process that would ensure change with stability

That to initiate this process of change, the board of Directors, on the advice of the Executive Director, should appoint a Deputy Executive Director who will understudy the Executive Director and, together with the Executive Director, see to the smooth transition

4. We noted that almost all the staff contracts of service at AFRONET were invalid having been expired. We also noted, however, that this notwithstanding, staff continued to work subject to conditions in their expired contracts and the employer to honour her obligations in the same instruments. We recognised the potential dangers that this would entail both to the organisation and to the basic human rights of the respective staff particularly in the event of a dispute. Consequently, we recommend:

- a) That the board of Directors should review and approve, in their first meeting, the standard contracts and all other manuals for AFRONET. This recommendation is made against the background that AFRONET would be more efficient if it outsourced some of its work. Based on previous practice, the board should decide which functions are to be outsourced.
 - b) That following from above, the board of Directors should review all the existing contracts with a view of retaining on full-time only those that are absolutely essential to the daily operation of the organisation. This would address the issue of liabilities arising out of unpaid gratuities.
 - c) That in order for the exercise not to be frustrated by court and out of court claims, AFRONET should work out a programme to be funded by cooperating partners with a view to settling all the pending cases for gratuity and related expenses.
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- 5. That the board of Directors should revise the constitution with specific reference to strengthening the accountability and transparency provisions in line with the several recommendations in our report
 - 6. That AFRONET must devise an Action Plan to implement recommendations made in previous and present evaluations. This Action Plan should be completed within the first six months of 2004
 - 7. That AFRONET must come up with a coherent strategy and plan on how to deal with all pending debts and legal suits that are crippling the organisation
 - 8. That AFRONET quickens the process of recruitment of the gender officer. In its proposal to Hivos, AFRONET promised to hire a gender officer. It has not but says that it is in the process of doing so. To address gender in a meaningful way, AFRONET needs a trained gender officer able to train staff in gender awareness and analysis. It also needs to make gender and development part of organisational change.
 - 9. That in spite of the caution on maintaining an expensive bureaucracy, AFRONET should consider engaging an OD Specialist to urgently undertake an organisational scan. The scan should in a concrete manner identify the gaps in communication, or reasons for the gaps and design a workable strategy for installing a sense of mutual confidence and trust among and between AFRONET staff.

10. That AFRONET must continue with its excellent work-programme of disseminating human rights and seeing to their protection. Hivos and other Cooperating partners should redouble their efforts to fund these programmes particularly to enhance the capacity of the organisation to participate in the promotion and protection of human rights in regional and national instruments and procedures.
11. That, without risking its identity, AFRONET should collaborate more closely with Government with a view to facilitating state reporting under various international human rights instruments; research and dissemination of human rights standards to key state institutions such as police, prisons, army, etc., continuation of its fact-finding missions in police custody centres, places of detention, etc.
12. Similarly, that AFRONET must try and collaborate more closely with the Anti-Corruption Commission (ACC) in its anti-corruption work especially given the government's new focus on corruption. This would be important in order to avoid duplication and also for the two sides to benefit from each other. For instance, the ACC is now working on a fundamental review of the ACC Act but AFRONET is either not aware of it or not participating.
13. That AFRONET must seek to improve its relations with local ZAMBIAN NGOs especially to remove suspicions that the organisation is not interested in collaborating with other NGOs
14. That to the extent it is possible, AFRONET should try to depoliticise its roles and responsibilities in line with its constitutional obligation as a non-governmental organisation.
15. That within the first three months of 2004, the board of directors of the Monitor Newspapers should convene a meeting with the donors to explain their status and how separated they are from AFRONET, and to deal with the question of overlapping board memberships between the two organisations. The overlap continues to give the perception that the two are in fact one.
16. That AFRONET board of Directors should address the issue of continued hosting of SAHRINGON within the AFRONET Secretariat which is causing a lot of resentment in the region.
17. That AFRONET should do everything possible to maintain an identity of its own and to be seen as an indigenous organisation with an indigenous programme. Whilst AFRONET may receive donor support, it is important to appreciate the need for the organisation not to be perceived to be property of donors as this would be detrimental to its programmes. Donors must therefore ensure the independence of the organisation in order to

protect and guarantee its integrity. Any indication that the programmes of the organisation are externally controlled, would immediately spell doom.

ANNEXURE

ANNEX 1

Draft Terms of Reference for the Evaluation of AFRONET Human Right Programme in Zambia 3-18 November, 2003

Introduction

The Inter African Network for Human Rights and Development (AFRONET) was established in 1993 as an Africa wide human rights network after extensive consultations at the Vienna Human Rights conference. It is registered as an NGO in Zambia and has an observer status with the African Commission on Human and People's Rights. It operates through established national human rights networks in individual African countries. Hivos has maintained regular contact with AFRONET since 1994 and the first contact was in 1996. The following support has been given so far:

ZM012011 1996- 1997 Euro 56 772.53
ZM012021 1998-2000 Euro 215 545,62
ZM012031 2001 Euro 68 067,03
ZM012041 2002 –2004 Euro 304 033

The main development objective of AFRONET's programme in Zambia is to contribute to the development of a human rights culture in Zambia. To realize this objective AFRONET has further outlined its specific objectives as:

- To promote a vibrant society through the establishment of a portal for civic action
- To promote social justice and human dignity by protecting human rights
- To undertake legal research and public policy analysis for the promotion of human rights
- To build a rights conscious society through human rights education
- To enhance the capacity of AFRONET to mainstream gender in its programmes and institutional systems.

For each of the objectives, AFRONET has outlined activities and expected outputs. The details of these are to be found in the AFRONET Zambia

Human Rights Support Programme January 2002- December 2004 which is the background document for this evaluation.

Hivos's support is focused on the AFRONET human rights programme in Zambia.

In 2002 Hivos gave AFRONET renewed support and the activities supported by Hivos are:

- the Parliamentary Watch Forum where AFRONET will engage parliamentarians through information sharing and workshops to improve their functioning;
- Corruption programme;
- media workshops to help groom the media in covering human rights issues;
- the production of a human rights manual and the training of trainers on human rights education.

Hivos has also encouraged AFRONET to mainstream gender in its programmes and to capacitate its staff in this respect. Gender issues are seen as critical in human rights work and Hivos continues to emphasize on these in programming.

Through its programmes AFRONET seeks to promote tenets of democracy and good governance; networking and monitoring of human rights situation in Zambia . AFRONET achieves this through researching and sharing of information on human rights, pushing for governments to be accountable, exposing cases of corruption as well as lobbying for more transparent governance systems at all levels. Where necessary it litigates on behalf of people and groups whose human rights are threatened mainly by the state and its agents. AFRONET also promotes awareness on the part of the public on international human rights procedures and standards and obligations, to which Zambia is party to. Apart from this AFRONET coordinates the regional human rights programme under the auspices of SAHRINGON. However, Hivos does not support this programme.

The Purpose of the Evaluation

The purpose of the evaluation is to assess the extent to which AFRONET has implemented the planned programmes. The evaluators should most importantly assess

- the effectiveness of the stated programmes of AFRONET towards creating public awareness among rural and urban people on human rights issues in Zambia
- the effectiveness of AFRONET in influencing changed behaviour (positive) on the part of policy makers and parliamentarians regarding how they conduct their functions in a quest to bring about a transparent and accountable governance and government systems.
- Effectiveness of its anti corruption lobby in influencing policy makers and other institutions in dealing with corruption
- The effectiveness of its media programme in influencing media in reporting on human rights, corruption and governance issues
- The way AFRONET has integrated gender issues in its programmes and within the organisation.
- And generally the role played by AFRONET in influencing important processes and events within the country e.g parliamentary and local government elections through the stated programmes.

The evaluation is commissioned by Hivos and is meant to assess the extent to which AFRONET has used Hivos support to effectively influence the public and policy makers regarding issues of human rights.

The last evaluation of AFRONET was done in November 1999. While it confirmed the relevancy of AFRONET in the human rights sector in Zambia, it also pointed to the need for AFRONET to address governance and management issues. These were seen as weaknesses. The issue of gender particularly identifying women's rights issues and financial management were other areas that needed attention. Gender was also critical in view of military abuses of the public.

This evaluation should cover the period 2000 – 2003 and should mainly focus on:

Accountability and Management issues

- The evaluation should assess the effectiveness of the Board and make recommendations regarding its composition. How are they selected? What roles should the Board members be playing and are they doing this well?
- Is the Board aware of the mission of AFRONET?

- How does the Board play its role bearing in mind the distances between Board members?
- What steps have been taken by AFRONET Board to ensure that management is accountable to the Board. Assess the functioning of the communication channels between the Board and management and between Board members outside meetings?
- What kind of communication channels exist between the Director and programme staff and what implications does this have if any in the running of the programmes?

Programme issues

- Does AFRONET have a clear analysis of the problems and underlying factors for each of the subject matters it is dealing with? Has it defined a clear strategy to deal with each of the problem areas? How does this relate to the mission and vision of AFRONET?
- Regarding its Human Rights awareness programme, What is AFRONET trying to achieve with the programme? Who does it target, What results have been attained by this programme? Is AFRONET addressing the relevant levels with this programme? Does its public awareness programmes raise awareness and create pressure for change by the public that re-enforces AFRONET'S lobby activities?
- What kind of people have benefited or have been reached by AFRONET's programme. Comment on the scope of the outreach in terms of strategies used and numbers of people and institutions influenced.
- Regarding the anti-corruption programme, has AFRONET clearly defined its aim on this issue? To what extent has the anti corruption programme been successful? What criteria is used to judge the success? Who has benefited from it and how? What institutions and type of policy makers have been reached with what outcomes? In view of the anti-corruption drive currently pushed by government, how has AFRONET responded to this in terms of its own strategies? Has it and should it re-align its strategies? Is AFRONET working at the most relevant level when it comes to combating corruption? Does AFRONET have an

analysis that looks at different levels of government and what is at stake at each level, the opportunities presented by each level and therefore use this to define its choice regarding intervention strategy and levels?

- The same questions above should apply to the parliamentary watch and media programmes.
- How has the annual human rights report been used by those it is targeted. Who are they and what has been the outcome?
- How does AFRONET measure the results of its work and what indicators does it use. Does it document baseline data?

Gender

In the current contract with AFRONET Hivos has set aside a budget to allow AFRONET to address gender issues within the programmes and organization. The evaluators should:

- Assess if AFRONET has put in place a clear gender policy to guide its practice of gender mainstreaming within the organisation and its programmes?
- Assess the extent to which AFRONET has taken steps to identify and address critical gender issues relevant to its human rights programme.
- State and comment on the relevancy of the issues so identified.
- How has AFRONET addressed these?
- What outcomes have been realized.
- Assess the extent to which AFRONET has also addressed gender issues within the organization.
- What are the issues and how have these been dealt with?
- Has AFRONET taken adequate steps to strengthen the capacity of its staff to address gender issues in their respective programmes.

- What constraints, gaps and challenges exist and how should these be addressed.
- What has been the effect of AFRONET's programmes on the position of women?

Relationships with other Human rights and relevant civil society organizations in Zambia/region

For AFRONET to be able to influence changes in the human rights sector (e.g. conduct of elections and other important events with a human rights bearing), it needs to work closely with related institutions. The evaluators should:

- Assess the relationships that AFRONET maintains with other human rights and relevant institutions.
- What type of human rights (and other institutions) is AFRONET working closely with to influence change within the human rights sector in Zambia.
- How effective have such linkages been in furthering the objectives of AFRONET as well as influencing critical processes (democratization, anti - corruption and governance activities) within the human rights sector in Zambia?

Financial Management

- Assess and evaluate the financial management systems and procedures followed by AFRONET
- The evaluators should pay attention to the management of the various cost centres of AFRONET. To what extent does AFRONET stay within the budgetary allocations as states in its programme plans.
- Are annual budgets followed when implementing the programme?

- Does AFRONET engage in financial and budget reviews and if so how often and with what outcomes?
- Are budget and expenditure variations explained and justified when they occur?
- Comment on the structure and content of AFRONET'S annual audit reports.
- To what extent does AFRONET follow the recommendations of the auditors as outlined in the management letter?

Relations with Hivos Foundation

The consultants should also comment on the nature of the relationship between AFRONET and Hivos. Where relevant make recommendations for improvement.

To what extent is AFRONET's programmes in line with Hivos policy perspective on human rights and gender?

Conclusions and Recommendations

Following from the findings concerning a review of the issues stated above, the evaluators should draw up some conclusions and recommendations for the attention of AFRONET and Hivos.

Methodology

The evaluators should review literature relating to AFRONET's programmes, interview staff in the different programmes of AFRONET, the Director and Board members (mainly those based in Zambia. Other Board members should be contacted through e-mails and telephones. Interviews should also be made with selected beneficiary institutions, members of the public male and female in rural and urban areas.

Interviews should also be made with relevant institutions (Non governmental organisations) operating in the field of human rights and gender as well as Media institutions and Parliamentary organs.

Consultants

Three consultants will be involved two to look at programme activities, gender and organisational aspects and the other on financial issues.

Reporting and debriefing

The consultant(s) should discuss the draft report with AFRONET Zambia based Board members, the Director, staff (both male and female) and Hivos. (Date to be decided by the consultants and AFRONET).

1. Time Frame

The duration of the review will be 16 days starting 3-18 November 2003

The final report should be presented to Hivos and AFRONET on 25 November 2003

Literature and systems review 3 days

Interviews with Director and staff 1 day

Interviews with Board members 0.5 days

Interview with selected beneficiaries (men and women) 5 days (to include travel to programme areas outside Lusaka) (AFRONET to Advise)

Interview with some key institutions (Human rights and media NGOs, Human Rights Commission Women's institutions Parliament members and government institutions and other private ones) 2 days

Preparation of draft report 3 days

Debriefing 0.5 day

Final report 1 day.

ANNEX 11

AFRONET Staff List

Ngande Mwananjiti - Executive Director
Patwell Chikoye - Director (F&A)
Mbinji Mufalo - Director (R&D)
Yvonne Dausab - Regional Project Co-ordinator (SAHRINGON)
Hope Ndlovu-Chanda - Legal Counsel
Richard Simfukwe - Corruption Project Officer
Joseph Tembo - Documentalist Librarian
Njunga Mulikita - Finance Officer
Precious Siatalimi - Administrative Assistant
Alice Cheelo - Personal Secretary
Theresa Musonda - Receptionist
D. Simbaya - Driver
A. Mwale - Driver
Moffat Chiumya - Helper

Interns

Belinda Moono Gwaba	Fact Finding
Nyonde Ntswana	Information
Sinyama Simuyi	ICT

ANNEX 111

LIST OF INSTITUTIONS AND INDIVIDUALS VISITED & INTERVIEWED

1. Grace Kanyanga & Information Officer	NGOCC
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2. Emily Sikazwe and Lumba Sianga	Women for Change
3. Gerard Lucius	Netherlands Embassy
4. AG. Executive Director	FODEP
5. Ministry of Information & Broadcasting Services	
6. Swedish Embassy	
7. Robert Sichinga	UPND
8. Given Lubinda	UPND
9. Patricia Nawa	FDD
10. Akashambatwa Mbikusita Lewanika	MMD
11. Danish Embassy	
12. Judge Bobby Bwalya	Electoral Commission of Zambia
13. Raymond Chiboola	Anti Corruption Commission –
Livingstone	
14. John Jere	Olympia Basic Secondary
School	
15. Margaret Mwanza	Mutenguni village, Chief
Chaamuka	
16. David Mbulo	Soweto Market, Lusaka
17. Agnes Mumba	Soweto Market, Lusaka
18. Ezekeli Siwale	Soweto Market
19. Sharon Siwale	Zambia Daily Mail
20. Pauline S. Banda	Zambia Daily Mail
21. Mildred Mpundu	Times of Zambia
22. Alphonsius Hamachila	Monitor Agencies Limited
23. Matrin Chuulu	WILSA
24. Karen Sichinga	Christian Health Association
of Zambia	
25. Linos Simbulo	ex-AFRONET staff
26. Jan-Egil Mosand	Norwegian Church Aid
27. Philliat Mtcheza	SAHRIT – Harare
28. Andrew Kazilimani	ex-AFRONET staff
29. Margaret Munalula	UNZA (Board member)
30. Prof. Muna Ndulo	Chairperson –
AFRONET Board (via email)	
31. Andre Zaaiman	Board Member (via
email)	
32. Alice Mogae	Ditswanelo - Botswana
33. Beatrice Phiri	OSISA - Johannesburg
34. Marit L. Karlsen.	Royal Norwegian
Embassy	

ANNEX 1V

LIST OF MATERIALS USED

1. Evaluation Report, 1999
2. Malawi Elections Report, 1999
3. Human Rights Review. Issue 1. December 1998
4. Human Rights Review, September 2000
5. The Human Rights Observer, October 1999
6. Human Rights Review. March. Issue No. 5. 2000
7. Human Rights Review. Issue No. 7. March 2001
8. Human Rights Review. Issue No. 12. September 2003
9. Project Agreement. Annual Support, Year 2003. Norwegian Church Aid (NCA) & AFRONET - Regional Mobilisation for a Human Rights Approach to HIV/AIDS. 1st April 2002 to 30th April 2004
10. AFRONET Project Document - Regional Mobilisation for a Human Rights Approach to HIV/AIDS. 1st April 2002 - 30th April 2004 - to print the Southern African Human Rights Review till April 2004 & Comparative Study on SADC policies & legislation on HIV/AIDS
11. Contract of Employment (expired): Hope Ndlovu-Chanda
12. Contract of Employment (expired): Abasalam Mwale
13. Contract of Employment (expired): Richard Mulwanda Simfukwe
14. Contract of Employment: Yvonne Dausab
15. AFRONET Procedures Manual
16. AFRONET Personnel Job Descriptions
17. Amendment to the Constitution (09/11/1998)
18. Pamphlet. About AFRONET
19. Ground Up Vol. 1, No. 4 January - March 2004
20. Zambia Human Rights Report, 1992
21. Contract of Employment (expired): Mbinji Mufalo
22. SAHRINGON Code of Conduct
23. SAHRINGON Core Activities
24. Nchekelako: An AFRONET Reader on Corruption in Zambia
25. The Zambia Human Rights Support Programme January 2002 - December 2004
26. Zambia Human Rights Report, 2000
27. Zambia Human Rights Report, 2002
28. Police Brutality in Southern Africa: A Human Rights Perspective
29. AFRONET Annual Report 2002
30. Occasional Paper: Electoral Code of Conduct
31. Occasional Paper: Justice and Memory
32. Occasional Paper: Past Speakers of the Zambian Parliament