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Legal Aid Against the Odds

Evaluation of the Civil Rights Project (CRP)
of the Norwegian Refugee Council in former
Yugoslavia



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Evaluation of the Civil Rights Project (CRP) of the Norwegian Refugee Council in former Yugoslavia

A report prepared by

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Responsibility for the contents and presentation of findings and recommendations rests with the evaluation team. The views and options expressed in the report do not necessarily correspond with the views of the Ministry of Foreign Affairs.

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Abbreviations

ADF	Americas Development Foundation
ADI	Association of Democratic Initiatives
APN	Agency for the Mediation of Real Property Transactions
ARC	American Refugee Council
BiH	Bosnia and Herzegovina
CBA	Croatian Bar Association
CDHRF	Council for the Defence of Human Rights and Freedoms
CRO	Croatia
CRP	Civil Rights Project
CRPC	Commission for Real Property Claims
DCHR	The Danish Centre for Human Rights
DOS	Dalmatian Organisation of Solidarity
ECHO	European Community Humanitarian Office
ECHR	European Convention on Human Rights and Fundamental Freedoms of 4 November 1950
FRY	Federal Republic of Yugoslavia
HLC	Humanitarian Law Centre
HPCC	Housing and Property Claims Commission
HPD	Housing and Property Directorate
IC	International Community
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDPs	Internally Displaced Persons
IRC	International Rescue Committee
KFOR	Kosovo Force
LSC	Legal Services Coalition
MAC	Macedonia
MCS	Mercy Corps Scotland
MFA	Ministry of Foreign Affairs
MPDL	Movimento Por La Paz El Desarme y La Libertad
MPWRC	Ministry of Public Works, Reconstruction and Construction
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
NHLO	Network of Humanitarian Law Offices
no MoI	An expression for lacking records of former residence in Croatia at the Ministry of Interior
NORAD	Norwegian Agency for Development Cooperation
NRC	Norwegian Refugee Council
ODPR	Office of Displaced Persons and Refugees
OHCHR	Office of the United Nations High Commissioner for Human Rights
OHR	Office of the High Representation
OSCE	Organisation for Security and Co-operation in Europe
PLIP	Property Law Implementation Plan
PoA	Power of Attorney
RS	Republika Srpska
SEE	South East Europe
SDF	Serbian Democratic Forum

SDR	Swiss Disaster Relief
SFRY	Socialist Federal Republic of Yugoslavia
SLO	Slovenia
SMART	Specific, Measurable, Accurate/attainable, Realistic, Time-bound
ToR	Terms of Reference
UN	United Nations
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNMiBH	United Nations Mission in Bosnia and Herzegovina
UNMIK	United Nations Interim Administration Mission in Kosovo
UNTAES	United Nations Transitional Authority in Eastern Slovenia
USAID	United States Agency for International Development

Fact Sheet

The Norwegian Refugee Council (NRC) started a Civil Rights Project (CRP) in the former Yugoslavia (in Eastern Slavonia, Croatia) in 1996 in the context of the Erdut Agreement, formally ending hostilities in Croatia in November 1995. The project was intended to ensure protection of the rights of the (mostly Serb) population through legal aid. Through the work of the Eastern Slavonian CRP offices, similar needs became apparent among internally displaced persons (IDPs) and refugees elsewhere in the region. A Serbia office was opened in Novi Sad in 1997. From 1999 to 2001 CRP expanded significantly, opening several offices in much of the former Yugoslavia. Today the CRP has a total of 13 offices located in Croatia, Federal Republic of Yugoslavia, Bosnia and Herzegovina and Kosovo, still officially a part of the Federal Republic of Yugoslavia. For practical purposes this report refers mostly to Serbia and Kosovo.

The chief objective of the CRP is to enhance the protection of the civil rights of IDPs and refugees both in their places of origin and of

residence. It entails strengthening judicial systems and ensuring equal treatment of all ethnic groups. A further objective concerns rendering assistance for voluntary repatriation and reintegration in persons' places of origin, and, for those who do not return, for integration in the place of temporary residence. CRP offices have given legal aid on issues of access to the place of origin, on property and tenancy claims as well as other legal matters hampering the reestablishment of life in the place of residence. Finally, the CRP offices have provided legal aid to a segment of the local population that risk facing a situation causing them to flee their homes.

CRP receives more than half of its overall funding from the Norwegian Ministry of Foreign Affairs (MFA). Since the establishment of the first CRP office in 1996, NRC has received a total of NOK 57,965,932 from MFA (2001 figures included), of which the total costs amount to NOK 50,859,826. In the same period, other donors have funded CRP with the sum of NOK 40,380,931.

Executive Summary

The Civil Rights Project (CRP) of the Norwegian Refugee Council (NRC) began in Croatia in 1996, spreading over the next three years to The Federal Republic of Yugoslavia, Bosnia-Herzegovina and Kosovo. It has been supported by the Norwegian Ministry of Foreign Affairs and a variety of other international donors, including UNHCR, OSCE, and ECHO.

CRP have assisted tens of thousands of persons displaced or threatened by conflict to obtain vital documents essential to the protection of their civil rights, and given legal information, advice, assistance and representation to enable the protection of those rights. The project has aimed primarily to provide displaced persons with a realistic choice of whether to integrate in their present place of residence or return to their country or territory of origin. It attempts to do so by working to restore protection of rights violated and denied as a result of armed conflict and ethnic cleansing in the countries and territories of the former Yugoslavia. The project was managed as four or more separate projects, each with their separate management structures. CRP had never been externally evaluated prior to the present exercise. In August 2002, the Norwegian Ministry of Foreign Affairs requested the Danish Centre for Human Rights and T&B Consult (Copenhagen) to evaluate the project.

The purposes of the evaluation were:

- To assess the relevance of activities during changing phases of the project, emphasising protection, avoidance of flight and durable solutions;
- To assess the relevance of CRP to help re-establish legal systems acceptable to democratic societies;
- To assess complementarities with OSCE, UN and others;
- To assess cost efficiency compared to services rendered by similar organisations in particular other NGOs;
- To assess whether comparative Norwegian advantages have been exploited;
- To assess whether CRP have contributed to competence building of professional actors;
- To assess whether competence building of Norwegian professional actors has taken place;
- To assess the applicability of the CRP programme in other places;
- To make recommendations for a continuation of the program.

The evaluation proceeded by means of a preliminary desk study, examining project proposals, reports and working documents. This was followed by a presentation of preliminary findings. A first mission (to Croatia) was again followed by a presentation in Oslo, quickly followed by missions to the other countries and territories of operation.

The major – and most successful – of CRP-led activities has been provision of vital documents to displaced persons and members of minorities by means of cross-border action through a network of offices. This has been supplemented by legal assistance and representation with a host of conflict-related legal issues, including recovery of private real property, pension rights, tenancy rights, citizenship and residence rights, and labour and employment rights.

CRP staff has shown commitment to providing quality and professional legal services in difficult circumstances. They have acted creatively and persistently to find solutions to the problems of clients. They have won the trust and respect of the beneficiaries themselves, of the surrounding community, of national NGOs and international organizations. They have provided services that are relevant to the target groups. In addition, NRC has established productive and cooperative relationships with international organizations such as UN agencies and the OSCE, entering into partnership relations with these organizations.

CRP have used the information gained through legal representations to advocate for the rights of its target groups in international fora. They have tenaciously and assiduously fought to secure these rights, using all available legal avenues. However, due to political obstruction, a host of legal obstacles and poorly functioning legal and administrative systems – solutions have been slow in coming. CRP beneficiaries have been Croatian Serb refugees in Serbia and Bosnia, both sides of the Kosovo conflict, and internally displaced persons.

CRP have been spearheading the provision of legal services of this kind to the target groups in question. It has brought professionalism and commitment to the task. However, the organisation has grown in an ad hoc way, expanding in response to needs and opportunities, rather than following a coherent strategy. For instance, expansion was notable in response to the Kosovo conflict in 1999.

While useful data handling and case tracking systems have been developed by the project, more could be done to adapt them to reporting requirements and to the need to compare data to assess rates of success between different strategies and offices. Reporting to the Ministry of Foreign Affairs could be improved significantly.

The Civil Rights Project has operated in a grey area between urgent provision of services and a more long-term goal of restoring the rights of minorities and the rule of law. Results in the latter areas have been slow in coming.

CRP could benefit target groups by enhancing collaboration with them and with national NGOs providing similar services. Doing so could help realize a secondary goal, that of building up sustainable civil society capacity in the protection of minorities in the places concerned. The need for legal aid is likely to increase in some areas of the former Yugoslavia in the coming years (especially in FRY and Croatia), but could perhaps decrease in Bosnia (depending on the implementation of the Property Law Implementation Plan) and in Kosovo.

The project has generally been cost-effective, but could benefit from a more methodological approach to design and priority setting. Human capacity in the field of intervention has been enhanced among CRP personnel, though standards could have been even better with greater engagement with NGOs from the region.

The Norwegian Refugee Council could apply elements of the CRP in other contexts, but before doing so should undertake thorough appraisal studies of the places and contexts in question, taking fully into consideration the capacities and interests of local state administrations and non-governmental organisations. An exit strategy should be in place from the moment of engagement in the country. The Council should improve their own capacity in the area of project design and strategy.

1 Introduction

The Danish Centre for Human Rights (DCHR) and T & B Consult were responsible for carrying out the evaluation of Civil Rights Project (CRP), a project run since 1996 by the Norwegian Refugee Council (NRC). The evaluation team consisted of: Fergus Kerrigan, Lawyer, and Head of Programme (Team Leader), DCHR, Gunnar Olesen, Political Scientist, Consultant, T & B-Consult, Francesco Castellani, Historian, Project Manager, DCHR, Thomas Birath, Political Scientist, Consultant, T & B-Consult and Anne Marie Garrido, Political Scientist, Project Manager, DCHR

The team was assisted by experts in the region: Srdjan Dizdarevic, Professor, Board member of Helsinki Committee for Human Rights in BH Bosnia-Herzegovina, Bozidar Jaksic, Phil.dr. Head of the Scientific Project, University of Belgrade, Serbia and Ankica Gorkic, Lawyer, Legal Advisor, Coordinator for Legal Aid Project, Serbian Democratic Forum, Croatia

The team would like to express our thanks to the experts who assisted us in our field studies, the Norwegian Refugee Council and the visited governmental bodies, domestic agencies, and international organisations. We further want to express our appreciation of the help provided by the many national NGOs who opened their doors to the team, providing inspiring arguments and important information. Last, but not least, the clients and beneficiaries of this project deserve a word of thanks for the goodwill and openness they showed in patiently explaining their problems and sharing their insights with us.

1.1 The Context

The last decade of conflicts in South Eastern Europe created considerable numbers of refugees and internally displaced persons (IDPs) throughout the region; today they count about 1.2 million. The issues of integration return and compensation are highly politicised. Procedures are bureaucratic, repetitive, and hard

to understand. Authorities are often arbitrary and lacking in accountability. National systems of legal aid are almost non-existent. The background of the project is described in detail in Annex V.

1.2 The Civil Rights Project

CRP was initiated in Eastern Slavonia in mid-1996 in the context of the Erdut Agreement on the peaceful return of this Serb-controlled territory to Croatian sovereignty. The project was intended to ensure protection of i.a. citizenship, property and tenancy rights of the population (i.e. internally displaced and indigenous Serbs at risk of flight). The largest and most immediate challenge was to assist a large number of Serbs to secure Croatian citizenship. One year later, CRP opened an office in Novi Sad in the FRY to assist refugees in dealings with Croatia and Bosnia. The operation in Eastern Slavonia was scaled down with the end of the UNTAES mandate in early 1998, though this was balanced by the opening of a sub-office to Novi Sad in Subotica. 1999 was a year of very significant expansion. Many new offices were opened, including Sisak (Croatia) in order to work the rights of returnees. In the same year, CRP opened in Banja Luka. After the influx of Serbs from Kosovo into southern Serbia in mid-1999 and afterwards, an office was opened in Kraljevo. 1999 also saw the programmes of court representation for clients in Croatia and a large-scale operation in Kosovo, consisting of a main office in Pristina and eight field offices, covering the whole territory and largely financed by UNHCR. While the initial assessment of needs related to ethnic Albanian returnees, it quickly became clear that the group that really needed protection was the Serbs. Legal aid was in most cases not really possible, as the judicial and administrative systems were so weak. Instead, large-scale information and advice activities were carried out. In 2001, a sub-office to Kraljevo was opened in Nis.

Table 1. Current Staffing Levels in the CRP

Staff	Croatia	FRY	BiH	Kosovo
No. offices	2	5	1	5
Local staff	8	35	6	21
International	1	1	1	3
Completed legal education	5	17	4	19
Total	9	36	7	24

NRC in Oslo have one desk officer devoted to the projects, and provides input on a policy level (since 2001) from a policy advisor. An accountant works on CRP financial reports.

Overall, the largest group served has been Croatian Serbs, and the largest single activity has been procurement of basic documents. CRP have tried to sustain a multi-ethnic staffing

policy. Staff have shown considerable loyalty to the project. CRP aim to couple legal aid with advocacy activities, where the latter are based on data and experience gained through the legal aid activities. CRP sees perhaps its greatest strength in its presence in all four of the territories mentioned, permitting extensive cross-border legal services.

2 Methodology and Objectives

The overall objective of the assignment has been to provide an informed analysis of CRP performance since 1996, looking at the relevance, efficiency, quality, cost effectiveness, administration and management of the project, and its human capacity enhancement. Tasks included assessing the contribution of the project to the development of democracy and the rule of law; the project's applicability to other areas of transition; and looking at possible CRP exit strategies. The study is intended to provide a framework permitting MFA and NRC to draft plans for the future of CRP and make decisions on funding matters. While the evaluation team looked at the project as a whole, in practice it meant a series of different projects. The team did not distinguish rigidly between MFA-supported elements and those funded by other donors as this could first have distorted the picture and second would have clashed anyway with the aim of examining complementarity. While examining the entire history of the CRP projects, the report gives somewhat more emphasis to the present and future of the project than to its past.

The process comprised a desk study that included interviews with stakeholders in Norway and an in-depth study of documentary material followed by missions to the field. The material included annual applications and reports to MFA and other donors and reports concerning the modus operandi of the project. The team also sought as much relevant documentation as possible during visits.

The field study included visits to all CRP offices in the former Yugoslavia. There we became familiar with case types, case flows and case

handling methodologies, prioritisation of cases, internal administration, distribution of tasks and responsibilities, team work, electronic infrastructure and client interaction. The team sought to ensure a participatory approach. The visits to CRP offices used a variety of methods, including individual staff interviews, general discussions at staff meetings and structured workshops. The expert input from the staff to the evaluation is thus the backbone of the analysis. In line with the participatory approach of the evaluation, the team has, together with NRC, developed a format for statistical reporting to be used for the evaluation.

All the field studies included visits to representatives of the international community (including Norwegian diplomatic representations) and national NGOs with mandates similar to that of the CRP. Seminars were held with groups of interested NGOs in Serbia and Croatia where interaction between CRP and the broader context in terms of complementarity, co-ordination and co-operation was assessed. We also sought to elicit the perception held of CRP by its peers. These visits were further supplemented by visiting national authorities, Ombudsmen and (in Croatia and Kosovo) the Bar Association and local judiciary. In Croatia, we also met several CRP-affiliated lawyers. The evaluation team met beneficiaries and potential beneficiaries to assess their knowledge of CRP, its usefulness, and their satisfaction. Beneficiaries were chosen from those visiting the CRP offices, randomly selected (having both pending and terminated cases), and, for control purposes, a number of representatives of beneficiaries that were not CRP.

3 Legal Aid

CRP has, since mid-1996, assisted tens of thousands of persons in the former Yugoslavia with a wide variety of legal and administrative matters and problems. It has almost certainly been the single largest provider of such assistance to displaced persons in this region, equipping innumerable victims of conflict with vital elements necessary to make difficult choices as to their future. This section summarises the substance of legal work done by CRP. It examines the question of

beneficiaries, and roughly divides CRP's work by the kind of assistance offered.

3.1 Clients / Beneficiaries / Target Groups

CRP itself has explored its beneficiaries in terms of status, i.e. refugee, IDP, returnee or person at risk of flight (minorities at risk).¹ CRP also produces statistics based on the ethnicity of the beneficiary: Roma, Serb, Croat, Bosniac, Albanian etc.

Table 2. CRP Clients in Croatia

Clients in Croatia by year of reception and country of origin					
Origin	1999	2000	2001	2002	Totals
BIH	23	48	44	29	144
Cro	702	1870	3032	2085	7689
Ser	3	9	20	19	51
Mac	0	2	0	0	2
Kos	1	1	27	3	32
Totals	729	1930	3123	2136	7918

Clients' requests in Croatia by year and request-related countries					
Country	1999	2000	2001	2002	Totals
BIH	10	41	29	5	85
Cro	216	1305	5780	3607	10908
Ser	1	10	5	5	21
Mac	1	3	1	0	5
Kos	0	0	12	0	12
Totals	228	1359	5827	3617	11031

Statistical material on CRP Croatia's performance is only available from 1999 onwards. Of all clients 97% were from Croatia and 99% of the inquiries relate to Croatia. The data also shows a peak in clients and inquiries in 2001. But 2002 is not yet at an end, and the difference between 2001 and 2002 numbers

may well be less pronounced in the final reckoning (table 2). According to the information received, of the 11,031 requests, CRP Croatia resolved 1,705 cases (15.46%), 1,688 (15.30%) cases were cancelled, leaving 7,638 inquiries (69.24%) pending.²

1) In some instances, it appears that CRP has given assistance to persons not fitting into one of these categories, but who are nevertheless in need of legal assistance for reasons related to the conflicts, e.g. clients with former refugees status and other specific minorities of the domicile population. Additionally, there seems to be some divergence in the definition of target groups by status practiced by the different offices.

2) The Croatia statistics do not include some 800 cases handled by a staff lawyer.

Table 3. CRP Clients in Serbia

Clients in Serbia by year of reception and country of origin							
Origin	1997	1998	1999	2000	2001	2002	Totals
BIH	217	630	1087	2262	724	479	5399
Cro	1285	4242	1423	2676	4454	3347	17427
Ser	15	22	151	186	146	131	651
Mac					1	1	2
Kos			306	1241	1941	1146	4634
Totals	1517	4894	2967	6365	7266	5104	28113

Clients' requests in Serbia by year and request-related							
Country	1997	1998	1999	2000	2001	2002	Totals
BIH	106	324	981	3284	945	920	6560
Cro	781	8406	2568	4254	5872	6479	28360
Ser	187	60	134	719	3427	1426	5953
Mac	0	0	0	0	1	18	19
Kos	0	0	290	1098	1176	774	3338
Totals	1074	8790	3973	9355	11421	9617	44230

It is also quite clear that refugees from Croatia form by far the largest CRP-assisted group in Serbia (62%) over the years, followed by refugees from BiH. IDPs from Kosovo make up 17% of the project's beneficiaries. In 2000, the office cases were divided among Croatian Serbs with 72.43%, refugees from BiH with 13.54% with IDPs from Kosovo making up a moderate 12.72%. In 2002 IDP cases reached 24.41%, basically the same as the previous year, with inquiries from Croatian Serbs amounting to 68.73 % of the total.

Of the 44,230 inquiries dealt with by CRP offices in Serbia, 9,904 (22.39%) were resolved, 3,670 (8.30%) were cancelled, and 30,656 (69.31%) are still pending. It should further be mentioned that besides CRP's office, NRC's office in Belgrade also implements a UNHCR-founded repatriation programme for Croatian Serb refugees. Up to 2002, NRC had dealt with 7,113 cases under this programme

Table 4. Clients in Bosnia

Clients in Bosnia by year of reception and country of origin					
Country	1999	2000	2001	2002	Totals
BIH (Fed)	21	156	158	74	409
BIH (RS)	28	319	438	150	935
Cro	51	486	241	129	907
Ser		1	1	3	5
Slo		2			2
Kos			4	2	6
Totals	100	964	842	358	2264

Clients' Requests in Bosnia by year and request related country					
Country	1999	2000	2001	2002	Totals
BIH (Fed)	17	145	172	106	440
BIH (RS)	26	299	440	171	936
Cro	61	508	363	150	1082
Ser		1	2	1	4
Slo		3	1		4
Kos				3	3
Totals	104	956	978	431	2469

In Bosnia the total number of inquiries over time amounted to 2,469. Of these inquiries 1376 (55,73%) relate to Bosnia, filed almost entirely by people originating from Bosnia. Most of these inquiries concern RS. The second largest number of inquiries (1,082 or 43.82 %) in Bosnia were placed by clients originating from Croatia

and concerned issues related to that country. CRP business in Banja Luka thus reflects the general situation in Bosnia, where the two main return issues are minority returns to RS and return of Croatian Serb refugees to Croatia from RS.

Table 5. CRP Clients in Kosovo

Kosovo CRP Clients	23 Aug. 99		01 Mar. 00		2001		2002		Total	
	29 Feb. 00	%	31 Dec. 00	%		%		%		%
Albanians	3.656	75%	4.372	65%	3.269	53%	624	33%	11.921	60%
Serbs	802	16%	1.435	21%	1.668	27%	887	47%	4.792	24%
Roma/Askhalia	195	4%	412	6%	941	15%	306	16%	1.854	9%
Others	250	5%	518	8%	300	5%	77	4%	1.145	6%
Totals	4.903	100%	6.737	100%	6.178	100%	1.894	100%	19.712	100%

Cases and clients are declining in number. If the trend of the first six months of 2002 continues, cases will be down by 2,559 to 4,230 and the number of clients by 2,450 to 3,728 in 2002 (a 38% drop in cases and 40% drop in clients).

3.1.1 Placement of CRP Offices and Relevance in Terms of Target Groups

In Kosovo, an initial gearing of the project towards the needs of Albanian returnees, to a large extent founded upon the UNHCR priority to promote rapid return, proved to be a serious miscalculation. In the past years there has been a steady increase in the proportion of minority clients there, and a corresponding decrease in the Albanian majority cases. In 2000 there were 65 % Albanian cases and for the first six months of 2002 the figure is 33%. As many interlocutors in Kosovo considered minority legal aid to be the really important area, this also illustrates a generally sound strategic choice by the NRC.

The total number of inquiries reported to the team amounts to 77,442 handled by the CRPs in four countries. Most of these (45,582) concerned Serb refugees and IDPs originating either from Croatia, BiH or Kosovo. Serbs are thus by far the largest group of beneficiaries, which can easily be explained by the huge number of Croatian Serbs remaining displaced in the region (see Annex V). However, it has

also been the consequence of deliberate strategic choices, based on estimates of needs, such as the location of offices (in Republika Srpska, for example). A third factor is one of a certain inevitability: the initial choice to establish a CRP office in Eastern Slavonia gave the project an overwhelmingly Serb clientele (and, to a lesser extent, staff). The reality of a war-divided society made it unlikely that anything other than a tiny number of Croats would approach the project for assistance as they also had an option of government assistance through state policy. Thus choices made in critical situations dictated by immediate humanitarian agendas and agencies have a way of dictating the future direction of whole programmes. The project has generally correctly chooses to help those most in need. The overall balance of the CRP should thus not primarily be measured by the ethnicity of clients, but the relevance of areas of intervention, request dealt with by CRP closely mirror the main legal issues hindering durable solutions.

The CRP office in Bosnia was opened with the aim of serving refugees from Bosnia (though not exclusively) located in CRP's areas of responsibility in Serbia. In the first year, the office assisted a majority of Croatian Serbs, though this has now changed, so that the

majority of clients now come from within Bosnia. The Banja Luka office is easy to reach for Croatian Serb refugees, as most of them are located in the Banja Luka area of RS. Its placement is also thus highly relevant for minority returns to RS. Also in Serbia, the CRP selected spots close to their beneficiaries and only opened an office in Belgrade as a consequence of the cooperation with the UNHCR return project. In Croatia the two offices are placed in areas where continued protection is necessary (Vukovar) and where there is a focus on return (Sisak). Some CRP staff members did mention the lack of an office in Knin as a problem, but the team found that CRP seemed to cooperate well with a local NGO in the area. Kosovo offices are now all located in areas relevant to minorities. While the Kraljevo office was opened primarily to service IDPs from Kosovo, it was unable in practice to provide them with legal assistance in relation to Kosovo because of the non-functioning of institutions there. CRP thus to some extent shifted its emphasis to refugees from Croatia.

The statistics also show a pronounced fall off in cases in CRP Bosnia. This is the result of a conscious policy aimed at scaling down the volume of cases and enhancing the general quality, servicing and impact of cases dealt with. It additionally aims at avoiding an accumulating number of unresolved cases in light of a possible NRC exit.

Inquiries to CRP in Kosovo peaked in 2000 and have been falling since (see table 6.3 below). CRP Kosovo considers this to be a positive trend, as it indicates that other legal aid providers are assisting clients outside the primary CRP target groups, enabling CRP to focus more on its own target groups. The fall also reflects the decision to narrow the focus on target groups and cases to be dealt with.

The statistics from CRP offices in Kraljevo and Nis show the bulk of clients to be refugees from Croatia (56% in Nis and 69% in Kraljevo) with IDPs from Kosovo coming up behind (21% in Kraljevo and 38% in Nis). This is a bit sur-

prising, considering IDPs are the majority target group in Southern Serbia. It illustrates the importance of adaptation to local conditions, and CRP should consider prioritising a more targeted effort to reach IDPs in Southern Serbia.

In general, the team found that CRP are reaching the defined target groups. The composition of clients in each country and overall indicates the success of the project in meeting regional refugee and IDP needs as indicated by UNHCR statistics. The project is thus highly relevant in terms of beneficiaries reached.

3.2 Categorization by Kind of Assistance Rendered and Relevance of Legal Intervention

CRP's own statistics place cases in certain "legal types", including ownership (repossession/reconstruction/other inquiries), pension, health and social security, labour, tenancy rights (repossession/other inquiries), repatriation, and then another category covering documents. Annex 4 illustrates case flow for many of the legal matters and annex 5 a general description of some of the legal issues involved.

It is difficult to paint a general picture of the different legal issues because there are significant definitional variances between countries. For example, CRP Serbia have defined 45 different legal types, while in Croatia CRP is operating with 90 different legal types. Any attempt to compare inter-country would therefore be a very precarious exercise. Hence the overall picture of CRP performance set out here is at best indicative, based on facts not easily comparable. For managerial purposes, CRP should continue to develop statistical performance reporting through an integrated system based on comparable cross-country criteria as it is not very useful dealing with a variety of incommensurate definitions.

Table 6.1

Country related requests on CRP since opening	Kosovo											
	1999	%	2000	%	2001	%	2002*	%	Total	%		
Housing and property rights	770	3,27	1.398	5,94	1.005	4,27	348	1,48	3.521	14,96		
Compensation/reconstruction	1.644	6,98	3.829	16,27	415	1,76	83	0,35	5.971	25,37		
Document issues	179	0,76	1.889	8,03	2.054	8,73	1.033	4,39	5.155	21,90		
Pensions	52	0,22	494	2,10	525	2,23	81	0,34	1.152	4,89		
Employment	23	0,10	690	2,93	772	3,28	128	0,54	1.613	6,85		
Family and matrimonial rights	37	0,16	22	0,09	83	0,35	38	0,16	180	0,76		
Humanitarian aid/Social benefits	308	1,31	977	4,15	733	3,11	129	0,55	2.147	9,12		
Other	625	2,66	1.697	7,21	1.202	5,11	275	1,17	3.799	16,14		
Total	3.638	15,46	10.996	46,72	6.789	28,84	2.115	8,99	23.538	100,00		

*Only up to June 2002

Table 6.2

Country related inquiries on CRP since opening	Offices in Serbia											
	Cro	%	BiH	%	Ser	%	Kos	%	Mac	%	Total	%
Citizenship	329	0,74	29	0,07	429	0,97	6	0,01		0,00	793	1,79
Documents and status	17.573	39,73	773	1,75	3.469	7,84	254	0,57	18	0,04	22.087	49,94
Durable solution realisation	1.947	4,40	197	0,45	67	0,15	174	0,39		0,00	2.385	5,39
Labour	1.458	3,30	461	1,04	33	0,07	439	0,99		0,00	2.391	5,41
Ownership	2.211	5,00	2.646	5,98	241	0,54	1.657	3,75		0,00	6.755	15,27
Pension	2.354	5,32	239	0,54	85	0,19	87	0,20		0,00	2.765	6,25
Tenancy rights	967	2,19	1.661	3,76	13	0,03	35	0,08		0,00	2.676	6,05
Other	1.521	3,44	554	1,25	1.616	3,65	686	1,55	1	0,00	4.378	9,90
Total	28.360	64,12	6.560	14,83	5.953	13,46	3.338	7,55	19	0,04	44.230	100,00

Table 6.3

Country related inquiries on CRP since opening	Offices in Bosnia											
	Cro	%	BiH	%	Ser	%	Kos	%	Slo	%	Total	%
Citizenship	27	1,09	2	0,08	0	0,00	0	0,00	0	0,00	29	1,17
Documents and status	89	3,60	178	7,21	0	0,00	2	0,08	0	0,00	269	10,90
Durable solution realisation	21	0,85	8	0,32	0	0,00	0	0,00	0	0,00	29	1,17
Labour	33	1,34	40	1,62	0	0,00	0	0,00	0	0,00	73	2,96
Ownership	284	11,50	580	23,49	2	0,08	0	0,00	1	0,04	867	35,12
Pension	274	11,10	17	0,69	1	0,04	1	0,04	1	0,04	294	11,91
Tenancy rights	330	13,37	520	21,06	1	0,04	0	0,00	2	0,08	853	34,55
Other	24	0,97	31	1,26	0	0,00	0	0,00	0	0,00	55	2,23
Total	1.082	43,82	1.376	55,73	4	0,16	3	0,12	4	0,16	2.469	100,00

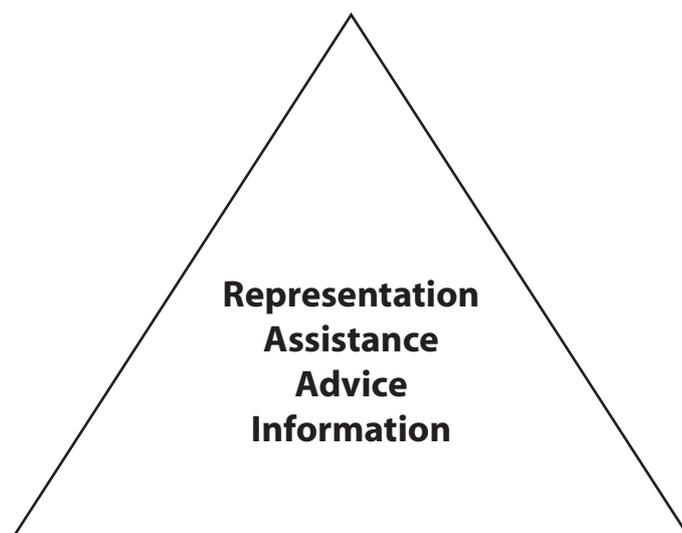
It was, however, possible to compile a list of legal types on the basis of 8 general categories for CRP Bosnia and CRP Serbia, and for Kosovo a similar overview is provided, but for CRP Croatia the 90 specific types in use rendered a similar compilation impossible, as some of the items are not clear and seem to overlap.

However, in a very rough assessment of the 11,031 registered inquiries, those under "documents and status" seem to amount to a little more than 40% of the total, while ownership and pensions issues each clock in at around 20%.

In general questions related to “documents and status” seem to be very important everywhere, especially in Serbia, but also in Croatia and Kosovo. In Bosnia the picture differs with ownership and tenancy rights issues predominating. This may be the result of the prioritisation of cases mentioned in section 3.1 above. Housing rights, ownership and tenancy rights are also universally important issues – followed by labour and pension rights. The range of legal issues dealt with by NRC in the CRP project corresponds thus closely to the main legal refugee and IDP-relevant issues

identified by the IC and concerned NGOs in the region. CRP have become deeply involved in all major legal issues hindering durable solutions to the refugee and IDP question in the region, making their intervention in terms of legal issues dealt with highly relevant. CRP progressed from dealing with the most urgent issues such as of citizenship and documents, to addressing more complex ones. In general it must be said that CRP have responded appropriately to the various kinds of case arising.

The Legal Aid Pyramid



Large-scale legal aid programmes should usually be designed with a pyramidal structure, so that services provided at the lower levels reduce the need (though not always the demand) for legal advice can be lessened by widespread provision of legal information. Legal assistance usually means helping the client to state some form of claim vis-à-vis a third party, whereas representation usually involves provision of legal counsel in a proceeding before a court or other adjudicative tribunal. The team has used these working definitions.

While this kind of approach has been followed by CRP in a general way, it has not been done

systematically. Both in relation to its own actions and its coordination with other legal service providers CRP could benefit from a “subsidiarity principle”: CRP managers should ask what is the effect desired and for how many actual and potential beneficiaries. Interventions at the lower levels of the pyramid should always be fully considered before applying higher ones. Particularly worthwhile options to pursue in mass casework are training others to provide elementary services and trying relieve pressure on legal services by providing legal information through print and other media – brochures, radio programmes, information videos, etc.

In the following text, the report follows the above division for purposes of illustration. We are aware that this division is absolutely not watertight: there are pensions cases where lawyers were not assigned, and labour cases (particularly in Kosovo) where court representation has been given, often preceded by the provision of legal advice, and possibly assistance with obtaining relevant documents.

3.2.1 Information

Dissemination of information on rights and legal options amongst the target group is a CRP priority. CRP's cross border nature is a clear advantage in the dissemination of information, as CRP often have access to the latest reliable legal and procedural developments across borders. The mobile teams are important assets in the effort to reach out to ever expanding target groups, increasing the areas covered, enabling provision of assistance and information to those that are most difficult to reach. In Bosnia, the CRP office ensures complementarity with other organisations by avoiding areas served by other organisations. A good deal of CRP's work in southern Serbia (particularly of the mobile teams) consists of informing and advising refugees of the UNHCR and Croatian and Bosnian government programmes for return, and assisting people to avail of them, and similar assistance in BiH. It is closely related to the question of documentation. In Kosovo, the mobile teams have played a particularly important role in bringing legal information to the enclaved communities.

Much general information is also available at CRP offices. At the Subotica and Novi Sad offices, for instance, detailed information on humanitarian aid provided by different organisations, including intervention procedures and criteria and contact information, is hung on the walls of the waiting room. At the initial stages of the project, CRP printed posters informing about CRP services and, in Serbia, CRP have printed "right to return posters" as part of an ECHO-funded campaign.

CRP media activities are most apparent in Serbia where CRP have produced document-

aries on return to Croatia and BiH, and produced TV and radio spots. Of note is the funding by NRC of a seemingly successful radio project in the Kraljevo area where national NGOs assisted promoting and broadcasting radio shows as part of a campaign to fight xenophobia in the area, where resentment of IDPs from Kosovo was widespread. The use of electronic media did not seem to be part of a coherent, regional PR-strategy. The Refugee Radio Network, a network of local radio stations assisted by the Danish Refugee Council in Bosnia, could be useful for CRP to achieve regional coverage and develop a regional PR-strategy. CRP in Serbia disseminate information through the UNHCR-funded monthly magazine "Pravi Odgovor" for refugees, which is widely distributed. NRC/CRP occupy the two middle pages (and occasionally more) for legal information.

CRP in Serbia published a tenancy rights leaflet and a calendar, distributed to clients and different agencies. In Bosnia the evaluation team found no CRP leaflets for disseminating information. The team was informed that CRP had spent some time developing information brochures on reconstruction assistance in Croatia, but dropped the project when UNHCR published theirs. There may have been a lack of coordination in this instance.

3.2.2 Advice

CRP offices are generally open to clients 3–5 days a week, and clients come either by appointment or simply show up. Particularly in the early phases of CRP operations, enormous numbers of people were knocking at CRP's doors. Mobile clinics have been widely used as advice centres, and are still part of the CRP projects in Kosovo and southern Serbia. Statistics for visits were usually kept on a monthly basis. Advice is given in relation to all CRP "legal types" and often leads to assistance or representation. The offices vary significantly in their approach to the form and scope of counselling and the information provided.

3.2.2.1 Ownership – Reconstruction

CRP offices provide counselling on state and NGO-funded humanitarian aid, such as, e.g.,

reconstruction of property. In Croatia, the state provided funds for the reconstruction of war-damaged homes, with an application period expiring at the end of 2001. In NRC's case, this fits neatly with the shelter programmes.

3.2.3 Assistance

3.2.3.1 Documents

Assisting people to obtain basic documents has been CRP's single largest activity, and the most successful. CRP has helped to obtain tens of thousands of vital documents. The service fulfils a key CRP aim crucial to clients: it gives them the elementary tools to make decisions concerning their future. It is the first step in reconstructing legal identity and essential in asserting other rights. Kosovo working booklets for example, document years of service for pension purposes (usually for minorities in Kosovo) or show that an IDP is still formally employed and entitled to a salary. The existence of cross-border networks (initially, CRP's own offices, but later including networking with other NGOs) has been vital in this respect.

Less visibly, CRP, through the sheer extent of their work in this area, make a considerable contribution to normalizing access to administrative channels for minorities. Many interlocutors testified to a typical process in Croatia where a local authority would start by being resistant or openly hostile to inquiries, but gradually opening up by dint of sheer persistence. This persistence is often emphasised as characteristic of CRP operations both by CRP offices themselves and partners such as the UNHCR.

In Kosovo, a substantial part of CRP resources is devoted to assisting members of minority groups to obtain personal documents, which many members of the Roma and Askalia groups have never possessed. While official obstacles to obtaining documents have diminished or disappeared, NRC assistance to these groups to tackle the authorities remains of considerable value. In a significant number of cases concerning Kosovo, registries have either been destroyed, misplaced, or the client is lacking

documents and is not registered anywhere. If documents or registration are lacking it is not possible to legalize a Power of Attorney (PoA). CRP Serbia and Kosovo provide mutual assistance to one another in respect of these problems.

Although IDPs are FRY citizens, they face serious documentation and registration problems, rendering them unable to enjoy rights on an equal basis with other citizens. Officially recognised IDPs face the problem of not being allowed to re-register their permanent residence from Kosovo to Serbia, threatening their freedom of movement. This is due to the refusal of the Serbian authorities (the police) to allow IDPs to de-register their permanent residence in Kosovo.

A second problem involves the substantial group of unrecognized IDPs, who, by virtue of their lack of a recognized address, lose their right to free health care and are forced to live under terrible conditions, often deprived of food and the services provided by international organizations to recognized IDPs. These IDPs live in unrecognized collective centres, (properties occupied without permission of the owner) due to the desperate lack of organised centres for IDPs in Serbia. The Serbian Commissioner for Refugees underlined the efforts of the government to finalize a law on IDPs tackling these issues. This and other related problems are areas in which both CRP Serbia and the evaluation team felt that CRP should do more.

3.2.3.2 Naturalization Cases

Particularly for persons who lacked Republic Citizenship of the former Yugoslav federated republic of Croatia in SFRY, obtaining citizenship or proof thereof frequently involved contentious proceedings with the authorities or administrative court. NRC pursued these cases very assiduously during and immediately after the UNTAES mandate period. Its advocacy on their behalf did produce results, in the form of cases finally handled.

3.2.3.3 Durable solutions – Integration

“Integration means losing refugee status, right to accommodation, and right to assistance” (CRP Serbia staff member to the team)

Officially, FRY encourages integration of refugees through acquisition of citizenship. But it is a difficult choice because it means refugees lose their right to housing and modest economic assistance. For IDPs the situation is even more difficult as they are often in a legal limbo as non-refugees and de facto non-citizens, and cannot produce documents demanded by the authorities. Though CRP are very engaged and imaginative in the often successful attempts to retrieve documents for IDPs and advise refugees on integration and/or repatriation matters, there seems to be little or no discussion or ideas of how to generally advocate with the authorities for a smoother integration of refugees. There seems to be a tacit understanding on the part of CRP that repatriation is preferable to integration. Legal assistance given to IDPs does not seem to effectively combat the tendency of opaque bureaucracies to keep some IDPs in a state of de facto segregation in their own country.

3.2.3.4 Durable Solutions – Assistance with Return

CRP Serbia have implemented a UNHCR-funded project assisting refugees to return to Croatia based upon an agreement on organized return procedures. This has not been without problems. Applicants for return could request a “criminal record check” via UNHCR in order to obtain information concerning possible pending criminal procedures. Unfortunately this procedure proved misleading as some arrests took place despite the check not showing anything. On the other hand, CRP Serbia have made a strong effort to assist clients with so-called “No MoI” cases, meaning refugees who had problems returning to Croatia as the Ministry of Interior denied having any valid records of them. CRP have followed up on such cases, providing necessary personal documents, and here the cross border network proved crucial.

3.2.3.5 Property and Tenancy Repossession in Bosnia

The CRP office in Banja Luka were very active in ensuring physical repossession of properties. The municipal office was pleased with CRP’s efforts to promote the cases of Croatian Serbs, refugees often living as illegal occupants in the Banja Luka area and now in danger of being evicted following the recent change in PLIP strategy.

CRP make a large difference both in pushing for decisions by the authorities and in respect of the execution of the decision with the PLIP authorities. Given the PLIP mandate of ensuring an impartial and smooth handling of property cases, CRP channel all of its cases through this body, leading to a somewhat higher success rate. This illustrates CRP’s persistence, a quality stressed by CRP staff, national NGOs and international organisations alike as a key characteristic of their work. CRP persistence in these cases is particularly important, as the lack of a bilateral agreement on legal aid between Bosnia and FRY means that PoAs issued in FRY are not valid in Bosnia, and, consequently, that the CRP in FRY cannot request the services of lawyers in BiH.³ CPR in Bosnia have not found the PLIP to be very effective in its area of operation, and do not always use it. Property repossession often goes together with other problems, such as pensions. CPR Bosnia see its assistance with reinstatement of pensions as important in furthering durable solutions.

3.2.3.6 Kosovo

CRP Kosovo and Serbia pursue repossession cases on behalf of IDP owners whose properties in Kosovo are occupied by Albanian Kosovars or are the subject of illegitimate rental agreements between the latter and international workers in Kosovo. Some KFOR contingents also occupy properties in Kosovo without any legal right. CRP Kosovo have criticised both this and the UNMIK failure to establish a claims commission, working together with the Ombudsperson. CRP Kosovo

3) See case flow illustration in annex 4.

also assist people to register their claims with the HPD. As HPD usually insists on the claimant coming to their office in person, it consists mostly of advising them as to the procedure and transporting them to the HPD offices. CRP have not so far played significant a role in relation to securing a favourable outcome in the adjudication of the claim (though it has assisted some clients to prepare requests for reconsideration of HPD decisions). The Kosovo team noted that in cases related to property and employment, which are important for the minority, solutions have been very rare.

3.2.3.7 Labour and Employment Issues

CRP have also provided assistance in labour cases, mainly related to Eastern Slavonia and Kosovo. A short account of the background to the Eastern Slavonia cases is found in annex V.

Labour issues also arise in Serbia in relation to IDPs from Kosovo, where the team heard evidence of unequal treatment given to ethnic Serbs on one hand and Roma on the other. Both groups include employees who were forced to flee their homes and jobs in Kosovo in 1999. The Serbian authorities, according to this account, have continued to pay salaries to Serbs, but not to Roma and other minority IDPs. CRP have stated that they wish to take action on questions such as this to a greater extent in the future. The team agree that it is highly relevant concern, though discrimination of Roma people may go beyond the IDP remit.

3.2.4 In-court Representation

“It is important that you demonstrate to the client that all possibilities are used” (CRP legal advisor in Kosovo)

Croatian Serb refugees and returnees have received the greatest volume of court representation in cases before Croatian courts. In addition to the Croatian cases, some 142 CRP cases have been brought before courts in Kosovo (many labour related cases, a key issue for minority groups, as well as some concerning

commercial rental property). In Serbia, there have been two important court cases with positive, though not final, decisions concerning minority tenancy repossession – one at the Supreme Court and one at the Municipal Court in Belgrade.

There are no explicit criteria for when court representation will be given, though there are general practices and common understandings. The Banja Luka office seem to have come closest to developing criteria, screening applications to clarify the legal facts, assess the potential impact of the cases and the vulnerability of the clients. Where CRP offer court representation, the preliminary legal work is all done by CRP jurists (often across the border in BiH or FRY), using standardized legal pleas as a rule. This method ensures a certain quality and reduces the costs of external legal assistance. The external lawyer in practice only appears in court, making at most minor modifications to the plea. In addition to paying lawyers, NRC’s own staff in Croatia often represent clients in court with power of attorney. This may be jeopardized in Croatia because of legal proceedings against NRC staff for unauthorized practice of law.

The main legal areas in which in-court representation has been given are summarized below.

3.2.4.1 Ownership – Property Repossession in Croatia⁴

CRP only accept property repossession cases where the client wishes to return and repossess their property. Those who wish to sell the property in question and integrate in FRY are generally dismissed and referred to the APN authority in Croatia instead, which has the mandate to buy such property. CRP are attempting to explore the workings of the new law by bringing private suits in cases where the bureaucratic formalities of the handover procedure have not been completed by the Ministry. It is worth noting that, despite all of

4) See Annex IV for a description of the case flow regarding repossession of property in Croatia. Annex V contains a summary account of the property repossession issue.

the feet-dragging described above, this issue is perhaps the only major area of court litigation in Croatia in which CRP can ultimately be very sure of success. Fundamentally, the Croatian state has no valid arguments against the right of persons to the enjoyment of their own private property, and even quite conservative Croatian legal scholars are in disagreement with the new law for this reason. Government officials say that the only real obstacle is financial – finding the funds to construct new houses for the remaining occupiers.

All indications are that legal aid for private recovery suits will be a necessary part of the system, both as a prick to the public prosecutor to pursue eviction cases against illegal occupiers and as an independent means of recovering homes. Though the figure of 8,000 occupied properties was used in several interviews, the need to construct about 3,000 new homes was also mentioned. Thus, in this area at least, the need for court representation in Croatia is likely to increase.

There is also the possibility of a more cooperative relationship with the MPWRC. In an interview, the assistant minister claimed that 5,000 vacated properties (in poor condition) had simply gone unclaimed by the owners. He said that MPWRC had requested the assistance of an NGO in locating them. This may well be a task with which NRC could help.

3.2.4.2 Ownership – Other

This category includes a variety of matters relating to private real property, including inheritance questions, and to property previously owned by private cooperatives.

3.2.4.3 Pension, Health and Social Security

Pensions cases in Croatia constitute another major area of CRP legal aid work. A great many of them concern the non-payment of pension arrears for the years 1991–95 for Serbs who lived in the Serb controlled areas or in the FRY

during that period (and even after – some did not reassert claims to their pensions until as late as 1999). The CRP affiliated lawyers in Sisak estimated that about 80% of the court cases they had taken for NRC concerned pension arrears. While there were some early positive decisions from Croatian courts in respect of the obligation of the Croatian Pension Fund to pay arrears for pensions not paid in the years 1991 – 1995, the courts soon stopped issuing such judgements. CRP Croatia statistics mention 541 pension cases going to court.⁵ Two were finally resolved, the other 539 remain pending at various stages of appeal, after denials by the pension fund(s). Annex VI gives a description of the grounds on which pension claims have been denied by courts and administrative bodies. One application has been made to the European Court of Human Rights.

CRP has invested considerable resources in these cases, both in terms of the work done by own staff and in fees paid to external lawyers. *Relevance* must be assessed, inter alia, in relation to the *chances of success* with these legal actions. This is difficult for the team as neither NRC itself nor other NGOs seem to have produced written analyses of or advocacy material on the pensions issue in English. Neither the Deputy Ombud, otherwise often a CRP ally, nor another very senior legal expert, were optimistic about the chances of success, mentioning the arguments on prescription and receipt of pensions from other sources (see annex VI). Important pending cases have yet to be decided on by the Croatian Supreme Court and Constitutional Courts (and by the European Court of Human Rights, in the application submitted there) so there is little authoritative guidance to go by. Depending on the outcome of a sample of these cases, where the various arguments noted above have been aired, CRP will have to assess the options and to evaluate whether it is worth the expense to pursue new cases of this kind.

5) The Croatia statistics on court representation are rather unclear, including for example “court procedure” (118 cases), and “lawsuit” (301 cases) as separate categories. As all court representation by definition includes court procedure and lawsuits, these categories are meaningless. Other inaccuracies in the statistics result from the non-inclusion of hundreds of cases where the CRP legal advisor in Sisak has provided representation.

3.2.4.4 Tenancy Rights⁶

Generally, tenancy rights were terminated in one of two ways: by the operation of a special law (so-called *ex lege* terminations), and by means of a judicial procedure laid down under pre-independence legislation. NRC and others have seemingly concluded that there are no further legal avenues to pursue in relation to the *ex lege* terminations. Another NGO, the Serbian Democratic Forum, informed the team of a plan to deposit 1,400 legal complaints in relation to these terminations, but seemingly more as a symbolic gesture than in any hope of obtaining any remedy. Recent statements from NRC indicate that a recent judgment of the Constitutional Court may offer an opening.

NRC have, through the scale of their intervention, led the way in litigation of cases on tenancy terminations by judicial procedure. Despite the obvious injustice, prospects of legal success with these cases appear to be very limited, mainly because of the prescription issue. While the evaluation team obviously does not claim to have legal authority on these matters, it does seem that the “old” judicial decisions terminating the tenancies are in the nature of “instantaneous acts” rather than continuing situations. In the *Loizidou* case,⁷ the crucial point was whether the applicant could still be regarded as the owner of the property in question. According to Croatian law, former tenants are no longer the “owners” of the tenancy rights, both because of the termination procedure, and because these rights themselves no longer exist as a legal category. The team doubts therefore that a Strasbourg judgment of the kind above would require Croatia to give redress in respect of all of the cases that were not reopened, or open the way to a flood of such suits. On the other hand, we do recognize that a decision of this kind would have enormous moral and advocacy value, and would thus be a significant tool in NRC’s

advocacy efforts to press Croatia to compensate those who had lost their tenancy rights.

3.3 Quality of Legal Aid Work

3.3.1 Four Parameters Have Been Used to Measure Quality

i) Assessment of Peers / Colleagues;

The quality of CRP’s work was widely praised by NGOs, international organizations, national authorities, the Ombudsman, affiliated lawyers, and even the courts in Croatia and BiH.⁸ One area of difficulty is however with the Croatian Bar Association. Suits have been brought in the courts against CRP staff for unauthorized practice of law. There is perhaps a concern that threats of suits like this against CRP staff could have a deleterious effect on CRP jurists’ willingness and ability to contest all legal matters zealously: the threat of action by a judge or other party could have a constraining effect on CRP jurists in court proceedings.

In Bosnia the quality of CRP work was praised by everybody in the international community, by the Dept. Ombudsman of BiH and by all other authorities. Particularly important was CRP’s capacity to provide “a full package” of legal aid services, especially including court representation in countries of origin.

ii) Observation by the Team (Including Checklist)

The team used a checklist when assessing CRP offices. Observations confirmed good practice in terms of handling of clients’ files, a pleasant and professional manner among CRP staff, rigorous respect of legal deadlines. Insulated areas were available for client consultations. The CRP database is an excellent case-tracking tool. Some offices could enhance their waiting rooms by providing brochures and putting up information posters on issues relating to refugees and IDPs. The offices of Novi Sad and Subotica are a model in this respect. In the

6) A summary explanation of the issue of tenancy rights in Croatia is contained as annex to this report.

7) Case no. 40/1993/435/514, judgment of 28 November 1996.

8) One instance was mentioned in which returnees had been moved from a collective centre in a CRP area in the third quarter of 2001 without CRP having been able to provide legal services to them over a period of a few months. The team was unable to investigate this further, but suspects that there may have been some capacity problems given CRP’s workload at the time.

offices in Banja Luka, however, one noted that closed cases were stored on a shelf in the office of the legal assistants, thus easily accessible. In Sisak, this was the situation with all case files, current and closed. If possible, ways should be explored to ensure complete confidentiality and security of client files.

iii) Satisfaction Among Beneficiaries

The team had a number of interviews with beneficiaries, selected at random amongst visitors to the offices, through improvised home visits and visits to collective centres. The beneficiaries all tended to be satisfied with the assistance received. The need for counselling is clearly widespread. In Kosovo there is a great need for legal aid to help redress the situation in which the minority population find themselves. Minority beneficiaries, especially among enclave-based minorities in Kosovo, expressed particular satisfaction. Lastly, as CRP staff pointed out, the continuing demand for CRP services among the beneficiary groups is a testament to the trust felt by them for CRP.

iv) Results Achieved

To a large extent, achievements have already been discussed in the preceding sections. CRP statistics attest to high rates of success in obtaining documents. Information and advice activities are typically more difficult to measure, though the indications are that information circulated by the various players, including NRC, has tended to reach refugees and returnees. The indications are that this is not true to the same extent for IDPs, especially those belonging to minority groups. Moving on to the more difficult problems faced by CRP clients, outcomes seem generally inversely proportional to the complexity of the cases. The large majority of solutions are found within the “lighter” cases related to lost documents. There has been substantial success with property repossession in BiH, through the administrative procedure. Litigation cases are tied up in court for long periods. The question of whether they will eventually produce positive results for clients is addressed below.

3.3.2 Evaluating the Effect of In-court Representation by CRP

In evaluating CRP in-court representation we must take account of several factors. Case processing is extremely slow due to backlogs at the courts. Secondly, court representation is given mostly in relation to issues where CRP clients face a welter of legal obstacles and stiff resistance from the Croatian state. For these reasons, virtually no cases have actually been won, as confirmed by CRP statistics. All lawyers and legal aid systems must ask whether a particular case is worth spending money and resources on. At some point, there must be a cut-off point beyond which it is not prudent to pursue cases with no realistic chance of success, whatever the moral justice of the claim. In many other contexts, a legal aid strategy would be to take a few strong cases to the courts to win a decision of principle on issues of importance. Depending on the outcome of such cases, decisions related to the pursuance of further claims within the same area could be taken. While it may be argued that Croatia does not have a system based on precedent, this is only partially true. The role of the Constitutional Court (including judicial review) introduces elements of a precedent system, as has been seen in other countries emerging from socialist law – lower courts do not contradict its judgments. ECHR rulings are sure to reinforce this tendency.

CRP has instead pursued very large numbers of similar cases in the courts, without being sure of legal success. NRC (like other NGOs providing similar services in Croatia) protest that it is worthwhile pursuing these cases regardless. It cites a close relationship between individual casework and advocacy, bringing attention to the issues raised and injustices done. Other factors, including significant divergence among individual courts, are also cited.

Whatever the merits of such arguments, the team’s view is also that CRP’s reporting has not made sufficiently clear the low rate of success in “winning cases”. As things stand, an observer might conclude that NRC were trying

to hide poor results. We do not think that is the case. Thus, NRC should be explicit in its views and strategy. In future, CRP should also make use of the possibilities offered by its database and network of offices to assess the utility of pursuing particular kinds of case through the courts. It may be necessary to revise the wisdom of pursuing so many pension and tenancy cases.

Consideration should also be given to *impact vis-à-vis* project goals. As was stated above, NRC's work has been weighted towards the return option rather than local integration. Of course, the choice of option depends to a large extent upon a number of issues – not all necessarily of a legal character. Success with immediate goals does not always lead to success with the larger ones. People continued to flee Eastern Slavonia during the period of intervention there, and the same was true of Kosovo.

3.3.3 Relevance in Relation to MFA Priorities

A distinction should be made between compliance with obligations of a formal nature and of a more substantive character. MFA priorities can be ascertained from two sources: (i) the Report to the Storting no 13 (*Stortingsmelding no. 13*) and (ii) the objectives laid down in the agreed project documents, (the approved funding applications). These are of a very general character which raises the question whether the MFA could be more explicit in setting priorities for the project. It would be difficult to do this without more detailed reporting from NRC. It may be advisable for the Section for Western Balkan Affairs to look into its own resources in this field, and be more demanding in terms of project strategy, clearly identifiable objectives, outputs and indicators, both in relation to project design and reporting. There could be greater rigour in the design of project documents.⁹

3.3.4 Relevance in Relation to Issues and Changing Legal Phases

As indicated in the discussions above, some target groups have, in practice, been favoured above others. It is possible through proactive measures and organisational profile to attract a certain kind of case. An example can be seen from Serbia where CRP, through their principal focus on the Croatian return issue, left other fields open to others. The Humanitarian Law Centre in Belgrade, for example, have vigorously pursued cases against FRY for *refoulement* of refugees from Bosnia and illegal drafting into militia groups there. The Centre has also assisted Roma people under threat of eviction from an unrecognized settlement in Belgrade and consequent homelessness. Thus, while in Croatia, CRP generally have taken a combative stance vis-à-vis the state, the opposite prevails in FRY. Part of the explanation is that those with the greatest problems in Serbia (unrecognised IDPs or non-registered Roma IDPs) cannot be helped by way of purely, or even principally, legal means. Working with these problems would involve a strategy based much more on advocacy at the national level.

The question of the project's capacity to adapt to changing legal phases and regimes is to a large extent considered in the preceding substantive sections. One can say that legal regimes change because of changes in substantive law, in the formal architecture of legal systems, and in the capacity of such systems or their methods of work. NRC have been quick to adapt to changes in substantive law, exploring the (as it happened very limited) possibilities of the Croatian Programme of Return. It is well-informed and ready to do the same in relation to the more promising changes adopted in July 2002. (See Annex VI and the section on in-court representation.) NRC have also been proactive in trying to procure changes in law and practice, as in relation to the lack of a claims mechanism in Kosovo (also as discussed elsewhere in this report). The

9) Sections entitled "objectives" are often descriptive and lacking in specifics (SMART criteria could be useful).

combination of advocacy with casework gives possibilities to maximise effect in this respect.

Likewise, NRC has adapted to procedural changes, such as the PLIP in Bosnia, using and exploring this, and coming to qualified conclusions as to when it is best used. Occasionally, there have been incorrect assumptions as to the operational time-frames of legal systems, as in Kosovo in the beginning of the programme there. To some extent, decisions to move into new legal phases, such as the beginning of large scale litigation in Croatia, have come entirely from the demand side, in terms of client's needs. There is no evidence that NRC undertook a preliminary study of, or made estimates concerning, likely prospects for casehandling periods. As the CRP is an aid-financed project with one year grants, we feel that such planning would have been appropriate.

3.3.5 Complementarity on Case Level

Here the evaluation team focused on sharing of tasks with other legal aid providers (including client referrals with UNHCR, OSCE, and NGOs. As figures were not available, what follows is based partly on impressions. NRC appears to regard itself as the primus legal aid player inter pares, given its greater resources, experience, higher quality of staff, work practices and organisational set up. This appraisal is shared by many, especially international observers; it also reflects CRP's focus on cooperation with international rather than national organisations.

Collaboration between CRP and UNHCR has developed over time, and CRP have at times contributed to improvements in UNHCR procedures, as noted above.¹⁰ The high number of referrals by international organisations such as the OSCE and UNHCR was also noted. In Bosnia the UNHCR would have appreciated even closer collaboration with NRC/CRP if it had been possible to find the necessary funding. OHCHR say they would also appreciate closer cooperation with NRC/CRP

and mentioned a planned OHCHR/UNDP "Municipal Assessment Programme" as a possible opening in that direction. It was quite clear that with the channelling of institutional capacity mainly towards Croatian Serb refugees the CRP had a speciality of their own in the Bosnian context, appreciated not least by the Bosnian Ombudsman institution. It again testifies to the value of CRP's cross-border capabilities. OHR underlined the importance of the documentation provided by CRP which sometimes proved essential in talks with the authorities, particularly Croatian authorities, concerning return of refugees from Bosnia.

More specifically, NRC regards itself to be complementary to the others by its higher concentration on and – in Kosovo – greater experience in tackling minority issues. The evaluation team has not observed any duplication of work due to the large need of the target groups. Collaborative routines are generally not as well established with NGOs. Some sharing of labour does exist between the CRP and other NGO providers of legal aid, though mostly in the shape of informal agreements on the geographical distribution of offices. The scope and quality of cooperation varies significantly from office to office. In Croatia and Serbia informal agreements on referrals in document procurement cases exist with DOS, SDF and the NHLO network. The national NGOs refer cases to CRP when their own expertise and/or resources fall short.

While other NGO legal aid providers working with refugees and minorities in Croatia have formed a Legal Services Coalition, NRC has so far not participated. Doing so could lead to the creation of larger referral systems, a national advocacy platform, a clear division of labour and thus better services to a larger proportion of the target group. CRP enjoy high respect among these organizations and they would wholeheartedly welcome CRP into the fold. Although the Croatian Bar Association appears hostile to the project (because of its support for legal actions brought against a CRP staff

10) See section 3.2.3, on procedures for return to Croatia.

member for unauthorised practice of law), it is on record as stating that its pro bono legal aid programme is open to receiving applications from CRP clients for legal representation. This would seem to be worth exploring, both in terms of promoting understanding of legal issues related to refugees and minorities among

an important and influential group, and in terms of the concrete (and free) legal assistance which would be made available. CRP should take the CBA at its word and facilitate the transmission of applications, at least on a trial basis.

4 CRP's Advocacy Work

“CRP has to attack the government for taking away the right to change permanent residence status, which basically is a violation of the constitutional order” (CRP staff member in Serbia on IDP situation)

CRP aim to use data and insights obtained from casework as a basis for action vis-à-vis the authorities to find solutions. Although CRP have not formulated any specific advocacy strategy, various advocating initiatives have been taken over time, most comprehensively in 2002 with the publication of a study of court decisions in tenancy rights cases in Croatia. NRC have also produced advocacy material in relation to property repossession cases in Croatia. They have not yet done so in relation to pensions.

Advocacy initiatives consist both of formal written analyses of the above kind, and letters and informal contacts and talks between CRP, the authorities and international actors on removing obstacles to durable solutions. This approach has produced some success in relation to the citizenship question in Croatia and the related “no MOI” cases. The latter form of advocacy is less well documented, except perhaps in relation to the UNTAES period, when relationships with the UN Authority were particularly close and the power of the latter extensive. In general it seems that the larger part of public advocacy initiatives have been connected to the rights of Croatian Serbs in Croatia.

CRP have pursued relatively “silent” advocacy in the sense of informing the international community in order to enable it to apply pressure for change on national authorities. These initiatives have been taken when projects have failed to reach a satisfactory conclusion for clients through the ordinary procedures, or in tandem with them. Using hard data from case handling experience was highly praised by representatives of the international community who said that the thorough documentation

provided by CRP was crucial in backing up criticism of the authorities and making suggestions for change.

The team received samples of advocacy material on specific issues of which one was the request for reduction or elimination of administrative fees for handling applications for renunciation of citizenship of BiH. In 2001 NRC communicated with the Minister of Civil Affairs and Communication, the Minister for Treasury of the Institutions of BiH and the head of department of Legal Affairs at OHR on this matter and the fee was subsequently dropped. In the spring of 2001, in a concerted action by NRC offices in Croatia, Yugoslavia and BiH, diplomatic missions of the Republic of Croatia in Yugoslavia and BiH were informed of the opportunity accorded owners and co-owners of family houses and apartments damaged by the war to submit requests for reconstruction through diplomatic missions. In Serbia, CRP also provided evidence of their intervention with the Republic Ministry of Justice and Local Self-government concerning difficulties in obtaining excerpts from registry books transferred from Kosovo to Central and South Serbia. and asking them to take issue with the malfunctioning administration. In Kosovo the most cited case of advocacy concerns the alleged abuse by UNMIK of its immunity for seizing property and impeding “forced by circumstances” sale of empty Serb property in Kosovo. CRP emphasized that such steps violated the human right to property, and therefore should be addressed by the Ombudsman, as has been the case. This incident was also on the mind of CRP Serbia as the owners of the mentioned properties are living as IDPs in Serbia.

Beside these “triangle” advocacy interventions involving CRP, the authorities and international community, CRP have also provided documentation for the UN Committee on Elimination of All Forms of Racial Discrimination in 2002, the UN Commission on Human Rights in 2002, and

a briefing note for the special Representative of the Commission on Human Rights on a visit to BiH in July 2001 and to FRY in August 2001. CRP have also shared their specialist knowledge with the IC on, for instance, the writing of UN publications.¹¹ These examples are by no means an exhaustive presentation of the CRP's advocacy efforts, merely an indication of the types of advocacy involved. They show high levels of cooperation and synergy with international organs, but also point to some inherent limitations. As mentioned above, CRP's advocacy has not raised the integration of refugees and the situation of IDPs at the political level in Serbia.

National NGOs, who in general praised CRP's professionalism and services found nonetheless that the organisation was not very communicative and tended not to engage in joint strategic advocacy efforts with them. While national NGOs understood that public collaboration could be difficult for a foreign

organisation, this does illustrate the problem that CRP does not operate in a vacuum, but in societies in transition to democracy. CPR could usefully consider how it should assist in the development of public dialogue between civil society and government, as this is a basic feature of a working democracy. It appears to the team that the ideal way to accomplish this would be to use principles similar to those of "silent advocacy", but this time creating alliances with national NGOs and networks and targeting national bodies (the legislature, the media). Advocacy efforts in Geneva, Warsaw and Strasbourg need to be coupled to campaigns in Zagreb, Belgrade, Pristina and Sarajevo. Indeed the latter provide perhaps the best example of the way forward: NRC BiH co-hosted a workshop with OHCHR on the CERD reporting mechanism prior to the examination of the Croatian state report. The BiH office has also played a role in briefing new staff of international organisations in general.

11) Lydie Ventre: "Legal analysis of the Croatian "Programme for the return and Accommodation of Displaced Persons, Refugees and Resettled persons", and return-related laws", UNHCHR BiH, February 2000.

5 Project Strategy

“The CRP project has been field driven”
(CRP management official)

CRP emerged and expanded in an ad hoc way in response to particular needs and opportunities. While individual applications for funding mention elements of a strategy (most often in terms of objectives), they have never been melded together into a coherent whole, and in consequence CRP lacks an explicit, overall strategy. A strategy can inform donors, taxpayers and other stakeholders of the commitments of NRC on specific areas. It can provide a basis for assessing particular options against overarching visions for guiding

development. Preferably, strategies for complex programmes should be based on a thorough appraisal of concrete needs and conditions. Periodic reviews can be used to obtain inputs for renewal and development of strategies.

The table below attempts to set out the main elements of a suitable strategy for CRP, in terms of the questions which should be asked. While some of the right-hand column entries emanate either from NRC documents or interviews and discussions, it is important to emphasise that the table in no way represents a complete “CRP strategy”.

Table 7. Elements of a General Strategy for CRP

Why?	Vision/Overall (development) objective		Protection of civil rights in the country of origin & country of residence; and equal treatment of all ethnic groups
			Strengthening legal systems in these countries
How?	Immediate Objectives	Indicators of Success	Voluntary & informed return to the home country
			Reintegration in the country of origin or integration in the county of residence
What?	Outputs/Key Result Areas	Indicators of Success	Administrative & judicial decisions in favour of rights of target groups
What?	Activities	Indicators of Performance	Legal aid, incl. across borders
Who?	Target groups		Refugees, IDPs, persons at risk of flight
	Counterparts		Government agencies; Courts
	Stakeholders		Donors
	Allies		NGOs, IGOs
When?	Time factor, phases expected termination		Combination of short (acute) and long term aims
		When is the job done?	?
	Core Values		Rule of law, HR & non-discrimination, multi-ethnicity, professionalism
	Assumptions / Risks / Extraneous Factors Having a Bearing on Success		Politics, funding, functionality of judicial & admin. Systems

This includes only strategy at the general level. There is, of course, also a need to work on a strategy at the tactical or operational level (elsewhere in the report, we allude to legal strategies and strategies for legal aid, advocacy strategy etc). Overall, the team found that the CRP concentrated much on concrete action

alternatives based on a broadly defined aim to protect minorities and facilitate durable solutions for its target groups. The question of the link between timing and strategy is discussed below in relation to the potential applicability of the CRP model elsewhere.

Several elements of such a strategy have already been defined in project proposals and other reporting documents addressed to the MFA. The vision or development objectives of the project have been identified as:

- the protection of civil rights
- the promotion of equal treatment of all ethnic groups
- the strengthening of the legal systems
- the enforcement of the enjoyment of individual rights; and
- the possibility of a choice between two durable solutions; local integration or return

Though interrelated, these various elements all point in different directions with regard to CRP's future development and the formulation of the project's ultimate goal in relation to the implementation of human rights standards. Bringing them together into one clear vision is thus a precondition for the subsequent definition of mandate and priorities. The focus must be on the individual client, though case outcomes depend on system level factors. In this way, the development objectives of the CRP can be defined into one coherent vision.

Regarding the *values* guiding CRP's work, of which the team learned at seminars with CRP staff and from the project documentation available, the rule of law, human rights and non-discrimination, multi-ethnicity and professionalism stand out as the core values of the project. There is little doubt that this strong human rights focus has been at the forefront of CRP actions. The benchmarks for respect of the rights in question are in practice those set out under the ECHR in Strasbourg. While one could argue that return and avoidance of further flight really require respect of the full catalogue of rights under the ECHR, NRC have not seen this as their mandate, and have (wisely, in our view) focused on those related to flight. Should NRC remain until the two – closely related – goals have been accomplished? How would one know when they were? These questions are addressed in more detail below.

5.1 Exit Strategy

“We want to become well-qualified “professional threats” like the Humanitarian Law Centre” (CRP Belgrade official)

One question of principle must be answered here, namely, whether CRP's objective is merely to solve acute problems linked to durable solutions for the target groups, or whether it also should entertain more long-term objectives such as contributing to democracy building, developing civil society and the legal sector, and putting in place sustainable mechanisms for protection of minorities.

In fact, even if the objectives are limited to the former, it is clear that these will not be achieved overnight. Initially, project documents concentrated on the acute problems, but they have increasingly come to concern longer-term goals. Broadly speaking, NRC could respond in three ways:

- i) NRC will remain in the area until a threshold (to be defined) has been passed with respect to durable solutions;
- ii) It is taking longer than expected, we want to hand over responsibility for reaching the threshold – which represents our horizon limit – to local actors;
- iii) In addition to (ii), we want to leave behind sustainable mechanisms targeted on enhancing respect for HR, protection of minorities and respect for the rule of law.

ToR speak of “development of sustainable efforts to promote civil rights by NGOs and government institutions in the region”. We were also asked (by ToR) to examine the contribution of CRP to the building of capacity in the former Yugoslavia, particularly in civil society. Such tasks are typically not found in NRC project proposals or reports. In the light of

this aspect of ToR, the evaluation team assumes that the answer is closest to (iii).

NRC has until now not formulated a general exit strategy. Some efforts were made in 1998 in Croatia, and, more recently, it has adopted a particular option (transformation to a national NGO) in Kosovo. Both of these processes however, seem to have been relatively spontaneous and pragmatic responses to external pressures from donors, particularly UNHCR.

As many interlocutors have emphasised, a *minimum* exit strategy would be to ensure that cases already taken on are completed, that members of staff are given time and opportunity to make necessary preparations and that administrative requirements are met. The first would require that NRC calculate the size of its likely financial commitment to cases taken on: a case involves x no. of hearings (6–7?) and y amount of time. Provision of costs per hearing and mechanisms to inform clients across borders would have to be put in place. Then there are administrative issues such as staff redundancy pay etc., in the event that there is no handover to national management. At a more ambitious level, trying to ensure continued capacity, NRC should look at least at the following options: (1) Creating one or a series of local NGOs; (2) Merging with a particular local NGO or national network; (3) Make efforts to create a regional NGO or merge with a regional NGO or regional networks.

5.1.1 Staff and Management

All of these options would require bringing local staff into leadership positions well in advance of the NRC pullout, to allow them to develop the necessary sense of ownership and responsibility, gain the necessary experience in management roles, and understand more clearly the issues involved. CRP Croatia has difficulty in attracting qualified staff, despite offering attractive salaries, while in Serbia and Kosovo, there may be the additional problem of CRP jurists finding more attractive offers

elsewhere when Norwegian funding comes to an end.

5.1.2 Alliances and Opportunities

There is a need to engage closely with local networks so that options of integrating with them or elements of them are an option after the Norwegian pullout. Great strides are being made towards networking in Croatia, with the formation of the Legal Services Coalition. At a seminar held with the members of this coalition, there was a willingness to contemplate all options, even to the point of merging the legal aid functions of the various organizations. Active participation here could assist in securing a viable future for the CRP venture beyond the horizon of NRC's own presence. Transmission of such expertise is clearly in the interest of the target groups. CRP expertise in running large scale legal aid programmes, its cross border contacts and its knowledge of international human rights procedures could be an invaluable source of reference and learning for the smaller organizations that form part of the backbone of the LSC. Some of the other organizations have much to offer in terms of advocacy expertise at the national level. UNHCR expressed its eagerness to support projects in the name of the network, rather than of individual agencies. In Serbia, a recent report on the Swiss-supported Network of Humanitarian Law Offices (NHLO) mentioned strategic cooperation with CRP as a possible way forward in that network's transition to local ownership.

A gradual, phased pullout is important, so that the local structures are not left completely alone immediately. This would include exploration of funding on a partnership basis during a transitional phase, with monitoring by NRC of a nationally managed project. Capacity building of local staff and affiliates would be necessary to avoid organizational gaps appearing.

5.1.3 Consideration of How To Preserve Regional Networking

Although CRP has seen its regional reach as its forte, CRP has never been run as one project. If integrated management of CRP as a whole has

been impossible for NRC, it would obviously be even more so after a Norwegian departure. It would seem that one of the best ways to ensure the perpetuation of regional networking would be to expand beyond CRP's own network, in addition to building on existing links to other organizations.

5.1.4 The Assessment of Medium/Long-term Needs

There must be some doubt as to whether a national NGO can really survive in the long term based on legal aid related to cases in a different country. At some point, costs will likely dictate that persons with unresolved legal claims in respect of Croatia approach Croatian organizations. This is a major issue for the future of NRC in **Serbia**. It would be advisable for CRP Serbia to develop its activities with a focus on legal problems in FRY. On the other hand, the paucity of players in the legal aid sector in Serbia, CRP's experience, and a legislation that is more permissive in terms of opening up for salaried jurists to plead in court, count as advantages. This is not quite so clear cut in relation to Kosovo, as the unresolved sovereignty issue, irrespective of the outcome, is unlikely to be resolved without measures of compensation to displaced minorities who do not return. In **Croatia**, the need for organizations with the expertise and

wherewithal to defend an unpopular minority will remain in the long term. The need for legal aid to protect this minority is clear. The legitimacy, and respect, afforded by CRP's position and history in **Eastern Slavonia** in particular is a significant "capital asset", in terms of long-term survival. It would be a pity to let this go to waste. In **Bosnia**, it would appear that local organizations, with the international support they still enjoy, will play the primary role. In **Kosovo**, as mentioned, the die seems to have been cast, and CRP seems to be opting for a niche in relation to the protection of minorities. While this seems a correct choice, this challenge will probably change greatly in the event of a termination of the international presence in Kosovo.

5.1.5 A Mission, and a Constituency

International organizations have often made the mistake of thinking that they can create national NGOs to fill in the gaps left when they depart. An NGO requires more than this. The figure in annex 4 illustrates one idea of the NGO ideal. Very careful consideration of the real prerequisites to forming and maintaining an independent NGO must be considered. CRP in some respects resembles a service-minded public office rather than an NGO in the Balkans.

6 Human and Institutional Capacity Enhancement

6.1 In former Yugoslavia

6.1.1 Internal Capacity Enhancement

During the field missions the team discussed training opportunities for staff. In Serbia the entire staff seemed satisfied with the opportunities to acquire new skills. The offices did much to organize dissemination of new insights, and those with specialized knowledge in certain areas take part at internal seminars to build up the capacity of colleagues. CRP Bosnia seemed to be very focused on building up capacity and developing standards through dialogue, coaching and discussions. The yearly seminar was mentioned sometimes as an important tool for disseminating knowledge as well as for enhancing a corporate spirit. In Croatia, the staff appreciated both the seminar and a computer training course in 2001 for all staff. The 2002 seminar was on the question of international human rights procedures, particularly the ECHR. In Kosovo, international and national staff were confident about being able to manage the transition to local management, thanks to on-the-job and other training and to the gradual handover of the local offices.

However, staff at all the offices we visited mentioned two important skills currently lacking in the CRP: management experience and skills (among local staff), and fundraising skills. In light of a probable NRC exit the need for training in these areas was urged by all, an exhortation the evaluators fully endorse. This was echoed in Kosovo, too, where there was also a need to develop ideas concerning how to go about profiling and managing an independent NGO – with roots and respect in the local community. More English-language training would also be beneficial. The Vukovar CRP office seemed likewise ready to take up the challenge of going it alone if necessary, and expressed a wish for the training required.

They echoed the view that other NGOs in Eastern Slavonia were proficient fundraisers.

Finally the team found that opportunities for developing skills in use of international human rights procedures were missed by most staff. It may not have been prudent for the project to become so dependent on one international lawyer by giving him almost sole responsibility for the international advocacy efforts.

In Croatia and Kosovo (as well as for minorities in Serbia) it could be worthwhile to consider alternatives to CRP working practices whereby paralegals do preparatory work for external lawyers. It could be beneficial to secure places for minority Serb jurists as apprentice lawyers with existing firms would secure some access to the legal profession for the minority community in the long term and would be an element in the protection of minorities in the future. One wonders if arrangements could be made whereby apprentice lawyers in friendly law firms could prepare the cases.¹² Some lawyers affiliated with the project expressed a wish for further training or seminars facilitating exchange of case experience.

6.1.2 Capacity Building Effect on the Legal System as Such – Contribution to the Rule of Law and Democracy

It was reported orally to the team that CRP in Serbia had worked closely alongside the Serbian Commissioner for Refugees at its incipience. CRP entered into a dialogue with the Commission and helped build it up. Likewise the offices of HPD (Kosovo) and CRPC (Bosnia) in Belgrade were full of praise for the assistance given by CRP to promote HPD amongst IDPs and refugees and by referring cases to the institutions. In Kosovo, as in Croatia, CRP and the office of the Ombudsperson had an excellent working relationship.

12) And perhaps participate in open clinics at CRP offices one or two days a week, taking on all cases in return for a retainer fee (part of which could be paid as an advance loan to help them pay the almost 6,000 Euro Bar membership fee).

One must also pose the question of whether the legal aid activities in themselves lead to improvements in the system. We have already referred to the gradual changes in administrative practices that usually occur in consequence of persistently claimed rights. While it is difficult for one NGO alone to claim the entire credit for such developments, NRC have made a difference

6.1.3 Effects on Civil Society Development

From the start, CRP entered into a partnership with the Americas Development Foundation (ADF) to unite the ideals of immediate provision of services with long-term civil society development, especially to benefit the Serb minority community. The opportunity to marry this urgent task with the developmental aim was lost when the two organizations parted ways in mid-1997. NRC, preoccupied with the extent of the immediate problems before it, does not appear to have examined how to retain focus on the longer-term aim.

There is no denying that this is one area where CRP performance could have been stronger. There is a view that CRP is more in competition than in partnership with some other NGOs. While some competition is obviously healthy, it is less obviously beneficial when it is between a rich, expatriate well-established northern European NGO and national NGOs trying to make a mark in a war-torn and impoverished Balkan. NRC does not seem to have analysed its role as an NGO in a country in transition or defined a clear policy on cooperation with other NGOs, a concern that grows more and more critical as the IC regards its presence as increasingly dispensable. CRP is the primary holder of expertise in legal aid management in the former Yugoslavia. It will take some time for national systems to emerge, but NRC/CRP could assist in their emergence by playing a coaching role in relation to the creation and operation of legal aid networks, together, perhaps, with the Swiss-funded NHLO in Serbia.

6.2 In Norway

6.2.1 The Adequacy of the Use of Norwegian Comparative Advantages

One clear comparative advantage in the functioning as an international legal aid NGO that emerged, is the good track record and reputation that Norway possesses in the Balkans, and the legitimacy this has rendered to the project mainly known as “the NRC” rather than the Civil Rights Project. In Serbia, where the level of confrontation with authorities remains the lowest, it eases relations. In Croatia, where relationships with the authorities are more contentious, Croatia seems ready to accept that criticism is made honestly and in good faith, which it may have been less willing to do with respect to NGOs from larger countries with historical connections to Croatia. It is thus the view of the evaluation team that this specific comparative advantage has been exploited adequately, especially in relation to access, dialogue and advocacy through international agencies, most particularly the UNHCR. With regard to national authorities, it is the view of the evaluation team that additional windows of opportunity exist as discussed in Chapter 4.

Another developmental opportunity for CRP project strategy, especially in the bridge-building context between humanitarian assistance and development aid, is the anticipated further involvement of Norwegian expertise in the design of development-oriented projects.

6.2.2 Building Competence among Norwegian Actors

As described at greater length in section 7.4, international staff are generally young, highly motivated jurists whose legal qualifications, spanning human rights and refugee issues, have mainly been gained in their native country. They have limited international and managerial experience. CRP thus utilizes existing expertise while building competence among the Norwegian judiciary, among lawyers, the civil service in general, and the Directorate for Immigration in particular. The evaluation team

found that postings to CRP field offices and the work on human rights, refugee issues and legal aid provision, represented useful steps towards a career in international work for the younger members of staff, and as such could be of importance to future career possibilities.

NRC has stationed a total of 43 international staff members at the CRP field offices between 1996 and 2001 though the period of placement for each individual has been relatively short. While this means that more people are gaining international experience, the relatively high staff turnover may hamper continuity.

International staff have had two main functions: 1) to undertake project and personnel management, and 2) to provide substantial legal aid. Capacity has thus mainly been built within these two areas. With regard to international human rights and refugee law, knowledge has been acquired in work on specific legal issues facing the region. Such expertise could be useful for line ministries dealing with these issues, e.g. the MFA and the Directorate for Aliens. More could be done to build up knowledge of international human rights law, as the NRC has acknowledged given its recent efforts in this area. As to project and personnel management in an intercultural environment, staff have acquired new skills that could be of use in a broader context.

Further, knowledge gained on the provision of legal aid and on case handling in a post-conflict

context, i.e. where the legal regime is under development and humanitarian assistance is being replaced by development aid, could clearly be of use for future MFA and NRC activities. The evaluation team found, however, that such knowledge could be further strengthened and more widely applied: first, the work of international staff could be more sharply focused within specific areas, most notably in relation to project management. The team is not aware of any training having been provided in this field. Young Norwegian professionals might, for instance, be offered work as a national Project Manager's right hand man during the placement, following the practice of other organisations. This would facilitate a more systematic transfer of knowledge and training of new staff.

Second, further lessons could be learned from a systematic process of debriefing after a field assignment, which would help identify training needs and assess the usefulness of knowledge gained. It would lessen the relatively high turnover among international staff and what has been characterized as "failures" where posted staff members only stayed in the post for a few months or did not deliver the desired results. (Out of the 43 international staff members, 9 had not worked out in one way or another.) The high number (5) of such failures in Kosovo is partly explained by the urgency of the mission and the rapid response to the call for action in Kosovo.

7 Administration of the CRP

7.1 Reporting and Documentation

CRP has not been one project, but a series of projects. Management is national rather than regional. There is likewise no central reporting for the project.

Reporting to MFA appears weaker than to other, more demanding donors in the field, such as ECHO and UNHCR. The latter have specific reporting formats for content and quality. However, in interviews with MFA officials, knowledge of the contents of the project seemed to be higher than one might have expected from reading the reports. Thus, reporting and monitoring of the project do exist and take place in connection with the frequent meetings between MFA officials and NRC, both in Oslo and the Balkans, though it is a rather informal approach.

Prior to the evaluation, CRP statistics did not provide an thorough division into the kinds of legal help provided (information, advice, assistance, court representation). Nor were there clear categories regarding the status of the cases (pending, resolved favourably, resolved unfavourably, at first, second instance etc.). Better information flows would help CRP managers to make choices that the team expects will be forced upon them in the future (as mentioned in chapter 3). The CRP database will have to be adapted to become a better and more useful reporting and management tool. It could help to answer questions concerning rates of success in particular kinds of case at particular offices, general performance figures etc.

7.2 Efficiency and Cost-effectiveness in the Use of the MFA Grants

Budget and expenditure figures received from NRC are attached as an annex to this report. The figures indicate occasional large surpluses: 566,000 in Croatia in 1999, a similar amount in

Bosnia in 2000, and more than 1.3 million in Serbia and 1.8 million in Kosovo in 2001.

Except where this is indicated in the tables in Annex VII, the funds have reportedly been returned to MFA. The Section for Western Balkan Affairs has often permitted reallocation to future periods, as indicated. In some respects, such as the separation of project activities from administrative expenses in Oslo, MFA has had a strict line, though (smaller) reallocations among budget lines are generally accepted on the basis of subsequent reporting.

In relation to cost-effectiveness, NRC does have higher item costs than national NGOs in the Balkans, in the form of higher salaries and expatriate salaries that the national providers do not incur. There has been a steady decline in the numbers of international personnel, as urged by the MFA. One other NGO used a different method of paying lawyers: paying a set monthly fee instead of the NRC rate per case. For lawyers with extensive caseloads, such an arrangement could be beneficial to NRC. The team did note that NRC had negotiated a fee rate with lawyers below standard Bar rates, but this is hardly surprising considering the preparatory work done by NRC. It is not easy to compare numbers of clients helped and/or cases brought with budget outlays, due to a lack of adequate data and marked differences in the kinds of case brought. In legal aid work, comparisons of this kind should preferably have some parameter or other ensuring that outputs of a similar quality are being measured against each other. Even in respect of the same kind of service (obtaining documents for example) the same document may be much more difficult and time-consuming to obtain in one region than in another.

7.3 Funding and Funding Cycles

CRP has been funded by annual allocations granted by Norway's national assembly the

Starting in Oslo. This has perhaps contributed to the lack of long-term strategies and approaches concerning the project. While it is not in the immediate power of MFA or NRC to change these procedures, project funding has in fact been relatively stable over the six-year period. Thus, although no guarantees can be given, some projections can be made, and tentative understandings over a term longer than one year reached between the two parties – MFA and NRC. It is possible that the relatively low administration allocation awarded NRC Oslo to manage the project, may contribute to the project’s “field-driven” character. There are considerable resources to meet personnel costs in the region, but not in Oslo. As there is no regional management, and the amount of “salary time” paid for at a 5% fee is limited, central management remains relatively weak. If the project were to go towards a gradual pullout with NRC adopting a coaching and monitoring role, it would be necessary to provide funds for such input, either in the form of a regional project manager or one based in Oslo but visiting regularly (or, perhaps, a gradual transition from one to the other as part of a gradual diminution of NRC’s role). Resources could also come from NRC’s own funds.

Reference is made to the CRP organogram. The departure of the regional legal adviser in 2001 led to regular meetings among project managers, which have been very welcome. Where resident representatives are not directly involved with CRP, occasional misunderstandings may crop up. Coordination between offices within the same country does not always appear to be very strong, each office tending to have its own strong identity.

7.4 Preparation, Deployment and Follow-up of CRP Personnel in the Field

In the period 1996–2001, a total of 43 international staff members, mostly young jurists, were stationed at CRP field offices in former Yugoslavia. Generally speaking, NRC was generally more satisfied with the performance of these younger recruits. Jurists tended to come from private law firms, the

public prosecution service and other government agencies such as the immigration service. Only a few had previous experience of work in international organisations, management or politics. The ratio of international – mostly Norwegian – staff has been relatively high and represented a large fraction of CRP’s budget. Salary levels are somewhat higher than for other international NGOs. Lastly, the average period of placement in the field offices has been relatively short and staff turnover consequently quite substantial, though it must be said that this average is somewhat skewed by the particularly high turnover in the first phase of the Kosovo operation.

The basic philosophy of recruiting international staff for CRP field missions has been two-fold. Firstly to have outsiders representing the organisation in areas where relationships between the local population and refugee/IDP groups are tense or sensitive and second to strengthen field offices capacity in international human rights and refugee law issues.

As to the first purpose, the comparative advantage of recruiting Norwegian staff is diminishing as highly qualified national staff, well versed in their own national legal systems, are being recruited in increasing numbers, bilateral relations in the region are becoming increasingly normalized and national legal issues are becoming increasingly complex. That these developments have actually been taken on board is reflected in the gradual downscaling of the presence of international staff, and in the gradual take-over of some management functions by national staff, e.g. in relation to the identification of advocacy issues, previously undertaken by a regional advisor. The MFA has also provided impetus to decrease international staffing. Nevertheless, there is some mismatch between the international staff – young, motivated jurists with a domestic background and limited international and management experience – and the work they are asked to do, which is of a primarily managerial nature. This is something of a paradox considering that the one thing

these highly competent people lack is management experience and reporting and fundraising skills. Furthermore, as responsibilities are being handed over to national staff, international staff with such skills and qualifications could play a highly constructive role in training local staff in them.

As to the second purpose, that of strengthening capacity in international human rights and refugee law, finding qualified international personnel in relation to legal qualifications, knowledge of international human rights and refugee law and region-specific refugee/IDP issues has not been easy, once again leading to a relatively high staff turnover and, at times, an uneven quality of work. Furthermore, the substantial complexity of legal issues and the legalistic context requires broad knowledge of the national legal system, which obviously takes time for to acquire, especially by non-nationals. It is further not facilitated by the relatively limited time international staff remain in the field (currently for one-year terms); much resources have to be channelled into job training by national staff in the field offices. Finally, in the present context, as pointed out above, the comparative advantages of these specific qualifications are diminishing. Reasons why Norwegians should be inherently better in these fields are hard to come by.

Another useful way of ensuring successful performance in both areas would be to strengthen the training of international staff, ideally prior to embarking on their missions. There is no systematic programme of training in place. There have been occasional assignments of newly recruited Norwegian personnel to some older, more well-established offices, prior to posting to new offices. The Refugee Council – especially its Oslo office – could benefit from a systematic process of debriefing following completed field assignments, in order to gain, as said, lessons. Procedures for outgoing staff to initiate incoming staff have sometimes been insufficient. However, the lower turnover and satisfactory procedures for the transfer of knowledge that are in place

among national staff have clearly benefited international staff.

7.5 Performance of the NRC Secretariat in Oslo

Direct Oslo NRC inputs to the CRP project are of various kinds, including budgeting and project formulation, facilitation of coordination among the country offices, reporting and liaising, recruitment, management of senior personnel, and some policy issues. As recruitment and personnel issues are covered in the foregoing section, we will not repeat that exercise here.

At the field level, budgeting inputs are sent from the local offices to the central level. NRC in Oslo usually makes only minor changes to budgets submitted by the country offices. In response to surpluses (read: underspending) encountered, NRC in Oslo has increased its vigilance regarding budgeting practices. In 2002 it introduced monthly transfers to the field, based on requests, submission of expense reports and account holdings. The AGRESO system, NRC's adopted system, has provided for efficient follow-up. The project coordinator in Oslo engages in direct dialogue with the finance/administrative officers in the field on financial issues, and with the resident representatives if necessary. The coordinator usually visits field offices twice a year, following up on project plans and activities.

In 1999, much of the responsibility for project management and budgeting was decentralized to the resident representatives, leaving Oslo with supervisory and control functions. It is now up to the resident representative to decide how much authority to delegate to field offices within the country. Expenditure tends to be controlled at the country office level, especially as regards variable budget items. The systems seemed to work well.

Reporting on the grants issued by NRC has occasionally been subject to long delays. Oslo has favoured the use of an Oslo-based branch of a major international auditing firm rather than

local firms. While this gives the advantage of familiarity with NRC practices and procedures, it could weaken the chance to engage in dialogue with the individual project administrators and NRC managers in the field, thus sacrificing what could have been a capacity building opportunity. However, the loss is partly made up by the dialogues with the Oslo desk office/coordinator.

In different phases of the project, NRC's intervention on policy issues has varied. The

dialogue between field and Oslo was strong at the outset of the project, and field-level coordination grew stronger during the time a regional legal advisor's office was in place. Since late 2001, communication goes through project managers, with policy advisors travelling occasionally to the field. The field offices expressed satisfaction with the current set up, though both they and the advisor felt that coordination and policy dialogue could be improved still further.

8 The Applicability of the CRP Model in Other Places

In the opinion of the evaluation team, the question of the transferability of CRP elsewhere deals with the following four concerns:

- 1) A general question is whether individual legal assistance can be developed as a useful tool in work with refugees and displaced persons.
- 2) What *is* the CRP concept? In order to replicate CRP, one has to decide what is in essence;
- 3) There is an operational aspect;
- 4) And there is a question of time frames.

8.1 The Usefulness of Legal Aid to Refugees and IDPs

The team has no difficulty in agreeing that legal aid (from information to representation) can be a very useful tool in refugee assistance. We also agree that it is an underdeveloped area. UNHCR-funded legal programmes focus mostly on the aspect of protection, and, to our knowledge, there are very few or no programmes at all with an explicitly cross-border approach.

8.2 CRP Philosophy

Over time CRP has grown organically through a field-driven, bottom-up approach, developing capacity to meet the needs of beneficiaries. While this approach has had its advantages in relation to specific circumstances, it has somewhat clouded the view of the project as a regional project with a coherent philosophy. In chapter 5 of this report, table 6 sets out the project objectives, as stated in project proposals and reports to MFA. Space does not permit us

to repeat them here. On a general level, CRP's philosophy can be tentatively summarised as: *the restoration of the identity of refugees, IDPs and endangered groups as legal subjects in order to enable the individual enjoyment of concrete rights on an equal and non-discriminatory basis.* The focus is on the level of concrete rights of individual clients, where the success of the cases pursued depends on system level factors. Individual casework is therefore complemented by advocacy.

Fundamental values include a strong human rights focus. Most of the rights the project attempts to ensure are social and economic, i.e. relating to housing, employment, social security, and pensions. Moreover, there is promotion of procedural fairness and equality before the law, including the principle of non-discrimination.

Where traditional protection-related thinking in post-disaster situations tends to focus on non-refoulement, security issues and humanitarian needs, the CRP concept is innovative in addressing the underlying human rights violations. The philosophy practically combines the traditional practice of international refugee law with additional instruments from international human rights law.¹³ Through the insistence on the actual restoration of basic rights of individuals, including property rights, the CRP philosophy keeps the focus on the comprehensiveness and quality of the definitions of protection, integration and repatriation. The bridge to basic human rights also ensures the inclusion of IDPs and vulnerable potential refugees and IDPs in the promotion of rights. However, this essential part of what we term CRP philosophy needs further exploration as a project based on human rights. By developing the human rights-based approach, CRP could achieve more clarity

13) Through stressing the principle of non-discrimination on concrete individual rights, CRP actually touches upon the ICCPR, ICESCR, the International Convention on the Elimination of All Forms of Racial Discrimination, and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

concerning *which* human rights to pursue in the concrete circumstances, and to develop human rights-defined indicators for performance. Using human rights indicators could further galvanise the CRP to operate in politicised contexts where IC is involved with its own political agenda.

8.3 The Operational Aspect

CRP perceives itself as a *cross border* legal aid project, but it is questionable whether this is an essential element of CRP philosophy more generally. Most IDP situations for example – including that in Uganda – do not involve a *de facto* border, and a CRP initiative will likely be dealing with a single legal and administrative system. The cross border aspect has been pronounced in the Balkans due to the specific characteristics of the area: common languages and similar justice systems. The Cross border element would likely be less pronounced in areas characterized by differences in language, administrative and legal culture, and basic values between host countries and home countries. Many other practical points must likewise be considered, such as the recognition/validity of documents, the practicalities operating on both sides of a border, communications facilities, the possibilities for travel etc. In other contexts, it could well be plagued by a much greater degree of insecurity. Legal work is generally dependent on a relatively high level of physical and social infrastructure. As a great deal of NRC's refugee work is outside the European continent, it will in most places be less sophisticated than in the former Yugoslavia.

The methodology applied by CRP requires adherence to the basic principles of rule of law and international human rights standards, including non-discrimination by the legal system, at least in principle. In the Balkans CRP advocacy is based on non-adherence to these avowed principles where minorities are concerned. Both legal casework and advocacy may be weaker where official commitment to these principles is less well entrenched. The former Yugoslavia has many particularities of

this kind, including the very strong presence of international community organs, as conduits of CRP advocacy. There are few other places with a presence of the same order of magnitude and international political commitment. The usefulness of international complaint procedures would be far smaller due to factors such as non-ratification of relevant protocols and possible difficulties in filing complaints against a host state with which one's relations are generally antagonistic.

Similar considerations clearly apply in relation to the functionality of the legal system in which a project is operating. While CRP has consistently mentioned capacity building of legal systems among its objectives, it has hoped that capacity building will occur as a side effect of its legal aid and advocacy work, rather than through specific interventions. Concrete output in this area has been very modest (it is hard to see how it could be otherwise, as a legal aid project essentially devoted to challenging a legal system is not well-placed to be a partner in its reconstruction).

8.4 The Time Factor

The experience gained in former Yugoslavia illustrates the difficulties inherent in expecting too much of dysfunctional legal systems. Outside of the Balkans, legal systems are generally likely to be less, rather than more functional. While Uganda is fortunate to be benefiting from large assistance programmes to its legal system, long delays and inefficiencies are unavoidable, even more so in the conflict-torn north. In Afghanistan, one can hardly begin to speak realistically of the rule of law in most of the country. Moreover, it can be questioned whether mounting a well-oiled and financed legal aid mechanism feeding cases into a dysfunctional legal system is always in the best interests of the population as a whole: attention may be diverted from other equally deserving legal and social matters. In such a context, it may be worthwhile considering an entirely different approach, more explicitly based on capacity building: one of CRP's greatest contributions has been in relation to

provision of basic documents to displaced persons. In some situations, this could possibly be done through a cooperative approach – authorities may well be willing to reintegrate the refugees, but require help to put registration and other documentation systems in order.

Any CRP involving more complex forms of legal aid would likely develop into a long-term commitment, as refugee and IDP issues tend not to achieve durable solutions in the short term, and because of the factors described above. While there are examples of durable solutions achieved in the short term, CRP

initiatives may well be of limited relevance in such circumstances. (In the context of a relatively short-term refugee or displacement crisis, the information component would probably be most important.)

An unavoidable time aspect is linked to the funding and agendas of international agencies. This is important because two different sets of operational tools are applied. In relation to project design, the tension between the urgent priorities of emergency relief and the holistic view of development projects is obvious. The table summarises the differences between the two types of interventions.

Table 8. Emergency and Development Interventions

	Project Cycle	Rationale	Management	Funding Cycle	Success Criteria	Risks
Humanitarian Assistance	Short – coterminous with situation of acute crisis	Meeting specific acute need	International – primarily logistical	Short (12 months or less)	Quantitative: measured in services rendered	Creation of dependency, distortions
Development Assistance	Long – overall strategy demanded & emphasised	Building of sustainable capacity	National, with strong political (advocacy) elements	Long (3–5 year cycles)	Infrastructural	Linked to sustained political commitment

In this respect CRP is very different from an emergency relief assistance project, where the presence of international NGOs is justified by the combination of urgency and lack of local capacities. While CRP is thus essentially a long-term project, NRC's expertise and programmes fit more into the emergency relief model. Application of CRP in other places would require the incorporation of development thinking into NRC strategies.

There is a danger that the content of programmes could be strongly influenced by short-term projections and optimistic political agendas. NRC will only be able to counter these factors if it is in possession of a clear philosophy, understood and articulated by its managers.

CRP has gone through a number of phases. They could be analysed for the benefit of later applications of the philosophy. Both CRP Croatia

and Kosovo had to go through an initial stage of establishment and development in the local context. Such efforts have either coincided with or preceded attempts at restoration of documentation, without which further legal action is often impossible. Legal aid activities are gradually expanding (moving from administrative procedures to complex litigation challenges), while project management structures are consolidated. While there are exceptions, one could say that, as a general rule, the political advocacy component, either in terms of dialogue or as pressure through the international community, has gradually increased in importance.

Reference is made above to the early alliance with ADF and its subsequent break-up. In our view, there is an important lesson for the future here. In transitional societies, there must be development of democratic government, with an open dialogue between government and

national NGOs. The interventions of international actors must always encourage this process. Efforts to secure short-term objectives, which hinder this development, could well prove damaging in the longer term.

In conclusion, the evaluation team finds that CRP philosophy could be applied in other post-disaster situations, especially if implemented through partnership programmes with national legal aid and human rights NGOs. It should be conditioned upon a mandatory pre-appraisal study to assess the appropriateness of a CRP-type intervention, examining elements including systemic capacity, vulnerability of

various groups, probable intervention time-frame, relations with other providers (actual or potential) of similar services. Application elsewhere should be based upon complementarities with relevant intergovernmental agencies, especially UN bodies, as well as bilateral donors and upon thorough adaptation of the philosophy to the local context with a long-term perspective. Lastly, specific and realistic targets should be set from the outset of the project, and specific attention should be given to an exit strategy specifying the CRP contribution to the sustainable implementation of these rights within the national structure.

9 Conclusions

9.1 Relevance

1. Refugees, IDPs and minorities at risk in the former Yugoslavia have a pronounced **need for legal aid and administrative assistance to secure respect for their civil and human rights**. In order to be fully effective, such aid needs to extend across borders. NRC assistance to these groups has been highly relevant.
2. **The quality of the legal work** undertaken by NRC is high. This conclusion is supported by our observations during the field studies and attested to by various stakeholders and observers. Quality is reflected in the composition of the staff, work practices and management, treatment of clients and the preparation of cases.
3. **The beneficiaries** of CRP legal aid have overwhelmingly been refugees of Serb ethnicity. Internally displaced persons, particularly in the latter phase of the project, have not benefited as much. In addition, the project has focused on the return option a great deal more than on local integration.
4. NRC has achieved **considerable synergy with international organizations** in former Yugoslavia both on legal strategies and advocacy issues, though somewhat at the expense of promoting dialogue in the countries themselves.
5. NRC has, in general, adapted its approaches to changes in law and legal systems in an appropriate manner, though the adoption of new strategies could have been preceded by systematic plans and forecasts to a greater extent.

9.2 Cost-effectiveness

5. **The cost-effectiveness** of some elements of CRP's legal aid (particularly litigation of disputes) is uncertain due to a combination of severe legal constraints and ineffective and at times politicized judicial and administrative systems.
6. **Cost-efficiency of CRP projects** is satisfactory: resources are carefully used to run a well-working organization and there is little waste. However, the financial costs of running the organization are rather high compared to the local legal aid initiatives, due to the considerable international staff involved and a competitive professional local salary structure.

9.3 Competence building

7. Overall, **CRP** is weakly connected with the local community. The contribution to sustainable capacity is mostly apparent in the training of the local staff. In relation to legal aid work in the local civil society, the opportunity for capacity building is underused.
8. A potential for **national advocacy** on the issues raised by the legal cases dealt with is somewhat under-exploited. While working complementarily with international organizations in the former Yugoslavia, NRC has done less to promote **dialogue in the countries themselves**. In some places, there are indications of a need to inform target groups more efficiently on the activities of the NRC.
9. Legal assistance to IDPs does not seem to effectively combat the **use of opaque bureaucracy** to keep some of

IDPs in a state of de facto segregation in their own country.

9.4 Applicability

9. Elements of CRP's experiences may be applicable in other contexts of forced mass displacement, particularly in **the provision of documents**, which is a vital element in reconstructing the lives of victims of conflict.

9.5 Future organization

11. **The handing over or exit strategy** for CRP has been under-emphasized. NRC seems to have focused rather automatically on the creation of successor NGOs formed by the local CRP staff, which would depend on external funding to be provided by the NRC/MFA or other sources. The placement of such NGOs in the community has not been addressed particularly well.
12. Overall **sustainability** concerns in relation to the future provision of legal aid in former Yugoslavia have mainly

been addressed solely on the basis of the future of the NRC-successor projects, taking less account of the civil society initiatives in the field or possible foundation for a public legal aid structure.

9.6 Administration

13. **Project reporting and legal management** could be substantially improved by enhancing the statistical reporting ability of the database. A low number of durable solutions and successfully solved cases has not been highlighted. Completion of activities is often substituted for the achievement of objectives. Harder and more dispassionate analyses of the chances of success of particular strategies are called for.
14. The Civil Rights Project has suffered from the **lack of an overall strategy** to guide intervention. Strategic decisions have thus at times been taken in an ad hoc way. Generally, though, choices have been to the benefit of target groups.

10 Recommendations

10.1 Competence Building

1. The Norwegian Refugee Council should engage more intensively with national NGOs and networks working with refugees in the former Yugoslavia, and should take steps likely to facilitate sustainable capacity, such as bringing local staff into management positions and providing them with the necessary training and coaching.

10.2 Applicability

2. Preparation of future Civil Rights type projects should include a careful analysis of the nature of the legal and political environment in which they will operate, consider realistically the troubled nature of post-conflict societies and set out clear assumptions about the conditions required to do the job, including the time available. Account should be taken from the beginning of the relationship to civil society and other relevant actors and to all possible approaches to facilitate the legal reintegration of persons into society.
3. Specific and realistic targets should be set from the outset for CRP, with particular attention given to an exit strategy specifying CRP's contribution to the sustainable implementation of these rights within the national structure.

10.3 Future Organization

4. The Civil Rights Project should develop an overall strategy with long-term and immediate objectives, and the means to

achieve them, operational priorities, criteria for success and a time frame.

5. The Norwegian Refugee Council and the Ministry of Foreign Affairs should enter into an understanding on project funding that enables an exit from the former Yugoslavia that favours building of sustainable capacity.

10.4 Administration

6. The Norwegian Refugee Council should improve its project reporting, including statistical reporting, both for purposes of internal legal management and to highlight results achieved and assumptions made for the benefit of the Ministry of Foreign Affairs. Legal strategies should include a careful assessment of the chances of success in particular assignments before embarking on legal representation on a mass scale. The CRP database should be developed to improve capacity to undertake comparative assessment of legal strategies at particular offices.
7. NRC management capacity in Oslo should be strengthened and enhanced in the area of project design and strategy.
8. The Ministry of Foreign Affairs should consider means to enhance the capacity of the Section for Western Balkan Affairs in project-related reporting as a way to improve the quality of project design, monitoring and reporting. Cooperation with NORAD could be considered in this respect.

Annex I Terms of Reference

Evaluation of the Civil Rights Project (CRP) of the Norwegian Refugee Council in former Yugoslavia

1. Background

The Norwegian Refugee Council, a voluntary organization involved in refugee questions and refugee work in four continents, established a Civil Rights Project (CRP) in collaboration with USAID (United States Agency for International Development) in 1996 in the mandate area of UNTAES (United Nations Transitional Authority in Eastern Slavonia). This was done as a follow-up to the Erdut Agreement concerning peaceful reintegration of Eastern Slavonia in Croatia. The legal experts of the project have provided free legal assistance to internally displaced persons (IDPs) and refugees in the region and to a segment of the local population that could risk facing a situation where they would have to flee away from their homes. Assistance has been given independently of the ethnic background of clients.

The work has subsequently been expanded in former Yugoslavia through various phases of the conflicts. CRP objectives have generally been to contribute to/facilitate return; to contribute to protection of minorities; to contribute to rule of law/promotion of human rights; and to assist individuals with securing their legal rights, particularly related to return and repossession of property. Displaced persons often require access to legal assistance not only in their current place of residence/asylum, but also in the place of prior residence, where they try to vindicate rights acquired prior to the conflict in former Yugoslavia, such as property rights, citizenship or status right, pension rights, right to freedom of movement, etc..

Thus, CRP assists in several different legal systems, some of which are national systems (Yugoslavia, Serbia, and Croatia), and some of

which are hybrids of national and international legal systems (Bosnia and Herzegovina and its constituent entities, the Federation of BiH and Republika Srpska, and Kosovo). CRP runs local offices in Croatia, the Federal Republic of Yugoslavia (Serbia and Kosovo) and Bosnia-Herzegovina. CRP also operates mobile teams who visit and inform people in distant places through mass meetings and individual conversations. Main target groups are minorities at risk of becoming displaced, refugees/IDPs contemplating return, returnees, and refugees/IDPs that are undecided or attempt to integrate locally.

Through its network CRP has direct access to the client populations in the place of asylum. It also provides follow-up legal assistance and direct linkages to necessary institutions through joint handling of cases by offices in the place of asylum and in the place of former residence. This includes advocacy with government authorities or international organizations as well as the joint use of a network of private attorneys on NRC contract for in-court representation. The CRP network permits particular attention to cross-border or inter-state issues that complicate the legal rights of populations displaced across borders, for example the failure of successor states to harmonize legislation or to reach bilateral agreements.

The Norwegian Refugee Council is in a process of developing models and drawing lessons learned in the fields of legal assistance, counselling on return and related activities, for use in other geographical areas where refugees and internally displaced persons (IDPs) need assistance.

CRP is financed through contributions from the Norwegian Ministry of Foreign Affairs, USAID, UNHCR (United Nations High Commissioner for Refugees), ECHO (European Community Humanitarian Office), and the Norwegian Refugee Council itself. CRP's budget for 2001

amounted to NOK 35,9 million, of which NOK 17,2 million was contributed on a grant basis from the Ministry of Foreign Affairs.

2. Purposes of the evaluation

The main purposes of the evaluation are:

1. To provide information on the experience of CRP in providing legal assistance to refugees and internally displaced persons in the Balkans, including information on the most important types of advocacy issues that have been raised by CRP, and their timing.
2. To find out whether financial contributions to CRP activities from the Norwegian Government through the Ministry of Foreign Affairs have been used in accordance with priorities indicated by the Ministry.
3. To assess the overall *relevance* of activities performed in relation to civil rights needs and human rights needs of refugees and internally displaced persons during changing phases in the post-conflict legal regimes in the successor states of former Yugoslavia, emphasising protection, avoidance of flight, and durable solutions for those already displaced. It should also be assessed how relevant CRP activities have been to help reestablish legal systems acceptable to democratic societies in former Yugoslavia, with a secured respect for individual rights and freedoms. The complementary role of CRP activities in relation to other international actors' mandates and initiatives (in particular those of the United Nations and OSCE (the Organization for Security and Cooperation in Europe)) should also be considered.
4. To assess the *cost-efficiency* of services provided by CRP as compared to services rendered by similar organizations and institutions, in particular other NGOs; and to assess whether

Norwegian comparative advantages in the fields of civil rights and human rights have been adequately exploited through the project.

5. To assess whether information and experience obtained through CRP activities have contributed to *competence building* of professional actors in former Yugoslavia.
6. To assess whether competence building in Norwegian professional actors has taken place.
7. To assess the *applicability* of experience and lessons learned during the CRP program in the Balkans in relation to other geographical areas where the Norwegian Refugee Council is or may be involved, as for instance Pakistan, Afghanistan, and Uganda.
8. To provide recommendations concerning the continuation of civil rights activities presently undertaken by CRP in the Balkans, and their *future organization*.

3. Scope and Method

The evaluation should cover the overall assistance provided through CRP during the period 1996–2001.

As general *background information* the evaluation team should study relevant material in the Norwegian Refugee Council and the Ministry of Foreign Affairs, such as correspondence, agreements, completion reports and other reports; and the team should interview key people in the Council and the Ministry.

In addition, the evaluation should include *in-depth studies* of important activities during field visits to four geographical areas in the Balkans where CRP has provided considerable assistance: Bosnia and Herzegovina, Croatia, Kosovo, and Serbia. These visits should include interviews with target groups, with expatriate and locally employed CRP personnel, and with representatives of other donors and collaborating organizations, such as UNHCR, OSCE, and USAID. They should cover key

areas of CRP activities, including efforts to resolve for refugees and internally displaced persons the issues of status (citizenship and documentation), access to housing (property and tenancy right restitution), and access to income (public benefits and employment). In this connection, it is important to assess whether the key issues raised and the objectives pursued by CRP have been the most relevant ones for the beneficiaries; whether there have been changes in their needs as time passed by, and whether CRP has been able to adapt to such changes. Has the legal assistance helped the beneficiaries to take well-informed decisions concerning durable solutions for themselves and their families? Have relevant target persons been reached in practice through media information and through CRP offices and mobile units? It should also be assessed what impact legal assistance has had upon individuals in terms of *access* to administrative and legal procedures, documents etc., and possibilities of exercising rights to return and other durable solutions; and an estimate of *solved* cases.

During the field visits, the team should also consider to what extent CRP has documented discrimination/abuse of legal systems to hinder or prevent refugees/IDPs from exercising their rights, and to what extent such documentation has been used or may be used to the benefit of individuals. Further, the team should assess whether CRP has to a greater extent than other legal projects in the region succeeded in pursuing *all* legal remedies available to promote essential objectives. Does it constitute a significant “value added” in relation to other actors’ activities? The team should consider the relevance and quality of CRP’s regional approach and cross border cooperation, and its minority focus in relation to target groups. It should also assess whether CRP’s activities have contributed to the development of sustainable efforts to promote civil rights by NGOs and government institutions in the region.

The evaluation should include an assessment of the *administration* of CRP support, inter alia the

handling of the grants at the level of the Ministry, the Refugee Council, and the local CRP offices. It should assess the Ministry’s collaboration with the Council, the functioning of the relevant part of the secretariat of the Council, and the preparation, deployment and follow-up of CRP personnel in the field.

Quantitative elements related to the different activities during the years 1996–2001 should be stated in the evaluation. The number of persons assisted in connection with different categories of problems should thus be indicated, classified according to countries and years. In the case of the Federal Republic of Yugoslavia, relevant numbers for Kosovo and Serbia should be indicated separately. Appropriate categories should be developed by the team in contact with NRC staff. Relevant categories should include:

- Property/housing issues
- Documents/citizenship issues
- Labour issues
- Pension issues
- Convalidation of former rights

The *qualitative impact* of each type of activities selected for in-depth studies in defined areas should be assessed against those of the criteria mentioned below that are seen to be relevant in each case:

- The aims and objectives as indicated at the time of financing
- The degree of satisfaction indicated by different types of beneficiaries
- The extent to which the CRP activity has been appropriate to achieve a change in the civil rights situation at the local or the national level
- The extent to which the activity has contributed to networking and cooperation between different organizations for civil rights promotion and/or led to further activities in this field

4. Evaluation Team

The evaluation should be undertaken by a team of 3–4 persons with legal, social science, and civil rights competence. Among the members there should be persons with experience in representing individuals in instances of discrimination by legal and government institutions, with experience from the geographical area of the former Yugoslavia, and with NGO experience. Members of the team should have evaluation experience regarding legal aid and/or human rights projects, experience with refugees and/or internally displaced persons, preferably knowledge of the Serbo-Croatian language, and good knowledge of the cultures in the region. All team members must be able to communicate fluently in English, and at least one team member must be able to read Norwegian without any problems of understanding. The evaluation team may engage local expertise during field visits. There should be at least one female member in the evaluation team. The leader of the team should have extensive evaluation experience and proven managerial skills.

5. Reporting of Findings

The evaluation should result in a final report not exceeding 40 pages, including an executive summary of maximum 4 pages. The evaluation team will write a maximum 2 page summary of major findings and recommendations, for publication in the Ministry of Foreign Affairs' Evaluation Summary series. The technical

quality of the final report and the 2 page evaluation summary will be such that they can be printed without any further rewriting or editing.

Throughout the evaluation, the team must make efforts so that the evaluation becomes a learning experience for persons in the Ministry of Foreign Affairs and the Norwegian Refugee Council engaged directly or indirectly in CRP activities. The evaluation team should actively use workshops and seminars both in Norway and former Yugoslavia to discuss issues, hypotheses, relevant categories and preliminary findings with main stakeholders. A specific plan of such workshops will be made by the evaluation team in cooperation with the Ministry of Foreign Affairs. It should include a special presentation by the team to stakeholders in Norway of main conclusions and recommendations during the team's preparation of the evaluation report. Having completed the final evaluation report, the team will present its conclusions and recommendations in an internal seminar arranged by the Foreign Ministry.

6. Timing

The evaluation should start two weeks after the expiry of the date for presenting tenders. This expiry date has been set as July 25. The final evaluation report should be submitted by November 8.

June 21, 2002

Annex II Institutions and Persons Consulted

CROATIA

Lawyers and judiciary

Darko Horvat, Secretary General of the Bar, Croatian Bar Association, Zagreb

Pjer Skrivaneli, Administrative Secretary, Croatian Bar Association, Zagreb

Jerina Malesevic, Attorney at Law, Law Office Malesevic, Zagreb

Dr. Jasna Omejec, Vice President, Constitutional Court of Croatia

Ms Vera Bubas, President of the Municipal Court, Sisak

Ms Dusanka & colleague, CRP affiliated lawyers in Sisak

Ms Iva Nenadic-Vuletic, SRP affiliated lawyer, Split

Mr Dusko Vukelic, CRP affiliated lawyer, Osijek

Mr Velimir Slovicek, Cabinet of CRP affiliated lawyer Mr Filakovic, Osijek

NGOs

Dejan Palic, Croatian Law Centre, Zagreb

Artur Sawastian, Head of Office, American Refugee Committee (ARC International), Croatia

Kata Lerotic, Legal Team, ARC International-Croatia

Ljubomir Mikic, President/Program Manager, Center for Peace, Legal Advice and Psychological Assistance, Vukovar

Dragana Arapovic, Program Media Coordinator, Dalmatinski Odbor Solidarnosti (DOS), Split

Aleksandra Milosavjevic, Jurust, Organization for Civil Initiative, Osijek

Ksenija Blagojevic Williams, Project Manager, Serbian Democratic Forum, Zagreb

Ms Mirica Miljanic, Head of Office, Serbian Democratic Forum (SDF), Pakrac

Ljubo Manojlovic, Secretary, Serbian Democratic Forum (SDF), Zagreb

Milorad Nenadovic, Member of LSC, Udruzenje Baranja, Hrvatska

Norwegian Refugee Council

Gro Lindstad, Resident Representative, Croatia

Malena Kreca, Legal Assistant, Sisak

Ninko Miric, Legal Advisor, Sisak

Terje Halvarsson, Manager, Shelter Programme, Sisak

Tatiana Vuk, Administrative assistant, Sisak

Dusko Simic, Legal Advisor, Vukovar

Alexander Kojic, Head of Office, Vukovar

Officials

Milan Simurdic, Ambassador, Embassy of The Federal Republic of Yugoslavia, Zagreb

Rikardo Marelic, Head of Department, Government of the Republic of Croatia, Offices for Cooperation with International Institutions, Department Sisak, Sisak

Mr Lovre PejkoVIC, Assistant Minister, Ministry for Public Works, Reconstruction and Construction, Zagreb

Ms Annamaria Redic, Ministry for Public Works, Reconstruction and Construction, Zagreb

Branca Sindric, Head of Office, Ministry for Public Works, Reconstruction and Construction (formerly ODPR), Sisak

Marta Vicakovic Mukic, Deputy Ombudsman, Office of the Croatian Ombudsman, Zagreb

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Romana Macesic, Legal Assistant, Return and Integration Unit, Zagreb
Mary Wyckoff, Head of Rule of Law Unit, Mission to The Republic of Croatia, Zagreb

The Royal Norwegian Embassy

Mr Knut Tøraasen, Ambassador
Henrik Malvik, First Secretary

UNHCR

Igor Sotirovic, Assistant Protection Officer, Field Office Sisak
Igor Ivancic, Assistant Protection Officer, Field Office Knin
Günther Scheske, Head of Office & Field Coordinator, Field Office Sisak, Sisak

NRC Clients and others from beneficiary group

12 clients/representatives of target group. Names not officially recorded, due to protection of privacy

SERBIA*ECHO*

Kevin Mannion, Head of Office, ECHO – European Union, Humanitarian Aid Office, Belgrade

Embassy of The Republic of Croatia

Marica Zorica Matkovic, Deputy Head of Mission, Minister Plenipotentiary

NGOs

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Dragana Piletic, Humanitarian Law Centre
Sivert Mojca, Lawyer, Humanitarian Law Centre
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 Slobodanka – Boba Krcevinac, Deputy Resident Representative/Administrator, Belgrade
 Marit Sjaastad, Resident Representative, Belgrade
 Ljuba Slijepcevic, Legal Advisor, Novi Sad
 Milena Tatolovic, Deputy Head of office / Legal Advisor, Subotica
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United Nations Office for the Coordination of Humanitarian Affairs

Paul Hebert, Head of Office & Regional Coordination Advisor for S.E. Europe, OCHA, Belgrade
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Officials

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 Jasminia Benmansur, Advisor the Minister, Ministry of Public Administration and Local Self Government, Belgrade
 Ivica Ezedenci, Deputy Minister, Ministry of Public Administration and Local Self Government, Belgrade
 Slobodan Stanisic, Serbian Commissioner for Refugees Trustee, SCR Trustee's Office

OSCE

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UNCHS

Richard de la Falaise, Head Belgrade Regional Office, United Nations Center for Human Settlements, UNCHS (Habitat), Belgrade

UNHCHR

Richard Towle, Chief of Mission, UNHCHR, Belgrade

UNHCR

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 Gert Westerveen, Assistant Representative, Belgrade
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Norwegian Refugee Council

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Ulf Edquist, Project Manager, Norwegian Refugee Council, Banja Luka
Legal Staff of Banja Luka CRP, Office

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Drago Vuleta, Assistant to Minister, Ministry for Refugees and Displaced Persons, Republic of Srpska
Perica Koljanin, Head of OMI, Banja Luka
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Ishak Muftic, Head of Department, Service for housing and Municipal Issues, Travnik

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The Royal Swedish Embassy

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UNHCR

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Scott Pohl, JPO – Property Law Implementation Process NW RS, UNHCR Banja Luka
Claudio J. Delfabro D., Legal Aid & Information Coordinator, UNHCR, Sarajevo
Udo Janz, Deputy Chief of Mission for Bosnia and Herzegovina, UNHCR, Sarajevo

OHCHR

Madeleine Rees, Chief of Mission, Office of the High Commissioner for Human Rights, BiH
Lauren Matthews, Program Officer, Office of the High Commissioner for Human Rights, BiH

KOSOVO*Beneficiaries*

Jonuzi Hasip, Dragash
Mustafa Karanfilka, Dragash
Ismael Besir, Dragash
In addition, talks were held with beneficiaries in Fushe Kosovo, Kamenica and Gjilan

EU

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Iliriana Seriqi, Legal Officer, European Agency for Reconstruction (EAR), Operations Division, Good Governance/Institution Building, Pristina

Key Informants

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At focus group meeting in Diacova:

Abdullah Quefany, Vice Chairman, the Municipal Council of Diacova, Diacova

Demir Kreka, Chairman, the Roma Community, Prizren

Normi Quefany, Member of the Electoral Council, Diacova

NGOs

Jehanne Henry, Project Coordinator, American Legal Education Program, Gjilan

Isa Hasani, CDHRF, Gjilan

Fazzli Abdullahu, CDHRF, Gjilan

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Vjosa Nimani-Zylfiu, President, The Association for Legal Aid for Women, (NORMA), Pristina

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Norwegian Refugee Council

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Caroline Ort, Project Manager, Civil Rights Project, Pristina

Ethem Rogova, Contracted Lawyer, Civil Rights Project, Pristina

Erdin Thanu, Head of Office, Civil Rights Project, Pristina

Fatmir Kutllovci, Deputy Project Manager, Civil Rights Project, Pristina

Hege Mørk, Regional Coordinator, Civil Rights Project, Pristina

Kari Mette Monsen, Resident Representative, Norwegian Refugee Council, Kosovo

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Samahat Mashkulli, Vicepresident, The Municipal Council, Prizren

Ricardo Rodriguez, Local Community & Social Welfare Officer, The Municipality of Dragash (UNMIK)

Cornelius Nolen, UNMIK Legal Affairs Officer, Municipality of Gjilan

Two representatives of the Municipality of Kamenica

OSCE

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Virgjina Dumnica, Chief of Legal Community Support, Human Rights and Rule of Law Division, HQ Pristina, Pristina

Gregory Fabian, Senior Legal Adviser on Non-discrimination, Human Rights and Rule of Law Division, HQ Pristina, Pristina

The Judiciary

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The Ombudsperson Institution in Kosovo

Marek Antoni Nowicki, Ombudsperson, The Ombudsperson Institution in Kosovo

Donna Gamien, Deputy Ombudsperson, The Ombudsperson Institution in Kosovo

The Royal Norwegian Embassy

Hans Olav Urstad, Ambassador, The Royal Norwegian Embassy

Rolf Andreas Vestvik, Second Secretary, The Royal Norwegian Embassy

UNHCR

Houssam Mu'Allem, Head of Office, UNCHR, Peje/Pec

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Jan Dybfest, Deputy Director General, Evaluation Section,

Sigurd Endresen, Senior Adviser, Evaluation Section

Toril Langlete, Adviser, Section for Western Balkan Affairs

Jo Sletbak, Assistant Director General, Section for Western Balkan Affairs

Marie Louise Teige, Higher Executive Officer, Section for Western Balkan Affairs

The team was unable to meet a representative of USAID, due to scheduling difficulties, and a representative of OSCE BiH, due to unforeseen hindrances carrying out a scheduled meeting.

Annex III References

The most important documentation for the evaluation consists in:

- Advocacy-related documents, including letters to public authorities, CRP publications and the media
- All project proposals and reports for MFA-funded Civil Rights Project
- Documentation from similar organizations providing legal aid, in particular other NGOs in the region
- NRC CRP audit
- Selected activities reports from CRP offices
- Several hundred selected documents from CRP-related archives at both the MFA and NRC covering all project phases and correspondence related to them
- Terms of Reference of staff members of CRP offices in the region
- The CRP case-handling database
- The CRP tenancy rights database
- The UNHCR database

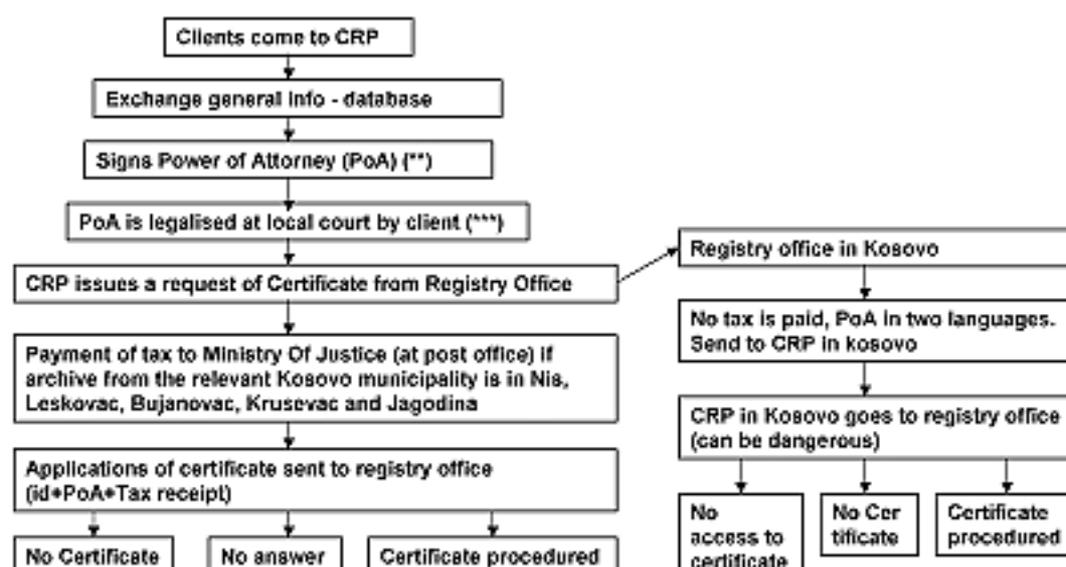
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- UNHCR – BiH Fact Sheet: Legal Aid & Information Centres Network, June 2002
- UNHCR BiH: Presentation to the FRESTA SEE Conference in Sarajevo, 20–21 September 2002 on the refugee and IDP developments in BiH 1996 – 2002 by Udo Janz, Chief of Mission a.i.
- OHCHR/UNDP: Final draft of Municipal Assessment Programme, May 2002

Annex IV Fact Boxes

Factbox 1 Kosovo document case(*)

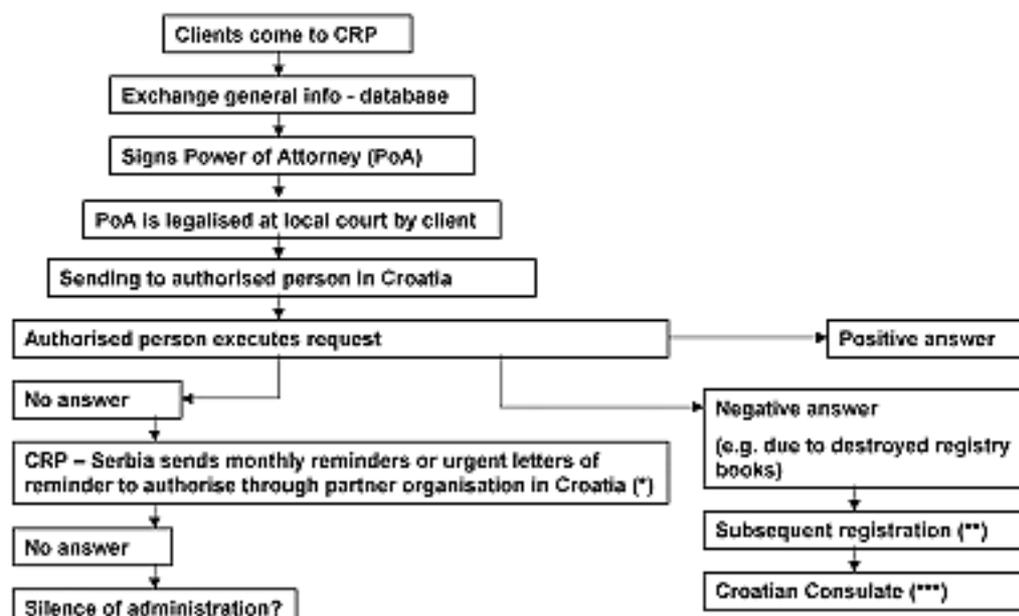


(*) based on the practice in Serbia for obtaining documents from Kosovo. Left column of the factbox deals with document issues of IDPs and dislocated offices in Serbia. Right column of the factbox deals with registry offices in Kosovo.

(**) This procedure was initiated early 2002. Before this time, no Power of Attorney was needed.

(***) This process only necessary if the the institution, from which the documents are requested from, needs it.

Factbox 2 Croatia document case

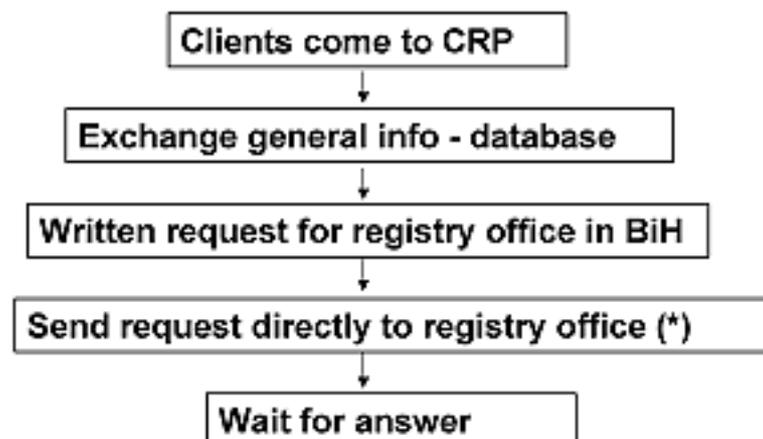


(*) It is worth noting that the partner organisations are identified by the individual offices and may thus vary.

(**) can be performed either through the Croatian Consulate, an authorised person in Croatia or personally by the client on a Go and See visit.

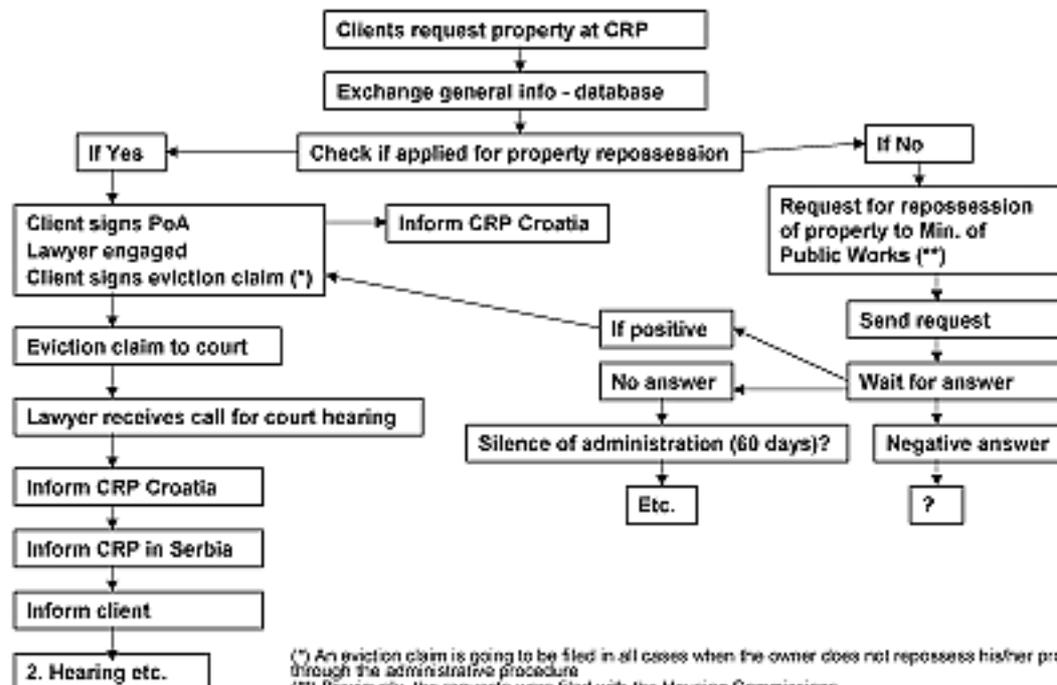
(***) In some offices (all offices in Serbia), e.g. Subotica, this request is sent through the Helsinki Committee due to its good relations to the Consulate.

Factbox 3 Bosnia document case



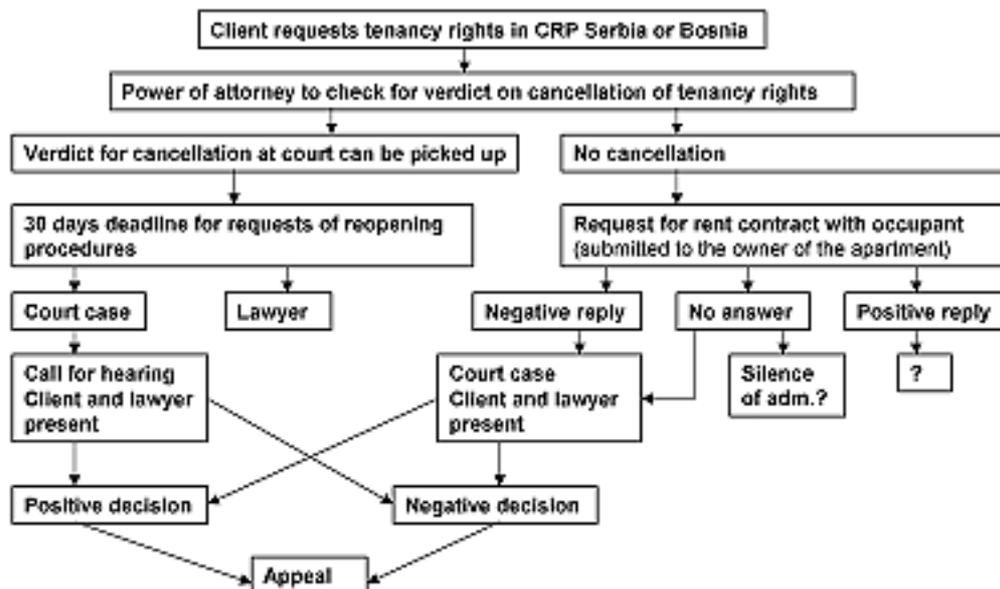
(*) Previously, the requests were sent through the CRP office in Banja Luka. This practice was dropped as unnecessarily delaying the case.

Factbox 4 Croatia property (private owner) claim – repossession

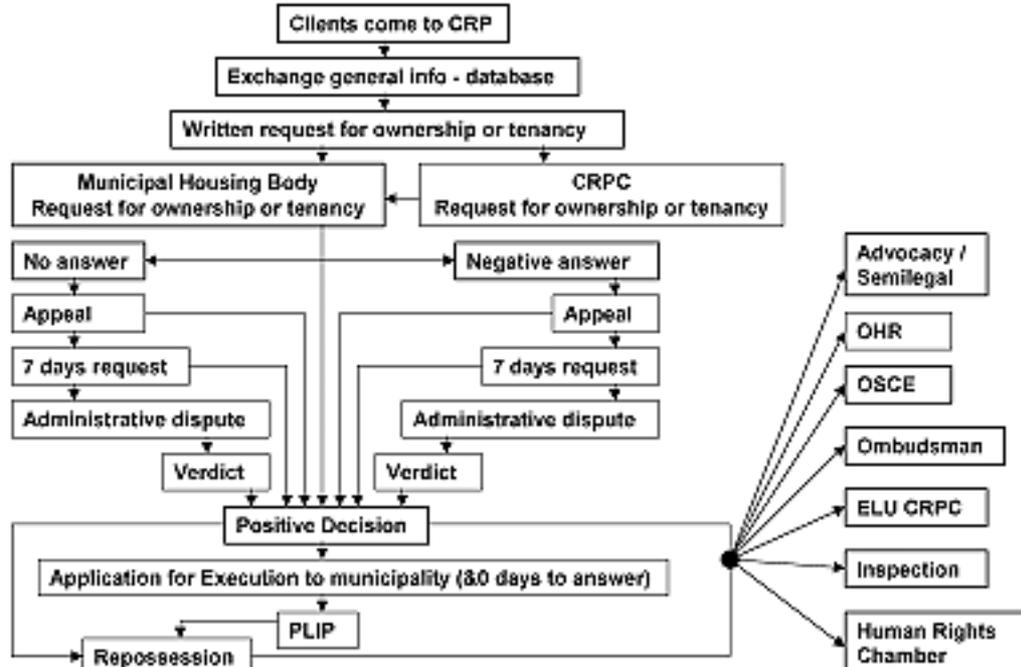


(*) An eviction claim is going to be filed in all cases when the owner does not repossess his/her property through the administrative procedure
 (**) Previously, the requests were filed with the Housing Commissions.

Factbox 5 Croatia property (tenancy rights) claim



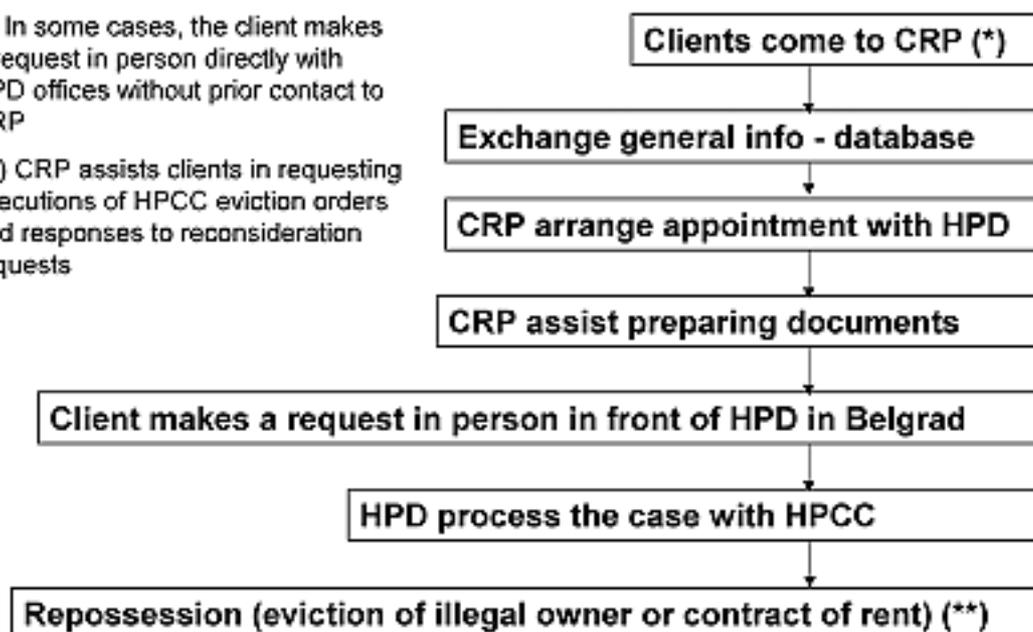
Factbox 6 Bosnia property or tenancy case



Factbox 7 Kosovo property or tenancy case

(*) In some cases, the client makes a request in person directly with HPD offices without prior contact to CRP

(**) CRP assists clients in requesting executions of HPCC eviction orders and responses to reconsideration requests



NGO Ideal Concept

(source: Danish Refugee Council)

Independent of the state

- Transparent
- Reliable
- Competent
- Solution Oriented
- Responsible towards the society
- Uncorrupted
- Without special privileges

- Create and implement solutions, which the authorities can not or should not solve themselves

Activities:

- By means of volunteers, civil society or in collaboration with others
- 'Service providers' for the authorities
- Implementing partners for international donors

DANGERS!!

- if only B
- if only A
- if only C, in particular if donor driven

- Watchdog
- Demands and proposes solutions to the local community / the state / the international community

- Activities:
- Monitoring
 - Analysis
 - Lobbying
 - PR / Media
 - networking

B.
Advocacy

The Idea
-vision
-mission
-fundamental values

-Support for the idea and for the organisation

- Activities:
- Get members
 - Active volunteers
 - Core contributors
 - Create positive understanding

C.
Be part of the solution

A.
Popular support

Annex V Background to the CRP

The Federal Republic of Yugoslavia (FRY) today hosts the largest number of refugees and IDPs with some 229,000 refugees from Croatia, 122,000 refugees from Bosnia and Herzegovina, and some 234,000 IDPs from Kosovo of whom some 15,000 refugees and 11,000 IDPs are housed in collective centres, while some 3,000 IDPs and some 2,500 refugees live in unofficial centres, mostly in the areas of Belgrade, Kraljevo and Novi Sad.

The number of IDPs in FRY remains stable, as the security situation in Kosovo does not allow substantial returns to take place. Concerning refugees, the number of refugees from Croatia has only decreased by about 22% since 1996, while the number of refugees from Bosnia has decreased by 43 % since 1996. The decrease in numbers of refugees is higher than the number of returns, as most refugees and IDPs opt for integration in FRY rather than repatriation.

Since the signing of the Dayton Peace Agreement, some 896,000 former refugees and IDPs have returned to their pre-war homes and municipalities in Bosnia, including some 357,000 so-called minority returnees. Minority returns have more than doubled with the implementation of the PLIP, reaching some 92,000 in 2001. However an equal number still remains displaced in the region: some 122,000 in FRY, and some 20,000 in Croatia¹⁴, while IDPs within BiH amount to 420,000. Despite this, the international community expects the effectiveness of the PLIP to bring the phenomenon of forced displacement in BiH to an end by the end of 2003. Refugees in BiH consist of more than 20,000 Croatian Serbs, predominantly in the RS, who face obstacles in returning to Croatia and the return of their property there; and some 6,000 refugees from FRY, mostly from the Sandzak region.

Thus, the main refugee and IDP problems in the Balkans today are:

- The large number of Croatian Serbs in FRY and in RS, whose future: i.e. return to Croatia or integration in FRY and RS is still unresolved.
- The large number of IDPs from Kosovo living in Serbia proper, whose future: i.e. return to Kosovo and/or local integration is only beginning to be addressed.
- The IDPs in Bosnia waiting to have their situation settled;
- The smaller number of refugees from FRY in BiH and refugees from Bosnia still living in Croatia (most of whom are seemingly opting for local integration).

The Political, Administrative and Judicial Context

The issues of integration, return and compensation are highly politicised for reasons of national pride, international standing, and economic cost. The successor states remain far from the ideal of a transparent, professional and service-oriented public service. Public administration suffers from a legacy of opaqueness and authoritarianism. This is compounded by the problems of war, economic blockade and deprivation, political instability and infighting, insufficiency of resources and low morale.

It is still a challenge to obtain basic documents and services. Procedures are bureaucratic, repetitive, and hard to understand. Authorities are often arbitrary and lacking in accountability. Decrees, circulars and instructions are frequently unavailable. In these circumstances, the rule of man – in the form of the currently prevailing political tendency- often remains stronger than the rule of law.

14) Croatia hosts some 23,000 IDPs and 20,000 refugees according to UNHCR figures as of 31 December 2001 UNHCR. But the figure is deceiving, as many refugees from BiH with acquired rights in BiH have obtained Croatian citizenship.

Also where the courts are concerned, change is slow in coming. Court judgments are often unavailable, and allegations of collusion between the courts and political actors abound. The courts are under-resourced and overburdened (Croatian court statistics for 2001 speak of more than a million pending cases at year's end). National systems of legal aid are almost non-existent. The former socialist based systems have either been officially abolished or have fallen into desuetude.

The IC remains an important factor. In Kosovo and Bosnia its representatives still have the final word, securing political goals seen as desirable, occasionally at the expense of the development of local capacity. In Croatia its representatives, in a familiar Balkan pattern, extract "*extorted promises on paper*" that are met with "*skilful*" and "*refined... obstructions in practice*".¹⁵ The organs of this IC often lack the monitoring capacity and the will to see them carried out in practice. In Kosovo, the obstructions are cruder: physical security remains the main hindrance to return of Serbs. Those who remain in Kosovo are still confined to KFOR protected enclaves, and movement outside of these takes place under armed guard.

This bleak picture must nevertheless be tempered with some optimism. Documents in Croatia have become much more easy to obtain than in the past, and visa and travel restrictions were considerably relaxed in the summer of 2002, allowing the issue of almost 13,000 visas. There is hope that bank transfers will be possible between the two countries by the end of 2002. The first judgments concerning Croatia have been issued by the European Court of Human Rights, and a special urgent procedure allowing urgent applications to the Constitutional Court was introduced. In Croatia and Kosovo, Ombud institutions issue serious, well-documented and highly critical reports. Moves are under way to establish a similar institution in Serbia. The accession of the FRY

to the ECHR is expected by the end of the year. In Bosnia, the property claims commission (CRPC) has adopted some 236,000 decisions.

Civil Society

"We don't have a domestic civil society, we have an imported civil society" (statement by a local NGO in Vojvodina)

The countries of the former Yugoslavia are generally characterised by the international presence in order to build up governments, institutions and societies. In some respects the IC tends to replace the role of civil society as party in the democratic dialogue between government and society for reform and change. However, a few NGOs are trying to voice requests to governments on behalf of their constituencies, often in the field of refugees and human rights. National NGOs in former Yugoslavia all share the problem of lack of funding. Their largest source of income is grants from international donors, who are either directly or indirectly present themselves in most regions. The IC has tended to use national NGOs as deliverers of services defined by the IC.

However, in Croatia and in Serbia the capacity of the NGOs is growing stronger, professionalism is increasing and networking capacities are high. Within the legal aid field, NGOs in Croatia, have formed the Legal Services Coalition (LSC), providing legal aid across most of Croatia and advocating with authorities on a professional and regular basis. In Serbia, the indigenous legal aid NGOs are smaller than in Croatia and less organised in networks, but the quality of their efforts is growing and their capacity of advocating issues on a national level is elevated. In Kosovo, the influx of foreign aid has caused an immense growth of national NGOs competing or servicing the many international NGOs operative in the region. Kosovo does have some national NGOs such as the Council for the Defence of Human Rights and Freedoms

15) "Refugees and Expellees from Croatia" Humanitarian Centre for Integration

(CDHRF), Association of Democratic Initiatives (ADI) and Humanitarian Law Centre (HLC). Efforts are under way to encourage the legal aid providers to work gradually towards a national system of legal aid.

In Bosnia, legal aid to refugees and IDPs has mainly been the province of the UNHCR funded network of legal aid and information offices established in 1996. This network has given legal services to more than 160,000

beneficiaries, and consists of 39 offices and 17 mobile teams run by the American Refugee Committee (ARC), International Rescue Committee (IRC), Mercy Corps Scotland (MSC) and IUSTITIA – a national NGO based in Banja Luka. Outside this network, national NGOs such as JOB 22 in Sarajevo, Lex International in Banja Luka, and a Spanish NGO “Movimiento Por La Paz El Desarme Y La Libertad” (MPDL), as well as the CRP itself, are stakeholders in legal aid service.

Annex VI Description of Legal Issues

Private property repossession, Croatia

As was the case over much of the former Yugoslavia, displaced persons were housed in property belonging to those who had fled. Some 20,000 private properties were affected. Serbs occupied Croat properties in Serb-controlled areas, and vice versa. The legal dispensation in Croatia after 1996, however, had a blatantly discriminatory effect: Serb occupiers of Croat property in Eastern Slavonia were seen simply as illegal squatters, subject to eviction and the full force of the ordinary property law. Liens could be placed on their property elsewhere for damages to the rightful owner. The very same occupiers, however, were unable to recover possession of their own houses in other parts of Croatia. There, special laws granted priority of possession over owners to occupiers, who were either Croat refugees from Bosnia-Herzegovina, Croat displaced persons, or even simple settlers encouraged to move to these “Areas of Special State Concern”. Returnee owners languish in collective centres, sometimes year after year, while the state puts the private interest of one group of citizens ahead of the rights of another.

The Croatian authorities, despite international pressure, critical judgments from the highest levels of the national court system, and sustained criticism of the law by the Croatian Ombudsman, has, in one form or another, maintained this discrimination, and violation of the right to property. While the particular offending law was removed from the statute book in 1998, it was replaced by a quasi-legislative “Programme of Return”. The “Programme” purported to lay down an eleven-step procedure by which municipal “Housing Commissions”, would issue decisions by which occupiers were required to vacate the property in question, simultaneously offering alternative accommodation. In the event of failure by the occupier to vacate the occupied property, the Housing Commission could take eviction proceedings against the occupier. The Supreme

Court of Croatia issued a letter to the lower courts, instructing them that the Programme constituted a *lex specialis* in relation to the ordinary property law. Thus, according to the instruction, the courts should not entertain eviction suits in respect of the occupied properties by any other party than the Housing Commissions. The owners were thus deprived of the legal remedy provided by the ordinary law. Exercise of this remedy was vested in executive organs of highly partial local government bodies in strongly nationalist areas. Not surprisingly, the Housing Commissions failed to issue the orders to vacate in sufficient numbers, and even where such orders were issued, the Housing Commissions did not pursue eviction proceedings in court. Thus, in practice, one of the main effects of the “Programme” was to deprive Serb owners of such private properties of ordinary legal remedies.

Owners could not recover possession unless alternative accommodation had first been found for the occupiers. A full explanation of the various legal and quasi-legal provisions and measures relevant to this question is beyond the scope of this report.

Current Situation and future prospects on the repossession issue

Legislative changes in July 2002 have done away with the role of the biased and inefficient Housing Commissions, and have vested responsibility for processing the ownership decisions and instructions to vacate, in offices of the Ministry for Public Works, Reconstruction and Construction (MPWRC – incorporating the former Office of Displaced Persons and Refugees – ODPR). The law sets optimistic (unrealistic) deadlines for processing of all such decisions. It will be then up to the public prosecutor to enforce such decisions through court proceedings for eviction. A major weakness of this new law rests in the non-

imposition of deadlines for transfer of cases from the ministry to the prosecutor or for the bringing of cases. The occupiers will, *de facto*, continue to enjoy primacy of possession until the enforcement of court judgments. The indications are that the MPWRC will be a great improvement on the work of the Housing Commissions. The Ministry appeared to be taking the task seriously, mindful of the watchfulness of international observers on this issue. Contacts to the authorities in Bosnia-Herzegovina are, according to MPWRC officials, being systematically undertaken to find out whether occupiers have recovered their own properties there.

However, it remains to be seen how effective the Ministry will be in processing the cases, how diligent and timely Ministry officials will be in transferring cases to prosecutors, how vigorous the prosecutors will be in bringing court actions, and how effective the (extremely overloaded) courts will be in handling these cases.

Repossession of private property and tenancy in Bosnia

Property rights claims and repossession of private and socially owned property have also in BiH been the core issue concerning the return of IDPs and refugees. But in Bosnia the solution to this problem has been addressed directly by the international community (IC) through imposition of property laws in 1998 and 99 followed by concerted effort by the IC to ensure the implementation of the laws through the local administrations in 2000. In 2001 the rate of resolution of property claims raised to over 30% and by July 2002 it reached 57 % totalling 256.000 cases thereby enabling refugees and IDPs to return home and repossess their property.

With the "New Strategic Direction" of the PLIP the IC in general increases the efficiency of the PLIP and affirms the commitment of IC to ensure a more rigorous focus on respecting of the chronology of claims received by the authorities. The "New Strategic Direction"

further stresses the importance of ensuring alternative accommodation to temporary occupants of claimed premises, as failure in doing so may not delay the reinstatement of the rightful owner any more.

As the issue of property in Bosnia is on the way of being solved, the issue of evictions of occupants are creating concerns amongst local authorities on how to find alternative accommodation. In the Banja Luka area the some 20.000 Croatian Serbs can be difficult to accommodate elsewhere, while solutions to their property claims in Croatia does not seem likely in the foreseeable future.

Property and tenancy repossession in Kosovo

After the Kosovo conflict, the Housing and Property Directorate (HPD) and the Housing and Property Claims Commission (HPCC), were established by UNMIK Regulation 1999/23 on 15 November 1999 as an interim measure charged with responsibility to restore housing and property rights and resolve long-standing claims. The HPD mandate for intake of claims expires on 1st December 2002. After this, it is expected that claims should be filed with the courts. The HPD receives and files claims from individuals only in person at their offices and passes it on to the HPCC which functions as an independent judicial organ and makes decisions on the cases. It is apparent, however, that the HPD is highly inefficient in dealing with the large number of cases in that only a very small fraction of the cases have actually been solved and clients have returned, this despite the fact that the HPD has focussed mainly on the "easier cases" where the property is either not occupied or where a settlement could be reached. Furthermore, the HPCC only meets once every three months to decide on the 20,372 claims. It is estimated that the total number of potential clients who have lost property or housing rights amounts to approximately 30,000.

Tenancy rights in Croatia

In Kosovo and in Bosnia, this issue is handled through the same administrative processes as are applied to repossession of private property. The post-conflict dispensations are based on a full recognition of tenancy rights as property rights, and on a restoration of these rights to the pre-conflict holders of those rights. That Croatia has not done this is notorious throughout the former Yugoslavia. On this issue as on others, the policies applied by the Croatian state superficially appear neutral, but actually involve large scale discriminatory effects against the Serb populations who fled before and during 1995. It is not the task of this paper to embark on a long explanation of the nature of tenancy rights in the former Yugoslavia¹⁶. Nevertheless, an understanding of this section is helped by noting a few points.

Tenancy rights should not be equated with leases in the Western sense. They entailed a far greater degree of “ownership” on the part of the tenant, including transfer to a family member, right of replacement by another similar property elsewhere in the former Yugoslavia etc. There was also a system of taxed contributions for the particular purpose of building flats.

Tenancy rights of refugees and internally displaced persons in Croatia were terminated basically in two different ways and waves. The second wave came in 1995 – 1996, with the adoption of a special law which reduced by 50% the normal period of absence after which a tenancy in the former Serb controlled areas could be terminated, and did terminate the tenancies without the benefit of any judicial examination. The Serbs who had fled were unable to return within the time limit. This legislation was quickly followed by a conversion of the properties into leasehold property, followed in turn by an offer to the lessees to purchase the flats at advantageous prices. The

laws under which the terminations took place was later repealed after international criticism and adverse judgments by the Constitutional Court, but without any reversal of its effects.

In these cases, the first step is to try to reopen the legal proceeding under which termination took place. As most terminations took place beyond the Croatian prescription period (five years for this kind of case), reopening is refused in the vast majority of cases. A small number of other cases have been reopened, mostly upon an acceptance by the court that there were new facts not previously considered, and mostly where the five-year limit had not expired. Out of some 600 cases of this kind filed by NRC, reopening has been granted in ten¹⁷. The terminations themselves took place before the Croatian ratification of the ECHR in 1997, and are thus not immediately subject to the Convention. The European Court of Human Rights declared inadmissible a complaint based on the refusal to reopen one such case, as reopening of a civil case is not a remedy for the purpose of Article 6 of the convention. In one case, the court did reopen the termination proceeding when the opposing party (the Osijek town council) seemingly through a simple error, neglected to raise the prescription issue. Neither did the town council appeal the decision to reopen the case. The client had a particularly well-documented case, with witnesses and evidence as to the good faith reasons for his departure and inability to return before the termination. Largely due to these factors, he won the case and the court annulled the termination decision. The appeal of the town council is pending at time of writing.

NRC hopes for a legal breakthrough, which could come in the form of a successful reopening, followed by a confirmation of the initial decision to terminate. This new decision to terminate could, in the right circumstances, then be the subject of an appeal to the Supreme

16) A good explanation can be found in “Tenancy Right as the Ownership Right”, Ankica Gorkic, Serbian Democratic Forum, Belgrade, 2001. The issue is also discussed in reports of the OSCE on Croatia.

17) The figure of ten was obtained from NRC Belgrade in early October. The figure of 600 is a qualified estimate based on figures in the NRC analysis carried out in April 2002.

Court or the Constitutional Court, and, if necessary, to the ECHR.¹⁸

This hope is based on more than one hypothesis however. One is that the town council or other opposing party would pursue the matter into the higher courts. (Tactically, it would appear wiser for the state not to do so, and to “sacrifice” one case rather than risk an unfavourable legal judgment of more general application). The second is that the factual circumstances and evidence in favour of the client’s claim would be sufficiently strong. A third is that the hoped for favourable decision would have value as a precedent for a large number of other cases. In relation to the ECHR, the major stumbling block is that the Convention does not apply in respect of acts

that took place prior to its entry into force for Croatia.

However, even assuming a positive outcome of an application to the Strasbourg Court, the question remains whether a positive decision would be of legal significance to others, whose cases were not reopened. Although the ECHR has a doctrine of “continuing violations”, which sometimes makes situations which began before the entry into force still cognizable by the Court, this doctrine only applies where one can speak of a *continuing situation* involving a violation of the Convention. The doctrine does not apply in respect of an *instantaneous act* that took place before the entry into force of the Convention, *even if this act gave rise to an enduring violation of a right protected by the Convention*.

18) Based on the protection afforded to property rights in Article 1 of the First Protocol to the ECHR and/or the right to a home in Article 8 of the Convention

Annex VII Audit

Audit 1996-2002, Civil Rights Project in Former Yugoslavia

All figures in NOK, total cost is incl. admin cost in Oslo

TOTAL Cost and Budget 1996-2001 in Former Yugoslavia:

Project nr.		Period	Expat. Expenses	Local staff expenses	Project cost	Expenditure	Budget received	Difference
NRC FILE	MFA FILE							
Croatia (HR)								
61AS1LAA96	POL96-A201	June 96 - Jan 1997	769 494	-	1 754 731	2 524 225	2 694 267	(170 042)
61AS1LAA97	KROK7309	Feb - May 1997	207 362	-	2 046 416	2 253 778	2 739 715	(485 937)
61AS1LA297	KROK7791	June - Dec 1997	413 685	1 005 177	696 361	2 115 223	1 975 000	140 223 (1)
61AS1LAC98	KROK8037	First half, 1998	381 869	1 088 373	662 956	2 133 198	2 300 000	(166 802)
61AS1LC298	KROX8010	Second half, 1998	269 927	882 925	615 141	1 767 993	1 680 000	87 993 (2)
61AS1LC199	KROY9348	1999	80 686	1 473 397	838 159	2 392 242	2 959 000	(566 758)
61AS1LC299	OSCE	April - Dec 1999				76 272	76 272	-
61AS1LC399	NRC/TV-funds	June - Dec 1999				735 330	735 330	-
HRFL0100	KROY0159	Croatia	573 346	2 019 576	2 446 717	5 039 639	5 000 000	39 639 (3)
HRFL0200	OSCE	July - Dec 2000				74 905	74 905	-
HRFL0101	2010016	2001	575 627	1 962 369	1 454 642	3 992 638	4 000 000	(7 362)
HRFL0102	HUMAK	May 2001 - April 2002				400 000	400 000	-
TOTAL HR						23 505 443	24 634 489	(1 129 046)
Bosnia (BA)								
61AS1LY799	BHZY9461	May 1999-April 2000	752 640	376 850	478 375	1 607 865	1 971 000	(363 135)
BAFL0100	BHZY0156	May - Dec 2000	61 777	224 713	1 307 508	1 593 998	2 176 000	(582 002)
BAFL0101	2010036	2001	1 047 733	847 326	1 063 434	2 958 493	3 000 000	(41 507)
BAFL0102	Tellus	2001/2002	4 850	102 557	77 746	185 153	206 953	(21 800)
TOTAL BA						6 345 509	7 353 953	(1 008 444)
Serbia (YU)								
61LA1LAD97	FRYK7197	Second half, 1997	503 035	154 234	835 537	1 492 806	2 504 250	(1 011 444)
61AS1LAY98	FRYK8092	First half, 1998	484 627	380 220	609 158	1 474 005	1 672 000	(197 995)
61AS1LY298	FRYX8064	Second half, 1998	390 854	482 895	745 203	1 618 952	1 995 000	(376 048)
YUFL0199	FRYY9158	First half, 1999				931 363	954 300	(22 937)
YUFL0599	FRYY9672	Second half, 1999	206 341	492 378	470 000	1 168 719	1 600 000	(431 281)
YUFL0799	FRYY9850	Nov 1999 - June 2000	480 171	290 258	812 333	1 582 762	2 000 000	(417 238)
YUFL0999	ECHO	First half, 2000				590 424	590 424	-
YUFL1099	UNHCR	Nov - Dec 1999				212 509	212 509	-
YUFL0100	FRYY0161	2000	605 947	988 197	1 431 613	3 025 757	4 025 700	(999 943)
YUFL0300	UNHCR	2000				880 251	880 251	-
YUFL0400	FRYY0568	Second half, 2000	330 317	65 284	382 940	778 541	1 031 100	(252 559)
YUFL0600	ECHO	Second half, 2000				867 799	867 799	-
YUFL0101	2010118	2001				4 850 260	5 065 600	(215 340) (4)
YUFL0105	UNHCR	2001				1 034 572	1 034 572	-
YUFL0106	ECHO	First Half, 2001				1 096 661	1 096 661	-
YUFL0107	ECHO	July 2001-June 2002				2 775 000	2 775 000	-
TOTAL YU						24 380 381	28 305 166	(3 924 785)
Kosovo (YU/KO)								
YUFL0399	FRYY9672	Aug-Dec 1999	756 746	20 000	328 328	1 105 074	1 300 000	(194 926)
YUFL0699	UNHCR/TV-funds	Aug 1999-Feb 2000				9 414 006	9 265 825	148 181 (5)
YUFL0200	FRYY0588	2000	608 807	11 549	1 485 214	2 105 570	3 123 000	(1 017 430)
YUFL0500	UNHCR	March-Dec 2000				9 881 151	9 881 151	-
YUFL0103	2010185	2001				2 167 235	2 200 000	(32 765) (6)
YUFL0104	UNHCR	2001				12 068 533	12 068 533	-
TOTAL YU/KO						36 741 569	37 838 509	(1 096 940)
TOTAL Cost and Budget 1996-2001 in Former Yugoslavia						90 972 902	98 132 117	(7 159 215)

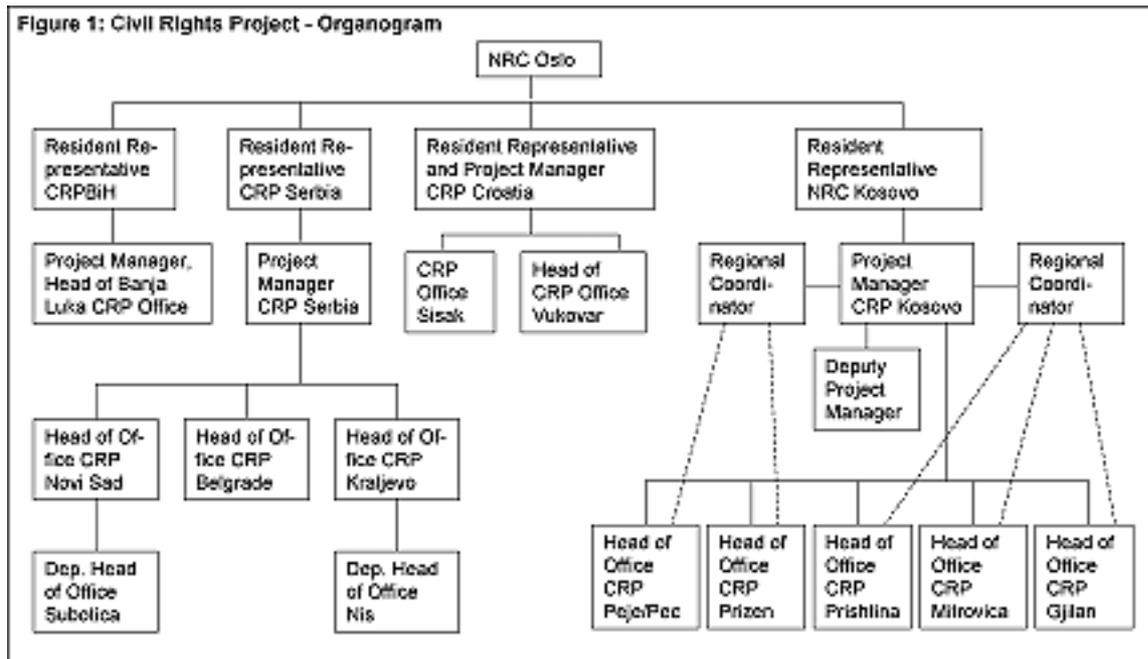
Budget figures for projects not started or finished 2002

Project nr.		Period	Budget
NRC FILE	MFA FILE		
Croatia (HR)			
HRFL0201	2020026	2002	3 800 000
HRFL0202	Not yet funded	2002	
HRFL0203	Not yet funded	Aug - Dec 2002	
Total HR			3 800 000
Bosnia (BA)			
BAFL0201	2020024	2002	2 000 000
BAFL0202	Tellus	2002/2003	323 800
Total BA			2 323 800
Serbia (YU)			
YUFL0201	2020116	2002	6 134 400
YUFL0202	UNHCR	2002	1 149 380
YUFL0203	ECHO	July 02-June 03	2 800 000
Total YU			10 083 780
Kosovo (YU/KO)			
YUFL0102	HUMAK	May 2001-Dec 2002	424 650
KOFL0201	2020014	2002	4 448 400
KOFL0202	UNHCR	2002	6 139 140
KOFL0204	2020012	Second half, 2002	295 900
Total YU/KO			11 308 090
Macedonia (MK)			
MKFL0201	2020289	May-July 2002	181 000
Total MK			181 000
Total Budgets for 2002			27 696 670

Notes:

- (1) MFA cover 91,497 & NRC 48726
- (2) MFA cover 87,993
- (3) NRC cover 39,639
- (4) 1134400 realloc. to YUFL201
- (5) NRC cover 148,181
- (6) 1,800,000 realloc. to KOFL0201

Annex VIII Organogram



EVALUATION REPORTS

1.91	Hjelp til Selvhjelp og Levedyktig Utvikling	8.98	Evaluation of the Norwegian Program for Indigenous Peoples
2.91	Diploma Courses at the Norwegian Institute of Technology	9.98	Evaluering av Informasjonstøtten til RORGene
3.91	The Women's Grant in Bilateral Assistance	10.98	Strategy for Assistance to Children in Norwegian Development Cooperation
4.91	Hambantota Integrated Rural Development Programme, Sri Lanka	11.98	Norwegian Assistance to Countries in Conflict
5.91	The Special Grant for Environment and Development	12.98	Evaluation of the Development Cooperation between Norway and Nicaragua
1.92	NGOs as Partners in Health Care, Zambia	13.98	UNICEF-komiteen i Norge
2.92	The Sahel-Sudan-Ethiopia Programme	14.98	Relief Work in Complex Emergencies
3.92	De Private Organisasjonene som Kanal for Norsk Bistand, Fase I	1.99	WID/Gender Units and the Experience of Gender Mainstreaming in Multilateral Organisations
1.93	Internal Learning from Evaluations and Reviews	2.99	International Planned Parenthood Federation – Policy and Effectiveness at Country and Regional Levels
2.93	Macroeconomic Impacts of Import Support to Tanzania	3.99	Evaluation of Norwegian Support to Psycho-Social Projects in Bosnia-Herzegovina and the Caucasus
3.93	Garantiordning for Investeringer i og Eksport til Utviklingsland	4.99	Evaluation of the Tanzania-Norway Development Cooperation 1994–1997
4.93	Capacity-Building in Development Cooperation Towards Integration and Recipient Responsibility	5.99	Building African Consulting Capacity
1.94	Evaluation of World Food Programme	6.99	Aid and Conditionality
2.94	Evaluation of the Norwegian Junior Expert Programme with UN Organisations	7.99	Policies and Strategies for Poverty Reduction in Norwegian Development Aid
1.95	Technical Cooperation in Transition	8.99	Aid Coordination and Aid Effectiveness
2.95	Evaluering av FN-sambandet i Norge	9.99	Evaluation of the United Nations Capital Development Fund (UNCDF)
3.95	NGOs as a Channel in Development aid	10.99	Evaluation of AWEPA, The Association of European Parliamentarians for Africa, and AEI, The African European Institute
3A.95	Rapport fra Presentasjonsmøte av «Evalueringen av de Frivillige Organisasjoner»	1.00	Review of Norwegian Health-related Development Cooperation 1988–1997
4.95	Rural Development and Local Government in Tanzania	2.00	Norwegian Support to the Education Sector. Overview of Policies and Trends 1988–1998
5.95	Integration of Environmental Concerns into Norwegian Bilateral Development Assistance: Policies and Performance	3.00	The Project "Training for Peace in Southern Africa"
1.96	NORAD's Support of the Remote Area Development Programme (RADP) in Botswana	4.00	En kartlegging av erfaringer med norsk bistand gjennom frivillige organisasjoner 1987–1999
2.96	Norwegian Development Aid Experiences. A Review of Evaluation Studies 1986–92	5.00	Evaluation of the NUFU programme
3.96	The Norwegian People's Aid Mine Clearance Project in Cambodia	6.00	Making Government Smaller and More Efficient. The Botswana Case
4.96	Democratic Global Civil Governance Report of the 1995 Benchmark Survey of NGOs	7.00	Evaluation of the Norwegian Plan of Action for Nuclear Safety Priorities, Organisation, Implementation
5.96	Evaluation of the Yearbook "Human Rights in Developing Countries"	8.00	Evaluation of the Norwegian Mixed Credits Programme
1.97	Evaluation of Norwegian Assistance to Prevent and Control HIV/AIDS	9.00	"Norwegians? Who needs Norwegians?" Explaining the Oslo Back Channel: Norway's Political Past in the Middle East
2.97	«Kultursjokk og Korrektiv» – Evaluering av UD/NORADs Studiereiser for Lærere	10.00	Taken for Granted? An Evaluation of Norway's Special Grant for the Environment
3.97	Evaluation of Decentralisation and Development	1.01	Evaluation of the Norwegian Human Rights Fund
4.97	Evaluation of Norwegian Assistance to Peace, Reconciliation and Rehabilitation in Mozambique	2.01	Economic Impacts on the Least Developed Countries of the Elimination of Import Tariffs on their Products
5.97	Aid to Basic Education in Africa – Opportunities and Constraints	3.01	Evaluation of the Public Support to the Norwegian NGOs Working in Nicaragua 1994–1999
6.97	Norwegian Church Aid's Humanitarian and Peace-Making Work in Mali	3A.01	Evaluación del Apoyo Público a las ONGs Noruegas que Trabajan en Nicaragua 1994–1999
7.97	Aid as a Tool for Promotion of Human Rights and Democracy: What can Norway do?	4.01	The International Monetary Fund and the World Bank Cooperation on Poverty Reduction
8.97	Evaluation of the Nordic Africa Institute, Uppsala	5.01	Evaluation of Development Co-operation between Bangladesh and Norway, 1995–2000
9.97	Evaluation of Norwegian Assistance to Worldview International Foundation	6.01	Can democratisation prevent conflicts? Lessons from sub-Saharan Africa
10.97	Review of Norwegian Assistance to IPS	7.01	Reconciliation Among Young People in the Balkans An Evaluation of the Post Pessimist Network
11.97	Evaluation of Norwegian Humanitarian Assistance to the Sudan	1.02	Evaluation of the Norwegian Resource Bank for Democracy and Human Rights (NORDEM)
12.97	Cooperation for Health Development WHO's Support to Programmes at Country Level	2.02	Evaluation of the International Humanitarian Assistance of the Norwegian Red Cross
1.98	"Twinning for Development". Institutional Cooperation between Public Institutions in Norway and the South	3.02	Evaluation of ACOPAM
2.98	Institutional Cooperation between Sokoine and Norwegian Agricultural Universities	3A.02	An ILO program for "Cooperative and Organizational Support to Grassroots Initiatives" in Western Africa 1978 – 1999
3.98	Development through Institutions? Institutional Development Promoted by Norwegian Private Companies and Consulting Firms	Évaluation du programme ACOPAM	Un programme du BIT sur l'« Appui associatif et coopératif aux Initiatives de Développement à la Base » en Afrique de l'Ouest de 1978 à 1999
4.98	Development through Institutions? Institutional Development Promoted by Norwegian Non-Governmental Organisations	4.02	Legal Aid Against the Odds
5.98	Development through Institutions? Institutional Development in Norwegian Bilateral Assistance. Synthesis Report		Evaluation of the Civil Rights Project (CRP) of the Norwegian Refugee Council in former Yugoslavia
6.98	Managing Good Fortune – Macroeconomic Management and the Role of Aid in Botswana		
7.98	The World Bank and Poverty in Africa		

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