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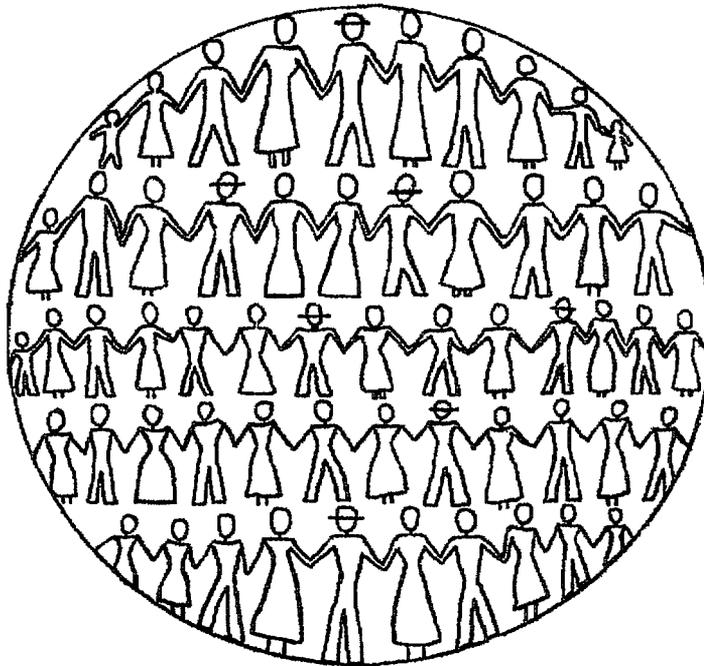
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**FINAL REPORT**

**RETURN AND REINTEGRATION OF POPULATIONS**

**USAID/CROATIA**

**COOPERATIVE AGREEMENT NO. EUR-A-00-94-00064-00**



**Submitted by  
America's Development Foundation  
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## **EXECUTIVE SUMMARY**

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The Legal Assistance and Human Rights Programs Benefiting Refugee and Displaced Populations in Communities in Croatia, later evolving into the Reintegration of Populations Project (RPP) was initiated in 1994 by America's Development Foundation (ADF) with a USAID/Croatia Cooperative Agreement (EUR-00016-A-00-4064-00) later changed to (EUR-A-00-94-00064-00) to support USAID-Croatia's Strategic Objective One (SO1): the Reintegration of Populations Affected by the Erdut Agreement. RPP has successfully promoted and facilitated the peaceful return of refugees to Croatia and the reintegration of returnees and displaced populations in Croatia. By providing a combination of training, technical assistance and subgrant support, ADF has enabled Croatian non-governmental organizations (NGOs) to effectively undertake programs and activities to facilitate the return of refugees and displaced persons to their homes of origin, and increase the probability that they will remain. The original 3-year period Cooperative Agreement was extended four times building upon its record of success, and ended on June 30, 2000.

The overall objectives of the RPP have been to: 1) broaden access to legal and administrative systems for refugees, returnees, and displaced persons; 2) improve human rights monitoring and protection; and 3) improve human rights NGOs' skills in influencing policy makers and policy implementers at the local and national level. From 1996-1997 two special components were added to the Cooperative Agreement: the Civil Rights Project (CRP) and the Business Registration Project (BRP). The objective of the CRP was to assist human and civil rights protection of the populations affected by the Basic Agreement for Eastern Slavonia, Baranja and Western Srijem, signed in Erdut in November 1995, and to facilitate the peaceful reintegration of the UNTAES territory and populations into Croatia. The objective of the BRP contributed to the peaceful reintegration of the UNTAES territory and populations into Croatia's legal system by facilitating the registration of primarily ethnic Serbian owned business enterprises in the UNTAES region as well as businesses owned by displaced ethnic Croatians and contributing to the economic security of Croatian citizens of all ethnic backgrounds in the region. Throughout the Cooperative Agreement, ADF has strengthened the capacity of its partner Croatian NGOs to play an increasingly constructive role in Croatian civil society by bolstering their efforts to facilitate peaceful return and reintegration of refugees.

Each of the five principal areas of ADF's work to promote and facilitate the peaceful reintegration of returning populations in Croatia yielded the following excellent results:

### **Broadened Access of Refugees to Legal Assistance and Administrative Support Services**

- *Increased number and improved technical capacity of Croatian NGOs providing legal assistance services.* In 1994 there were only three NGOs that provided pro bono legal assistance services, and even these services were only available on an ad hoc basis. In 2000 there are sixteen NGOs providing legal assistance services.

- *Increased decentralization of legal assistance services.* At the beginning of the project pro bono legal assistance services were only available in three cities. By the end of the project services were available in five regions and 23 municipalities throughout Croatia.
- *Over 100,000 people received legal assistance related to their return.* This achievement was almost double ADF's expected results.

#### **Other Support for Return and Reintegration**

- *Improved access to information by potential returnees and agencies assisting return.* Eleven brochures on legal issues related to return were prepared, printed and widely distributed. Ongoing surveys of returnee humanitarian needs were conducted and reported to international agencies.
- *Increased employment and other economic opportunities.* The Business Registration Project directly registered 618 businesses and facilitated the registration of close to 4000 more sole proprietorships of mostly Croatian Serb owned business enterprises.
- *Peace education and reconciliation activities.* NGO programs to facilitate reconciliation between ethnic and religious groups occurred in two war-affected areas.
- *Counseling and support.* The Medical Center for Human Rights (MCHR) identified witnesses and provided counseling to those witnesses deposed by investigation units of the International Criminal Tribunal for the Former Yugoslavia.

#### **Increased Institutional Capacity of Croatian NGOs.**

- *Increased capacity to plan, execute, monitor and evaluate programs.* Croatian NGOs have gained the proven ability to plan, execute, monitor and evaluate results-oriented programs.
- *Improved financial and organizational management and administrative skills and practices.* All ADF NGO grantees routinely meet ADF and USAID requirements for financial management and reporting.
- *Successful transition from providing relief to long-term support for reintegration, the rule of law, and human rights.* With ADF assistance in strategic planning, each NGO participating in the program was able to review its mission in light of evolving circumstances in Croatia and revise that mission to reflect its long-term vision.
- *New marketing skills and practices.* Prior to receiving ADF training and technical assistance, the notion of marketing an NGO was almost unknown in Croatia. With this assistance, seven NGOs developed Fact Sheets on their organizations, to assist with public information and marketing.
- *Stronger fundraising skills and greater prospects for sustainability.* NGO skills have been developed in fundraising strategies, project development and proposal writing resulting in increased NGO mobilization of resources.

### **Improved Monitoring of Human Rights**

- *Increased capacity of Croatian NGOs to document and report on human rights.* Twenty Croatian NGOs were trained in documenting human rights abuses using HURIDOCs, the Human Rights Documentation System database. This database is used by NGO human rights organizations worldwide.
- *Development of a Croatian NGO network for monitoring and reporting on human rights.* Six NGOs regularly collaborate in building national statistics and documentation. Five regions covering 23 municipalities are monitored by NGO offices.
- *Production of an NGO White Paper on respect for the right of return.* The Legal Services Coalition (the network of NGOs collaborating on human rights monitoring) produced an NGO report detailing problems with the practice of implementing regulations related to the return of populations.

### **Ability to Influence Policy Makers and Implementers**

- *Establishment of norms of communication and consultation between government officials and Croatian NGOs.* Ongoing periodic meetings take place in four areas (Knin, Glina, Pakrac and Vukovar), where the government and NGOs come together to work on solutions to returnee problems.
- *Increased orientation to advocacy and stronger advocacy skills in Croatian NGOs.* 30 Croatian NGOs were trained in the principles and techniques of advocacy. When ADF first began advocacy training with legal assistance and human rights NGOs, they expressed great reservations regarding the possibility of influencing government decisions. By the end of the project, numerous CSOs were actively and successfully engaged in advocacy campaigns.
- *Four NGO advocacy campaigns conducted, involving over a hundred NGOs.*

During the period covered by this report, 1994-2000, Croatia's progress towards democracy has been hampered by war, refugees and displaced persons, deteriorating economic conditions, and through 1999, a government intolerant of NGOs, in particular those promoting and protecting human rights. Croatia's lack of acceptance of returning refugees even after the adoption of the 1998 Return Plan served to strengthen the resolve of ADF and its partner NGOs to provide the needed services and support to returnees. As a result, residents in the war-affected areas have come to see the NGOs as important institutions in their community and regularly turn to the NGOs for assistance.

ADF strongly recommends the continuation of support for NGO-provided legal services and advocacy to facilitate refugee return and reintegration that began under the Cooperative Agreement. It is important to recognize that this task requires a lot more work to be done since hundreds of thousands of refugees and displaced persons are still in the region. Coalition members represent a valuable investment and resource for the continued return of refugees and settlement of displaced persons. These NGOs provide a base on which to build the emerging civil society in Croatia. Continued financial support and ongoing technical

assistance remains critical to further build the comprehensive capacity of local NGOs and the Legal Service Coalition and to firmly integrate pro bono legal services throughout the country.

In addition to legal assistance, economic assistance in the form of small grants is required by refugees and displaced persons to enable them to return and rebuild their lives. Once these groups return to their homes of origin, the challenges of rebuilding their economic security and reintegrating into the community become of primary importance. Additional support is required to strengthen NGOs' capacity to undertake more effective community development activities, to assure comprehensive services to returnees and to strengthen communication and cooperation among multi-ethnic communities.

**LIST OF ABBREVIATIONS**

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AC	Albanian Community of Osijek
ADF	America's Development Foundation
APHR	Association for Peace & Human Rights-Baranja
BiH	Bosnia-Herzegovina
BRP	Business Registration Project
CCHR	Coordination Committee for Human Rights
CDPHR	Center for Direct Protection of Human Rights
CERANEO	Center for the Development of Non-Profit Organizations
CPLA	Center for Peace, Psychosocial & Legal Assistance
CPNHR	Center for Peace, Nonviolence & Human Rights
CRP	Civil Rights Project
CSO	Civil society organization
DOS	Dalmatian Solidarity Council, Split
DPs	Displaced Persons
EOS	Education for Organizations in Non-for-Profit Sector
FRY	Federal Republic of Yugoslavia
GOC	Government of Croatia
HURIDOCS	Human Rights Documentation System
JULP	Justice under Law Project
LSC	Legal Services Coalition
MC	Magna Carter – Center for Human Rights Promotion
MCHR	Medical Center for Human Rights
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
NRC	Norwegian Refugee Council
OSCE	Organization for Security and Cooperation in Europe
RPP	Reintegration of Populations Project
SCC	Serbian Community in Croatia
SCSB	Serbian Community of Slavonija and Baranja
SDF	Serbian Democratic Forum
TRANSIT	Technical Training for Societies in Transition
UNHCR	United Nations High Commission for Refugees
UNPA	United Nations Protected Areas
UNTAES	United Nations Transitional Administration for Eastern Slavonija, Baranja and Western Srijem
USAID	United States Agency for International Development

## **1. BACKGROUND AND STRATEGIC FRAMEWORK**

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The Legal Assistance and Human Rights Programs Benefiting Refugee and Displaced Populations in Communities in Croatia, which later evolved into the Reintegration of Populations Project (RPP), was initiated in 1994 by America's Development Foundation (ADF). It was supported by a USAID Cooperative Agreement (EUR-00016-A-00-4064-00), awarded in response to the RFA EE-94-A-004 entitled Trauma & Humanitarian Assistance Program for the Former Yugoslavia. The Cooperative Agreement number was later changed by USAID to EUR-A-00-94-00064-00. The Reintegration of Populations Project in Croatia (RPP) supports the subsequently developed USAID-Croatia's Strategic Objective One (SO1): The Reintegration of Populations. RPP has successfully promoted and facilitated the peaceful return of refugees to Croatia and the reintegration of returnees and displaced populations in Croatia. By providing a combination of training, technical assistance and subgrant support, ADF has enabled Croatian Civil Society Organizations (CSOs) to effectively undertake programs and activities that enable the return of refugees and displaced persons to their homes of origin, and increase the probability that they will remain. The original three-year period Cooperative Agreement was extended four times building upon its record of success, and ended on June 30, 2000.

The overall objectives of the RPP have been to: 1) broaden access to legal and administrative systems for refugees, returnees, and displaced persons; 2) improve human rights monitoring and protection; and 3) improve human rights NGOs' skills in influencing policy makers and policy implementers at the local and national level. From 1996-1997 two special components were added to the Cooperative Agreement: the Civil Rights Project (CRP) and the Business Registration Project (BRP). The objective of the CRP was to assist human and civil rights protection of the populations affected by the Basic Agreement for Eastern Slavonia, Baranja and Western Srijem, signed in Erdut in November 1995, and to facilitate the peaceful reintegration of the UNTAES territory and populations into Croatia. The objective of the BRP contributed to the peaceful reintegration of the UNTAES territory and populations into Croatia's legal system by facilitating the registration of ethnic Serbian owned business enterprises in the UNTAES region and contributing to the economic security of Croatian citizens of all ethnic backgrounds in the region. Throughout the Cooperative Agreement, ADF has strengthened the capacity of its partner Croatian NGOs to play an increasingly constructive role in Croatian civil society by bolstering their efforts to facilitate peaceful return and reintegration of refugees.

This final report summarizes achievements and results made over the life of the Cooperative Agreement.

### **1.1. BACKGROUND AND OVERVIEW OF THE IMPLEMENTATION ENVIRONMENT**

Soon after the break-up of Yugoslavia and the declaration of independence by the Republic of Croatia in 1991, the long-simmering tension between the Croats and the minority Serbs reached a boiling point. Segments of Croatia's Serbian community, with support from the

Yugoslav army, attacked Croatia, killed tens of thousands of Croats, flattened entire cities, and occupied 27% of the territory. Approximately 250,000 Croats were displaced within the country and 60,000 sought refuge in other countries. In April 1992, the international community negotiated boundaries (forming the United Nations Protected Areas - UNPAs) along the lines of confrontation that separated government-controlled areas of Croatia and areas under the control of Serbs. Over 250,000 people fled the UNPAs to become displaced persons within Croatia or refugees in another country. Most of those who remained in the UNPAs were of Serbian ethnicity. Those who were non-Serb faced terrible human rights abuses and a number were subsequently killed or fled. A large number of Croatian residents who were of Serbian ethnicity but not residing in the UNPAs sought refuge in the UNPAs or in Serbia.

In 1994, at the start of ADF's work in Croatia, the Croatian government estimated that over 240,000 displaced Croats and 253,000 refugees from Bosnia (180,000 Muslim and the remainder Croats) were living in Croatia. This total of 500,000 people represented 13% of the total population, which was estimated at 4.5 million at the time of the influx of refugees.

In 1995, the situation changed dramatically when the Croatian government undertook two military actions. "Operation Flash" occurred in May, resulting in the Government of Croatia retaking control of the area known as Sector West (Western Slavonia). The rebel Serb authorities (the self-proclaimed Republic of Serbian Krajina) retaliated for this offensive by ordering the bombing of Croatian civilian centers, including Zagreb. "Operation Storm" occurred in August, resulting in the Government of Croatia retaking control of areas known as Sectors South and North.

Following these Croatian military operations an estimated 175,000 Croatian Serbs fled from these areas, mainly to Serb-held areas of Bosnia, Serbia or the remaining Serb-controlled area in Croatia -- known as Sector East, later the UNTAES region. Approximately 11,000 people of Serbian descent remained in Sectors North, South and West, mostly elderly Serbs, who became victims of human rights abuses due to the failure of the Croatian government to establish adequate civil authority to control and prosecute vengeful renegade arsonists, looters and murderers.

On November 12, 1995 a Basic Agreement was signed, known as the Erdut Agreement, to end the conflict over Sector East. The parties committed themselves to a peaceful resolution, which would be implemented by the international community. On January 15, 1996 the United Nations Security Council voted unanimously to establish a Transitional Authority called the United Nations Transitional Administration for Eastern Slavonia, Baranja, and Western Srijem (UNTAES). UNTAES controlled the region for two years, from January 1996 to January 1998.

The UNTAES mandate ended on January 15, 1998 and thereby all the territory in the Republic of Croatia came back under control of the Croatian government. The year 1998 was touted as the Year of Return. The Organization for Security and Cooperation in Europe (OSCE) established a mission in Croatia to monitor, report and advise on human rights conditions throughout the country. The European Community Monitoring Mission continued

to monitor the security of returnees. With the publication of the Croatian Government's Return Plan in April 1998 and Parliamentary ratification in June 1998, the United Nations High Commission for Refugees (UNHCR) and OSCE established joint interagency working groups to assist and monitor the implementation of repatriating displaced persons and refugees.

In 1998, it was estimated that approximately 50,000 Serbs from Croatia were in Republika Srpska, Bosnia-Herzegovina and 150,000 Serbs from Croatia were in Serbia, Federal Republic of Yugoslavia (FRY). Returnees were described as *spontaneous* if they returned independently of the UNHCR mechanism and *organized* if they arrived under the protection of UNHCR. For a variety of reasons, including delaying tactics on the part of the Croatian government, general poor economic conditions and lack of adequate housing, the Year of Return failed to produce results. Only 25,000 refugees returned to their homes of origin in 1998.

In 1999, it was estimated that approximately 50,000 Serbs from Croatia were in Republika Srpska, Bosnia-Herzegovina and 200,000 Serbs from Croatia were in Serbia, FRY. OSCE continued to monitor, report and advise on human rights conditions throughout the country. The European Community Monitoring Mission continued its work. UNHCR's and OSCE's joint working groups became more open to cooperation with local NGOs.

The majority of refugees and the displaced from minority populations closely observed the experience of their counterparts who had returned in 1998. Many experts believed that the number of returning minority populations would increase substantially in 1999. Projections for 1999 ranged between a low of 48,000 returnees (UNHCR) and a high of 75,000 returnees (Serbian Democratic Forum). Due to the unforeseen NATO air strikes to resolve the Kosovo crisis, the UNHCR return mechanism operating between Yugoslavia and Croatia was dramatically slowed and, at times, suspended throughout the duration of the three-month NATO air campaign in late spring 1999. Thus, the number of Croatian Serbs returning from Yugoslavia was far lower than anticipated. Some Croatian Serbs did manage to return on their own (spontaneously) from both Yugoslavia and Republika Srpska, Bosnia-Herzegovina.

During the conflict Croatian NGOs, at a fledgling stage of development, emerged to monitor human rights violations and to provide pro bono legal assistance to refugees or displaced persons. Over the years, these NGOs, with ADF's assistance, have become successful in assisting disadvantaged populations, through legal assistance services, to regain their legal status and personal documents, tenancy rights, or property. These NGOs offer a range of legal services, including help in reclaiming pensions, health care, or movable property such as misappropriated tractors. Their legal services staff and field workers, located throughout the country, have become well placed sources to gather information and monitor human rights. The NGOs have become, and remain, a reliable source for information gathering and dissemination concerning the affected populations. Their accomplishments are remarkable since these organizations have developed in a country with little tradition of independent NGOs, and have faced a continued struggle up until this year against the backdrop of a government hostile to their work.

## **1.2. EVOLVING STRATEGIC FRAMEWORK**

ADF's work in Croatia closely tracked and quickly responded to changes in the operating environment. This is evident in Attachment I, a Chart of Cooperative Agreement Components and Events in Croatia, which shows the types of activities implemented from 1994-2000 against the key variables of the status of Croatian territory and political events.

In 1994, when ADF's project began, there were four UNPAs in the West, North, South and East and the occupying forces and Croatian government were negotiating a plan calling for great autonomy of the protected areas. In 1995, Croatian military operations liberated three of the four protected areas as ADF began to fund and develop the capacity of Croatian human rights and legal assistance organizations. ADF moved quickly to help the Croatian NGOs establish emergency legal assistance offices in the war-affected areas.

In 1996, shortly after the signing of the Erdut agreement and the establishment of the UNTAES administration in the Danubian region, ADF implemented the Civil Rights Project aimed at obtaining citizenship papers for the inhabitants of that area. ADF project offices were established in Pakrac and Osijek to better serve the clients in the UNTAES region. A sub-component of this project, the Justice Under Law Project (JULP), assisted attorneys resident in the UNTAES region to become members of the Croatian Bar Association – a requirement for representing clients in court.

From 1997-1999, the UNTAES region gradually came under Croatian control and the Return Plan was executed. During that period, ADF implemented its Business Registration Project to provide impetus to economic development and Serb owned business owned enterprises in the UNTAES region. Once the UN regions were entirely reintegrated into Croatia as of January 15, 1998, ADF augmented its Reintegration of Populations Project efforts by opening additional offices throughout Croatia to bolster NGO refugee return and reintegration efforts. In 2000, with the swearing-in of a more liberal coalition led government in Croatia and centrist president, ADF has encouraged its grantees to conduct more advocacy campaigns related to their interests in a more conducive democratic governance environment.

Over its six-year period, the Cooperative Agreement included the following components:

### **Legal Assistance and Human Rights Programs Benefiting Refugee and Displaced Populations and other Vulnerable Groups in Croatia. 1994-1997.**

ADF/Croatia's original program, begun in 1994, served to strengthen the capabilities of Croatian NGOs to assist refugees and displaced populations through the provision of legal assistance services and human rights protection. ADF used a combination of subgrants, training, and technical assistance to promote, encourage and support NGO efforts to provide legal assistance to refugee and displaced populations, as well as other vulnerable and minority groups in Croatia, and to promote and protect human rights. Activities that promoted peaceful coexistence and inter-ethnic cooperation and reconciliation were also supported. *During this period, ADF provided training and technical assistance to over 400 NGOs and provided 24 subgrants to Croatian NGOs. NGO activities supported the establishment of Croatian NGO legal aid offices providing legal assistance to over 7,500*

*people. Also, NGOs participated in such activities as the successful advocacy campaign on the Law of Associations, and assisting the International Criminal Tribunal for Former Yugoslavia in gathering evidence for the Hague and supporting identification of remains found in mass graves.*

This phase of ADF's program evolved into the Reintegration of Populations Project in 1998.

**Civil Rights Project (CRP) Component, 1996-1997.**

This component was implemented from May 1996 through June 1997. ADF implemented the CRP with support from USAID and the Norwegian Ministry of Foreign Affairs (through the Norwegian Refugee Council). Staffed with a Norwegian and an American attorney as well as local attorneys and support staff, CRP operated from offices established in Beli Manastir and Vukovar, supported by an ADF project office in Osijek. The legal advice and assistance services were provided in coordination with the U.N. Document Centers and primarily focused on obtaining citizenship and personal documents for the population of the region. *CRP provided advice and assistance to over 25,000 people. Appeals to negative decisions needed to be filed on behalf of only 1% of the entire population living in the UNTAES region. Six subgrants were awarded for NGO activities supporting reintegration, including the provision of legal assistance and implementation of reconciliation activities and public education. In addition, ADF registered Danubian-resident lawyers with the Croatian Bar Association, providing pro bono services for designated types of cases in return.*

The situation stabilized in early 1997 as most residents of the UNTAES region received citizenship and supporting documentation. ADF's activities in support of this component concluded in June 1997 when ADF transferred management and administration of the UNTAES region project and the two offices in Beli Manastir and Vukovar to the Norwegian Refugee Council. At that time, ADF decided to concentrate its resources on augmenting its return and reintegration of populations work throughout Croatia.

**Business Registration Project (BRP) Component, 1997-1998.**

The Business Registration Project component, implemented from February 1997 through June 1998, complemented ADF's program of assistance to individuals and contributed to the peaceful reintegration of the UNTAES territory and populations into Croatia's legal system. Under this component ADF contributed to the economic security of Croatian citizens of all ethnic backgrounds in the UNTAES region by registering small and medium size enterprises, mostly Croatian Serb owned, which were headquartered and providing employment and other economic opportunities in the region. Once registered, these businesses were eligible to compete for international aid contracts on reconstruction and economic rehabilitation for the region. *Over six hundred companies were registered, including 416 small training companies and 202 sole proprietorships. Thousands of other sole proprietorships were able to register using guidance prepared by ADF.*

**Reintegration of Populations Project (RPP), 1998-2000.**

ADF's core program evolved into the Reintegration of Populations Project (RPP) in January 1998, providing support to the development of a Croatian NGO network of 26 legal

assistance offices through ADF offices in Zagreb, Osijek, Pakrac, Glina and Knin. This component strengthened the ability of Croatian NGOs to facilitate the return and the reintegration of refugees returning to their homes of origin in the war-affected regions covered by these organizations. While providing immediate support to returnees, the RPP also stressed long-term impact and community building through strengthening and building the sustainability of local NGOs providing this support. *Approximately 90,000 clients received legal assistance services related to their return and reintegration. ADF provided training and technical assistance to NGOs that resulted in new skills in eleven key competency areas. Also, NGO advocacy campaigns related to minority rights were supported, and a human rights monitoring network was established and trained.*

### **1.3. FRAMEWORK FOR ADF'S CROATIA PROGRAM**

In September 1996, USAID/Croatia developed a Strategic Results Framework for the Mission. ADF's activities came under USAID's Strategic Objective One: Reintegration of Populations Affected by the Erdut Agreement (later shortened by USAID to Reintegration of Populations), and ADF developed its own strategic results framework for its Human Rights and Legal Assistance programs. The Results Framework has remained steady throughout the varying phases of ADF's program, and is included as Attachment II to this report.

## **2. PROGRAM APPROACH**

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The purpose of ADF's work in Croatia under this Cooperative Agreement has been to build the capacity of Croatian NGOs to respond to the legal, administrative, security, and reconciliation needs of refugees and persons displaced by the 1991-1995 war and military actions. Throughout the period of the Cooperative Agreement there have been five main components to ADF's activities:

- 1) Training and technical assistance to build the internal and operational capacities of Croatian legal assistance and human rights NGOs, and support their development of sustainability;
- 2) Technical assistance and subgrant support for the expansion and development of pro bono NGO legal assistance services and other programs benefiting refugees and displaced persons desiring to return to their homes of origin;
- 3) Training, technical assistance and subgrant support to develop the capacity of Croatian NGOs to monitor the human rights practices in their country, and to report on any violations at a level accepted by international human rights organizations;
- 4) Training, technical assistance and subgrant support to develop the capacity of Croatian legal assistance and human rights NGOs to effectively advocate for the interests of their organizations and their clients; and

- 5) Technical assistance for the building of networks and coalitions that contribute to the effectiveness of NGOs in areas related to the project.

ADF's model for assistance, thus, included an integrated package of training, technical assistance and grants that has proven to be very effective. It has resulted in a greater number of Croatian NGOs undertaking legal assistance services to facilitate refugee returns and reintegration, and human rights monitoring and protection, broader access to legal assistance, and stronger and more capable NGO organizations. With ADF support and encouragement, its NGO partners have formed a coalition and network to share information and marshal resources, and to avoid duplication in support of their individual interests. Some have already expanded their programs into other countries in the region. Others have established contacts with neighboring NGOs and have plans to begin collaborative projects. These cross-border efforts reflect the goals of the current Stability Pact for the region, which calls for increased cross-border cooperation.

NGOs have worked within the established legal system, when possible collaborating with local government bureaucrats and judiciary appointed by the last government. NGOs have gained important skills in interacting with government and have the potential to be an important resource for the its new government as it reaches out to cooperate with established local officials and the public. These NGOs represent the government's expressed intention of liberalization, as they have already introduced new concepts, practices and attitudes to all those with whom they have worked.

While having benefited recipients, ADF -- through its training and technical assistance -- has also encouraged CSO founders and staff to expand their own ideas and attitudes. They have learned how to form effective and dynamic organizations that offer pro bono legal services and cooperate to assure respect for human rights for all Croatian citizens.

### **3. SUMMARY OF ACHIEVEMENTS, SEPTEMBER 1994 – JUNE 2000**

There are five principal areas of achievement for ADF's work to promote and facilitate the peaceful reintegration of returning populations in Croatia:

- Broadened Access to Legal and Administrative Systems
- Other Support for Return and Reintegration
- Increased Institutional Capacity of Croatian NGOs
- Improved Monitoring of Human Rights
- Ability to Influence Policy Makers and Implementers

Achievements in each of these areas are summarized below.

### **3.1. BROADENED ACCESS TO CROATIAN LEGAL AND ADMINISTRATIVE SYSTEMS**

When ADF began its work in Croatia in 1994 there was little assistance available, except from a few NGOs, to the many refugees and displaced persons to enable them to return and be integrated into their communities. The Croatian government provided a limited degree of free legal aid through the court system. Judges were periodically available to assist pro se litigants (those who represent themselves at court) to prepare legal documents for submission to courts. This assistance was, in principle, open to any Croatian citizen. This program ceased as of January 1, 1995, and therefore, ADF encouraged and assisted Croatian NGOs to take up the burden of providing critical legal assistance and administrative support services important to refugees, displaced persons and other minority populations desiring to return to their homes of origin. Over the life of the project, the number of Croatian NGOs providing pro bono legal assistance on return issues increased more than five-fold.

Legal matters faced most frequently by those desiring to return to their homes of origin included citizenship, repossession of private property and property rights, compensation for lost property, access to health and pension benefits, tenancy rights, reconstruction, convalidation of documents issued during the Republika Srpska Krajina government period, personal documents and related status matters, and social benefits. In addition, minorities faced considerable difficulties in reintegrating back into their communities and the need to reconcile with their neighbors.

Significant achievements under ADF's programs include:

- **Increased number and improved technical capacity of NGOs providing legal assistance services.** In 1994 there were only three NGOs that provided pro bono legal assistance services, and even these services were only available on an ad hoc basis. In 2000 there are sixteen NGOs providing legal assistance services. Furthermore, Croatian NGOs now have greater technical expertise in conducting and managing pro bono legal assistance programs, through technical assistance from ADF staff and through training from and exposure to their U.S. counterparts under a 1999 participant training program.
- **Increased decentralization of legal assistance services.** At the beginning of the project, pro bono legal assistance services were only available in three cities. By the end of the project, services were available in five regions (Zagreb, Eastern Slavonija, Western Slavonija, Banija & Kordun and the Knin/Dalmatia areas) through 23 legal aid offices run by Croatian NGOs. Table 1 provides a list of the NGOs that provided legal assistance and the number of clients they served with support provided by this Cooperative Agreement.
- **Over 100,000 people received legal assistance related to their return.** This achievement was almost double ADF's expected results. Over a third of these cases were resolved. Of those whose cases were not resolved, the majority of clients are still being assisted by the NGOs to navigate through the complicated and time-consuming Croatian legal and administrative processes.

Table 1: Number of Clients Served by NGOs per Year

Organization	1995	1996	1997	1998	1999	2000	TOTAL
MCHR	117	534	740	746	776	241	3154
SCC-Z		737					737
SCSB-Osijek	14	253	179	497	763	956	2662
CPNHR-Pakrac	479	608					1087
CPNHR-Osijek	31	183	280	1420	1732	653	4299
SUNC-Rijeka	36	129	73	27	71		336
DOS		836		7287	13312	6467	27902
SDF-Zagreb			262	1259	553	240	2314
SDF-West			2286	6560	6082	2788	17716
SDF-North				13923	14239	5073	33235
CPLA-Vukovar				875	1657	613	3145
APHR-Baranja				2021	1251	618	3890
AC-Osijek					198		198
<b>TOTAL</b>	<b>677</b>	<b>3,280</b>	<b>3,820</b>	<b>34,615</b>	<b>40,634</b>	<b>17,649</b>	<b>100,675</b>

### 3.2. OTHER SUPPORT FOR RETURN AND REINTEGRATION

In 1995, after the military operations, the return of displaced and refugee populations was impeded by conditions in the war-affected areas as well as personal and family legal issues. Four regions were under United Nations protection and needed to be reintegrated into the Croatian legal and administrative systems. Unemployment was high and economic prospects dismal and there were several thousands of small businesses and sole proprietorships that could not operate legally under Croatian law. There were no local assistance organizations in place and human rights violations were rampant. Local residents and returnees alike felt fear and anger related to their return and a cycle of violence was still in the air.

In addition to expanding the access of refugees and displaced persons to Croatian legal and administrative systems through NGO support services, ADF's assistance under this project enabled Croatian NGOs to make other contributions to successful return and reintegration:

- **Improved access to information by potential returnees and agencies assisting return.** Eleven brochures were prepared, printed (5,000 copies each) and widely distributed to potential returnees on issues such as "The Protection of Private Property of People who left Croatia", "How to obtain Results under the Law on Reconstruction", and "The Rights of Displaced Returnees and Refugees". The Serbian Democratic Forum in Western Slavonija completed interviews with 899 families in 99 different villages in Western Slavonija to obtain accurate information on the needs and situation of returnees. This information was distributed to the general public, international donors, the GOC, and refugees wanting to know the experience of those that had already returned. Information was gathered on 4,745 houses that were deserted, destroyed or occupied by displaced people. Research was conducted and information distributed related to the return of

Serbian refugees from Serbia and Montenegro to determine the interest of refugees in returning to their homes in the Krajina.

- **Increased employment and other economic opportunities.** The Business Registration Project directly assisted the registration of 618 businesses and facilitated the registration of close to 4000 more sole proprietorships. A follow-up study was conducted in April 2000 of one third of the 416 small trading companies registered with ADF assistance. Based on the results of this survey, ADF estimates that there are close to a thousand people employed in these companies, with more employed in sole proprietorships.
- **Peace education and reconciliation activities.** NGO programs to facilitate reconciliation between ethnic and religious groups took place in three war-affected areas. Workshops took place on conflict resolution and peace education. Mediation between parties in conflict took place. Panel discussions and other public education services took place. Inter-ethnic groups and cooperatives were formed with ongoing NGO support.
- **Counseling and support.** MCHR identified and provided counseling to witnesses (primarily sex crime victims) deposed by investigation units of the International Criminal Tribunal for the Former Yugoslavia. The organization also created a support structure for the families of victims of the Ovchara massacre.
- **Improved access to information resources on legal assistance and human rights work.** A human rights documentation center was established in Zagreb, and is being maintained and managed by the Magna Center for Human Rights Promotion, a Croatian NGO, in cooperation with Amnesty International. The Center for Peace, Nonviolence and Human Rights produced a national newsletter on human rights.

### **3.3. INCREASED INSTITUTIONAL CAPACITY OF NGOS**

Throughout the period of the Cooperative Agreement with USAID/Croatia, ADF provided training and technical assistance to increase the institutional capacity of Croatian NGOs. The assistance provided to the NGOs was based on needs assessments conducted in both group and individual NGO meetings with these organizations. Fifty-two (52) training workshops covering a wide range of NGO capacity building areas took place and technical assistance was provided continually in areas ranging from strategic planning to writing job descriptions. A full list of training workshops that took place and information on participants can be found in Attachment III. ADF provided technical assistance to the NGOs in follow-up to its capacity building training and in their specialized programs in legal assistance, human rights and advocacy.

ADF conducted group and individual meetings to assess the needs of Croatian legal assistance and human rights NGOs that would participate in the program. In a group meeting held early in the project, NGOs identified needs in the areas of management and leadership skills, program development, fundraising, media and public relations, and improved client services. In assessing the capacity of individual organizations NGOs as they joined the

project, ADF utilized an assessment tool that included seven areas to measure organizational effectiveness:

- a) Governance, or the provision of leadership and direction to the organization;
- b) Management practices, or the mechanisms to coordinate activities and facilitate processes within the organization;
- c) Human resources, including management, staff, volunteers, funders and board members;
- d) Financial management;
- e) Service delivery;
- f) External relations, or the interactions between the NGO and other partners including government; and
- g) Sustainability.

An assessment conducted as part of an ADF independent evaluation in March 2000 indicated a significant improvement in the levels of organizational effectiveness in the Croatian NGOs participating in ADF's project. At the time of the original survey, the organizations could be considered to be in the earliest stages of development. In March 2000 each organization was shown to have made significant progress in most or all of the assessed areas of competency. In many cases, organizations have been able to develop a track record of achievement so that efforts are recognized by, among others, the NGOs' constituency, local government, other NGOs and international organizations.

Legal assistance and human rights NGOs that participated in ADF's Croatia programs now exhibit the following institutional capacities, developed under this project:

- **Increased capacity to plan, execute, monitor and evaluate programs.** NGOs have gained the proven ability to plan, execute, monitor and evaluate results-oriented programs that focus on the provision of legal assistance and/or programs that educate, promote or protect human rights. Programs are regularly monitored in terms of implementation, impact, and customer satisfaction.
- **Improved financial and organizational management and administrative skills and practices.** All NGOs routinely meet ADF and USAID requirements for financial management and reporting. Seven NGOs now utilize a multi-currency accounting software, and demonstrate an ability to not only use the software but also manifest a commitment to applying the basic principles of sound financial management practices. Organizational structure and job descriptions have been reviewed and revised. Computer and information management information skills and practices have been developed.
- **Successful transition from providing relief to long-term support for reintegration, the rule of law, and human rights.** Most NGOs in Croatia developed in response to the crisis that developed during and immediately after the war. With ADF assistance in strategic planning, each NGO participating in the program was able to review its mission

in light of evolving circumstances in Croatia and revise that mission to reflect its long-term vision. New strategies were developed to reflect this mission, shared throughout the organization, and are currently being implemented.

- **New marketing skills and practices.** Prior to receiving ADF training and technical assistance, the notion of marketing an NGO was almost unknown in Croatia. With ADF's assistance, seven NGOs have new marketing skills and developed Fact Sheets on their organizations, to assist with public information and marketing. For example, DOS was very successful in mounting a persistent public relations and marketing campaign in response to politically motivated negative media and was successful in generating more positive and even supportive media in certain cities. Seven NGOs have developed websites as part of their marketing efforts.
- **Stronger fundraising skills and greater prospects for sustainability.** Skills were developed in NGO fundraising strategies, project development and proposal writing. Seven NGOs have increased their funding base from one donor (ADF) to several donors. Of particular note are The Center for Peace, Non-Violence and Human Rights-Osijek (which was successful in raising \$80,000 from the Mott Foundation for general support purposed for over the next three years) and DOS (who expanded from just ADF funding to funding from five sources, including the British, American and Netherlands Embassies, the Olaf Palme Foundation, Oxfam, and the Westminster Foundation). The Center for Peace also has expanded its funding base and now receives funding from UNHCR, Soros, and private European foundations.

In addition, ADF's work has resulted in the following expanded resource base for continued NGO capacity building in Croatia:

- Creation of a database of local trainers, training materials and human rights resources, which is shared by local NGOs.
- Establishment of a web page that highlights human rights NGOs and their activities in Croatia, and provides links to human rights resources on the Internet. This page is now being managed by the Legal Services Coalition, a registered coalition of Croatian legal assistance and human rights organizations, created with ADF's technical assistance.
- Development of training methodologies and materials in a wide range of areas. Development of eight trained and experienced Croatian trainers, able to provide ongoing support for the development of CSO skills in strategic planning, marketing, program development, human rights monitoring and reporting, advocacy, and computer skills. Training in the areas covered under the Cooperative Agreement is available through Croatian training institutions and the Legal Services Coalition.
- Successful lobbying for changes to the proposed Law on Associations by an advocacy coalition of over 100 Croatian NGOs nation-wide. As a follow-up to the campaign, ADF and the Croatian NGO the Center for the Development of Non-Profit Organizations

provided training and technical assistance on the new NGO registration process for nearly 400 Croatian associations.

#### **3.4. IMPROVED MONITORING OF HUMAN RIGHTS**

At the beginning of the project, NGO human rights monitoring activities were performed on an ad hoc basis with little coordination among NGOs. Monitoring tended to be anecdotal and often did not meet the standards of international human rights organizations.

Through a program of ADF assistance that included including training, technical assistance and subgrants to human rights NGOs, ADF made significant contributions have been made in to the monitoring of human rights in Croatia, as follows:

- **Increased capacity of Croatian NGOs to document and report on human rights.** Twenty Croatian NGOs were trained in documenting human rights abuses using HURIDOCS, the Human Rights Documentation System database. This human rights database is used by NGO human rights organizations worldwide.
- **Development of a Croatian NGO network for monitoring and reporting on human rights abuses.** Six NGOs regularly collaborate in developing national statistics and documentation on human rights in Croatia. Five regions covering 23 municipalities are monitored by NGO offices, which report violations to the government and international organizations with clearly written evidence linked with the applicable international or national law. Also, there is improved coordination among monitoring NGOs and on-going development of a joint database of legal cases and human rights violations.
- **Production of an NGO White Paper on respect for the right of return.** The Legal Services Coalition produced a report detailing problems with the practice of implementing regulations related to the return of populations, as guaranteed in Croatian law. This highly regarded report was widely distributed.

#### **3.5. ABILITY TO INFLUENCE POLICY MAKERS AND IMPLEMENTERS.**

At the beginning of ADF's work in Croatia in 1994, dialogue between policy makers and NGOs was generally polemical in nature. NGOs tended to communicate with and try to influence the international community and avoid the government altogether. The government itself was not interested in a dialogue. Over the life of the project, ADF successfully encouraged and assisted NGOs to influence policy makers and implementers through advocacy campaigns and collaborative problem solving. In 2000, the new Croatian government is expected to be more responsive to issues raised by the NGOs and their advocacy initiatives and NGOs will give greater priority to advocacy.

Achievements can be summarized as follows:

- **Establishment of norms of communication and consultation between government officials and Croatian NGOs.** Ongoing periodic meetings now take place in four areas (Knin, Glina, Pakrac and Vukovar), where the government officials and NGOs come together to work on solutions to returnee problems. Increased contact and communication has also occurred between local government institutions, such as the Health and Pension Funds, local police, and other social services, and the NGOs as they have worked repeatedly on specific issues faced by clients and beneficiary interests.
- **Increased orientation to advocacy and stronger advocacy skills in Croatian NGOs.** Thirty (30) Croatian NGOs received training in the principles and techniques of advocacy. Eight NGOs participated in an intensive two-day planning session to develop the fundamental elements of advocacy campaign strategies on two issues essential to their constituents. Also, ADF has regularly provided many hours of technical assistance to NGOs to support their planning and implementation of NGO advocacy campaigns. When ADF first began advocacy training with legal assistance and human rights NGOs, they expressed great reservations regarding the possibility of influencing government decisions. By the end of the ADF's Cooperative Agreement, numerous CSOs were actively and successfully engaged in advocacy campaigns.
- **Four NGO advocacy campaigns conducted, involving over a hundred NGOs.** An advocacy campaign to lobby for changes in proposed legislation on Croatian associations involved over 100 CSOs and was highly successful in getting the draft law changed. An advocacy campaign to educate the public about the electoral process and encourage them to vote involved hundreds of Croatian NGOs, among them ADF's partner legal assistance and human rights NGOs. Two other NGO advocacy campaigns specifically related to returnees took place: one to improve the work of the Vukovar and Beli Manastir court systems and the other related to the right of the displaced to reoccupy and purchase their former apartments. These campaigns are ongoing.

### **3.6. COMPARISON OF ACTUAL RESULTS VS. TARGETS**

The following provides a summary of the results framework for this project, with expected targets and actual results. There are four outcome or impact results, each with its associated output or project level results.

<b>OUTCOME RESULT 1: ACCESS TO LEGAL AND ADMINISTRATIVE SYSTEMS BROADENED</b>
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*Indicator(s):*

- Number of individuals whose cases result in some kind of resolution (*Target: 50,000. Actual: 36,670*)

**Output result:** Increased availability of effective and affordable assistance in resolving legal and administrative claims.

*Indicator(s):*

- Number of regions with legal services available to DPs and refugees for resolution of issues related to resettlement (*Target: 5 regions. Actual: 5 regions*)
- Number of DPs and refugees served through these services (*Target: 62,500. Actual: 103,169*)

**Output result:** Increased sustainability of NGOs providing legal assistance services.

*Indicator(s):*

- Financial Management practices of NGO grantees are consistent with internationally recognized standards. (*Target: 100% of NGOs. Actual: 100%*)
- Organizational mission and strategies to implement it are clear to all staff of NGO-grantees (*Target: 100% of NGOs. Actual: 100%*)
- Programs are regularly monitored in terms of program implementation, program impact and customer satisfaction. (*Target: 100% of NGOs. Actual: 100%*)
- NGO-grantees have fundraising and sustainability strategies in place and are able to prepare acceptable proposals. (*Target: 100% of NGOs. Actual: 100%*)
- Sound administrative and resource management systems are in place in NGO-grantees. (*Target: 100% of NGOs. Actual: 100%*)

<b>OUTCOME RESULT 2: IMPROVED MONITORING OF HUMAN RIGHTS</b>
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*Indicator(s):*

- All regions in Croatia have NGOs monitoring human rights (*Target: All regions. Actual: All regions*)
- National report on human rights situation in all regions of Croatia is prepared by one or more Croatian NGOs (*Target: One report prepared per year. Actual: One report prepared in 2000*)
- International human rights organizations consider quality of report acceptable (*Target: 90%. Actual: 100%*)

**Output result:** NGOs have technical and organizational capacity to establish national human rights monitoring and reporting system

*Indicator(s):*

- Degree of conformity of monitoring and reporting to international standards (*Target: 100%. Actual: 100%*)
- Collaboration of NGOs in building national statistics and documentation (*Target: 10 NGOs. Actual: 6 NGOs in Legal Services Coalition*)

**OUTCOME RESULT 3: HUMAN/CIVIL RIGHTS NGOs MORE ACTIVE AND EFFECTIVE IN INFLUENCING POLICYMAKERS AND POLICY IMPLEMENTERS AT THE LOCAL AND NATIONAL LEVELS.**

*Indicator(s):*

- Number of advocacy campaigns by human/civil rights NGOs (*Target: 5 NGOs conduct campaigns. Actual: over 100 NGOs in four different campaigns*)
- Percent of advocacy campaigns achieving desired goals (*Target: 75%. Actual: 75%*)

**Output result:** Expanded consultation and communication between NGOs and policy-makers.

*Indicator(s):*

- Number of formal and information channels of communication (*Target: 4. Actual: 4 joint legal subgroups*)

**OUTCOME RESULT 4: EMPLOYMENT CAPACITY IN UNTAES REGION INCREASES**

*Indicator(s):*

- Number of new jobs created (*Actual: 3,775*)

**Output result:** Legal registration of new small and medium scale businesses in the UNTAES region.

*Indicator(s):*

- Number of companies and sole proprietorships registered (*Target: 500. Actual: 618 registered*)
- Number of additional Croatian attorneys with expertise in registering businesses (*Target: 5. Actual: 8*)

**4. SUMMARY OF ACTIONS PER COMPONENT PERIODS**

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**4.1. NGO STRENGTHENING/LEGAL ASSISTANCE AND HUMAN RIGHTS, 1994-1997**

The objectives of the original Cooperative Agreement were to (1) improve NGO collaboration and cooperation to provide legal assistance to refugees, displaced persons, minorities and other vulnerable groups and assist in human rights protection; (2) strengthen the skills and knowledge base of human rights and legal assistance groups; and (3) improve the capabilities and resources for Croatian human rights and legal assistance NGOs to deliver services on a sustaining basis to refugees, displaced persons, minorities and other vulnerable groups.

Using a combination of subgrants, training, and technical assistance, ADF strengthened the programmatic and management capabilities of ten Croatian NGOs that provide legal assistance services and/or that promote and protect human rights. ADF successfully encouraged NGO efforts to increase the level and scope of program activities in direct legal assistance and the promotion and protection of human rights which benefit refugee and displaced populations, as well as other vulnerable and minority groups in Croatia. *Twenty-four subgrants were awarded to a total of 10 Croatian NGOs in support of activities contributing to the intended results of the project. Twenty-seven workshops were conducted for a total of 400 NGOs in five subject matters.* Technical assistance supplemented training provided in workshops to assist NGOs in applying new skills to their specific organizations. Special technical assistance was provided to assist NGOs in planning strategies for the transition from emergency response to more long-term missions.

#### **4.1.1. Subgrants**

As noted in the background section of this report, the conditions under which the first phase of ADF's work took place in Croatia were highly volatile and marked by the need for recovery from years of war and ethnic violence. During this period, ADF awarded subgrants to NGOs responsive to the multiplicity of needs that existed including *support for legal assistance programs for refugees and displaced persons; advocacy on minority rights; human rights monitoring, documentation and protection; peace, public education and reconciliation programs; and the institutional development of Croatian human rights and legal assistance NGOs providing relevant services and support to returnees.*

Subgrant competitions were held annually and NGO proposals were reviewed in relation to USAID approved selection criteria (see Attachment IV). A total of 24 subgrants were awarded from 1995–1997. Nine subgrants, for a total of twelve projects, were awarded in 1995 to eight organizations located in Osijek, Western Slavonia, Zagreb, Split, Rijeka, and Karlovac. Nine subgrants were awarded in 1996 to six Croatian organizations, for activities located in Zagreb, Rijeka, Osijek, Pakrac, Glina and Vinkovci. Six subgrants were awarded in 1997 to six organizations for activities located in Zagreb, Glina, Vinkovci, Ovcara, Rijeka, Osijek and Split. The following Table 2 provides a summary of subgrants awarded in 1995–1997. Additional detail on these activities and their achievements can be found in Attachment V.

**Table 2: Subgrants awarded 1995-1997**

**1995 Subgrants**

NGO Name	Region	Activities	Grants
MCHR	Zagreb	Legal assistance. 248 beneficiaries.	\$19,900
Serbian Community	Zagreb, Osijek	Expansion of lobbying efforts and human rights documentation and protection.	\$49,800
Serbian Community	Zagreb	Research and studies on refugee return.	\$23,500
Magna Carter	Zagreb	Establishment of human rights documentation center.	\$24,240
Movement for Peace	Rijeka	Legal assistance. 93 beneficiaries.	\$13,590
DOS	Split	Establishment of legal assistance and human rights protection activities in Split.	\$25,610
Center for Peace, Nonviolence & Human Rights	Osijek	Coordination of human rights NGO activities and production of national newsletter.	\$25,140
Center for Peace, Nonviolence & Human Rights	Pakrac	Legal assistance. 727 beneficiaries.	\$31,730
Center for Peace and Nonviolence	Karlovac	Conflict resolution and peace education workshops and meetings.	\$13,610

**1996 Subgrants**

MCHR	Zagreb	Legal assistance. 190 beneficiaries. Counseling to witnesses deposed by ICTY investigators.	\$33,550
Serbian Community	Zagreb	Lobbying and advocacy.	\$9,000
GYM AID/ Initiative for the Third Sector	Zagreb	Partial funding for implementation of advocacy campaign related to legislation on associations.	\$30,000
Movement for Peace	Rijeka and surrounding areas	Public education on return issues	\$26,100
Center for Peace, Nonviolence & Human Rights	Osijek	Legal assistance. 267 beneficiaries.	\$43,670
SCSB	Osijek	Legal assistance. 247 beneficiaries.	\$15,000
Committee for Human Rights	Pakrac	Legal assistance. 360 beneficiaries.	\$32,450
MCHR	Glina	Establishment of Glina office. Legal assistance. 205 beneficiaries.	\$35,000
MCHR	Vinkovci	Establishment of Vinkovci office. Legal assistance to 179 clients.	\$30,200

**1997 Subgrants**

MCHR	Zagreb, Glina, Vinkovci, Ovcara	Legal assistance. 561 beneficiaries. Public education and counseling to families of victims in Ovcara massacre.	\$87,750
SDF	Zagreb	Institutional support and development to meet demands of managing countrywide network of services.	\$26,000
Movement for Peace	Rijeka	Legal assistance. 67 beneficiaries.	\$15,660
DOS	Split	Institutional support and development for network and head office.	\$10,000
Center for Peace, Nonviolence & Human Rights	Osijek	Legal assistance. 900 beneficiaries.	\$59,520
SCSB	Osijek	Legal assistance. 267 clients.	\$14,520

#### 4.1.2. Training and Technical Assistance

One of the core elements of ADF's initial program, and all successive program components, has been the strengthening of the capacity of Croatian NGOs providing necessary legal assistance and human rights services. Capacity building included strengthening NGO institutional capacities (in areas such as NGO management, administration, financial management, program planning and management) and their programs (in areas such as legal assistance, human rights monitoring and education, advocacy and public information). *Twenty-six workshops were held on five topics, and over 20 NGOs received coaching and other forms of technical assistance from ADF staff and consultants.*

In February 1995, ADF undertook a client survey of Croatian human rights and legal assistance organizations to: 1) assess the strengths, weaknesses and institutional development requirements of the individual NGOs; 2) assist in preparing institutional development plans for guiding individual organizations; 3) assist in improving the organizational and program development benchmarks with which to monitor and evaluate performance; and 4) assist in promoting financial autonomy and sustainability through planned constituency development and revenue generation. The survey included two phases. First, NGOs provided input in guided discussions that took place during the NGO orientation workshop, held in February 1995. Second, ADF held individual consultations with NGOs receiving subgrants, to identify specific needs and develop an approach to strengthening the organization in these areas.

The client survey provided an overview of both generic and specific training and technical assistance needs of Croatian NGOs participating in ADF's programs. Based upon this information, ADF designed individualized training programs responding to the needs of NGOs as a group, and as individual organizations.

The vast majority of capacity building related to individual institutional development plans was provided through direct technical assistance provided to these organizations by ADF staff members. *Technical assistance included detailed guidance and coaching for improved financial and grants management, program development and reporting, strategic planning, developing a sound organizational structure, and establishing qualitative and quantitative monitoring and evaluation mechanisms.*

In addition to technical assistance and coaching provided to individual organizations, ADF held twenty-seven workshops during this period that focused on needs that were shared among its Croatian partners. These workshops are summarized in the following chart. Additional information on each workshop is presented in Attachment VI.

**Table 3: Training Workshops under the Original Project (1995-1997)**

<b>Title</b>	<b># workshops</b>	<b># CSOs</b>	<b># participants</b>
NGO Lobbying, Advocacy and Relations with Government	2, Zagreb and Split	12	39
Human Rights and Medicine	1, Zagreb	23	66
NGO Registration	20, in 16 cities	393	393
Strategic Planning	2, Zagreb and Osijek	15	27
Advocacy	1, Zagreb	23	23

**4.2. CIVIL RIGHTS PROJECT COMPONENT, MAY 1996 – JULY 1997**

In March 1996, ADF's services were requested by USAID/Croatia and the Norwegian Refugee Council (NRC) (on behalf of the Norwegian government) to design a legal assistance program to assist in protecting the legal and human rights of the residents in the UNTAES region and to assist in the reintegration of Sector East into the Croatian legal order. As a result of these interests mutually shared by ADF, the Civil Rights Project (CRP) was added as a component of ADF's Cooperative Agreement in May 1996. Matching funding was provided by the Norwegian Ministry of Foreign Affairs through the Norwegian Refugee Council.

The purpose of the Civil Rights Project was to assist the population in obtaining their citizenship papers and extending human and civil rights protection to the populations affected by the Basic Agreement for Eastern Slavonia, Baranja and Western Srijem, signed in Erdut, November 1995. The project was implemented in close collaboration and coordination with the UN Transitional Authority for Eastern Slavonia (UNTAES) and the Government of Croatia. The principal strategy to ensure that the affected populations have their human and civil rights protected was to secure access to the legal and administrative system of Croatia.

The Civil Rights Project component of ADF's Cooperative Agreement had two sub-components: the CRP/UNTAES Centers and CRP/NGO Reintegration Activities.

**4.2.1. CRP/UNTAES Centers**

The CRP established two offices in the UNTAES region, one in Vukovar and the other in Beli Manastir. Each office was led by an expatriate attorney, named by the NRC and USAID, and was staffed with one Croatian attorney from Osijek and one from the UNTAES region as well as support personnel. The ADF office in Osijek provided project backstopping, including financial management and administrative support to these offices.

Activities conducted included (1) developing and maintaining a successful cooperative relationship with UNTAES (including providing some assistance in UNTAES-sponsored public education); (2) closely monitoring the activities of the UNTAES document centers; (3) providing recommendations to UNTAES regarding improvements for the UNTAES document Centers; and (4) offering services to clients.

The UNTAES-based CRP offices were fully functional by July 1996. *From July 1996 through the end of July 1997, CRP staff conducted in-take interviews with 4,867 persons and had revisits from an additional 3,555 persons, provided verbal advice to 12,630 persons, fielded 17,697 phone calls, and wrote 2,176 letters and applications, excluding administrative complaints for naturalization denials and passport denials for a total of 40,925 contacts with or interventions on behalf of clients.*

As of July 1997, *CRP filed approximately 700 complaints on behalf of the clients with the Administrative Court in Zagreb contesting naturalization denials.* The Court had not ruled in any of the cases submitted as of July 1997, even though some had been pending since November 1996. As a result of discussions between CRP and the UNTAES Political Affairs Unit, resolution of 800 pending cases of naturalization denial (CRP and non-CRP) was included as an explicit benchmark of progress requiring concrete steps prior to 30 September as enunciated in the Transitional Administrator's 18 July 1997 letter to President Tuđman.

*CRP also filed appeals for approximately 150 persons who received written denials of passports,* either on the basis of some unspecified pending criminal charge or failure to report for military service. CRP observed some progress in this area, with some persons initially denied passports, particularly those denied on basis of the failure to report for military service, receiving passports subsequent to CRP's complaint. CRP also saw a significant decrease in the number of written denials issued. After realizing the above accomplishments, in July 1997, ADF transferred management of the CRP Centers over to the Norwegian Refugee Council.

#### **4.2.2. CRP Subgrants for NGO Reintegration Activities**

ADF provided six subgrants from the Norwegian government funds to NGOs to conduct activities relating to reintegration of the UNTAES region into the Croatia. These subgrants were in addition to those provided under ADF's original project and described above. With the reintegration of the UNTAES region in to the Croatian territory in January 1998, this program component was merged with ADF's ongoing Reintegration of Populations Project. Table 4 provides a summary of NGO activities supported by ADF under the CRP. Additional detail is provided in Attachment V.

**Table 4: CRP Subgrants**

NGO Name	Region	Activities	Grants
Serbian Democratic Forum	Pakrac, Okučani, Daruvar, Grubisno Polje & Slatina.	Opening of legal aid offices in five new cities. Legal assistance provided to 2,286 beneficiaries.	\$72,000
Center for Peace, Nonviolence & Human Rights	Baranja and Okučani.	Reintegration activities for over 100 displaced persons in Baranja and Okučani, and their counterparts and former neighbors in the other city.	\$35,000
Center for Peace, Nonviolence & Human Rights	Pakrac	Reintegration activities for 60 families and their former neighbors in Pakrac.	\$20,000
Center for Peace, Nonviolence & Human Rights	Osijek	Production of eleven brochures and pamphlets related to return and publication and distribution of 5000 copies of each	\$33,000
Serbian Democratic Forum (2 subgrants for this activity)	Western Slavonija	Survey of 899 households in 99 different villages to obtain accurate information related to the return of refugees and displaced persons.	\$39,500

#### 4.2.3. Justice Under Law Project

ADF implemented its Justice under Law Project (JULP) in 1997 as a sub-project of the Civil Rights Project. At the time, ethnic Croatian Serbian clients in the UNTAES region could not find lawyers who would represent them in court. Only an attorney who has passed a state exam, and paid membership fees to the Bar Association could become an *odvjetnik* and represent fee-paying clients in a courtroom. Other lawyers who have graduated from a law faculty are called *pravniks* and can give advice but cannot file a lawsuit or make a court appearance. It is a system of legal differentiation similar to the barrister-solicitor distinction in the United Kingdom.

The NGO lawyers providing legal assistance in the UNTAES region were *pravniks* and were not qualified to represent clients in all types of court proceeding. Croatian lawyers would not take on the cases of these Serb clients. With ADF assistance, *five eligible Serbian attorneys resident in the UNTAES region became members of the Croatian Bar Association* under the JULP. In return for this, and a small stipend of 1,000 DM each for a total of ten months, the attorneys provided free legal services to clients sent from twenty-two ADF-designated referral sources, including five NGOs funded by ADF. *During the ten months of the JULP project, the five lawyers registered with the Croatian Bar Association handled 100 court cases.* These lawyers continue to serve as resources to their communities.

#### 4.3. BUSINESS REGISTRATION PROJECT COMPONENT, JANUARY 1997-JUNE 1998

In 1993, the Croatian Parliament enacted the Croatian Company Act, which prescribed the method of incorporating a company. Parliament scheduled implementation of the Act starting January 1, 1995. All companies in existence prior to the enactment of the Act were

required to re-register in accordance with the new law by December 31, 1995. In 1997, when the Business Registration Project (BRP) took place, businesses in Sector East had not yet properly re-registered and thus were prohibited from operating and receiving various contracts including those from international humanitarian organizations (e.g. contracts for the reconstruction of homes).

With the lack of employment and other economic opportunities as a major deterrent to then current residents of the UNTAES region to remain in Croatia, ADF developed and implemented the Business Registration Project. The BRP component, added to ADF's Cooperative Agreement with strong support of USAID/Croatia in early 1997, provided legal assistance to business owners who wished to register their company in accordance with Croatian law.

ADF's approach to the project combined public education on the registration process and on the obligations and opportunities of a business owner, with legal assistance to ensure the registration was done properly and in accordance with Croatian law. ADF contracted local lawyers resident in the UNTAES region and provided them with all relevant laws and materials for registration process. ADF widely advertised the project through various UNTAES-sponsored media as well as local television and radio. Pamphlets were also prepared and distributed. Potential business registrants contacted the local lawyers who provided assistance in completion of forms, and if necessary formulation of company act. ADF staff lawyers reviewed completed applications for compliance with the Commercial Court or county office procedures, some of which were peculiar to the local court.

In general, the types of businesses ADF helped register were sole proprietorships and small trading companies (capital companies requiring founding capital of 5000 DM in cash or equipment). The registration process itself was fairly straightforward and involved filling out forms provided by the Croatian government. Applications were submitted to the competent county office or the Osijek Commercial Court. The business registrant paid required registration fees and notary fees (except attorney's fees).

*ADF registered 416 small trading companies and funded the registration of 202 sole proprietorships, for a total of 618 companies registered.* The BRP project, however, had a much greater effect than these figures represent. In meeting with county registration offices to clarify procedures and push local government officials to do the registrations, and in educating and promoting small businesses to register, *ADF was indirectly responsible for the registering of thousands more sole proprietorships (4,606).*

**Table 5: UNTAES Region Businesses Registered During the BRP**

Small Trading Companies

Total number of registrations	416
Number of employees	3,775
Number of owners	858
Projected first year revenues in DM	30,422,000
Companies registered by displaced people	115
Companies registered in Baranja	58

Total Sole Proprietorships Registered (202 with financial support from ADF)

Vinkovci	1,733
Vukovar	659
<i>Total: Vukovar-Srijem County</i>	<i>2,392</i>
Osijek	1,814
Beli Manastir	400
<i>Total: Osijek-Baranja County</i>	<i>2,214</i>
<b>TOTAL Sole Proprietorships</b>	<b>4,606</b>

**4.4. REINTEGRATION OF POPULATIONS PROJECT, JANUARY 1998-JUNE 2000**

Following the reintegration of all the former UN protected regions into Croatia, ADF augmented and consolidated its support for the provision of assistance to facilitate refugee return and reintegration throughout Croatia. Support for Croatian NGO activities focused primarily on (1) developing a sustainable expanded NGO network for legal assistance; (2) further strengthening the capacities of NGOs within this network; (3) building local capacity to monitor and report on human rights; (4) increasing NGO advocacy skills and communications with government, and (5) facilitating cross-border refugee return to Croatia.

ADF's Cooperative Agreement with USAID was further amended to extend the life of project through September 1999 and provide the additional funding to create an expanded legal assistance network in the war-affected areas of Croatia. In support of the legal assistance network, ADF opened two new offices in Glina (former sector North) and Knin (former sector South) and provided training and technical assistance to subgrantees operating the legal assistance offices. A no-cost extension extended the project through December 1999. Finally, ADF received a cost extension from January 1 - June 30, 2000 and operated from its Zagreb office, closing its field offices in Pakrac, Glina, Knin and Osijek.

**4.4.1. Legal Assistance Network**

ADF provided additional training, technical assistance and grants to strengthen the capacity of the Croatian NGOs and to establish an NGO legal assistance network, that is now operating through 23 legal assistance offices located in the four war-affected areas (former

UN Sectors North, South, East and West) of Croatia. The NGO legal assistance network provides the following coverage:

- **Former Sector North:** covered by the *Serbian Democratic Forum; Medical Center for Human Rights [Dvor, Glina (2 offices), Gvozd, Petrinja, Plaski and Vojnic*
- **Former Sector South:** covered by the *Dalmatian Solidarity Council (Split, Knin, Zadar, Benkovac, Gracac)*
- **Eastern Slavonija/Danubian Region:** covered by the *Center for Peace, Nonviolence and Human Rights; Serbian Community of Slavonia and Baranja; Association for Peace & Human Rights-Baranja; Center for Peace, Legal Aid and Psychosocial Assistance (Vukovar, Ilok, Osijek (2), Bilje)*
- **Former Sector West:** covered by the *Serbian Democratic Forum (Pakrac, Okucani, Grubisno Polje, Slatina, Daruvar)*
- **Zagreb:** covered by the *Serbian Democratic Forum.*

ADF selected the above-listed NGOs as its implementing partners based upon its prior good experience working with these organizations to provide legal assistance services to the target beneficiary populations. As a result of increased funding and staffing under the RPP, the number of clients assisted by Croatia NGOs in the program rose from 8,687 in 1987 to 31,130 in 1998, 41,026 in 1999 and 17,469 in the first six months of 2000. *From January 1998 through May 2000, ADF's Reintegration of Populations Project supported eight Croatian NGOs who provided legal assistance to almost 90,000 people.*

#### *Achievements in 1998*

The number of clients assisted by ADF-funded Croatian NGOs rose to 31,130 in 1998. This far surpassed ADF's 12-month target of 18,500 clients. NGO lawyers working in legal aid offices located in the war-affected areas gave these clients pro bono legal assistance and advice. Additionally, 13,725 individuals received advice over the telephone or by mail. The number of NGO legal assistance offices increased from 10 in 1997 to 21 in 1998. This surpassed ADF's 12-month target of 18 offices established, with three additional offices in place.

While the number of cases exceeded ADF's expectations, the percentage of these cases achieving resolution did not. A Client Survey for 1998 showed that 40% of the cases were resolved. Of these, 70% were resolved in favor of the client and 30% against. Approximately 51% of the cases were pending as of December 1998. Nine percent (9%) of the cases were either referred to bar-certified attorneys for court representation or the client ceased contact.

The major reason cases did not achieve resolution was the ponderous judicial and administrative systems that needed to be negotiated. This was incredibly time-consuming. In later years, the backlog of cases pending in government offices would prove to further add to the time that it would take to resolve the cases of NGO clients.

### Achievements in 1999

In 1999, the number of clients assisted by ADF-funded Croatian NGOs rose from 31,130 in 1998 to 41,026 in 1999. This surpassed ADF's 12-month target of 25,000 clients by over 16,000 additional persons and represents a 25% increase over 1998 figures. Additionally, 31,052 individuals received advice only. NGO lawyers (*pravnik*) working in legal aid offices located in the war-affected areas gave these clients pro bono legal assistance and advice. The number of legal assistance offices increased from 21 in 1998 to 23 in 1999.

The 1999 Client Survey shows that at the end of 1999, 50% of the cases were pending while 38% had been solved in favor of the client and 4% negatively. This was an improvement over 1998 when 51% of the cases were pending, 28% of the cases were solved in favor of the client and 12% negatively. The remaining cases for both years include those where clients ceased contact or the matter was referred to an attorney (*odvjetnik*) for court appeals.

### Achievements in 2000

Through June 2000, the number of clients assisted by ADF-funded Croatian NGOs was 17,469. This surpassed ADF's target of 12,500 clients by almost 5,000 additional persons. Additionally, 14,454 individuals received advice only. These clients were given pro bono legal assistance and advice by NGO lawyers (*pravnik*) working in legal aid offices located in the war-affected areas.

#### **4.4.2. Capacity Building for Croatian NGOs**

ADF continued to provide technical assistance and training to NGOs in order to strengthen their organizational capacities and sustainability. NGO capacity building and institutional development under the Reintegration of Populations component focused on developing core capacity of NGOs in twelve key areas:

- Strategic Planning
- Administrative Procedures
- Information Management/Internet
- Team Building
- Project Planning and Proposal Writing
- Evaluation
- Board Development
- Financial Management
- Marketing
- Coalition Building
- Fundraising
- Report Writing

Also, ADF invested significant time and resources to improve the NGOs abilities in advocacy and human rights monitoring, which are described in their own sections below. Table 6 presents a summary of training workshops provided under the RPP from 1998 – 2000. Additional detail is available in Attachment VI.

**Table 6: Training Workshops 1998 - 2000**

<b>Title</b>	<b># workshops</b>	<b># CSOs</b>	<b># participants</b>
Financial Management	1	8	15
Information systems in NGOs	3	6	23
Computer/Internet	10	5	42
Team Building	2	2	40
Coalition Building	2	6	14
Project Planning and Proposal Writing	4	15	28
Fundraising	2	16	24
Grant Proposal Writing and Budgeting	3	8	37
Evaluation	2	2	29
Advocacy	5	12	34
Human Rights Monitoring & Reporting	2	18	23

#### **4.4.3. Human Rights Monitoring**

One of the key functions identified for and by Croatian legal assistance and human rights organizations was the monitoring of human rights in Croatia. ADF provided training, technical assistance, and financial support to its partner NGOs to ensure that all regions in Croatia were covered by NGO-human rights monitors.

##### **Training and Technical Assistance for Human Rights Monitoring**

HURIDOCS, the Human Rights Documentation System database, was introduced to the Croatian human rights NGOs through an ADF training workshop in July 1998. The database, used by human rights NGOs worldwide to accurately record and monitor human rights violations, was to assist Croatian NGOs become more efficient and accurate in their monitoring. Regional workshops were held during the period September 1998 – January 1999 in Zagreb, Rijeka, Osijek, and Glina. By the end of 1998, twenty (20) NGOs had become members of the HURIDOCS network.

ADF collaborated with the Center for Direct Protection of Human Rights (CDPHR) in Zagreb to assist NGOs in learning how to use the system. ADF and CDPHR provided technical assistance throughout 1999 to NGOs learning the system. Also, ADF sponsored a human rights monitoring and reporting workshop in March 1999 and a HURIDOCS National Conference in April 1999 was attended by all members of the Croatian HURIDOCS network.

##### **Monitoring and Reporting by NGOs**

By 1998, the NGO human rights monitoring network, consisting of eight Croatian NGOs, covered all the sensitive geographic areas in Croatia. The network planned to issue an annual human rights report in 1999. The report was delayed until after the parliamentary and presidential elections in January and February 2000. Following work on the elections, the report "Limitations in Realizing the Right to Return, Returnees' Rights According to Croatian

Laws and in the Practice of Implementing Certain Regulations Related to Return" was produced. A copy of this report is included as Attachment VII.

These NGOs base their reports and observations on relevant international and European conventions on human rights. In addition, the NGOs utilize relevant sections of the Croatian law to form opinions about the respect for human rights in Croatia. The report was received very favorably by international human rights organizations. International organizations such as ECMM and OSCE rely on fact-finding and legal analysis carried out by the NGOs.

#### **Future Prospects for Human Rights Monitoring**

The Croatian human rights monitoring NGO network is committed to continuing its work. These organizations are now part of the Legal Services Coalition (LSC), which is now officially registered with the Government of Croatia. The LSC is creating a standardized reporting system for human rights in Croatia that is in keeping with the current needs and pattern of violations.

#### **4.4.4. Advocacy campaigns and consultations with government**

The resolution of the problems faced by clients in their efforts to return to their homes of origin is closely linked to Croatian government policies and practices, at both the national and regional levels. Under the Reintegration of Populations Project, ADF supported activities that contributed to improved consultations with government and advocacy initiatives by Croatian human rights and legal assistance NGOs.

#### **Increased Consultation with Government**

NGO consultation with local government increased in 1998 and 1999 as ADF organized periodic Legal Assistance Subgroup meetings (Sectors North, South, West) under the auspices of the UNHCR-OSCE Inter-Agency Meetings. The agenda for each meeting was prepared in consultation with local NGOs and international organizations. Members of the Croatian government (national and/or local) were invited to attend. As a result, NGO representatives have begun to build relationships with government officials, which has had a positive impact on resolving clients' interests on refugee return and reintegration issues.

#### **Advocacy Training and Technical Assistance**

ADF's training and technical assistance to Croatian NGOs in advocacy focused on skills development in numerous areas including campaign strategies, research, planning, organizing, identifying potential allies, dealing with the opposition, mobilizing constituencies, building coalitions, targeting key decision makers, using the mass media, communicating with government officials, etc. ADF's advocacy training manual developed for use in Croatia is included as Attachment VIII. Also, some small grant support was provided to assist NGOs in conducting their advocacy campaigns

In 1997, advocacy training was provided to 45 participants from 14 Croatian NGOs. In 1998, four other advocacy workshops were held. In 1999, taking advantage of new openings in the political environment, ADF conducted additional advocacy training and technical assistance during which plans for two NGO advocacy campaigns were developed by the participating NGOs. The implementation of these campaigns was delayed until 2000 because all of ADF's implementing partners were encouraged to actively participate in voter awareness campaigns in 1999 and early 2000.

### Advocacy Campaigns

Following on the success of the advocacy campaign conducted in 1996 to influence legislation on associations in Croatia, described in section 4.1, three additional advocacy campaigns took place under the RPP.

ADF's partner NGOs contributed in an advocacy campaign intended to **mobilize public participation in the 2000 electoral period**. These NGOs participated in regional coalitions to educate the public about the 2000 electoral process and get out the vote for the 2000 elections. ADF assisted the Croatian NGO *Citizens Organized to Monitor Elections (GONG)* implement a Strategic Planning session in March 1999 to develop regional coalitions of NGOs who would provide and help recruit volunteers to assist GONG monitor the national elections. In that session, GONG developed a vision, target, strategy, assigned regional coordinators and decided to coordinate activities from existing regionally-based NGO offices.

The advocacy campaign "**Work of Vukovar and Beli Manastir Courts**" began in early 2000, and is still underway. The basic goal of this advocacy campaign is to inform the citizens about the work of the Municipal Courts in Vukovar and Beli Manastir. The campaign seeks to make the work of these courts public; provide objective and subjective facts in the work of those two courts; and help the courts in resolving problems they are facing.

A fourth advocacy campaign, begun in 2000 and ongoing, relates to the **return of apartments** to refugees and displaced persons that were unable to purchase their former apartments (a right guaranteed under the law) due to their displacement. The goal of this campaign was to draw attention to the problem of terminated tenancy rights; present consequences that the court decisions on those terminations have caused and emphasize the problem of not resolving this issue. The results accomplished to date include statistical data and analysis as well as the complete description and analysis of the Croatian Laws and regulations related to this issue.

#### **4.4.5. Cross-border work to facilitate refugee returns**

ADF worked with the Serbian Democratic Forum to establish a system of cross-border refugee returns from Serbia and Republika Srpska, Bosnia-Herzegovina. ADF assisted SDF to establish a new office in Subotica, FRY and supported the previously established office in Belgrade. ADF also assisted SDF in establishing a new office in Gradiska, BiH and

supported a previously established office in Banja Luka. All four SDF project offices provide legal advice and assistance free of charge to clients. The offices also liaised with SDF offices in Croatia in order to provide a comprehensive cross-border service package to clients. The period of support was from February 2000-June 2000. During this period, the offices in Serbia provided assistance to 409 clients while the offices in Republika Srpska provided assistance to 119 clients. The types of assistance provided included acting as an intermediary for clients with UNHCR who wanted to return to Croatia from Bosnia and Serbia and assisted clients obtain documents from the Croatian consulate in Banja Luka and the Croatian Embassy in Belgrade.

#### **4.5. COALITION BUILDING**

ADF's assistance to Croatian legal assistance and human rights NGOs included helping them build informal and formal coalitions (dating from 1995) and contributed to a higher level of consciousness regarding the value, need and techniques of working together to achieve common interests. In the space of five short years, Croatia citizens and their NGOs have moved toward a more activist approach to ensuring democratic processes and civil society's development and impact on government. Croatian citizen organizations have made significant process in moving from apathy and a non-involved role five years ago to a position now where they are now being cited as an outstanding example of effective citizen participation and involvement in the electoral and institutional reform process.

ADF began supporting collaborative activities between human rights NGOs in 1995 when it provided grant and technical support to the Pakrac legal aid project of the Coordination Committee for Human Rights (CCHR) and support to publish the CCHR newsletter. The CCHR operated on an informal basis, with a rotating chair among its member organizations. Though well intentioned, the shortcomings resulting from the lack of a registered coalition/coordination organization with its own staff and budget were all too apparent in the management of the projects it conducted.

One of the most recent accomplishments in coalition building has been the creation of the Legal Services Center (LSC). This coalition of Croatian NGOs offers a viable and continuing means of furthering information sharing and coordination in the human rights and the pro bono legal services sector, thus strengthening and sustaining civil society processes. ADF has assisted the LSC in creating a database for providing training, technical support and fund raising information to members of the LSC. This database includes a list of library materials (books, manuals, brochures, articles), list of local consultants/trainers and a directory of potential funders. Also, the HURIDOCS system and training was provided to the LSC to facilitate the recording and reporting of human rights abuses by LSC member organizations. Other ADF assistance to LSC includes support for fundraising, and proposal development for donor assistance to this important new coalition.

The LSC founding Assembly was held on February 26 at the LSC Office. All LSC members and three representatives from each NGO attended. These representatives had to be officially appointed by the Governing Board of each member NGO. The LSC was officially registered

on March 23, 2000 and held its opening reception on March 31, 2000. Since registration, the LSC has conducted two advocacy campaigns, described above, and prepared, published and widely distributed an NGO white paper on "Limitations in Accomplishing the Right to Return, Returnees' Rights According to the Croatian Legislation and in the Practice of Implementing Certain Regulations Related to Return". A copy of this paper is found in Attachment VII.

#### **4.6. INTER-AGENCY COLLABORATION**

##### **4.6.1. Collaboration and Coordination with UNHCR**

ADF coordinated its activities in Croatia with UNHCR in several aspects. ADF and UNHCR regularly held consultations regarding the joint funding of partner NGOs. ADF assisted UNHCR to compile lists of returnees (particularly in Western Slavonija), assisted in the distribution of nonfood items to identified needy families, transported organized returnees from the designated drop-off point to their homes in outlying villages, and assisted in the transportation during go-and-see visits (when potential returnees came back to Croatia to go and see their houses).

ADF, under the auspices of the Area Return Facilitation Group (ARFG) co-chaired by UNHCR and OSCE, organized the Legal Assistance Subgroup of the ARFG. This subgroup, whose members included UNHCR, OSCE, ADF, ADF's partner NGOs and other local and international organizations working on legal issues, met as often as monthly to review and resolve pressing return issues. ADF organized and chaired the meetings. ADF also invited relevant government representatives to each meeting. For example, when the topic was on pensions, ADF ensured the attendance of representatives from the local Pension Fund office.

##### **4.6.2. World Learning - Participant Training Program**

ADF initiated and helped organize a highly successful participant training program, under the World Learning/USAID Technical Training for Societies in Transition (TRANSIT) project, in which Croatian human rights organizations received training/exposure to U.S. pro bono legal assistance providers. The focus of the program was to gain greater insight into the management and delivery of pro bono programs, and the benefits of working in coalitions. Participants visited nonprofit law clinics, law firms, law schools, local bar associations, and groups with innovative service delivery systems. Of particular interest was gaining a better understanding of funding sources (government, private, corporate, sliding fee scale), fundraising strategies, volunteer recruitment strategies, and similar skills.

##### **4.6.3. UNHCR and Government of Croatia -NGO Fair**

ADF actively participated in the planning, preparation and implementation of the October 1998 NGO Fair, the first exhibition of humanitarian and civic society organizations in Croatia. The Fair was co-chaired by UNHCR and the Government of Croatia. The Fair was a success in terms of participation from 118 local NGOs and 25 international organizations. ADF staff worked closely with UNHCR organizers of the Fair and many of ADF's

suggestions, including the establishment of an Advisory Committee and invitation of major foundations, were implemented. ADF worked closely with its NGO grantees prior to the Fair to advise and assist with the preparation of publicity materials, brochures, and annual reports.

## **5. PROSPECTS FOR SUSTAINABILITY**

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The sustainability of ADF's program activities in Croatia lies in the increased capacity, funding base, and effectiveness of the NGOs with which it has worked. These organizations, founded and developed under difficult conditions, have always demonstrated a level of commitment that has boded well for their survival. Moreover, with ADF's assistance they have established their legitimacy in the eyes of clients, donors and the Government of Croatia alike. They now have staff with trained, experienced professionals who are able to conduct their organizations effectively and efficiently. Also, they have demonstrated an ability to raise funds, and have expanded their funding base to several donors.

Furthermore, the activities of the NGOs that ADF encouraged and supported have planted the seeds of the concept of pro bono legal services in Croatia, and as one person stated "pro bono legal services are here to stay." Informal discussions are currently being held on involving all Croatian lawyers in activities related to the delivery of services on a volunteer basis or in fund-raising activities.

The question that should be asked is whether or not these organizations will thrive? There is no question that the services of these organizations remain critical in both Croatia and throughout the region. The refugee and displaced persons problem is far from being resolved, with several hundreds of thousands of refugees and displaced persons still in Croatia, BiH and FRY. In addition, less than half of the clients receiving legal assistance have yet to achieve resolution of their cases, due to the cumbersome and time-consuming nature of the process. While the previous Croatian government did little to encourage the resettlement of certain segments of the population, and in some instances impeded it, there is optimism that the newly elected government will cooperate more fully, and with additional foreign assistance encourage the resettlement of refugees in Croatia and the repatriation of refugees currently in the country. Interviews with returnees show that they trust the staff of the Croatian organizations supported by ADF, consider them friends, and view them as an invaluable resource without which they could not maneuver the complex legal system.

The Legal Services Coalition provides an infrastructure and support for locally provided legal services. It shares information among offices, and the network headquarters is planning to develop a centralized database. It has the capacity to provide training and technical assistance to its members. It houses the vast technical resources gathered by ADF, and makes them available to NGOs. The LSC provides a model for information sharing, cooperation, and service that is vital as an example for the entire region.

ADF's NGO partners, now members of the Legal Services Coalition, are experienced in gathering and reporting reliable information about human rights violations and in using

HURIDOCS, the internationally recognized system for reporting human rights violations. These NGOs are active in the areas most affected by resettlement, and field workers are in constant contact with the affected populations. While incidents of violence are becoming infrequent, human rights monitoring remains an important issue. As long as conflict continues throughout the region, returning populations and minority groups in Croatia remain vulnerable.

## **6. LESSONS LEARNED**

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ADF's interventions have produced results that are replicable and could assist future efforts in Croatia, the region and elsewhere. Applicable lessons learned include the following:

### **6.1. PROJECT DESIGN AND MANAGEMENT**

A project designed and managed in the field by individuals familiar with the situation and context is more likely to succeed. ADF's expatriate staff had extensive experience in Croatia and other East European countries in transition and in working in environments experiencing ethnic tension. The Chief of Party had extensive knowledge of the country/region and appropriate language skills, which contributed to more rapid initial start-up and to long-term success. ADF's Croatian national staff also had experience working in the international environment and additionally benefited from ADF internal training and by attending ADF workshops.

ADF's flexibility in project design and implementation enabled the project to respond quickly and effectively to the frequent and often dramatic changes in the operating environment. The amendments to the Cooperative Agreement covering varied components responsive to needs are exemplary of this flexibility. The collegial working relationship established with USAID-Croatia also enhanced the success of the project. The consultative process that existed between USAID and ADF under the Cooperative Agreement could serve as a model for other missions and implementers to follow.

### **6.2. THE ADF MODEL**

The comprehensive model and strategy of planned and targeted intervention used by ADF -- which includes training, technical assistance, and grants -- reflect the combination of needs of nascent and emerging NGO organizations to strengthen their role in civil society. To be optimally effective, the model requires adaptation within each context. Experience has shown that technical assistance and coaching that provide hands-on assistance and relationship building has greater impact than one-off workshops. Often, NGO representatives attending workshops did not share knowledge gained with other members of their organization. Frequent NGO staff changes or departures resulted in a loss of skills for the organization concerned. Therefore, ADF followed up with hands-on training and technical assistance after each workshop. This approach also allows individual organizations to receive the appropriate amount of attention depending on their individual needs and level of development. This kind

of attention is difficult to give in large group workshops. Furthermore, ADF also encouraged each NGO to create an internal technical assistance staff position, as funding permitted.

### **6.3. INTEGRATION AND DECENTRALIZATION OF SERVICES**

The successful and sustainable reintegration/resettlement of displaced persons and refugee populations requires a comprehensive network of resources and services including legal assistance, health, education, small grants, housing, reconstruction, etc. Cooperation among the international assistance agencies and local NGOs is most effective and desirable. ADF worked closely with the interagency coordination group co-chaired by OSCE and UNHCR. ADF and UNHCR held frequent consultations on NGO funding and coordination of activities. This greatly facilitated ADF's own work, as well as problem solving by its partner NGOs.

The deployment of ADF offices in the four war-torn regions of Croatia to support the establishment of the NGO legal assistance network greatly facilitated assistance to the NGOs in the network, served to act as a buffer between the NGOs and hostile local governments, and enabled ADF to effectively advocate for the inclusion of local NGOs in problem-solving process taking place within the rather exclusive international agency mechanisms. ADF also invested much effort in building coalitions as an effective means to prevent duplication, enhance communication, and assure effective use of scarce resources.

### **6.4. TIME FRAME**

The agenda and time frame of the international community does not always reflect the reality on the ground, as they have constantly demonstrated through their inability to accurately estimate events, numbers and time frames during the past decade. The time frame required to implement effective and sustainable change must be flexible and adapted to the local context and needs. Both USAID/Croatia and ADF used the Cooperative Agreement as a means to respond appropriately and effectively to the evolving situation in Croatia, and this can serve as a lesson for other projects.

## **7. RECOMMENDATIONS**

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There is no question that the services of Croatian NGOs assisted under ADF's project remains critical in both Croatia and throughout the region. The refugee and displaced persons problem is far from being resolved, with hundreds of thousands of refugees and displaced persons still in Croatia, BiH and FRY. In addition, less than half of the clients receiving legal assistance have yet had resolution of their cases. Key issues to address regarding ongoing and future support to NGOs to continue to facilitate the return process and development of Croatian civil society include:

## **7.1. SUPPORT FOR NGOS AND THE LEGAL SERVICES COALITION**

The NGOs that ADF has worked with over the years represent a valuable investment and resource to facilitate the continued return of refugees and reintegration into Croatia. These human rights and legal assistance NGOs provide a base on which to build the emerging civil society in Croatia. Continued financial support and ongoing technical assistance will further these NGOs and their Legal Services Coalition and firmly integrate pro bono legal services to help disadvantaged populations throughout the country.

Ongoing support is required to assure that databases, among the most reliable sources of information about displaced persons, refugees and human rights for the international community, are maintained, updated and appropriately disseminated to key stakeholders.

Ongoing support is required to continue to develop NGO skills that will allow them to become effective partners in building the emerging Croatian civil society. By establishing working relationships with the newly elected government and with local government officials, judicial authorities, and the business sector, they will encourage the growth of a legal system that empowers the entire population and civil society.

Continued support is required to assist the NGO sector to determine and shape its sectoral role in Croatian civil society. This role includes influencing the development of policy/legislation, and also analyzing and monitoring issues that have a direct impact on the quality of associative life and the implementation of democratic principles.

Additional assistance to NGOs is required to support them in: lobbying for the revision of current legislation and policies in areas such as tenancy rights, taxation, and registration; developing advocacy campaigns to educate both the public and returnees as to their rights and obligations; identifying and developing a local donor support base; and assuring the rule of law.

While the NGOs assisted under ADF's Cooperative Agreement have been successful in developing alternative funding resources, the loss of USAID funding will be a blow. To the extent possible, continued USAID funding for relevant NGO activities would be of great assistance in ensuring the level of services needed to facilitate the successful return of refugees and their reintegration during this critical time in the recovery of the countries of the former Yugoslavia.

## **7.2. SUPPORT FOR RETURNEES**

In addition to legal assistance, economic assistance in the form of small grants is required by refugees and displaced persons to enable them to return and rebuild their lives. Once these groups return to their homes of origin, the challenges of rebuilding their economic security and reintegrating into the community become of primary importance.

Support is required to strengthen NGO capacity to undertake more effective community development activities, to assure comprehensive services to returnees and to strengthen communication and cooperation among multi-ethnic communities.

**FINAL REPORT**

**ATTACHMENTS**

**FINAL REPORT**

**ATTACHMENT I**

**HISTORY CHART OF COOPERATIVE AGREEMENT**

**COMPONENTS & EVENTS IN CROATIA**

Key Variables	1994	1995	1996	1997	1998	1999	2000
Status of Croatian Territory	Four U.N Protected Areas (North, South, East, West)	Operations Flash & Storm liberated UNPA West, North & South	Establishment of UNTAES in former UNPA East	UNTAES (with gradual opening of border-area villages)	All territory under Croatian government control	All territory under Croatian government control, airstrikes	All territory under Croatian government control
Political Event	Z-4 Plan	Erdut & Dayton Agreements	Implementation of Erdut Agreement	Implementation of Erdut Agreement	Return Agreement	Return Agreement	New government
ADF Project(s)	Cooperative Agreement signed 9/15/94 to fund and develop capacity of HR NGOs	Fund and develop HR NGOs in Croatia with focus on legal aid	Develop HR NGOs; Civil Rights Project-legal aid to Danubian residents	Develop HR NGOs; Closeout CRP; NGO Reintegration Project; Business Registration Project	Develop HR NGOs; NGO Reintegration Project, Closeout BRP	Develop HR NGOs; NGO Reintegration Project	Develop HR NGOs; NGO Reintegration Project; Legal Services Coalition
Summary Outputs	Croatia project start up (office equipped and staffed. NGO research performed)	9 grants, 7 legal aid offices; 677 clients (4 month period). 15 NGOs receive training	7 grants; 7 legal aid offices; 3280 clients; 15 NGOs receive t/a. 900 CRP clients	13 grants; 10 legal aid offices; 3820 clients, 445 NGOs receive training-t/a; 4867 total CRP clients; 300 companies registered	14 grants; 22 legal aid offices; 31,130 clients, 44 NGOs receive training-t/a, 416 businesses & 202 sole proprietorships registered	25 grants, 23 legal aid offices, cross-border activities increase, 41,026 clients, 44 NGOs receive training-t/a	12 grants, 26 legal aid offices, LSC, cross-border activities, 17,469 clients, fund-raising and finance training - t/a
ADF Office(s)	Zagreb	Zagreb + NGO-operated office in Pakrac	Zagreb, Osijek, Pakrac, CRP-Vukovar, CRP-Beli Manastir	Zagreb, Osijek, Pakrac, CRP-Vukovar, CRP-Beli Manastir	Zagreb, Osijek, Pakrac, Glina & Knin	Zagreb, Osijek, Pakrac, Glina & Knin	Zagreb
ADF Staff Members	4	4	8 + 8 CRP/UNTAES	12 + 8 CRP/UNTAES	17	16	7
ADF Budget/Running Total/match	\$3.1 million	\$3.1 million	\$4.8 million	\$5.48 million	\$9 million	\$9 million	\$10 million
Life of Project	September 1994-1997	September 1994-1997	Sept. 1994-May 1998	September 1994-1998	September 1994-1999	September 1994-December 1999	September 1994-June 2000

**FINAL REPORT**

**ATTACHMENT II**

**RESULTS FRAMEWORK**

Outcome Result and Output Results for ADF-Croatia	Performance Indicators	Target (Level of Change)	Results
<b>Outcome Result 1: Access to Legal and Administrative systems broadened</b> <i>USAID I.R. 1.2.1: Affected populations advised and informed on civil &amp; human rights.</i>	Number of Individuals whose cases result in some kind of resolution	50,000 cases resolved	36,670
<u>Output result:</u> Increased availability of effective and affordable assistance in resolving legal and administrative claims.	Number of regions with legal services available to DPs and refugees for resolution of issues related to resettlement.	5 regions have legal services available from NGO-grantees	5 regions
	Number of DPs and refugees served through these services.	62,500 people served.	103,169
<u>Output result:</u> Increased sustainability of NGOs providing legal assistance services.	Financial Management practices of NGO-grantees are consistent with internationally recognized standards.	100%	100%
	Organizational mission and strategies to implement it are clear to all staff of NGO-grantees	100%	100%
	Programs are regularly monitored in terms of program implementation, program impact and customer satisfaction.	100%	100%
	NGO-grantees have fundraising and sustainability strategies in place and are able to prepare acceptable proposals.	100%	100%
	Sound administrative and resource management systems are in place in all NGO-grantees.	100%	100%

Results Framework

Attachment 2: Results Framework

Outcome Result and Output Results for ADF-Croatia	Performance Indicators	Target (Level of Change)	Results
<b>Outcome Result 2: Human rights monitoring capacity improved</b> <i>USAID I.R 1 2.2: Human rights monitoring capacity improved.</i>	All regions in Croatia have NGOs monitoring human rights	All regions	All regions
	National report on human rights situation in all regions of Croatia is prepared by one or more Croatian NGOs	One per year	One report prepared in 2000
	International human rights organizations consider quality of report acceptable	90% of international organizations	100%
<u>Output result:</u> NGOs have technical and organizational capacity to establish national human rights monitoring and reporting system	Degree of conformity of monitoring and reporting to international standards of NGOs that do monitoring and reporting	100%	100%
	Collaboration of NGOs in building national statistics and documentation	10 NGOs collaborate	6 NGOs in Legal Services Coalition

Results Framework

Outcome Result and Output Results for ADF-Croatia	Performance Indicators	Target (Level of Change)	Results
<b>Outcome Result 3: Human/civil rights NGOs more active and effective in influencing policymakers and policy implementers at the local and national levels.</b> <i>USAID I.R. 1.2: Human and civil rights of war affected populations protected.</i>	Number of advocacy campaigns by human and/or civil rights NGOs	5 NGOs conduct advocacy campaigns	Over 100 NGOs in four different campaigns
	Percent of advocacy campaigns achieving desired goals.	75% of campaigns	75%
<u>Output result:</u> Expanded consultation and communication between NGOs and policymakers.	Number of formal and informal channels of communication.	4	4 joint legal subgroups

Results Framework

Attachment 2: Results Framework

Outcome Result and Output Results for ADF-Croatia	Performance Indicators	Target (Level of Change)	Results
<b>Outcome Result 4: Employment capacity in UNTAES region increases</b>	Number of new jobs created		3,775
<u>Output result:</u> Legal registration of new small and medium scale businesses in the UNTAES region.	Number of companies and sole proprietorships registered	500	618 registered
	Number of additional Croatian attorneys with experience in registering businesses.	5	8

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**FINAL REPORT**  
**ATTACHMENT III**

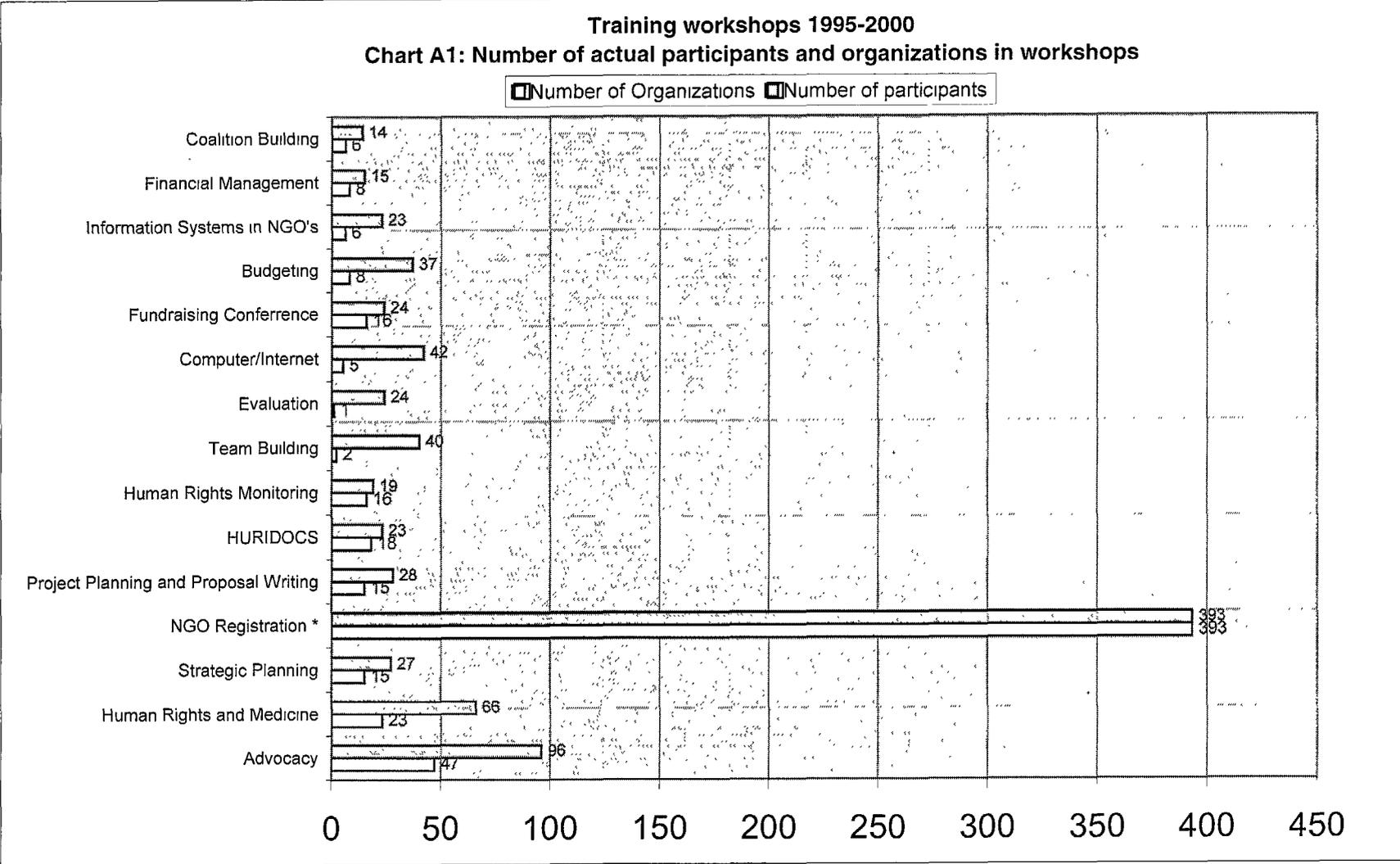
**TRAINING WORKSHOPS STATISTICS**

TABLE A: TOTAL NUMBER OF WORKSHOPS - 1995-2000

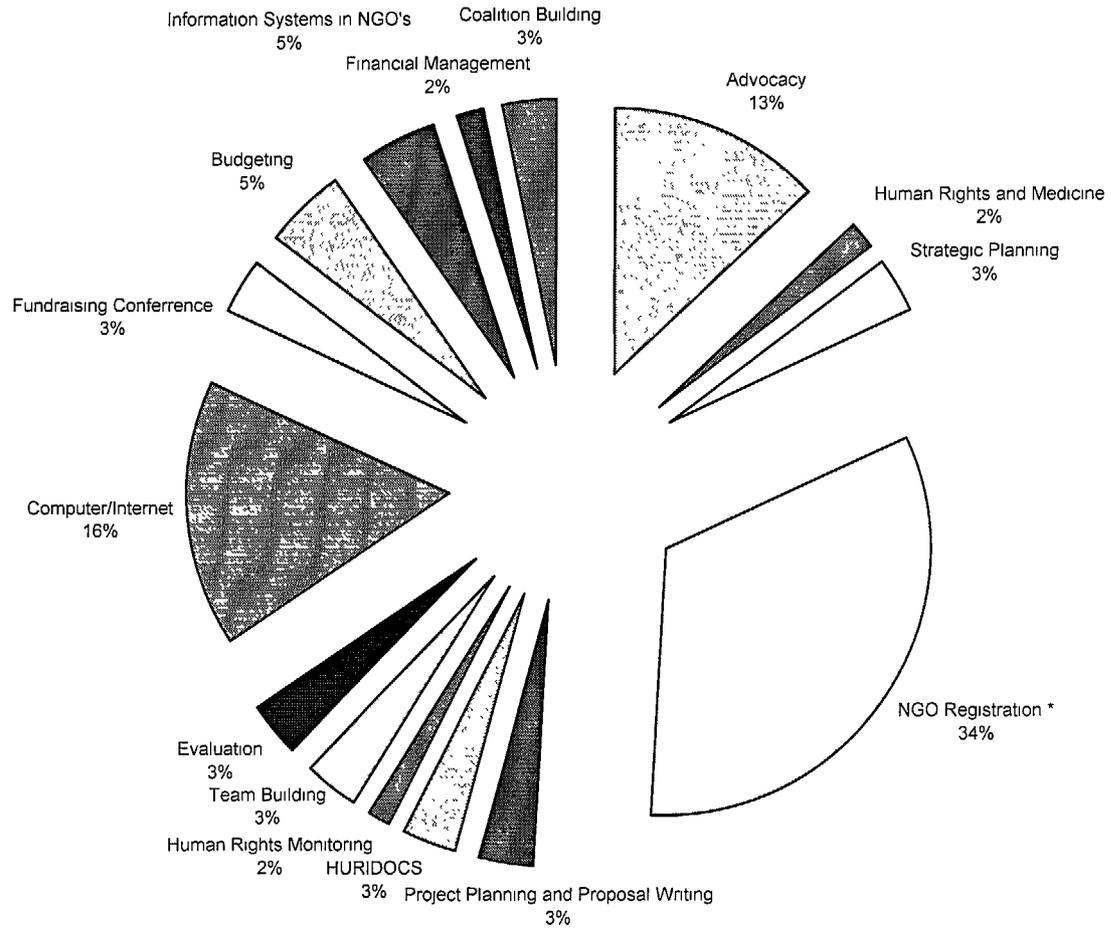
Workshop	Number of Sessions	Number of Organizations	Number of participants
Advocacy	8	47	96
Human Rights and Medicine	1	23	66
Strategic Planning	2	15	27
NGO Registration *	20	393	393
Project Planning and Proposal Writing	2	15	28
HURIDOCs	2	18	23
Human Rights Monitoring	1	16	19
Team Building	2	2	40
Evaluation	2	1	24
Computer/Internet	10	5	42
Fundraising Conference	2	16	24
Budgeting	3	8	37
Information Systems in NGO's	3	6	23
Financial Management	1	8	15
Coalition Building	2	6	14
<b>TOTAL</b>	<b>61</b>	<b>579</b>	<b>871</b>

Numbers in the table represent actual number of organizations/participants

\* NGO registration was a one-time only workshop on how to register new organizations or to re-register existing organizations under the new Law on Associations (1997). All other workshops were supported by ongoing follow-up technical assistance.



**Training Workshops 1995-2000**  
**Chart A2: Total number of Sessions = 61**



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**FINAL REPORT**  
**ATTACHMENT IV**

**SUBGRANT CRITERIA**

Statement of General Procedures and Guidelines  
1995

Subgrant Fund for Human Rights and Legal Assistance Programs for Croatia

I. Introduction

This Statement of General Procedures and Guidelines on America's Development Foundation's (ADF) Subgrant Fund for Human Rights and Legal Assistance Programs for Croatia is designed to provide general information to potential grantees about the Subgrant Fund and its activities. The Fund has been established to provide sub-grants to Croatian human rights and legal assistance organizations to assist their work in the promotion and development of human rights and legal assistance programs in Croatia.

ADF is a U.S. nonprofit organization whose priority program is the international development of democracy. ADF provides technical assistance and other resources in support of indigenous nonpartisan efforts to build democratic institutions, strengthen democratic processes and promote human rights. ADF has a Cooperative Agreement with the U.S. Agency for International Development which funds seventy-five percent of this program. The amount of funds initially available by USAID through ADF for sub-grants to Croatian organizations in 1995 totals \$250,000. Additional USAID funding will be available in 1996 and 1997. In addition to the subgrant resources to be made available by USAID, ADF will increase the level of resources available to the Croatian NGOs by securing additional grant resources from other donors consistent with the purposes of the project. In all ADF projects, an area that receives special emphasis is working with NGO organizations in the development of financial autonomy and sustainability. ADF will work with Croatian NGOs in the development of fund raising skills, major donor cofinancing and the diversification of funding sources.

II. PROGRAM DEVELOPMENT

This section describes the procedures developed by ADF to obtain submission of grant applications by qualified Croatian human rights and legal assistance organizations. ADF will, from time to time, hold orientation sessions and consultations with potential sub-grantee organizations concerning the projects they intend to submit to the fund.

A. Program Development Assistance

Potential sub-grantees will be identified by ADF-Zagreb and USAID. It is anticipated that ADF may receive a variety of proposals -- some unsolicited -- from different sources in Croatia. If a proposal offers promise, ADF will provide assistance to the proposing organization, suggesting, if necessary, revisions of the grant application to be consistent with the full application requirements. Also, organizations will be identified which are most likely to be able to carry out

programs consistent with the program strategy and priorities that are not addressed by unsolicited proposals. Possible programs will be discussed with identified groups and where appropriate, these groups will be encouraged to submit proposals.

**B. Required Proposal Contents**

To ensure that ADF's Proposal Review Committee have the necessary information to review thoroughly all submissions, each proposal must contain detailed information. Proposal submissions must include a summary of the grant proposal, a detailed description for the program, reasons for subgrant support, background information about the potential subgrantee and specific budget information broken down programmatically, i.e. according to the specific activities proposed, as well as by line-item budget categories. Also, the proposal should state the amounts of cash and in-kind contributions the subgrantee will provide in matching funds to carry out the proposed project.

**III. GRANT APPLICATIONS REVIEW PROCESS**

**A. Review Process**

The review process begins with proposals submitted to ADF's Zagreb office where they will be reviewed, analyzed and summarized with a basic staff opinion about their relevance. Final selection of grantees will be made after a meeting in Croatia of the Proposal Review Committee.

In carrying out the selection process itself, ADF's staff and consultants review each proposal, employing the guidelines and criteria described below. Proposals which are determined to have merit, but which require clarification or refinement, are returned to the potential sub-grantee for modification. ADF selects those proposals from applicant organizations it deems most highly qualified and ADF prepares appropriate documentation on them for consideration by the proposal Review Committee. Applicants whose proposals are not approved by the Proposal review Committee are so informed by an explanatory letter.

Once a proposal is approved by the Proposal Review Committee, ADF's Chief of Party will draw up standard subgrant agreements for recipients. ADF will develop subgrant agreements with recipients that will detail (a) project description, objectives, and progress and impact indicators; (b) monitoring and evaluation plans (c) detailed project budgets. For those organizations not meeting AID requirements for direct cash management, in-kind costs and small value procurement of goods and services will be managed directly by ADF.

Subgrant Agreements will provide the information noted above, plus the following provisions: (a) funding and disbursement schedules; (b) requirements that the subgrantee maintain appropriate accounting procedures and records, as well as practices and procedures sufficient to reflect the use of the funds only for approved Subgrant purposes; (c) program reporting format, timing and other requirements, including impact data; (d) financial reporting requirements, including format and reporting calendar; and (e) audit requirements, including ADF's and

(5) The proposed activity will promote the understanding and the exercise of the rights and responsibilities of refugee and displaced population groups and citizens and civic organizations, and is a direct and appropriate response to specific constraints, to the understanding and free exercise of such rights and responsibilities. (6) The proposed activity will benefit a well-defined and potentially cohesive segment of the targeted populations. (7) The activity is an appropriate response to specific needs of the targeted beneficiaries. (8) The activity does not unnecessarily duplicate the activities of other organizations. (9) Although the project is targeted to benefit specific segments of the population, it is not undertaken in a partisan or discriminatory manner. (10) The activity has measurable benefits. (11) The activity is cost-effective. (12) The plan of activity includes specific strategies to ensure the participation of the people in the refugee and displaced populations and other vulnerable groups. (12) The application incorporates an analysis of the problem of human rights and/or legal assistance in the area in question and the method by which the proposed program will have a constructive impact on the problem (13) The activity creatively enlists the support of other human rights/legal assistance organizations.

*Substantive Criteria:*

(1) The applicant is a registered nonprofit, nongovernmental Croatian organization. (2) The proposed project will contribute to human rights and legal assistance services provided to refugees and displaced population communities as well as other vulnerable groups. (3) The applicant possesses the necessary technical skills to undertake the project. (4) The applicant possesses the necessary managerial skills to carry out the project.

*Mandatory Criteria:*

**Subgrant Selection Criteria:**

The following grant guidelines indicate the minimum standards required of all grant applications to be considered qualified for further evaluation in the selection process. The Proposal Review Committee will only approve grants for budgets for one year or less. However, the proposal review committee is disposed to consider subgrantees for additional grants. It is anticipated that most grants will not exceed \$25,000 a year. Any grant over \$100,000 must be approved by USAID. It is quite possible that grant awards may be less than the amount of the applicant's proposed budget. In that case, the grant applicant will be requested to submit a revised budget (and if necessary a revised program) for final approval and incorporation into the subgrant agreement to be signed.

**B. Grant Guidelines and Selection Criteria**

USAID's right of access. All outstanding issues and detailed budget and program requirements are resolved at this time. When a grant agreement has been signed by both parties, disbursement of funds may start. At this point, the grant monitoring arrangements begin, with the sub-grantee providing reports as outlined in the grant agreement.

*Institutional Criteria:*

(14) The activity is consistent with the organization's mandate and experience. (15) The activity has the potential for long-term sustainability and continued relevance. (16) The proposal includes a specific plan for sustainability. (17) The organization demonstrates a fundamental commitment to democratic processes, principles and human rights. (18) The application proposes appropriate, qualified staff who have demonstrated ability to administer programs capably and to accomplish stated goals and objectives. (19) The application proposes a realistic budget.

#### IV. GRANT MONITORING AND EVALUATION

##### A. Grant Monitoring Procedures

###### *1. Program monitoring*

ADF requires quarterly progress reports on its sub-grant programs. All grantees are expected to consult regularly with ADF and to inform ADF of any significant problems so that remedial action can be taken. All reports are expected to be consistent with the format and content employed in the sub-grantee's proposal. Monitoring by ADF will also consist of periodic review of project products. ADF may from time to time make on-site visits to assist in verifying information provided in written reports.

###### *2. Financial Monitoring*

All subgrantees must maintain proper documentation and accounting control over funds provided by ADF. The required quarterly progress reports must contain a section on the subgrantees financial expenditures. The format for the financial report section should be broken down into the line item categories specified by ADF, indicating both total budget and expenditures to date for each project. The financial reporting format will be specified during negotiations of the grant agreement to be signed between ADF and each of the sub-grantees.

##### B. Grant Project Evaluation Procedures and Guidelines

The evaluation process provides an opportunity for periodic reassessment of program activities and resource allocation with reference to program objectives. Sub-grantee organizations need to have evaluations of their own programs in order to ensure that they are meeting their objectives as well as to ensure that funds are being used wisely. Similarly, ADF must be in a position to evaluate the program and projects of its subgrantees as part of its total program, priorities and allocation of resources.

###### *Evaluation Guidelines*

The following general guidelines for evaluation will apply for all ADF subgrantees. These

guidelines are intended for use by potential sub-grantees in preparing the self-evaluation plans required as part of program proposals. Keep in mind that this project will have other evaluations in addition to the self-evaluations described.

Evaluation guidelines consist of six major elements: program design, documentation, specification of evaluation focus, evaluation design, evaluation implementation, use of evaluation results.

1. Program design. Programs should be designed from the outset with the evaluation process in mind to ensure that a program or project can be meaningfully evaluated. This should help to conserve resources and generally improve the program or the project. Accordingly, the purposes and goals of a proposed program must be clearly translated into specific concrete objectives.
2. Documentation. Program managers must ensure that appropriate records are kept of program activities and results, as well as of expenditures.
3. Specification of Evaluation Focus. An evaluation may focus on a program as a whole, or on each of several program components. In either case, the evaluation should focus on the most important parts of the program.
4. Evaluation Design. The evaluation should be as concrete as possible, but not so as to detract from a proper consideration of the chief elements of the program, whether or not they can be easily measured, e.g. the extent to which real change is effected toward the development of human rights and legal assistance programs.
5. Evaluation Implementation. Evaluation ideally should be an integral ongoing part of the monitoring aspect of a program or a project, rather than a separate activity tacked on at the end. The evaluation should take into consideration new developments during the course of the program which justify modifications of the original program plan.
6. Use of evaluation results. The final and most important guideline in program evaluation is to ensure that findings are effectively used. Project evaluation results will, of course, be submitted to ADF as part of a sub-grantee's final report. ADF will periodically take steps to verify information provided in final evaluations through consultations with participants in a program, and outside review by experts and observers of ADF supported programs. This will involve the review of any materials produced as part of the program. This may also include program and financial audits.

**FINAL REPORT**  
**ATTACHMENT V**

**SUBGRANT ACTIVITY DESCRIPTIONS**

**1995-1996 SUBGRANTS**

**Zagreb:**

Medical Center for Human Rights: The primary purpose of the Medical Center for Human Rights is to collect and compile forensic evidence for the international war crimes tribunal. ADF's subgrant enabled the Center to implement a legal assistance component as part of their work with displaced persons and refugees. (\$19,900)

Serbian Community in Croatia: The organization's mission is to fulfill the objectives set forth in the Statute of the Serbian Community in Croatia, especially (1) respect for human rights and freedoms of citizens; (2) preservation of Serbian national and cultural identity; (3) stimulating cultural and scientific activity; and (4) participating in public affairs. The Community has a Committee for Human Rights and cooperates with other human rights organizations in Croatia. The ADF subgrant enabled the Serbian Community to expand their advocacy lobbying efforts on behalf of the Serbian minority, as well as conduct human rights documentation and protection activities in branch offices in Zagreb and Osijek, an important front-line town. (\$49,800)

Serbian Community in Croatia: In September 1995, a second subgrant was awarded to the Community for a project called "Donji Lapac - Return to a Civil State," designed to encourage and facilitate the return of Serbian refugees to their homes in the Krajina. The project included four phases: (1) monitoring the response of the international and local communities to the Serbian refugee flight, (2) direct contacts with the Governments of FRY and Serbia as well as with NGOs to determine their readiness to cooperate in repatriating the Serbian refugees, (3) opinion sampling in the larger refugee centers to determine the number of citizens wishing to return and the conditions under which they would return and (4) collation and processing of information gathered in Phases one through three, and conducting an advocacy campaign for the repatriation of refugees. (\$23,500)

Magna Carta-Center for Human Rights Promotion: MC was founded in 1992 and is associated with Amnesty International. The grant enabled MC to establish human rights documentation center in Zagreb. This library was opened to the general public in 1996. (\$24,240)

**Rijeka:**

Movement for Peace-Suncokret: In addition to organizing modest amounts of humanitarian aid, this group also operated a small scale legal assistance/counseling section which at that time could provide services to women only because of the restricted small grant from an Italian women's organization. The ADF subgrant enabled the

Movement to expand activities in the area of refugee/displaced protection, including legal assistance. (\$13,590)

**Split:**

Dalmatian Solidarity Council: The Council provides humanitarian aid and legal protection for victims of illegal evictions. The ADF subgrant enabled the Council to expand activities in human rights protection and legal assistance, particularly strengthening its operations in Split. (\$25,610)

**Osijek:**

Center for Peace, Nonviolence & Human Rights: In addition to providing programs of social support for residents of Osijek and educational activities in conflict resolution and peace making, the Center operates a legal assistance and counseling service; represents parties before courts; and mediates between parties in conflict. ADF's subgrant allowed the Center to continue efforts in coordinating human rights NGO activities, including production of a national newsletter. (\$25,140)

Center for Peace, Nonviolence & Human Rights: ADF's subgrant enabled the Center, in coordination with 12 other human rights organizations, to provide legal assistance and support to the Pakrac region in Western Slavonia. (\$31,730)

Center for Peace & Nonviolence-Karlovac: ADF's subgrant enabled the Center to continue peace education efforts with citizens in region. The Center held two workshops, attended by a total of 60 townspeople, on conflict resolution and peace education. The Center shared its office space with another Karlovac based NGO. (\$13,610)

**Medical Center for Human Rights – Special Projects:**

**International Criminal Tribunal for Former Yugoslavia**

ADF worked with the Medical Center for Human Rights to provide support to the International Criminal Tribunal and families of missing persons. The Medical Center had collected and provided the written testimony of hundreds of witnesses and/or victims of war crimes to the U.N. Commission of Human Rights Experts in 1993-1994. This Commission forwarded the information to ICTY at The Hague. Based on the preliminary investigation, the Sexual Assault Investigation Unit of ICTY called upon the Medical Center to locate many witnesses for in-depth interviews whose testimony would be used to advance the on-going investigations and lead to indictments and possible trial testimony. The Medical Center formed multi-disciplinary support teams consisting of a legal expert and a psychotherapist to locate the identified witnesses and provide pre- and post-interview support. From December 1995 to April 1996 ICTY investigators requested MCHR locate and provide legal and psychological assistance to 20 potential witnesses.

**Exhumation and identification of Victims / Ovcara**

The Medical Center for Human Rights assisted in activities related to the exhumation and identification of bodies buried in Ovcara, a village located near Vukovar in the UNTAES region beginning in August 1996. By October 1996, the exhumation of the Vukovar mass grave (200 bodies of people murdered in November 1991) was completed. The identification of remains was conducted at Department of Forensic Medicine, Zagreb University Medical School.

The MCHR mobile teams, consisting of medical professionals and lawyers, assessed needs and visited families of the missing in their homes in order to provide the legal and psycho-social assistance that was necessary. To help MCHR conduct these activities efficiently and professionally, ADF engaged two experts from Oklahoma City to assist the Medical Center for Human Rights -- and the eventual Steering Committee of the Initiative to Support Families of Missing Persons/Ovcara Mass Grave -- in creating a family assistance network. Dr. Allene Jackson, Clinical Assistant Professor, Department of Family Medicine at University of Oklahoma College of Medicine and Mr. Ray Blakely, the Director of Operations at the Office of the Chief Medical Examiner, played key roles in establishing a Family Support Network in the wake of the Oklahoma City federal building bombing.

By February 1997, the total number of families visited was 148 (all targeted families in Zagreb area) with 341 family members affected; the total number of blood samples given was 60 (80%). As of November 30, 1997 93 persons were identified from Ovcara mass grave. The families of victims were given the medical and other documentation prepared by investigators with ICTY. Regarding burial of the remains, the wishes of the family were followed; 90% of the families expressed the desire to bury their loved one in Vukovar; temporarily the remains were buried in Mirogoj Cemetery, Zagreb and were relocated to Vukovar after the end of the UNTAES mandate.

**1996-1997 SUBGRANTS**

**Zagreb:**

**Medical Center for Human Rights:** ADF's subgrant supported the provision of legal assistance to refugees and displaced persons in the Zagreb area regardless of nationality, religion, gender, ethnicity or political viewpoint. Legal assistance was given over the telephone and in person (in the office as well as in the field). The program included a public education component and providing counseling (legal and psychological) to

witnesses (primarily sex crimes victims) deposited by investigation units of the International Criminal Tribunal for Former Yugoslavia. (\$33,550)

Serbian Community in Croatia--Human Rights Commission: ADF's subgrant enabled the Community to concentrate on its lobbying and advocacy efforts for minority rights. (\$9,000)

GYM AID/Initiative for the Third Sector: ADF's subgrant provided partial financial support for implementation of the NGO advocacy campaign "Initiative for the Third Sector", which brought together over 100 Croatian NGOs of all types to successfully advocate for changes in the GOC proposed legislation on associations. (\$30,000)

**Rijeka:**

Movement for Peace-Suncokret: Subgrant supported the expansion of legal assistance services to underprivileged groups, including refugees, displaced persons and other poor and vulnerable social groups. Program included public education services, including several panel discussions. These panel discussions resulted in a higher profile for the organization and better relationship with the local government. Geographic area included Rijeka, as well as Opatija, Delnice, Fuzine, Crikvenica and the islands of Krk and Cres. (\$26,100)

**Osijek:**

Center for Peace, Non-Violence and Human Rights: ADF's subgrant enabled the Center to expand its human rights and legal assistance program. (\$43,670)

Serbian Community of Slavonija & Baranja--Human Rights Commission: Subgrant enabled the expansion of human rights protection activities in Osijek, an important front line town. (\$15,000)

**Pakrac**

Committee for Human Rights: The Committee continued the work of the Center for Peace, Nonviolence and Human Rights as Project Director for the Pakrac project of the Coordination Committee for Croatian Human Rights Organizations. ADF's subgrant enabled the Committee to provide legal assistance and support to the Pakrac region in Western Slavonia. (\$32,450)

**Glina**

Medical Center for Human Rights: The Glina office of the MCHR was established in January 1996 with an ADF subgrant for the suboffice in former Sector North. Subgrant enabled provision of legal assistance and other services as needed to residents of Glina and the surrounding area. (\$35,000)

**Vinkovci**

Medical Center for Human Rights: MCHR's Vinkovci office was established in July 1996 with an ADF subgrant to open a suboffice in the former UNTAES region and provide legal assistance and other services as needed to residents of Vinkovci and the surrounding area. (\$30,200)

**1997-1998 SUBGRANTS**

**Multiple Areas:**

Medical Center for Human Rights-Zagreb, Glina, Vinkovci, Ovcara: ADF's subgrant supported the provision of legal assistance to refugees and displaced persons in the Zagreb, Glina and Vinkovci and to provide support to families of Ovcara victims. Legal assistance was given over the telephone and in person (in the office as well as in the field). Program included public education component and provision of counseling (legal and psychological) to families. (\$87,750 for programs in 4 areas)

**Zagreb:**

Serbian Democratic Forum-Zagreb: Subgrant provided institutional support and development to effectively meet the demands of managing a country-wide network of services supporting the Serbian minority in Croatia. (\$26,000)

Center for the Development of NonProfit Organizations: subgrant enabled CERANEO to prepare, print and distribute manual on NGO registration and to conduct workshops and seminars on registration procedures in 16 cities (\$16,500).

**Rijeka:**

Movement for Peace-Suncokret: Subgrant support the provision of legal assistance services to underprivileged groups, including refugees, displaced persons and other poor and vulnerable social groups. (\$15,660)

**Split:**

Dalmatian Solidarity Council: Subgrant for institutional development. DOS hired an Executive Director who worked with ADF to install financial and organizational management systems, including operations procedures to better link field offices with DOS headquarters. An initial strategic plan was also produced. (\$10,000)

**Osijek:**

Center for Peace, Non-Violence and Human Rights: Subgrant enabled the Center to expand human rights and legal assistance program. (\$59,520)

Serbian Community of Slavonija & Baranja--Human Rights Commission: Subgrant enabled expansion of human rights protection activities in Osijek. (\$14,520)

**Vukovar & Ilok:**

Center for Peace, Psychosocial & Legal Assistance Vukovar: Subgrant enabled the Center to provide legal services and human rights support in Vukovar and Ilok. (\$24,500)

**CRP SUBGRANTS**

**Western Slavonija:**

Serbian Democratic Forum: With subgrant funding of \$72,000, the Serbian Democratic Forum (SDF) opened legal aid offices in Pakrac, Okučani, Daruvar, Grubisno Polje and Slatina.

Serbian Democratic Forum: ADF provided two grants totaling \$40,000 to Serbian Democratic Forum in Western Slavonija to complete extensive questionnaires in 899 households in 99 different villages in Western Slavonia. The purpose of the project was to obtain accurate information on the needs and situation of returnees that could be used to better inform the general public, international donors, Croatian government and refugees waiting for conditions to be established for return. The information obtained included a humanitarian needs assessment and data on human rights violations. ADF also gathered information on 4,740 houses that were either deserted, destroyed or occupied by displaced people. Although working for a Serb organization interviewers were careful not to provoke the residents and reported that they found many people happy to talk about their situation. A database to record and report on the information collected was designed by ADF and was eventually taken over by SDF staff trained to manage the database. The funding of this activity was taken over by UNHCR in 1998.

Center for Peace-Osijek: A second subgrant (\$20,000) was awarded to the Center for Peace to conduct peace-building activities connected with efforts to reconstruct and revitalize two streets in Pakrac affecting approximately 50 families. The homes on these streets were almost totally destroyed, and there was a great deal of resistance to the return of Serbian families to their homes of origin. The Center prepared workshop materials on conflict resolution, cross-community communication, mediation between ethnic groups and non-violent communication. The final product was a booklet in four parts: 1) Nonviolent Communication; 2) Resolving Conflicts; 3) Mediation; 4) Cooperation and Work between Communities. This booklet is suitable for use in future workshops and

seminars. The Center also prepared and distributed a newsletter that focused on the work of the Center and positive developments in Western Slavonija that tend to promote and encourage the return and reintegration of displaced people. By the end of the subgrant almost all of the people who had lived on those streets had returned after living as displaced persons in Bosnia, Serbia, Vojvodina and the UNTAES Region.

The Center held four workshops for people living in Pakrac to prepare them for the return of people who left because of the war. These workshops brought together the displaced Serbs with Croats living in Pakrac, with the purpose of creating the basis for normal socialization to break the barriers that have been created because of years of conflict. One of the workshops was devoted to a group of women, both Serbs and Croats, who were running a cooperative business, a laundry. They had been experiencing tensions and conflicts both within the cooperative and through their families who were not supportive of their involvement in an organization that included women of the other nationality. The workshop attempted to help them deal with these multiple conflicts. Another was designed as an orientation meeting for children and their parents who were scheduled to take part in a multi-ethnic program on the Coast.

### **Western Slavonija-Eastern Slavonija:**

Center for Peace -Osijek: ADF provided a subgrant to the Center for Peace for partial funding of a project aimed at assisting approximately 100 displaced people return to their homes. About half of the target population was living in Baranja (mostly around Bilje) and had come from villages in Western Slavonija. The other half were people living as DPs in Western Slavonija (mostly around Okučani) who wanted to return to Baranja. ADF committed \$35,000 to this project as part of a consortium of funders including the European Council of Churches (8,000 Swiss francs) and the Quaker Peace and Service Committee (13,000 German marks).

The Center for Peace opened offices in Bilje (Baranja) (in a building reconstructed through the donated labor of both Serbs and Croats) and Okučani (in free space donated by municipal authorities). Communication between the people of Bilje and returnees was strengthened by means of frequent personal communication, workshops directed at building trust and confidence, and enlisting the cooperation of local institutions such as schools and churches. A "listening program" working with 105 families in Bilje encouraged people to learn to communicate their needs and feelings of insecurity, and to commit to working together on behalf of peace. Perhaps the most difficult work the Center performed in Okučani was to open communication with the Bosnian Croat community. There were 4,000 Bosnian Croat refugees living in Okučani, about 200 Serbs and about 200 indigenous Croats. The Center carried out listening programs that highlighted the central problem in the area, which is the tension among the three groups (i.e. indigenous Serbs, indigenous Croats and Bosnian Croat refugees).

### **Osijek:**

Center for Peace – Osijek: Under a third subgrant (\$33,000), the Center prepared, printed and distributed eleven brochures on various topics of importance:

- 1) The Protection of Private Property of People who Left Croatia
- 2) Economic and Social Rights: The Right to Work
- 3) Economic and Social Rights: The Right to a Pension
- 4) Economic and Social Rights: The Right to Health Insurance
- 5) How to Obtain results under the Law on Reconstruction
- 6) Conscientious Objection and National Service
- 7) Personal Status of Citizens: Birth, Marriage and Death Certificates
- 8) Guide for the Elections for the President of the Republic
- 9) Ownership Rights in the Republic of Croatia: The Right to Reassert Ownership, to Sell and Exchange Property and the Right to Compensation because of Damage.
- 10) The Rights of Displaced Returnees and Refugees
- 11) Family Reunification

The brochures were distributed through: UNTAES Civil Affairs offices; UNTAES Document Centers; Office for Displaced Persons and Refugees; Center for Peace and Human Rights, Vukovar; Association for Peace and Human Rights, Darda; UN Center for Human Rights, Vukovar; Workshops held by the Center for Peace; Center for Peace in Osijek; Anti-War Campaign in Zagreb; and Ecumenical-Humanitarian Service in Novi Sad.

#### **1998-1999 SUBGRANTS**

##### **Osijek & Baranja:**

Association for Peace & Human Rights-Baranja: Subgrant enabled Association to provide legal services in the Baranja region (\$55,000)

Center for Peace, Non-Violence and Human Rights: Subgrant enabled the Center to provide legal services and human rights support in Osijek and Beli Manastir. (\$100,000)

Serbian Community of Slavonija & Baranja--Human Rights Commission: Subgrant enabled provision of legal assistance. (\$18, 648)

##### **Vukovar & Ilok:**

Center for Peace, Psychosocial & Legal Assistance Vukovar: Subgrant enabled the Center to provide legal services and human rights support in Vukovar and Ilok. (\$26,000)

**Zagreb:**

Center for Direct Protection of Human Rights: subgrant enabled Center for Direct Protection to conduct HURIDOCS regional workshops and build national coalition for human rights monitoring (\$20,000)

**Split & Dalmatian Hinterlands:**

Dalmatian Solidarity Council: Subgrants to enable DOS to expand legal services in Dalmatian hinterlands area (former sector south) and to properly administer contracts. DOS maintained offices in Knin and Split and opened offices in Benkovac and Gracac. (\$184,558)

**Glina:**

Medical Center for Human Rights- Glina: ADF's subgrant supported the provision of legal assistance to refugees and displaced persons in Glina. Legal assistance was given over the telephone and in person (in the office as well as in the field). (\$24,150)

**Multiple Locations:**

Serbian Democratic Forum-Zagreb, Sector North & Sector West: Subgrants provided to expand operations in Sector North and West for a total of 12 offices to provide legal assistance and monitoring of returnees. (\$298,653)

**1999 SUBGRANTS**

**Osijek & Baranja:**

Association for Peace & Human Rights-Baranja: Subgrant enabled Association to provide legal services in the Baranja region (\$48,000)

Center for Peace, Non-Violence and Human Rights: Subgrant enabled the Center to provide legal services and human rights support in Osijek and Beli Manastir. (continued from 1998 and added \$22,000)

Serbian Community of Slavonija & Baranja--Human Rights Commission: Subgrant enabled provision of legal assistance. (continued from 1998)

**Vukovar & Ilok:**

Center for Peace, Psychosocial & Legal Assistance Vukovar: Subgrant enabled the Center to provide legal services and human rights support in Vukovar and Ilok. (\$73,350)

**Split & Dalmatian Hinterlands:**

Dalmatian Solidarity Council: Subgrants to enable DOS to provide legal services in Split, Knin, Gracac, Benkovac and Zadar. (continued from 1998 and added \$92,000)

**Glina:**

Medical Center for Human Rights: ADF's subgrant supported the provision of legal assistance to refugees and displaced persons in Glina. Legal assistance was given over the telephone and in person (in the office as well as in the field). (continued from 1998 and added \$6,200)

**Rijeka:**

Suncokret Rijeka: subgrant to enable Suncokret provide legal aid to vulnerable population in Rijeka and to assist local citizen's groups register as associations. (\$9,700)

**Multiple Locations:**

Serbian Democratic Forum-Zagreb, Sector North & Sector West: Subgrants provided to operate 12 offices in Zagreb, Sector North and Sector West for a total of 12 offices to provide legal assistance and monitoring of returnees. (\$283,291)

**2000 SUBGRANTS**

**Osijek & Baranja:**

Association for Peace & Human Rights-Baranja: Subgrant enabled Association to provide legal services in the Baranja region (\$24,070)

Center for Peace, Non-Violence and Human Rights: Subgrant enabled the Center to provide legal services and human rights support in Osijek and Beli Manastir. (\$24,500)

Serbian Community of Slavonija & Baranja--Human Rights Commission: Subgrant enabled provision of legal assistance. (\$15,130)

**Vukovar & Ilok:**

Center for Peace, Psychosocial & Legal Assistance Vukovar: Subgrant enabled the Center to provide legal services and human rights support in Vukovar and Ilok. (\$21,280)

**Split & Dalmatian Hinterlands:**

Dalmatian Solidarity Council: Subgrants to enable DOS to provide legal services in Split, Knin, Gracac, Benkovac and Zadar. (\$100,000)

**Glina:**

Medical Center for Human Rights: subgrant supported the provision of legal assistance to refugees and displaced persons in Glina. Legal assistance was given over the telephone and in person (in the office as well as in the field). (\$7,200)

**Multiple Locations:**

Serbian Democratic Forum-Zagreb, Sector North & Sector West: Subgrants provided to expand operations in Sector North and West for a total of 12 offices to provide legal assistance and monitoring of returnees. (\$213,333)

**National:**

Legal Services Coalition: subgrant to support new coalition of legal service provider NGOs carry out institutional development and capacity building and to conduct two advocacy campaigns. (\$35,000)

No. of clients Organization	1995	1996	1997	1998	1999	2000	TOTAL
MCHR	117	534	740	746	776	241	3154
SCC-Z		737					737
SCSB-O	14	253	179	497	763	956	2662
CPNHR-P	479	608					1087
CPNHR-O	31	183	280	1420	1732	653	4299
SUNC-R	36	129	73	27	71		336
DOS		836		7287	13312	6467	27902
SDF-Z			262	1259	553	240	2314
SDF-W			2286	6560	6082	2788	17716
SDF-N				13923	14239	5073	33235
CPLA-V				875	1657	613	3145
APHR-B				2021	1251	618	3890
AC-O					198		198
<b>TOTAL</b>	<b>677</b>	<b>3280</b>	<b>3820</b>	<b>34615</b>	<b>40634</b>	<b>17649</b>	<b>100675</b>

**FINAL REPORT**  
**ATTACHMENT VI**

**DESCRIPTION OF ADF WORKSHOPS**

WORKSHOPS UNDER THE ORIGINAL PROJECT , 1995-1997

**NGO Lobbying, Advocacy and Relations with Government (2)**

Two-day workshops were held in Zagreb and Split in December 1995. The consultant/instructor was Ms. Janelle Diller, a Washington, D.C.-based attorney, with specialist experience in the fields of international law and policy -- specifically related to human rights and the use of international norms in legislative advocacy. The workshop objectives aimed to assist the participants in developing and strengthening lobbying and advocacy skills for a range of issues central to the organization's activities, programs and sustainability.

The materials developed for the workshop were comprehensive and composed of twelve (12) worksheets with supporting documentation related to international instruments and standards, and Croatian draft legislation on the law relating to Non-Governmental Organizations (NGO). The materials were available in the Croatian and English languages. There were additional worksheets for role-plays and discussion groups, with the emphasis on developing advocacy and lobbying strategies within an organizational advocacy plan. ADF provided administrative and program backstopping and Ms. Milena Belder of Magna Carta-Zagreb assisted in the facilitation of the role-plays and discussion groups. This approach was considered key to developing leadership and training of trainer skills among ADF's own client groups.

The distribution of the Croatian draft law on associations proved to be a catalyst for NGO advocacy on the law. None of the participating NGOs knew that such a law was in the making. Within days after the draft law's distribution, NGOs began asking Parliament members to change the draft. ADF provided financial support (subgrant to GYMAID for the "Initiative for the Third Sector") and follow-up technical support for a comprehensive advocacy campaign to make changes in the draft legislation.

**Coalition Building (2)**

As NGOs began to form a coalition to advocacy for changes in the proposed new law on associations, ADF sponsored two workshops on coalition building in July 1996. A one-day strategic planning session and a two-day workshop on structuring a coalition enabled NGOs, interested in building a coalition to advocate for changes in the proposed NGO law, to met together to define the parameters and strategies for their coalition.

***Success Story: Influencing Legislation on Associations***

Mladen Majetic, Coordinator of 'Gym Aid', presented ADF with proposal and budget for an NGO advocacy campaign "Initiative for the Third Sector" which actively lobbied for changes in the draft NGO law developed by the Croatian Government. ADF agreed to fund the initiative and GYMAID obtained co-funding from Open Society Institute and the Dutch Embassy. ADF provided training and technical assistance for the development of strategies and strengthening of the coalition. By December 1996, the Initiative counted over 100 NGOs of all types across Croatia as coalition members. The Initiative prepared an analysis of the draft law and presented written recommendations for changes to Parliament.

The coalitions advocacy efforts were successful. In summary, the Initiative influenced the definition of "association", removed the ability of state government bodies to become members of associations, clarified the registration procedures, removed the ability of state officials to temporarily ban the activities of the association within the inspection procedure, improved the fine structure for violations of the law (lowered the fine in some cases) and raised the burden of proof on the state before it can temporarily ban association activities.

### **NGO Registration (20)**

Following the implementation of new laws requiring Croatian NGOs to re-register with the Government of Croatia, ADF supported 20 workshops to train NGOs in registering under the new procedures. These workshops, conducted by the Center for the Development of Non-Profit Organizations (CERENEO) took place in 16 different cities and reach 393 Croatian NGOs and associations. Overall evaluation from the 393 organizations in attendance was 4.7 on a 5.0 scale. CERENEO developed and published a handbook on NGO Registration, which formed the basis for the workshops. An additional 5000 NGOs received information through CERANEEO's newsletter and/or obtained information directly from the CERANEEO office. CERANEEO distributed 1,080 manuals free-of-charge.

### **Strategic Planning (2)**

Three-day strategic planning workshops were held in November 1997 in Zagreb and Osijek by ADF's Director of Institutional Development and Training, Karen Diop. Fifteen organizations were trained to do strategic planning and developed preliminary strategic plans for their organizations. In addition, in-country resources (staff and non-staff) were trained to provide follow-up technical assistance for NGO strategic planning. The purpose of the workshops was to lead organizations through a strategic planning process, providing them with a step-by-step approach to strategic planning and the opportunity to begin drafting a strategic plan and identifying issues for their individual organizations. Our intent was that each team attending the workshop would return to their organization with the ability to inspire and lead the organization through the process of developing a strategic plan.

Eight organizations based in six different cities (Zagreb, Split, Pula, Porec, Rijeka and Glina) attended the training in Zagreb. Seven organizations from five areas in eastern Croatia (Osijek, Vukovar, Baranja and Pakrac) participated in the training in Osijek/Bizovac, including three organizations located in the current UNTAES region. ADF's offices in western Slavonia also participated in the training, developing their strategies for the rest of the project. With one exception, each organization was represented by two of its senior staff and in most cases this included the president or director of the organization.

All participants evaluated the workshop very highly and stated that the purpose had been achieved and they were returning to their organizations committed to leading the group through a strategic planning process. Indeed, during the evaluation several participants

expressed their surprise that there was not a rating of excellent on the scale, and then added this notation to the scale. In written evaluations, participants rated the overall workshop 4 on a scale of 1-4, and assessment of specific elements of the workshop also averaged 4 on a scale of 1-4. A comprehensive oral discussion of the training and ways to improve it was also held following each workshop, and suggestions from the Zagreb workshop were incorporated into the design for Osijek.

### Advocacy (1)

In December 1997 an advocacy workshop was held in Zagreb to introduce the concepts and techniques of advocacy to 23 Executive Directors and managers of human rights NGOs that were members of the Coordination Committee for Human Rights in Croatia. The *Principles of Advocacy Planning and Development* workshop included detailed guidelines for planning and conducting an advocacy campaign. ADF Consultant, Lisa Hoffman, directed the workshop and was assisted by two Croatian co-trainers - Mladen Majetic (leader of the Initiative for the Third Sector) and Nenad Maljkovic.

In general, the reception of the Croatian human rights NGOs to the concepts of advocacy was lukewarm, with many expressing skepticism that the Croatian government would be receptive to NGO involvement in policy making related to refugees and minority populations, despite their success earlier in the year in influencing the draft legislation on associations.

## **WORKSHOPS UNDER THE REINTEGRATION OF POPULATIONS PROJECT, 1998-2000**

### Strategic Planning

ADF placed much emphasis on having each of its grantee organizations involve staff and management in the development of a strategic plan and in the presentation of that strategic plan to the NGO board. The strategic planning process, while difficult and time consuming, was appreciated by the grantees and made a clear and meaningful impact on the organization's future directions and operations. ADF expects the strategic planning process to be sustained through the resources and efforts of the Legal Service Center (described in section 2.5, below) since strategic planning has been accepted by former grantees as useful and valuable and since resource persons and training materials are now readily available through the LSC office and its database.

- In follow-up to the Strategic Planning Workshops held in November 1997, all organizations attending the workshop received follow-up technical assistance to develop strategic plans. This included intensive two- to three-day working sessions, as well as continuing support as strategic plans were defined. In all, six of ADF's Croatian NGO partners developed comprehensive strategic plans with ADF assistance, which are now being implemented. Each has the skills necessary to repeat the strategic planning process on a regular basis.

### Board Development

ADF effectively piloted the creation and delivery of board development training to human rights NGOs. Clarifying board role, responsibility, authority, and fund raising tasks will help ensure the sustainability of NGOs and strengthen their internal democratic governance. Furthermore, the attention given to resolving and preventing NGO board conflict of interest issues will serve to strengthen and further the effectiveness of civil society NGOs and thereby increase the stature, effectiveness and sustainability of the sector as a whole.

- Board development sessions were held for Center for Peace Osijek, Dalmatian Solidarity Council, Association for Peace-Baranja and Serbian Democratic Forum. These introduced generally accepted principles of nonprofit NGO Board roles and responsibilities, compared and contrasted the roles of the Board with those of executive director and staff; and focused on the Board's role in recruiting and orienting new members, in fundraising, in representing the NGO and in developing itself. ADF worked with executive staff and the Board to identify issues and develop strategies for strengthening the organization.
- ADF provided assistance in developing a preliminary draft of a Conflict of Interest Statement to serve as a model for NGO boards. The statement calls for members of the policy board to agree not to benefit financially from the organization. It also requires any paid staff serving on the board to absent themselves from any part of the board meeting addressing their salary or benefit arrangements and to absent themselves during those portions of board meetings in where disciplinary action is discussed or considered against themselves.

### Administrative Systems

ADF provided ongoing support and technical assistance in all operational areas in which it was needed. This included the systems and procedures necessary on a day to day basis to make the organization operate efficiently. The following three elements are intended be illustrative in presenting the breadth of support provided to NGOs in improving their administrative systems.

- Organizational Structure and Human Resource Management. ADF assisted NGOs in analyzing their operational structure and developing structures that reflect their needs, provide a clear outline of authorities and responsibilities, avoid overlapping and reduce salary costs. Areas covered included identifying the tasks needed for the NGO to be successful, dividing these tasks in a way which makes sense for the NGO, defining the organizational structure and positions necessary, developing job descriptions, systems analysis, identifying lines of authority, and developing written policies and procedures for human resources.

- Document Flow. The basic requirements for information and documentation within the organization, and for outside parties, were reviewed with participating NGOs. This focused primarily on financial and program documentation. Legal requirements (standard accounting procedures for financial documentation, contracted obligation to the donors) were identified, as well as the consequences if legal requirements are not respected. Documentation and procedures for procurement were often covered. Evaluation forms and other documentation for program activities were developed. Technical assistance was provided for the development of filing systems. Time sheets were introduced.
- Management of Commodities and Properties. Included procurement policies and procedures as well as how to establish and maintain adequate levels of record accuracy and include reconciliation of recorded inventory quantities to physical inventory by type of commodity on a periodic basis.

### Financial Management

ADF's emphasis and requirement that grantees create and maintain high fiscal standards and reporting procedures is possibly one of the more solid contributions the project will make toward financial sustainability of the NGOs and creation and maintenance of public respect for the sector and its members. The creation of internationally accepted accounting practices also helps to ensure the attractiveness of civil society organizations to the government, local and international donors therefore adding immeasurably to the potential for ongoing funding for the organizations and their programs.

While a great deal of improvement was made in improving financial management by grantees in the earlier phases of ADF's Cooperative Agreement, under the RPP training and technical assistance expanded beyond grant management to englobe the full accounting and financial management practices of the NGO.

- Technical assistance was provided as needed to ensure that each grantee understood and adhered to generally accepted principles and practices in financial reporting. Direct assistance was provided in the development of computer generation of financial reports where needed.
- Professional accounting software and training in its use was provided through an agreement with the Croatian software company "Neven & Sven" beginning in January 1999. This software was designed to increase grantee accounting capability in accordance with Croatian law requirements. The training introduced to rules and regulations that they must follow in their work, line of authorities/responsibilities according to the Croatian law, as well as the nuts and bolts of running the software. The system was installed and operational in SDF, DOS, Center for Peace, Non-Violence and Human Rights; Center for Peace, Legal Advice and Psycho-Social Help; Association for Peace and Human Rights; and the Serbian Community for Slavonija and Baranja by April. Additional training and technical support was provided on an ongoing basis through May 2000.

- A Financial Management Workshop, with an emphasis on sustainability, was held on September 10, 1999 at hotel "Termia", Bizovac near Osijek. The objectives for the workshop included increasing awareness about potential revenue sources and strategies that can be used to help an NGO sustain itself financially. The notion of indirect costs was introduced, including how to include indirect costs in future proposals and EU and donor approaches to indirect cost calculations.

### Information Management/Computer Training

Increasingly, the survivability of NGOs is linked to their ability to take advantage of information technology that will ensure effective internal and external communications. ADF emphasized the development and use of information technology with all of its grantees. All grantees developed the capability and skill for utilizing computers, email and the Internet in their operations and in their reporting, marketing and resource development activities. To ensure ongoing sustainability of support services, former ADF staffs were helped to create and market their ongoing private information technology support services. These services are to be made available to members of the Legal Service Center (LSC) and to other NGOs through the LSC office.

ADF placed special emphasis on assisting its grantees to utilize Email and internet as a means for increasing internal communication, resource development/fund raising outreach and networking, and for public information purposes. Direct assistance for preparation of web pages and identifying Internet resources was provided by ADF's Pakrac office. The preparation of high quality, informative websites for legal services NGOs enhances their fund raising ability and leads to greater sustainability. ADF also contracted with TST, a consulting firm for information technology, to provide computer training to its subgrantees.

### **Preparation of Websites**

- Serbian Community of Slavonia & Baranja. TST provided detailed information about several popular free web space providers (Geocities, Xoom, Tripod). SCSB decided to use Geocities. SCSB wants a bilingual web site and prepared materials in both languages. The address of their site is [http://www.geocities.com/scsb\\_hr](http://www.geocities.com/scsb_hr). The web site was submitted to two Croatian web directories and several worldwide search engines (Altavista, Excite, Hotbot, Infoseek, Lycos, Webcrawler)
- Center for Peace, Legal Assistance and Psycho -Social Help, Vukovar. Like SCSB, Center for Peace Vukovar decided to use a free web space provider. They chose Xoom since they had some previous experience with it. A decision was made on the kind of information which would be published on the web site and they came up with a number of good ideas. They decided to design the page on their own, using Corel. They have done an outstanding job, showing that their level of Internet education is reasonably high. CP-Vukovar can be found at <http://members.xoom.com/cfpeace>. Information about their web-site is published on two Croatian web directories and several worldwide search engines.

- Legal Services Coalition. LSC Osijek is going to share web space with ADF. LSC submitted web site information on March 27, which is already published at the ADF site, but is not linked to the front page due to time constraints. LSC web page is completely functional in its test phase. Access to LSC web site will be enabled on April 3, 2000.

### **Computer Training**

- One-day workshops on "Information system in NGOs" were held for DOS on December 6, 1999, for SDF on December 9, 1999, and in Osijek for four NGOs (Center for Peace, Non-Violence and Human Rights; Center for Peace, Legal Assistance and Psucho-Social Help-Vukovar; Serb Community of Slavonija and Baranja; and Association for Peace and Human Rights – Baranja) on January 27, 2000. Local consultant Zlatko Gerencir led the workshops.
- A three-day "tailored" Excel/Access workshop was organized for staff members of the Serbian Democratic Forum in June 1999 conducted by Miro Mlinarevic, ADF Osijek.
- Eight staff members of the Dalmatian Solidarity Council, main office in Split and branch offices, were trained in word processing and internet communications in November 1999.
- A Croatian trainer in information technology, Mr. Igor Hrabric, led Windows, Word, Excel and internet Workshops for the following ADF grantees in 2000:

Center for Peace, Legal and Psycho-Social Assistance-Vukovar  
Serbian Democratic Forum  
Serbian Community for Slavonia and Baranja  
Dalmatian Solidarity Committee  
Center for Peace, Non-Violence and Human Rights-Osijek

### **Marketing**

ADF's efforts and training in NGO marketing helped introduce grantees to a management area unknown in the past. ADF was especially fortunate to find a talented and motivated marketing student from the American College in Dubrovnik to take on the assignment of creating and delivering NGO marketing workshops for all grantees. The benefits of the marketing program were especially helpful to those NGOs who were not aware of the need and value of public information, public relations and press relations in helping create and maintain public and donor support for the sensitive work they were doing.

The DOS organization was especially successful in responding to politically motivated negative media and through persistent public relations and marketing campaigns, which proved successful in generating more positive and even supportive media in certain cities for their work. Marketing training and technical support is especially critical for the

protection and sustainability those organizations working in human rights protection and in the delivery of pro bono legal services in negative, hostile environments.

- ADF conducted a summer internship program in 1998 that led to the creation of a package “Approaches to NGO Marketing”. The objectives of the package and training were to help prepare ADF grantees and other human rights NGOs to more effectively interpret themselves to variety of publics, including federal and local governments, current donors, potential donors, the business community and other NGOs. Intern Kinda Labidi conducted research to identify materials and information to be used in creating an information kit and consultation for NGOs addressing the need to improve NGO publicity, public relations, and marketing. The Approaches to NGO Marketing package was distributed to all ADF grantees and other human rights organizations in Croatia, and covered the following topics:
  - Approaches to NGO Marketing
  - Internal Communications
  - Getting Publicity
  - Designing your materials
  - How to create Brochures
  - Annual Reports
  - Promotional Materials for NGOs
  - Media Relations, News/Press Releases
  - Market Research
  - Why do NGOs need Marketing
  - Selecting a Media
  - How to write a Fact Sheet
  - Newsletters
  - Fairs Exhibitions
  - Promotion-Other Methods
  - News/Press Conferences
- Ms. Labidi also conducted consultation sessions with ADF’s grantees where basics of marketing were presented and provided technical assistance in helping each agency develop a basic Fact Sheet on their organization.

### **Team Building**

Effective, sustainable organizations are those which have staff and management able to act as a team. Conversely, one of the major causes for organization dissolution and program failure is a lack of teamwork evidenced by internal personality conflicts and personal competitiveness occurring at the expense of the organization and its services to clients and donors. ADF has every expectation that team-building efforts will continue because of the past effort to involve the client organization in the planning and preparation of the team building program and in the selection and evaluation of the local trainers and consultants.

- ADF utilized local trainers and local organizations to help meet NGO team building needs by providing guidance and training of trainers as needed to ensure effectiveness and sustaining of the team building program. ADF identified a local Organizational Development Team to provide direct training and technical assistance interventions in organization development and team building to interested ADF grantees.

- An intensive series of team building sessions was conducted with the Serbian Democratic Forum from March through August 1999, and with DOS from April through May 1999.

### *Coalition Building*

The building of networks and effective coalitions is critical to the ability of Croatian legal assistance and human rights NGOs to influence the policies that affect their work, establish a country-wide human rights monitoring network, and extend their impact. ADF provided training and technical assistance for coalition building throughout the Reintegration of Populations Project.

- Training and technical assistance was provided for the creation of the Legal Services Network, described in greater detail in section 2.5
- ADF partially sponsored a Coalition Building Workshop organized by Center for Civil Initiatives, Zagreb, in March 2000. Seventeen participants from 14 NGOs in Croatia and Bosnia-Herzegovina attended. The trainer, Dr. Lee Staples (Boston University), has more than twenty five years experience in grass roots activism, coalition building and is familiar with issues in the former Yugoslavia. The objective was to provide participating NGOs with coalition building techniques. The Legal Service Center was utilized as a case study for coalition building in the session. The materials from the session are located in the LSC resource library and are available for use in future workshops.
- ADF co-funded (with OTI) the GONG Strategic Planning Workshop, held on March 18-21, 1999 at Tulejske Toplica, Croatia. GONG is a local NGO whose name in English is Citizens Organized to Monitor Elections. The workshop was attended by 30 participants representing 19 organizations including 4 ADF subgrantees (Association for Peace-Bilje, SDF, Center for Peace-Osijek, Center for Peace-Vukovar) as well as a member of the ADF-funded HURIDOCS network (Committee for Human Rights-Porec). The purpose of the workshop was for GONG to develop regional coalitions of NGOs who would provide and help recruit volunteers to assist GONG monitor the yet-to-be scheduled national elections. At the conclusion of the session, GONG had developed a vision, target, strategy, has assigned regional coordinators and made plans to coordinate activities from regionally based pre-existing NGO offices. GONG and its network monitored the parliamentary and presidential elections in January and February 2000.

### *Project Planning/Proposal Writing*

Organizations that do not possess the ability to assess needs, formulate projects and present adequate proposals to potential donors are not sustainable, unless they exist on favors from a corrupt political system or are instruments or vehicles for others. ADF's efforts in this area were to identify and develop local and regional resources to provide ongoing, low cost training and technical assistance services and materials in this area.

*Attachment 6  
Description of ADF Workshops*

Workshops plus extensive "hands on" site consultations assisted grantees to become more competitive in the donor market and helped NGOs learn to match the needs of communities with the geographical and program interests of donors.

Generally, ADF assistance to NGOs in Project Planning and Proposal Writing was provided in workshops and individual consultations or proposal review and editing. In all, five workshops were held from February 1998 through March 1999 in Zagreb (2), Osijek/Bizovac, Split and Vinkovci with a total of 83 participants from 22 NGOs. Twenty-three NGOs received one-on-one technical assistance.

<b>Dates and Location</b>	<b>Training Institution</b>	<b># NGOs</b>	<b># Participants</b>
Feb 25-28, 1998, Zagreb	Opportunity Associates - Romania	6	33
Mar 3-6, 1998, Osijek	Opportunity Associates - Romania	8	13
Nov 25-26, 1999, Split	Education for Organizations in Non-for-Profit Sector (EOS)	1, with 4 offices	8
Feb 28-29, 1999 - Zagreb	EOS	1, with 9 offices	17
Mar 13-14, 1999 - Vinkovci	EOS	6	12

**Fundraising**

Practical training and assistance with fund raising is key to sustaining present and future operations and program services. With support from ADF, its Croatian grantees have all had significant success at researching and developing a variety of local and international donors, from small embassy grants to major general support contributions from one of America's largest foundations. ADF not only delivered workshops and technical assistance consultations in fund raising but, as importantly, helped sponsor grantee attendance at local and regional fund raising conferences where NGO leaders were provided an opportunity to mix with other organizations, compare techniques and results and meet with and learn from accomplished professionals in fund raising. ADF has also been successful in attracting professionals in fund raising and proposal writing who, as volunteers, worked in-depth with organizations to plan, develop and present projects to prospective donors.

- ADF participated in the Regional Workshop on Information Needs of Funders, sponsored by the European Foundation Center (EFC) and Open Society Fund (Prague) held in Prague October 2-3 1998. ADF shared its experience and approach in NGO marketing. ADF utilized this opportunity to make contact with and assess the availability of EFC resources for Croatia.
- ADF sponsored the attendance of 14 Human Rights NGOs to the Fundraising conference in Dubrovnik - October 12-14 1998 organized by CERANEO and International Fundraising Group, London (IFRG). NGO members were able to attend a variety of workshops on fund raising presented by regional and international

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specialists. At the conference, ADF staff met with grantees to address fund raising and resource development strategy issues and utilization of the information gained from the meeting. At this conference, ADF presented a workshop on NGO marketing for 25 NGOs.

- ADF sponsored the attendance of seven subgrantees in the 7<sup>th</sup> Regional Central and Eastern European Fundraising Training Conference was held from November 11-14, 1999 in Bratislava, Slovakia. NOS Foundation (*Nadacia pre občiansku spoločnosť*) and International Fund Raising Group, London organized the conference. NGO representatives attended a variety of workshops, training sessions and case studies on fund raising presented by regional and international specialists.

***Examples of ADF Technical Assistance Support in NGO Fundraising:***

The Center for Peace, Non-Violence and Human Rights, Osijek was successful in raising \$80,000 from The Mott Foundation for general support purposes of the next three years. This grant will play a critical role in helping the Center develop a sustainable program. ADF's role in the fund raising process included assistance in researching and identifying the potential donor, establishing communications, proposal development and planning the program for the donor site visit. ADF continued to provide donor research and development assistance to its other grantees in September which included consultation and assistance in the preparation of proposals for submission to the European Union.

DOS success in fund raising represents another successful example of ADF's strategy to help grantees diversify their funding and increase support from non ADF sources. In 1999 DOS made significant and commendable progress in expanding its funding base from one donor (ADF) to a current portfolio of five other donors. DOS funders now include: The British Embassy, The American Embassy, The Netherlands Embassy, The Olaf Palme Foundation, OXFAM, and Westminster Foundation.

**Evaluation**

During 1999 - 2000 ADF increasingly emphasized the addressing and use of internal (self-evaluation) and external assessment as an integral part of the program management and institutional development process. Grantees were encouraged to take time to conduct periodic self-examinations of projects and organizations. ADF's emphasis on financial audits, strategic planning and critical analysis of organizational internal and external processes assisted the development of a more critical self-awareness. The ability of staff and boards to conduct regular and objective evaluations is one of the most effective means of ensuring organizational sustainability. ADF's major objectives were to increase grantee awareness of evaluation concept, role and practice and to increase use of evaluation methods to create more effective and sustainable programs and organizations.

- In July 1999, research and planning was conducted on the creation of a suitable evaluation workshop and technical assistance delivery program. Two Croatian organizations were involved in this activity: CAIR Center Zagreb and Center for Civil Initiatives. CAIR provided consultation in developing a measuring system which can provide a simplified approach for ADF grantees to monitor, evaluate and measure their progress toward meeting identified goals/mission. The training and technical assistance approaches were tested with SDF and have had a significant effect.

**Report Writing**

The ability to write comprehensive and accurate narrative and statistical reports, which effectively communicate project and organizational needs, activities and accomplishments to staff, donors and board, is a major asset for sustaining an organization or program. Report writing training and technical assistance was provided on an ongoing basis with NGO headquarters and with field staff throughout the project. ADF made a determined effort to ensure that ongoing services would be available in this area by preparing appropriate training materials and ensuring that local trainers would be available through the LSC to meet this ongoing management need.

- ADF Osijek's Terry Grace and Zvezdana Batkovic developed and presented a report writing seminar to all NGO legal aid offices. Material translated in Croatian was presented to them. The report format include a narrative, a brief discussion of cases that have been concluded focusing on examples of positive results, and a section on general comments (events of interest in the NGO's area of responsibility or issues that might be important to the NGO such as the need for training or recent proposals that have been submitted or funded, etc. Examples of sections of good reports and examples of sections of poorly written reports are also used in the seminar.
- Computer programs that enable the generation of statistical reports on legal assistance provision were developed and each NGO received a diskette with the program.

**FINAL REPORT**  
**ATTACHMENT VII**

**LSC REPORT ON RETURNEE RIGHTS**

## A Legal Services Coalition

### Members and Contributors

Association for Peace and Human Rights "Baranja", Bilje  
Center for Peace, Non-violence and Human Rights, Osijek  
Center for Peace, Legal and Psycho-Social Assistance, Vukovar  
Dalmatian Solidarity Council, Split  
Serb Community of Slavonia and Baranja, Osijek  
Serbian Democratic Forum, Zagreb

### Limitations in Accomplishing the Right to Return, Returnees' Rights According to the Croatian Legislation and in the Practice of Implementing Certain Regulations Related to Return

The return process has been very slow because of political practices in the several past years related to return of refugees (the return of Croatian Serbs was either not allowed or was obstructed; the Government of Croatia and Republic of Srpska were not interested in return of Bosnian Croats). While the refugees from Bosnia were encouraged to stay in houses they were given for a temporary usage, and while their hopes were raised in terms of that property becoming their permanent ownership, all of that for the reason of preventing Serb refugees of coming back, besides some political decisions, numerous laws were issued in order to additionally obstruct the proces of return. Those laws gave legality to that policy. As a result, many people, belonging to the category of Croatian citizens who fled Croatia, were not able to excercise their rights guaranteed by the Crotian Constitution, neither in the administrative procedure, nor court proceedings (for example: citizenship, ownership rights. etc). The reason for that were special, in relation to other Croatian citizens, discriminatory, norms which administrative and judical authorities were obliged to apply based on principal of legality. Beside that fact, a considerable influence of politics was noticable in the judiciary system, where many court rulings (on tenancy, labour and property rights cases and war related criminal acts) could serve as evidence.

In addition to the above mentioned discriminatory laws and other regulations, the practice of governmental and administrative offices that used to issue 'instructions', as some kind of para-regulations, that were not publicly published, presented a significant problem. Those instructions prescribe time consuming and complicated bureaucratic procedures for establishment of certain rights and very often reduce rights guaranteed by some regulations. Although there are numerous examples that could prove this statement, the legal power of such "instruction" could be best illustrated by cases where problems in executing pension insurance rights exist.

And finally, the practice of numerous administrative officials was a biased one in relation to applicants and the decision making procedure was influenced by a personal opinion. In most of the cases, administrative officials did not respect defined legal deadlines. The possibility of volunteerism in applying certain regulations resulted in different implementation practice conducted by different administrative officials/institutions dealing with the same kind of cases.

Besides numerous objective difficulties that new government is going to face in implementation of the return program, they will also face many limitations in the existing legislation and current relationships between some administrative offices and individual officials.

Therefore, we give priority to the urgent revision of laws regarding rights of returnees, in order to establish equal legal treatment and equal legal protection of all citizens of Croatia (regardless of their temporary or permanent residence). The suggested revision presents a precondition for elimination of limitations in establishment of certain rights, in a short or long term period, depending on funds available for establishment of rights related to financial issues.

After many years of experience in working with problems related to refugees, human rights, national minority rights and after dealing with numerous practical examples, members of the LSC see the following issues as important ones to be addressed:

1. **Issue a new Return Program** (or perform a revision of the existing one) that would not regulate ways of establishment of certain rights that already are, or should be, regulated by certain laws, or some legal changes. The revised Return Program should contain dynamics of accommodating returnees that should be in accordance with financial possibilities for: (a) reconstruction of destroyed and damaged houses, (b) alternative accommodation for temporary occupants of houses whose owners are refugees - until their return, (c) permanent accommodation for immigrants from BiH and FRY, (d) establishment of economic and social preconditions for existential needs of returnees. Such a revised Program would enable determination of a deadline for: (a) reconstruction of returnees' houses and (b) repossession of their own property, where (a) and (b) are seen as two essential preconditions for the return.
2. **Issue a unique Law on Rights of Returnees** instead of the existing Law on the Status of Displaced Persons and Refugees (that has been changed and added three times: Gazette 96/93, 39/95, 29/99, and 128/99) and many Regulations related to those rights. This Law should insure equal rights of all the returnees that should not be under the level of rights that the returnees from the category of displaced persons have had.
3. **Issue a separate Legal Regulation on status of returnees**, if such a need exists, for the reason of adding some possible changes related to the rights they were enjoying and which they should be able to execute until their return. There is a certain number

of displaced persons who are temporarily using state-owned apartments or property owned by the returnees (who don't want to come back to their previous places of residence in spite the fact that their houses have been reconstructed). There is a need for determination of the exact number of those displaced persons and finding a permanent solution of their status. This task had been announced by the former government, but was never implemented.

4. **Issue a separate Regulation for resolving the status of refugees (from BiH and FRY).** First of all, the real number of refugees, those that are willing to return to their place of origin (BiH and FRY) but are not enabled to, should be determined. In order to resolve this issue, the Governments of Croatia, Republic of Srpska and FRY, should reach an agreement. All the others should be considered settlers who have decided to permanently stay in Croatia. In order to return the property to their real owners, this category of people (settlers) should be offered a defined way and time period for their permanent accommodation. In order to better legally define problems which relate to the following three categories: DPs (Croats who still have not returned to their places of origin), refugees/settlers (Croats and Muslims from BiH) and resettled persons (Serbs who fled Croatia)\* regulations should be issued regarding Articles 3. and 4.
5. **Change and ammend the Law on reconstruction** (Gazette 24, 54, 87, 105/96.) or as a better solution - issue a new one - that would encircle and unify procedures of establishment of rights related to reconstruction and define procedures and dynamics/time-frames for establishment of those rights for all the returnees. Changes of the law should be based upon a principle that rights related to reconstruction can not be below the level of already obtained rights according to the current Law and Regulations. Right after the changes of this Law or a new Law on reconstruction gets accepted, "Obligatory Instructions on Establishing the Rights to Reconstruction and Accomodation/Housing" (Gazette 159/98, 89/99) as well as all the regulations from the sphere of reconstruction, should be taken out of force. Articles from Regulations and Instructions that should remain in force, should be included in the Law on reconstruction. This would provide legal safety for citizens and the work of authorities for law implementation would be made easier.
6. **Number of submitted Requests for reconstruction and issued Decisions should be published simultaneously with the Law Amendments on Reconstruction.** According to the Article 7. of the Return Program - Return Procedures - Ministry in charge was obligated to put together lists of individual Decisions on reconstruction, to update and submit them to the County offices on a monthly basis. Those lists should have been public and accessible to the citizens and should have presented the basis for defining priorities of individual reconstruction requests. That has not been done, so the number of issued Decisions remains unknown as well as the fact wheather the deadline, defined by the Law on reconstruction, was obeyed or not. From the information gathered by the LSC members (from the clients who address them for free legal assistance in their legal offices), when discussing the issue of the

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\* Terminology used in the Program of Return and Accommodation DPs, Refugees and Resettled Persons

returnees from the category of "resettled persons" the following is obvious: a very small number of decisions has been issued; the beginning of reconstruction based on the issued decisions is minimal; the legally defined deadlines regarding issuing decisions have not been respected. Many applicants have been waiting several months or even years for the Decisions or any reply from the authorities in charge. Here is an example from the Vojnic Municipality (the situation is the same in the most of other Municipalities too): in the period from 1997. to February 2000. there were 405 Requests for reconstruction submitted, out of which only 20 Decisions on reconstruction were issued and only 5 Contracts for reconstruction were concluded but not implemented. If realistic facts, funds and sources spent on reconstruction would be publicly announced by the governmental authorities in charge, it would show that recent objections and criticism stating that only houses of Serb refugees are reconstructed while the housing reconstruction of Croatian DPs is neglected, are unjustified.

7. **Change the Law on Croatian Citizenship** (Gazette 53/1991, 28/1992 and the Decision of the Constitutional Court Gazette 113/93) that is ensure equal application for all citizens. In that sense it is important to do the following: (1) ensure consistent implementation of Article 30. paragraph 1. of this Law which says "... Croatian citizens are all the persons who have gained that status according to the regulations valid until the date when the new Law on citizenship was enforced" (October 8,1991). Citizenship certificate (Domovnica) should be issued to those persons upon their request or upon a request of an authorized person (after the inspection of the Registry of Croatian Citizens), regardless this person's intention to return to Croatia or not. The right to the Croatian citizenship is their constitutional right (Article 9. and Article 32. paragraph 2. of the Croatian Constitution). Implementation of this legal regulation would eliminate the reasons for keeping in force the following discriminatory and para-legal document "Procedures for individual return of persons who fled from Croatia" with the "Obligatory instruction for collection of documents in order to implement Procedure for individual return" (Gazette 92/98); (2) in order to regulate the citizenship status of persons who used to have a temporary residence in Croatia for 5 or more years before the Law on citizenship had become effective, but were not registered in the Registry of Croatian Citizens, it is necessary to: (a) exempt those persons from the Article 8. of the Law on Croatian Citizenship and regulate the right for gaining Croatian citizenship by amending the Article 30. in a way to allow them to obtain Croatian citizenship under the condition that they had a temporary residence in Croatia for 5 or more years before the Law on Croatian Citizenship came into force or; (b) amend the Article 8., which would regulate the condition of having a five year of temporary residence in the Republic of Croatia which had been gained before the Law became effective. This would enable the return of all those persons who lived in Croatia for many years, worked and acquired property (and in most cases lost every contact with their native place) to return to the Republic of Croatia and become Croatian citizens. Special attention should be given to regulations from the Article 30 Paragraph 2 and the Article 16 of the Law, which proceed from the ethnical principle only, and up to now in every professional discussion have been qualified as discriminatory regulations, because they were based on the ethnic

criterion. (3) Eliminate abuse of Paragraph 2 Article 26 of the Law, which was often used for refusing Croatian citizenship applications, with the explanation: "due to the reasons of interest for the Republic of Croatia". In administrative procedures clients could not dispute such decisions. (4) Eliminate the abuse of Paragraph 3 Article 8, which offers the following description/conclusion for a person applying for the Croatian citizenship: "it can be concluded that he/she respects Croatian legal system, Croatian tradition as well as Croatian culture". Despite the decision of the Constitutional Court, in the major number of cases there were no explanations given for refusing citizenship requests which made the claim procedure before Administrative Court more difficult. (5) With the Law changes, the treatment of dual citizenship should be solved in a clearer and more consistent way.

8. **Legally regulate the whole issue related to repossession of private property and procedures which would be applied for its implementation.** The current legal and para-legal regulations on that issue do not protect in the same way the right to private property of all the Croatian citizens. Furthermore, its implementation has caused a real chaos, due to different interpretations by administrative and court authorities in charge, which resulted in voluntarism. Namely, beside the Law on Ownership and other real rights, (Gazette 91/96), presenting the, so called, systemic law (some regulations of which should also be changed and some have already been proclaimed anti-constitutional by the Constitutional Court) a separate Law should be brought. The need for this separate Law exists due to specific problems on return of property, upon which the Law on Temporary Takeover and Management over certain Property has been applied. This Law would present a special law in relation to the Law on Ownership, and would regulate, in a unique way for the whole Croatia, for both, displaced persons and resettled persons, the issue on return of private property. This Law would also enable elimination of all unclear and discriminatory regulations which are now included in the following: Law on Temporary Takeover and Management over Certain Property (Gazette 101/98), Program of Return and Accommodation of Displaced Persons, Refugees and Resettled Persons (Gazette 92/98) and many other "instructions" that have been making the procedures for property return more difficult and have often limited certain rights in relation to the ones legally defined. Out of the revised Return Program the following regulations should be eliminated: all those that regulate procedures and conditions for returning the property because they have caused confusion in the court procedures (courts judge according to the Laws and not according to some Programs or Instructions) and resulted in a different practical implementation. The proof of this is the fact that the Supreme Court of the Republic of Croatia needed more than a year to submit its opinion on how to deal with cases on return of property to all the courts, which still did not eliminate different approaches in processing of these cases (Supreme Court of Croatia Number: SU-678-IV/99 from August 12,1999). This applies especially on different processing of the courts in Eastern Slavonia in dealing with cases of property return to the displaced Croats and in other of Croatia in cases of property return to the Serb refugees.

Along with issuing the above mentioned Law there is a need to review the purpose of keeping the Housing Commissions as authority in charge for implementation of this law. In most of the cases they have proven to be completely ineffective. In case it gets decided that the Housing Commissions should continue functioning, their work should be based on much more precise legal regulations, their authorities and procedures related to property return cases as well as their responsibilities as consequences for not following the law. If the Housing Commissions continue working they should not consist of volunteers. They do not get paid for their work which is often used as an excuse for their ineffectiveness.

As a priority, before modifying the legislation in this region, the Article 10 of the Return Procedures - Return Problem should be implemented and that means move out all those who illegally occupy houses owned by others or use more housing objects at one time. Unless this is done efficiently and in a very short period of time by the authorities in charge (now: housing commissions) the owners should be given a quick court ownership protection, due to the fact that these are all very simple procedures which should be implemented by the courts.

9. **Resolve the problem of people who used to have tenancy rights**, when that is a necessary precondition for return of refugees and for their stay in the Republic of Croatia. This issue has not even been solved yet on a "level of a political decision" (the former Government was refusing all the requests of the international community for including that problem into the "right to return"). It has only accepted that the housing commissions can collect requests of former tenancy right owners according to Article 5 Paragraph 2 of the Return Procedures (according to the information available, which accuracy is questionable, there were about 2000 of such requests submitted to the housing commissions by the end of 1999). That regulation does not obligate and has not served as a basis for solving even one housing problem nor will it do so in the future.

While trying to resolve this issue one thing should be taken into consideration: tenancy right was terminated not only by illegal moving in or evictions but also by applying several extremely discriminatory laws and law changes that were accepted in the period between 1991 - 1996. Some of these discriminatory regulations were revoked by the Constitutional Court, but it did not effect the practice. The rights based on the Law on Selling Apartments where Tenancy Rights Existed were derived from the tenancy rights, all of those who had been deprived of their tenancy rights in any way, have lost their right to participate in the Housing Fund privatization process.

10. **Issue modifications or amendments or a new Law on Regions of a Special Governmental Care** (Gazette 94/96) in order to eliminate all of the discriminatory regulations which that Law contains. The aim of that Law, at the time it was enforced, was to prevent the return to places which the Serbs fled. This was legally formulated with separate Articles (7 and 8) of the Law. The recently issued **Regulation on Disposing and Managing of State-Owned Apartments in the**

**Regions of a Special Governmental Care** (Gazette 129/99) also contains discriminatory provisions that relate to the rights derived from the tenancy rights. This should be resolved together with the entire problematic issue of former tenancy rights owners and ensure equal rights for everybody.

11. **Ensure for all the citizens equal legal rights related to damage compensation caused by terrorist acts** (houses mined and burned down in the areas where there were no war actions. Until a separate regulation on damage compensation is issued, returnees should be included into the category for reconstruction. Compensation for this kind of damages had been regulated till 1996 with the Article 180 of the Law on Obligatory Relationships (Gazette 53 and 73/1991). In modifications and amendments that followed, (Gazette 7/96) that Article was annulled and all the processes that had started before were stopped until "a special regulation which will regulate responsibilities for damage caused by terrorist actions" is issued. (Article 2, Paragraph 2 of the Law). That Law has never been issued. In October 1999 the Law on Modifications and Amendments of the Law on Obligatory Relationships (Gazette 112/99). That Law defines the responsibility of the Government of Croatia to issue, within six months, special laws, which would apply only for compensation of damage caused by Croatian military and police forces while at work or while serving as military and police in war actions.

It should be emphasized that insurance companies refuse to cover the damage for the insured property in areas where there were no war activities. The same stand was taken by the courts in claim cases of injured parties versus insurer with the explanation that even there, in areas where there were no war activities, the terrorist acts had happened due to the war.

The Law on Reconstruction contained the right on reconstruction of all the destroyed or damaged houses regardless of the cause of damage (war actions or terrorist acts). The Obligatory Instruction on procedures of establishing the reconstruction right (Article 1, Paragraph 2) defines the following: " The goal of the reconstruction are all the housing objects destroyed or damaged before January 15, 1998, located in the areas of return". This definition has been differently used, so some offices for reconstruction refuse reconstruction requests if the housing object has been destroyed by a terrorist act, referring to the revoked Article of the Law on Obligatory Relationships. According the Law on Reconstruction, mainly Croatian displaced persons have gained their right, the Serb returnees are exposed to various interpretations of their right to reconstruction of houses destroyed by terrorist acts.

12. **Ensure equal rights from the sphere of pension and disability insurance** for all the persons who have gained that right in the Republic of Croatia according to the Law on Pension and Disability Insurance. In practical application of those legal regulations, the Croatian Pension Fund often uses "instructions" that reduce or annul certain rights defined in the Law on Pension Insurance or the application of those rights is stipulated by meeting certain conditions that are not defined in the Law. Here are several examples for this statement:

- a) Croatian citizens who are still refugees and who have gained the pension right before October 8, 1991 can renew this right (with lot of difficulties in many cases) after they register their temporary residence in Croatia, obtain domovnica (a citizenship certificate) and ID ( instruction of the Croatian Pension Fund, Class:140-13/98-24/4205, Registry Number: 341-99-03/13-98/1 from September 23, 1998) although the Law on Pension Insurance does not prescribe such a condition. On the other hand, BiH pensioners of Croatian nationality, whose place of temporary residence is out of Croatia receive their pensions through BiH banks. Returnees often face problems when trying to register their place of temporary residence because they have to find a warrant (a person who guarantees accommodation and care).They also have problems when trying to obtain the right to a family pension: they have to submit a certificate proving that the deceased was a Croatian citizen, but the request gets often refused.
- b) Pensions for the refugees in BiH and FRY are conditioned by signing a Bilateral Agreement on Social Insurance, although it is a question of Croatian citizens whose return to Croatia was not enabled and who neither become citizens of another state nor have a permanent residence there.
- c) Unpaid pensions for the period of their being refugees, that had been paid to them for a short period of time (Instruction of the Republic Fund for Pension and Disability Insurance of the Republic of Croatia from July 10, 1996) were temporarily suspended with the new Instruction from October 4, 1996. Against the Article 87, Paragraph 2, of the Law on Pension Insurance (and the previous Article 130, Paragraph 2), that right was permanently suspended by the "Instruction" of the Croatian Pension Fund, Class: 140-13/98-02/4910, Registry Number: 341-99-01/1-98/1, (with the explanation that pensions they were receiving in the regions under the protection and temporary administration of the UN -where they used to live or still are living as refugees- were being convalidated. There is no evidence or document proving that such a pension has ever been received. No one takes into consideration a fact that those persons could not come back to Croatia and renew their pension right. Beside that, the instructions is in opposition to the Law on Convalidation. According to that Law, individual documents issued by the para-authorities in the regions under the UN protection can be convalidated. That Law cannot be applied to the period of pensioners being refugees, for there is no evidence (and that is not true at all) that Yugoslavia continued paying out pensions to the refugees based on decisions issued by the "Krajina para-authorities". Regarding the issue of claims that pensioners used to submit to Municipal Courts for payment of unpaid pensions, the experiences are different. Some courts proclaim themselves incompetent and are referring complainants to the administrative procedure (in spite of the Supreme Court's stand that it is a question of property rights where regular courts are in charge and not the Administrative Court). Some court issue decisions based upon the above mentioned Instructions of the Croatian Pension Fund.
- d) An especially problematic pension rights' issue is the one dealing with persons who fulfilled their pension condition in regions under the UN protection. The reason for

that problem is the implementation practice of the Law on Convalidation as well as the Regulation on Implementation of the Law on Convalidation from the sphere of pension and disability insurance, because people cannot collect all the necessary documentation. Beside that, because of the preclusive legal deadline for submitting requests for convalidation (defined by the Regulation, and not the Law which expired on April 10, 1999), persons who could not return to Croatia and could not apply for convalidation, will not be able to convalidate their pension period fulfilled in the regions under the UN protection. This is why the deadline has to be annulled. Even if there has to be a time limit, the deadline period should start with the day when a person started collecting Croatian documents.

- e) Pension applicants are faced with difficulties in collecting evidence of their being insured (Form M-4). Officials working in branch offices claim that the required documentation has been destroyed and the companies, that were paying in contributions, do not exist any more. It could be expected that the Central Zagreb Office has those data, but the most frequent reply people are getting, is a negative one.
  - f) Croatian Pension Fund refuses the right to an individual or a family pension in cases where the applicant has served (actively or as a reserve, or was killed as a soldier) in the so called Krajina military forces, which is against legal regulations.
13. **Related to the rights from the pension and disabled insurance: the Bilateral Agreement on Social Insurance, signed between Croatia and FRY**, should be ratified (we do not know if FRY is blocking this). The same kind of agreement should be signed with BiH (and with the Republika Srpska, if BiH is not authorized for that entity).
14. **Consequently implement the Law on General Amnesty** and ensure its equal application in the whole Croatia. Update the criminal registry for each person the Law has been applied upon and enable that everyone has a possibility to get the decision issued, upon a personal request or an authorized person's request.
15. **Coordinate the Law on Temporary and Permanent Residence with the Decision of the Constitutional Court** on certain provisions being unconstitutional (Gazette 11/2000).
16. **Coordinate the Law on Moving and Residence of Foreigners with the Decision of the Constitutional Court** (Gazette 22/99). For the reason of its substandardization, which cause a variety of implementation problems, certain modifications and amendments are necessary.
17. **Amend the Law on Compensation for Property Taken Away During the Yugo-Communist Government**. Define a new deadline for submitting requests for persons who were not able to meet the legally defined time limit. Namely, according to the provisions of the mentioned Law, this kind of requests could have been submitted by those persons who were Croatian citizens on the day when this Law was enforced

(October 11, 1996). The period for submitting requests lasted for six months (June 30, 1997).

Those Croatian citizens who could neither then nor within next six months obtain Croatian documents (for well known reasons) were not able to meet any of the two, above mentioned, conditions. They could not have any influence on this situation because the procedure for defining Croatian citizenship was accepted on May 14, 1998 with issuing of the "Procedures for Individual Return" and the "Obligatory Instructions".

Beside this we would like to point out the following fact: the time when this Law was issued and its enforcement started, the region of the Croatian Podunavlje was under the temporary UN administration. The deadline for submitting requests for taken away property had expired before this region was integrated into the Croatian legal system. In such circumstances this Law could not have been applied, that means that property owners from that region had no possibility to submit requests for executing their rights defined by the Law.

The Constitutional Court has annulled a part of the provision of the Article 9 Paragraph 1 which was stating that requests for compensation could be submitted by persons with the Croatian citizenship (Gazette 39/1999). The provision of the Article 65 Paragraph 3 of the Law, according to which "the owner was obligated to submit the request within six months from the law enforcement date" was annulled and so was the Article 65 Paragraph 4 of the Law according to which "the requests submitted after this six months period will be rejected and the applicant loses all the rights". However, this decision of the Constitutional Court on the above provisions being unconstitutional relates only to foreign physical persons. As the Law has still not been put in accordance with above mentioned Decision of the Constitutional Court (the given time limit is one year), the future Law modification should also include the resolution of the issue of persons who were not able to meet the legal conditions for the above mentioned reasons.

18. In the announced modifications of the **Labor Law** by clearer formulation of the Article 129 of the Law: ensure the protection of the employees working in companies that were reintegrated into the Croatian economic system after the UNTAES mandate. This should be done by ensuring the continuation of the work of these companies and the employees' rights following that.
19. **Include again into the Croatian legal system the Law on Human Rights and Freedoms and the Law on National Minority Rights** together with the currently suspended provisions. Modifications and amendments are necessary.
20. Resolve the problem of **bank claims based on negative balance of current accounts** of citizens according to the provisions of the Article 137 and 279 of the Law on Obligatory Relationships. Returnees are facing huge debts for having minimal negative balance on their current bank accounts and the default interest that

consequently followed after the moment when the money transfer operations between Croatia and the occupied territory stopped. These were the accounts where their pensions and salaries were paid to. After the payment operations with the banks from the occupied territory were stopped people entered the so called minus (a small negative balance) that they could not cover any more. After the reintegration the banks are claiming the interest rate from the period of August 1991 until their return to Croatia (for example: for 2,00 kn of a negative balance people are requested to pay interest rate in the amount of 10 to 17.000,00 kn depending on the bank).

21. Find a suitable solution for the **former Jugobanka savers**, who were living in the region under the UN protection and could not transfer their foreign exchange account to Croatian banks.
22. **Recognize the documents issued in BiH - Republic of Srpska** (especially those from the Registry Office: birth, death and marriage certificates) by a bilateral Agreement between Croatia and the Republic of Srpska.
23. **Educate and train court authorities** to faster process claims on tenancy, property and status cases in order to avoid situations where there are no hearings scheduled even two to three years after a claim was submitted.

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In order to illustrate the problems that resulted from the above mentioned laws and other regulations as well as their implementation, the LSC members have supplemented this document with some examples from their rich documentation system. The cases described below are typical examples of implementation of the following laws and other documents:

#### **Law on Croatian Citizenship and Law on Moving and Residence of Foreigners**

1. Z.M. was born in Zadar in 1968 where he together with his mother (also born in Croatia) had a permanent temporary residence until 1991. His request for Croatian citizenship was refused as well as many other persons' due to the reason of not being registered in the Croatian Registry of Citizens before 1991 (the reason for this was often the neglect of Registry Office officials) and due to leaving Croatia during the war. This is what has happened (which this Z.M. case also shows): at the moment of submitting the request for obtaining Croatian citizenship such persons were treated as foreigners with the permanent residence. Immediately that status was taken away from them according to the Article 47 Paragraph 1 Clause 1 of the Law on Moving and Residence of Foreigners. In this way which is a pure manipulation, a legal precondition for refusing the request was created (application of the Article 8 Paragraph 1 Clause 3 of the Law on Croatian Citizenship: the condition of a five year

- of continued residence until the day of submitting the request was not fulfilled). (Resource: DOS, Zadar)
2. Z.G. was evacuated in 1991 from Croatia to Italy and was accommodated in the Center for evacuated persons there. His request for obtaining Croatian citizenship was refused for not fulfilling conditions stated in the Article 8 Paragraph 1 Clause 3 of the Law on Croatian Citizenship (continued residence for more than five years until the date of submitting the request). The Administrative Court refuses his claim against the decision of the Ministry of Internal Affairs (MUP) with the identical explanation. (Resource: SDF, Zagreb)
  3. V.S. was born in Osijek. Her mother is Croatian, and her father a Serb, both Croatian citizens. She had lived in Croatia until 1983 when her husband got a job at the Belgrade airport Surčin. In the 1984 she came back to Croatia to finish her studies. She can not find a job here and gets one in 1989 in Zemun (FRY). In 1996 she comes back to Croatia on several occasions, but with the status of foreigner. Her request for obtaining Croatian citizenship was refused for the reason of not having five years of continuous residence in Croatia. Since January of 1999 she has been waiting for the decision of the Administrative Court based on the claim she submitted against the MUP decision. (Resource: SDF, Zagreb)
  4. Š.S. from Dvor was refused the status of a permanent foreign resident. This is why she could not meet the legal preconditions to apply for Croatian citizenship as a wife of a Croatian citizen (based on the Article 10 of the Law on Croatian Citizenship). Without this status she can not receive a pension that she had earned in Croatia. (Resource: SDF, Vojnić)
  5. D.A. from Bodegarje could not obtain the status of the permanent resident. Reasons stated: her marriage with Croatian citizen lasts less than a year and there are no personal reasons for her to become a permanent resident. First of all, this statement is incorrect. She has been married to Croatian citizen since 1970. Secondly, it was not taken into consideration that D.A. has had a permanent residence in Croatia since 1970 and that she has a refugee status which means that according to the Return Program she has a right to return and regulate her status. Thirdly, the only property she owns is in Croatia, her family lives here and she has earned her pension in Croatia. She is 65 years old and can not start her life all over again in her native country (BiH) which she left 30 years ago. (Resource: SDF)
  6. Z.D. from Petrinja submitted a claim, in October 1996 to the Administrative Court of Croatia against the MUP decision in which his request for obtaining Croatian citizenship was refused. Up to now the Administrative Court has not started processing this case. (Resource: SDF)
  7. R.D. and M.D. from Petrinja submitted their request for obtaining Croatian citizenship in summer of 1998. They had to apply again in May of 1999 with no explanation. They are still waiting for a decision.

**Law on Reconstruction. Obligatory instruction for submitting applications for reconstruction and accommodation.**

1. J.Š. applied for reconstruction of his house in Nova Gradiška in April of 1997 at the Department for Reconstruction and Development (County Court of Brodsko

Posavska County). His request was refused in November of 1999. The explanation follows: after checking the record of damage estimation and the report II PP Nova Gradiška it was concluded that his house was damaged by an explosive device and that this cannot be accepted as a war damage. This explanation against the provisions of the Law on Reconstruction as well as the Article 1 Paragraph 2 of the Obligatory Instructions which define ways and procedures for establishing the rights to reconstruction and housing/accommodation and according to which "the goal of the reconstruction are all the housing objects destroyed or damaged by January 15, 1998 located in the regions/places of return". (Resource: SDF, Zagreb)

2. B.V. has applied for the reconstruction of her house in Voćin at the Office for Urban Development in Virovitica. She was informed by the same Office that her request was sent to the Ministry of Development and Reconstruction. But, in January of 1999 the same Office issues a decision which orders B.V. to destroy her house within next 30 days stating that it is dangerous for people's health and lives. This decision was not handed over to the client with a remark that her residence is unknown. Based on a second level executive decision, where the client is represented by the President of the Voćin Municipality Housing Commission, the house was pulled down. (Resource: Center for Peace, Legal and Psycho-Social Assistance, Vukovar)
3. P.M. submitted the reconstruction request in 1997 and in spite of several interventions has still not received a reply. He submitted a claim for administration silence to the Administrative Court. It takes several years to receive a decision in such cases, although it is very simple to define facts important for resolving this case. (Resource: SDF, Zagreb)
4. O.N. from Čeralije had submitted the reconstruction request in April of 1999 and 8 months later received the information about the institution in charge for resolving such requests (authority has been changed based on instructions of the Ministry of Reconstruction and Development) in spite of provisions of the Article 66 Paragraph 3 and 4 of the Law on General Administrative Procedures. According to those provisions the administrative institution was obligated to inform a client in the moment of submitting documents which institution is in charge. That means in case documents are being sent by mail this administrative institution has to send it to the institution in charge. (Resource: SDF)

**Program of Return and Accommodation of DPs, Refugees and Resettled Persons (Clause 9 of the Chapter "Introductory Remarks" and Clause 9 of the Chapter "Procedures of Return" - return of property, finding temporary accommodation until return of the property to their owners and finding alternative accommodation for temporary users)**

Beside the fact that there is hardly any case where a housing commission has searched for and ensured a temporary accommodation to the property owner (until the moment when conditions for return of that property are met) and that it has ensured a very small number of objects suitable for alternative accommodation for temporary users it has not fulfilled its task of returning the property to their owners (with a few exceptions). With all the respect to some objective limitations the housing commissions have neither done the things that were possible, nor have they undertaken necessary actions for which they have

been authorized. They have not put the effort into returning of houses to their owners - returnees which are occupied by: (a) persons with no legal basis; (b) persons occupying several houses; (c) persons who are owners of their housing objects; (d) DPs whose houses have been reconstructed in places of their former residence, but refuse to go back; (e) persons who have alternative accommodation ensured. The housing commissions have started court proceedings in a very small number of cases and according to the Return Program they are in charge of it.

1. Ž.Š. has lived together with her husband and her father-in-law. Each of them owns 1/3 of the house. They have submitted a joint request for property return and have enclosed all the necessary documents. However, the housing commission has requested the division of the ownership and has instructed them to enclose "contract on division" to their request for return of the house. (Resource: DOS, Knin)
2. L.J.M. from Sažaj (belongs to the category of resettled persons) submitted the request for return of the house in 1998. She is temporarily using a house in Sotin, ownership of the DP C.L. The request of this resettled person has not been solved in more than two years. The claim of the DP who wants her property back the Municipal Court in Vukovar schedules the meeting within 30 days from the day of submitting claim. (Resource: Center for Peace, Legal and Psycho-Social Assistance, Vukovar)

This is a very common example of different approaches in the property return category, not only when it concerns how quickly the courts react but also when it comes to applying different regulations. DPs request the return of their property according to the Law on Ownership and other Real Rights which does not condition finding alternative accommodation for a temporary user as a result of the court decision on moving out. Resettled persons submit their requests to housing commissions in accordance with provisions of the Return Program and cannot get their property back before the temporary user finds another accommodation.

3. L.J.G. - a resettled person is temporarily using a house in Sotin which belongs to K.A. The housing commission issues a decision for eviction of a temporary user with the explanation that the house was not being used for accommodation of a family. That is not true which is easy to prove. It was given for another reason and that is: the housing commission is not obligated to find alternative accommodation for temporary users. At the same time the owner of the house started a lawsuit for eviction and the Municipal Court in Vukovar based on the Law on Ownership and Other Real Rights. That means that there are two separated procedures going on about the same legal issue using different legal basis. (Resource: Center for Peace, Legal and Psycho-Social Assistance, Vukovar)
4. M.A. from Gračac cannot since 1997 get back neither his house nor his business premises although they are being used by M.M. from Slavonia who has no DP nor refugee status. (Resource: DOS, Gračac)
5. M.Ž. from Vojnić is the owner of two houses. She has submitted a request for property return which is occupied by a person from Zagreb who is neither a refugee nor a DP. In 1998 the housing commission issued a decision which annuls the Decision of a Temporary Usage, but still has not issued an order for leaving the

- property. Her other house which consists of two big apartments is used by a family of two, while the owner and six other members of her family have no accommodation. (Resource: SDF)
6. K.P. owns the apartment in Karlovac which is occupied by an illegal user. The housing commission refuses to conduct the eviction procedure. (Resource: SDF)
  7. B.V. and P.R. from Glina have signed the Record on Getting Back Their houses (Form PP 11), but still haven't moved in because temporary users are refusing to leave their houses. The housing commission has not submitted the claim to the Municipal Court in charge. (Resource: SDF)
  8. N.N. owns a house in Donja Stubica. It has been given to a temporary user - volunteer of the Croatian National War. In the mean time he got a bank loan and added another floor. The Housing Commission has suggested the owner to go and make a deal with a temporary user. He claims that he was given the ownership of the house and he is not interested in any deals, although N.N. is still the owner according to the land registry book. It is still unknown who has issued him the permit for doing construction work on somebody else's housing object. (Resource: SDF)

### **Housing/accommodation of former tenancy rights owners**

Article 5 Paragraph 2 of the Return Program in the Chapter "Return Procedures" predicts a possibility of accommodating returnees who have no property but used to be tenancy rights owners. That provision does not oblige anybody an up to date there is no case of accommodating returnees in this way registered. However, this provision served as a basis for submitting requests for return of apartments to housing commissions. They have at least a number of submitted requests which are waiting to be resolved. The tenancy rights have been taken away since 1991 in different ways: by forceful evictions, breaking in, giving away apartments whose tenants were away for a short period of time and court procedures that were conducted in absence (based on Article 99 of the Law on Housing Relationships and modifications and amendments of the Law that followed, which were discriminatory). Some of these provisions were declared unconstitutional by the Constitutional Court but it had no influence on concrete examples.

1. Š.N. from Split a retired Yugoslav Army officer was a tenancy right owner in Split since 1989. Having serious heart problems and being almost completely blind as a result of diabetes he had a permission of the then Secretariat for Peoples Defense for leaving the Split area in order to get an appropriate treatment. In March of 1992 with the recommendation of dr. Mate Granić he goes to Belgrade in order to have the fifth eye operation. Being scared because of war actions in BiH and Croatia Š.N. and his wife go to Montenegro as a temporary solution. In 1993 Public Attorney's Office, on behalf of the Republic of Croatia submits a claim for termination of tenancy rights. The reasons stated: the apartment had not been used for more than six months, although the other family members - Š.N.' daughter, son-in-law and their two under age children were still living in his Split apartment. Because of that fact the stated legal basis was not sufficient for termination of tenancy rights so the Public Attorney's Office expands the claim with the following statement: Š.N. took part in enemy actions against Croatia, he left Croatia in order to incline towards the

aggressor country which he had proved by going to treatment to Military Hospital in Belgrade and that he and his wife had not recognized the new Croatian state etc. Accepting all these reasons for termination of his tenancy rights, with no evidence at all the Municipal Court in Split issues a verdict in September of 1994. In December of 1994 the County Court refuses the appeal submitted to the Municipal Court verdict. In 1995 the revision to the Supreme Court was stated which has never issued a decision accordingly. There was a claim submitted to the Constitutional Court too. Regardless of these facts as well as the requested adjournment the family members were evicted from the apartment in 1995. In February of 1999 the Constitutional Court accepts a claim annuls the first- and second-level verdicts and returns the case to the Municipal Court for further processing. The Municipal Court still has not scheduled the hearing. (Resource: DOS, Split)

2. J.P. was a tenancy right owner in Pakrac. As a filed worker, in Hidroelektra, he spends several weeks or even months working away from home. While he was working at the construction site in Rijeka (he has company certificate for this) his apartment was given away to another person according to the Law on Temporary Usage of Apartments (Gazette 66/91). The tenancy right was terminated ex lege. Although this Law could not have been used as a legal basis for J.P.'s tenancy right termination all the official correspondence with the authorities in charge has had no results. J.P. as a disabled worker is accommodated in the Hidroelektra shacks. (Resource: SDF)
3. E.M. with her four family members used to be a tenancy right owner for more than 20 years in Osijek. She is now temporarily using an apartment in Vukovar which she will have to leave because of the DPs - tenancy right owner who wants to come back to his apartment. E.M.'s apartment in Osijek is empty (a DP family has left it to go back to their house) but the housing commission refuses to return the apartment to E.M. because in the mean time her tenancy right has been terminated by the court decision. E.M. has submitted a request for repeating the procedure. She is also facing a criminal charges for the criminal act against human freedoms and rights by disturbance of home integrity. S.V. was convicted for the same criminal act by the Municipal Court in Vukovar. In 1992 he moved into an empty apartment in Borovo based on a decision for a temporary accommodation that was issued by the authorities who were in charge in Eastern Slavonia at that time. This verdict was reached without the client being heard. (Resource: Center for Peace, Legal and Psycho-Social Assistance, Vukovar)
4. S.P. was a tenancy right owner in Pakrac. Her apartment was moved into in 1991 while she was away on a holiday. S.P. has a decision for using her holiday issued by the institution she was employed at. The court verdict on the termination of her tenancy right was reached in her absence. During her holiday, in August of 1991, the war started and S.P. could not return to Pakrac. The request for repetition of the procedure was submitted to the Municipal Court in Pakrac in March of 1997. The Court has not replied yet. (Resource: SDF)

**Law on Pension Insurance and Law on Convalidation and Regulation on Implementation of the Law on Convalidation from the Sphere of Work, Employment, Pension and Disabled Insurance and Social Rights**

1. Đ.Đ. from Zadar established his pension right in 1980 as an employee of the former Yugoslav Army. After he had returned to Croatia he submitted a request for a pension renewal. His request was refused on the grounds of the enforcement of the new Law on Pension Insurance which annulled the former Law on Establishing Rights from Pension and Disabled Insurance of the Former Yugoslav Army. It is true that this second law is not valid any more (according to which Đ.Đ. fulfills all the conditions for obtaining a pension in Croatia) but this kind of a legal gap should not have been allowed to exist because it suspends the right to a returnee, a Croatian citizen, his right to the pension earned. (Resource: DOS, Zadar)
2. N.G. received a decision on obtaining a family pension in March of 1998 from the filed office Sisak (of the Croatian Fund for Pension Insurance). That decision was annulled by the same office on December 15, 1998 with an explanation that nobody was living at the stated address and the pensions had to be returned to the Fund. It was concluded that N.G. did not live at the registered address. N.G. submits an appeal in December of 1999 and applies for receiving all of the unpaid pensions since the day of their termination. The Pension Fund started sending her pensions with January 1, 2000 but refuses to pay the difference (all the pensions she did not receive). Article 87 Paragraph 2 of the Law regulates a pension payback for 12 months at most in cases where a pension user caused the circumstances for this kind of situation. That legal possibility should have been used in this case taking into consideration that she is a returnee who didn't get her property back and such persons often have to find a new warrant (accommodation) and that she is an elderly person who cannot find any other finance resources. (Resource: SDF)
3. M.T. and N.J. from Kijani have both submitted a request for obtaining a family pension after their husbands had died. The Croatian Pension Fund - Branch Office Šibenik refuses their requests stating that their husbands were fighting against Croatia. In the appeal procedure the Central Zagreb Office confirms the first level decision for M.T. because her husband was killed as a soldier of the para-military and she has no rights to his pension. This kind of a decision has no legal basis, but it is obvious that the Croatian Pension Fund has some "secret" instruction to do so. (Resource: DOS, Knin)
4. J.R. has 21 years of employment experience recorded in her employment book but the Croatian Pension Fund - Branch Office Gospić claims that the benefits have been paid for 8 years only. (Resource: DOS, Gračac)

Such cases are very frequent but they are also a result of omissions in keeping the Funds' records. This proves a case of a person who had been working in a high ranking national institution in Zagreb but the Fund did not have the records of benefits being paid for a couple of years. Those benefits were paid in a timely manner and the request submitter had to obtain a withdrawal from the institution she had been working with to prove that. This can be very complicated but happens very often: a legal person, who was paying benefits, no longer exists.

5. RS from Gračac submitted a request for convalidation of her work experience obtained in the region under the UN protection in the fall of 1998. She also enclosed

all the necessary documentation. The Croatian Pension Fund - Branch Office Gospić has not reacted yet. (Resource: DOS, Gračac)

6. J.Š. and Z.Š. from Kopriva submitted a request for maintenance at the end of 1998. This request is based upon the Law on Protection of Military and Civil War Disabled Persons. They received it in February of 2000. (Resource: DOS, Gračac)

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There are hundreds of such cases registered at legal offices of the LSC members. They describe drastic, often unbelievable procedures and explanations of some institutions directed towards withholding some elementary legal and human rights to resettled persons. One part of damage caused by such actions will not be possible to compensate, but still there are many possibilities left to help people in resolving their existential issues. The efforts of governmental institutions in charge should follow that direction.

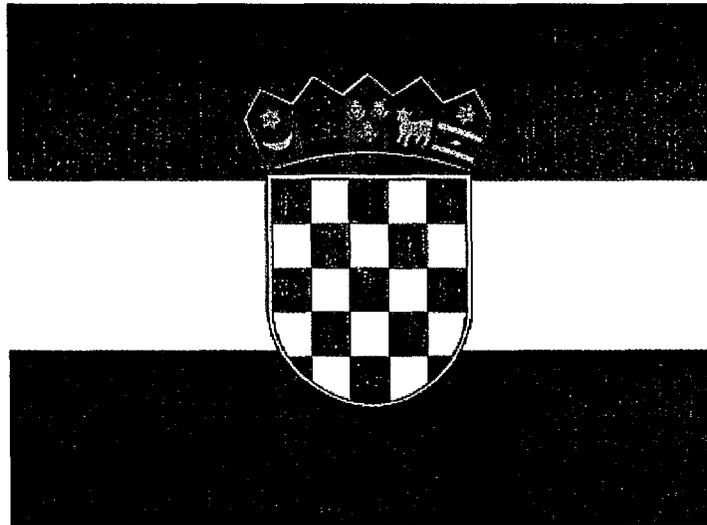
**FINAL REPORT**  
**ATTACHMENT VIII**

**ADF ADVOCACY TRAINING MANUAL**  
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# AMERICA'S DEVELOPMENT FOUNDATION

*ASSISTING THE INTERNATIONAL DEVELOPMENT OF DEMOCRACY*

## ADVOCACY TRAINING MANUAL CROATIA



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