

UNITED STATES OF AMERICA
AGENCY FOR INTERNATIONAL DEVELOPMENT

REGIONAL ECONOMIC DEVELOPMENT SERVICES OFFICE
FOR EAST AND SOUTHERN AFRICA (REDSO /ESA)

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Ms. A.N. Keru
Accountant
International Commission of Jurists
Rhapta Road/Church Road
P.O. Box 59743
Nairobi
Kenya

Subject: Award No. 623-0267-A-00-6060-00

Dear Ms. Keru:

Pursuant to the authority contained in the Foreign Assistance Act of 1961, as amended, the U.S. Agency for International Development (hereinafter referred to as "USAID" or "Grantor") hereby grants to the International Commission of Jurists (herein after referred to as ICJ or "Recipient"), the sum of \$159,000.00 to provide support for a program in Institutional Strengthening, as described in the Schedule of this award and the Attachment 2, entitled "Program Description."

This award is effective and obligation is made as of the date of this letter and shall apply to commitments made by the Recipient in furtherance of program objectives during the period beginning with the effective date and ending September 30, 1999. USAID shall not be liable for reimbursing the Recipient for any costs in excess of the obligated amount.

This award is made to ICJ, on condition that the funds will be administered in accordance with the terms and conditions as set forth in Attachment 1, entitled "Schedule"; Attachment 2, entitled "Program Description"; and Attachment 3 entitled "Standard Provisions."

BEST AVAILABLE COPY

Please sign the original and each copy of this letter to acknowledge your receipt of this award, and return the original and all but one copy to the Grant Officer.

Sincerely,

Beth S. Paige

Beth Paige
Grant Officer
REDSO/ESA/PRO

Attachments:

1. Schedule
2. Program Description
- ~~3. Standard Provisions~~
- ~~4. Standards for USAID Funded Communications Projects~~

ACKNOWLEDGED: International Commission of Jurists

BY: *Connie Ngondi Ngondi*
Title: *Executive Director*
Date: *30/9/96*

ACCOUNTING AND APPROPRIATION DATA

A. GENERAL

1. Total Estimated Amount: \$159,000.00
2. Total Program Amount: \$213,208.00
3. Total Obligated Amount: \$159,000.00
4. Cost-Sharing Percentage
(Non-Federal): 25%
5. Project No.: (615-0267)
6. USAID Project Office: Office of Strategy Planning (OSPP)
P.O. Box 30261
USAID Towers
The Crescent, Parklands
Nairobi, Kenya
7. Tax I.D. Number:
8. CEC No.:
9. LOC Number: N/A

B. SPECIFIC

1. PIO/T Number: 615-0267-3-60028
2. Appropriation: 726/71021
3. Allotment:
4. BPC: GDV6-96-21615-KG13
5. PIO/T Obl. Amount: \$159,000.00

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ATTACHMENT 1

SCHEDULE

1.1 PURPOSE OF AGREEMENT

The purpose of this Agreement is to provide support for the program described in Attachment 2 of this Agreement entitled "Program Description."

1.2 PERIOD OF AGREEMENT

The effective date of this Agreement is the date of the Cover Letter and the estimated completion date is September 30, 1999.

1.3 AMOUNT OF AWARD AND PAYMENT

(a) USAID hereby obligates the amount of \$159,000.00 for the purposes of this Award.

(b) Payment shall be made to the Recipient in accordance with procedures set forth in the Standard Provision of this Award entitled Payment - Cost Reimbursement as shown in Attachment 3.

1.4 AWARD BUDGET

The following is the Award Budget, including local cost financing items, if authorized. Revisions to this budget shall be made in accordance with the Standard Provision of the Award entitled "Revision of Grant Budget".

COOPERATIVE AGREEMENT
AWARD BUDGET
US\$

COST ELEMENT	SEP-AUG 1996/97	SEP-AUG 1997/98	SEP-AUG 1998/99	TOTAL US\$	TOTAL ICJ CONT.	TOTAL USAID CONT.
	\$	\$	\$	\$	\$	\$
I) Human Resources Development:						
i) Finance & Admin Manager	13,091	14,400	15,840	43,331	15,840	27,491
ii) Director's Secretary	6,545	7,200	7,636	52,908	17,636	35,272
II) Establishment of Personnel, Financial & Admin. System	9,091	- 0 -	- 0 -	9,091	- 0 -	9,091
III) Strategic Planning & Review						
Workshops + Consultant Services	8,146	- 0 -	8,146	16,292	- 0 -	16,292

IV) Auditing	1,091	1,273	1,455	3,819	- 0 -	3,819
V) Strengthening Information base and Systems						
a) Projects Monitoring and Admin. Evaluation Systems	6,666	6,667	3,334	16,667	6,666	10,001
b) Establishment of Library cataloguing System & database	5,724	- 0 -	- 0 -	5,724	- 0 -	5,724
c) Purchase of books, journals & other relevant library materials	7,241	7,241	7,241	21,723	7,241	14,482
VI) Improvement of expediency in Programme and Administrative activities through acquisition of additional appropriate equipment base						
a) Computer	2,195	- 0 -	- 0 -	2,195	- 0 -	2,195
b) Printer	1,150	- 0 -	- 0 -	1,150	- 0 -	1,150
c) Photocopier	8,182	- 0 -	- 0 -	8,182	- 0 -	8,182
d) Telephone Heads	3,636	- 0 -	- 0 -	3,636	- 0 -	3,636
e) Equipment Maintenance	2,275	2,275	2,275	6,825	6,825	- 0 -
TOTAL				213,208	54,208	159,000
TOTAL USAID CONTRIBUTION:				\$159,000.00		
TOTAL ICJ CONTRIBUTION IS:				\$ 54,208.00		
TOTAL PROGRAM AMOUNT:				\$213,208.00		

1.5 REPORTING**1.5.1 Financial Reporting**

- (a) Financial reporting requirements shall be in accordance with the Standard Provision of this award entitled Payment - Cost Reimbursement as shown in Attachment 3.

1.5.2 Performance Monitoring and Planning Reports

- (a) Reports. The Recipient shall submit an original and one copy of brief quarterly program performance reports, which coincide with the financial reporting periods, to the USAID Project Office specified in the Cover Letter of this Award. In addition, one copy shall be submitted to USAID/CDIE/D, Washington, DC 20523-1802. These reports shall be submitted within 30 days following the end of the reporting period.
- (b) Paying Office. The paying office for this award is:
Office of Controller, USAID/Kenya, P.O. Box 30261, Nairobi, Kenya.
- (c) Final Report. Within 90 days following the estimated completion date of this Award, the Recipient shall submit the original and one (1) copy of a final report to the USAID Project Office specified in the Cover Letter of this Award. In addition, one copy shall be submitted to USAID/CDIE/D, Washington, DC 20523-1802. It will cover the entire period of the Award.

1.6 SUBSTANTIAL INVOLVEMENT UNDERSTANDINGS

- (a) USAID Agreement Officer will review and approve the grantee's procurement policies, travel policies, personnel policies, property management policies which will be developed in accordance with HB 13 Chapter 4. These policies and procedures shall be submitted no later than March 31, 1997
- (b) USAID Controller will conduct a follow-up financial management assessment six months from date of Cooperative Agreement signature to ensure that the recipient has taken the action necessary to ensure the development and documentation of an acceptable accounting system.
- (c) Prior to USAID approving the grantee's procurement and property management policies, USAID Agreement Officer shall approve all procurements over \$500 as required by OBM Circular A-122. Approval requests shall include a summary of how the procurement was or is proposed to be conducted. For purchases of equipment, the grantee shall propose how the property will be managed.
- (d) Prior to USAID's approval of personnel policies, USAID Agreement Officer shall approve the salary payment for any individual whose salary is directly charged to this agreement.
- (e) Prior to USAID's approval of travel policies and in accordance with OMB Circular A-122, the grantee shall obtain prior USAID Agreement Officer's approval for all international travel.

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1.7 RESOLUTION OF CONFLICTS

Conflicts between any of the Attachments of this Award shall be resolved by applying the following descending order of precedence:

- Attachment 1 - Schedule
- Attachment 3 - Standard Provisions
- Attachment 2 - Program Description

1.8 COST SHARING

The Recipient agrees to expend an amount not less than 25% of the total Federal contribution. Cost sharing contributions will meet the criteria as set out in the Standard Provision entitled "Cost Sharing (Matching)" as shown in Attachment 3.

1.9 TITLE TO PROPERTY

Title to all property financed under this award shall vest in the Recipient in accordance with the Standard Provisions of this Award set forth in Attachment 3.

1.10 AUTHORIZED GEOGRAPHIC CODE

The authorized geographic code for procurement of goods and services under this award is 935.

1.11 COMMUNICATIONS PRODUCTS (OCT 1994)

- (a) Definition - Communications products are any printed materials (other than non-color photocopy material), photographic services or video production services.
- (b) Standards - USAID has established standards for communications products. These standards must be followed unless otherwise specifically provided in the agreement or approved in writing by the agreement officer. A copy of the standards for USAID financed publications and video productions is attached.
- (c) Communications products which meet any of the following criteria are not eligible for USAID financing under this agreement unless specifically authorized in the agreement schedule or in writing by the agreement officer:
 - (1) Any communication product costing over \$25,000, including the costs of both preparation and execution. For example, in the case of a publication, the costs will include research, writing and other editorial services (including any associated overhead), design, layout and production costs.
 - (2) Any communication products that will be sent directly to, or likely to be seen by, a Member of Congress or Congressional staffer; and
 - (3) Any publication that will have more than 50 percent of its copies distributed in the United States (excluding copies provided to CDIE and other USAID/W offices for internal use.

ATTACHMENT 2

PROGRAM DESCRIPTION

The Recipient's proposal entitled "INSTITUTIONAL STRENGTHENING" and dated August 09, 1996 is attached hereto as the Program Description (Attachment 2) and is made a part of this Award.

INTERNATIONAL COMMISSION
OF JURISTS (K) SECTION

A PROPOSAL FOR FUNDING OF AN
INSTITUTIONAL STRENGTHENING
PROJECT FOR ICJ (K)

FINAL

August 1 1996

Presented to USAID

CONCEPT OUTLINE AND PROPOSAL

I. Introduction

- 1.1 **Implementing NGO**
International Commission of Jurists (Kenya Section) - ICJ (K)
P.O. Box 59743
NAIROBI
- 1.2 **Executive Director: Connie Ngondi**
Staff responsible for this Proposal: Connie Ngondi
- 1.3 **Project: ICJ (K) INSTITUTIONAL CAPACITY BUILDING PROJECT**
- 1.4 **Location: ICJ (K) Office (Rhapta Road, Westlands, Nairobi).**
- 1.5 **Estimated total Cost: US\$ 320,000**
- 1.6 **Project Period: 1996 - 1998 (3 years)**

2. Project Information

2.1 *Objective and purposes of the project.*

The purpose of the project is to improve and strengthen the management and technical capability of the ICJ (K) over the next three years. This will enable it to manage and carry out activities more efficiently.

ICJ (K) is entering a new phase of growth and a strengthened management and improved technical capability will assist it to successfully navigate transition from the previous growth phase to the present one.

2.2 *Description of Project*

The main components of the project are:

- Strategic Review and Planning
- Improving Personnel/Admin/Financial systems
- Strengthening Information Systems
- Staff development
- Rents, Salaries, travel, and auditing and evaluation as facilitative capacity enhancement costs.

2.3 *Project and Funds Management*

The project will be managed by the management team at ICJ (K). This includes the Chairman, Treasurer and Secretary at the Council level and the Executive Director and Finance and Administration Manager at the Secretariat level. This team customarily meets to make key management decisions at the ICJ (K). In respect of other projects, the officers in - charge of the respective project may attend the management meeting. Financially, the management of the project shall follow the accountability structure at ICJ (K). This requires that the Project Officer together with the Finance and Administration Officer prepare a Project Expenditure Time Plan (PETP). This assists the finance person with managing cash flows and also in monitoring and controlling project expenditure. Payments are requested by the finance officer, initialed by project officer and approved by Executive Director. Cheques are signed by Executive Director and any one of three Council members. (Chairman, Treasurer, Secretary). Cheques for amounts over five hundred thousand Kenya shillings (500,000) i.e. US\$ 9000 require a mandatory signature from the treasurer. Cheques for up to one hundred thousand Kenya Shillings (50,000) i.e. US\$ 1000 may be signed by the Executive Director alone.

2.4 *Link Between Capacity Building and Organisational Achievement*

ICJ (K) Seeks in all its activities to promote the rule of law, democracy and human rights.

The payment of rents for larger offices will ensure adequate office space which will accommodate more professionals for each of our specific projects. It will also facilitate easier management as the various departmental activities can be carried out in the same spatial vicinity.

Technical training of staff will enable ICJ (K) to tap the benefits of modern technology and to translate that into efficiency in its activities. Further training of the professional staff in the areas of their projects will ensure that the various strategies adopted to further the ICJ (K) mandate, are implemented by experts in the area of each e.g. legal education, Human rights monitoring etc.

All the legal education work at ICJ (K) is carried out in the rural areas. All the refugee work in the camps is in the remote areas of Kenya. ICJ (K) does not have a vehicle to access these areas. The purchase of a rough terrain vehicle will tremendously assist in the carrying out of the planned activities in these areas.

The Rule of Law, Democracy and human rights are interdependent, and the education on and promotion and protection of one reinforces the others and goes to build stronger civil society. Through the paralegal training project, the human rights monitoring and research and publications project, ICJ (K) work reaches a large proportion of the Kenyan population, educating them on their relationships with the government (governance) and on how they should push for progress from political liberalization to democracy. This awareness is creating a strong and active civil society in rural Kenya.

- The rural poor to whom ICJ (K) takes legal awareness through its paralegal projects. The paralegal project through legal education empowers poor people in rural Kenya to analyse and address their own problems using the law. It stresses on issues of democracy and governance.
- Women, - through its research project on sex discrimination and the Kenyan law, and gender and the legal practice in Kenya project *inter alia*.
- The judicial officials - through its magistrates training project.
- The entire Kenyan population through human rights monitoring and reporting and advocacy for respect for rule of law human rights and democratic principles.
- Professionals policy makers and scholars and the public through organised fora for discussion of issues pertinent to ICJ (K) mandate i.e.
- ICJ Nelson Mandela Human Rights lectures.

- **ICJ (K) Quarterly Human Rights Seminars for Professional Practitioners i.e. legal, Medical, Business, education etc.**

2.4.1 *Strategic Review and Planning*

ICJ (K) is institutionally at two - pronged threshold. It is negotiating a growth phase from an organisation previously run and managed by a few individuals to an institution with its own life, independence, autonomy and perpetuity beyond any individuals, or boards.

In the rapidly changing global and local environment, ICJ (K) also needs to revisit its mission, goals and strategies, to ensure that focus is relevant to the issues of the day and that therefore the desired impact of its activities are being properly targeted.

A strategic review is an important activity which will inform the institutional structures, systems and activities. It is therefore an essential part of capacity building for ICJ (K).

2.4.2 *Personnel/administrative/Financial Systems*

To ensure institutional autonomy and smooth operations, personnel, administrative and financial systems need to be put in place for guidance.

This entails an analysis of personnel procedures, terms of service staff appraisal systems and documentation of such systems. It means putting in place budgeting, and accounting systems that will help improve accountability. This will entail development of manuals and computerization among other things.

With such systems in place operational efficiency, accountability, and easier and more productive management is enhanced. This means that more time, and effort are then available for use on program activities.

2.4.3 *Strengthening Information Systems.*

This entails the development and implementation of a system to monitor progress of projects, evaluate projects, conduct data analysis, documentation and dissemination. It also includes the development of the resources centre and establishment of library systems.

A System which facilitates for monitoring and evaluation will assist in indicating the programmatic and administrative performance of the institution at any one time. It is an important element of the capacity of ICJ (K) as it indicates what needs to be done at any one time to achieve goals and maximum impact.

The resource centre is a source of useful information for staff members and ICJ (K) constituents. An informed staff force would be an important capacity component for ICJ (K).

2.4.4 Staff Development

Due to the expansion in its activities and institutional development staffing needs have increased. There is need to recruit additional professional staff. (3 programme officers, a finance and administrations officers and a secretary). Due to the refocus in our activities, and the need to improve operational efficiency, there is need to train our staff on relevant areas and on computer and other IT areas.

This will lead to an enhanced human resource capacity, sufficient and efficient enough to carry out the projected programme and administrative activities at ICJ (K).

Enhancement of human resource capacity by increase in number of staff entails costs in salaries and benefits and training.

An increase in staff members, and programme and administrative activities call for expansion in office space. This entails costs in terms of rent. This strengthens capacity by providing adequate and secure premises for the expanded activities to take place.

2.4.5 Auditing

Auditing is also an important support capacity for ICJ (K) as it assists in evaluation of funds management of the institution.

2.4.6 Equipment

One of the strongest strategies for promotion of the rule of law democracy and human rights by ICJ (K) is legal and human rights education to rural populations and to refugees. This entails local travel into different parts of the country far away from Nairobi and to refugee Camps. In order to efficiently carry out these activities, there

is need for a vehicle for ease of transport to these areas. This will enhance ICJ (K)'s ability to reach its constituents.

Without a vehicle, there are a number of cost and time implications. Some of them are:-

- i) The ICJ officers (programme officers) will need a lot of time to commute to the various rural paralegal projects. In some cases it might involve spending a night in a hotel since the trip back to the office might not be possible the same day.
- ii) Almost all refugee camps are in places with little or no public transport. Thus without a vehicle we will be unable to access the refugee camps and hence unable to offer the necessary assistance.

The cost implications for not having a vehicle are, among others:-

- i) We will need to hire vehicles to refugee camps (see notes to the budget)
- ii) The ICJ officers will book themselves into hotels while on even, very short trips.

All the above capacity building needs when fulfilled will tremendously improve performance in implementation of ICJ (programmes and administrative activities).

Previously, ICJ (K) has operated on a very skeletal secretariat set up. This led to their being over worked and with many activities incomplete. There has been only two professional staff. There has been lack of modern IT and equipment. This has meant that efficiency was minimal and flow of information was very slow. There have been no internal administrative, personnel and financial systems, and operations have been on guidelines issued by the board as matters arise. This has led to lack of uniformity in policy, and guidelines every two years as board members changed. It has led to a lot of confusion and lack of clarity on simple administrative issues. This lack of smooth operational systems has led to lots of frustration of both staff and board and a waste of energies and time. This has led to poor performance in programs and lack of institutional growth.

There have not been any systems to monitor and evaluate activities and therefore no way of accessing whether projected activities were being implemented as planned or

whether set goals were achieved or not. This led to some programmes not achieving set goals, and no efforts being made for improvement.

For a long time and to date, ICJ (K) has operated with very little office equipment. The expansion in professional staff members, the increase in programmes and administration, calls for increase in equipment e.g. telephone system, computers and a photocopier.

The capacity building proposed here will assist ICJ (K) to be better equipped in all the areas stated above and hence improve its performance in the various areas.

2.5 *Involvement of Council*

The Governing Council of the ICJ (K) has been fully involved in the development of this proposal at the consultative level.

2.6 *Involvement of Beneficiaries*

The relevant beneficiaries of the various projects of ICJ (K) have been involved in the development of the respective programmes at the introductory, needs assessment, methodology, and time action plan drawing levels.

2.7 *Implementation*

The ICJ (K) shall be the sole implementing agent of this project. This applies to all components except part of the Evaluation and the entire Auditing exercise. ICJ (K) Auditing is customarily done by an independent auditing firm (H.W. Gichohi & Co). ICJ (K) shall contract a management firm to do an evaluation of this project at the end of the three (3) year project period. ICJ (K) staff and council shall also have an annual in-house evaluation exercise. ICJ (K) is alert to the challenges of its growth as an institution and attempts to tackle them in an open and constructive manner. It therefore attaches significant importance to the element of independence in the evaluation and auditing exercises of its projects and programmes.

2.8 *Sustainability (Finance)*

From past experience and because of global trends to reduce aid and build trade, ICJ (K) has found it necessary to look for alternatives to donor funds to ensure financial sustainability and perpetuation of the institution into the post-aid era.

ICJ (K) plans to undertake the following fundraising activities to meet this goal.

- a) Set-up an endowment fund to service our core budget.
- b) Set up an ICJ (K) Research Associateship to sell research and consultancy services.
- c) Sell its publication.
- d) Reasonably expand its membership and increase membership fees.
- e) Embark on a local, project-oriented fundraising campaign to raise money for our programmes. Here we shall carry out traditional fundraising activities such as dinners, golf tournament walks etc.

Human Resources.

Though the establishment of clear staff welfare policy and personnel systems, ICJ (K) will be able to attract recruit and maintain relevant and qualified staff members.

Organisational Sustainability

By developing manuals i.e. staff manuals, accounting manuals, procurement manuals etc., ICJ (K) shall be assured of an institutional sustainability beyond any personalities holding any office at ICJ (K).

Programmatic Sustainability

The quality and relevance of ICJ (K) programmes shall be sustained through the half yearly Strategic Review council Meetings. In these meetings Council reviews ICJ (K) past activities in the last 6 months and projected activities in the other half of the year, and casts them against the background of the prevailing political, social, economic environment to see how relevant they are and what impact they have or are likely to make. Councils may then make suggestions for change as appropriate. Council also considers the

element of availability of funds from sources for the various programmes considering prevailing global changes.

ICJ (K) programmes period are usually 3 - 4 years and for most programmes we get funds for the entire period of the programme.

External Environment

The Political, social and economic environment is beyond ICJ (K) control. However, our mandate is set to be relevant in any kind of environment. The Rule of Law, Democracy and Human Rights will always need promotion and protection. This work would only be irrelevant in an Utopian Society.

Furthermore, ICJ (K) has successfully and continuously carried out its work since 1959 through all political struggles and economic crises in Kenya. It has developed for itself a tough skin and an assurance of institutional survival through changing environments.

2.9 Progress Indicators

To be able to tell that ICJ (K) has achieved the desired capacity, there shall be two sets of indicators i.e. the monitoring systems of both process and impact.

The monitoring systems shall include manuals such as accounting manuals, staff manuals, manuals on procedures etc. Once these are in place, it will be easy to monitor management process and progress in the various departments because the manuals shall be clear guidelines. It will be easy to lay down monthly temporal intervals of monitoring these processes

For impact evaluation, the various departments shall engage their constituents in an evaluation exercise for both process and impact. The staff shall evaluate the personnel systems, and the finance department shall evaluate the finance systems. The ICJ (K) council committees sit every quarter or as need arises, and review the secretariat work in their various fields e.g. staff, finance, programmes.

The numbers of staff, council members trained will indicate progress. The difference in their work after training will be an indicator of the impact in training e.g. faster and better done work because they can use computers or

better focused and managed programmes because council has gone through strategic management training.

2.10 Gender Issues

In all its programmes ICJ (K) incorporates gender considerations and promotes the well being of women in its legal education, human rights monitoring and refugee work by for example addressing specific issues which exclusively affect women because they are women e.g. in legal education issues of inheritance, succession and general family law affect women more because of cultural factors and so targets group for these are predominantly women.

In human rights monitoring, data is collected such that patterns emerge which indicate various violations of women's rights in certain areas and why.

3 Projects Costs and Funding

3.1 The total anticipated budget is:

Kenya Shillings	16,500,000
US\$	320,000
Sterling	187,500

Exchange rates	US\$ 1:55
	Sterling £1:88

3.2 This proposal has been presented to the Swedish Development Agency (SIDA), FORD Foundation, and Overseas Development Agency (ODA) (Eastern Africa Division).

4. Institutional Information

4.1 *Goals of the International Commission of Jurists (Kenya Section) - ICJ (K)*

- The overall goal of ICJ (K) is to assist in the realisation of **FREEDOM, JUSTICE and DIGNITY** for all. ICJ (K) attempts to achieve this through the **Promotion and Protection** of:
 - The Rule of Law
 - Human Rights
 - Democratisation principles.

This is the mandate of ICJ (International).

- The major current projects of the ICJ (K) are
 - The Paralegal Training Project
 - The Research and Publications Projects
 - The Magistrates' Programme
 - The Lawyer Human Rights Watch Project
 - The Refugee Project
 - The Kenya Jurist (ICJ (K) quarterly magazine)
 - ICJ (K) Fora for discussion of issues pertinent to ICJ (K) mandate (Lectures, Seminars, Conferences)

4.2 *Legal Status*

The ICJ (Kenya Section) is registered under the Societies Act. It was exempted from registration under the Non-Governmental Organisations Act of 1990.

4.3 *ICJ (K) Membership*

The ICJ (K) is a membership organisation with approximately two hundred (200) paid up and active members. The majority of it's members are legal professionals (practising and non - practising) and law students. ICJ (K) allows albeit restrictively, members from other professions e.g. doctors, social workers, bankers etc.

4.4 *ICJ (K) Governing Body*

The governing council of ICJ (K) consists of seven members - the Chairman, Vice - Chairman, Secretary, Treasurer and three other members. There is currently one female member on the

Council. The Executive Director (the current one is a woman) is an ex - officio member of the council. The council runs for an official term of two years. The Council members may run for office at the end of the two years. The elections are held at an AGM. There is an annual members conference. ICJ (K) also issues bi - monthly information sheet to members. To the extent possible ICJ (K) members are involved in its activities.

- The Council meets once every month (every last Thursday of the month). Minutes of these meetings are constructed and produced by the Executive Director.
- The Council has sub - committees:-
 - Executive Committee consisting of Chairman Treasurer and Secretary. This committee deliberates and makes final decisions on key policy issues.
 - Finance and Fundraising Committee - deliberate on key financial decisions and fundraising strategies. It reviews periodically ICJ (K)'s adherence to it's spending plans.
 - Strategic Planning Committee - deliberate on structural issues and planning with regard to key ICJ (K) activities.
- All these sub - committees present their decisions or findings at Council Meetings for approval or further deliberation by Council.

4.5 *Affiliation*

The ICJ is a national section of the International Commission of Jurists (ICJ) based in Geneva. ICJ has got 78 national sections and affiliated organisations. ICJ has consultative status with United National Economic and Social Council (ECOSOC), UNESCO the Council of Europe and OAU.

4.6 *Location*

The ICJ (K) headquarters are located in Nairobi. It has two field project - the paralegal project and Refugee.

Paralegal project presently which seeks to educate rural population of their legal rights and create legal awareness moves from district to district with ICJ (K)'s involvement lasting for one year in each site. Currently the project is on - going in Kyeni Location, Embu District in Eastern Province. In the new program period, the project will move to Nyeri, (Central Province), Kisumu (Western Province), Nakuru (Rift Valley Province), Marsabit (North Eastern Province), Meru (Eastern Province), and Kakamega (Nyanza Province) districts.

In each programme year ICJ (K) shall have two sites - one in each of two districts. ICJ (K) shall withdraw from site after a one year period.

The Refugee project is designed to assist refugees to realise their rights through creating rights awareness, simplification of international refugee law and by giving legal advice, legal aid and intercession services for refugees in Kenya.

The project shall have temporary sites in various refugee camps around the country. The ICJ (K)'s duration of presence in each site shall depend on its purpose e.g. research, legal education etc. There are presently eight (8) refugee camps.

5. Historical Background of ICJ (Kenya Section)

- 5.1 The ICJ (K) is a Section of the International Commission of Jurists. It was started in 1959 by two Nairobi Advocates Alexander Couldrey and the late Francis R. Stephen. It was started as an overseas branch of JUSTICE - the British Section of ICJ .
- 5.2 Through the emergency period and early post independence days, ICJ (K) was almost in-operational. This was because its membership was strictly European then, and they did not wish to be seen to be involved in the country's politics. This state of

non - involvement saw many human rights violations go unchallenged such as political murders, and disappearances.

- 5.3 This went on until the early 1980's. At this time, some members of the Kenyan legal community wanted to start a Chapter of Amnesty International in Kenya. The government denied registration of the Chapter. The lawyers then joined the already existing ICJ (K) to push their agenda of challenging human rights abuses in Kenya. This revival gave ICJ (K) a new and vital surge of energy and involvement in human rights activities locally and in the region. In recognition of its revival the ICJ (Geneva) held the 1985 ICJ International Annual Conference in Nairobi.
- 5.4 Subsequently, ICJ (K) membership grew fast and its bold voice and activities against human rights violations and political repression, interested many lawyers.
- 5.5 The increase in membership and the need to structurally and programmatically organise the institution led to the establishment of the ICJ (K) Secretariat in 1989.
- 5.6 The Secretariat began with a staff of one secretary, who took minutes at council meetings and helped organise seminars and workshops and type reports. These were the main activities of ICJ (K). The Secretariat grew in 1990 to include an Executive Director and a Program Officer. It expanded its activities to include human rights reporting, the publication of the Jurist Magazine, and civic education. In 1992 ICJ (K) organised for the NGO participation in the electoral process for the first multi - party elections in Kenya, hence spearheading the National Elections Monitoring Unit (NEMU). In 1992 ICJ (K) began refugee work. The flow of refugees to its office seeking legal help prompted this initiative.
- 5.7 In 1993, an ICJ (K) evaluation workshop was held to evaluate ICJ (K)'s past work and its mandate to strategize for more focused future programmes for ICJ (K), to reflect on its internal governance structures, and examine the financial and material

needs for the facilitation of the requisite changes. This proposal is a detailed reflection of the general financial and material needs identified as being necessary for ICJ (K) to push it's programme agenda for the 1996 - 1998 programme period and beyond.

6. Organisation Structure and Staffing

- 6.1 The ICJ (K) presently has ten (10) members of staff. Six women and four men. There are two professionals (both legal), i.e. the Executive Director and a Program Officer.
- 6.2 In the first year of this project 1996 ICJ (K) shall hire three other professional staff - a Research and Publication officer, (Legal) and another driver. A program officer for the Refugee Project, and the Finance and Administration Manager. ICJ (K) Shall therefore have a total of 16 staff members. See chart on Annex 1

7. Finance

7.1 ICJ (K) Source of Funding

The main source of funding for ICJ (K) has been locally situated international funding agencies. The FORD Foundation has been a major supporter of the ICJ (K) programmes and institutional budget. Whereas Ford Foundation still remains the main financial supporter of ICJ (K), expansion of our programmes has necessitated diversification of our funding sources. SIDA and Friedrich Ebert Foundation have also been supportive. ICJ (K) also gets some money annually from membership subscription.

ICJ (K) through it's Finance and Fundraising sub - committee is exploring ways of raising money locally independently of donor agencies.

The size of the budget for the just - ended programme period 1993 - 1995 was US\$ 323,992. It was composed as follows.

Ford Foundation	Kshs. 9,222,939
-----------------	-----------------

SIDA	Kshs. 2,578,806
Friedrich Ebert	Kshs. 668,581
USAID	Kshs. 366,843

British Council	Kshs. 385,000
HURIDOCs	Kshs. 184,171
Interest (Earned on Invests.)	KShs.3,361,559
Lawyers Committee for Human Rights	KShs. 129,745
World SOS Torture	KShs. 554,952
Membership Fee	<u>KShs. 100,000</u>
Total	<u><u>KShs.17,819,532</u></u>

The size of the proposed operation budget for the just beginning programme period, (1996 - 1998) is approximately US\$ 900,000. This drastic budget expansion is due to the Institutional Capacity Building budget and the increased number of projects

8.3. *Accounts*

ICJ (K) prepares it's own accounts.

8.4 *Staff in-charge of Finance*

Presently ICJ (K) has an accountant responsible for finances and accounting.

In 1996, a Finance and Administration Manager shall be hired to head the finance and Administration department. He/She shall be assisted by an Accounts and Administration Clerk. This is because the expansion of programmes entails mainly more management activities and management of larger funds hence the need for a more qualified person with an assistant.

8.5 The ICJ (K) Accounting systems are presently manual. In the first year of this proposed project, the ICJ (K) accounting systems shall be computerized.

8.6 ICJ (K) accounts are audited annually. The audit is done by an independent firm of Auditors (M/S H.W. Gichohi & Co.).

end

BUDGET (USAID PROPOSAL) (Exch. 55)

ITEM	YR1	YR2	YR3	TOTAL US\$	TOTAL ICJ Contribution	TOTAL USAID Contribution
1. Human Resources Development						
a) Additional Staff recruitment						
i) Finance & Admin Manager	13,091	14,400	15,840	43,331	15,840*	27,491
ii) Director's Secretary	6,545	7,200	7,920	21,665	*	21,665
b) Staff training	17,636	17,636	17,636	52,908	17,636*	35,272
2. Establishment of Personnel, Financial and Administrative System						
	9,091	----	----	9,091	*	9,091
3. Strategic Planning and Review (workshops + Consultant Services)	8,146	----	8,146	16,292	*	16,292
4. Auditing	1,091	1,273	1,455	3,819	*	3,819
5. Strengthening Information base and Systems						
a) Projects Monitoring and Admini. Evaluation Systems (i.e workshops at end of programme year, reporting formats & consultant services)	6,666	6,667	3,334	16,667	6,666*	10,001
b) Establishment of Library cataloguing system and database	5,724	-----	-----	5,724	*	5,724
c) Purchase of books, journals & other relevant library materials	7,241	7,241	7,241	21,723	7,241	14,482

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BUDGET (USAID PROPOSAL)

ITEM	YR1	YR2	YR3	TOTAL US\$	TOTAL ICJ Contribution	TOTAL USAID Contribution
7. Improvement of expediency in Programme and Administrative activities through acquisition of additional appropriate equipment base						
a) Computer	2,195	----	----	2,195	*	2,195
b) Printer	1,150	---	---	1,150	*	1,150
c) Photocopier	8,182	---	---	8,182	*	8,182
d) Telephone Heads	3,636	---	---	3,636	*	3,636
e) Equipment Maintenance (15% P.A.)	2,275	2,275	2,275	6,825	6,825*	----
TOTAL				213,208	54,208	159,000

NOTES TO THE BUDGET

The 25% (approximately \$ 53,000) contribution by ICJ is as indicated below. It is important to inform you that most elements in this section are contribution in - kind which has been converted into monetary values. All the items in the budget including those marked with asterix(*) will get L.C.J.'s contribution in kind.

Contribution by ICJ

1. The board of directors (Council Members) meet once, every month to deliberate on issues concerning smooth running of ICJ. We don't pay the allowances for the time they spend in these meeting. Thus this contribution in kind valued in monetary form would be;

per month $2 \times 4,000 \times 7 = \text{KShs. } 56,000$

for 3 yrs $5,600 \times 36 = \text{KShs. } 2,016,000$

NB: There are 7 members with an allowance of Kshs. 4,000 per hour - for 2 hours meeting every month.

2. The time spent on signing cheques is not also paid for . Thus if a monetary value is given to it, it would be

per month $1 \times 2 \times 4000 = \text{KShs. } 8000$

for 3 yrs $8000 \times 36 = \text{KShs. } 288,000$

3. The time spent on reviewing documents and approving expenditure

per month $1 \times 4000 \times 1 = \text{KShs. } 4000$

3 yrs $4,000 \times 36 = \text{KShs. } 144,000$

4. The time spent on general correspondence and consultation of council by staff

per month $1 \times 4000 \times 4 = \text{KShs. } 16,000$

3 yrs $16,000 \times 36 = \text{KShs. } 576,000$

5. Finance Manager and Director's Secretary

The facilities that will be used by these officers will be the contribution that ICJ will make into this project

For instance the desks and chairs they will use, valued at

$$35,000 \times 2 = \text{KShs. } 70,000$$

6. The time spent by the Executive Director (on preparing proposals, meeting donors and preparing reports), assumed to have a value of 3 months salary
 $90,000 \times 3 = \text{KShs. } 270,000$

7. The time spent by the Executive Director attending and preparing minutes of the council meeting.

Assuming 4 hours spent every month with, an allowance of KShs. 1,000

$$\text{per month } 1,000 \times 4 = \text{KShs. } 4,000$$

$$\text{for 3 yrs } 4,000 \times 36 = \text{KShs. } 144,000$$

8. Equipment Insurance and Maintenance,

The insurance and maintenance of the various equipment funded by USAID will be ICJ's contribution to the project.

Assuming an average of KShs. 100,000 per year for 3 years: $100,000 \times 3 = \text{KShs. } 300,000$.

The total contribution as enumerated in Nos. 1 - 8 for a duration of 3 years is KShs. 3,808,000 equivalent to \$ 69,236.

It is quite clear that some of the items listed down under ICJ, contribution will require spending actual money. For instance items No. 5 and No. 8 belong to this group, i.e. the purchase of desks and chairs, equipment insurance and maintenance etc.

The other major items that will need a lot of money is the fueling and maintenance of the vehicle, which shall be covered by the ODA grant under technical assistance to paralegal project.

ICJ will thus have to obtain amounts for the rest of the items from other Donors. These donors are mainly Ford Foundation, DANIDA and SIDA. These donors including ODA are funding our various programs. We have negotiated with them so that they have built in elements of our core budget and capacity building into their programme grants. Basic agreements have been reached with Ford Foundation and DANIDA for three year grants for the relevant programme areas. The ODA and SIDA grants will come through in August. In these grants the capacity building is build in various agreed temporal or monetary proportions.

9. Motor Vehicle

The cost implication of not having a vehicle is as follows:

It takes two whole days to get to Wajir. Therefore a total of five or more days will be needed if any appreciable assistance will be offered.

- i) Hire of a vehicle to a refugee camp using a Land cruiser on unlimited mileage rate:-

Normal Rate:	KShs. 7,650 per day
Damage and theft	KShs. 2,000 per day
Insurance	<u>KShs. 800</u> per day
Total	KShs. 10,450
Plus 15%	<u>KShs. 1,568</u>
	<u>KShs. 12,018</u>

The minimum cost of hire is $\text{KShs. } 12,018 \times 5 = 60,090$

If one trip is made every month then for a whole year, we will need $60,090 \times 12 = \text{KShs. } 721,080$ - to only hire the vehicle.

INTERNATIONAL COMMISSION
OF JURISTS (K) SECTION

A PROPOSAL FOR FUNDING OF AN
INSTITUTIONAL STRENGTHENING
PROJECT FOR ICJ (K)

FINAL

August 1 1996

Presented to USAID

CONCEPT OUTLINE AND PROPOSAL

I. Introduction

- 1.1 **Implementing NGO**
International Commission of Jurists (Kenya Section) - ICJ (K)
P.O. Box 59743
NAIROBI
- 1.2 **Executive Director: Connie Ngondi**
Staff responsible for this Proposal: Connie Ngondi
- 1.3 **Project: ICJ (K) INSTITUTIONAL CAPACITY BUILDING PROJECT**
- 1.4 **Location: ICJ (K) Office (Rhapta Road, Westlands, Nairobi).**
- 1.5 **Estimated total Cost: US\$ 320,000**
- 1.6 **Project Period: 1996 - 1998 (3 years)**

2. Project Information

2.1 *Objective and purposes of the project.*

The purpose of the project is to improve and strengthen the management and technical capability of the ICJ (K) over the next three years. This will enable it to manage and carry out activities more efficiently.

ICJ (K) is entering a new phase of growth and a strengthened management and improved technical capability will assist it to successfully navigate transition from the previous growth phase to the present one.

2.2 *Description of Project*

The main components of the project are:

- Strategic Review and Planning
- Improving Personnel/Admin/Financial systems
- Strengthening Information Systems
- Staff development
- Rents, Salaries, travel, and auditing and evaluation as facilitative capacity enhancement costs.

2.3 *Project and Funds Management*

The project will be managed by the management team at ICJ (K). This includes the Chairman, Treasurer and Secretary at the Council level and the Executive Director and Finance and Administration Manager at the Secretariat level. This team customarily meets to make key management decisions at the ICJ (K). In respect of other projects, the officers in - charge of the respective project may attend the management meeting. Financially, the management of the project shall follow the accountability structure at ICJ (K). This requires that the Project Officer together with the Finance and Administration Officer prepare a Project Expenditure Time Plan (PETP). This assists the finance person with managing cash flows and also in monitoring and controlling project expenditure. Payments are requested by the finance officer, initialed by project officer and approved by Executive Director. Cheques are signed by Executive Director and any one of three Council members. (Chairman, Treasurer, Secretary). Cheques for amounts over five hundred thousand Kenya shillings (500,000) i.e. US\$ 9000 require a mandatory signature from the treasurer. Cheques for up to one hundred thousand Kenya Shillings (50,000) i.e. US\$ 1000 may be signed by the Executive Director alone.

2.4 *Link Between Capacity Building and Organisational Achievement*

ICJ (K) Seeks in all its activities to promote the rule of law, democracy and human rights.

The payment of rents for larger offices will ensure adequate office space which will accommodate more professionals for each of our specific projects. It will also facilitate easier management as the various departmental activities can be carried out in the same spatial vicinity.

Technical training of staff will enable ICJ (K) to tap the benefits of modern technology and to translate that into efficiency in its activities. Further training of the professional staff in the areas of their projects will ensure that the various strategies adopted to further the ICJ (K) mandate, are implemented by experts in the area of each e.g. legal education, Human rights monitoring etc.

All the legal education work at ICJ (K) is carried out in the rural areas. All the refugee work in the camps is in the remote areas of Kenya. ICJ (K) does not have a vehicle to access these areas. The purchase of a rough terrain vehicle will tremendously assist in the carrying out of the planned activities in these areas.

The Rule of Law, Democracy and human rights are interdependent, and the education on and promotion and protection of one reinforces the others and goes to build stronger civil society. Through the paralegal training project, the human rights monitoring and research and publications project, ICJ (K) work reaches a large proportion of the Kenyan population, educating them on their relationships with the government (governance) and on how they should push for progress from political liberalization to democracy. This awareness is creating a strong and active civil society in rural Kenya.

- The rural poor to whom ICJ (K) takes legal awareness through its paralegal projects. The paralegal project through legal education empowers poor people in rural Kenya to analyse and address their own problems using the law. It stresses on issues of democracy and governance.
- Women, - through its research project on sex discrimination and the Kenyan law, and gender and the legal practice in Kenya project *inter alia*.
- The judicial officials - through its magistrates training project.
- The entire Kenyan population through human rights monitoring and reporting and advocacy for respect for rule of law human rights and democratic principles.
- Professionals policy makers and scholars and the public through organised fora for discussion of issues pertinent to ICJ (K) mandate i.e.
- ICJ Nelson Mandela Human Rights lectures.

- **ICJ(K) Quarterly Human Rights Seminars for Professional Practitioners i.e. legal, Medical, Business, education etc.**

2.4.1 *Strategic Review and Planning*

ICJ (K) is institutionally at two - pronged threshold. It is negotiating a growth phase from an organisation previously run and managed by a few individuals to an institution with its own life, independence, autonomy and perpetuity beyond any individuals, or boards.

In the rapidly changing global and local environment, ICJ (K) also needs to revisit its mission, goals and strategies, to ensure that focus is relevant to the issues of the day and that therefore the desired impact of its activities are being properly targeted.

A strategic review is an important activity which will inform the institutional structures, systems and activities. It is therefore an essential part of capacity building for ICJ (K).

2.4.2 *Personnel/administrative/Financial Systems*

To ensure institutional autonomy and smooth operations, personnel, administrative and financial systems need to be put in place for guidance.

This entails an analysis of personnel procedures, terms of service staff appraisal systems and documentation of such systems. It means putting in place budgeting, and accounting systems that will help improve accountability. This will entail development of manuals and computerization among other things.

With such systems in place operational efficiency, accountability, and easier and more productive management is enhanced. This means that more time, and effort are then available for use on program activities.

2.4.3 *Strengthening Information Systems.*

This entails the development and implementation of a system to monitor progress of projects, evaluate projects, conduct data analysis, documentation and dissemination. It also includes the development of the resources centre and establishment of library systems.

A System which facilitates for monitoring and evaluation will assist in indicating the programmatic and administrative performance of the institution at any one time. It is an important element of the capacity of ICJ (K) as it indicates what needs to be done at any one time to achieve goals and maximum impact.

The resource centre is a source of useful information for staff members and ICJ (K) constituents. An informed staff force would be an important capacity component for ICJ (K).

2.4.4 Staff Development

Due to the expansion in its activities and institutional development staffing needs have increased. There is need to recruit additional professional staff. (3 programme officers, a finance and administrations officers and a secretary). Due to the refocus in our activities, and the need to improve operational efficiency, there is need to train our staff on relevant areas and on computer and other IT areas.

This will lead to an enhanced human resource capacity, sufficient and efficient enough to carry out the projected programme and administrative activities at ICJ (K).

Enhancement of human resource capacity by increase in number of staff entails costs in salaries and benefits and training.

An increase in staff members, and programme and administrative activities call for expansion in office space. This entails costs in terms of rent. This strengthens capacity by providing adequate and secure premises for the expanded activities to take place.

2.4.5 Auditing

Auditing is also an important support capacity for ICJ (K) as it assists in evaluation of funds management of the institution.

2.4.6 Equipment

One of the strongest strategies for promotion of the rule of law democracy and human rights by ICJ (K) is legal and human rights education to rural populations and to refugees. This entails local travel into different parts of the country far away from Nairobi and to refugee Camps. In order to efficiently carry out these activities, there

is need for a vehicle for ease of transport to these areas. This will enhance ICJ (K)'s ability to reach its constituents.

Without a vehicle, there are a number of cost and time implications. Some of them are:-

- i) The ICJ officers (programme officers) will need a lot of time to commute to the various rural paralegal projects. In some cases it might involve spending a night in a hotel since the trip back to the office might not be possible the same day.
- ii) Almost all refugee camps are in places with little or no public transport. Thus without a vehicle we will be unable to access the refugee camps and hence unable to offer the necessary assistance.

The cost implications for not having a vehicle are, among others:-

- i) We will need to hire vehicles to refugee camps (see notes to the budget)
- ii) The ICJ officers will book themselves into hotels while on even, very short trips.

All the above capacity building needs when fulfilled will tremendously improve performance in implementation of ICJ (programmes and administrative activities).

Previously, ICJ (K) has operated on a very skeletal secretariat set up. This led to their being over worked and with many activities incomplete. There has been only two professional staff. There has been lack of modern IT and equipment. This has meant that efficiency was minimal and flow of information was very slow. There have been no internal administrative, personnel and financial systems, and operations have been on guidelines issued by the board as matters arise. This has led to lack of uniformity in policy, and guidelines every two years as board members changed. It has led to a lot of confusion and lack of clarity on simple administrative issues. This lack of smooth operational systems has led to lots of frustration of both staff and board and a waste of energies and time. This has led to poor performance in programs and lack of institutional growth.

There have not been any systems to monitor and evaluate activities and therefore no way of accessing whether projected activities were being implemented as planned or

whether set goals were achieved or not. This led to some programmes not achieving set goals, and no efforts being made for improvement.

For a long time and to date, ICJ (K) has operated with very little office equipment. The expansion in professional staff members, the increase in programmes and administration, calls for increase in equipment e.g. telephone system, computers and a photocopier.

The capacity building proposed here will assist ICJ (K) to be better equipped in all the areas stated above and hence improve its performance in the various areas.

2.5 *Involvement of Council*

The Governing Council of the ICJ (K) has been fully involved in the development of this proposal at the consultative level.

2.6 *Involvement of Beneficiaries*

The relevant beneficiaries of the various projects of ICJ (K) have been involved in the development of the respective programmes at the introductory, needs assessment, methodology, and time action plan drawing levels.

2.7 *Implementation*

The ICJ (K) shall be the sole implementing agent of this project. This applies to all components except part of the Evaluation and the entire Auditing exercise. ICJ (K) Auditing is customarily done by an independent auditing firm (H.W. Gichohi & Co). ICJ (K) shall contract a management firm to do an evaluation of this project at the end of the three (3) year project period. ICJ (K) staff and council shall also have an annual in-house evaluation exercise. ICJ (K) is alert to the challenges of its growth as an institution and attempts to tackle them in an open and constructive manner. It therefore attaches significant importance to the element of independence in the evaluation and auditing exercises of its projects and programmes.

2.8 *Sustainability (Finance)*

From past experience and because of global trends to reduce aid and build trade, ICJ (K) has found it necessary to look for alternatives to donor funds to ensure financial sustainability and perpetuation of the institution into the post-aid era.

ICJ (K) plans to undertake the following fundraising activities to meet this goal.

- a) Set-up an endowment fund to service our core budget.
- b) Set up an ICJ (K) Research Associateship to sell research and consultancy services.
- c) Sell its publication.
- d) Reasonably expand its membership and increase membership fees.
- e) Embark on a local, project-oriented fundraising campaign to raise money for our programmes. Here we shall carry out traditional fundraising activities such as dinners, golf tournament walks etc.

Human Resources.

Though the establishment of clear staff welfare policy and personnel systems, ICJ (K) will be able to attract recruit and maintain relevant and qualified staff members.

Organisational Sustainability

By developing manuals i.e. staff manuals, accounting manuals, procurement manuals etc., ICJ (K) shall be assured of an institutional sustainability beyond any personalities holding any office at ICJ (K).

Programmatic Sustainability

The quality and relevance of ICJ (K) programmes shall be sustained through the half yearly Strategic Review council Meetings. In these meetings Council reviews ICJ (K) past activities in the last 6 months and projected activities in the other half of the year, and casts them against the background of the prevailing political, social, economic environment to see how relevant they are and what impact they have or are likely to make. Councils may then make suggestions for change as appropriate. Council also considers the

element of availability of funds from sources for the various programmes considering prevailing global changes.

ICJ (K) programmes period are usually 3 - 4 years and for most programmes we get funds for the entire period of the programme.

External Environment

The Political, social and economic environment is beyond ICJ (K) control. However, our mandate is set to be relevant in any kind of environment. The Rule of Law, Democracy and Human Rights will always need promotion and protection. This work would only be irrelevant in an Utopian Society.

Furthermore, ICJ (K) has successfully and continuously carried out its work since 1959 through all political struggles and economic crises in Kenya. It has developed for itself a tough skin and an assurance of institutional survival through changing environments.

2.9 Progress Indicators

To be able to tell that ICJ (K) has achieved the desired capacity, there shall be two sets of indicators i.e. the monitoring systems of both process and impact.

The monitoring systems shall included manuals such as accounting manuals, staff manuals, manuals on procedures etc. Once these are in place, it will be easy to monitor management process and progress in the various departments because the manuals shall be clear guidelines. It will be easy to lay down monthly temporal intervals of monitoring these processes

For impact evaluation, the various departments shall engage their constituents in an evaluation exercise for both process and impact. The staff shall evaluate the personnel systems, and the finance department shall evaluate the finance systems. The ICJ (K) council committees sit every quarter or as need arises, and review the secretariat work in their various fields e.g. staff, finance, programmes.

The numbers of staff, council members trained will indicate progress. The difference in their work after training will be an indicator of the impact in training e.g. faster and better done work because they can use computers or

up

better focused and managed programmes because council has gone through strategic management training.

2.10 Gender Issues

In all its programmes ICJ (K) incorporates gender considerations and promotes the well being of women in its legal education, human rights monitoring and refugee work by for example addressing specific issues which exclusively affect women because they are women e.g. in legal education issues of inheritance, succession and general family law affect women more because of cultural factors and so targets group for these are predominantly women.

In human rights monitoring, data is collected such that patterns emerge which indicate various violations of women's rights in certain areas and why.

3 Projects Costs and Funding

3.1 The total anticipated budget is:

Kenya Shillings	16,500,000
US\$	320,000
Sterling	187,500

Exchange rates	US\$ 1:55
	Sterling £1:88

3.2 This proposal has been presented to the Swedish Development Agency (SIDA), FORD Foundation, and Overseas Development Agency (ODA) (Eastern Africa Division).

4. Institutional Information

4.1 *Goals of the International Commission of Jurists (Kenya Section) - ICJ (K)*

- The overall goal of ICJ (K) is to assist in the realisation of **FREEDOM, JUSTICE and DIGNITY** for all. ICJ (K) attempts to achieve this through the Promotion and Protection of:
 - The Rule of Law
 - Human Rights
 - Democratisation principles.

This is the mandate of ICJ (International).

- The major current projects of the ICJ (K) are
 - The Paralegal Training Project
 - The Research and Publications Projects
 - The Magistrates' Programme
 - The Lawyer Human Rights Watch Project
 - The Refugee Project
 - The Kenya Jurist (ICJ (K) quarterly magazine)
 - ICJ (K) Fora for discussion of issues pertinent to ICJ (K) mandate (Lectures, Seminars, Conferences)

4.2 *Legal Status*

The ICJ (Kenya Section) is registered under the Societies Act. It was exempted from registration under the Non -Governmental Organisations Act of 1990.

4.3 *ICJ (K) Membership*

The ICJ (K) is a membership organisation with approximately two hundred (200) paid up and active members. The majority of it's members are legal professionals (practising and non - practising) and law students. ICJ (K) allows albeit restrictively, members from other professions e.g. doctors, social workers, bankers etc.

4.4 *ICJ (K) Governing Body*

The governing council of ICJ (K) consists of seven members - the Chairman, Vice - Chairman, Secretary, Treasurer and three other members. There is currently one female member on the

Council. •The Executive Director (the current one is a woman) is an ex - officio member of the council. The council runs for an official term of two years. The Council members may run for office at the end of the two years. The elections are held at an AGM. There is an annual members conference. ICJ (K) also issues bi - monthly information sheet to members. To the extent possible ICJ (K) members are involved in its activities.

- The Council meets once every month (every last Thursday of the month). Minutes of these meetings are constructed and produced by the Executive Director.
- The Council has sub - committees:-
 - Executive Committee consisting of Chairman Treasurer and Secretary. This committee deliberates and makes final decisions on key policy issues.
 - Finance and Fundraising Committee - deliberate on key financial decisions and fundraising strategies. It reviews periodically ICJ (K)'s adherence to it's spending plans.
 - Strategic Planning Committee - deliberate on structural issues and planning with regard to key ICJ (K) activities.
- All these sub - committees present their decisions or findings at Council Meetings for approval or further deliberation by Council.

4.5 *Affiliation*

The ICJ is a national section of the International Commission of Jurists (ICJ) based in Geneva. ICJ has got 78 national sections and affiliated organisations. ICJ has consultative status with United National Economic and Social Council (ECOSOC), UNESCO the Council of Europe and OAU.

4.6 *Location*

The ICJ (K) headquarters are located in Nairobi. It has two field project - the paralegal project and Refugee.

Paralegal project presently which seeks to educate rural population of their legal rights and create legal awareness moves from district to district with ICJ (K)'s involvement lasting for one year in each site. Currently the project is on - going in Kyeni Location, Embu District in Eastern Province. In the new program period, the project will move to Nyeri, (Central Province), Kisumu (Western Province), Nakuru (Rift Valley Province), Marsabit (North Eastern Province), Meru (Eastern Province), and Kakamega (Nyanza Province) districts.

In each programme year ICJ (K) shall have two sites - one in each of two districts. ICJ (K) shall withdraw from site after a one year period.

The Refugee project is designed to assist refugees to realise their rights through creating rights awareness, simplification of international refugee law and by giving legal advice, legal aid and intercession services for refugees in Kenya.

The project shall have temporary sites in various refugee camps around the country. The ICJ (K)'s duration of presence in each site shall depend on its purpose e.g. research, legal education etc. There are presently eight (8) refugee camps.

5. Historical Background of ICJ (Kenya Section)

- 5.1 The ICJ (K) is a Section of the International Commission of Jurists. It was started in 1959 by two Nairobi Advocates Alexander Couldrey and the late Francis R. Stephen. It was started as an overseas branch of JUSTICE - the British Section of ICJ .
- 5.2 Through the emergency period and early post independence days, ICJ (K) was almost in-operational. This was because its membership was strictly European then, and they did not wish to be seen to be involved in the country's politics. This state of

non - involvement saw many human rights violations go unchallenged such as political murders, and disappearances.

- 5.3 This went on until the early 1980's. At this time, some members of the Kenyan legal community wanted to start a Chapter of Amnesty International in Kenya. The government denied registration of the Chapter. The lawyers then joined the already existing ICJ (K) to push their agenda of challenging human rights abuses in Kenya. This revival gave ICJ (K) a new and vital surge of energy and involvement in human rights activities locally and in the region. In recognition of its revival the ICJ (Geneva) held the 1985 ICJ International Annual Conference in Nairobi.
- 5.4 Subsequently, ICJ (K) membership grew fast and its bold voice and activities against human rights violations and political repression, interested many lawyers.
- 5.5 The increase in membership and the need to structurally and programmatically organise the institution led to the establishment of the ICJ (K) Secretariat in 1989.
- 5.6 The Secretariat began with a staff of one secretary, who took minutes at council meetings and helped organise seminars and workshops and type reports. These were the main activities of ICJ (K). The Secretariat grew in 1990 to include an Executive Director and a Program Officer. It expanded its activities to include human rights reporting, the publication of the Jurist Magazine, and civic education. In 1992 ICJ (K) organised for the NGO participation in the electoral process for the first multi - party elections in Kenya, hence spearheading the National Elections Monitoring Unit (NEMU). In 1992 ICJ (K) began refugee work. The flow of refugees to its office seeking legal help prompted this initiative.
- 5.7 In 1993, an ICJ (K) evaluation workshop was held to evaluate ICJ (K)'s past work and its mandate to strategize for more focused future programmes for ICJ (K), to reflect on its internal governance structures, and examine the financial and material

needs for the facilitation of the requisite changes. This proposal is a detailed reflection of the general financial and material needs identified as being necessary for ICJ (K) to push its programme agenda for the 1996 - 1998 programme period and beyond.

6. Organisation Structure and Staffing

- 6.1 The ICJ (K) presently has ten (10) members of staff. Six women and four men. There are two professionals (both legal), i.e. the Executive Director and a Program Officer.
- 6.2 In the first year of this project 1996 ICJ (K) shall hire three other professional staff - a Research and Publication officer. (Legal) and another driver. A program officer for the Refugee Project, and the Finance and Administration Manager. ICJ (K) Shall therefore have a total of 16 staff members. See chart on Annex 1

7. Finance

7.1 *ICJ (K) Source of Funding*

The main source of funding for ICJ (K) has been locally situated international funding agencies. The FORD Foundation has been a major supporter of the ICJ (K) programmes and institutional budget. Whereas Ford Foundation still remains the main financial supporter of ICJ (K), expansion of our programmes has necessitated diversification of our funding sources. SIDA and Friedrich Ebert Foundation have also been supportive. ICJ (K) also gets some money annually from membership subscription.

ICJ (K) through its Finance and Fundraising sub - committee is exploring ways of raising money locally independently of donor agencies.

The size of the budget for the just - ended programme period 1993 - 1995 was US\$ 323,992. It was composed as follows.

Ford Foundation Kshs. 9,222,939

SIDA	Kshs. 2,578,806
Friedrich Ebert	Kshs. 668,581
USAID	Kshs. 366,843

British Council	Kshs. 385,000
HURIDOCS	Kshs. 184,171
Interest (Earned on Invests.)	KShs.3,361,559
Lawyers Committee for Human Rights	KShs. 129,745
World SOS Torture	KShs. 554,952
Membership Fee	<u>KShs. 100,000</u>
Total	<u><u>KShs.17,819,532</u></u>

The size of the proposed operation budget for the just beginning programme period, (1996 - 1998) is approximately US\$ 900,000. This drastic budget expansion is due to the Institutional Capacity Building budget and the increased number of projects

8.3. *Accounts*

ICJ (K) prepares it's own accounts.

8.4 *Staff in-charge of Finance*

Presently ICJ (K) has an accountant responsible for finances and accounting.

In 1996, a Finance and Administration Manager shall be hired to head the finance and Administration department. He/She shall be assisted by an Accounts and Administration Clerk. This is because the expansion of programmes entails mainly more management activities and management of larger funds hence the need for a more qualified person with an assistant.

8.5 The ICJ (K) Accounting systems are presently manual. In the first year of this proposed project, the ICJ (K) accounting systems shall be computerized.

8.6 ICJ (K) accounts are audited annually. The audit is done by an independent firm of Auditors (M/S H.W. Gichohi & Co.).

end

BUDGET (USAID PROPOSAL) (Exch. 55)

ITEM	YR1	YR2	YR3	TOTAL US\$	TOTAL ICJ Contribution	TOTAL USAID Contribution
<u>Human Resources Development</u>						
1) Additional Staff recruitment						
i) Finance & Admin Manager	13,091	14,400	15,840	43,331	15,840*	27,491
ii) Director's Secretary	6,545	7,200	7,920	21,665	*	21,665
2) Staff training	17,636	17,636	17,636	52,908	17,636*	35,272
<u>2. Establishment of Personnel, Financial and Administrative System</u>						
	9,091	----	----	9,091	*	9,091
<u>3. Strategic Planning and Review (workshops + Consultant Services)</u>						
1. Auditing	1,091	1,273	1,455	3,819	*	3,819
<u>5. Strengthening Information base and Systems</u>						
1) Projects Monitoring and Admini. Evaluation Systems (i.e workshops at end of programme year, reporting formats & consultant services)	6,666	6,667	3,334	16,667	6,666*	10,001
2) Establishment of Library cataloguing system and database	5,724	-----	-----	5,724	*	5,724
3) Purchase of books, journals & other relevant library materials	7,241	7,241	7,241	21,723	7,241	14,482

49

BUDGET (USAID PROPOSAL)

ITEM	YR1	YR2	YR3	TOTAL US\$	TOTAL ICJ Contribution	TOTAL USAID Contribution
7. Improvement of expediency in Programme and Administrative activities through acquisition of additional appropriate equipment base						
a) Computer	2,195	----	----	2,195	*	2,195
b) Printer	1,150	---	---	1,150	*	1,150
c) Photocopier	8,182	---	---	8,182	*	8,182
d) Telephone Heads	3,636	---	---	3,636	*	3,636
e) Equipment Maintenance (15% P.A.)	2,275	2,275	2,275	6,825	6,825*	----
TOTAL				213,208	54,208	159,000

57

The facilities that will be used by these officers will be the contribution that ICJ will make into this project

For instance the desks and chairs they will use, valued at

$35,000 \times 2 = \text{KShs. } 70,000$

6. The time spent by the Executive Director (on preparing proposals, meeting donors and preparing reports), assumed to have a value of 3 months salary
 $90,000 \times 3 = \text{KShs. } 270,000$

7. The time spent by the Executive Director attending and preparing minutes of the council meeting.

Assuming 4 hours spent every month with, an allowance of KShs. 1,000

per month $1,000 \times 4 = \text{KShs. } 4,000$

for 3 yrs $4,000 \times 36 = \text{KShs. } 144,000$

8. Equipment Insurance and Maintenance,

The insurance and maintenance of the various equipment funded by USAID will be ICJ's contribution to the project.

Assuming an average of KShs. 100,000 per year for 3 years; $100,000 \times 3 = \text{KShs. } 300,000$.

The total contribution as enumerated in Nos. 1 - 8 for a duration of 3 years is KShs. 3,808,000 equivalent to \$ 69,236.

It is quite clear that some of the items listed down under ICJ, contribution will require spending actual money. For instance items No. 5 and No. 8 belong to this group, i.e. the purchase of desks and chairs, equipment insurance and maintenance etc.

The other major items that will need a lot of money is the fueling and maintenance of the vehicle, which shall be covered by the ODA grant under technical assistance to paralegal project.

ICI will thus have to obtain amounts for the rest of the items from other Donors. These donors are mainly Ford Foundation, DANIDA and SIDA. These donors including ODA are funding our various programs. We have negotiated with them so that they have built in elements of our core budget and capacity building into their programme grants. Basic agreements have been reached with Ford Foundation and DANIDA for three year grants for the relevant programme areas. The ODA and SIDA grants will come through in August. In these grants the capacity building is build in various agreed temporal or monetary proportions.

9. Motor Vehicle

The cost implication of not having a vehicle is as follows:

It takes two whole days to get to Wajir. Therefore a total of five or more days will be needed if any appreciable assistance will be offered.

- i) Hire of a vehicle to a refugee camp using a Land cruiser on unlimited mileage rate;-

Normal Rate: KShs. 7,650 per day

Damage and theft KShs. 2,000 per day

Insurance KShs. 800 per day

Total KShs.10,450

Plus 15% KShs. 1,568

KShs. 12,018

The minimum cost of hire is $\text{KShs. } 12,018 \times 5 = 60,090$

If one trip is made every month then for a whole year, we will need $60,090 \times 12 = \text{KShs. } 721,080$ - to only hire the vehicle.

SA