

## **TERMINAL EVALUATION REPORT**

**Project Number:** FS/RAF/04/R49

**Project Title:** Assistance in the formulation and implementation of the SADC Declaration and Plan of Action against Trafficking in Persons

**Thematic area:** Human Trafficking

**Country/region:** Southern Africa (SADC)



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## LIST OF ACRONYMS

CV	Curriculum Vitae
LAS	Legal Advisory Section (UNODC)
IOM	International Organization for Migration
ICP	International Cooperating Partners
NGO	Non-governmental organization
PPR	Project Progress Report
ROSAF	Regional Office for Southern Africa
SADC	Southern Africa Development Community
TOC	Transnational Organized Crime
UN	United Nations
UNDP	United Nations Development Programme
UNODC	United Nations Office for Drugs and Crime

## EXECUTIVE SUMMARY

### 1. Summary Table of findings, supporting evidence and recommendations

Findings: identified problems/issues	Supporting evidence/examples	Recommendations for Phase II
<p>Poor communication and coordination between the counterparts (as well as within counterpart organization); SADC focal point frequently unavailable and no other avenue for communication authorized.</p>	<p>Long delays waiting for inputs and project approvals from SADC; infrequent meetings - most communication by email; lack of follow-up by both parties; disputes around selection of consultants, approval of reports, etc; other interested parties within SADC not included in communications/planning; responsibility for project unclear once focal point left SADC -- no handover or meetings with successor</p>	<p>Parties should jointly agree on more effective institutional mechanism or structure for project management and coordination, including possible steering committee. Allow for more frequent and regular meetings (i.e. monthly) for progress review, planning and problem solving; appoint dedicated person within SADC responsible for implementation at operational level; and implement regular (i.e. bi-annual) briefings at strategic/ management level</p>

Findings: identified problems/issues	Supporting evidence/examples	Recommendations for Phase II
Lack of capacity within the counterpart organization to implement project activities;	Department responsible for project implementation understaffed/ individuals carrying heavy workload; no person dedicated to project at operational level; Activities to be implemented by SADC not supported by budget; very limited technical expertise on human trafficking issues within organization	Parties should jointly consider where best to house project going forward -- Gender Unit may be better placed because has mandate for trafficking and more operational/ project implementation experience; Appoint dedicated person within SADC responsible for implementation at operational level; Part of project budget should support personnel costs associated with project at SADC side; Ensure that activities to be implemented by SADC are costed and included in the budget; If possible, house project manager/coordinator within SADC; include activities in Action Plan to raise awareness and capacity to address human trafficking within the Secretariat.
Lack of ownership over project; inadequate opportunities for counterpart to provide meaningful input into program design;	SADC participants reported that they felt inadequately consulted at design and/or implementation stage; Correspondence (May 2004) indicates that some SADC concerns not adequately addressed during project planning; Project perceived by SADC as "UNODC" project with SADC only playing "facilitative role."	Hold consultative meeting with all relevant stakeholders to review Phase I and jointly plan Phase II; establish more effective structure or mechanism on-going consultation and collaboration (see above) with all stakeholders; clarify roles and responsibilities for project implementation and ensure that needs and concerns of both parties fully taken into account.

Findings: identified problems/issues	Supporting evidence/examples	Recommendations for Phase II
<p>Strategy for Declaration/ Plan of Action and Coordination Network poorly designed and ineffective</p>	<p>Project document very vague on how activities would be implemented -- no detailed operational plan ever developed/ roles and responsibilities unclear; project budget did not adequately support implementation on SADC side; budget for consultant inadequate for more than once-off input; SADC participants reported that Declaration strategy did not reflect adequate understanding of SADC organization or processes/ need to start from the “ground up;” Activities only partially implemented during life of project -- minimal progress noted.</p>	<p>Revisit strategy during joint planning meeting (see above); If proceed with activities, ensure that have clear, detailed implementation plan and budget to support each sub-task; For Declaration, consider holding workshops or other forums to lay groundwork for political documents and obtain inputs from member states and other relevant stakeholders; consultant should play ongoing, iterative role in facilitating development of documents; may need to lobby Member States to identify a political driver.</p>
<p>Insufficient follow-up support to Member States on legislation after successful training</p>	<p>Training and materials well received by participants. However, planned activities to establish trafficking focal points and national task teams/ Declaration and Plan of Action not implemented; legal assessment not published/disseminated to Member States; no follow up activities/ technical assistance for legal experts planned or budgeted; few Member States made significant progress on counter-trafficking legislation during project timeframe.</p>	<p>Include targeted technical assistance to legal drafters in Phase II, including support for regular meetings of “legal drafters forum”; allow budget for some ad hoc bilateral assistance; support establishment of legislative information clearinghouse at SADC (preferably on website); Lobby Member States re: development of counter-trafficking legislation (including interim criminal measures).</p>

## **2. Narrative Summary**

### **a) Summary description of project evaluated**

The project “Assistance in the formulation and implementation of the SADC Declaration and Plan of Action against Trafficking in Persons” was conceived and implemented as a joint project between the UNODC Regional Office for Southern Africa and the Southern African Development Community (SADC) Secretariat and was aimed at enhancing regional capacity to combat trafficking in persons and prosecute traffickers.

As stated in the Project Document, the intermediate objectives of the project were:

- 1) To support the SADC member states in the ratification and implementation of the UN TOC Convention and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children (“Trafficking Protocol”), including the development of specialized anti-trafficking legislation; and
- 2) To provide support to the SADC in developing and adopting a Declaration and Plan of Action against Trafficking in Persons as well as to strengthen the capacity of the SADC Secretariat to monitor the implementation of the SADC Plan of Action against Trafficking in Persons

Key activities included:

- A situational assessment of trafficking cases and counter-trafficking efforts in the region (3 SADC countries)
- An assessment of the existing legal framework to address trafficking (4 SADC countries)
- A regional training workshop for legal experts (2 per country) on the requirements of the TOC Convention and Trafficking Protocol
- Development of an outline of key elements of anti-trafficking legislation
- Assistance to the SADC Secretariat to establish a regional coordination network on human trafficking (national focal points, task forces, information sharing)
- Drafting and adoption of a SADC Declaration and Plan of Action on trafficking in persons.

The timeframe for the project was initially two years, extended for six additional months. The total budget was \$293,000. The project succeeded in implementing most, but not all of the project activities, despite the extension of time. Activities which relied primarily on the SADC Secretariat for implementation were generally not implemented, primarily due to lack of capacity within the organization, as well as weaknesses in the project design.

### **b) Major findings from the evaluation:**

The concept for the project was generally a good one, timely and justified by the situation in Southern Africa at the time. Persons interviewed agreed that there was a need to increase the available information base through the planned situational and legal assessments, a need to train legal professionals about the relevant international and regional instruments and the elements of comprehensive counter-trafficking legislation, a need to build political interest and commitment, and a need

to coordinate a regional response. Most of the project activities were well designed to address these needs, although most also experienced problems in implementation.

In retrospect, too much emphasis may have been placed on obtaining a Political Declaration, rather than the more general objective of raising awareness and capacity to address human trafficking in the region (for which a Political Declaration could have been one indicator). Some participants interviewed felt it was unnecessary or premature without a “champion” among the Member States to drive the process. Others felt it might have been possible to achieve had the activity been approached differently. In any case, the activity proved to be unrealistic and ineffective, in part due to lack of capacity in the Secretariat to implement the process, and in part because the design did not include activities or budget for awareness raising, dialogue and participatory processes necessary to lay a proper groundwork for such a Declaration.

Overall, the training workshop was the most successful activity. Although there were a few criticisms, most participants agreed that the workshop was well organized and effective in increasing their knowledge and understanding of the UN TOC Convention and Trafficking Protocol requirements. Participants who were already familiar with the problem of human trafficking and who were involved at least to some degree in working on human trafficking issues or legislative reform seemed to benefit most from this activity. Several of these said they had had the opportunity to use the information gained from the workshop (or in workshop materials) in their work and that it had helped them contribute more effectively to the various processes underway in their countries or departments. At the same time, all agreed that the workshop should not have been a “stand alone” activity, and should have been offered in conjunction with regional forums and follow-up technical assistance, particularly in the area of legal drafting. Others said that information sharing and coordination within the region “just died” after the workshop in the absence of any meaningful follow-up.

The project also produced at least one very good report, from the legal assessment. Although limited in scope (and now somewhat outdated) the report is well written and contains some very useful information and analysis. Although only four countries are covered in the assessment, the report provides a model for analyzing the existing laws of other Member States that is still widely relevant. The situational assessment is less notable, in part because the depth and scope of the research was limited by the methodology and by budget constraints. However it also contains some useful information and case studies that could contribute to the understanding of the phenomenon of trafficking in the region. Unfortunately neither report was approved for dissemination until late 2007 and therefore had little if no impact on the project or the intended beneficiaries during the life of the project.

Although the project succeeded in implementing some activities, the project suffered numerous delays and other problems in implementation. Communication and coordination between the parties was generally weak, in part because of the unavailability of the key SADC focal point, as well as the absence of an effective structure or mechanism for joint planning, decision-making, management and problem solving. Implementation also suffered because of lack of human resource capacity within the counterpart organization (the SADC Organ) and lack of clarity regarding roles and responsibilities for implementation.

Despite these challenges, the project seems to have made a significant contribution - as reflected in the Windhoek Declaration, the International Cooperating Partners (ICP) Task Force and the mandate given to the Gender Unit -- in terms of raising the profile of human trafficking within the Secretariat and ensuring that it remains on the SADC agenda. UNODC has also strengthened its relationship with the SADC Secretariat and is now better positioned to support the Secretariat with respect to trafficking and related issues than it was before the implementation of the project. In these and other ways, the project has been an effective catalyst for future engagement in the region.

### **c) Lessons Learned**

Key lessons from the project implementation include:

- 1) It is critical that the counterpart organization participate actively in the initial design and planning process. Such consultation and collaboration is necessary to achieve real ownership over the project, to identify and address operational constraints, and to vet the feasibility of the proposed approach.
- 2) The project must take into account and address the institutional capacity of the counterpart at the planning stages.
- 3) It is critical to find the right place in which to “locate” a project within an institution. Factors such as operational and human resource capacity, mandate and commitment to the project must be taken into account.
- 4) Especially where UNODC does not have a field presence in the same country as its project counterpart, it is critical to establish an effective structure for communication and joint project management and to allow for frequent management meetings.
- 5) Political commitments regarding human trafficking need to be developed from the ground up. Political documents and action plans should be prepared through a process of facilitation and consultation and not in isolation.
- 6) Training workshops should not be designed as “stand alone” activities without follow-up activities or support.
- 7) Legal drafters in the region need practical, technical assistance, access to information and opportunities to exchange ideas and information. However, they are unlikely to make substantial progress on legislation without high-level political support and a clear mandate from their government.

### **d) Recommendations and Implications for the UNODC**

UNODC is in the process of building an effective relationship with SADC and has made substantial progress in this regard. Moreover, through this project, UNODC and SADC have helped to focus greater attention on the problem of human trafficking within the Secretariat and in the region as a whole. It is therefore important that the parties continue the work begun under this project. However, it is also critical that the parties review the successes and failures of Phase I and restructure the activities and project management structure as needed to take the “lessons learned” into account. For long-term sustainability, a key objective of future engagement should be to build the institutional capacity of the SADC Secretariat to provide regional leadership around the issue of human trafficking as well as to provide targeted assistance to Member States to develop and enact counter-trafficking laws as a matter of urgency.

As set forth in more detail in the body of the report, UNODC and SADC should:

- 1) Organize a meeting with all key role players to review the findings of this evaluation and to jointly plan Phase II. Although UNODC has already formulated a Phase II Project Document and received some donor funding, the political and operational challenges that plagued the initial project should be addressed before moving forward with the project, and SADC should be engaged to select and prioritize activities and agree on an appropriate technical approach.
- 2) Jointly consider where best to locate the project going forward. As a more experienced “operational unit” (with experience in implementing and monitoring projects) the Gender Unit may be in a better position to drive the project than the Organ, particularly now that trafficking issues are included in its mandate. The Organ and Legal Unit can still play an important role in providing strategic inputs and driving the process of the Political Declaration and Action Plan.
- 3) If possible, allocate some portion of the project funds to increase the personnel capacity of the relevant units within SADC to fulfill their functions and responsibilities under the project. To build sustainable capacity, UNODC and SADC should also investigate whether a qualified legal advisor or project officer could be seconded by UNODC or a Member State to work on the project as a member of the Secretariat.
- 4) Take steps to strengthen the structure for joint management of the project, including for example, a steering committee and regular project implementation meetings. Periodic strategic review meetings at a higher management level should also be incorporated into the project plan to provide greater accountability and opportunities for problem solving.
- 5) Ensure that detailed implementation plans are developed for each activity and that each activity is costed out and funded based on the detailed plan.
- 6) If the Political Declaration/Plan of Action activity is pursued, it should be approached in conjunction with awareness raising/consultation workshops at appropriate levels of the SADC structure, and prepared in a participatory manner with a facilitating consultant. UNODC and SADC should also take note of the content and status of the Draft SADC Protocol on Gender and Development (which includes commitments on human trafficking) to ensure that both processes are harmonized and consistent.
- 7) To the extent possible, consider including the following activities in Phase II:
  - Targeted technical assistance to Member States, particularly in the area of legislative and policy development, building on recent developments and good practices in the region (i.e. Mozambique, South Africa, Zambia); this could include some “ad hoc” technical assistance, in the form of a “catalogue” of available services as well as organizing a regular forum for legal professionals (i.e. a technical working group) focusing on the particular challenges of drafting appropriate provisions for Southern Africa.
  - Establishment of an information clearing house on human trafficking legislation within the Secretariat that can be accessed electronically by national “focal points” and other stakeholders from the Member States. Such a site could also be developed over time to create a forum for networking and coordination.
  - Training and mentoring activities to build a pool of qualified local consultants (including lawyers) to provide technical support to the Secretariat and the Member States on trafficking issues.

## 1. INTRODUCTION

### 1.1 Background and Context

The project “Assistance in the formulation and implementation of the SADC Declaration and Plan of Action against Trafficking in Persons” was conceived and implemented as a joint project between the UNODC Regional Office for Southern Africa (UNODC ROSA) and the Southern African Development Community (SADC) Secretariat. The project aimed to increase regional capacity to combat trafficking in persons and prosecute traffickers, in large part by building support for counter-trafficking efforts within the institution of SADC itself.

The project was initiated in late 2004, at a time when many countries in Southern Africa had recently signed, if not ratified, the UN TOC Convention and the Trafficking Protocol and were just beginning to recognize human trafficking as an emerging problem in the region. In this context, UNODC recognized the critical need for countries to start developing counter-trafficking legislation to criminalize and address the problem of human trafficking, and to harmonize this legislation on a regional basis. UNODC also recognized the importance of building effective institutional mechanisms to increase regional dialogue and coordination around the issues of human trafficking and organized crime. Despite some institutional and political challenges, as the principal political structure mandated to address regional issues in Southern Africa, UNODC believed that it was important to work through SADC and to partner with the Secretariat in the implementation of the project.

The timeframe for the project was initially two years, from October/November 2004 to the end of 2006. In mid-2006, the project was extended by six months to May 2007. The total budget for the project was \$293,000.

As stated in the original Project Document, the Crime Prevention Objective of the project was “to enhance regional capacity to prevent trafficking in persons and prosecute traffickers.” The immediate objectives of the project were:

- 1) To support the SADC member states in the ratification and implementation of the UN TOC Convention and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children (“Trafficking Protocol”), including the development of specialized anti-trafficking legislation; and
- 2) To provide support to the SADC in developing and adopting a Declaration and Plan of Action against Trafficking in Persons as well as to strengthen the capacity of the SADC Secretariat to monitor the implementation of the SADC Plan of Action against Trafficking in Persons.

Key activities included:

- A situational assessment of trafficking cases and counter-trafficking efforts in the region (3 SADC countries)
- An assessment of the existing legal framework to address trafficking (4 SADC countries)
- A regional training workshop for legal experts (2 per country) on the requirements of the TOC Convention and Trafficking Protocol
- Development of an outline of key elements of anti-trafficking legislation
- Assistance to the SADC Secretariat to establish a regional coordination

- network on human trafficking (national focal points, task forces, information sharing)
- Drafting and adoption of a SADC Declaration and Plan of Action on trafficking in human beings.

In addition to the project's two specific objectives, a further goal articulated by UNODC staff was simply "to engage with SADC around the issue of human trafficking" -- to build the relationship between SADC and the UNODC, and through this engagement, encourage the Secretariat and Member States "to put counter-trafficking on the SADC agenda." Given the limited budget for the project, some UNODC staff reportedly saw the project primarily as a "catalyst" or "foundation" for future work within SADC -- "a starting point from which to engage SADC and the Member States and to raise a voice in the region."

## 1.2 Purpose and Objective of the Evaluation

The primary purpose of this evaluation was to identify lessons learned from the process of implementation, and to develop recommendations to inform and strengthen UNODC programming going forward. The objective of the evaluation was to examine the **strategies, objectives, relevance, effectiveness, results, impact, sustainability and added value of UNODC's actions**, and to provide feedback to all role-players from the project's partners and intended beneficiaries.

## 1.3 Executing Modality/Management Arrangements

The project was implemented by UNODC ROSAF in partnership with the SADC Secretariat in Gaborone. UNODC's primary institutional counterpart within the Secretariat was the Directorate for the Organ on Politics, Defense, & Security, a primarily "political" (as opposed to "operational") section of the Secretariat responsible for political/diplomatic, security and law enforcement issues in the SADC region. The UNODC also collaborated with the Secretariat's Legal Affairs Unit to a limited extent. In the context of SADC, the "Organ" on Politics, Defense & Security is a political structure made up of representatives of the Member States, which is coordinated/administered by the "Directorate" for the Organ at the SADC Secretariat.

The project relied on outside consultants to implement several of the project activities, and was managed by a project coordinator (Associate Expert) from the UNODC regional office in Pretoria, with assistance from an administrative associate. UNODC ROSAF was responsible for overall project management and financial oversight, as well as engagement with SADC at both the operational and political level. Although the field office periodically submitted progress and financial reports to UNODC headquarters in Vienna, backstopping from headquarters consisted primarily of technical support from the Legal Advisory Section (LAS) as well as making periodic budget allotments. Financial and administrative services were handled by the local UNDP office as per the working arrangement between UNODC and UNDP organizations. UNDP was responsible for issuing contracts, making payments, maintaining project accounts, and providing financial reports.

Implementation and management responsibility for the project within SADC rested almost exclusively with one person, the Head of Political, Defense and Security Affairs for the Organ. After his departure from SADC in early 2006, there was no clear counterpart for the project, and UNODC communicated primarily with the new

Head of Legal Affairs. Although the Project Document envisioned a role for national focal points in the implementation of the project, this aspect of the design never materialized. The impact of the institutional arrangements on project delivery is discussed in section 2.5 below.

#### **1.4 Scope of the Evaluation**

This evaluation is a terminal evaluation covering the full period of the project, from November 2004 through May 2007. Per the evaluation terms of reference, the evaluation focused specifically on the following:

An analysis of how efficiently programme planning and implementation were carried out, as well as assessing the managerial support and coordination mechanisms used by UNODC ROSA to support the project.

Problems and constraints encountered by the respective role players/stakeholders, particularly the SADC Secretariat and SADC Member States, during implementation.

Whether the project activities/programmes addressed the identified needs/problems (*relevance*) and whether it did so in an appropriate manner.

Whether the intended results have been achieved, and if not, whether there has been some progress made towards their achievement.

Whether the project activities had any impact on beneficiaries, particularly the SADC Secretariat and Member States, and what were the benefits, if any?

Whether the project activities/activities initiated by the project are likely to continue without future donor funding (sustainability).

Any lessons learned and/or best practices to be deduced from the project?

#### **1.5 Methodology**

The evaluation was initiated in mid-November 2007, with a level of effort (LOE) of 15 consulting days. To accommodate the SADC Secretariat, data collection was put on hold in early December and resumed in mid-January, after the Secretariat re-opened for the new year. In-person interviews were conducted in Gaborone with Secretariat representatives, followed by telephonic interviews with training participants/focal points, and in-person interviews with key UNODC ROSAF staff.

The evaluation necessarily relied on qualitative methodologies, including review and analysis of project documents and interviews with UNODC staff members, counterparts and selected beneficiaries. The timeframe and budget for the evaluation did not allow for in-depth quantitative methods or independent impact assessment. Interviews were conducted using a semi-structured interview questionnaire. The document review was based on documents provided to the Consultant by the UNODC and included the original Project Document, correspondence, Project Progress Reports, Mission Reports, and training participant evaluation forms, as well as the key deliverables (assessment reports, draft Declaration/Action Plan, training materials and legislative matrix). The evaluation did not include any kind of financial analysis, except to compare the actual project expenditures (as provided to the Consultant by the UNODC) by line item against the original project budget.

### Limitations:

Although the consultant attempted to speak with as many relevant role-players as possible, some of the important role players on the project were not available to be interviewed in connection with the evaluation. This included the former Director of the Organ and UNODC's main contact point on the project, Dr. J. Ndlovu, as well as Dr. Ndlovu's successor at the Organ, Dr. T. Motae. A member of the Legal Unit who had participated in the training workshop had also left the Secretariat and could not be reached for an interview. As a result, the views of the Secretariat reflected in this evaluation are limited to the views of a few key representatives as well as those that could be gleaned from correspondence, meeting notes and other documents. With respect to training participants from the Member States, the consultant was able to telephonically interview five participants and received written responses from one other (approximately 1/3 of the total number of participants). Although letters were faxed or emailed to all participants, the contact information provided by UNODC for participants was incorrect or outdated in many cases, and it appeared that some participants had left the ministry or moved on to other positions. In other cases, participants did not respond to requests for information or interviews, or were not available to be interviewed for various reasons.

## **2. ANALYSIS AND MAJOR FINDINGS**

### **2.1 Overall Performance Assessment (appropriateness, relevance, effectiveness, efficiency)**

When the project document was initially developed in 2003-2004, the issue of human trafficking was still very new in the SADC region. Although available research and anecdotal evidence showed that human trafficking was occurring in the region, there was very little information available about the patterns or trends, the adequacy of the legal framework to address the problem, the role of organized syndicates, or the treatment of victims of trafficking. Although several countries in the region had signed and/or ratified the UN Protocol, most had not yet initiated steps to domesticate it.

In this context, the high-level objectives of the project -- i.e. to build political commitment and capacity to address human trafficking, and to do so on a regional basis -- were appropriate and highly relevant. Although one could argue that the region was not yet "ready" to deal with human trafficking in 2004, most of those interviewed for the evaluation felt the UNODC was right to begin the process of engaging with SADC to build awareness and capacity around this emerging issue, even if this presented some political and operational challenges. Most of those interviewed also agreed that the decision to implement the project with and through the SADC Secretariat made sense from a strategic point of view. The rationale for the partnership was correct -- that there was a need for regional approach, and that SADC was in a better position than UNODC to provide the necessary political clout to mobilize and coordinate the member states around the issue. Moreover, although SADC had not yet shown leadership on the issue of trafficking, it arguably was the most appropriate regional body to do so. That being said, some participants noted the many inherent challenges of working with SADC as an institution and questioned the feasibility of partnering with the Secretariat as a practical matter.

The project activities were also well-conceived for the most part. Although there were some weaknesses in the design and technical approach (particularly under Objective

2), the activities all had a sound rationale and were reasonably related to the achievement of the project's overall objectives. Two of the activities (training and legal assessment) were particularly valuable and relevant to the needs identified. There was clearly a need at that time to obtain more information about trafficking in the region, the adequacy of the legal framework, and government responses to the problem, as well as to build the capacity of governments to develop effective, harmonized legislation. Although the training would have been more helpful to participants had it included targeted follow-up activities, it did appear to lay a strong foundation for future work with the Member States on legislation. In retrospect, too much emphasis may have been placed on obtaining a Political Declaration and Action Plan at this point in time, rather than a more general goal of raising awareness and capacity to address human trafficking among the Member States and particularly within the SADC Secretariat. Some persons interviewed for the evaluation expressed the view that this activity was "premature" or "unrealistic," whereas others felt it could have been effective had it been approached in a different way.

A principal weakness in the design was lack of attention to how the activities under Objective 2 (Declaration/Plan of Action and regional coordination network) would actually be implemented. The Project Document is very vague with respect to these activities, and neither activity was sufficiently supported by the budget or by a detailed technical approach/implementation plan. With one exception (a small consultant fee for drafting the Declaration), the design document did not specifically tie any portion of the budget to these activities, or specify who within SADC would be responsible for implementation.<sup>1</sup> Moreover, these practical issues were never fully addressed or resolved during project implementation. Given these limitations and the limited capacity within the Organ, it is not surprising that these two activities "never got off the ground." The design was also overly vague on the overall project implementation arrangement with SADC, did not provide any personnel support on the SADC side to address capacity limitations, and did not provide an adequate coordination/oversight mechanism for successful management of the project.

Although the project succeeded in producing some good deliverables, the overall effectiveness of the project was constrained by the relatively small budget, lack of capacity within the Secretariat to implement project activities, limited "ownership" over the project by SADC, poor communication and coordination mechanisms, staff transitions/vacancies, and other institutional and operational challenges. Extended delays by SADC in approving the assessment reports for publication and lack of funding for workshops or other forums in which to lay the groundwork for the Declaration substantially limited the effectiveness of these activities. Of concern is the fact that some SADC representatives felt they were inadequately consulted by UNODC in the original design of the project as well as during the implementation phase. For some, this was perceived as a major weakness in the project implementation and design, which led to lack of ownership and participation as well as flaws in the technical approach. The evaluation found, however, that at least some of what appeared to be lack of consultation by UNODC was in fact a lack of collaboration and sharing of information within the SADC organization. As discussed below, it appears that this problem was caused in part by the way UNODC/SADC

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<sup>1</sup> For example, although the Document states that "SADC" will "assist the consultant in drafting the Declaration, provide inputs for the Plan of Action and facilitate their approval and adoption," there is nothing in the Document that sets out *how* these inputs will be achieved, or by *whom*. Similar weaknesses appear under Input 2.2. The output is to give "assistance to the SADC Secretariat" to develop a regional coordination network on trafficking but it is not clear how that assistance will actually be provided or who is responsible (at UNODC or SADC) for achieving the result.

structured the partnership (management/implementation arrangements) as well as the management style of the key counterpart. This appears to be one of the major lessons learned and an issue that can hopefully be resolved through a restructuring of responsibilities going forward.

A related issue identified in the evaluation was that some within SADC felt that UNODC was not responsive to their ideas or requests when it came to project activities. As examples, SADC asked early on in the project that the scope of the situational assessment be expanded to include more countries and that the Organ host a workshop at SADC to discuss the results of the assessment. This they felt was necessary to lay the groundwork for the proposed Declaration and Action Plan. According to the UNODC, it was not possible to accommodate SADC's requests because of funding constraints -- the activities were not contemplated in the original design approved by the donor and consequently there was no budget to support them. However it is not clear why it was not possible to amend the work plan and budget as requested by SADC later on in the project, after the training workshop came in substantially under budget. Instead, it appears that most of the surplus funds were reallocated to cover UNODC personnel costs associated with the project, leaving inadequate funds to support a second workshop.<sup>2</sup> The above findings suggests a need for a more collaborative approach to the project design going forward, and possibly, closer and more timely monitoring of project funds.<sup>3</sup>

For the most part, it cannot be said that the project was implemented in an efficient manner. Most participants agreed that implementation was slow, sporadic, and at times very frustrating, for all of the reasons discussed in this report. Although the Objective One activities were completed within a reasonable period of time, very little was accomplished in the last year and a half of the project, and the reports were not published until after the project ended. UNODC staff reported long delays in obtaining information and/or approvals from SADC, non-responsiveness to communications as well as the "chronic unavailability" of its key SADC counterpart. The project often appeared to "bog down" for months at a time while UNODC waited for a decision or action from its SADC counterpart. Various staff transitions, including the departure of the UNODC project coordinator in June 2006 and the succession of a new SADC head of the Organ in early 2007, also contributed to implementation delays. UNODC management reported that the project took up a great deal of UNODC staff time relative to the size of the project.

## **2.2 Attainment of the Objectives**

The immediate objectives of the project as defined in the Project Document were:

- 1) To support the SADC member states in the ratification and implementation of the UN TOC Convention and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children ("Trafficking Protocol"), including the development of specialized anti-trafficking legislation; and,
- 2) To provide support to the SADC in developing and adopting a Declaration and Plan of Action against Trafficking in Persons as well as to strengthen the capacity

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<sup>2</sup> See Budget Matrix, attached as Appendix D.

<sup>3</sup> It appears that close financial monitoring may have been constrained to some extent by UNODC's arrangement with UNDP to handle the project's accounts. According to the project administrator, UNODC did not always receive complete, timely or accurate financial reports from UNDP, and therefore did not always have information readily available on which to make budgetary decisions.

of the SADC Secretariat to monitor the implementation of the SADC Plan of Action against Trafficking in Persons.

### **2.2.1 Objective 1**

This objective was defined at a fairly high-level and arguably should have been broken down into a more concrete and lower-level objective. That being said, the project did provide support to the SADC Member States to implement the Convention and Protocol, primarily through the training workshop for legal experts (Output 1.3 and 1.4), and the completion of the two assessment reports. The project would have gone farther in meeting this objective had the reports been published and disseminated two years earlier, if the initial training had been followed up with targeted technical assistance on legislative drafting, and if more had been accomplished to build political support for counter-trafficking within the region. As it were, the political and technical support provided to the SADC Member States through the project was rather limited. UNODC staff did report, however, that the project “provided a starting point” for legal drafters and helped lay the groundwork for future cooperation with SADC around this issue. As one informant stated, this may have been “the most that *could* be achieved” given the limits of the budget and other challenges.

### **2.2.2 Objective 2**

The project also provided limited support to SADC in developing and adopting a Declaration and Plan of Action, by providing a consultant to prepare a draft document for the Secretariat. This document provides a starting point for further discussion and may prove helpful should the Secretariat take the activity up again at a later date. The objective was not fully achieved, however, as no progress was made on the political side to lay the groundwork for the Declaration, obtain inputs from the Member States, or review, finalize, or adopt the Documents. Indeed, the activity “never began from the standpoint of SADC.” The project also did not achieve the second part of the objective -- to strengthen the capacity of the Secretariat to monitor the implementation of the Plan of Action. At the most basic level, this was because the activities (identification of focal points and development of a coordination network) were never implemented. More importantly, however, it appears that the project did little to actually build the Secretariat’s institutional capacity to address trafficking or to provide leadership on the issue in the region.

It is difficult to say whether the project achieved its high-level Crime Prevention Objective -- “to enhance the capacity of the region to prevent and prosecute trafficking.” The project was relatively small and did not have the impact it might have had had the Declaration and Action Plan been adopted in the region. However, to the extent that the project succeeded in achieving its intermediate objectives, it is fair to say that it also contributed to the higher level objective.

To the extent that the project was “really about engaging with the SADC institution,” rather than directly combating human trafficking,” then the project also achieved this objective to some degree. While capacity was never “institutionalized” and trafficking remains a relatively low priority, it appears that significant progress has been made, through the Windhoek Declaration, the International Cooperating Partners (ICP) Task Force and the mandate given to the Gender Unit, to raise the profile of human trafficking within the Secretariat and to ensure it remains on the SADC agenda. UNODC has also strengthened its relationship with the SADC Secretariat and is now

better positioned to support and influence the Secretariat with respect to trafficking and related issues than it was before the implementation of the project.

### 2.3 Achievement of Programme/Project Results

During the timeframe for the project, the UNODC and SADC were able to achieve most but not all of the project results. More results were achieved under Objective One than Objective Two, although some of these were not completed until after the end of the project. Outputs 1.1-1.2 were delayed, while Outputs 1.3-1.4 were completed roughly on schedule. Outputs 2.1-2.2 were not completed within the project timeframe, even with the six month extension. All activities were completed within the budget allocated, with the training workshop coming in substantially under budget. Most informants agreed that while the project succeeded in implementing several key activities, not all of these were as effective as they potentially could have been.

The following tables summarize the achievement of Project Results/ Outputs according to the indicators provided in the Project Document:

Output/Result	Indicators	Indicator met?	On Schedule ?	Within Budget?	Comments
Output 1.1: A <b>situational assessment</b> of the trafficking in persons phenomenon and related country-specific efforts carried out in at least three selected countries	Consultant selected and appointed  Sources of information identified and contacted; information collected in accordance with terms of reference.  Report of the situational assessment available	YES  YES  YES, NOT WITHIN PROJECT TIMEFRAME	No	Yes	Implementation of this activity was delayed by 9 months due to difficulty in identifying a suitable consultant. The process of selection was apparently difficult and politically charged.  Ultimately few informants were satisfied with the quality or scope of the report. SADC wanted to expand the assessment to additional countries but this never happened.  The report was not approved or published until late 2007 and therefore was not "available" to support other project activities or for use by the intended beneficiaries during the project period.

Output/Result	Indicators	Indicator met?	On Schedule ?	Within Budget?	Comments
Output 1.2: A <b>regional legal assessment</b> on anti-trafficking measures and provisions carried out	<p>Consultant selected and appointed</p> <p>Review of relevant instruments and [legal] measures</p> <p>Report of the legal assessment available</p>	<p>YES</p> <p>YES</p> <p>YES, NOT WITHIN PROJECT TIMEFRAME</p>	<p>Partially: Report completed but not available during project time frame</p>	<p>Yes</p>	<p>Although UNODC sought SADC input regarding consultants, it did not receive that input in a timely fashion and selected the consultant without SADC approval. This caused problems later as SADC distanced itself from the activity and refused to approve the consultant's report. The report was finally approved by SADC and released for publication in late 2007.</p> <p>Although limited in scope the analysis and conclusions of the report are sound and professionally presented.</p> <p>Although submitted to SADC, the report was not "available" during the life of the project and therefore did not inform the rest of the project as intended. The consultant was also not able to present his findings or participate in the training workshop as planned in the project design.</p>

Output/Result	Indicators	Indicator met?	On Schedule ?	Within Budget?	Comments
Output 1.3: Key elements for domestic legislation identified	Outline of prerequisites and mandatory provisions according to the UN Protocol for anti-trafficking legislation completed	YES	Yes	Yes	Although a legislative outline was not specifically developed for this project, training participants were provided with a copy of the <i>UNODC Legislative Guides for the Implementation of the United Nations Conventions Against Transnational Organized Crime and the Protocols Thereto (UN 2004)</i> containing a chapter on the specific obligations and minimum requirements of the Trafficking in Persons Protocol. In addition, UNODC prepared a legislative assessment matrix which was disseminated to training participants in conjunction with a workshop exercise. [This matrix was designed as a checklist to help member states identify gaps in their legal framework vis a vis the Convention and related protocols, based on the requirements for domestication].

Output/Result	Indicators	Indicator met?	On Schedule ?	Within Budget?	Comments
Output 1.4: Two <b>legal experts</b> per country (from Ministries of Justice) <b>trained</b> in the requirements of the TOC Convention and the Trafficking Protocol, including key elements for special anti-trafficking legislation	Two training consultants selected and appointed.  3-day regional Training workshop held  2 legal experts from each SADC country trained  Report of the workshop finalized	Partially  YES  Partially  YES	Yes	Yes. Came in substantially under budget	Despite significant effort by the project officer and UNODC HQ to identify suitable trainers, the Secretariat would not approve any of the training consultants proposed. Ultimately the training was conducted "in-house" by a legal expert from UNODC headquarters, with assistance from the SADC Legal Unit and project officer. Participants agreed that the UNODC trainer did an excellent job, although it would have been helpful to include a second trainer with expertise/practical experience with legislative drafting (particularly from another developing country).  Regional workshop held in Pretoria November 2005 with 17 legal experts from the member states. 10 of 14 SADC countries sent at least one representative to the training.  Feedback from the training generally very positive.

Output/Result	Indicators	Indicator met?	On Schedule ?	Within Budget?	Comments	
Output 2.1: SADC <b>Declaration and Plan of Action</b> on trafficking in persons drafted and adopted	Preparation of the Declaration and Action Plan endorsed by a decision of the SADC Organ for Politics, Defence and Security;	NO?	No	Yes. But note that aside from consulting fees to draft the Declaration, no specific budget was allocated to support the SADC Secretariat in the implementation of this activity.	SADC did not attempt to obtain a formal endorsement for the preparation of the Declaration from the Organ, nor were other political processes (lobbying/workshops) implemented in the Organ to lay the groundwork for ownership, preparation, and consideration of the documents. However, the head of the Organ did agree to the hiring of a consultant to prepare a draft in June 2006.	
	Consultant to assist SADC in drafting appointed	YES				
	Declaration and Action Plan drafted;	Partially: First draft by consultant completed and submitted to SADC				A draft document was prepared by an outside consultant and submitted to the UNODC's SADC counterpart for approval. However there was no further work done on the draft; nor was it circulated or submitted to the Organ itself.
	Draft Declaration and Action Plan submitted to the SADC Organ;	YES				
	Recommendation by the SADC Organ to approve and adopt the Declaration and Action Plan;	NO				The Declaration/Action Plan was not adopted as of end of project and there was no specific plan in place to introduce it to Organ at a later date.
Adoption and approval of the Declaration and Action Plan.	NO					

Output/Result	Indicators	Indicator met?	On Schedule ?	Within Budget?	Comments
Output 2.2: Assistance given to the SADC Secretariat in developing a <b>regional coordination network</b> on trafficking in persons	One National Focal Point identified in each Member State;	NO	No	No	UNODC did not appear to provide any assistance to the SADC Secretariat to develop a regional coordination network or clearinghouse for relevant information. Contact details for the training participants were distributed to all participants, but there was no further follow-up to establish a working network for information sharing.  Although each Member State has a SADC focal point, SADC did not make any progress toward identifying (or encouraging states to designate) national focal points <i>for human trafficking</i> within the member states or toward formulating recommendations regarding the establishment of national task teams.  The Project Document is not clear what it means by making "information available within the SADC Secretariat." At present there does not appear to be a list of trafficking focal points available at SADC or any kind of information regarding counter-trafficking initiatives at the national or regional level.
	Recommendations made regarding the establishment of national task teams;	NO		specific budget was allocated to support this activity	
	Information available within the SADC Secretariat	NO?			

### 2.3.1 Outputs 1.1 and 1.2: Situational and Legal Assessments

Two research activities were conducted in connection with the project, a situational assessment and a legal assessment. The purpose of the situational assessment was to establish a picture of the situation of human trafficking on the ground in the region, with particular emphasis on patterns, routes, and involvement by organized criminal groups. Because of limited resources, only three countries were studied for the assessment, Mozambique, Zimbabwe and South Africa. The research was conducted by a consultant from the SADC region. The purpose of the legal assessment was to evaluate the adequacy of the current legal framework in a sample of four SADC countries based on the requirements of the Convention on Transnational Organized Crime and the Trafficking Protocol. The assessment was conducted by a consultant from outside the region in Malawi, Zambia, Mozambique and South Africa.

Both assessments appear to have been conducted according to the terms of reference and were competently prepared. Some participants stated that they were not satisfied with the quality of the situational assessment, noting lack of depth and detail in the analysis and some issues with the quality of the writing. UNODC noted in particular that substantial editing was required to get the report to an acceptable quality prior to publication. The evaluator also found the information and analysis in the situational assessment to be somewhat superficial in some sections, although this may reflect the fact that little detailed information about trafficking was known to law enforcement and government officials on human trafficking at the time the assessment was conducted. Despite these flaws, the report still contains some useful information and anecdotal evidence regarding the situation in the region and the response of governments to the problem. The legal assessment was well done overall, with a sound analysis and recommendations. Although some aspects of the law were not covered or not covered in-depth (such as laws and policies relating to victim protection) it still provided a useful analysis for the countries included in the assessment as well as a framework for analysis of existing legislation in other countries.

Both assessments were important elements of the project in terms of the stated objectives and rationale. SADC in particular wanted the situational assessment in order to get a better understanding of the trafficking problem in the region. Unfortunately the amount budgeted for the activity was not sufficient for in-depth research, and the consultant could look at the situation in only three of the 14 SADC countries. At various times, SADC requested an expansion of the assessment to include additional countries. This never happened, however, most likely because of lack of funds. The quality of analysis was also arguably constrained by the choice of consultant. Although the consultant had good contacts in the region and law enforcement expertise, he may not have had the research or writing skills required for a good research report. Some staff members in SADC also expressed concerns about the consultant selected for the legal assessment. Although the consultant appeared to be well qualified to conduct the analysis, UNODC's SADC counterparts concluded that his findings would not have "credibility with the Member States" because he came from "outside the region."<sup>4</sup>

Aside from these limitations, the main problem with both assessments was that neither report was available during the life of the project to inform the other activities or increase the knowledge base in the region. The purpose of conducting the assessments at the beginning of the project was to obtain information to feed into other activities, including the legal training and the Declaration/Action Plan. A member of the Directorate explained, for example, that SADC had wanted to host a workshop to present the situational assessment to the Member States as a way of generating interest in the issue and support for an eventual Declaration. It was also intended that the legal consultant would present his findings to the legal training participants and use the assessment to generate a dialogue regarding gaps in the law. Although this was the plan "in theory," the project ran into problems (as discussed more fully under section 2.4) and neither report was published, discussed or disseminated until after the project finished two years later. Ultimately it appears that the then Head of Organ / or even: "top management" determined that publication of the situational assessment was "unnecessary" and never gave UNODC the

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<sup>4</sup> At one point, UNODC and SADC agreed to hold a consultative workshop with the Member States in conjunction with the Gender Unit to "validate" the legal assessment findings and move the process forward. The idea appears to have been dropped, however, due to lack of follow up by SADC.

awaited necessary approval.<sup>5</sup> (This view was not shared by other top officials in the Organ who wanted to disseminate the report and use it as a basis for discussion of the Political Declaration). In addition, the Organ continued to distance itself from the legal assessment due to political concerns relating to the choice of consultant. UNODC finally received SADC approval to publish both reports in mid 2007, through the new Head of Legal Affairs

### **2.3.2 Outputs 1.3 and 1.4: Training for Legal Drafters and Outline of Legal Provisions**

Despite some set backs, the project was able to achieve its two outputs/results related to counter-trafficking legislation -- a training workshop focusing on the requirements of the TOC Convention and Trafficking Protocols and key elements of counter trafficking legislation. The implementation of the training workshop is well documented in the UNODC mission report, dated November 2005. The workshop was conducted over three days in Pretoria, and included participants from ten of the fourteen SADC countries. The workshop was organized by the UNODC with substantial inputs and backstopping from UNODC Headquarters (particularly the Legal Advisory Section). The principal trainer was a legal expert from the LAS in Vienna. The SADC Secretariat assisted in the implementation by issuing the invitation to the workshop through the SADC focal points, and working with Member States to identify participants for the training. A representative from SADC opened the training workshop. In addition, two representatives from SADC participated in the training, and one made a presentation on the relevant regional instruments and assisted with workshop facilitation.

The original design anticipated that two outside consultants would plan and present the training. Cognizant of SADC's requirements and preferences for "regional" trainers, UNODC made substantial efforts to identify experts from other African countries with experience in drafting human trafficking legislation (i.e. Ghana, Nigeria) as well as legal experts/trainers from other developing countries. SADC would not approve any of these proposed candidates however, and was not able to identify local trainers with the necessary experience. In the end the training was conducted by only one "in-house" trainer, from LAS, with assistance from the UNODC project officer and a SADC legal officer, The upside of this decision was that significant savings were made on the amount allocated to trainer fees (\$22,000, B/L 11-50). (In addition, the workshop itself came in \$30,000 under budget as not all Member States sent two delegates.)<sup>6</sup>

As set forth above, the training workshop was viewed by most participants to be effective and well-organized. According to evaluation questionnaires, nine of fifteen participants rated the training as a "4" or "5" on a scale of 1-5, with "5" being the highest. The remaining 6 respondents gave the training a "3." All of the participants interviewed in connection with the evaluation confirmed that they found the training to be useful and relevant. Some participants felt the training was too short and compressed to cover such a complex topic; others felt that more time should have been spent discussing the practical application of various elements, "model" legislation and drafting. All of the participants interviewed felt that the legislative assessment exercise/"matrix" should have been provided to them in advance so that

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<sup>5</sup> It was difficult to conclude why SADC did not initially approve the reports for publication/dissemination, as not all the relevant role-players could be consulted. However it was clear from interviews and review of correspondence that SADC always felt the scope of the assessment was too limited to be useful and that they wanted (and repeatedly requested) additional research covering more countries in the region.

<sup>6</sup> Budget Matrix, attached as Appendix D, B/L 33-00.

they could access the necessary information and adequately prepare for the exercise. This was not done and therefore was not as useful of an exercise as it could have been. Moreover, it appears that only three countries (South Africa, Zambia, and Malawi) completed and returned the Matrix after the training concluded. Most participants did not find the Action Planning exercise to be helpful in the absence of information about the gaps in their national law. However, all appreciated the detailed information provided about the Convention and Protocol Requirements as well as the review framework provided by the legislative Matrix.

One of the challenges faced by organizers in developing and implementing the training workshop was that not all the SADC states were at the same stage with respect to addressing trafficking issues. Some countries like South Africa had already made substantial progress to develop counter-trafficking legislation and had a designated legal drafter assigned to the task. Others like Zambia, Malawi and Mozambique had taken preliminary steps and were somewhat more aware of the relevant issues (in part because of taking part in the UNODC and IOM legal assessments and some IOM training). The majority of participants, however, were only vaguely aware of the Convention and Protocol and some were encountering the issue of trafficking for the first time. This made it difficult to construct a workshop that was relevant and appropriate for all participants. Other challenges included differences in the countries' legal systems and official language for legal documents.

Although training participants interviewed for the evaluation were generally very positive about the training, all felt strongly that the workshop would have been more effective had it been followed up with additional training and/or technical assistance in such areas as legislative review/ gap analysis, and drafting of counter-trafficking laws. While the training focused on the international requirements and elements of counter-trafficking legislation, it did not provide much guidance to participants on the drafting of specific provisions or how to approach the task of reforming the law in the context of their own national legal frameworks. Thus some participants still felt ill-equipped to take the process forward on a practical level. Some participants also noted a need for ongoing "legal drafter forums" in which legal drafters from across the region could discuss specific challenges and share approaches and ideas. Although the workshop organizers solicited suggestions for follow up activities, and documented these in the Mission Report, nothing concrete was ever planned or implemented. In part this was because the original project design and budget had not anticipated or built in funding for follow-up activities. At the same time however, it is not clear why the substantial surplus budget from the original workshop (more than \$50,000) was not immediately reprogrammed into some kind of targeted follow-on initiative.<sup>7</sup>

Finally, several of the workshop participants noted that even with technical support and training, none of them could take the process of legislative drafting forward without the support of their respective government ministries. Those participants who did not already have a mandate to work on trafficking legislation reported that there was little they could do upon return to their home countries to implement their legislative "action plans" or apply what they had learned. In this respect, it was unfortunate that the SADC Secretariat did not do more to encourage the Member States to provide this mandate and support for legislative drafting and reform.

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<sup>7</sup> According to UNODC, the possibility of conducting a second regional workshop for legal experts was discussed with SADC in mid-2006, shortly before the project coordinator left UNODC. The issue was revisited by her successor in April 2007, but by that stage it was determined that there was no longer sufficient time or budget left in the project to undertake this kind of activity.

Whether through a formal Action Plan or through less formal measures, several participants felt that this kind of action from SADC could have made a significant difference in terms of empowering their departments to move forward.

### **2.3.3 Output 2.1: Political Declaration and Action Plan**

Output/result 2.2 was aimed at building political commitment to address human trafficking within the SADC region and providing SADC with a practical, verifiable mechanism to encourage and monitor ratification and implementation of the TOC Convention and Trafficking Protocol. According to the Project Document, the first step in the implementation was to obtain an endorsement from the Organ to draft the Declaration and Plan of Action,<sup>8</sup> followed by drafting and presentation of the document, and finally, approval and adoption by the Organ. The endorsement was meant to be obtained within the second quarter of 2005, with the drafting and approval process to be completed in 2006. The Project Document anticipated that the project would provide a consultant to assist SADC to develop the Declaration and Plan of Action, and budgeted a small amount (\$3800) for this purpose. Beyond this, however, the Project Document was silent as to how the activity would be implemented. Moreover, no part of the budget was specifically allocated to support the process from the SADC side.

According to meeting notes provided by UNODC, SADC initially supported the idea of a Declaration/Action Plan and included the activity in the Organ's annual workplan for 2005.<sup>9</sup> Subsequently, SADC expressed some reservations about proceeding with the activity, noting in particular that no Member State had come forward to lead the process). Despite these reservations it appeared that was prepared to present the Declaration (or at least a proposal to develop a Declaration) to the Organ at a scheduled meeting of Ministers in August/September 2006, and agreed to have UNODC contract a consultant to assist with the drafting.<sup>10</sup> also supported the proposed extension of the project to allow more time to implement this activity.

As set forth in the table above, the only activity ultimately implemented in connection with the Declaration/Action Plan was the preparation of a draft document by a recruited consultant. This task was initiated in June 2006 with approval from Dr.. In mid-June the draft was submitted to for approval, at which time a few changes were made to the organization of the documents. A second draft was then submitted to for approval, discussion and/or use by the Directorate, but nothing appears to have happened with the documents after that. Although the consultant met briefly in June 2006, no Member States or other members of the SADC Secretariat were consulted in the preparation of the draft documents, and the documents were never presented to the Organ for consideration. UNODC also stated that they had not yet provided technical inputs on the document but were nevertheless "waiting for SADC to approve the deliverable."

As of the end of the project, no further steps had been made by UNODC or SADC to implement this activity/result, and most informants interviewed for the evaluation had not seen the draft documents. The head of the Legal Unit confirmed that he had "looked at the draft" but did not feel it was his role to approve or reject the document. He did state however that his office should have been more involved in the

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<sup>8</sup> The Project Document does not say what "endorsement" entails, but it apparently is a formal instruction by the Organ's political structure to the Directorate (which serves as the secretariat for the Organ).

<sup>9</sup> See UNODC note to file dated 27 May 2005.

<sup>10</sup> See UNODC notes from teleconference 6 June 2006.

development of the document from the beginning, and that there was a need for greater consultation and input going forward.

Various reasons were cited by SADC during the evaluation for not making more progress with respect to the Declaration/Plan of Action. Among these were lack of human resources capacity in the Directorate to prioritize this activity and lack of a “champion” within the Organ to drive the political process. Some SADC officials also questioned the efficacy of and need for “yet another political declaration,” noting that trafficking in women and children was included in the SADC Declaration on Gender and Development and other political documents.<sup>11</sup> However, it also came out strongly in the evaluation that some within SADC did not agree with “the UNODC’s” approach to the Declaration. As explained:

“The UNODC did not adequately understand the process or structure of SADC when it designed this activity. Political Declarations are summit level political documents. You cannot start at the top. You need to work up through the various structures of SADC and develop a knowledge base from which the policy response would develop. You have to engage with the professionals -- the people with expertise from the different sectors -- not just the politicians. It is the implementers who must be sensitized and motivated for a Political Declaration to have any impact - otherwise you have just another political declaration that doesn’t mean anything... After you have gone through this process, at the various levels, and established [some consensus], *then* the Secretariat can suggest a Declaration/Action Plan. Then it comes from within the organization and you have real ownership.”

According, it was not necessary to obtain a formal endorsement from the Organ (per the Project Document) to achieve the desired result. However, it was critically important to “work through the various structures of the Organ to raise awareness and political support” before presenting a draft Declaration/Action Plan to the Organ for “summit-level” consideration. In his view, this required a series of workshops and consultations at lower levels of the Organ’s political structure, ideally using the situational assessment as a starting point for discussion.<sup>12</sup> SADC recommended to UNODC as early as November 2005 and again in June 2006 that they hold such a workshop once the report was finalized, but was informed that the project had “no funding for the suggested workshop to discuss the situational assessment report.”<sup>13</sup> Unfortunately the Directorate did not have the resources to implement such a process without support from the UNODC project or other sources of funding. It also appears that the Directorate may have been “waiting” for an expanded situational assessment to be conducted involving more countries in the region before presenting the assessment findings to the Organ for consideration. An expanded scope had not been contemplated by UNODC in the original design, however, and could not be accommodated due to “budgetary constraints determined by the donor.”

From another standpoint, UNODC staff stated that they received little information or direction from SADC on how it planned to implement this activity and possibly “assumed too much” regarding SADC’s capacity and willingness to support the

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<sup>11</sup> See, e.g. The Prevention and Eradication of Violence Against Women and Children, An Addendum to the 1997 Declaration on Gender and Development by SADC heads of State or Government, and Draft SADC Protocol on Gender and Development (Article 8: Gender based Violence).

<sup>12</sup> According to Mr. Machakaire, the Directorate felt it was necessary to first complete the situational assessment (including an expanded assessment involving more countries) to provide an information base on which to motivate for a Declaration, and to use the report to generate discussion and debate before moving forward with the Declaration itself.

<sup>13</sup> Minutes of the Teleconference between SADC Organ and UNODC, 6 June 2006.

Declaration process. According to UNODC staff, UNODC would have been open to different approaches to this activity “within the parameters of the Project Document” and had some funds available to support “additional revisions” and “back and forth discussions” of the consultant’s drafts. However they felt they could not do anything to move the process forward without further inputs/instructions from SADC.

Going forward, it seems critical that the project partners revisit their approach to this activity and focus more on laying the groundwork for a Declaration and Plan of Action through awareness-raising and consultation at all levels of the Organ. The consultant’s drafts also require a critical technical review (to assess the content and feasibility) and further consultation within various structures of SADC. Although reasonable as a “starting point for discussion,” a more iterative and fully consultative process is necessary to achieve informed dialogue and real ownership over the Document.

#### **2.3.4 Output 2.2: Assistance to develop a regional coordination network on trafficking:**

Like the Declaration, very little progress was made in connection with this activity. Although a few Member States had already designated national “focal points” for trafficking issues by 2006 (Zambia, South Africa, Tanzania) most States did not have anyone designated to perform this function. What SADC referred to as “focal points” in meeting notes were actually high-level national focal points for communications *with SADC*, not focal points for human trafficking. Moreover, although some UNODC staff members referred in interviews to the training participants as “focal points,” most of these were at best focal points for trafficking within their department and did not have the authority or mandate to act as a “national focal point” for their member state or to lead a national task team.

Based on the data collected for the evaluation, it does not appear that the Secretariat was able to identify a focal point in every member state or make any progress to set up a system for coordination or monitoring of focal points. Nor were steps taken to encourage Member States to develop national task teams or to formulate recommendations in this regard. Although the Project Document allocated primary responsibility to the Secretariat to implement this activity with the Member States, it appears that UNODC also did not provide any substantive inputs or assistance to SADC to achieve the desired result.

In conjunction with the training workshop, some effort was made to set up a system for ongoing coordination and information sharing among the legal professionals attending the training. This consisted primarily of distributing an email list of participants. Although some participants said they had occasion to use the email list after the workshop, most said they had no further contact with other participants after the training. According to one informant, any chance of real networking/information sharing “just died” in the absence of substantive follow up by SADC or the UNODC with participants and the Member States.

## **2.4 Implementation**

Activities under the project were primarily implemented by consultants or UNODC staff under the management of UNODC ROSAF. SADC provided assistance and inputs at various stages of the project, i.e. to identify and approve consultants, issue

invitations for the training, convene and facilitate the workshop, and review deliverables, but did not appear to take an active role in implementation overall. Although the Project Document assigned SADC primary responsibility for activities under Objective 2 (See Project Document 2.7 Counterpart support capacity), the evaluation found that the Directorate did not have the human resources capacity, or, arguably, the political will, to implement these activities without substantially more support and/or involvement by UNODC and/or other actors within SADC. In this regard, a major weakness of the project design was that it did not fully take into consideration the capacity constraints within SADC or include a plan (or adequate budget) to address them.<sup>14</sup>

It also appears that the parties had somewhat different expectations about how the project should be implemented. UNODC generally perceived SADC's role as primarily facilitative; whereas, despite its limited capacity, SADC felt it should have had more responsibility and control over the design and implementation itself. Although it was designed as a joint project, several participants from SADC stated that they never felt any real ownership over project activities, nor did they have an opportunity to influence the project design. As one person from SADC explained, it "felt [like SADC was] more like an implementing agent for UNODC than a real partner [in the project]."

#### **2.4.1 Implementation Challenges**

Although the project succeeded in achieving a number of important results, the implementation of the project was slow and suffered numerous challenges. These included:

- Poor communication and coordination between the counterparts and within the SADC Secretariat
- Infrequent meetings between UNODC and SADC to plan activities or address operational challenges
- Long delays in obtaining approvals by SADC while UNODC waited for information, inputs or approvals in order to proceed
- Challenges identifying and approving qualified consultants from the region
- UNODC not permitted to communicate or follow-up directly with contacts or participants from Member States without going through SADC
- Lack of personnel within Directorate to initiate or follow-through on project activities
- 6 month vacancy in UNODC project coordinator (Associate Expert) post, as well as transitions in SADC counterparts
- Lack of a clear operational plan for implementation of activities under Objective 2
- Lack of flexibility in the project design/inadequate budget to respond favorably to SADC requests during the course of the project

These issues are discussed more fully under Constraints at Section 4.3, below.

#### **2.4.2 Monitoring and backstopping**

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<sup>14</sup> Early on in the discussions, raised the question of why the dedicated staff for the project were to be located at UNODC rather than at SADC, but was told this aspect was not negotiable. Although there appeared to be some discussion between the parties as to whether some funding could be used to provide a project assistant to the Organ, UNODC reported that the budget was not sufficient to fund a staff position.

Monitoring, backstopping and administrative and logistic support was provided primarily by the UNODC field office, and was generally good. UNODC headquarters did not appear to play a substantial role in the implementation of the project, except in the area of technical support. This included providing a legal expert to conduct the training workshop for legal drafters and written resource materials for participants, as well as assistance in identifying potential consultants for the training. UNODC staff described this assistance as “extremely helpful” and “effective.”

In general, it appeared that UNODC management adopted a fairly “hands-off” approach in terms of engaging with SADC around the operational aspects of the project. Although the UNODC representative participated in a few meetings with the SADC counterpart early on in the project, there did not appear to be much ongoing communication with SADC regarding the implementation of project.

### **2.4.3 Reviews, Reporting and Evaluation**

Project implementation was managed and monitored by UNODC ROSAF, and semi-annual project progress reports (PPRs) provided to UNODC headquarters. Except for informal communications however, it does not appear that SADC was ever copied on the PPRs or provided any other form of written progress report for consideration or review. For the most part, the evaluation found the PPRs to be quite brief and lacking in strategies for resolving ongoing implementation problems.

Although the Project Document (section 7) contains several provisions regarding review and evaluation, these do not appear to have been closely followed. For example, informants stated that to their knowledge, the parties never conducted any kind of joint mid-term review, self evaluation or desk-evaluation, per the guidelines provided by the Independent Evaluation Unit. Moreover, it appears that the project came to a close without any kind of final review meeting between SADC and UNODC.

Although this terminal evaluation may still contribute some lessons for UNODC and SADC going forward, the project would likely have benefited from more regular implementation reviews involving all parties at key junctures in the project.

## **2.5 Institutional and Management Arrangements**

The implementation and management structure for the project posed a number of challenges. According to UNODC, the decision to work primarily with and through the Directorate for the Organ was made by the SADC Secretariat. The rationale was that “human trafficking” was primarily a security issue and therefore fell most closely within the Organ’s mandate. Moreover, UNODC reported that “wanted to have the project located within the Organ.” As a practical matter, however, the Organ was not well equipped to implement a project of this kind because of understaffing and lack of operational project experience. Interviewees from both SADC and UNODC confirmed that each of the people responsible at SADC for implementing the project were “already doing the work of three people.” Given their many other responsibilities, the counter trafficking project did not receive much sustained attention, and many items seemed to “fall through the cracks” due to insufficient administrative support and/or follow-up.<sup>15</sup> In interviews, several participants felt the

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<sup>15</sup> As an example, SADC never received any of the \$15,000 in funding that was allocated to support its costs associated with project implementation. Although there were several conversations between SADC and UNODC

project needed a dedicated person “at operational level” to implement the project at SADC -- one with a “mandate” and “sufficient authority” to make operational decisions.

Another problem was that responsibility for implementation of the project fell almost entirely on one person, the head of the Directorate. Although occasionally delegated some tasks to his associate in the Organ, , it was clear that only had authority to make project related decisions or give approvals on behalf of SADC. Moreover, insisted that all communications between UNODC and SADC, as well as between UNODC and member States, had to go to or through him. This arrangement proved to be unworkable in respect to project implementation. Because of the nature of his responsibilities, travelled frequently and was often involved in urgent, high-level matters. As a result, UNODC reported that Dr. Ndlovu was almost never available for project meetings or telephone calls, and often did not respond to emails. This left UNODC in a difficult position as it could not move forward on any project matters without Dr. Ndlovu’s inputs and approval. It also created problems when Dr. Ndlovu left the Secretariat, as no arrangements were put in place for handover of the project.

The arrangement also meant that other members of the SADC Secretariat (as well as other staff in the Directorate) were often not informed about the project and did not have an opportunity to participate or provide inputs. During the evaluation, some SADC informants expressed frustration that they were not consulted or included in project activities. However, UNODC reported that there was no mechanism to include others in the project unless Dr. Ndlovu chose to share information or seek inputs himself.<sup>16</sup>

It was not clear from the evaluation why the SADC Gender Unit was not brought in to the management/implementation structure of the project once it received a mandate to work on counter-trafficking issues in 2005. During interviews, members of the Gender Unit stated that they were not aware that UNODC had a trafficking project with the Organ and that they were never asked to participate. UNODC staff also stated that they did not know Gender had a trafficking mandate until 2007 (after the completion of the project). However, it is clear from a UNODC internal memorandum that the parties discussed a role for the Gender Unit in the joint project as early as May 2005.<sup>17</sup> The memo from the meeting states that the Gender Unit had received a mandate to address the issue of trafficking and that it would “therefore be involved in the implementation of the joint project.” The parties also agreed in principle to organize and co-fund a joint workshop with the Gender Unit and “national focal points” to discuss the issue of trafficking and validate the findings from the legal assessment. However it appears that there were no further communications between UNODC and SADC regarding the proposed workshop or the involvement of the Gender Unit in the project after this point.

Finally, a general weakness in the project was that the management and implementation arrangements for the joint project were largely left undefined in the original Project Document. Although the document stated that “UNODC ROSA and the SADC Secretariat will ensure close collaboration and communication throughout the project,” and that “the participation of the SADC Secretariat will be ensured,” the

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about how SADC wanted to use the funds, a UNODC staff member reported during the evaluation that it did not release any funds to SADC because SADC never submitted a formal request/proposal.

<sup>16</sup> Several UNODC staff stated that it would have been “inappropriate” for them to directly discuss the project with anyone within SADC without Dr. Ndlovu’s approval.

<sup>17</sup> See UNODC Note to file, 27 May 2005.

document did not include any details about how this would be accomplished. The Project Document also did not provide for any kind of management structure or mechanism to oversee the implementation of the project or to provide accountability at a higher level. Although UNODC acknowledged this gap during the evaluation, several UNODC staff reported that they were powerless to change it. As one staff member explained, *“We knew it wasn’t working, but what could we do? Who would we go to? It was not our place to tell SADC that they needed [a new or different structure to manage the project]. We were given a certain structure and that’s what we had to work with.”*

### **3. OUTCOMES, IMPACTS AND SUSTAINABILITY**

#### **3.1 Outcomes**

The project did not succeed in achieving a regional Declaration or action plan to combat trafficking as hoped, although it did contribute in smaller ways to building political will and regional capacity. Having implemented the project, UNODC and SADC now have a somewhat better understanding of the status of counter-trafficking efforts in the region, the challenges faced by Member States (and how to address them), and the operational and political constraints associated with working with a joint project of this nature. Both parties have expressed a willingness to continue working with each other on counter-trafficking in future to build on the positive steps achieved by the project in Phase 1.

The project also had another very important positive outcome. By working with SADC on this project and staying engaged throughout the period of transition within the SADC Secretariat, UNODC was able to position itself to influence the “Windhoek process” in 2006 and ensure that human trafficking and organized crime was included on SADC’s list of strategic priorities going forward.<sup>18</sup> Although UNODC admits that trafficking is not yet a priority for SADC, there has been positive movement in this direction. UNODC now engages regularly with SADC as a member of the International Cooperating Partners (ICP) task force (an outgrowth of the Windhoek process). This has given UNODC an “entry point at higher levels that did not exist before.” UNODC is now working to establish a technical working group within SADC to focus on security/law enforcement issues (including organized crime and trafficking), which it feels is needed to make real progress on a practical level.

#### **3.2 Impacts**

It is difficult to state the impact of this specific project on combating human trafficking in the region, as there were numerous other counter-trafficking initiatives going on in the region during the same period aimed at the broad objective of building capacity to address trafficking and assisting states to implement/domesticate the provisions of the UN Trafficking Protocol. Based on the limited budget and limited achievement of the project objectives, it appears that the impact of the UNODC/SADC project on both the Secretariat and the Member States was relatively small and indirect. The greatest direct impact appears to have been on selected participants of the training workshops who were able to use the materials and information provided to them in the workshop to contribute to the development of trafficking legislation in their countries on return. Other participants stated that while they had not yet had an

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<sup>18</sup> See SADC Regional Indicative Strategic Development Plan and the Indicative Plan for the Organ on Politics, Diplomacy & Security; Windhoek Declaration April 2006.

opportunity to work on legislation, they felt that the workshop provided important background that would assist them later on.

Most of those interviewed agreed that the impact of the training would have been stronger had there been follow-up activities built into the project. However, those that attended reported that the workshop increased their knowledge about the relevant instruments and the mandatory requirements for comprehensive counter-trafficking legislation, and had given them useful background and resource materials should they be tasked with drafting the law. Three participants interviewed also said that the workshop had had a positive impact on their work when they returned home, helping them to review their existing legal frameworks and to contribute to the development of counter-trafficking policy and legislation. In particular they found the UNODC Legislative Guide and the legislative “Matrix” to be very helpful and relevant. Countries that had already taken some steps toward developing trafficking legislation (South Africa, Malawi, Zambia), and/or who had designated a particular person to be responsible for trafficking legislation (South Africa, Malawi, Mozambique) seemed to benefit more concretely from the workshop than those who were encountering trafficking and the Protocol for the first time. However these were also the ones who could have benefited most from follow-on technical support and information sharing, which never materialized during the life of the project.

It is unlikely that the assessment activities had any substantial impact during the life of the project, although they may yet have an impact once the now published reports are disseminated. While arguably “out of date”, there is still so little information available on trafficking in the region that the reports should still prove useful if disseminated to the right people. It is also possible that the *process* of conducting the assessment had a positive impact on the few Member States that participated in the research, as involvement in the process of information gathering can indirectly raise awareness of the issue and contribute to dialogue among relevant role-players.

Looking at the status of counter-trafficking legislation in the region, it does not appear that the project had any significant impact on the legislative process in most Member States. Those countries that were already working on legislation seem to have made some progress, but there is no evidence that additional States have begun domesticating the Protocol as a result of this project. There is still a need to generate political support for such an initiative and to provide technical support to those on the ground. On a higher level, however, the project did seem to have an impact on SADC. UNODC reported that its partnership with SADC around the trafficking project has helped it to “get the issue of trafficking on the SADC agenda” and to “establish a foundation that it can build on” within the Secretariat and the Member States. This is reflected in the Windhoek Declaration, discussed above, as well as current negotiations with respect to further joint projects.

### **3.3 Sustainability**

Because it was not effectively institutionalized, the project implemented in 2004-2007 is unlikely to be sustainable without further UNODC involvement and donor support. The fact that the Gender Unit is now mandated to work on human trafficking and has initiated a dialogue with UNODC on potential areas for cooperation is a positive development that may lead to greater sustainability in the future. However, the capacity of the Secretariat to address human trafficking and monitor the Member States on this issue is still very weak. Additional support is needed to build

awareness and institutional capacity within the Secretariat in order for SADC to assume an effective, sustainable leadership role.

In addition, political commitment to address human trafficking in the region still appears to be lacking at higher levels (within the Secretariat as well as the Member States). Although this appears to be slowly changing, sustainable action to combat trafficking may require a more concerted effort to raise awareness of the problem at the political level and to identify a potential “champion” among the Member States to take the issue forward.

The training workshop and assessment reports may have longer term benefits for the Member States as they have helped to build the knowledge base in the region. The workshop and materials, in particular, are likely to have benefits that continue beyond the project to the extent that those persons trained continue to be in a position to influence the development of counter-trafficking legislation and other related initiatives in their respective countries. However, frequent turnover and/or reassignment of staff within the Departments of Justice and other ministries, as well as within the SADC Secretariat, is likely to pose an ongoing challenge in this regard.

## **4. LESSONS LEARNED AND BEST PRACTICES**

### **4.1 Lessons**

The following lessons were identified by project participants:

- 1) The initial design and planning process should include active and in-depth consultation with the counter-part. Ideally, this should entail a workshop or meeting with all role-players together and not only circulation of a document. Such consultation and collaboration is necessary to achieve real ownership over the project, to identify and address operational constraints, and to vet the feasibility of the proposed approach.
- 2) If activities must be designed without sufficient information about the situation on the ground, or the needs and capacity of intended beneficiaries, the project should build in flexibility to add or revise activities as needed and appropriate without long delays and loss of momentum.
- 3) Any joint project with SADC must take into account and address the institutional capacity of the counterpart at the planning stages. If necessary, technical and/or financial resources should be provided to enable the counterpart to implement the project and to institutionalize that capacity for sustainability.
- 4) In joint projects aimed at building the capacity of the counterpart, the project officer should ideally be located within the counterpart organization and should have opportunities to train and mentor other members of the organization through the implementation of project activities.
- 5) It is critical to find the right institutional counterpart for the project. The counterpart should have operational capacity and experience to implement activities and a passion and commitment for the issues involved. Within an organization like SADC, it may be appropriate to work with several different departments or sections to carry out specific activities (Organ, Legal Unit,

Gender Unit, etc.), but the person or unit driving the project must be willing and able to dedicate sufficient time and resources to the project to ensure effective implementation.

- 6) Especially where UNODC does not have a field presence in the same country as its project counterpart, it is critical to establish an effective structure for communication and project management and to clearly define the respective roles and responsibilities of each role-player. The budget should allow for frequent management meetings to build relationships, improve communication, monitor progress, and provide opportunities and a structure for ongoing problem solving and joint decision-making. Ideally, the structure should include several people from both organizations (for example, a project steering committee) so that responsibility for the project does not rest solely with one individual.
- 7) High level support within both organizations is necessary for the success of a project of this nature. Moreover, some operational and political issues can not be resolved at a working level and require constructive and timely intervention from management. Thus it is important to include in the project some kind of regular (i.e. biannual) meetings at the strategic/management level to brief SADC management on the progress of implementation and address operational and/or political concerns.
- 8) “Political commitment” is necessary but does not happen in a vacuum and must be developed over time. More extensive research and workshops or other forums for awareness raising, discussion and dialogue, are needed to lay the groundwork for political commitments and to build the institutional capacity of the counterpart organization to deal with this new and emerging issue.
- 9) Training workshops should not be designed as “stand alone” activities without follow-up activities or support.
- 10) There is a need for a broader legal assistance strategy in the region that goes beyond sensitization and provides practical, technical support. Some bi-lateral interventions and “ad hoc” technical assistance may be necessary; however, these should be organized under the auspices of SADC and coordinated regionally to ensure harmonization in approaches and effective information sharing between Member States.
- 11) Political documents and action plans should be prepared through a process of facilitation and consultation and not in isolation. The process of consultation itself helps to raise awareness and understanding of the issue and also contributes to ownership and accountability.

## **4.2 Best Practices**

Training participants found the legislative matrix developed by UNODC to a very useful tool for conducting a review of their existing legal framework and for providing a checklist of elements to include in comprehensive trafficking legislation. This tool could be further developed to reflect the criminal laws commonly found in the Southern Africa region. Some participants also found the UNODC Legislative Guide (UN 2004) to be very helpful (indeed, “indispensable”) when they began working on legislation after the workshop.

### **4.3 Constraints**

Effective implementation of the project was hindered by a number of political and operational constraints:

#### **4.3.1 Political Constraints**

- At the time the project was initiated, human trafficking was a very new issue in the region and was not considered a priority by Member States or the SADC Secretariat. Although there was some recognition within the region and within SADC structures of trafficking as an emerging problem requiring a regional approach, it was not an issue that was receiving much attention at higher political levels. Moreover, none of the Member States were actively “championing” the issue or motivating for SADC to take a more active role. Although SADC agreed to work with the UNODC to implement the project, the initiative for the project was always perceived as “coming from the outside,” rather than from within the region itself.
- As discussed above, there was a strong view expressed within the Secretariat, and particularly within the Organ, that the facilitators and consultants used on the project should come from the SADC region, including trainers for the legal workshop. While understandable, this position was not very realistic or practical at the time given the newness of trafficking issues in the region and therefore the lack of specialized expertise among local consultants (particularly in the area of counter-trafficking legislation and the UN Conventions). As a result, the project struggled to identify qualified consultants to conduct the various activities, and in most cases ended up with “compromise candidates.” Whether justified or not, SADC’s insistence on using local consultants contributed to the slow implementation of the project and may also have effected the quality of some activities/project deliverables where greater technical expertise was required than was locally available.
- Because of political sensitivities, UNODC was very reluctant to suggest changes to the operational/management structure of the project or to take the issue up with SADC at higher levels. As a result, many of the process constraints discussed below were never openly or effectively addressed during the life of the project.

#### **4.3.2 Process Constraints**

Some within SADC felt that there was insufficient consultation between UNODC and its SADC counterparts in the design and planning of the project. This had consequences for the relationship and the effectiveness of the activities under the project.

- From the Directorate’s perspective, SADC was “presented” the project document as a “done deal” without any real opportunity to influence the design of the programme or participate in the planning of project activities. According to one interviewee from SADC, “[W]hen UNODC presented this project to SADC, it was clear that they already had a plan and knew what they wanted to do, and just needed SADC to help implement it...”
- According to the UNODC project officer, participation by SADC in the design was constrained by UNODC’s “project fund-raising cycle.” Although SADC was

provided an opportunity to comment on and make suggestions regarding the Project Document, it was not able to do so before the project was funded as designed.<sup>19</sup> This appears to have inhibited meaningful consultation with the proposed counterpart as UNODC appeared to be looking more for “clearance” from SADC than substantive changes or technical inputs.<sup>20</sup> According to UNODC staff, once the design was “approved” and funded by the donor, there was no flexibility to adjust or revise the project per the counterpart’s recommendations.<sup>21</sup> (This also became a constraint later in the project as new issues and needs were identified).

- Some of the issues raised by the Directorate in May 2004 turned out to be major obstacles to project implementation at both a political and operational level. Although UNODC tried to *explain* its design choices to the Directorate, it did not re-negotiate or revise the design based on SADC’s input<sup>22</sup> or address Dr. Ndlovu’s more fundamental concerns. From an outside perspective, these comments should have raised “red flags” regarding the viability of the project, and at minimum, should have resulted in further consultations between the parties.

Although SADC management did eventually approve the project document, it was clear from interviews (and project performance) that SADC never had any real sense of ownership over the project. Various factors played a role in this, however a major factor was inadequate participation in the design phase. According to one SADC informant, “It felt [to me] that the project was imposed from outside... It never felt like a real partnership [because] UNODC did not engage with SADC in the planning or the implementation.” Dr. Ndlovu also commented in an email before the project was approved, “The project seems to be entirely of the UN and SADC Secretariat just comes as a partner with only a facilitating role.” Several participants from SADC also expressed frustration about the lack of budget to support activities they felt were necessary or important to achieve the stated results.

In addition, it appears that some of the implementation problems experienced by the project could have been anticipated and addressed had the Directorate been more involved in the design and planning of project activities. For example, in correspondence in May 2004, the Directorate expressed concern that the project officer would be based in Pretoria rather than at SADC, and that SADC would have difficulty participating as a full partner in the project with the project personnel located “far from where we are.” The Directorate also raised questions which were not adequately addressed regarding SADC’s role and responsibility for implementation of the project, the specific tasks required of SADC, and the budget available to support those activities. The Directorate repeatedly expressed concerns regarding the scope and budget allocated for the situational assessment, arguing that broader and more in-depth research was needed to inform the project strategy and generate support for the Declaration and Action Plan. Finally, informants from both the Directorate and Legal Unit expressed the view that UNODC’s approach to the Declaration and Action Plan reflected a lack of understanding “about SADC structure and processes, particularly within the Organ.”<sup>23</sup>

### 4.3.3 Operational Constraints

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23 Interviews with SADC personnel: Gabarone, January 2008.

- Interviewees from both UNODC and SADC agreed that implementation of the project was hampered by the lack of human resources capacity within the Organ. On the SADC side there were no dedicated personnel (i.e. project officer or assistant) for the project. Rather, responsibility for implementation of the project on the SADC side rested primarily with the head of the unit, (a senior-level official) with some assistance from. Both of these individuals had heavy workloads and numerous other responsibilities that required frequent travel. The trafficking project was simply added to their portfolios. According to UNODC staff, their counterparts at SADC were “never there, always traveling, and difficult to reach even by phone.” This made it difficult to move forward with project activities, as SADC inputs and approvals were required to implement this joint project. From the SADC side, informants agreed that the Organ did not have the capacity to initiate or follow-through with its assigned activities. Although SADC requested a dedicated project officer to work with them in Gaborone, this had not been budgeted in the original project.
- When the project was initiated, UNODC and SADC agreed that the appropriate entity to implement the project was the Organ Directorate, given its mandate for political and security issues. Implementation was constrained, however, by the fact that the Organ is a “political” rather than “operational” department. Unlike other divisions of SADC, it is not really a “program-oriented” department, and does not tend to collaborate with other departments to implement activities. As a result, some informants at UNODC and SADC felt that the Directorate lacked the experience and capacity to run a project of this kind.
- The project was constrained by the budget and the project fundraising cycle. Having already obtained funding for the project when it approached SADC, UNODC was bound by original project plan. According to UNODC, if it wanted to add a new activity, it would have to develop a new project and get funding for that project, which necessarily takes a long time. As a result, UNODC claimed it did not have any flexibility to revise the project based on SADC inputs, to address needs as they came up, or to respond to specific requests from Member States or its project counter-parts. It was not clear from the evaluation to what extent UNODC could have requested amendments from the donor to revise the budget and/or activities as appropriate, within the overall budget limit of \$293,000.
- Coordination and communication were constrained by the fact that UNODC did not have a presence in Gaborone near the Secretariat. Although some funds were provided for travel, the implementers were not able to meet regularly enough to effectively plan and implement activities, discuss issues or resolve operational challenges. Most project communications took place via email.
- Roles and responsibilities for the project within SADC were not clearly defined. In the absence of a dedicated staff person assigned to the project, UNODC was not sure who to communicate with was not available, or after he left the Secretariat in January 2007. At times, UNODC communicated primarily with or through, the SADC officer responsible for the “peace-building” sector of the organ, at other times with the head of the Legal Affairs Unit,. When Dr. Ndlovu’s successor Dr. Motae came on board in January 2007 there appears to have been no real hand-over of responsibility for the project or any attempt by UNODC to build a relationship with the new counterpart. UNODC never met with the new head of the Unit and appears to have had little if any communications with him from January 2007 through the present. After June 2006, UNODC communicated primarily with

Dr. Uate. However, neither Dr. Uate nor Mr. Machakaire felt they had authority to “approve” the draft Declaration or to take the activity forward.

## **5. RECOMMENDATIONS**

### **5.1 Issues resolved during the evaluation**

The evaluation is a terminal evaluation so this section is not applicable. However, it is notable that during the evaluation period, some discussions have already taken place between UNODC and SADC (including the Gender Unit) regarding areas for future cooperation. A “Phase II” proposal (partially funded) has also been shared with various sections of the Secretariat.

### **5.2 Actions/decisions recommended**

- 1) The project should be continued but needs to be restructured to take the lessons learned into account. As a first step, the UNODC should organize a meeting with the key role players in SADC (including the Organ, the Legal Unit, and the Gender Unit) to review the findings of this evaluation and to jointly plan Phase II.
- 2) UNODC and SADC should jointly consider where best to locate the project going forward. As a more experienced “operational unit” (with experience in implementing and monitoring projects) the Gender Unit may be in a better position to drive the project than the Organ, particularly now that trafficking issues are included in its mandate. Should the partners decide to pursue the Political Declaration and Action Plan, the Organ should still play a key role in driving that process (with operational support from Gender) and should be consulted about the best strategy to pursue. The Legal Unit should be more involved in the development of the Declaration content while the Gender Unit could play a greater role in identifying and monitoring of national “focal points.” If possible, some portion of the project funds should be allocated as needed to increase the personnel capacity of the relevant units to fulfil their functions and responsibilities under the project. UNODC and SADC should also investigate whether a qualified legal advisor or project officer could be seconded by a member state to work on the project as a member of the Secretariat.
- 3) Going forward, the project should take steps to strengthen the structure for joint management of the project, including for example, a steering committee and regular project implementation meetings. The project should also jointly develop a detailed implementation plan setting out the roles and responsibilities of each partner and specific tasks to be completed with appropriate timeframes and milestones. Periodic strategic review meetings at a higher management level should also be incorporated into the project plan to provide greater accountability and opportunities for problem solving.
- 4) For both sustainability and to meet SADC’s political requirements, the project should include specific activities to build a pool of qualified local consultants (including lawyers) to provide technical support to the Secretariat and the member States on trafficking issues. Possibilities include “train the trainer” (TOT) programs, partnering/mentoring activities, etc. Efforts should also be made to integrate and take advantage of the small but growing pool of law reform officers, legislative drafters, NGO representatives, academics, and others in the region

with practical experience and relevant expertise. At the same time, SADC should show more flexibility in the selection of consultants to ensure that the quality of technical assistance on the project is not compromised by inexperience.

- 5) To more effectively address the needs of the Member States, future project activities should include more targeted technical assistance to Member States, particularly in the area of legislative and policy development. UNODC should build in to Phase II sufficient project funding to allow responsive “ad hoc” technical assistance, in the form of a “catalogue” of available services. This could range from assistance conducting a legislative review, to policy development, legal drafting, training workshops, assessments, consultations etc. The project should also create and support some kind of regular forum for legal professionals (i.e. a technical working group) that would provide an ongoing opportunity for training, information sharing, and debate around drafting anti-trafficking legislation which focuses on the particular challenges of drafting appropriate provisions for Southern Africa. A representative from the SADC legal unit should participate in these forums along with legal drafters and others involved in legal reform around human trafficking in their respective countries. It is recommended that countries should not be selected in advance to receive technical assistance -- Rather, countries should nominate themselves to SADC based upon their interest and commitment to legislative reform. To receive assistance (and to be invited to participate in the technical working group), governments should be required to designate a particular individual or individuals to act as a focal point on anti-trafficking legislation and to give that person a mandate (and sufficient institutional support) to begin drafting.
- 6) To address ongoing information and communication gaps, efforts should be made to establish an information clearing house of relevant reports, international and regional instruments, legislative review guidelines, sample legislation (from Africa and elsewhere), and other materials on human trafficking within the Secretariat that can be accessed electronically by national “focal points” and other stakeholders from the Member States. Ideally, a networking website or website link should also be established to enable focal points to share information and developments within the region. UNODC can assist the Secretariat by providing relevant information and links (including the assessment reports, model legislation, drafting guidelines, reports, etc.). Member States should be able to post reports and other information on the website to share with others, and different countries can be “profiled” each month with emphasis on positive developments and achievements. Issues addressed in the technical working groups can also be summarized and shared on the site.
- 7) If the Political Declaration and Action Plan are pursued, they should be approached in conjunction with awareness raising/consultation workshops at appropriate levels of the SADC structure, and prepared in a participatory manner with a facilitating consultant. UNODC must acquaint itself more fully with the structure and process for commitments of this nature and jointly strategize with SADC on the most effective approach. UNODC and SADC should also take note of the content and status of the Draft SADC Protocol on Gender and Development (which includes commitments on human trafficking) to ensure that both processes are harmonized and consistent.

## ANNEX A: Terms of Reference

### RAF/R49 - PROJECT EVALUATION TERMS OF REFERENCE

**PROJECT TITLE:** Assistance in the formulation and implementation of the SADC Declaration and Plan of Action against Trafficking in Persons.

**PROJECT NUMBER:** RAF/R49

**PROJECT BUDGET:** US\$ 293,000

#### 1. BACKGROUND INFORMATION

The project “Assistance in the formulation and implementation of the SADC Declaration and Plan of Action against Trafficking in Persons” was started in October 2004. It is a joint project between the United Nations Office on Drugs and Crime (UNODC) and Southern African Development Community (SADC) dealing with trafficking in persons, focusing on increasing regional capacity to prevent trafficking in persons and to prosecute or punish traffickers / offenders.

The UNODC Regional Office for Southern Africa (ROSAF) organized and sponsored a Strategic Programme Framework (SPF) Conference on drugs and crime in SADC on 5-7 August 2002. As a result of the conference, five regional priority areas for assistance were identified. This project addresses one of the priority areas: the need for enhanced legislative and judicial capacities, including harmonization of both national legislation and SADC protocols with the UN drug and crime conventions, in particular the United Nations Convention against Transnational Organized Crime and its Protocol on Trafficking in Persons. In order to effectively combat human trafficking, this project’s special focus will be on assisting the SADC Member States in harmonizing the legislation for more effective cooperation regarding international organized crime related casework. Furthermore, the project aims at assisting in achieving the targets of the Millennium Development Declaration and Goals (MDG) in the areas of human welfare, global partnership for development and improving policies of beneficiary countries.

A project amendment was done in 2006, extending the project for a further six months (January – June 2007). The project was extended because the Associate Expert post went vacant for half the year in 2006, the response time from the counterparts was slower than anticipated and due to these delays it was not possible to implement the project activities within the envisaged period. In addition, the contact person at the SADC Secretariat left SADC, and no new contact person was introduced to UNODC ROSAF.

## **1.1 Objectives**

The main objectives of the project were to:

- Provide support to the Member States of the Southern African Development Community in the ratification and implementation of the UN instruments on trafficking in persons, including the development of specialized anti-trafficking legislation;
- Develop and adopt a Declaration and Plan of Action against Trafficking in Persons in the region;
- Strengthen the capacity of the region to prevent, suppress and punish trafficking in persons.

## **1.2 Project Beneficiaries, Outputs and Activities**

The direct beneficiaries of this project are the SADC Secretariat and Member States, as well as SADC officials responsible for the development of anti-trafficking policies, strategies and legislation. Officials dealing with these policies and legislation within, among others, law enforcement, the criminal justice system and social services, will also benefit from the project.

The activities to be undertaken were:

- Carry out a situational assessment in the selected countries- producing a draft situational assessment report;
- Carry out a regional legal assessment – producing a draft legal assessment report;
- Identify key elements for the anti-trafficking legislation in compliance with the UN instruments;
- Prepare an outline for special anti-trafficking legislation, including at least the mandatory provisions of the UN Protocol;
- Identify trainers;
- Design training programme and content;
- Identify participants;
- Convene one workshop to train legal experts;
- SADC endorse the drafting of a Declaration and Plan of Action on trafficking in persons;
- Draft the Declaration and Plan of Action;
- Present the draft Declaration and Plan of Action to SADC Organ for Politics, Defense and Security;
- Approval and adoption of the Declaration and Plan of Action;
- Identify and designate National Focal Points;
- Assess the feasibility of and, when feasible, establish National Task Forces;
- Share information among the National Focal Points.

The project will be evaluated against the following results and indicators as outlined in the project document.

<b>Results</b>	<b>Indicators</b>
A situational assessment of the trafficking in persons phenomenon and related country-specific efforts carried out in at least three selected countries.	Report of the situational assessment available.
A regional legal assessment on anti-human trafficking measures and provisions carried out.	Report of the legal assessment available.
Key elements for domestic legislation identified.	Outline of prerequisites and mandatory provisions according to the UN Protocol for anti-trafficking legislation completed.
Two legal experts per country (from Ministries of Justice) trained in the requirements of the TOC Convention and the Trafficking Protocol, including in key elements for special anti-trafficking legislation.	Training workshop held for all SADC countries; Report of the workshop finalized.
SADC Declaration and Plan of Action on trafficking in persons drafted and adopted.	Preparation of the declaration and plan of action endorsed by a decision by the SADC Organ for Politics, Defense and Security; Declaration and plan of action drafted; Declaration and plan of action submitted to the SADC Organ for Politics, Defense and Security; Recommendation by the SADC Organ for Politics, Defense and Security to approve and adopt the Declaration and Plan of Action; Adoption and approval of the Declaration and Plan of Action.
Assistance given to the SADC Secretariat in developing a regional coordination network on trafficking in persons.	National focal points identified; Recommendations made regarding the establishment of National task teams; Information available with the SADC secretariat.

## **2. PURPOSE OF THE EVALUATION**

### Reason for evaluation

The evaluation is to be undertaken because the project will soon be ending and the evaluation of the project forms part of the project agreement, and is a requirement as part of the UNODC project cycle.

Planning of the second phase of the project is under way and learning from the first phase of the project will inform planning for Phase II. The evaluation will inform decisions and possibly the design of Phase II if such a recommendation is made.

### Objective of the evaluation

The evaluation is to determine whether the project has achieved its intended objectives. The evaluation should measure achievements and outcomes.

### Main stakeholders of this evaluation

The Southern African Development Community (SADC) is the main stakeholder for the project

## **3. EVALUATION SCOPE**

The evaluation should focus on the outputs, outcomes and impact of the project activities as outlined in the project document.

### **3.1 Evaluation priorities**

The period to be covered is November 2004 to May 2007. This is the period extending from the start to the completion of the project. The evaluation will take place in the last months of the project.

### **3.2 Geographical coverage**

This is a regional project focusing on the SADC Secretariat and all SADC Member States. Hence, the evaluation should focus on the outputs, outcomes and impact of the project activities in the whole SADC region, and specifically at the SADC Secretariat.

Priority areas for this evaluation are:

An analysis of how efficiently programme planning and implementation were carried out, as well as assessing the managerial support and coordination mechanisms used by UNODC ROSAF to support the project.

Problems and constraints encountered by the respective role players/stakeholders, particularly the SADC Secretariat and SADC Member States, during implementation.

Whether the project activities/programmes addressed the identified needs/problems (*relevance*) and whether it did so in an appropriate manner.

Whether the intended results have been achieved, and if not, whether there has been some progress made towards their achievement.

Whether the project activities had any impact on beneficiaries, particularly the SADC Secretariat and Member States, and what were the benefits, if any?

Whether the project activities/activities initiated by the project are likely to continue without future donor funding (sustainability).

Any lessons learned and/or best practices to be deducted from the project?

## **4. EVALUATION METHODS**

The quality of the evaluation very much depends on the methods used. This evaluation will include:

Document review, including all major documents such as the project document, progress and monitoring reports;  
Interviews with the SADC Secretariat;

Interviews with UNODC staff members;  
Questionnaires sent to other stakeholders e.g. training participants.

UNODC ROSAF will make available the following documents:

Relevant project related documents, such as the project document, situational assessment and legal assessment reports, progress reports, training feedback/evaluation forms, contact details of participants (if required) and contact details of people at the SADC Secretariat. Also to be provided will be the guiding principles for evaluators and evaluation report format.

Prospective evaluators are expected to provide a detailed evaluation plan, including a proposed evaluation methodology and sampling strategy.

UNODC ROSAF is to provide the guiding principles for evaluations at UNODC, standard format and guidelines for project evaluation report according to UNODC, and the evaluation assessment questionnaire required to be completed by the evaluators as per UNODC evaluation rules.

## **5. QUALIFICATION AND EXPERIENCE REQUIRED FOR THE EVALUATION TEAM**

The consultant to be selected should possess the following qualifications:

- Experience in project or programme evaluation (at least three years), with ten years relevant experience in Africa, preferably in the Southern African region;
- Familiarity with project management and the project cycle;
- Knowledge of the problem of human trafficking issues;
- Academic qualifications with a minimum of a master's degree, suitable for the specifics required for evaluation;
- Proficiency in English;
- Excellent writing skills.

The consultant will work under the overall supervision of the UNODC Representative for Southern Africa, Pretoria (South Africa), and under the direct supervision of the Senior Crime Prevention and Criminal Justice Expert, and in collaboration with the Project Coordinator and the head of Politics, Defense and Security unit at the SADC Secretariat.

The consultant will be solely responsible for setting up interviews with respondents from the list of contacts provided by UNODC ROSAF. The SADC Secretariat will assist with providing relevant information as required.

It is essential that the consultant will remain independent and impartial throughout the whole evaluation process. Therefore, there should not be any previous involvement in this project.

## **6. TIMEFRAME, PLANNING & IMPLEMENTATION ARRANGEMENTS**

The evaluation process should start during November/December 2007 and be completed within 30 days from the commencement of the assignment.

Prospective evaluators are requested to provide a detailed plan for the implementation of the evaluation linked to a timeframe.

The deliverables of this consultancy are:

- (a) Evaluation plan and strategy;
- (b) Draft evaluation report (report to be submitted in electronic and hard copy format, and data to be made available upon request if required);
- (c) Presentation of evaluation report to stakeholders at a meeting at the UNODC ROSAF in Pretoria with findings, lessons learned and recommendations;
- (d) Final evaluation report.

The draft evaluation report should be completed within 30 days of the commencement of the assignment. The draft report should be submitted to UNODC ROSAF and the Independent Evaluation Unit for review and comments.

The final report should be submitted to UNODC ROSAF within 15 days after receipt of UNODC's comments and will also be submitted to the Independent Evaluation Unit for quality assurance clearance before it is published.

A presentation with recommendations will be made at the Terminal Review meeting at the UNODC ROSAF, in Pretoria.

The consultant will be issued a consultancy contract and paid as per the common UN rules and procedures. Lump sum payment will be in 3 installments: The first upon signing the contract (75% of all travel expenses & DSA), the second, half of the fees on reception of draft revised policy and other documents, and the third and final payment (remaining fees, and 25% of travel expenses & DSA) will be made only after completion of the respective tasks and receipt of the final version of all deliverables.

The Evaluation Report Outline is attached (see ANNEX I).

## **ANNEX B: Organizations and Places Visited**

UNODC ROSA, Pretoria, South Africa (November 2007/April 2008)

- Ms. Wiesje Zikkenheiner
- Ms. Boitumelo Moche
- Ms. Natalia Ollus (telephonic interview)
- Dr. Jonathan Lucas

SADC Secretariat, Gabarone, Botswana (January 2008)

- Mr. James Machakaire
- Dr. Teodosio Uate
- Ms. Magdeline Madibela

Telephonic Interviews conducted with representatives from:

- South Africa Law Development Commission
- South Africa Department of Justice and Constitutional Development
- Law Commission of Malawi
- Zambia Law Development Commission
- Ministry of Justice, Zambia
- Ministry of Justice, Botswana

## ANNEX D: Budget Matrix

<b>Budget for UNODC/SADC Trafficking Project FS/RAF/04/R49</b>			
B/L	Description	Total Budget 2004-2007 per Project Document	Actual Amount Spent (as reported by UNODC ROSA)
15-99	<b>Total travel (ROSA and HQ)</b>	<b>23500</b>	<b>6711</b>
	<b>Personnel</b>		
11-50	<i>Short-term consultants</i>		
	SADC secretariat	15200	
	One consultant for situational assessment (incl travel)	10200	10132
	One consultant for legal assessment (incl travel and participation in legal workshop)	20200	20200
	Two training consultants (incl travel)	22200	
	One consultant for drafting Declaration and PoA (incl travel)	3800	12334*
	<b>Total ST cons.</b>	<b>71600</b>	<b>42666</b>
16-01	General Service Staff	16700	13912
17-01	NPO	45000	29692
19-00	<b>Total Personnel</b>	<b>133300</b>	<b>43604</b>
	<b>Training</b>		
33-00	Legal training workshop Nov 05	70300	37965
35-00	Meetings/workshops (SADC travel)	5000	5261
	<b>Total Training</b>	<b>75300</b>	<b>43226</b>
42-00	<b>Non-expendable Equipment</b> Computer for NPO)	<b>3000</b>	-
	<b>Miscellaneous</b>	-	<b>294</b>
	Operations and maintenance	<b>24200</b>	<b>23994</b>
	<b>Project Sub-total</b>	<b>259300</b>	<b>160495</b>
	<b>UNODC Project support costs (PSC) (13%)</b>	<b>33700</b>	<b>19284</b>
	<b>Grand Total</b>	<b>293000</b>	<b>179779</b>
Please insert any other project line items/ expenditures not included in the original budget here			
54-00	<b>Printing</b>	-	<b>5369</b>
11-00	<b>International Experts</b>	-	<b>73390**</b>

- \*Includes budget for evaluation consultant.
- \*\*Funding put toward contract for UNODC Associate Expert (project officer) including repatriation expenses