

Kuleta Haki Program Transition Review

DRAFT Terms of Reference

CDA is looking for a French-speaking team with experience in the Democratic Republic of the Congo (DRC) and the criminal justice system to conduct a review of Kuleta Haki (an anti-corruption Network) and to identify strategic options for the future. Expressions of interest (no more than three pages) and CVs are welcome from individuals and teams, in English by **Monday, August 14, 2017** to kbarnardwebster@cdacollaborative.org.

Background

The Context

Anti-corruption programming has been largely derived from a [principal-agent approach](#) with some classic recipes, such as increasing sanctions or educational campaigns, that are transferred from one context to another without regard to the specific dynamics and needs of the new context. Increasingly, much of this programming has been shown to be ineffectual in the past several years.

In countries such as the DRC, corruption is rife and one of the greatest obstacles to building effective governmental institutions and ending cycles of violence and instability. Within the criminal justice sector, corruption threatens the sense of security among citizens, provides preferential access to justice for those with means, threatens the legitimacy of state institutions and harms overall economic performance.

Project History

Our approach is based on the belief that addressing [complex problems like corruption](#) requires an adaptive, open-ended problem-solving process that is based on a systems perspective. This “systems” view of corruption and the criminal justice sector helps to identify how and why corruption operates to impede access to services in the justice system. Systems thinking is a way of understanding reality—a context, conflict, corruption, etc.—that emphasizes the relationships among a system’s parts, rather than the parts themselves. Systems analysis helps to identify dynamic relationships among different factors; it also has the potential to bridge the gap between analysis and programming by facilitating thinking about how to interrupt or change the system.

Before designing the Kuleta Haki pilot (2015-2016), [the system of corruption in Lubumbashi](#) was mapped and analyzed to uncover important entry points for the project. Two important entry points were revealed: (1) Individuals who remained willing to resist corrupt activities faced risks, which precluded them from fully realizing their professional and ethical responsibilities. Thus, the CDA team theorized that if a safe space for these “islands of integrity” existed, enhanced actions to fight against corruption may be possible. (2) From the research, there appeared to be few

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instances of collective action undertaken by CJS actors *in collaboration with civil society actors*. Thus, with strategic support, cross-sector anti-corruption collaborations might more effectively engage the local population, and build upon existing degrees of frustration and discontent to effectuate positive change in the system.

In sum, the [Kuleta Haki program approach](#) is based on a core assumption that there is an untapped pool of people – both providers and consumers of the security and justice system – who are discontented with the effects of corruption on the access and quality of justice, and whose individual and collective mobilization can strengthen resistance to the complex practice of corruption.

The Kuleta Haki project envisions a criminal justice system (CJS) that is free of monetary corruption and political interference in the DRC. (Note that political interference encompasses i) interference by public authorities for their own political gain, *as well as*, ii) interference by public authorities in the justice system on behalf of commercial or private interests for which they receive a bribe or other gain).

At present, the Kuleta Haki project - completing its second year of implementation - is comprised of a committed, anti-corruption Network (total membership approx. 60) of individuals primarily drawn from within the CJS itself. Of the 60, there are approximately 20 participants who constitute the core leadership team and have been involved from the project's start. The larger Network is divided into several subgroups, for example several groups that are working in different judicial offices; the newest subgroup is now engaging the police in Lubumbashi. The Network also has sub-groups on thematic issues, including 'Gender and Corruption.'

The Program & Actors

In 2012, the U.S. State Department's Bureau of International Narcotics and Law Enforcement (INL), decided to explore new and better ways for analyzing how corruption works in the criminal justice sector (CJS), and subsequently for developing programming. CDA was engaged to undertake this somewhat experimental effort. The resulting program, the Central Africa Accountable Service Delivery Initiative, or CAASDI, has been developing a new analytic process, based on systems thinking, intended to result in more effective anti-corruption programming. CAASDI is managed by CDA in partnership with [Besa: Catalyzing Strategic Change](#) and benefits from a sister project in Uganda funded separately ([Carnegie funded sister project](#)).

In 2015, CDA partnered with [RCN J&D](#) to implement an anti-corruption program in Lubumbashi, DRC based on the systems analysis previously conducted. RCN Justice & Démocratie is a Belgian non-governmental organization whose mission is to contribute to the realization of fundamental human rights by defending, more specifically, the right to justice and related guarantees under international treaties and conventions. In this context, the organization undertakes programming that provides support to authorities and members of civil society who are engaged in the establishment or reestablishment of rule of law. RCN J&D has been working in the DRC since 2001 in the field of governance and justice sector reform. It possesses extensive experience working with all the actors operating in the judicial chain, both in the civil and criminal justice sectors. RCN

J&D has implemented projects in the provinces of Kinshasa, Bas-Congo, Katanga, Kivus, Ituri, and Kasai-Occidental.

Current Status

On September 30, 2017, the INL grant period for the Kuleta Haki project will come to an end. There is potential for further funding to comment in early 2018, but a gap in funding of several months is likely.

II. The Transition Review

The Terms of Reference is being circulated in draft form with the understanding that further specification will be developed in partnership with the final team. A set of sub-questions will be generated to make the Review Questions more specific, for instance.

Review Purpose

To generate a series of options for sustaining the Network that will enable it to continue its long-term work fighting corruption in the CJS. Using achievements and experience to date, the Review will determine the most realistic options to sustain the Network in terms of governance and structure, administrative/logistical support, funding and ongoing strategy and activities. Sustainability in this case refers to long term ability to function independently from international partner management support. The process will take into account project achievements to date, as well as planning accomplished by RCN J&D in their final months, with the Network, as well as the latest funding possibilities.

Rationale

With funding to support RCN J&D Network coordination for an additional year possible but far from certain, this review process is intended to support the Network in thinking about its sustainability in the longer term and against different scenarios. The review and options generated will build upon the results achieved, lessons learnt and areas identified for improvement. The emphasis of the future planning will be thinking beyond the immediate possible RCN J&D grant.

Review Scope

The Review will encompass the global Network which includes all subgroups, including the more recent Police Subgroup.

Review Audience

The primary audience will be the Network themselves. CDA, RCN J&D, and INL/State Department are all vested and interested parties.

Review Objectives

1. Compile a summary of what the Network has achieved and why, how that matters to the fight against corruption, and the implications for sustainability.

2. Generate options (governance, administrative support and action) for the future, based on different scenarios.

Review Objective #1 Questions: What the Network has achieved and why

- a. What changes have occurred (intended or not; positive or not) due to this project?
 - i. What aspects of the program led to these results? (This question seeks to understand contribution not causation.) What aspects of the program were unhelpful?
 - ii. Did these changes 'matter' to the fight against corruption in the CJS?
 - iii. What lessons are there to be drawn from the creation of the Network and its activities?
- b. Has the program had an impact on the system of corruption in the justice sector in Lubumbashi? In what way/which aspects? Why/why not?
- c. Certain factors tend to limit resistance to corruption. To what extent did these operate on Network members? If so, how? If not, why not?

Review Objective #2

It is possible that RCN J&D will secure additional funding for a third year of support, however one year in such a politically volatile context is still a very short period of time for a social change program. Therefore, the timing is opportune to develop a broader vision of the Network that may include RCN J&D as a supporting actor amongst other possible partners or futures.

Working in a participatory manner with the Network, and building on final planning done at the end of the project by RCN J&D, develop 2-3 potential scenarios and options for governance, organization (including logistical support) and strategy/activities that will enable the Network to flourish in the long-term. The primary audience for these options will be the Network itself, although CDA, RCN and INL will also be interested.

Data Available

- Monitoring information: raw stories and analysis available from monitoring efforts using Most-Significant Change methodology, conducted three times with a select set of the network. A detailed explanation of our MSC effort is available [here](#).
- Formative evaluation: the full report and raw data is available. A summary of this and the report can be found in this [blog](#).
- Monthly Carnets
- Original Corruption Context Analysis Report
- Systems analyses of corruption in the Lubumbashi CJS, produced in cooperation with Network members (2015 & 2016).

Review Team

Consisting of two individuals, their combined expertise needs to include:

- Criminal justice sector (based on the French system)

- Experience working in the DRC
- Facilitation of group processes
- Data collection
- Professional level written and oral French and working proficiency in English

Ideally the combined skillset of the team will also include:

- experience in Lubumbashi, DRC,
- systems thinking,
- strategic planning
- networks for social change
- local practices around corruption.

Deliverables

- Inception Report: including proposed methodology and milestones (dates with interim deliverables)
- Data Collection tools
- Draft Report (in French)
- Final Report (in French)

Dates and Deadlines

Due to the grant deadlines, there is very little flexibility possible in terms of timeframes.

- Expression of Interest deadline: Monday, August 14
- Plan & Logistics: Late August/September
- Field Time: October
- Report Deadline: November 10, 2017

Application

Expressions of interest (EOI) are welcome from individuals and teams. Written in English, the EOI should be no longer than 3 pages and explicitly address how the individual or team possesses the required and ideal expertise. The EOI needs to also clearly state:

- The availability of the individual(s) in the time period specified above to work and to travel to DRC
- Daily rate in USD
- City where you would fly from to go to Lubumbashi.

Individuals who are based in sub-Saharan Africa and women are encouraged to apply. It should be noted that costs will be a factor in team selection.

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