

## **TRAINING PROJECT FOR NGOs IN THE PROMOTION OF ADMINISTRATIVE JUSTICE ACT 3/2000**

**SEPTEMBER 2003 – AUGUST 2004**

*A report from ACCORD<sup>1</sup>*

### **EXECUTIVE SUMMARY**

The training phase of the *Promotion of Administrative Justice Act 3/2000* (AJA) NGO Training project is now complete. 260 NGO trainers have received a 3-day training in the AJA, incorporating some training skills development, and have been equipped with the necessary resources to train others in the Act. The training has generally been successful, and very well received. It is clear, however, some form of ongoing support is going to be necessary to get the best impact out of this capacity-building programme; a number of recommendations are made in this report on how to achieve that.

### **AN ACCORD PROJECT**

ACCORD was contracted by GTZ in September 2003 to train at least 240 NGO trainers throughout South Africa in the AJA. Ian Henderson (as project leader) and Tshiliso Molukanele (as trainer) were commissioned to deliver the training.

### **A SUBJECTIVE RESPONSE**

Participating in this training programme has been a highly rewarding experience. Notwithstanding some of the comments made below about the difficulties we faced and a certain frustration with the low level of analytical and conceptual skills shown by trainees, we came away from each of these training events with a very positive feelings and an optimistic outlook.

Despite the difficulties faced by NGOs working in this sector, the individuals that we had the privilege of working with are highly motivated, and committed to achieving their goals and

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<sup>1</sup> ACCORD is the *African Centre for the Constructive Resolution of Disputes* – a civil society organization working to resolve conflicts and help enhance conflict management capacity throughout the continent of Africa. We specialise in creating African solutions to the challenges faced on the continent. Further information: <http://www.accord.org.za>

having a transformative impact on society. We were reminded also of the multi-faceted diversity that makes South Africa such a challenging and wonderfully inspiring place to live and work.

In addition to the stated objective of training NGOs in the AJA, these trainings also played a useful role in offering a networking forum for NGOs, and allowing NGOs the opportunity to explore these issues, and the problems that they have been experiencing together. The trainings were also structured in a way to allow some personal growth and transformation. Participants were encouraged to take risks and develop their confidence in public speaking and facilitation, and their training skills were improved.

In general, the training was very well received, and there was a high degree of appreciation for the effort and commitment from the sponsors, and for the high standard of training, manuals and resources provided.

## **PREPARATION PHASE**

Climate surveys were distributed to over 150 organisations, and 58 organisations were involved in focus-group meetings to informally discuss the impending training in the AJA in Durban, Upington, East London and Nelspruit. Some 85 additional organisations were given a brief presentation on the AJA, as a number of these focus-group meetings coincided with regional South African NGO Coalition (SANGOCO) conferences.

The climate survey/focus group process confirmed our assessment that awareness about the AJA is extremely low (less than 15% of those questioned had heard of it). It also raised questions about English as the medium of instruction of the courses (because of his language skills, Tshiliso was allocated to the trainings where language was expected to be a problem); other key issues raised included: long-term support for the training; use of the mass media to raise awareness about the AJA; and what is being done to train administrators, as those primarily responsible for implementing the AJA.

## **MATERIALS DEVELOPMENT**

The materials development process has continued throughout the course of the programme, rather than simply during the pilot phase, as originally anticipated; participants will now be supplied with final printed copies of the manuals for use in their own trainings.

There were many positive comments on the manuals by participants – the overall opinion seems to be that they are easy to follow and use. Pack 3 of the *Trainer's Manual* was particularly

commended. It was felt that the materials are generally of a very high standard compared to what participants are used to in this field.

## **STATISTICAL REPORT**

Twelve trainings in the AJA were run for NGOs from all of the nine provinces. The first three trainings constituted a pilot phase; both trainers from ACCORD (Ian Henderson and Tshiliso Molukanele) co-presented all three trainings, and an evaluative team from GTZ/Justice College attended all three trainings. The three largest provinces were selected for the pilot (using two urban and one rural location) and these three provinces were revisited for the subsequent training phase. The remaining six provinces received only one training. The training dates and locations were as follows:

1. KwaZulu-Natal – *Richards Bay*: 19-21 November 2003
2. Gauteng – *Johannesburg*: 3-5 December 2003
3. Western Cape – *Cape Town*: 9-11 December 2003
4. Mpumalanga – *Nelspruit*: 24-26 February 2004
5. Northern Cape – *Kimberley*: 24-26 February 2004
6. Eastern Cape – *East London*: 16-18 March 2004
7. Western Cape – *Stellenbosch*: 6-8 April 2004
8. KwaZulu-Natal – *Durban*: 28-30 April 2004
9. Gauteng – *Pretoria*: 28-30 April 2004
10. Freestate – *Bloemfontein*: 26-28 May 2004
11. North-West – *Mafikeng*: 13-15 July 2004
12. Limpopo – *Polokwane* 25-27 August 2004

In total 260 NGO workers were trained, representing 177 distinct organisations.

Organisation of these trainings was not an easy task. Our experiences reaffirmed perceptions that the NGO sector has become fragmented and disorganised since the haemorrhage of leadership to government in the early 1990s, and somewhat impoverished as a result of the loss of funding base

since the shift of the international donor community's focus away from South Africa after the end of the Apartheid.

There is no consolidated directory of NGOs available, thus the drawing up of lists of potential trainee organisation tended to be an ad-hoc (and very time-intensive) process of contacting suitable organisations, inviting them to the training, and asking them to refer other organisations who they would consider appropriate.

◆ *NGO Coordination*

SANGOCO proved to be extremely supportive in some of the rural provinces – especially the Northern Cape and Limpopo province – where they are well organised, and where the comparatively small number of NGOs is more easily managed. At a national level there is less coordination, and this project identified again how useful such coordination could be to the NGO community as a whole.

◆ *Rural vs. Urban*

Additionally, it was our experience that interest in the project, and perceived need for the training, was in general much higher in the rural provinces. In the rural areas NGOs are evidently much less resourced, and there is much less training and development available. For example, in the Western Cape it was extremely difficult getting NGOs to come to the training – after inviting over 40 organisations to the Stellenbosch training, we started the workshop with only 10 confirmed participants. In contrast, in most of the rural provinces we were faced with a choice between trying to train a huge group, or excluding people who wanted to attend the training. In the Northern Cape 17 different organisations were represented out of 18 trainees, after we had to limit each organisation to only one representative.

## **ADMINISTRATIVE ISSUES**

The trainings were held in modest NGO-standard training venues around the country; where participants lived within reach of the venue they were requested to stay at home and commute to the venue. In general there was satisfaction with the standard of meals and accommodation.

Budgets for the training became progressively more restrictive during the training, as a result of funding cuts to GTZ. Travel subsidies for participants were thus limited to a maximum of R250 per delegate. This did not seem to deter people from attending, but it was clear that this training programme would not have been possible without the financial support of GTZ; there was no way most trainees would still have come if they had had to pay their own expenses.

## **SUBSTANTIVE ISSUES**

It was our experience that the vast majority of those we trained had not even heard of the AJA before the training, and a common question heard during the trainings was, “What should we do with the administrators – because they definitely haven’t heard about this either in our area?”

The following themes emerged during the trainings:

- General educational level of the trainees was not very high – many of the participants battled with the theoretical concepts, and the quality of response in the evaluation forms reflected a low level of analytical ability and ability to express themselves in written form – certainly in English. This ended up emphasizing the “teaching” approach in the trainings, and limiting time for extensive simulations on the final day.
- An emphasis was placed on the educative aspect of the implementation of the AJA; trainees were pressed to inform administrators of their obligations, and to refer constantly to the AJA in any correspondence with the administration.
- There seems to be a less adversarial relationship between administrators and NGOs in rural areas; possibly municipalities in rural areas are smaller, and there is a more personal relationship between individual administrators and NGOs than in urban areas where NGOs are more likely to deal with the administration as a whole rather than individual administrators. Using an adversarial approach was encouraged as a last resort, rather than a primary strategy; rather NGOs were encouraged to work with, and support administrators to get their goals met.
- The Access to Information Act (AIA) component in the training was highly appreciated; we received a lot of positive comments about it in the evaluations, and it seems it was a very good idea to include it in the training. We were generally effective in communicating the key concepts in a single session.

### ◆ **Key AJA-related issues**

Issues which came up repeatedly in the trainings included the following:

- Access to IDs, and problems relating to access to social services without IDs;
- Social grants – especially child-support, disability and pensions;
- HIV/AIDS – and its impact on access to treatment and social services (including disability grants);

- Environmental issues – using Section 4 to protect the public’s rights (e.g. with respect to the proposed pebble-bed nuclear reactor);
- Access to education;
- Suspension of services – water and electricity;
- Land claims and forced removals;
- Corrupt officials, and lack of knowledge and lack of care and support by public service officials.

## **RECOMMENDATIONS**

The message which has come through most clearly through this experience has been the importance of a well-coordinated public campaign to raise awareness about the AJA. The AJA affects everyone, and the message needs to get out to society as a whole. If almost none of these NGO workers have heard about the AJA, how many members of the public will have?

The NGOs that have been trained will have some impact, but what is really needed is a mass-media campaign (especially print and radio) to support their efforts.

At the end of the day, most of these NGOs are in the business of offering advice, supporting individuals and communities to deal with difficulties they are facing – they are primarily *service* based. A few of those trained are advocacy and campaigning organisations (primarily the environmentalists), but in general the impact in the general public is likely to be a trickle-out, rather than a massive wave of publicity.

The following recommendations emerged from our time in the training:

1. Certificates (to prove authenticity of trainers, especially in rural areas) and training materials need to get out to those trained. This will have the added benefit of reminding them of their duty to pass on the training to others.
2. A number of strategies should be considered to continue the impact of the training. It was clear that many of those trained are going to need further training development and support to deliver effective training in the AJA. Should this be financially possible, there is a number of possible ways this could be achieved:
  - A number of follow-up regional training workshops could be offered, with access limited to those who have been trained, and who have made at least one attempt to train others in the AJA – and submitted an evaluation to GTZ.

- Co-training with administrators should be considered. This would build relationships between administrators and NGOs, assist them to see each other's problems, restraints and points of view, and create the environment for joint solutions of problems.
  - The following provinces should be considered for further training:
    - a. North-West, Eastern Cape and Northern/Western Cape (Namaqualand area) for increased coverage – not all geographical areas in these provinces were adequately covered.
    - b. Mpumalanga, Limpopo, Eastern Cape and northern KZN for further support and re-training; participants in these areas were weakest and could use further support.
3. A newsletter would help to support implementation of the AJA training. This should:
- not focus on case law and other technical matters, but focus on simple practical support – e.g. how to organise a training; ideas to save costs in a training; stories on how others have been training in the AJA;
  - encourage NGOs with positive stories of how the AJA has had an impact in a particular case etc;
  - include a specific focus on one area in each newsletter – e.g. one issue could look at HIV/AIDS and how problems have been dealt with under the AJA; another could look at social grants, and detail what kind of issues to pay attention to for pensions and child support grants;
  - look at recent and relevant case law, and give NGOs an idea of how that has impacted on work around the AJA – e.g. if a particular judicial decision has changed the way they have been taught to handle internal review;
  - be printed and posted, rather than emailed, as it would help if it could be passed around and left in offices – and not all of those trained have access to email.
4. A cross-register of administrators and NGO workers who have been trained in a particular geographical area could be developed and distributed. Many of the NGOs complained that no administrators know about the AJA – such a register might offer the opportunity for the two sides to work together, and may also give NGOs an “in” to play a role in training administrators together with the trained administrators.

*Ian Henderson  
10 September 2004<sup>2</sup>  
ACCORD*

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<sup>2</sup> Ian Henderson is a training consultant with ACCORD. He is an experienced conflict management trainer, and is responsible for ACCORD's public training programme in conflict management. He can be contacted through ACCORD on:

- tel: 031 502 3908
- mobile: 083 445 5210
- fax: 088 011 486 2063
- email: [ianh@accord.org.za](mailto:ianh@accord.org.za)
- ACCORD website: <http://www.accord.org.za>

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