The ‘War on Terror’ and the Appropriation of Development

War is good for business, not least the ‘War on Terror’, unleashed on the world in the aftermath of the attacks in the US in 2001. The random acts of violence against civilians that have taken place ever since contribute to the current, highly charged atmosphere throughout the world, with the risk of further violence growing by the day. This self-fulfilling prophecy has resulted in the majority of the UN family of countries (notably the US) formulating counter-terror measures, including security packages for aid. These have far-reaching consequences, and threaten to undermine the notion and practice of development as we have known it.

Overseas Development Assistance

Whilst more than a billion people in the world continue to live on less than $1 per day, one of the major impacts of the ‘War on Terror’ has been the changing attitudes to overseas development assistance. In 2004, for example, the Reality of Aid report argued that aid should be treated as money held in a trust for people in poverty. But it also revealed that aid resources are increasingly being diverted to support the security interests of major donors, in countries described as ‘fragile’ or those already forced into conflict. The development assistance mandates of many countries have been altered to include their ‘security’ interests, most explicitly so by the US. Since the declaration of the ‘War on Terror’, development cooperation appears to have been ‘sidelined for aggressive military intervention in Afghanistan, and Iraq’ and their neighbours (The Reality of Aid Management Committee, 2006). Civil society organisations (CSOs) have continued to challenge this position, arguing that development assistance cannot and should not be used for military purposes.

Right to protest

The ‘War on Terror’ in its current discourse is no longer simply a war about ideology or the clash of civilisations. The detailed workings of this process reveal a complex weave of relations that increasingly encroach on the rights of citizens and of those NGOs at the frontline of development action. Whilst the US has played a very clear and lead role in this context (‘you are either with us or against us’), there is growing concern that the worldwide anti-terrorist agenda has undermined international cooperation between CSOs.
or against us’), much more worrying is perhaps what is happening more surreptitiously in other regions such as the EU (including the UK) and multi-laterals such as the UN. In these policymaking bodies, decisions about the merger of aid and security are often covert, making it much more difficult for CSOs to either question or challenge the appropriation of the agenda for development.

Many governments also appear to use the ‘War on Terror’ as a green light to oppress and usurp the livelihoods of the poor and the marginalised. The loss of land and of livelihoods, coupled with rising inequalities, are marked features of societal relations that are increasing the threat of even more violence in many regions.

**Counter-terrorism measures and civil society**

A small number of NGOs have been accused of channelling funds to proscribed organisations. As a result, many countries have made it illegal for charities to support these ‘listed entities’, as part of wider counter-terrorism measures, laws and practices. But there is little real clarification as to why a support organisation is on any list, where these are held and at whose behest, or even what the criteria might be for deciding that a particular activity is hostile to national security interests.

There is also growing concern that the worldwide anti-terrorism agenda has undermined international cooperation between CSOs. This happens through imposing stringent control over movements of money between development partners and by monitoring activities of numerous organisations, in particular those involved in advocacy and empowerment issues.

This climate affects CSOs in three main ways: by making financial reporting requirements more complex, by dissuading Northern NGOs from taking potential risks when choosing partners, and by giving many states (authoritarian or otherwise) a tool that could be used to suppress civil society activity and protest.

The aid harmonisation agenda that is intended to strengthen the hand of governments (and of the executive in particular) is an ominous development in the context of CTMs and the ‘War on Terror’, because it leaves an opportunity for abuses of power, backed up by substantial funds. Many of these concerns are covered in this issue of *Ontrac*, and call for exposure and public debate, which are very much lacking in this new epoch of security-led development.

**An ill-defined but potent government tool**

For NGOs working with local civil society in particular, there are risks of violating CTMs unintentionally. The definition of ‘terrorism’ remains vague, and the process of dealing with suspects in the ‘War on Terror’ can be kept secret ostensibly for security reasons. Some stark examples include detention orders in the UK and the treatment of Guantanamo Bay detainees. In addition, there are examples of organisations who have been proscribed, and subsequently investigated and found blameless by the UK Charity Commission, yet continue to remain proscribed by the US and stigmatised by the UK government, seriously affecting their ability to raise funds and to function. Interpal, whose experience of being pursued with a vengeance is reported in this issue, is one of many such examples.

Organisations in some countries have found CTMs used as an internationally approved tool for state repression. Several undemocratic regimes have used the cover of CTMs and security priorities ruthlessly against protesters and rights activists. This can happen by stopping bank transfers and foreign collaborations and, in some cases, detaining and harassing activists who support the rights of the poor. This appears to be increasingly the fate of social movements whether in Peru, in Pakistan or in India, which are currently being suppressed in favour of multinational investment and ‘growth at any cost’. It is therefore crucially important for CSOs and NGOs to collaborate across national boundaries on how to deal with such repression and erosion of civil rights. We also need to be able to discern between the rhetoric and reality of development funding. INTRAC is currently engaged in such a process through workshops worldwide.

**Useful references**


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UK-Based NGOs: Stigma and Labelling at Interpal

The case of British relief organisation Interpal’s listing as a ‘Specially Designated Global Terrorist’ by the US in 2003 demonstrates the potential for the current political hype to arbitrarily impede the work of any legitimate civil society organisation (CSO).

Interpal is a UK-based charity that channels humanitarian aid to registered partner charities who seek to ease the dire living conditions of Palestinians. In August 2003, Interpal was declared by the United States to be a ‘Specially Designated Global Terrorist’ (SDGT) entity because of allegations that some of its partner organisations were supporting Hamas, a proscribed terrorist organisation in the US and UK. The designation was made despite similar allegations having been made, investigated in depth and dismissed in previous years by the UK’s charity watchdog, the Charity Commission. The US authorities made no attempt to contact Interpal or examine the charity’s procedures and records. In short, Interpal was given no opportunity to defend itself.

Following Interpal’s designation as an SDGT, the UK Charity Commission froze their bank accounts, carried out another investigation of the organisation and invited the US government to submit its evidence. Despite being given a time extension in which to do so, no credible evidence was produced to support the allegation of terrorist connections (BOND, 2006). Nonetheless, Interpal remains on the US list of ‘designated entities’, which appears to have led to it being similarly listed in other countries (Australia, Canada) as well.

A ‘cloud of suspicion’

At present, Interpal has been exonerated by the Charity Commission, and continues to work with registered and officially recognised organisations serving the needs of the poor. Nonetheless, the experience has been salutary. Interpal’s recently appointed general manager, Dr Karim Bensiali, describes the effects of the listing: ‘It has created an unnecessary cloud of suspicion and doubt. This has meant a real distraction for the charity and led it to shift its focus from providing aid to the needy, to expending efforts on dispelling these allegations — to the detriment of the poor’.

The threat of obscurely motivated SDGT designation has serious implications for all NGOs working in politically sensitive or war-torn zones. NGOs which help the marginalised during a conflict have to work harder to justify not only the humanitarian nature of their work, but their neutrality in the conflict.

Such labelling has created real obstacles such as a decrease in donations, especially from the US. There are also indications that potential donors have concerns about supporting charities, especially Muslim ones, due to the possibility that this can be construed as supporting ‘terrorist’ activities.

Lack of appeal

The most chilling aspect of the Interpal case for CSOs is the lack of appeal procedure to the US authorities. The UK government has published an appeals procedure for proscribed organisations (UK Home Office, 2006). But the US body responsible for proscribing organisations — the Office of Foreign Assets Control (OFAC) — uses ‘classified evidence’ as a basis for its decisions, its procedures for listing organisations continue to remain unclear and it offers no apparent method for being cleared from the list. There is no time limit for designation, nor an appeals process. According to umbrella organisation British Overseas NGOs for Development (BOND), ‘With apparently no transparency in procedures, this designation could happen to any UK organisation at any time.’ BOND has taken on Interpal’s case and corresponded with Baroness Symonds, the minister of state in charge of counter-terrorism and the Middle East. However, this has had little concrete result beyond bringing civil society’s outrage over this crucial issue to the attention of the authorities.

Ironically, Hamas has now been elected to the Palestinian Authority. Dr Bensiali maintains that the change in government does not affect Interpal’s work: ‘Like all other NGOs, Interpal sent humanitarian aid to the Occupied Palestinian Territories (OPT) while Fatah was in power, we will do so while Hamas is in power, and we will continue working regardless of who is in power, God willing.’

Dr Bensiali’s advice to other British organisations is that Interpal’s case is a wake-up call to resist the politicisation of humanitarian work, and to continue to ensure high standards of transparency and accountability. While making efforts to comply with standards, civil society needs to work together to lobby for a review of the designation process to make it clear, transparent, fair and objective.

The Interpal case also demonstrates that British charity regulations cannot protect British CSOs against arbitrary and non-transparent treatment by numerous foreign governments. While the current political climate of witch-hunting persists, CSOs need to rally together and publicise the risks of these pervasive and potent counter-terrorism measures to legitimate civic engagement.

Sources


Linda Lönnqvist, Researcher, INTRAC Email: llonqvist@intrac.org
and I. Hewitt and J. Qundil, Interpal
The government stance towards NGOs working in the northern areas of Pakistan has hardened since 9/11, supposedly in support of the ‘War on Terror’. But the relationship between NGOs and governments of any stripe in Pakistan has not been a cordial one for over a decade — ever since a nominally ‘democratic’ government attempted to pass the vigorously resisted NGO Bill, which sought to have all NGO funding from foreign donors routed through government. These controls, however, had to do with internal power struggles rather than any ‘foreign agenda’.

Thanks in part to the sustained awareness-raising activities of NGOs, the escalating protests of the peasant movement and trade unions, and the Internet, the Pakistani public has never been under any illusions about the underlying nature of the ‘War on Terror’. Soon after Pakistan ‘joined up’ with the ‘War on Terror’, a widely spread rumour that President Musharraf was threatened with his country being ‘carpet-bombed back to the Stone Ages’ if he did not cooperate, was openly discussed at NGO gatherings. It is not clear whether this ‘open secret’ was deliberately released to obtain public sympathy for subscribing to a dubious cause. In this view, the ‘War on Terror’ has been turned into an opportunity for consolidating power.

Recent years have seen increased acquisition of urban and agricultural land by the government, resulting, for example, in the ruthless repression of the Punjab peasant uprising. We have also seen the way the December 2005 earthquake was dealt with; these cases confirm the fact that the military government of Pakistan has no intention of relinquishing power, nor the economic gains arising from it.

The 2005 earthquake relief

The earthquake exposed how little the northern areas had been developed. Development programmes in this region had mainly served military interests; any improvements in the standard of living were made by the people themselves. Anger over this was exacerbated when international assistance turned out to be disappointingly meagre, especially from the US administration, ostensibly so engaged with the welfare of Pakistan in the ‘War on Terror’.

Reinforced control over NGOs

None of this had anything to do with others by relief efforts, many urban NGOs delivered a variety of revealing reports on the very limited relief activities, particularly in areas described as ‘sensitive’. This was seen as a callous willingness to risk the death of victims rather than opening up isolated areas to relief, and to conceal the fate of these areas from public view. The reports also detailed governmental involvement in large-scale losses and unwarranted diversions of aid, and a lack of transparency and accountability.

Meanwhile, low-key government suppression of activist NGOs continues. Whereas women’s NGOs that restrict themselves to unthreatening health and literacy activities, for example, are left alone, other activist groups are under considerably more pressure. They are caught between accusations by extremists of being both ‘westernised’ and co-opted, and an increasingly hardened government that is openly criticised for anti-women laws and state inaction on social deficiencies.

In this turbulent context, NGOs also take a dim view of the recent revamping of foreign NGO funding, which is widely seen as employment creation for consultants from donor countries. Some NGOs consider it a betrayal to accept funding from those who regard the recipient country as a terrorist entity. Although not as frequently as in some other countries, NGO workers and journalists in Pakistan do ‘disappear’. The ‘War on Terror’ may have been largely discredited, but it has not by any means diffused the power of the military government. Instead, it is being used to unilaterally push through policies involving the privatisation of public services and state enterprises. This has unleashed growing unrest and is bringing together NGOs and labour unions in an unprecedented manner. This conflict between state power and people’s livelihoods and its enmeshing with the ‘War on Terror’ is expected to grow worse and certainly make NGO work even more difficult than it already is.

Najma Sadeque

Director of The Green Economics and Globalization Initiative, a project of Shirkat Gah, a women’s research and advocacy NGO
Undermining Legitimate Protest: Corporate Power vs the Rights of Indigenous Communities

Martin Scurrah, visiting fellow at INTRAC, reports on the Peruvian government’s use of the term ‘terrorism’ as a means of silencing legitimate protest against the rising tide of corporate power.

In 2005, a weekly news programme in Lima announced a ‘network of terror’ in Peru. The programme began with quotes from President Toledo referring to organisations that were promoting violence and were opposed to the country’s development. There was also an obscure reference to Afghanistan. However, the high point was a picture of a spider web, complete with a very menacing spider, linking photographs of a Catholic bishop, an Oxfam programme officer, the president of the National Confederation of Communities Affected by Mining (CONACAMI) and a number of town mayors who were critical of a proposed mining project by a British mining company.

A few months before this, the regional director of Oxfam America had spoken at a celebration to honour victims of the country’s political violence, and participated in a mining industry congress on corporate social responsibility. Later that day, both he and a representative of Oxfam Great Britain were summoned to a meeting with the director of the government’s international development cooperation agency (APCI) and told that the president had demanded that APCI close the Oxfam offices down. Unfortunately, the director could not find any legal grounds for doing so. Instead, he suggested that both organisations voluntarily ask APCI to investigate their activities to show that they were not, in fact, promoting terrorist violence.

People vs corporate interests

What was the origin of these implausible, if not outlandish, charges? Several years earlier, a Canadian mining company with backing from the Peruvian government, suggested basing the economy of the town Tambogrande on mining. The town organised a referendum where the population voted overwhelmingly (94%) in favour of development on the basis of agriculture, not mining. This sent a shockwave through the mining industry in Peru and internationally. Oxfam had published a statement on the morning of the referendum with the heading, ‘Referendum en Tambogrande: Porque Oxfam lo Financia’, which could be translated either as ‘Referendum in Tambogrande: Why Oxfam is funding it’ (which was the intended meaning) or ‘Referendum in Tambogrande because Oxfam is funding it’. Perhaps because of this, the mining industry and government began a four-year media campaign branding Oxfam as a funder of violence, and portraying local communities who asserted their rights in the face of mining expansion, as perpetrators of violence in the countryside.

The mining industry and the use of ‘terrorism’

Oxfam America’s programme focuses on support for indigenous communities. In 2004, a US government report on the future security threats facing Peru had identified drug traffickers — and indigenous organisations — as the most likely threats. Thus, when the rapid expansion of mining activities onto indigenous community lands in the Andes of Peru sparked resistance, it was convenient for the mining industry and Peruvian government to use the ‘terrorist violence’ card in an attempt to silence opposition voices. In a meeting between Oxfam representatives and the chief advisor to the Minister of the Interior, convened to explain Oxfam’s position on violence, the advisor acknowledged that he understood Oxfam’s position and that the ministry was used to working closely with Oxfam’s chief partner. Nonetheless, according to the advisor, the mining industry was more interested in defending themselves against CONACAMI than against the remnants of the Shining Path guerilla organisation — the ministry’s concern. CONACAMI is considered by the ministry to be the legitimate representative of the indigenous communities affected by mining.

Rights for industry at the expense of rights of civil society

In late 2006, the National Congress, at the urging of APCI, passed legislation increasing government control over national NGOs, including those receiving private, non-governmental support. This requires them to register, report on their activities and funding sources and, most ominously, gives the agency the power to close them down if their activities are not aligned with the government’s definition of Peru’s development priorities. The main argument presented in support of these measures was to prevent NGOs from funding drug trafficking and terrorism, even though no evidence of such was presented. At the same time, the Congress voted against an excess profits tax on mining in favour of a voluntary contribution by the industry towards poverty reduction.

Thus, in the case of Peru, which experienced internal political conflict and violence in the 1980s and into the early 1990s, national and international concern about terrorism has been manipulated by vested interests which were challenged by local communities and their national and international NGO allies. The cynical manipulation of the terrorist threat and development alignment can be used as a justification for measures whose real intent is to undermine legitimate protest, stifle dissent and limit the defence of legitimate human rights.

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Counter-Terrorism Measures for NGOs: the Letter of the Law

Joseph McMahon from Inter-Mediation outlines the new laws that apply to Northern civil society organisations and the implications for civic space.

Developments in counter-terror measures (CTMs) over 2006 have many implications for NGOs working in international development (INGOs). Firstly, CTMs may signal a continuing erosion of trust between governments and NGOs. Secondly, the omnipresence of random violence and the increasing distrust between governments and NGOs suggest that CTMs and NGO regulation will be a long-term component of the future of INGOs. Some observers have even argued that inconsistencies among CTMs, and the sheer magnitude of limitations and requirements, make full compliance ‘an impossibility’.

However, it is worth keeping in mind that CTMs are only one of many factors affecting NGO programme funding decisions. CTMs do affect INGOs — but it is very difficult to accurately assess their impacts. Owing to its nature, data remains anecdotal.

The United States’ CTM context

NGOs have asked the US Department of the Treasury, the key US government agency overseeing CTMs that affect INGOs, to withdraw the Treasury’s voluntary Guidelines, the focal point for INGOs and CTMs. The US Treasury has declined to do so and instead reissued the Guidelines for the third time without substantial modification or response.

INGOs in the US have several key complaints about the Guidelines:

- **Is this really voluntary?** The Guidelines are presented as ‘voluntary’ but compliance seems mandatory. This nominal ‘voluntary’ status means that compliance with the Guidelines still does not provide legal protection — the INGO can be subject to sanctions despite complying.

  - **INGOs as government ‘agents’**. By creating the need for investigation and reporting, the Guidelines tend to convert the INGO into an ‘agent’ of US government, undermining trust with Southern counterparts.

  - **Burden on NGOs**. The Guidelines ‘require’ INGOs to collect additional information, putting an additional strain on resources.

  - **Intent is irrelevant**. The good intent of the INGO does not prevent sanctions, and the US government may (without notification) freeze INGO assets for a violation of CTMs even if the violation was made without knowledge of wrongdoing.

The INGO community has developed an alternative set of principles to guide US INGOs in their international funding.

This risk of CTM violation in the US comes amid increasing government scrutiny of NGOs and their boards and officers. Pending disputes include surveillance and infiltration of NGOs, and a government database on non-profit and civil society activity. Evidence suggests that a ‘Stop the [Iraq] War Now’ rally in Ohio was labelled by the government as a ‘potential terrorist activity’. A Quaker peace group, upon learning that its activities were in the government database, found the government monitoring of its work ‘chilling’.

There are also reports of CTM-related blocking of funding to Muslim charities in the US and Canada. ‘Defence for development?’ The US government is making efforts to integrate defence, diplomacy and development in a move referred to as ‘3D’. A key document is the US Department of Defense Directive Number 30000.05 from 2005. In sum, this document states that ‘stability operations’ are ‘a core US Military mission’. In fulfilling this new requirement, the US military is called upon to build alliances with NGOs.

Because of this directive, US INGOs have been approached by the US military for joint development and stability activities. Interviews suggest that, while some US INGOs do not want to participate, others are eager to team up with military-led programmes. Clearly, US INGOs need to define what relationship they want with the expanding US military.

CTM is also connected in many ways to broader trends in international aid: US aid to ‘promote democracy’ is prevailing over and reducing aid to, for example, combat childhood disease and maternal mortality.

C TM developments in the EU

The core concerns of INGOs and government regulators in the EU are similar to those expressed in the US, Canada and the UK. In the UK, the new Terrorism Act was made law on 30 March 2006. The UK response to terrorist attacks includes effort to ‘disrupt terrorists’ ability to raise, move and use funds... through [among others] misuse of charities.

Observers of the EU scene note that CTMs have not dramatically affected the programmes of INGOs — other than Muslim INGOs. But there is concern about the EU’s suggestion, in its draft recommendations, that political or religious affiliation is a ‘risk factor’ for
exploitation of INGOs. Some INGOs complain that such identification is inconsistent with Article 13 of the ‘Treaty establishing the European Community’ that is intended to combat discrimination based, among other things, on religion or belief. 18

Suggestions for improving CTMs
A key observer of CTMs in the EU suggests several options for easing the distrust between government agencies and INGOs, outlined below:

1. Recognise and use voluntary INGO codes of conduct. The voluntary codes of INGO conduct that have existed for years continue to be the best way to ensure proper use of charity funds.

2. Consider the local NGO-state context and history in relation to CTMs.

3. Rely on INGO commitment to transparency. Government agencies could support this by electronically publishing INGO reports.

4. Ensure proportionality by reviewing the actual INGO terrorism risk. Rather than assuming risk, regulators should undertake a risk assessment to determine the proper level of regulation necessary to prevent the diversion of charity funds to terrorism.

5. Government agencies should recognise the unique character of INGOs. Flexible working practices permit INGOs to achieve their humanitarian goals at minimum cost.

Conclusion
There are serious, overarching concerns about the effects of CTMs on INGOs internationally. These are the core issues:

- Disproportionate governmental anti-terrorist response to a very limited INGO risk. 19 Moreover, some INGOs fear that CTMs can be used as an excuse to limit civil society and public discourse.

- The climate of fear is used as a justification for indiscriminate responses, while the root causes of terrorism go unchallenged.

- National or supranational CTMs are released without meaningful response to INGO concerns.

- INGOs express concern over the detrimental effects of CTMs on civil liberties, although merely raising such a concern can arouse governmental suspicion.

- Governments have ignored INGO proposals that codes of conduct be voluntary rather than compulsory.

Within this legislative jungle, INGOs need to remain vigilant and vocal in asserting our rights and resisting attempts to restrict civic space.

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* All footnote references in this article can be downloaded from <http://www.intrac.org/pages/bulletin.html>

NGOs and the State in the Twenty-First Century: Ghana and India
Fatima Alikhan, Peter Kyei, Emma Mawdsley et al., 208pp, £17.95

As a result of the good governance agenda, much of the money which donors intend for NGOs is being routed through the state, with many unintended consequences. An international team of academics bring their extensive experience of NGOs to this critique of the impact of the shift in funding policy on recent NGO–state relations. At the forefront of this central debate, this book is essential reading for donors, politicians, civil servants, NGOs, academics and everyone involved in effective development.

Supporting the Capacity of Organisations at Community Level: An Exploration of Issues, Methods and Principles for Good Practice
Katie Wright-Revolledo, OPS 48, £9.95

This paper brings together a range of issues relating to good practice for OCB, such as awareness of local context, planning the OCB strategy and managing relationships with others.

Learning from Capacity Building Practice: Adapting the ‘Most Significant Change’ (MSC) Approach to Evaluate Capacity Building Provision by CABUNGO in Malawi
Rebecca Wrigley, Praxis Paper 12, £5.95

Counting the Organisational Cost of HIV/AIDS to Civil Society Organisations: Pilot Research Study
Rick James with Brenda Katundu, Praxis Paper 11, £5.95

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The next generation of INTRAC people has been arriving over the last few months. Gaby Romo and Lizi Bowerman have both given birth to daughters and Mia Sorgenfrei, who used to work with Praxis, a son. Congratulations to all three! We were delighted to welcome Megan Davies who valiantly stepped into Lizi’s Finance Administrator role in the nick of time since baby Eilish decided to arrive six weeks early.

Congratulations are in order for Susie Prince, who was promoted to Project Manager and will spend most of her time managing a large capacity-building programme to strengthen CSOs in northern and southern Cyprus.

Hannah Warren moved on from INTRAC in December and hopes to start her PhD in the New Year. We wish great success and good luck to Hannah in this exciting challenge. Gaby Guzman and her husband returned to Mexico just before Christmas, having given great support to the organisation of our 15th anniversary conference. New to the administration team is Kalsoom Rana who we welcomed as Office Manager in January.

Louise Oakley and her husband emigrated to Australia in November so we wish them well in their new venture. We also, sadly, said goodbye to Jerry Adams at the end of September. Jerry left to work at WaterAid, which is quite a bit closer to home than INTRAC.

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  - Non-Residential, London
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For more information and bookings, contact training@intrac.org or +44 (0)1865 263040.

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