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Private Sector Engagement in Counter Trafficking Projects: Learning from Our Actions

USAID Asia CTIP Learning Paper Series

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LIST OF ACRONYMS

CTIP	Counter trafficking in persons
IJM	International Justice Mission
NDA	Non-disclosure agreement
NGO	Non-government organization
PSE	Private sector engagement
SEZ	Special Economic Zone
USAID	United States Agency for International Development

INTRODUCTION

This Learning Paper Series was developed by the USAID Asia Counter Trafficking in Persons (CTIP) project with the overall aim to learn from our current and previous programming to better inform our future work. Winrock International is the implementing partner of this USAID-funded regional project. Winrock also implements six other USAID CTIP projects in nine countries: Bangladesh, Cambodia, Lao PDR, Kazakhstan, Kyrgyzstan, Nepal, Thailand, Turkmenistan, and Uzbekistan. In addition to this, Winrock is the implementing partner to an additional CTIP project in Bangladesh, generously funded by the Swiss Agency for Development and Cooperation (SDC).

Based on the wealth of experience coming from the region and the unique perspective of the regional project, USAID Asia CTIP decided to develop the Learning Paper Series to pull out crucial learnings that can be widely disseminated to funders, our teams at home office, our project staff in the field, and anyone else working in CTIP that wants to ensure the highest quality program delivery.

The papers in this series are meant to be small in scope, tackling specific areas of concern in the general programming models. In the future, the aim is to tackle the identified shortcomings with CTIP partners and ensure that ways of working are evidence based and impactful for survivors.

This learning paper focuses on private sector engagement (PSE) projects within several USAID CTIP programs implemented by Winrock International. As highlighted by Todres, the private sector is uniquely situated to play a critical role in the prevention of trafficking in persons.¹ This is because of the private sector's position in relation to streams of commerce; focus on innovation, and access to resources.²

The research conducted for this learning paper set out to answer a number of research questions:

What are the most effective interventions involving the private sector?

What are the most effective ways of engaging the private sector in CTIP interventions?

Do the projects focus on the 'right' goals for optimal efficiency, effectiveness, and impact?

Do the projects sufficiently focus on sustainability? What could be improved for ensuring sustainability?

How do the projects currently measure PSE and its effects on trafficking in persons reduction, and its impacts on the development of short and long term anti-trafficking policy?

Is the current approach effective in changing companies' policies or behaviors?

Based on 13 semi-structured interviews with CTIP project staff and external practitioners, this paper highlights a select number of learnings around current PSE approaches.

Eleven interviews were conducted with CTIP project staff. Interview respondents currently work in USAID CTIP projects in the following countries: Bangladesh, Cambodia, Lao PDR, Nepal, and Thailand. In addition, two interviews were conducted with representatives of international organizations that have experience in PSE.³ The interviews were conducted during the period between 1 March to 15 April 2021. Each interview was approximately 45 minutes to 80 minutes in duration. Interpreters were used when requested by the interview participants. While 13

1 Todres, J., 2012, The private sector's pivotal role in combating human trafficking. California Law Review Circuit, Vol 3: https://www.researchgate.net/publication/228125857_The_Private_Sector%27s_Pivotal_Role_in_Combating_Human_Trafficking

2 Ibid.

3 To ensure anonymity and frank and honest contributions, individuals were interviewed under the assurance that we would not list out the organizations or the individual roles of the staff working for Winrock International, nor would we connect contributions with country projects or international organizations.

interviews is a small sample, the interviews provided some key learnings that can be used to open up a dialogue on how CTIP projects are approaching PSE and what can be learned from our current ways of working to improve or adapt these approaches.

This paper is structured as follows: The first section provides a brief overview of PSE programming under select USAID-funded CTIP projects. This section summarizes the key objectives of PSE, and the steps that the projects take for establishing partnerships with companies. The second section of the paper presents five key learnings that were identified from interviews. The third section provides some recommendations for strengthening PSE for CTIP.

LEARNINGS AT A GLANCE:



1. Project staff have different ideas about the objectives of PSE



2. Project staff have little time to dedicate to PSE, and have received limited guidance on how to do PSE



3. Many partnerships do not come to fruition because of uncertain funding



4. Staff grapple with strategic (and possibly ethical) dilemmas and there is not enough guidance for dealing with them



5. Currently used monitoring and evaluation indicators do not fully show PSE impacts

KEY RECOMMENDATIONS:

- Develop a PSE strategy
- Implement comprehensive PSE training for all relevant staff
- Hire dedicated PSE staff
- Increase transparency around funding
- Conduct research and evaluation of partnerships.

OVERVIEW OF PSE PROGRAMMING FOR CTIP

Within CTIP projects, PSE programming contains two broad, and fairly distinct streams of work:

1. **The first stream** involves CTIP projects engaging the private sector for the purpose of **developing innovative and sustainable mechanisms to prevent and combat TIP**. Innovative and sustainable mechanisms include, for example, developing and implementing communications technologies that may help reduce trafficking in persons.
2. **The second stream** involves the projects engaging with the private sector for the purpose of **training and employing trafficking survivors**. Within this stream of work, companies that elect to partner with the CTIP project identify decent employment opportunities for survivors within the company's factory or other workplace, and partner with the CTIP project on training survivors and supporting their entry into new employment.

WORK STREAM 1

There are a number of steps and activities involved in the first stream of work in PSE (innovative mechanisms to prevent trafficking). These steps can be broadly described as follows:⁴

- The project conducts a private sector landscape assessment, which maps the key private sector organizations (companies) in the country, the companies' area/s of work, and interests, etc.
- CTIP project staff meet with companies to understand their own interests and corporate social responsibility objectives.
- Where it is anticipated that a partnership may come to fruition, CTIP project staff conduct due diligence. Staff use a due diligence tool that allows project staff to assess the risks of partnership with a company. Staff review publicly available information, such as the company's corporate social responsibility objectives, company financial profile, reputation, and any current or past lawsuits.
- The CTIP project drafts a concept note for partnership.
- Negotiations are conducted, which aim to align objectives and outline specific activities that may be conducted during the partnership.

- The project and the company sign a partnership agreement.
- Co-creation activities commence.

An example partnership is the USAID Asia and USAID Thailand CTIP partnership with Mars Petcare. With support from the consultancy firm, Resonance, USAID Asia CTIP and USAID Thailand CTIP are driving positive change in Thailand's seafood industry through the partnership with Mars Petcare. The partnership is piloting a communication technology to improve connectivity and safety for fishers while at sea.⁵

WORK STREAM 2

For the second stream of work (employing survivors), the steps for PSE are broadly as follows:

- A country-level private sector mapping activity is conducted.
- The CTIP project engages with the national government to ensure that the government is supportive of the project's plans for engaging with the private sector. As part of this engagement the project asks the government to provide a list of the companies in the country that are members of government associations, or Special Economic Zones (SEZ). The project also discusses with the government which companies have a good reputation and which companies the project should approach for engagement purposes.
- The project initiates discussions with the target companies to share project objectives; the job opportunities for survivors that might be available within the company; the skills that employees need; and what trainings the survivors may need.
- The project identifies trafficking survivors that are interested in working for the company, and meet the skills criteria (at present, or after training).
- The project organizes appropriate skills training for the survivors, and places them in positions within the company. The project provides ongoing support to survivors to support their entry into new employment.

⁴ The steps are not necessarily in the correct chronological order, and every project may approach PSE differently.

⁵ See <https://www.usaid.gov/asia-regional/program-updates/jan-2021-partners-work-reduce-worker-vulnerability-unfair-labor-thailand-seafood>

LEARNINGS

This section of the paper presents five key learnings. It should be noted that the learnings do not cover all the research questions presented in the Introduction section of this paper. This is because PSE is still a relatively new activity for some of the CTIP projects so questions such as ‘what is working well’ could not be answered as project staff are still in the process of establishing partnerships with companies. The research identified that only Thailand CTIP and Asia CTIP currently have operational private sector partnerships; all other CTIP country projects, interviewed for this research, are still in the process of identifying partners and setting up partnerships. Some of the reasons for this lag are explored throughout.

The main findings of this learning paper are as follows, confusion among project staff about project objectives, lack of time to dedicate to PSE activities, lack of dedicated PSE, and lack of training. It should be further noted that the COVID-19 pandemic resulted in some stalled PSE activities in the second stream of work (engaging companies to employ survivors).



Learning #1: Project staff have different ideas about the objectives of PSE

The first learning is that staff across the different CTIP projects have different views on the objectives of PSE. While there is value in allowing CTIP project staff to approach PSE as they see fit, different PSE approaches and objectives can have negative consequences if not adequately aligned or properly defined.

In addition to the two distinct work streams, some CTIP project staff identified PSE objectives as:

- Engaging the private sector so that companies will contribute financial resources to the CTIP project.
- Monitoring labor exploitation and trafficking in persons in the company's supply chain.
- Increasing knowledge of private recruitment agencies regarding ethical recruitment and employment.

Different views on the objectives of PSE, and different information provided to companies on the purpose of the CTIP project's goals and proposed activities **may lead to unintended adverse consequences**. As illustrated by the quote below, **if projects are not approaching PSE in the same way, efforts by one CTIP project may scare off potential private sector partners in another country and it is important to have a uniform strategy for PSE moving forward**.

“ I'd only be comfortable if I knew that the X team was approaching it the same way we're doing it. And not all of a sudden talking about whether they have trafficking in their supply chains. That would destroy my relationship with them also. We have to have a strategy on how we work with them. And we have to stop talking about trafficking in supply chains. It just doesn't work.”⁶

There are two key reasons that CTIP project staff understand the objectives of PSE differently. The first reason is that the objective of PSE has changed over recent years. Bearing in mind that PSE for CTIP is still a fairly new activity, original PSE objectives were not particularly far-reaching, and focused only on engaging companies for the purpose of employing survivors. More recently, some projects have identified considerable value in becoming more active in PSE, and the objectives of PSE for some country projects have consequently become ambitious. However, not all CTIP projects have moved to more active engagement.

The second reason that the objectives of PSE are conceptualized differently by CTIP staff is because the more active type of PSE is difficult in some countries. According to the interviewed CTIP project staff, the easiest way to secure a partnership with a company is to initially approach a multinational corporation. This is because multinational corporations are much better versed in the objectives of PSE and are more likely to be interested in engaging with the CTIP project than smaller companies. In countries like Thailand many multinational corporations are present, which allows CTIP PSE staff ample opportunities for potential engagement. In Lao PDR and some other Asian countries, few multinationals are present. For this reason, some CTIP projects are still struggling to identify companies interested in partnership with the projects, and in the meantime continue to pursue less active engagement activities.

6 Interview with a USAID CTIP country project staff member.



Learning #2: Project staff have very little time to dedicate to PSE, and have received very little guidance on how to do PSE

The second learning from the research is that PSE is a very challenging area for many CTIP project staff. PSE is now a mandated activity for CTIP projects but interview participants reported that **they have received little guidance or training on how to do PSE well**, that they **lack the time to learn how to do PSE effectively**, and that **many potential partnerships never come to fruition**.

Not all USAID CTIP projects have full time PSE staff. While that is the case in some country projects, such as Thailand CTIP, in other countries project staff are performing PSE activities on top of other responsibilities. According to the interview participants, PSE is a time consuming activity. A lot of work goes into reaching out to potential partners and partnership building. **Even still, in many cases, the potential partnership does not reach the formal agreement stage.**

Interview participants reported that they have received some training on how to perform PSE, but they feel that **the training is not enough to equip them with the skills to perform PSE well**, and it is **difficult for them to build partnerships when they are busy with other project activities**.

Some interview participants reported that while they see the value in PSE, it would be beneficial if the project could hire dedicated and experienced PSE staff, rather than existing project staff taking on PSE responsibilities on top of their other duties. The consensus in the interviews was that the country projects need full-time PSE staff who are able to dedicate 100 per cent of their work time to identifying potential partners, setting up partnership agreements, and implementing activities. As the quote below illustrates, in order to do PSE well, it is necessary for each CTIP project to have at least one dedicated PSE staff member who has experience in working with the private sector on development issues.

“At the end of the day if USAID wants us to do PSE and do it well then we need PSE people. And I think that's a realization for USAID that every project should have a dedicated PSE staff.”⁷

However, interview participants further reported that a key challenge for some CTIP country projects in employing dedicated PSE staff is the limited project budget. As the quote below illustrates, because PSE is only one activity of many that a CTIP project is coordinating, it is often difficult to justify hiring a full-time PSE staff member.

“What's different in [project]8 we've never had a dedicated staff working on PSE. And that's a huge gap. Most projects can't afford based on the budget. We always include it and it's always cut out. It's always a third objective so it's a tenth of a project. So it's hard to justify having someone full-time.”⁹



7 Interview with a USAID CTIP country project staff member.

8 Information withheld.

9 Interview with a USAID CTIP country project staff member.



Learning #3: Partnerships do not come to fruition because of uncertain funding

The third learning is that CTIP staff spend a significant amount of time trying to set up partnerships with companies **but many of the potential partnerships fail because of funding concerns.**

There was consensus across the interviews that PSE takes a considerable amount of time. The process of engaging a company – from the point of initial contact through to a formal partnership agreement and co-creation of a strategy –takes approximately one year. The CTIP projects have a five-year life span, with little certainty regarding funding after the end of the five years. In addition, interviewed project staff reported facing uncertainty on a yearly basis regarding the amount of funds that will be available in the next year for partnership activities.

Interview participants reported that funding concerns are not only felt by CTIP project staff, but also private sector organizations. Interviewed CTIP project staff reported that because of uncertainty regarding project funding, companies may be reluctant to engage with the CTIP project at all. **Existing private sector partners sometimes experience concern that the CTIP project will end** and that the partnership could consequently suddenly dissolve.

“ We don’t even want to talk about the project end date because they are like – ‘what do you mean the project might end? Why are we even investing then?’ They want long term... It’s not possible to elicit change in five years just because of the huge amount of time that it takes to garner the trust and build those relationships.”¹⁰

10 Interview with a USAID CTIP country project staff member.



Learning #4: Staff grapple with strategic (and possibly ethical) dilemmas and there is not enough guidance for dealing with them

The fourth learning is that CTIP project staff struggle with some strategic and ethical issues, which affect engagement with companies. Interview respondents reported that while they do their best to deal with these issues, it would be beneficial to have additional strategic guidance on how to deal with these challenges.

THE CTIP PROJECTS HAVE TO AVOID THE TERM 'TRAFFICKING IN PERSONS' BECAUSE IT IS CONSIDERED SENSITIVE BY COMPANIES

The first issue is that the CTIP project staff and other experts reported that they often have to avoid using the term 'trafficking in persons' when approaching companies for partnership because **the term 'trafficking in persons' is considered sensitive by many companies in Asia**. The **companies are primarily concerned that their reputation might be damaged**, and that their customers and shareholders will be put off by the company's engagement on the trafficking in persons issue.

Companies may also be reluctant to engage with the CTIP project because **they fear having their supply chains scrutinized**. They fear being investigated by the CTIP project or reported by the project to the authorities, and being punished if, for example, forced labor is identified in the company's supply chain.

“*Trafficking in persons is very sensitive. It's risky for businesses to have conversations. I think the topic is definitely part of it.*”¹¹

Interviewed project staff reported that they sometimes skirt the term 'trafficking in persons' in order to engage companies. One method is to use related terms, such as 'safe migration' or 'worker rights' in conversations with potential private sector partners.

“*They don't like the term 'trafficking in persons', they think there's a negative connotation. Rather they want 'safe migration'. So we say "right let's go with 'safe migration'". Things have changed for sure. But with the private sector it's still the case, that they are concerned with the term 'trafficking.'*”¹²

PROJECT STAFF HAVE TO NAVIGATE HOW TO DEAL WITH LABOR ABUSES IF THEY ARISE WITH PARTNERS

Although Winrock has a Code of Conduct that requires all staff to report cases of TIP if found, a challenge faced by some CTIP project staff **is the lack of strategic guidance on what they should do when suspected labor abuses within a private sector partner's direct supply chain are identified**.

Some CTIP projects reportedly sign non-disclosure agreements (NDAs) before a partnership agreement is finalized. The purpose of the NDA is to protect confidential information, but the risk is that it may put some limitations on disclosing information gathered during the partnership.

“*Often, we have to sign a non-disclosure agreement before starting to partner with anyone, and that's a limitation. We need to be careful how much we can compromise.*”¹³

Interview participants reported that some more guidance is needed in terms of , when it comes to publicly sharing important findings while partnering with a private sector partner without falling foul of the NDA.



11 Interview with a USAID CTIP country project staff member.

12 Interview with a USAID CTIP country project staff member.

13 Interview with a USAID CTIP country project staff member.



Learning #5: Current PSE monitoring indicators are not always useful for showing impact

The final key learning from the research is that the indicators that the projects currently use to monitor PSE activities are not considered fully useful for showing impact.

The PSE monitoring and evaluation indicators for two projects are: (1) number of partnerships developed; and (2) number of actions that the private sector has taken to combat TIP (high, medium, and low actions). For the second indicator, high level actions include, for example, when a contract is signed with a company and the company provides financial resources. Medium level actions include that a meeting between the private sector and the government occurs and policy changes are expected as an outcome of the meeting. Low level actions include meetings, trainings, and other events.

Interview respondents criticized both indicators. Interviewed CTIP project staff reported that **the number of partnerships indicator does not tell USAID or the CTIP projects much about the sustainability or impact of the partnerships.** For example, 20 new partnerships with companies for the purpose of employing survivors does not tell USAID or the CTIP project much about whether the survivors were successfully trained and placed in decent employment. The 20 new partnerships may only result in only one or two cases of survivors being successfully placed in decent employment.

Interview participants further reported that counting partnerships also does not tell the project much about the impact of the partnerships in terms of implementing innovative mechanisms to prevent trafficking in persons. Twenty new partnerships with companies may not achieve much because many partnerships will fail due to funding concerns, the company may change its corporate social responsibility objectives, or few joint activities are actually implemented. On the other hand, just one partnership such as the Mars Pet-care project may achieve many significant outcomes.

“While our goal is – as many partnerships as possible – that doesn’t really tell us much .. you can go and cover any small business. That doesn’t contribute to the ecosystem. Our brief is to come up with solutions that are a game changer.”¹⁴

Interviewed CTIP project staff also criticized the indicator – ‘number of actions’ (high, medium, and low actions). Interview participants commented that while monitoring ‘actions’ may tell USAID and the CTIP project something about expected policy change, the indicator does not measure impact. Project staff expressed doubt that this indicator is telling USAID and the project anything meaningful about whether the project is achieving its objective of preventing trafficking in persons. Interview respondents reported that **using indicators that measure the quality, sustainability, outcomes and impact of the partnerships, would be much more beneficial than counting new partnerships and actions.**

“We have those as indicators. They’re easy. But is it really telling us anything? Probably not! It’s telling us ok we’ve engaged with.. companies with X number of actions. But what’s the weight of those actions. What happens to them?”¹⁵



¹⁴ Interview with a USAID CTIP country project staff member.

¹⁵ Interview with a USAID CTIP country project staff member.



Below are some key recommendations that respond to the main learnings explored in this paper.

Develop a strategy that clearly outlines the objectives of PSE

USAID and implementing organizations should develop a comprehensive PSE strategy, which clearly outlines the desired objectives of PSE within CTIP programming. At present, some of the projects are approaching PSE in quite different ways, and staff conceptualize the objectives of PSE differently. The strategy should set out precisely what the objectives of PSE programming are, and work more closely with implementing partners to develop a unified approach.

The strategy should also consider whether the activity of engaging companies for the purpose of employing survivors should sit within the PSE area of work. Ultimately, engaging companies for the purpose of providing survivors with employment is providing survivors with a key service (livelihood support). Thus the CTIP projects and implementing partners should consider whether this activity might better sit in the access to/provision of services program of work.

In developing a PSE strategy, the country contexts of each CTIP project should be fully considered. PSE for the purpose of developing innovative mechanisms to prevent and combat trafficking may not be possible in some countries due to the lack of multinationals present.

Through the process of developing a PSE strategy it may be determined that there is no 'correct way' to perform PSE and that each country project should do PSE in the way that suits them. However, as noted in previous pages, the problems associated with country projects adopting different PSE objectives need to be fully understood and addressed.

Hire dedicated PSE staff

If USAID and implementing organizations want PSE to be a priority programmatic area within CTIP projects, then the projects require dedicated PSE staff. Key problems highlighted by interviewed CTIP project staff during the interviews for this learning paper are that they do not now know how to do PSE well, and that they lack time to develop and implement partnerships. If PSE is to be done effectively then projects must invest in their staff.

Develop a comprehensive PSE training program for relevant staff

Where it is not possible for dedicated PSE staff to be hired, USAID and implementing partners should develop a comprehensive private sector training program for all staff who have PSE responsibilities. At present, project staff receive some training but it is reportedly short in nature, and insufficient to equip staff with the skills to do PSE well.

Development of training modules should occur after a strategy for PSE has been finalized. There is limited value in training staff on PSE if the objectives of PSE remain unclear. If the strategy determines that the objective of PSE is to develop innovative mechanisms to prevent and combat trafficking in persons (as opposed to identifying job opportunities for survivors, or reforming a company's supply chain) then the training should focus on how staff should go about achieving this complex objective.

Training should also strengthen the capacity of staff to engage with the private sector and convey to companies the business case in engaging on CTIP, i.e. the benefits for companies in engaging with the project, such as better compliance with national legislation, and improved reputation.

Improve communication on available funding for PSE

PSE is a mandated activity for the CTIP country projects, but staff find it very challenging, from year to year, to know how much funding will be available to them in the next financial year for PSE activities. Sharing budget information in advance - for the life of an activity if possible - will enable staff to continue PSE activities with reduced disruption and reduced likelihood of companies pulling out of partnerships because the project cannot guarantee financial and human resources.

Conduct research into and evaluations of PSE activities and partnerships

The research conducted for this learning paper could not answer the question of 'what works' in PSE programming. This is because the objectives of PSE are different across the projects, the projects are implementing different PSE activities, and partnerships have yet to be evaluated.

Interview respondents recommended that more research needs to be done in the area of PSE. Looking ahead, USAID and CTIP projects should set up evaluation frameworks and conduct robust evaluations of operational PSE activities. Process and outcome evaluations should be conducted by independent evaluators, and results shared publicly so that other donors and CTIP programs can learn from the results.



CONCLUSION

It may have been premature to draft a learning paper on CTIP PSE programming because few PSE partnerships are currently operational. As a result, most learnings presented in this paper focus on the challenges associated with setting up and sustaining partnerships with private sector organizations. However, the learnings outlined in this paper provide some useful points for consideration – for CTIP projects as well as other organizations implementing PSE – that should be considered in the next phase of PSE programming.

PSE for CTIP is still a relatively new area of CTIP intervention. Project staff have different views on the objectives of PSE, and on the activities that should be implemented. There could be unintended negative consequences from the different approaches used, such as activities of one CTIP project negatively impacting those of another country project. Funding cycles, a lack of training, and high workloads further make PSE challenging for CTIP project staff.

While there is certainly value in engaging the private sector for preventing and combating trafficking in persons, the CTIP projects would greatly benefit from additional guidance and assistance for developing and maintaining partnerships. Development of a clear strategy for PSE would be a useful first step, followed by CTIP staff participating in comprehensive PSE training. It would be preferable for dedicated PSE personnel to be hired, rather than existing personnel taking on PSE responsibilities on top of their other work. Finally, PSE for CTIP is an area that requires much more research, monitoring and evaluation. Existing indicators should be reviewed, and amended where it is determined that other indicators could be used that better monitor project outcomes and/or impact. Robust evaluations should be conducted of PSE partnerships such as the partnership of USAID Asia CTIP and USAID Thailand CTIP with Mars Petcare. Findings from research, monitoring, and evaluation activities should be widely disseminated so that other donors and development organizations can learn from the PSE experiences of the USAID CTIP projects.



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