

Report
Evaluation of the Diakonia IHL program
Occupied Palestinian territory (oPt) and Israel

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Background

Sthlm Policy Group has been assigned to perform an evaluation of the Diakonia International Humanitarian Law Program in the occupied Palestinian territory (oPt) and Israel. The present report is a first draft the findings and conclusions of the evaluation team to be reviewed and commented upon by Diakonia. It is recommended that the draft report is also circulated to partner organizations for comments.

A field visit was conducted in Israel, the West Bank and Gaza between 23 March – 6 April 2009, during which the IHL team, partner organizations and various other stakeholders were interviewed. The team leader for the evaluation has been Hannes Berts, Sthlm Policy Group. The team also comprised two local experts on Israeli and Palestinian civil society respectively: Henriette Dahan Kelev and Moussa Rabadi.

Two expert advisors, Iain Cameron (professor of International Law, Uppsala University) and Pia Sassarsson Cameron (expert on international support to Civil Society actors), have participated in the planning of the evaluation and reviewed the report. Emy Wängborg, Sthlm Policy Group, has supported the evaluation process with research and advice.

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1. Executive Summary

The Diakonia IHL program is aimed at promoting increased respect for, and implementation of, international humanitarian law (IHL) in the Israel and the occupied Palestinian territory. It is a three-year program with a total budget of 35 million SEK. The ongoing program was initiated in 2006 after the completion of a two-year pilot phase. The pilot was concluded with an external evaluation that recommended its continuation. The primary purpose of the present evaluation is to serve as a basis for decisions relating to the continuation of a similar program and next steps to be taken in this regard.

The program is implemented through a dual approach: 1) project support aimed at integrating IHL aspects into the activities of local partner organizations, thereby strengthening the capacity of local actors in their work towards their respective constituencies; and 2) self-implementation, whereby Diakonia develops its own IHL capacity in its Jerusalem office in order to support local partners, raise awareness and provide IHL support in the international NGO (INGO) community in the oPt, as well as the UN and other international actors and diplomatic missions. The program has four components education/information, monitoring, and advocacy. The advocacy component has been excluded from the program funded by Sida, and is funded and implemented by Diakonia's Head Office (HO) in Stockholm.

The respect for IHL – especially in light of the recent operation “cast lead” in Gaza – cannot be said to have improved in the years of program implementation. However, the program must still be considered to have contributed to the achievement of its overall objective. There are concerted reports from informants that the IHL discourse is substantially more present in Israeli and Palestinian political life, in courts, in media reports, and in civil society.

While many of the expected results have been achieved and the program seems geared toward contributing to its objectives, the second phase appear to have been weighed down by a number of problems, primarily: i) a high level of staff-turnover; ii) the composition of the IHL team; iii) difficulties in getting sufficient reporting from partner organizations; iv) confusion regarding the limits of the IHL team's information mandate (as the advocacy component was excluded from the core of the program); and v) political developments, particularly the isolation of Gaza, the split between Fatah and Hamas, and the recent operation “cast lead”.

There is a clear need for the IHL program and an important role for Diakonia to play, both in relation to the local civil societies, and the international community active in Israel and the oPt. However, in order to achieve

sustainability in Diakonia's engagement, there is a need for IHL and protection to be built into the core of the organization's mandate, as was envisaged at the inception of the IHL program. If a third phase is to be sought there is a need to bring resources, management structure, composition of the IHL team in Jerusalem and expectations on the program closer together and strengthen the strategic prioritization. It is also the assessment of this evaluation that a clearer advocacy and public information mandate should be included in a third phase of the IHL program.

The program is unique in its approach and Diakonia complements the roles of other key actors in the field of IHL, such as the ICRC and the United Nations. The reach of Civil Society organizations and their ability to create grass-root movements should not be underestimated. The program falls squarely within the Swedish priorities for humanitarian assistance as a measure "*designed to ensure respect for the rights of people in need*", and "*calling attention to the obligations of armed groups (...) and education about rights and obligations under international law.*" The basic analysis and rationale for the Diakonia IHL program is still relevant but expectations must be realistic. The program should be underpinned by the understanding that the core of the Israeli/Palestinian conflict is political. The legal framework provided by human rights and IHL can help provide an environment conducive to negotiations, but without political will and courage, it will remain a means of treating symptoms of the conflict.

2. Objectives, Methodology and Scope of the Evaluation

2.1 Objectives

The objectives of the Evaluation are threefold:

1. *To assess if and to what degree the objectives of the Diakonia IHL program have been fulfilled and if expected results have been achieved;*
2. *To assess whether the support provided through the program has indeed increased the respect for and implementation of international law - international humanitarian law in particular - in Israel and the oPt; and*
3. *To assess the relevance and cost effectiveness of local partner organizations in implementing projects within the framework of the program.*

The evaluation should also be *distinct and forward-looking*. Its primary purpose is to serve as a basis for decisions relating to the continuation of a similar program and next steps to be taken in this regard. In order to produce a report that is useful for this purpose it has been necessary to place the program in its wider context – taking into account the current political situations in the oPt and Israel, other ongoing or planned programs, as well as the way the program is perceived by stakeholders, political actors and local communities.

2.2 Methodology and Evaluation Framework

The evaluation has been conducted with reference to Sida's Evaluation Manual¹ (which is a useful tool to analyze issues concerning the relevance, efficiency, effectiveness, impact, and sustainability), complemented by *OECD/DAC's Guidance on Evaluating Conflict Prevention and Peacebuilding Activities, 2008*. The evaluation has focused on the following criteria: *Relevance, Effectiveness, Efficiency, Impact, Sustainability* and *Coherence*, as outlined in the evaluation framework in Annex 3. The evaluation framework further comprises the conflict sensitivity- and gender equality perspectives. The matrix in Annex 3 illustrates the evaluation framework used.

The primary source of data for the evaluation has been: 1) program documentation, reports and previous evaluations; and 2) in-depth individual and/or focus group interviews with relevant partners and stakeholders in Sweden and in the field. The evaluation has been conducted with a participatory approach, involving all identified partners and stakeholders and inviting them to provide input for the analysis and where appropriate express their needs and aspirations.

A field visit was conducted in Israel, the West Bank and Gaza between 23 March – 6 April 2009, during which the IHL team, partner organizations and

¹ Sida, Looking Back, Moving Forward: Sida Evaluation Manual, 2004.

various other stakeholders were interviewed. Local experts have strengthened the evaluation team's understanding of the local context and the complexity of local civil society, internal relationships and sensitivities.

2.3 Scope and Limitations

Evaluating the full period of implementation of the IHL program (2004-2009), including the performance of all project partners, is a major assignment. It has been necessary, through discussions with Diakonia, to limit the scope of the evaluation to match the time and resources available.

While all program partners and a broad array of stakeholders have been interviewed, the main focus of the evaluation is the program level. In the time and space available for the evaluation, it has not been possible to do an in-depth evaluation of the work of all partner organizations. The assessment of their relevance and contribution to the program has been based on their own and Diakonia's reporting as well and on interviews with key staff. It has not been possible for the evaluation team to do an in-depth analysis of the financial reporting of each partner. The assessment of cost effectiveness is therefore limited to a general analysis of how the total costs of projects relate to the produced or potential results (integrated into the sections on *relevance and partnership*). Where available, reports from recent comprehensive evaluations of the organizations in question have been used.

Similarly, while the full period of the program is reviewed focus will be centered on the program's strengths and weaknesses today. The report attempts to provide a general picture of the program, from which some important lessons can be drawn for the future.

The ToR states that the evaluation is to assess if and to what degree the support provided through the program has indeed increased the respect for and implementation of international law – IHL in particular – in Israel and the oPt. In light of the environment in which the program is implemented and the variety of factors that influence compliance or non-compliance with IHL, impact in relation to the overall objective of the program is virtually impossible to measure. In addition, the lack of clear baseline data and impact indicators makes the task even more difficult. Against this background, any attempt to assess impact will have to be based on an analysis of effects throughout the results chain (input-output-outcome-impact). On this basis the “*theory of change*” and the program logic can be assessed in order to determine the level of probability of long-term impact.

3. Swedish Policy for Humanitarian Assistance

3.1 The Governments Humanitarian Aid Policy

The Swedish Humanitarian Aid Policy is outlined in a communication to Parliament in December 2004 (2004/05:52): “*The goal of the government's policy is to help to save lives, alleviate suffering and maintain human dignity for the benefit of people in need who are, or are at risk of becoming, affected by armed conflicts, natural disasters or other disaster situations.*” All efforts are to be guided by the humanitarian principles of “*humanity, impartiality, neutrality and independence*”. Swedish humanitarian aid should also be guided by the 23 principles of Good Humanitarian Donorship (2003).

The Policy goes on to define humanitarian aid: “*Humanitarian aid is provided in two closely related forms: material aid and protection. (...) Protection includes measures designed to ensure respect for the rights of people in need, in particular the right to physical safety and dignity. Related measures include calling attention to the obligations of armed groups, registration of the status of refugees or internally displaced persons and education about rights and obligations under international law*”.

The Policy is complemented by Guidelines for the Swedish International Development Cooperation Agency’s (Sida) work with Humanitarian Aid (UD2004/60685/GS), and a Strategy for Sida’s Humanitarian Assistance 2008-2010. The Strategy holds that: “*Non-governmental organizations have an essential task in the implementation of humanitarian efforts. Their base in civil society gives in countries affected by humanitarian situations gives them a unique role to quickly reach those affected.*” In the Swedish Country Strategy for the West Bank and Gaza, July 2008-December 2011, it is stated that: “[t]he support to dissemination of information on international humanitarian law is to be continued.”

3.2 Working in Complex and Conflict Affected Environments

Conflict sensitivity and is a central principle in Swedish development cooperation and humanitarian assistance. It means striving to ensure that projects and activities have no negative impact and thus do not escalate tensions between parties to a conflict. Even if some general conclusions can be drawn regarding working in such environments, every situation is unique and requires a tailored approach. Understanding the local context and identifying the drivers of tension and conflict, as well as potential drivers for peaceful development, is key.

In addition to *conflict sensitivity* Sida’s approach to peace and security and to working in areas of recent, ongoing or potential violent conflicts also includes *Risk Awareness*; and *Promotion of Peace and Security*, meaning that the potential to achieve a positive impact by increasing security and/or contributing to conflict

prevention or resolution through development projects should always be explored.²

3.3 The IHL Program under the Humanitarian Strategy

As is clear from the policy and strategy documents, Swedish humanitarian assistance is – as it should – primarily geared towards providing emergency support and assistance to people in immediate need. This type of support and activities are different from more long-term development cooperation in many ways – not least in terms of how interventions are planned, monitored and reported.

The Diakonia IHL program falls squarely within the scope of the Swedish policy and strategy for humanitarian assistance as outlined above. At the same time, as an education/information and monitoring program (advocacy is not funded by Sida), the intervention logic and program strategy is more similar to that of more long-term projects. This has implications for the planning process as well as for reporting. Results tend to be less concrete than in regular humanitarian assistance projects and impact is more difficult to measure and may never be visible in a way that makes direct attribution to the program possible. The nature of the program, somewhere between humanitarian assistance and development cooperation, has made it difficult to place it within the Swedish organizational structure.

4. Context Analysis

4.1 General Conflict Characteristics

The chronic nature of the occupation of the West Bank, East Jerusalem and the Gaza strip – and the complexity of the political issues at the core of the Israeli-Palestinian conflict – are factors that must be considered and integrated into any program or project in the occupied Palestinian territory (oPt). Against this background, a program aimed at raising awareness of and increasing the respect for international humanitarian law will inevitably run into a number of challenges.

The occupation is ever-present in the lives of most Palestinians. Continuous construction and expansion of settlements, confiscation of property, roadblocks, checkpoints, the separation barrier, and other restrictions of movement are constant reminders of the occupation. Access to health care and other essential public services are often severely restricted by limited freedom of movement, even within the Palestinian territory. Poverty in Palestine is also closely linked to

² Sida Policy – Promoting Peace and Security Through Development Cooperation, 2005

the occupation. According to the United Nations in 2007 some 35% of all Palestinians (51% in Gaza and 19% in the West bank) were living in poverty – a 50% increase since 1998.³ The frequency and severity of human rights violations against civilians in the oPt and the disregard for international humanitarian law in the occupied territory has repeatedly brought condemnation by the international community. In reality, however, on the ground in Palestinian communities these condemnations do not do much to remedy the daily injustices. It is therefore very difficult to convince people of the relevance of international humanitarian law to their lives.

On the Israeli side, the conflict is viewed as a truly existential issue and it plays a very important role in Israeli politics. During its entire history, Israel has lived with the fear (often well grounded) of being surrounded by neighbors set on its destruction. The fear of unpredictable attacks on civilians and rockets fired at towns and cities near Gaza is something many Israelis deal with on a daily basis. The challenge in the Israeli society is to convince people that international legal principles regulate and on occasion even trump what is perceived as necessary measures to protect the nations security – especially as the other side is not seen to be held to the same high standards.

Fewer and fewer Palestinians believe that negotiations with Israel will bring either peace or justice. In Israel, the leading figures in the newly elected government are not known for their willingness to negotiate with Palestinians. For the regular Israelis and Palestinians it has been made virtually impossible to interact normally with each other. Palestinians are not allowed to enter Israel and Israelis are not generally allowed to visit Palestinian cities or villages. Most Palestinians living in Gaza have not been allowed to leave the tiny strip of land in years. The situation affects the possibilities of establishing cooperation between organizations on different sides of the geographic as well as the political and social identity divides.

4.2 IHL in the Israeli/Palestinian conflict

The Israeli/Palestinian conflict is one of the most disputed issues on the international agenda. In principle, however, the international community is in agreement on the legal obligations of the parties. Both Israel and the Palestinian Authority, as well as Hamas in Gaza, carry obligations under international humanitarian law and international human rights law in relation to the civilian populations in Israel and the oPt. The applicable law and the legal obligation of all parties to the conflict (at least in terms of minimum requirements on the concerned parties) have been confirmed *inter alia* by the International Court of Justice, various UN institutions, including the General Assembly, and the ICRC.

³ UN Consolidated Appeals Process, 2009; www.ochaopt.org

Israel has responsibilities as an Occupying Power in the oPt under the rules set out in The Hague Regulations, annexed to The Hague Convention of 18 October 1907 concerning the Laws and Customs of War and Land, and the Fourth Geneva Convention (1949) relative to the Protection of Civilian Persons in Time of War. While Israel is not a party to the Hague Convention, the Hague Regulations are generally accepted as part of customary international law, binding on all states regardless of participation in formal agreements.

The Palestinian Liberation Organization (PLO) has made repeated unilateral undertakings that it will “adhere to the four Geneva Conventions of 12 August 1949 and the two Protocols Additional thereto.”⁴ Hamas has confirmed its commitment to respect “international law and international humanitarian law insofar as they conform with our character, customs and original traditions.”⁵ Also Hamas, and all other groups in the oPt, are bound by applicable IHL rules that are part of customary international law.

In its Advisory Opinion on the Wall⁶, the ICJ stated that the obligations violated by Israel included certain obligations *erga omnes*, and that: “[s]uch obligations are by their very nature ‘the concern of all States’ and, ‘In view of the importance of the rights involved, all States can be held to have a legal interest in their protection’”. The Court went on to state that “[t]he obligations *erga omnes* violated by Israel are the obligation to respect the right of the Palestinian people to self-determination, and certain of its obligations under international humanitarian law.” (Paragraph 155)

The ICJ also pronounced its position on the responsibility of third states under the Geneva Conventions in relation to the conflict: “*The Court would also emphasize that Article 1 of the Fourth Geneva Convention, a provision common to the four Geneva Conventions, provides that ‘The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.’ It follows from that provision that every State party to that Convention, whether or not it is a party to a specific conflict, is under an obligation to ensure that the requirements of the instruments in question are complied with*” (paragraph 158). There is, however, little agreement on exactly what this third state responsibility would imply in terms of levels of engagement and intrusiveness of interventions.

⁴ Written statement by the PLO as referred to in the Report of the High Commissioner for Human Rights on the implementation of Human Rights Council resolution 7/1, 6 June 2008, para. 6.

⁵ Text of the National Unity Government program delivered by then Prime Minister Ismail Haniya before the Palestinian Legislative Council, 17 March, 2007, as referred to in the Report of the High Commissioner for Human Rights on the implementation of Human Rights Council resolution 7/1, 6 June 2008, para. 6.

⁶ International Court of Justice, Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territories, July 9 2004, <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=5a&case=131&code=mwp&p3=4>.

The discourse of international law has been extremely politicized and both sides of the Israeli/Palestinian conflict and both sides constantly abuse IHL arguments. International law has more often been used as a political tool, even to justify violations and abuses of human rights and IHL, than as a framework for serious legal analysis. The Diakonia approach to increase awareness, knowledge and serious qualitative debate on IHL issues in the Israeli and Palestinian context is therefore very important.

4.3 The Political Context

In the Israeli/Palestinian context everything has political significance. Every action or statement can be interpreted by one side or the other as a political statement. The conflict is constantly present and even within organizations working on human rights and IHL; there are vast differences in perspectives on the Israeli and Palestinian sides of the green line (and between Jewish/Israeli and Palestinian/Israeli organizations within Israel). These differences in perspectives are of course a natural consequence of the environment in which the organizations work and the personal experiences of staff and constituencies.

The democratic development in Palestine has been severely damaged in the aftermath of the 2006 elections.⁷ The internal conflict between Hamas and Fatah, and the international strategy towards the two parties have led to a tense atmosphere throughout the West Bank as well as in Gaza. People in general, and especially representatives of organizations receiving funding from external donors, are reluctant to speak openly with foreigners about politics. In the absence of a strong Palestinian Authority, with real power to improve people's lives, Palestinians are without any means of influencing their political future at the national level. Palestinians are losing faith in the democratic process and in the political system. While the root cause of this situation is the continuing Israeli occupation, it is severely aggravated by the internal Palestinian conflict.

In the Israeli context, political life has been severely influenced by the second intifada and the wars in Lebanon and Gaza. In times of crisis, when the nation is perceived as threatened, people tend to align behind the leaders and dismiss any criticism against them (as most societies do). This is a persisting challenge in working with Israeli organizations and increasing awareness of and respect for IHL. Most organizations involved in human rights and IHL work in the oPt

⁷ Hamas won a majority of the seats in the Palestinian Legislative Council (74 out of the total of 132 seats, compared to Fatah's 45). All international monitors agreed that the elections were free and fair. In February 2007 a government of national unity was formed between Hamas and Fatah. Since Hamas was listed as a terrorist organization by the United States and the European Union, severe restrictions were enforced on how international support could be given to the Palestinian Authority. A Temporary International Mechanism was established to enable support to the PA without dealing with Hamas. In June 2007, only five months after the formation of the unity government, Hamas took control of the Gaza strip after a violent internal conflict with Fatah. President Mahmoud Abbas (Fatah) dissolved the unity government and the Palestinian territory was *de facto* parted into two separate political units.

are labeled “leftist” and face an internal political stigma. Diakonia has tried to counter this by seeking a more mainstream partner in the Association for Civil Rights in Israel (ACRI), working on human rights issues inside Israel as well as in the oPt. This strategy seems to have worked fairly well and additional groups have been reached through this approach.

5. The Diakonia IHL Program

5.1 Diakonia

Diakonia is a Swedish NGO founded in 1966 by six Christian denominations. The organization’s work is based on five themes: democracy; human rights; gender equality; social and economical justice; and conflict transformation and peace. The IHL program falls under the last, and newest, of these themes.

5.2 The IHL Program

As is clear from this description, Diakonia is neither a humanitarian actor, nor a specialized legal organization. The idea for an IHL program in the oPt and Israel grew out of discussions with Sida and the Swedish Red Cross as an innovative attempt to make practical use of legal principles. After an initial analysis, it was concluded that *“humanitarian assistance is not the answer to the deepening crisis in the occupied territories, and that it may even be considered as a big problem that the donor community is in practice financing the occupation”*⁸. The remedy was to create the Diakonia IHL program comprising education, information, monitoring and advocacy as tools to increase respect for and further implementation of international humanitarian law in the Israeli/Palestinian conflict. The target groups were decision-makers, NGOs, lawyers and the general public in Israel and the oPt as well as the international community representatives in these environments. After International Advisory Council was set up as patrons of the program and to provide strategic advise and support.

The advocacy component was lifted out of the program, as Sida did not agree to fund advocacy activities aimed at the Swedish Parliament, but Diakonia decided to fund the component independently and implement it within its Head Office (HO) in Stockholm.

The program has developed over two phases. The pilot phase of the program was based on a needs assessment mentioned above. The pilot phase was implemented over two years, 2004-2006, after which the program was

⁸ Lagerlöf, Christian and Greenhill, Malin: “International Humanitarian Law: the Only Way Forward”, Project document prepared for Diakonia, November 2003

evaluated. The evaluation concluded that: *“the IHL pilot project has mostly met its objectives, and confirmed the clear need for such a program”*. It was recommended that the program be continued and that the second program phase should run over 3-5 years since the *“project aims at changing knowledge, attitudes and skills, all these need more time and resources.”*

Diakonia applied for funding for a second program phase of four years approximately 11 million SEK per year. For the second phase, Diakonia also proposed to extend the program to target groups that had not been reached during the pilot – the population of Gaza, and Palestinian citizens of Israel (approximately 20% of the Israeli population). The program proposal was approved, but the program was limited to three years – June 2006-June 2009, and a total of 35 million SEK. There is currently an application for a no-cost extension of the program until December 2009, pending with Sida. There has been discussions on applying for funding through the Consolidated Appeals Process for the oPt, but Diakonia has argued that the one-year funding available through the CAP does not give sufficient predictability.

In accordance with Diakonia’s proposal the program grew for the second phase and the IHL Team at Diakonia’s Jerusalem office expanded to five staff: One program manager, one senior legal adviser, two legal researchers and one program assistant (currently three women and two men). Only one staff member stayed on from the first phase, however. This and prolonged discussions with Sida on the final selection of partners led to some initial difficulties in starting up the second phase of the program. There has also been a discussion between Diakonia, the external auditor and Sida, regarding the financial reports. The close of the books on the pilot program coincided with increased scrutiny of financial reporting of Sida-supported projects in Stockholm. This resulted in a lengthy process where the external auditors have repeatedly requested financial information (that was not originally required) from Diakonia and partners. This process has, of course, drained resources from program implementation. The audit report for the pilot phase has not yet been finalized.

The IHL team has also since suffered from a high level of staff turnover, which has damaged the continuity of the program, not least in relation to Diakonia’s self-implementation. It was also seen as important to have a balance of nationalities among staff members (i.e. at least one Israeli and one Palestinian), which to some degree has complicated recruitment. While this aspect may not be as important now that the program is more established, language skills within the team (English, Arabic and Hebrew) are central to the ability to relate to partners and to surrounding communities.

The IHL team in Jerusalem retained responsibility for the implementation of the program (with the exception of the advocacy component), while the HO in Stockholm was the contractual counterpart to Sida, coordinating the reporting process. The International Advisory Council was retained in the second phase, but on recommendation from the 2006 evaluation it was to be complemented by a Steering committee comprising the program partners and selected IAC members. The steering committee has not been operationalised. Over time, many of the IAC members have become less active and there is now only a small core group that serves as advisors and resource persons to the program.

5.3 Program Goals and Logical Framework

The program is built around two approaches: 1) to support local civil society actors in strengthening (or establishing) the IHL elements in their work; and 2) to develop an in-house capacity within Diakonia to support partner organizations, participate in the development of monitoring methods, support international dissemination of information and raise awareness among representatives of the international community and international NGOs (INGO) active in the oPt.

The overriding goal of the IHL program is to *“increase the respect for and further implement international law, specifically international humanitarian law, in Israel and Palestine.”* The program is divided into three components:

Education/information; monitoring; and advocacy. The advocacy component has been placed outside of the program funded by Sida, and is primarily implemented from Diakonia’s Head Office (HO) in Stockholm.

The goal of the education/information component is to *“raise awareness of the basic rules of international humanitarian law within our [Diakonia’s] target groups.”*

Four results are expected under the component: a) Increased IHL awareness in Israel and Palestine among NGOs, media, youth/students, women, lawyers and the general public, as well as among the international community present in the oPt and churches and church-based organizations; b) Sustainable local focal points for IHL education and information in the Israeli and Palestinian civil societies; c) Substantially increased access to reliable and easily understood IHL information relating to the Israeli/Palestinian conflict; d) Diakonia’s IHL program is established as a focal point and a resource center for IHL in the oPt among international agencies, NGOs, diplomatic missions, churches and church-based organizations.

The goal of the monitoring component is *“increased quality and quantity of monitoring IHL violations in the oPt.”* Three results are expected under the component: a) Adequate, consequent and correct reporting by Israeli and Palestinian NGOs, media and international agencies, on breaches of IHL; b)

Improved monitoring methods according to IHL criteria and international law standards to carry out monitoring of violations in the oPt, by Palestinian and Israeli NGOs in cooperation with international actors as appropriate; c) Enhanced coordination and networking on monitoring of IHL violations in the oPt, among Israeli and Palestinian NGOs.

The advocacy component was aligned with the advocacy goal of Diakonia to *be an important actor in Swedish debate on global development and thereby influence decisions and actions so that these contribute to a more fair and sustainable world and a life in dignity for all*. Three expected results have been defined, i.e.: 1) increased engagement within Diakonia's base and the general public regarding the Israeli/Palestinian conflict through raised awareness, support and various kinds of actions and initiatives; 2) a lively debate in the media and greater public awareness regarding the Israeli/Palestinian conflict; 3) an enhanced and maintained, constructive and proactive dialogue with decision-makers, providing information and concrete proposals regarding the Israeli/Palestinian conflict. The primary geographic focus, outside Israel and the oPt, for the advocacy component of the program is Sweden and the European Union. The advocacy component of the IHL program is integrated into the logical framework of the overall advocacy work of Diakonia.

The Diakonia IHL program is very ambitious. The overall objective is boiled down to manageable component goals and expected results. However, target groups and levels of engagement are not strategically prioritized and the rational and criteria for choosing partners have not been established. Since it is not possible for an organization of Diakonia's size and capacity to reach all relevant target groups in Israel and Palestine, or engage on all relevant levels, there seems to be a need to define strategic priorities. Where can the program, based on Diakonia's comparative advantages as an external actor and on the IHL capacity that is generated within the IHL team in Jerusalem, provide the most added value and achieve the greatest impact in relation to the overall objective? Based on these priorities a set of strategic criteria for partner organizations can be developed.

For the education/information and monitoring components, a separate system of output-, outcome- and impact indicators was developed. There is not always a clear link between the output and outcome levels and in some cases the output level has been skipped altogether. The quantitative aim for the output level seems to have been set quite high and it has not always been possible to live up to. In addition there are very few qualitative indicators relating to the activities to be undertaken in the course of the program. On the impact level, no indicators were identified at the outset of the program. It is acknowledged that the context and nature of the program makes it very difficult to establish indicators for impact. However, this reinforces the need to, at an early stage,

establish clear baselines and undertake an analysis of which factors to monitor in order to follow the qualitative progress of the program.

An analysis of the overall fulfillment of goals is presented in Annex 2.

6. Partner Organizations

The first approach of the Diakonia IHL program – support to local civil society organizations in IHL – is build around partnerships with seven local and one international partner organizations.

As stated under Scope and Limitations, the assessment of partner organizations has focused on *relevance* and contribution of each partner to the objective of the program. In the following the results of the assessment is presented in relation to each of the partners respectively, starting with a brief presentation of the organization.

6.1 B'Tselem

B'Tselem is an Israeli Human Rights organization that was established in 1989 by a group of prominent Israeli academics, attorneys, journalists, and Knesset members. It documents and seeks to spread information about human rights violations in the occupied Palestinian territory among the Israeli public and policy makers as well as internationally. The organization soon realized that monitoring and providing information would not be enough to make a difference. It therefore expanded its mandate from monitoring the policy of the state to working more actively with advocacy. In it's advocacy work B'Tselem targets: diplomats, decision-makers and journalists.

B'Tselem has no independent legal department and does not in itself support individuals in cases before Israeli courts, but the evidence gathered by the organization is passed on to actors who can make use of it (information provided by B'Tselem is used in courts in a number of cases each year). Today B'Tselem has 12 field researchers – 10 in the West Bank and 2 in Gaza. Field researchers collect testimonies from individuals who have allegedly been subject to violations. B'Tselem produces reports on the full range of HR and IHL topics – all reports include a legal analysis and a response from relevant government agency. B'Tselem deals primarily with the responsibility of the state, but indirectly also deals with settler violence from the perspective of the state's responsibility to protect the West Bank population.

6.1.1 B'Tselem and the Diakonia IHL Program

The purpose of the support has been to support and strengthen the ability of B'Tselem to integrate IHL-aspects in its monitoring and reporting from the oPt. While B'Tselem has been working with IHL issues since the start, they believe that the Diakonia program has helped the organization become more professional and serious in its analysis, understanding and articulation of IHL issues. The project objective of the Diakonia funded IHL project aligns with the objective of the monitoring component of the program – to *increase the quality and quantity of the monitoring of IHL violations in the oPt.*

6.1.2 Project Results

B'Tselem largely implements the activities described in proposal and slight deviations seem motivated by developments. The Diakonia support has helped the organization integrate IHL aspects into its work. Training exercises for field workers are undertaken twice every year and IHL is now an integral part of these training courses. The IHL consciousness within the organization is now reported to be fairly high.

It is reported that the extent to which international humanitarian legal analysis is featured in the reports has increased and that IHL is more strongly featured in B'Tselem campaigns. Two reports per year (out of a total of 4-5) are published on IHL specific topics. Similarly, one campaign per year is normally devoted to an IHL specific topic, and funded through the Diakonia IHL grant. While this is an important contribution to the IHL awareness raising, more focus could be devoted to the integration (and follow-up) of IHL into the general work that B'Tselem does. B'Tselem reports that 75 % of media references to the work of the organization mention IHL specifically. B'Tselem generally assesses that the vocabulary and the way that IHL issues are argued have definitely changed over the last decade. This is seen by the organization as one of the main accomplishments of B'Tselem and the HR and IHL community.

B'Tselem has also during the last two years developed a video camera distribution program (*Shooting back*) through which video cameras are distributed among civilian Palestinians in the oPt in order to document violations. The program requires lots of time and money as each distribution is coupled with training and information on how to use footage. Over two years 150 cameras have been distributed. To date, B'Tselem has over 1600 hours of footage in its archives. There are plans to make this footage available online.

6.1.3 Relevance and Partnership

B'Tselem is one of the original local partners under the monitoring component of the IHL program. It has a very strong international credibility; perhaps the

most respected and well-known Israeli human rights organization active in the oPt. In July 2008, an external evaluation⁹ commissioned by B'Tselem was undertaken. The assessment concluded that: “[T]he greatest area of impact that B'Tselem achieves is with international audiences – human rights organizations, development NGOs, governments, inter-governmental bodies, international media and ultimately the global public. Its credibility, due to the accuracy of its work alongside its Jewish-Israeli identity, is largely unquestioned.” Against this background, it is an important partner for Diakonia for access to qualitative information and international credibility, as well as its experience in monitoring the situation in the oPt.

Within Israel, however, the organization is very marginalized. The impact assessment concluded: “Its impact with the majority of the Israeli media and public is less positive. Hampered by its leftist, elitist, intellectual and pro-Palestinian image, B'Tselem compounds the problem by often producing messages that run counter to the public’s fears and prejudices, invoking frames that are the antithesis of what it wants to achieve.” While this is a simplified picture of the Israeli society and popular sentiments, the conclusion that B'Tselem has trouble reaching a diverse mainstream audience is clear, which obviously limits the effects of organization’s work.

This confirms concerns that were raised throughout this evaluation regarding B'Tselem’s capacity to reach the Israeli mainstream audience. There seems to be a need for a clearer strategy on how to reach a broader Israeli audience – something that was also highlighted in the impact assessment. The difficulty of the political context can hardly be exaggerated. It is therefore vital not to set the bar too high – expectations must be realistic. However, any discussions with B'Tselem on a possible continuation of the IHL program should include strategies for reaching this key target group.

The Diakonia IHL program is a large donor for B'Tselem with close to one million SEK per year, representing approximately 8-10 % of the total annual budget of the organization. While the size and experience of B'Tselem is one of the main reasons for engaging them in the IHL program, these are also factors that pose a challenge in any attempt to influence the strategic direction of the organization. This reinforces the need for a close and clear dialogue with B'Tselem regarding mutual expectations and added value of Diakonia support. Diakonia should aim to move focus from project funding to a more active partnership on IHL issues, with a closer follow-up on concrete results.

⁹ “An Evaluation of B'Tselem” Report by Ian Chandler & Bruce Oppenheimer, The Pressure Group, July 2008 (on file with B'Tselem).

6.2 Association for Civil Rights in Israel (ACRI)

The Association for Civil Rights in Israel (ACRI) is Israel's oldest and largest human rights NGO. It was established in 1972 as a public "hotline" for advice and reporting of human rights violations. The hotline function is still active and is the most important channel for intake of cases. Today, ACRI is the only organization working on the full range of human rights issues in Israel and the oPt. This gives the organization an important anchorage in the Israeli society and its credibility within Israel is generally higher than that its peer organizations who are only working on "Palestinian" cases. ACRI works along three parallel strategies: 1) legal; 2) public advocacy; and 3) education. Even though ACRI works both on cases within Israel and in the oPt, the oPt cases represent the majority of the organizations work.

While enjoying a far better standing than most, the organization does have some of the same stigma that other human rights organizations experience of being perceived as politically motivated and "leftist", especially when raising issues of IHL.

6.2.1 ACRI and the Diakonia IHL Program

Like B'Tselem, ACRI is one of the original partners of the Diakonia IHL program. The Diakonia support has been used to set up the project *Education in International humanitarian Law in Israeli Civil Society*. Target groups include NGOs, lawyers, journalists, and young adults on their way into the military service (pre-military schools). While ACRI targets a broad range of groups in Israeli society, there is a significant part of the population that it has not managed to reach. The overriding goal of ACRI's IHL project is to "increase respect of and commitment to IHL within Israeli society". This is to be achieved through increasing awareness of IHL issues among civil society, journalists, educators and the general public. Through the project, ACRI is also to be established as a sustainable focal point for IHL education and information within the Israeli society.

In the second phase of the IHL program, ACRI also runs a Training of Trainers project (as an integrated part of the education project). While the idea for this project was initially driven by Diakonia, ownership has been firmly established within ACRI and the organization is very proud of its program.

6.2.2 Project Results

Since the inception of the project *Education in International humanitarian Law in Israeli Civil Society* ACRI has sought to raise awareness of the relevance of IHL in the Israeli/Palestinian context in Israel. Through its IHL related activities – *i.e.* training, workshops and public events – ACRI reached close to 2000 individuals during 2008. ACRI is also reported to increased requests for

workshops, public events and training on IHL from civil society actors in Israel. Many of the organizations that ACRI has worked with have requested programs several years in a row, which indicates that the message has come across. ACRI has managed to reach a wide range of actors throughout Israel, including religious pre-military academies with educational workshops on IHL.

The quantitative goal of the ToT project is to train at least 20 trainers per year, through seven sessions and a total of 56 hours of training. Both in-house and external resources are utilized in the training sessions. This goal has been achieved both in 2007 and 2008 and demand has generally been higher than the available places on the courses. Participants in the courses have represented a broad spectrum of the target group, including persons from NGOs, media outlets, the legal community and local government institutions. Five of the participants in the 2008-course are already reported to have started their own IHL awareness raising projects in their respective organizations.

ACRI also litigates approximately 60 cases per year. Individual petitions are only taken on in exceptional cases. The legal work of the organization is focused on *“bringing precedent-setting litigation to the Supreme Court; providing expert opinions before the Knesset; drafting and critiquing proposed legislation; issuing and disseminating high-profile reports on the status of civil and human rights; offering free legal information and advice through the public hotline”*. This work is reported to have indirectly benefited from the IHL project by raising the IHL awareness internally within ACRI. IHL is said to have become a *“part of the ACRI mission”*.

6.2.3 Relevance and Partnership

With its broad base and credibility in the Israeli society, ACRI is an important and natural partner for Diakonia’s education/information component. Since ACRI deals with human rights violations both in Israel and in the oPt, the organization avoids some of the political stigma that others have to deal with. Thereby, ACRI manages to reach target groups that would otherwise be beyond the reach of the program. This broad reach and relatively good standing of ACRI in Israel, motivates the partnership from Diakonia’s perspective.

The support from the IHL program is close to one and a half million SEK per year and represents about 8-10% of ACRI’s total annual budget. This makes the ACRI project the largest project in the IHL program portfolio. ACRI is also a large and experienced organization and there is a risk that Diakonia becomes just another donor. On the whole, however, there seems to be a mutual understanding between ACRI and Diakonia of the goal and expectations of the program. A natural next step in the partnership would be to increase efforts to integrate the IHL project within the overall work of ACRI. This would demonstrate that IHL has indeed become part of the organization’s mission.

It was indicated to the evaluation team that ACRI might move its Head Office from Jerusalem to Tel Aviv, adding to the already existing concentration of Israeli NGOs to the major cities. The move is likely have negative effects on the ability of ACRI to reach and relate to the oPt and Palestinian actors. This is something for Diakonia to keep in mind in discussions regarding a potential continuation of the partnership within the IHL program. Coordination with other donors may provide greater impact in such discussions.

6.3 HaMoked – Center for the Defence of the Individual

HaMoked, Center for the Defence of the Individual, was established in 1988 as a human rights watchdog for the Palestinian population of the oPt. The organization was originally centered around a telephone "hot line" and a legal shop providing free legal advice and representation to individuals who had been subject to human rights violations in the oPt. Over the years, the organization has evolved into a strong legal organization – it has opened over 50 000 cases since its inception. Today, HaMoked is organized around four departments: Client Intake; Client Advocacy; Legal Department; Information and Advocacy. The organization is also an important guardian of a large and well-organized archive of documentation of its cases since the late 80s.

An external evaluation¹⁰ of HaMoked was presented in March 2008. The report was very positive to the work of the organization. The evaluation team concluded that they were "*exceptionally impressed with HaMoked in terms of organization, structure, activities and programmes. We found an organization with a clear, relevant and meaningful mandate, one that conducts activities that are directly relevant to its mandate and does so in an effective and efficient manner. (...) We were similarly impressed with the relevance and quality of the services provided to beneficiaries.*"

Two recommendations of the evaluation holds significance for the Diakonia IHL program and the present evaluation: 1) HaMoked was recommended to consider seeking ways to encourage other lawyers to incorporate IHL into their work through information and education activities; and 2) the organization was recommended to start working more actively with international and public advocacy.

6.3.1 HaMoked and the Diakonia IHL program

HaMoked is a new partner in the second phase of the Diakonia IHL program.

¹⁰ The evaluation was conducted by Fiona Mckay (Chief of the Victims Participation and Reparations Section, International Criminal Court), Mouin Rabbani (International Crisis Group), and Mark Waysman (Independent Evaluation Consultant), March 2008 (on file with HaMoked).

The support from the program was intended to strengthen HaMoked's legal database on the Internet to further disseminate information on IHL to lawyers, NGOs and the public in Israel, the oPt and internationally. It was stated in the program proposal that the database could "*through cooperation with Diakonia, also become a very useful tool in the struggle to improve compliance with IHL in the oPt.*"

Diakonia's support has focused around two objectives: 1) *enhancing integration of IHL in the Israeli legal system*; and 2) *establishing HaMoked as the center for IHL material in Israel/Palestine in the fields of human rights covered by the organization*. The first objective was to be reached by strengthening HaMoked's capacity to do independent IHL research and make that research available in the legal community; as well increasing the use of IHL arguments in HaMoked's own court cases. The second objective was to be obtained by improving accessibility of IHL material through making cases and materials available on the Internet and translating documents on the website to English.

6.3.2 Project Results

HaMoked is one of the central actors in integrating IHL into the Israeli court system by forcing courts to deal with IHL arguments. The organization reports that out of the 297 petitions filed in 2008, 254 included relevant IHL argumentation. Twelve central IHL topics were researched in support of legal petitions.¹¹ In total 602 IHL relevant documents were developed and published on the website in Hebrew (288 translated into English, see below). HaMoked also reports that, in 2008, it published two articles, presented its work at three international conferences, produced three position papers, and built multiple coalitions and campaigns (West Bank/Gaza separation; Siege on Gaza; Unlawful Combatants; and Jerusalem residency). These are activities that are likely to contribute to the objective of enhancing the integration of IHL into the Israeli legal system.

HaMoked's websites receives an average of 1 500 hits per day, with 2 000 unique users per month. Half of these unique users are new each month, which indicates that the site reaches approximately 12 000 unique users per year.

Diakonia support has also been used to hire a half-time in-house translator to improve access to documentation in English. The original plan was to do translations through external translators but HaMoked found that hiring an in-house capacity gave better efficiency. Diakonia has approved the alteration of budget allocations. As a result of hiring the translator, HaMoked reports that it

¹¹ Detainee's right to family visitation; penal house demolitions; protection of the "citizenship" status; status of children in Jerusalem under the Law of Nationality and Entry into Israel; individual responsibility for violence and abuse; rights to compensation; denial of rights based on security issues; social rights under protracted occupation; extortion of collaborators from within the occupied/protected population; use of classified information and secret proceedings; deportation, transfers and internal displacement within/between the West Bank and Gaza.

is now able to keep up with the planned pace of establishing a “mirror site” in English. In 2008, 288 documents were translated from Hebrew to English and published on the website. With the translations HaMoked hopes to reach a broader international audience with its information.

No translations are done into Arabic (except on a needs basis for clients in ongoing cases). The evaluation team was told that the reason for this was the difficulty to find staff with sufficient legal and linguistic capacity to produce high quality translations. It is the assessment of the evaluation team that a more systematic translation of legal documents into Arabic would be very useful and merits consideration for the future. It would provide an additional human rights and IHL resource for Palestinian lawyers and NGOs. In addition – as was also noted by the recent evaluation of HaMoked – it would signal to the Palestinian community that it is considered important in the endeavors of HaMoked.

6.3.4 Relevance and Partnership

The HaMoked project was included in the second phase primarily to strengthen HaMoked’s legal database. This has been achieved through the program and the project also seems to have had the intended effect of increasing the integration of IHL in the legal casework of the organization. The project is limited in scope and the project budget of approximately one million SEK over three years, has represented only a small portion of the total annual budget of HaMoked. When the project period runs out (after the no-cost extension) in December 2009, the partnership should be reviewed in light of the strategic direction of a new IHL program.

Should Diakonia (and Sida) decide that the program is to retain an element through which the legal community is directly targeted – i.e. through support for IHL research to be integrated into legal petitions and ongoing court cases – HaMoked would be a natural partner for a third phase.

6.4 Al Haq

Al Haq is a Palestinian human rights organization based in Ramallah, West Bank. It was established in 1979 and is one of the most highly regarded human rights organizations in Palestine. Since the start, international law has always served as a backdrop for Al Haq’s human rights work. However, the Diakonia IHL program is reported to have helped the organization strengthen its capacity and work in relation to IHL specifically. Today, Al Haq has 32 staff divided into three departments: 1) Legal Research and Advocacy; 2) Documentation; and 3) Administration.

Al Haq does not normally accept project funding. The organization believes in stability, predictability and wants to avoid projects that come and go from one year to another – an insight and integrity that comes with experience. In the case of the IHL program, however, Al Haq felt that they could utilize support to facilitate trainings and capacity building to strengthen the existing capacity.

6.4.1 Al Haq and the Diakonia IHL program

Al Haq is one of the original partners of the Diakonia IHL program. Under the pilot phase of the program Al Haq was a partner only for the education leg of the program. In planning for the second phase, however, following a recommendation in the 2006 program evaluation, it was deemed important to include a Palestinian partner also for monitoring.

The overriding goal of the current Diakonia-Al Haq partnership corresponds to the goal of the IHL program. As formulated in the latest report from Al Haq: *“to increase respect for and awareness of international humanitarian law, which will hopefully further lead to implementation and enforcement of IHL.”* The education/information and monitoring projects work *“hand-in-hand”* to achieve this goal. The projects *“empower Al Haq and Palestinian civil society to confront these [IHL] violations.”*

For the education project, the objectives as stated in the proposal from 2006 are: 1) to raise awareness of the basic rules of international humanitarian law within the target groups through workshops and public events and media; and 2) to establish Al Haq as the IHL education center for Palestinians in the West Bank. For the monitoring project, the stated objectives are: 1) to increase quality and quantity of monitoring IHL violations in the oPt; and 2) establish Al Haq as a focal organization for monitoring methods and skills on IHL violations in the oPt.

6.4.2 Projects Results

Al Haq’s strategy is to integrate IHL-expertise gained through the Diakonia partnership into the core of the organization and its activities. The management of the organization strongly feels that the project has managed to strengthen the IHL capacity within Al Haq and that this is an effect that will remain even if funding was to end. The two separate projects on education/information and monitoring are briefly reviewed below.

a) Education/Information

The Education/Information component of the project has been two-tiered. In addition to targeting the Palestinian civil society, schools and teachers (20 interventions in 2008), Al Haq has run a Training of Trainers program since the start of the cooperation with Diakonia. One group of 20-25 participants was

taken on in 2004 and another group of the same size was recruited for the second phase in 2006. From these 40-50 participants in total, around 20 are still actively involved and continuing training. Over the five-year period, participants have gone through a series of steps from a very basic level to advanced courses with the ICRC and international scholars. The group now serves as resource persons that Al Haq can send out to train other organizations or provide briefings in schools or other institutions. Al Haq currently seeks ways to offer more advanced training for this core group.

The management of Al Haq has plans to open a human rights and IHL institute to which all educational activities of the organization would be concentrated. The institute would target universities as well as civil society and the NGO community in Palestine.

b) Monitoring

Throughout the project, all Al Haq field workers have been trained in IHL. This internal capacity building is a continuous process. A two-day training in 2008 will be followed-up with an advanced training in 2009. The plan for the future is to establish a closer link between the Education and Monitoring components of the organization. Al Haq is working to develop a nine days of monitoring awareness workshops to be held annually – for external and internal participants.

Like B'Tselem, Al Haq has also started to use video cameras in its monitoring and documentation work. The organization reports that this has significantly improved the quality and potential impact of its documentation and Al Haq will continue and expand this project.

Al Haq has also provided information and training for external actors on monitoring and IHL. An example of a successful intervention that was provided in the semi-annual report (June 2008) is the request by Al Najah University for Al Haq to return to the University for additional training for students who were setting up a documentation department within the University.

6.4.3 Relevance and Partnership

Al Haq was not initially have been geared towards education. The experience, knowledge and local network of the organization were important factors weighed into the choice of partner. Today, Al Haq is active in capacity building and training of many other NGOs, including IHL program partners. Through the ToT program, where individuals from various NGOs and other actors have participated, Al Haq has also started to establish itself as a hub for IHL

education. In retrospect, the chance that Diakonia took in partnering with Al Haq for the education/information component has proved to be wise.

When Diakonia decided to extend the monitoring component to include a Palestinian partner, Al Haq was the natural choice. The organization already worked extensively with monitoring in the oPt and further support from Diakonia could help strengthen the IHL expertise within the organization.

The funding provided for the Al Haq projects through Diakonia amount to about 15% of Al Haq's annual budget. As with ACRI and B'Tselem, it is important to uphold a close dialogue with Al Haq about the added value of Diakonia funding. How can IHL specific elements of the organizations work continue to be strengthened? Like the other main partners of the IHL program, Al Haq also receives substantial funding through the Human Rights Secretariat (27% of its budget), which is also supported by Sweden (30% of the total HRS-budget).

The partnership between Al Haq and Diakonia appear to be close and based on a high level of mutual respect. There is an ongoing discussion between Diakonia and Al Haq on the future strategy of the organization in relation to its plans to develop an IHL institute – a process in which Diakonia's partnership and support will be important for Al Haq. It will be important to engage in close dialogue with all relevant stakeholders before embarking on such a project.

6.5 Mossawa Center

Mossawa Center – the Advocacy Center for Arab Citizens in Israel – was established in 1997 to enhance the rights of the Palestinian community in Israel. Palestinians in Israel constitute some 20% of the population – 13% of the vote. Diakonia included Mossawa Center in the IHL program for the second phase to reach this target group that was not sufficiently reached through existing partners.

6.5.1 Mossawa Center and the Diakonia IHL Program

Mossawa Center is an education and training partner in the Diakonia IHL program, targeting civil society, schools and universities in the Palestinian Israeli community. Mossawa was included in the second phase of the program because it was felt that the educational partner of the pilot phase, ACRI, did not manage to reach Palestinians in Israel, representing roughly 20% of the population. Diakonia argued that: *“ACRI's experience shows that the discourse and the needs for IHL are different within the Palestinian Israeli society compared to the Jewish Israeli society. The Palestinians living within Israel have a loyalty complex and are torn between the Palestinian nationality and the Israeli citizenship. (...) As Palestinians, they are an integral part of the solution to the current conflict. (...)*

Therefore, the challenges are different and the education needs to be adapted accordingly. On a technical note, they also need to be educated in Arabic.”

Bringing the IHL discourse, in Arabic, to the Palestinian community in Israel opens a new avenue of arguments and perspectives. It was noted in discussions with beneficiaries of the project that Palestinians in Israel do generally not do military service, which means that they will view IHL from a purely civilian rather than military perspective. Due to their unique dual cultural and social heritage, Palestinians in Israel could also in the future come to serve as bridge builders between the broader Palestinian and Israeli communities. At the same time, it is important to note that IHL is not the legal framework applicable directly to Palestinians as a minority in Israel; applicable law in this regard is Israeli law and international human rights law.

The two project objectives are: 1) to raise awareness, increase understanding and mainstream knowledge of IHL in the Arab minority in Israel; and 2) for the Mossawa Center to become the Center for IHL education in the Arab community in Israel. The idea of the partnership is that the individuals participating in trainings and events should pass their knowledge on through their respective networks.

6.5.2 Project Results

The first step of the project has been to build IHL capacity within Mossawa. All staff has gone through basic IHL training. The legal adviser has also gone for the advanced training by Harvard Program for Humanitarian Policy and Conflict Research and The Jordan Institute of Diplomacy in Amman, Jordan.

The partnership with Mossawa has extended the IHL program to the Palestinian Israeli community and brought an IHL discourse in Arabic to the Palestinian community in Israel. An important target group has been university students (in law and other areas of study). A publication on IHL principles has been produced for universities. This is a very important complement to their education that is entirely in Hebrew and often with a tilted perspective on IHL. Three courses have been held for university students and one for journalists (25 participants/course).

A curriculum has also been developed for teachers and an educational pack for secondary schools has been produced – in accordance with the project proposal. The curriculum has not yet been approved by the Ministry of Education and the likelihood of it being approved is not significant. However, Mossawa Center still plans to go ahead and launch training (informally) with teachers in using the curricula and materials developed. A number of presentations have been held in secondary schools.

The Mossawa legal adviser uses Islamic legal tradition and comparisons with Sharia law to establish the universality of IHL principles. This is reported (by trainers and participants alike) to be a successful method of countering arguments and perceptions that IHL is a western invention to dictate rules to the rest of the world. It is a very interesting approach that could be developed in conjunction with Diakonia projects on IHL and religion together with Christian organizations in Jerusalem. However, any strategy involving religion as a basis for legal analysis and understanding must be approached with caution and sensitivity.

6.5.3 Relevance and Partnership

Mossawa was chosen as a partner in the IHL program on the basis of being best positioned to promote IHL awareness among grass roots in the targeted community. It is not originally a legal organization, but it seems to have developed the legal capacity required to fulfill the current program objectives. Mossawa has a long-standing relationship with Al Haq and have received training and support from that organization. Diakonia argued that “[a]lthough Mossawa doesn’t have any prior experience of working specifically with IHL their previous outreach work on human rights towards the civil society is a huge advantage and reason for approaching them.” For the present project objectives, the choice of Mossawa seems well motivated.

However, Mossawa may not be the right partner if the long-term goal is to target the professional legal community. It should also be considered if the targeting of the Palestinian community in Israel, while relevant from a general perspective of generating public opinion for increased respect for IHL, is a strategic priority for a future phase of the IHL program.

The partnership between Diakonia and Mossawa has not been as close as intended - mainly due to limitations in capacity at Diakonia. Mossawa could use more active support from Diakonia and other partner organizations, in order to make full use of the experience that has been built through the five years of program implementation. If the organization is to become a long-term partner in a future IHL program, it will be important that Diakonia has the resources to enter a closer partnership than it has been able to uphold so far. Mossawa Center appears committed to the IHL program and serious about integrating it into its core activities.¹²

¹² One example of this is the fact that the entire staff of the organization was sent to an IHL-training with Al Haq in Ramallah – not just those directly involved in the IHL program.

6.6 Al Mezan

Al Mezan is a human rights organization in Gaza, established in 1999. The organization is locally based, established in Jabalia refugee camp, and currently has three offices in the Gaza Strip – Gaza City, Jabalia and Rafah). Al Mezan is divided into four units: 1) field work, monitoring and documentation; 2) Legal assistance (but since 2008 Al Mezan and all other human rights organizations in Gaza boycott the Hamas courts); 3) Communication and training; and 4) Technical Assistance and Advocacy.

The political context in Gaza is very difficult for human rights based organizations. Al Mezan and other Gaza based organizations struggle not to be intimidated and start self-censoring. It is important for the credibility that organizations stand up for human rights and rule of law. While Al Mezan does engage with local authorities in its monitoring work (visit to prisons etc), all human rights organizations jointly boycott the courts in Gaza since last year.

6.6.1 *Al Mezan and the Diakonia IHL Program*

Diakonia partnered with Al Mezan in the second phase of the IHL program to reach Palestinians in the Gaza strip. The focus of the cooperation is education and training. Al Mezan is primarily focused on economic, social and cultural rights. Its mandate reads: *“to promote, protect and prevent violations of human rights in general and economic, social and cultural (ESC) rights in particular; to provide effective aid to those victims of such violations; and to enhance the quality of life of the community in marginalized sectors of the Gaza Strip.”* However, given the context in which the organization operates, basic IHL analyses have also featured in Al Mezan’s work.

Throughout the implementation of the second phase of the IHL program, the situation in Gaza has continuously deteriorated. Given this context, Diakonia was hesitant to start the education component in Gaza. Raising the issue of IHL in Palestinian communities is difficult to start with – as most people have decades of first hand experience of violations that have passed with impunity. In Gaza, with an ongoing severe humanitarian crisis due to occupation, isolation, shelling, and incursions, the challenges were bound to be even greater. After over a year of project implementation, however, it has proved possible to overcome the difficulties and reach results in the face of an even worse situation on the ground. The long-term impact of an increased IHL awareness in the documentation of the effects of the recent conflict in Gaza remains to be seen.

6.6.2 *Project Results*

As indicated above, any assessment of fulfillment of project objectives must be seen against the background of the context in Gaza. It was expressed to the evaluation team that the Diakonia support to Al Mezan through the IHL

program has been “small in terms of money but huge in terms of impact”. The management of Al Mezan is confident that the IHL knowledge gained through the program will continue to benefit the organization even if the Diakonia support was phased out. They note that they now have trained staff and materials to continue raising awareness on IHL in Gaza.

Al Mezan tries to integrate its IHL knowledge into the work of the entire organization, but also arranges separate in-depth IHL courses for specific target groups. The IHL message is integrated into 50-60% of the courses provided by Al Mezan. The program has enabled Al Mezan to recruit an IHL-trainer targeting lawyers, which is reported to have been very useful. Al Mezan has gone from 30-40 IHL training hours in 2007 to over 200 hours in 2008. Target groups have been lawyers, journalists, and religious leaders. Al Mezan is particularly pleased with the results of targeting religious leaders. There are reports of instances where imams, after sessions with Al Mezan, have included issues concerning children’s rights and IHL in sermons to their congregations.

There are also effects on the organization’s fieldwork. Field workers are participating in the trainings and thereby get a better understanding of the IHL discourse and how to use it practically in the field. The same goes for the organization’s legal interventions where IHL arguments are increasingly integrated.

The ability to carry out training and education has obviously been severely affected by the conflict and the security situation in Gaza. It has also been impossible for Al Mezan staff to leave Gaza to participate in meetings, workshops and training. However, Al Mezan seems to have adapted well to the situation and learned how to manage and work around the difficulties. Activities have been intensified and speeded up during periods of relative calm – for example from the beginning of 2008 up until November. In more difficult periods training activities have been suspended as it is has not been possible to ask people to come to IHL seminars under fire (both for security and symbolic reasons). During such periods – for example during the latest incursion by Israeli forces into Gaza – the operations of Al Mezan are totally geared towards fieldwork, monitoring and documentation.¹³

6.6.3 Relevance and Partnership

Having a partner on the ground in Gaza is important and useful for the IHL program in terms of both credibility, information and networks, but also very difficult in terms of logistics and communication. Due to the difficulties for people from the outside to obtain permits to visit Gaza – and the virtual impossibility for the people of Gaza to leave the strip even for shorter visits –

¹³ This flexible use of resources has been cleared with Diakonia and seems reasonable considering the circumstances.

most communication between Al Mezan and the program management and other partners takes place over the phone or through e-mails. The Diakonia IHL program has also provided Al Mezan with a videoconference unit that has been extremely useful. The importance for organizations in Gaza to maintain formal links with the outside world could not be overestimated. The project funding from and partnership with Diakonia, almost one million SEK over three years, was described by the organization as “*small in terms of money but huge in terms of impact*”.

The choice of Al Mezan as partner for the program, rather than other organizations with greater IHL specific experience and expertise (such as for example Palestinian Center for Human Rights, PCHR), was motivated by Al Mezan’s strong local base and vast network throughout civil society in Gaza. For the present program the choice of Al Mezan as a partner seems well founded. However, the necessary IHL-specific internal capacity building has been hampered by the situation on the ground and restrictions on access. Local IHL-expertise in Gaza, primarily the ICRC, has been utilized to strengthen the IHL capacity within Al Mezan. A more formalized relationship and cooperation between Diakonia and the ICRC could further strengthen the capacity building aspect of the project.

6.7 Al Quds University – Human Rights Clinic

The Al Quds Legal Clinic is the first clinical legal education in Palestine. It was conceived by Munir Nussiebeh, who became the first Clinic Coordinator, after he had completed an LLM in international human rights law at American University in Washington. After a proposal in April 2006, the project was approved by the Faculty Council and the Academic Council at Al Quds University and commenced in September the same year. It was established as a legally separate Center within the University’s Law Faculty and is entirely dependent on external funding.

6.7.1 Al Quds University Human Rights Clinic and the Diakonia IHL Program

In its initial year of existence, the HR Clinic had established itself within the Law Faculty and the University, developed its curriculum, and a network of partners in Palestine and internationally. In preparing for the second year, project funding was sought from Diakonia for the period January 2007-June 2009. At the time, there were funds available within the IHL program budget, and the project proposed was deemed a good way to strengthen the base of Palestinians educated in IHL.

The Clinic currently has five staff (3 men, 2 women). Munir Nussiebeh, the founder and first Coordinator of the Clinic, has left the University and he has been replaced by younger colleagues. While they seem to be doing a good job in

continuing the work that Munir started, his departure is bound to have affected the stability and institutional strength of the Clinic.

6.7.2 Project Results

The HR Clinic is an important addition to the legal education – especially in the field of IHL – in Palestine. Combining academic studies with practical work in the field illustrates the relevance of IHL in way that is easier for students to relate to. The target group is primarily the students at the university but the Clinic also reaches the general public through the campaigns that form the basis of the Clinic’s practical fieldwork – and through the legal assistance program that students from the Clinic are involved in together with a local NGO. The Clinic also gives two public lectures with external guest speakers per semester. Sometimes, the network of Diakonia is utilized to find external expertise for seminars and lectures (Ove Bring recently gave a lecture at the University). These lectures, however, tend to be mostly attended by students.

The Clinic offers a full-year, full-time course in human rights and IHL, available to about 30 students per year (generally an even distribution of women and men). In 2008, all but two of the students who enrolled are reported to have passed the course. However, there have been concerns regarding the knowledge that the students have coming into the course. The curriculum has been adjusted accordingly – covering the very basics of human rights and IHL norms.

6.7.3 Relevance and Partnership

From Diakonia’s perspective, the funding for the HR Clinic was seen as seed money to get the project started. However, Diakonia is still the only donor of the Clinic, providing approximately 100 000 USD per year. The Clinic management is preparing for more strategic fundraising activities to broaden its funding base, but they do not seem to have come very far in these efforts.

The partnership between Al Quds HR Clinic and Diakonia was initially close but has gradually become more sporadic. This is partly due to changes of staff in both organizations, but it also seems to be a result of the HR Clinic’s aspiration for academic independence. Given the organizational nature of the Clinic, this is a natural development. The Clinic works closely with some of the IHL program partners – primarily AL Haq. The university hosts the IHL Forums and the HR Clinic supports the Forums logistically.

Cooperation on substantive IHL issues and sharing of networks and experiences could, and should, continue if Diakonia continues its IHL program. However, the funding arrangement was never intended as a long-term solution.

6.8 Harvard Program for Humanitarian Policy and Conflict Research (HPCR)

The Harvard Program for Humanitarian Policy and Conflict Research is an international research and policy program based at the Harvard School of Public Health, focusing on Human Security, Conflict Management and International Humanitarian Law. It was established in 2001 and is one of the original partners of the Diakonia IHL program.

6.8.1 HPCR and the Diakonia IHL Program

HPCR is one of the original partners under the education/information component of the program. The partnership is focused on Courses that HPCR offers as an integral part of the IHL program and Policy Briefs that are produced on relevant IHL topics. Outside the Diakonia program, HPCR also offers five annual advanced trainings in IHL in Amman, Brussels, Jakarta, Nairobi, and at Harvard in Boston.

6.8.2 Project Results

HPCR offers a course once every year in Jerusalem. HPCR visits Jerusalem at least once every year to give a course on IHL. Lists of participants and previous experiences are gathered before hand in order to be able to tailor the course after the target group. The HPCR trainings are also utilized to strengthen the capacity of local partners. All those interviewed who had gone through these training courses have been very appreciative and happy with the level and quality of the training. Since HPCR also offers an annual advanced training on IHL in Amman, it is possible for participants to continue building their knowledge in IHL after having gone through the training provided by Diakonia. This is an opportunity that could be more actively promoted by Diakonia.

The research aspects of the project are implemented through Policy Briefs on IHL topics with relevance for the oPt. Ideas for research topics are picked up during yearly visits in the region. HPCR tries to stay ahead of developments, taking on topics that are current and under-researched. One example is a study that was done on private military contractors after realizing that private companies were emerging at checkpoints throughout the West Bank. This development has continued and private contractors are now a common sight at Israeli checkpoints both in the West Bank and around Gaza.

Each brief is about 15-30 pages, written in English and translated into Hebrew and Arabic. HPCR is conscious of the fact that the Briefs are at times overly academic and not always user friendly. This is an area in which the HPCR is trying to improve, without losing its academic credibility. One idea might be to produce two versions of the Briefs targeting different audiences.

6.8.3 Relevance and Partnership

HPCR and Diakonia are very different organizations with different organizational cultures and mandates. The relationship has therefore at times been strained. The differences seem, however, to have been overcome and a common understanding has been reached.

Initially, HPCR was seen as an international patron and academic guarantor of the program. As Diakonia has grown into an IHL actor in its own right in the oPt, the importance of the partnership on that ground has faded. However, the HPCR remains an important partner for external top-level expertise on IHL and IHL training. The courses that are provided through the HPCR are very appreciated among the whole range of target groups of the IHL program (local partners, INGOs and various international agencies). It is therefore deemed important that the partnership with HPCR is maintained. To limit the administrative burden on Diakonia, the possibility of engaging with HPCR on a consultant contract basis could be explored. The HPCR-project is currently funded with approximately two million SEK over three years.

6.9 Ad Hoc Project Support

In the program budget, there is a pot for ad hoc projects – approximately 750 000 SEK over three years. This pot has not been utilized to its full potential, mainly because it has not been possible to prioritize proactively seeking out suitable projects. Two projects have been funded so far: 1) distribution of the MACHSOMWATCH documentary “Kalandia”; and 2) the Yesh Gvul/Breaking the Silence satirical cabaret on Israeli war policies. The project funding has, in both cases, led to opportunities for Diakonia to generate a greater interest for IHL in the organizations.

7. Diakonia IHL Team and Self-implementation

The second approach of the IHL program is the work carried out by the Diakonia IHL team in Jerusalem. While it is important not to duplicate work that is carried out by partners or other parts of international community, the self-implementing role is key for credibility of the program, and to maintain the in-house capacity to follow, understand and support work of partners. The self-implementing part of the program is essential for the Diakonia IHL program to provide an added value in relation to other Swedish support to the local organizations in Israel and the oPt. It is also the key to elevating the program from a portfolio of project funding to a program with independent goals and objectives. The self-implementing role of Diakonia's IHL team complements the work of other international actors working on IHL, primarily the ICRC and

the United Nations. These organizations welcome the role of Diakonia as an NGO with a strong network in the civil society. There is a need however, to strengthen the cooperation and coordination with, primarily with the ICRC, on the program level.

The activities to be undertaken under the self implementation part of the program are: 1) the IHL-Forum; 2) Education to international NGOs present in the oPt; 3) IHL documents; 4) Seminars; 5) IHL-briefings; 6) Website containing an “Easy Guide to IHL in the oPt”; and 7) Compiling a guide with Good Monitoring Practices. As an additional self-implementing component, there is the independently funded advocacy work performed by Diakonia’s HO in Stockholm.

7.1 IHL-Forum

There is an important gap to be filled by Diakonia as a platform for IHL awareness and discussion among INGOs, the UN, and various diplomatic missions in Jerusalem, Tel Aviv and Ramallah. This role was identified already at the inception of the program and it has been pursued since then. The IHL-Forums were to serve as the core of this function. The Forums are organized four times per year in cooperation with the Association of International Development Agencies (AIDA). Since 2008, the IHL-Forums are hosted by Al Quds University through the Human Rights Clinic.

While the IHL-Forums have at times provided a valuable platform to reach the target group and stimulate discussion, the general opinion appears to be that they do not presently serve their intended purpose. Participation is sporadic and the Forums are not generally seen as key events to attend. Some of the reasons given were the location of the Forums at Al Quds University in Abu Dis, insufficient notice in advance, and general lack of time to make the Forums a priority. Some of these factors are possible for Diakonia to address while others are part of the overall challenge of making organizations prioritize issues of IHL in their work. It is the general assessment of the evaluation team that the INGO community tend to overrate its own understanding of IHL. A creative and practical suggestion from one of the informants was for Diakonia to develop and distribute a self-assessment survey on basic IHL in the oPt, to INGOs and other international actors, to demonstrate the need for further discussion and training.

If the IHL team were able to work more proactively in seeking out strategic individuals and partners in the target groups, the role as a platform for IHL awareness and discussion among international actors in the oPt and Israel could be significantly strengthened. Credibility in this role would require a high level of in-house expertise in IHL. For IHL-Forums and seminars however,

Diakonia could continue to draw heavily on external resources in its network to provide expertise on the specific issues up for discussion.

7.2 Education to international NGOs present in the oPt

The program document states that the IHL team plans to offer IHL education to the INGOs present in the oPt in consultation with HPCR and/or the ICRC. The education activities undertaken by the IHL team to this target group during the second phase of the program has been limited to isolated briefings and lectures. The program has, however, provided training for the INGO community and other international actors through the HPCR (see above).

7.3 IHL Documents (Research)

The program document states that the IHL team should provide analysis on current issues related to IHL and the Israeli/Palestinian conflict, to be published on the website. This has been done on a number of topics, independently and in cooperation with other organizations. One of the most successful examples is the report prepared together with Swede Watch and the Church of Sweden on the Swedish lock manufacturer Assa Abloy's ownership of a factory in the illegal Barkan settlement in the West Bank. Through the advocacy component of the program, implemented in Stockholm, the report received massive attention and it eventually resulted in a decision by Assa Abloy to relocate the factory. Other organizations have reportedly used the legal analysis in the report for similar studies into the practices of other international companies in the oPt.

A research component in the program is necessary to the extent it is needed to keep an updated and easily accessible website and to support the program IHL expert in developing independent legal positions. Throughout the implementation of the program however, the role of the legal researchers in the absence of an advocacy mandate has not always been clear. This lack of clarity would be partially remedied by a clearer information/advocacy mandate of the IHL team. It is the assessment of the evaluation team, however, that the research activities of the IHL team should be limited to what is needed to support the key program objectives, i.e. maintaining a qualitative website and developing legal positions. This does not exclude supporting external research projects as in recent cooperation with SwedeWatch and Church of Sweden.

The program document also states that Diakonia should be able to, upon requests from partners and other actors within its target groups, review documents from an IHL perspective. This has been done on a number of occasions and has generally been appreciated. There is significant room for developing this role into an IHL help-desk for international actors in the oPt context. Many stakeholders have highlighted the need for this function, but few were aware that Diakonia provided the service. If this function is promoted,

however, the capacity to deliver must be built into the program in the form of additional staff with advanced IHL knowledge and experience.

7.4 Seminars and IHL Briefings

Diakonia regularly organizes briefings on IHL for visiting groups from various organizations and countries. The IHL team has also on occasion presented specific IHL topics to groups of international NGOs, UN and other international actors, primarily within the framework of AIDA. However, the IHL team has not been able to reach out to diplomatic missions directly or regularly participate in the Friday Group meetings, as stipulated in the program document (even though a successful briefing was held for the Friday Group in February on IHL aspects of the Gaza war). The primary reason for this appears to be the overload of administrative tasks for senior level staff, which has hampered the capacity to undertake strategic outreach activities.

7.5 Website

Diakonia has managed to develop a website that presents IHL in relation to the oPt in a way that is easily accessed by non-expert target groups, while at the same time providing interesting insights also for a more advanced audience. It has, at times, been difficult for the IHL team to keep up in updating the site, but it has generally been maintained at a high level. It is reported that the site is receiving increasing numbers of visitors. There are over 11 500 visitors to the English language site every month and 7 500 to the Swedish site.

7.6 Good Monitoring Practices

Diakonia has organized meetings and workshops on monitoring with partners, other stakeholders and international experts. A monitoring conference was organized in cooperation with B'Tselem and Al Haq in Brussels in 2008, focusing on practical aspects of monitoring in relation to bringing cases to court in third countries under universal jurisdiction. Both local and international NGOs, international experts and human rights lawyers, activists and academics participated in the conference. The event was generally viewed as a success by those who participated – not least because of the networking opportunities it provided.

The project to produce a guide on Good Monitoring Practices has been cancelled in dialogue with Sida. In the complex environment in which the program is implemented it proved too difficult to find common ground among partner organizations on monitoring practices. The project has been redirected towards producing a guide with best practices for donors on support to monitoring activities.

7.7 Advocacy (HO Stockholm)

The advocacy component in Stockholm has been fairly successful in relation to its Swedish target groups. Close to 100 Swedish Parliamentarians have been reached through the study-trips that are organized annually. It has proved more difficult to reach target groups on the European level. The advocacy team believes it is now in a better position to build the necessary networks in Brussels – through cooperation with the APRODEV and Crisis Action networks. However, reaching the European audience is a major task and expectations must be matched to available resources.

It is the general opinion within the program that the most successful and effective interventions of the IHL teams self-implementing work have been achieved in cooperation with the advocacy group in Stockholm.

8. Program Level Findings

8.1 Relevance of the Basic Rationale for the IHL Program

The basic rationale for the Diakonia IHL program is that IHL is an untapped potential in defending the dignity of people living under occupation in the Palestinian territory, in promoting a settlement of the Israeli/Palestinian conflict and ending the occupation of Palestinian territory.

The idea that increased respect for IHL would significantly improve the lives of those affected by the conflict is evident. An analysis of the current situation and the standing of international humanitarian law in the conflict today – with the apparent disregard for even the basic rules of IHL during operation “Cast lead”, with the separation barrier (the Wall) and continued expansion of illegal settlements and restrictions of the movement of Palestinians in the West Bank, and with intensified rocket fire against civilian Israeli cities – reaffirms the continued relevance of the this assessment.

However, expectations must be set realistically. Like humanitarian assistance, IHL is also merely a means of treating symptoms of the Israeli/Palestinian conflict. It provides a framework for maintaining some degree of humanity in a state of crisis. The core of the conflict is political and root causes can only be addressed through political dialogue. While increased respect for basic human rights and IHL standards can create space for such dialogue, it cannot in itself bring the conflict to an end.

A second question to be answered in assessing the relevance of the rationale of the program is if the program interventions are geared towards achieving changes necessary to increase respect for IHL in the Israeli/Palestinian context.

Raising awareness on IHL among target groups by bringing IHL to the table from a practical perspective provides an added value in relation to the work of other organizations, such as the ICRC as the formal guardian of IHL, and the UN. These actors are both supportive of the Diakonia program. The program has a broad focus, targeting the local level (raising awareness in communities through civil society actors); national level (indirectly targeting Israeli courts and challenges of legislation) international level (international NGOs, UN, diplomatic missions, etc). Through the advocacy component in Stockholm, the Swedish and European political level is also targeted. All these levels and target groups are relevant in terms of creating conditions conducive to increase respect for IHL. However, in order not to spread its resources too thin, Diakonia may need to reexamine where it wants to focus its resources, where it has comparative advantages, and where it can provide a maximum added value.

8.2 IHL and Protection within Diakonia

The IHL program is a unique program within Diakonia, both because of its IHL focus and its clear self-implementing mandate. This has been clear from the start of the pilot phase. There was an ambition to integrate IHL and protection thematically into the core of Diakonia's mandate. This has not yet materialized. The operational link between the HO in Stockholm and the IHL program therefore mainly relate to administrative issues or public information and advocacy work. In light of the high staff turnover in the IHL team, the lack of institutional capacity to back the program from Stockholm has been unfortunate.

There is an ongoing process within Diakonia to develop the mandate of the Conflict and Justice priority area. This provides a renewed opportunity to institutionalize the work on IHL and protection in order to strengthen the long-term capacity of the organization to maintain an IHL program in the oPt and Israel, as well as in other geographies. At the same time there is a restructuring and decentralization process going on, through which more operational decision-making capacity is delegated to the Regional offices. At HO in Stockholm, the regional officer positions are being phased out and replaced with a global team of thematic support staff. The new structure opens for a IHL/protection officer at HO in Stockholm to support the IHL team in Jerusalem as well as other similar local or regional programs.

8.3 Size and Management Structure of the Program

In the second phase the IHL program has grown significantly, both in terms of number of partner organizations and ambition. The number of staff has also been increased, but it is the assessment of the evaluation team that the program has become larger than the management structure of the IHL team in Jerusalem – and the capacity for support from HO in Stockholm – has allowed.

This has affected the IHL team's ability both to proactively reach out to the international community present in Jerusalem, and to some degree also to foster the intended close relationships with partner organizations.

The structure of the IHL team in Jerusalem needs to be better matched with the tasks that the team is to perform. The present setup, with one program manager, one senior legal adviser, two legal researchers, and one program assistant does not seem to be the optimal line-up. In order to better reach the INGO community, diplomatic missions, the UN and other international actors, Diakonia would need a higher level of proactive engagement in places where these target groups operate. This is a role that could be assumed by the program manager if he/she was not so heavily tied up with administrative work relating to the eight program partners. Similarly, if there were a designated information officer that person could also contribute to promoting the program externally.

The external promotion and information, however, also needs to be backed up by high quality legal analysis. Much of this could be provided by external resources and partner organizations, but there is a clear need for a strong in-house IHL expertise. As indicated above (under Self-implementation), there may not be a need for three in-house lawyers, but it is crucial that the IHL-team has a high-level international lawyer to shape legal opinions on current events and assure the legal quality of the program. In addition to the legal expert, there is a need for a staff member who has advanced training in IHL to support his/her work and maintain quality in the external website.

Under the current program objectives, and given that there is room for five positions, the evaluation team would endorse a staff setup with three high level positions: 1) Political generalist for the strategic vision and to navigate in the complex political landscape; 2) High-level IHL expert with a law degree, solid experience and high credibility; and 3) Administrative and financial management specialist. In addition to these three senior level positions the setup would include two support staff: 4) legal research and analysis; and 5) information officer to support the external promotion of the program (preferably with a legal background). If the program is to continue and Diakonia integrates IHL and protection into its core strategy, the team could be supported by an IHL/protection officer at HO in Stockholm.

Diakonia has had difficulties in recruiting qualified staff for the program office due to the organization's internal restrictions on salary levels. The exception that was initially created for the IHL program, allowing a higher salary level for the international IHL expert, was withdrawn in the second phase. This, and the fact that there is no effective system in place for international recruitment, has prevented Diakonia from retaining the level of IHL expertise that was established in the first phase of the program.

8.4 Coherence of the Program

Diakonia works with a broad spectrum of partners – both in terms of the organisational capacity, level of IHL expertise and target audience. Diakonia’s strategy has been to identify gaps in awareness, capacity or credible information and to fill these gaps through targeted support a local partner organization. The program now has eight long-term partners. The quality of the work that partner organizations produce is often high and there is reason to continue and develop many of the partnerships. However, as noted above, the lack of coherent strategy for matching available resources to expected results on the program level has led to a situation where the program manager has been overwhelmed with administrative issues.

When the bulk of the program manager’s time is consumed by administering support to partner organizations, it is easy to lose sight of the overall dual strategy that makes the program unique – including both a strong operational self-implementing role and targeted project support to a number of partner organizations. Partly as a result of the problems described above, the conclusion from the evaluation in 2006 - that the program could better utilize synergies between its different parts - still holds relevance. Partnerships – especially from the perspective of partner organizations – resemble a set of projects rather than a coherent program. Diakonia risks becoming more of a manager of project funding rather than an active IHL partner. Part of the problem could be remedied by a more effective setup of the IHL team, enabling a higher level of engagement with each partner.

8.5 Partnerships

Cooperation through funding of projects in partner organizations has generally lived up to expectations in terms of integration of IHL perspectives and analysis into the activities of partners. However, there is room for improvement regarding the level of engagement and partnership with local organizations. While this is especially important for “weaker” partner organizations that are in need of more support, it is also essential to engage closely with larger and more experienced partners in order to safeguard the added value in terms of IHL-integration of Diakonia funding.

It would also be useful if Diakonia were to provide a stronger function as a forum through which partners can meet for joint training, expert seminars and discussion on relevant IHL issues. While partners cannot (especially in this context) be forced to cooperate, they can be provided with opportunities to meet and discuss common challenges. Operationalising the Steering Committee that was conceived already for the second phase could be one way of strengthening the coherence of the program.

In light of competition between organizations, the evaluation team also notes that it is problematic to identify one organization under each component to be “the focal point” for their respective target groups. In this regard, it may be useful to explore the possibility of more informal partnerships with a larger group of partners. A higher degree of non-funding-based partnerships coupled with a greater capacity for *ad hoc* project funding may create a more dynamic program and may be the way forward.

All partners report to have had a fairly even representation of women and men in staff and among the target groups reached through activities. Gender perspectives are also reported to have been integrated into education and information as well as monitoring activities. However, on a strategic level, the gender dimension of the program could be strengthened in a third phase by formulating more stringent objectives and expected results.

Diakonia (and in turn Sida) has experienced difficulties in receiving sufficient reporting from partner organizations. A basic project management training course (including LFA and reporting) was provided for partners at the start of the pilot phase, but there appears to be a need for a renewed round of capacity building in this regard.

8.6 Exclusion of Advocacy from the Core of the IHL Program

The advocacy component of the program was excluded from the proposal to Sida and instead funded independently by Diakonia. The component was placed in the policy department in HO in Stockholm. The program staff in Jerusalem can therefore not formally work with advocacy. Instead the regional manager performs tasks that are considered to fall within this category. The system has created confusion as to what it is possible for IHL program staff to do, and what falls outside of the programs mandate.

The line between advocacy and information work is extremely difficult to draw. In reality, if using a strict interpretation of the term, most of the activities of the IHL team are in one way or another connected to advocacy efforts. It is also often virtually impossible to separate the advocacy work on IHL in the Israeli/Palestinian context, carried out by Diakonia HO, from the formal IHL program activities. It is the assessment of the evaluation team that the system with two separate tracks has created unnecessary confusion and prevented the development of a more clearly defined information strategy for the IHL program in Jerusalem.

It is the assessment of the evaluation team that it was a mistake to separate the advocacy component from the rest of the program – instead of just isolating the aspects of the component that could not be funded by Sida, i.e. lobbying

activities targeting the Swedish and/or European Parliaments directly. By keeping a separate window on the side of the program for this specific type of targeted lobbying activities, all other advocacy work that would be relevant for the IHL program could be included in a new program proposal. This would allow more strategic information work while avoiding any confusion as to the mandate of the program. A renewed discussion with Sida on this issue ahead of any renewed program proposal would be valuable.

9. Conclusions and Recommendations

9.1 Summary of Conclusions

Throughout the evaluation, the team has drawn a number of general conclusions, or lessons learned from program implementation. These are summarized in the points below.

Rationale of the Program

1. The basic analysis and rationale of the Diakonia IHL program is still relevant. However, expectations must be realistic and the program should be underpinned by the understanding that the core of the Israeli/Palestinian conflict is political. The legal framework provided by human rights and IHL can help provide an environment conducive to negotiations, but without political will and courage, it will remain a means of treating symptoms of the conflict.
2. The Diakonia IHL program has identified and started to fill a gap both in relation to local partners and the international community present in Israel and the oPt. The program has a clear and important role to play in the Israeli/Palestinian context – provided that Diakonia wants to continue developing its institutional capacity in the field of IHL and protection.

Institutionalizing IHL/Protection within Diakonia

3. While the IHL team in Jerusalem has started to build internal capacity and establish a strong network of partners in Israel, the West Bank and in Gaza, the program will not be sustainable without a deep institutional commitment by Diakonia. Today, support from HO in Stockholm is limited to administrative and financial issues, and the advocacy component placed outside of the program.

Importance of Self-implementation

4. The program is funded through Sida's humanitarian budget. As long as the program is able to continue to break new ground and add value in terms of IHL monitoring, education and information in the Israeli/Palestinian context, the program fits squarely within the Sida's humanitarian mandate.

However, care needs to be taken, especially as the program has moved towards a greater focus on partnerships with local organizations, not to end up as a core donor for human rights organizations. There are other Swedish funding channels for that type of activity.

5. There currently seems to be an imbalance between partnerships with local organizations and self-implementing activities, where partnerships are draining much of the available administrative resources at the expense of proactive self-implementing work.
6. There is a need for further outreach and strategic networking to strengthen the IHL program's role as a platform for IHL among representatives of the international community in Israel and the oPt. Cooperation and coordination, primarily with the ICRC, needs to be strengthened.

Strategic Priorities and Planning

7. It is very important that Diakonia is clear about its mandate and the limits of its mandate; the target groups, and the level at which Diakonia and its partner should engage these target groups. The program has grown quickly during the second phase of implementation. It has a broad focus, targeting the local level; national level; and the international level. All these levels and target groups are relevant from the perspective of a needs analysis, but there is also an obvious risk that resources are spread too thin.
8. Partners have been strategically chosen to cover areas where gaps in knowledge, awareness, documentation or reach of existing interventions have been identified. While each of the partnerships is well motivated, there is still a need to develop clearer strategic priorities and achieve a greater level of integration of the program (see the evaluation report from 2006) and a utilization of potential synergies at the program level.
9. In planning for a potential third phase of the program, more time and effort should be devoted to establish clear baselines and undertake an analysis of which factors to monitor in order to follow the qualitative progress of the program. In a new thorough LFA exercise more stringent objectives and expected results could be formulated. This would also be a chance to more strategically integrate a gender perspective in the program. Perhaps a local NGO with expertise in gender issues could participate in the LFA exercise.

Dialogue with Partners

10. A question that was raised in the pilot phase evaluation (2006) was that it might be difficult to have an impact on the agenda of large, well-established and self-sufficient local organizations. This has proved to be a relevant observation. It is the assessment of the evaluation team that some of the partner organizations tend to see Diakonia mainly as a donor – rather than the active IHL partner that the program aspires to be.

Organizational and Management Structure

11. The use of existing resources could be better matched to the tasks that the IHL team are to undertake and to the objectives of the program. For example, as the program manager is overwhelmed with administrative work, there is no senior level resource within the program to strategically promote the program in relation to important target groups.

Project Management and Reporting

12. The audit report from the pilot phase has not yet been finalized. The lengthy process of supplementing financial reporting from the pilot phase has drained resources from program implementation.
13. Reporting from partners is often late and insufficient. There appears to be a need for a renewed round of capacity building on project management and reporting. At the same time, partners say that Diakonia is one of the most difficult partners/donors to work with in terms of reporting. The program would benefit from an in depth discussion on reporting requirements and mechanisms to facilitate smooth reporting.

Program Results and Identified Problems in Implementation¹⁴

14. While many of the expected results have been achieved and the program seems geared toward contributing to its objectives, the implementation of second phase appear to have been weighed down by a number of problems, primarily: i) a high level of staff-turnover; ii) a suboptimal composition of the IHL team; iii) difficulties in getting sufficient reporting from partner organizations; iv) confusion regarding the limits of the IHL team's information mandate (as the advocacy component was excluded from the core of the program); and v) political developments, particularly the isolation of Gaza, the split between Fatah and Hamas, and the recent operation "cast lead".
15. The Advocacy component of the program, funded independently by Diakonia, has been fairly successful in promoting IHL in Sweden – not least through a strategic cooperation with SwedeWatch and Church of Sweden on the report on Assa Abloy. However, Diakonia has not yet managed to reach the targeted group on a European level.

Advocacy Component

16. The separation of the advocacy component from the general IHL program has caused unnecessary confusion and prevented the development of a more clearly defined information strategy.

¹⁴ See also Annex 2.

General Conclusion

17. While the respect for IHL – especially in light of the recent operation “cast lead” in Gaza – cannot be said to have improved in the years of program implementation, the program must be considered to have contributed to the achievement of its overall objective. There are concerted reports from informants that the IHL discourse is substantially more present in Israeli and Palestinian political life, in courts, in media reports, and in civil society. The program is unique in its approach and it would be interesting to see what could be achieved through a new program period over the next three years. After five years of program implementation Diakonia is well placed to identify needs and strategic interventions and on the basis of this analysis refocus the program and its resources where they can generate the greatest impact.

9.2 Recommendations

On the basis of the conclusions above, the following recommendations are given to Diakonia in relation to its continued work to promote IHL in the Israeli/Palestinian context:

1. Diakonia should consider how it wants to develop its institutional capacity within IHL and protection in the years to come. The result of this internal consideration should guide the decision on whether to proceed with preparations for a new phase of the IHL program in the oPt and Israel.
2. There is a clear and important role for the Diakonia IHL program in Israeli/Palestinian context and it is recommended that a third phase is strongly considered – given that this is a path that Diakonia as an organization wants to embark on.
3. The audit report from the pilot phase should be finalized and submitted.
4. In preparing for a new program period, a renewed analysis of the role and added value of the program in the Israeli, Palestinian and International communities respectively should aim to bring resources, management structure, composition of the IHL team and expectations on the program closer together.
5. Not to spread its resources too thin, Diakonia may need to reexamine where it wants to focus its resources, where it has comparative advantages, and where it can provide a maximum added value. Which target groups are most important for the success of the program? On what level does Diakonia want to engage target groups? What capacity in terms of man/womanpower and expertise is needed to be successful?
6. Linkages between the program components should be strengthened and synergies utilized. Diakonia could develop its role as a platform for dialogue between partner organizations on common strategies and challenges, expert seminars and trainings etc. This could include coordination on legal arguments put forward in court cases and petitions.

7. The Steering Committee should be operationalised.
8. The role of the IAC could be re-examined against the background of the development of the institution over the past phases of the program. It seems that a smaller group of more active members would benefit the program more than a larger group of more anonymous members.
9. The number of partners and the nature of partnerships should be reviewed in light of available administrative resources. While it is important to build stable and predictable partnerships, opportunities to establish strategic partnerships on the basis of substance rather than funding should be further explored.
10. A renewed discussion with each partner on the added value of Diakonia-funded IHL projects, the integration of IHL into core activities and the need for continued funding in a third phase, is recommended.
11. A new program phase should be coupled with a renewed round of LFA and reporting training to minimize the administrative burden on the program secretariat/IHL team. Diakonia should also devote time and resources to further developing the overall logical framework of the program and reporting mechanisms. The possibility of involving external gender expertise in this process could be explored.
12. The structure and composition of the IHL team should be adjusted to better fit the identified needs and strategic direction of the new program. This would include allowing exceptions from Diakonia's general guidelines regarding salary levels and the development of procedures for international recruitment.
13. The role of Diakonia as a platform for IHL discussion and awareness in the INGO community, and as a support for other international actors present in the oPt, should be strengthened. For example, establishing a more formal IHL help-desk function for these target groups should be considered.
14. As soon as a decision is taken regarding the future of the program, Diakonia should engage in a renewed dialogue with the ICRC on how cooperation and coordination between the two organizations can be strengthened.
15. Diakonia should engage in a renewed discussion with Sida on the possibility of including a clear information/advocacy mandate in a new phase of the program (with an exception for lobbying aimed directly at the Swedish and European Parliaments – these parts should be continued by Diakonia independently).
16. The expectations on the advocacy component, however, need to be more realistic. The difficulties experienced in reaching the European level should be taken into account.

ANNEX 1 – Key Informants and Interviewees

1) Diakonia Staff

Christoffer Sjöholm	Regional Director Middle East
David Kärnerud	Program Manager, IHL Program
Netta Amar	Legal Adviser, IHL Program
Wael Nemeh	Legal Researcher, IHL Program
Sara Yarden	Legal Researcher, IHL Program
Odate Hanna	Program Assistant, IHL Program
Malin Greenhill	Former Program Manager, IHL Program
Sara Helaoui	Former Legal Researcher, IHL Program
Joakim Wohlfiel	Policy Advisor, Israel/Palestine, HO
Magnus Walan	Policy Advisor, HO
Eric Nilsson	Regional Secretary, HO
Robert Törnlind	former Regional Secretary, HO

2) International Advisory Council (IAC)

Anita Brodén	Swedish Riksdag
Charles Shamas	Mattin Group, Ramallah

3) Swedish International Development Cooperation Agency (Sida)

Maher Daoudi	Deputy Head of Development Cooperation, Swedish Consulate General, Jerusalem
Anna-Klara Berglund	Consul, Development Cooperation, Consulate General, Jerusalem
Tage Zeineldin	Program Officer, Division for Humanitarian Assistance
Helen Rask	Program Officer, Division for Humanitarian Assistance

4) Partner Organizations

Risa Zoll	International Relations Director, B'Tselem
Kareem Issa Jubran	Field Researcher, East Jerusalem
Shawan Jabarin	General Director, Al Haq
Rafeef Mujahed	Legal Research and Advocacy Department, Al Haq
Gila Orkin	Director of International Relations, ACRI

Ronit Piso	Director, International Humanitarian Law Program, ACRI
Mahmoud Abu Rahma	Training Communication and International Relations Coordinator, Al Mezan
Sharri Plonski	Development Coordinator, HaMoked
Noa Atlas	Information Coordinator, HaMoked
Jafar Farah	Director, Mossawa Center
Rania Laham-Grayeb	Deputy Director and International Advocacy and Development Coordinator, Mossawa Center
Tamer Massalha	Legal Advisor, Mossawa Center
Student participants	Mossawa Center IHL activities
Saleh Hijazi	Clinical Supervisor, Al Quds Human Rights Clinic, Faculty of Law, Al Quds University
Naz Modirzadeh	Harvard Program for Humanitarian Policy and Conflict Research
Ram Rahat-Goodman	Yesh Gvul/Breaking the Silence
Susan Lorenc	Machsom Watch

5) Other Stakeholders and Informants

Kirsten Hjørholm -Sorensen	Former Policy Officer, APRODEV
Larry Maybee	Legal Coordinator, ICRC, Tel Aviv
Allegra Pacheco	Deputy Head of Office and Head of Information and Advocacy Unit, UN OCHA
Gabrielle Rubin	International Advocacy and Development Department, Adalah
Orna Kohn, Attorney	Attorney, Adalah
Sara Hamood	Policy Advisor Oxfam Novib, Jerusalem
John Prideaux-Brune	Oxfam GB, Jerusalem
Juliette Seibold	Policy and Advocacy Advisor, Care International, Jerusalem
Pauline Nunu	Deputy Coordinator, Ecumenical Accompaniment Programme in Palestine and Israel (EAPPI)
Sune Fahlgren	Head of Bilda, Jerusalem
Yvonne Fredriksson	PGS, Jerusalem
Sara Nordbrand	Swedwatch

ANNEX 2 – Results and Fulfillment of Objectives

The matrix below illustrates the aggregated view of the evaluation team in relation to each of the stated goals and expected results – aimed at drawing lessons for the future.

Overall Program Objective	Fulfilment
To increase the respect for and further implement international law, specifically international humanitarian law, in Israel and Palestine.	<p>Given the steadily downward spiral that has characterized the last decade in the region, an objective assessment would not conclude that much progress has been made towards reaching this objective. It is of course impossible to know what the development would have looked like without the program or other interventions aimed at increasing respect for IHL. Instead an assessment of the degree to which the objective has been fulfilled will have to be based on an assessment of the program logic and the “theory of change”, indicating the probability that the program activities have indeed affected the overall situation.</p> <p>It is the assessment of the evaluation team that the program has served to counter the negative development that we have seen in the years of program implementation.</p>
Education/Information Component Goal of Component: To raise awareness of the basic rules of international humanitarian law within Diakonia’s target groups.	
Expected Results	Fulfilment
a) Increased IHL awareness in Israel and Palestine among NGOs, media, youth/students, women, lawyers and the general public, as well as among the international community present in the oPt and churches and church-based organizations.	<p>Four partner organizations are involved in IHL-education through the program – reaching target groups in Israel (both Jewish Israelis through ACRI and Palestinian Israeli citizens through Mossawa Center in the West Bank (Al Haq); and Gaza (Al Mezan). All organizations report that they have a fairly even distribution of women and men on their staff as well as among participants in training and educational activities. The lowest reported percentage of participating women in educational activities is Al Haq with 35%.</p> <p>While there are some discouraging signs that the program does not successfully reach the full range of groups targeted, the assessment of the evaluation team is that the level of awareness of IHL in Israel as well as in Palestine has indeed been increased as a result of the activities undertaken within the IHL program.</p>
b) Sustainable local focal points for IHL education and information in the Israeli and Palestinian civil societies.	<p>Four partner organizations have been targeted through the program to become focal points for education and information for their respective target groups: i) ACRI for the mainstream Israeli society; ii) Mossawa Center for the Palestinian community in Israel; iii) Al Haq for the West Bank; and Al Mezan for Gaza. All of these organizations have managed to strengthen their educational work in the field of IHL through the Diakonia program. They are in different stages of development but they have each established themselves as education actors in IHL in their respective constituencies.</p> <p>Note: The evaluation team wishes to raise a note of caution in relation to the strategy of identifying partners to serve as “focal points” or hubs for IHL (generally, not just in relation to the Diakonia program) in the Israeli and Palestinian contexts respectively. The NGO communities on both sides are highly competitive and while it is of course important to encourage local partners to be the best they can be, Diakonia’s exclusive partnerships risks furthering tensions among local actors rather than promoting a spirit of cooperation.</p>
c) Substantially increased access to reliable and easily understood IHL information relating to the	<p>The program has contributed to an increased amount of material on IHL being produced in Israel and in the oPt, made available to a local as well as an international audience. In particular, the production of material targeting non-experts has significantly broadened the potential audience</p>

Israeli/Palestinian conflict.	<p>for available information.</p> <p>Note: As has been mentioned elsewhere, the program's wide network of partners gives a broad capacity to increase production and dissemination of information, but it also results in limitations on the depth of engagement with each partner.</p>
d) Diakonia's IHL program is established as a focal point and a resource center for IHL in the oPt among international agencies, NGOs, diplomatic missions, churches and church-based organizations.	<p>To some degree Diakonia has managed to establish itself as a focal point and resource centre for IHL in this target group. However, due in part to organizational restraints the IHL team has not been able to fully live up to the high expectations of the Program Proposal. It is the assessment of the evaluation team, however, that the potential for Diakonia to fill this role is great, provided that the organization want to fully commit to the program idea and that the IHL team is build around the needs identified and the tasks that they are to carry out. It is clear to the evaluation team that international actors active in the oPt, including the UN and the ICRC, would appreciate this complement in the field of international humanitarian law.</p>
<p>Monitoring Component</p>	
<p>Goal of Component: Increased quality and quantity of monitoring IHL violations in the oPt.</p>	
a) Adequate, consequent and correct reporting by Israeli and Palestinian NGOs, media and international agencies, on breaches of IHL.	<p>This result has partially been obtained. All of Diakonia's partner organizations, both Israeli and Palestinian, report that they have increased their reporting on IHL issues and that IHL arguments are now integrated into reports and media releases. Again, in measuring success in this type of intervention, it is always difficult to determine what is the actual reason for a change in attitudes and behaviour. The level and intensity of violations for example are also likely to have an effect on the media coverage of IHL.</p> <p>It has not been possible for the evaluation team to confirm whether the level and/or quality of IHL reporting by international agencies have in fact increased. The approach of Diakonia program, however, has brought IHL to the agenda of the international community in the oPt.</p> <p>B'Tselem reports that IHL aspects were included in 75% of the media coverage of the organizations work. HaMoked reports that 254 petitions relating to IHL were developed during 2008 alone. Al Haq is reported to have fed its IHL reports into the work of the Office of the UN High Commissioner for Human Rights.</p> <p>An increased use of video cameras in monitoring work has led to a significant increase in the amount and quality of reporting available on the Internet.</p>
b) Improved monitoring methods according to IHL criteria and international law standards to carry out monitoring of violations in the oPt, by Palestinian and Israeli NGOs in cooperation with international actors as appropriate.	<p>The work on establishing more effective monitoring methods has been initiated. The conference in Brussels: "Making Monitoring Work" was very appreciated among participants.</p> <p>Partners have engaged in training field workers, internally and with other organizations, on IHL, which has increased the quality of monitoring activities. Several organizations have requested further training. A positive example is the training that Al Haq provided for Al Najah University, which resulted in the opening of a monitoring department within the University. Training activities are reported to have included specific elements relating to violence against women and girls.</p> <p>Both B'Tselem and Al Haq are also both making increasing use of video cameras, which significantly increases the quality and possibility to disseminate monitoring documentation.</p> <p>However, the project to establish guidelines on Good Monitoring Practices has been dropped as a result of difficulties in finding common ground regarding principles for monitoring.</p>
c) Enhanced coordination and networking on monitoring of IHL violations in the oPt, between Israeli and	<p>The abovementioned conference on in Brussels: "Making Monitoring Work" provided an important opportunity for networking among partners and other organizations involved in monitoring.</p>

Palestinian NGOs.	<p>No new formal networks among monitoring organizations have been created, but Diakonia reports that already existing networks have been strengthened.</p> <p>It is the assessment of the evaluation team that Diakonia could strengthen its own role as a platform for substantive discussions among partners and other stakeholders on monitoring methods (as well as on other issues relating to the program – i.e. coordination of messages etc.).</p>
<p>Advocacy Component</p> <p>Goal of Component: To enhance pressure on national and international level to call upon Israel and Palestine to respect international humanitarian law.</p>	
<ul style="list-style-type: none"> 1) General Public 2) Media 3) Decision-makers 	<p>Measured against established quantitative performance indicators, the advocacy component in Stockholm has been fairly successful in relation to its Swedish target groups. Close to 100 Swedish Parliamentarians have been reached through the study-trips that are organized annually. The cooperation with Swede Watch and the Church of Sweden on the responsibility of Corporations in relation to IHL was very successful and resulted in the relocation of Assa Abloy's factory in an illegal settlement in the West Bank. The report also inspired the Swedish Ministry for Foreign Affairs to publish guidelines for Swedish businesses in the oPt. In general, media coverage has been high.</p> <p>The work of Diakonia has been fed into various political processes in the Swedish parliament and on a number of occasions the information submitted is reported to have changed the political outcome.</p> <p>It has proved more difficult to reach target groups on the European level, mainly due to lacking local networks.</p>

ANNEX 3 – Evaluation Matrix

Main task of the assignment	Questions to be answered	Analytical tools
Objectives of Evaluation		
1) To assess if and to what degree the objectives of the Diakonia IHL program have been fulfilled and if expected results have been achieved;	<ul style="list-style-type: none"> - Have activities been, or are they being, implemented? - Are there LFA-matrixes, and if so, are activities consistent with them? - Have the broader objectives of the program been fulfilled, or are they likely to be fulfilled? - What are the major factors influencing the achievement or non-achievement of the objectives? - Would a different set-up have yielded different/better results? 	<p>Evaluation framework considering the following criteria:</p> <p>- Effectiveness</p> <p>Linking the above with established indicators and Log-frames where available.</p> <p><i>Key reference documents and tools:</i></p> <ul style="list-style-type: none"> - Relevant project documentation and reports; - Diakonia's Policy; - Sida Looking Back, Moving Forward: Sida Evaluation Manual, 2004; - OECD/DAC's Guidelines on Evaluating Post Conflict and Peacebuilding Activities (2008); - Octagon – organizational analysis tool.
2) To assess whether the support provided through the program has indeed increased the respect for and implementation of international law – international humanitarian law in particular – in Israel and the oPt; and	<ul style="list-style-type: none"> - What long-term impact can be observed or anticipated from the Diakonia IHL Program? - What role do Diakonia and its partner organizations have in the promotion of IHL awareness, non-formal education, and monitoring – and how does this role manifest itself? - How has cooperation/exchange between Diakonia and its partners developed? - What impact and added value has Diakonia's self-implementing role produced? - Are the program and its know-how sustainable beyond the program phase? - What are the major factors determining sustainability in the program? - Have efforts been made to diversify funding sources? 	<p>Evaluation framework considering the following criteria:</p> <p>- Impact; and</p> <p>- Sustainability.</p> <p>Linking the above with established indicators and Log-frames where available.</p> <p><i>Key reference documents and tools:</i></p> <ul style="list-style-type: none"> - Relevant project documentation and reports; - Diakonia's Policy; - Sida Looking Back, Moving Forward: Sida Evaluation Manual, 2004; - OECD/DAC's Guidelines on Evaluating Post Conflict and Peacebuilding Activities (2008); - Octagon – organizational analysis tool.
3. Assess the relevance and cost effectiveness of local partner organizations in implementing projects	<ul style="list-style-type: none"> - Has the program been consistent in relation to Diakonia's decision to increase the respect for and further implementation of international humanitarian 	<p>Evaluation framework considering the following criteria:</p> <p>- Relevance;</p>

<p>within the framework of the program.</p>	<p>law in the region, as well as with Diakonia's general strategies and goals and Sida's Strategy for Humanitarian Assistance 2008-2010?</p> <ul style="list-style-type: none"> - To what extent are the objectives of the program still valid? - Are the activities and outputs of the program consistent with intended effects and impact? - How does the program fit into the wider picture of humanitarian work carried out in the region? - How has the relation between the Diakonia IHL program and the International Committee of the Red Cross (ICRC) been handled? - How is the IHL program perceived by local, international, Israeli, and Palestinian NGO communities respectively? - Is the program economically worthwhile, given possible alternative uses of the available resources? - Could more of the same results have been produced with the same resources? - How has the program been affected by delays of relevant audit and financial reports? - To what degree has the Diakonia Head Office been able to provide support and guidance for the IHL program? 	<ul style="list-style-type: none"> - Coherence; and - Efficiency <p>Linking the above with established indicators and Log-frames where available.</p> <p><i>Key reference documents and tools:</i></p> <ul style="list-style-type: none"> - Relevant project documentation and reports; - Sida Looking Back, Moving Forward: Sida Evaluation Manual, 2004; - OECD/DAC's Guidelines on Evaluating Post Conflict and Peacebuilding Activities (2008); - Sida's Strategy for Humanitarian Assistance 2008-2010; - Swedish Governments Humanitarian Aid Policy 2004/05:52; - Octagon – organizational analysis tool.
<p>CENTRAL PERSPECTIVES</p>		
<p>Conflict sensitivity</p>	<ul style="list-style-type: none"> - How does the program (and partner organizations) relate to the ongoing conflict in the area where it is implemented – and what (if any) effect does the program have on the conflict dynamics? 	<p>Conflict analysis, linking it with both the evaluation framework and the Octagon.</p> <p><i>Key reference documents:</i></p> <ul style="list-style-type: none"> - Sida – Conflict-sensitive Development Co-operation – <i>How to Conduct a Conflict Analysis</i>, (November 2004); - Diakonia's Policy; - Do No Harm – Supporting Local Capacities for Peace through Aid, Mary B. Anderson, 1996
<p>Gender equality</p>	<ul style="list-style-type: none"> - How well have gender aspects been integrated at different levels of implementation and how could the gender dimension be further enhanced and elaborated in the future? 	<p>Analysis of gender aspects of the IHL Program, linking it with evaluation framework and the Octagon.</p> <p><i>Key reference documents and tools:</i></p>

		<ul style="list-style-type: none"> - Relevant project documentation and reports; - Diakonia's Policy; - Sida Policy – Promoting Gender Equality in Development Cooperation.
LESSONS LEARNED		
<p>Provide recommendations based on lessons learnt.</p>	<ul style="list-style-type: none"> - Which are the strengths and weaknesses of the current program setup? What would be suitable adjustments? - What lessons can be learnt from program level experience of IHL in Israel and Palestine? - Should a similar program be set up differently in the future and what role could Diakonia or a similar implementing organization play? - In which alternative way could Diakonia promote sustainable IHL work in its future support to civil society in Israel and Palestine? - Should the IHL program focus on additional target groups? - Should the focus on Sweden/EU for the information work remain the same or is there a need for any specific changes? - In what ways could the program links and spin-off effects make advocacy more effective? 	<p>Evaluation framework considering the following criteria:</p> <ul style="list-style-type: none"> - Impact; and - Sustainability. <p>Linking the above with established indicators and Log-frames where available.</p> <p><i>Key reference documents and tools:</i></p> <ul style="list-style-type: none"> - Relevant project documentation and reports; - Sida Looking Back, Moving Forward: Sida Evaluation Manual, 2004; - OECD/DAC's Guidelines on Evaluating Post Conflict and Peacebuilding Activities (2008); - Octagon – organizational analysis tool; - SWOT-analysis of program.



**Terms of Reference (ToR)
For
Evaluation of the Diakonia IHL program
Occupied Palestinian territory (oPt) and Israel**

1. BACKGROUND

The Diakonia International Humanitarian Law (IHL) program started out as a response to the general development and humanitarian work in the Middle East region, where the inability to take action on behalf of the international community together with the prolonged conflict between Israel and the Palestine have resulted in structural impediments for peace. Obstacles encountered have often been politically motivated and in contradiction to international law. The continued occupation has seen illegal policies that undermine the possibility of Palestinians to exercise their right to self-determination and to claim their civil, political as well as social, economic and cultural rights. The civilian population in oPt is not protected as stated under International Humanitarian Law (IHL) and, consequently, the controlling power does not fulfil its obligations according to IHL. It is also clear that people in Israel have suffered from continued terrorist attacks from certain groups on the Palestinian side.

Among the international donor community, there has been a tendency to carry out projects treating the “symptoms”, while avoiding the real root causes of the situation i.e. the Israeli occupation. It is clear that neither the conflict nor the situation in the occupied Palestinian territory will be solved through a continued influx of donor money to the region. Therefore, in 2003-2004 Diakonia identified the need to promote IHL work in order to raise awareness and knowledge of IHL within this conflict to bring it up on the agenda and define it as a central element and possible solution to the ongoing conflict. That goes for: Decision makers, media, lawyers, individuals and NGOs. Rightly used

IHL is – in the situation at hand – the natural basis for negotiations, discussions, monitoring work, petitions and legal assistance.

When working in the humanitarian sector of protection, Diakonia and our partners' aim to facilitate a process that will enhance the usage of IHL as a tool, through monitoring and awareness-raising within the civil society in both Israel and Palestine. Diakonia's IHL program started in March 2004 where the pilot phase ended in June 2006 while this second program period started in July 2006 and ends in June 2009.

The overriding goal of the program is to increase respect for and further implement international law, specifically international humanitarian law, in Israel and Palestine. We also strive to disseminate the information to a larger audience – primarily decision makers – active in either Sweden or in the EU. The program consists of three components; education/information, monitoring and advocacy (not funded by Sida).

The program is supported by the Swedish International Development Cooperation Agency (Sida), while coordinated through Diakonia and implemented on the ground by Israeli and Palestinian NGOs, international actors and through self implementing work.

- *Previous Evaluation of the IHL program*

Together with Sida, Diakonia conducted an external evaluation of the IHL pilot program in 2006 to examine if the program had been successful (and should be extended) in promoting IHL in the oPt and Israel. The evaluation concluded that there was a need for this type of program and suggested a continuation of 3-5 years for the next phase. Many of the recommendations from the evaluation were taken into account when the new proposal and program was constructed.

The evaluation recommended more integrated work between the different components and in the new proposal there were only two components left together with more focus on monitoring. There was an obvious need to strengthen the monitoring in the program and to work with both Israeli and Palestinian partners in monitoring since they are working quite differently having somewhat diversified audiences and scope of work.

The previous evaluation also emphasised the positive effects of Diakonia's different roles being a funding and partner organisation as well as being self implementing. This set up emphasises the possibility to be a true partner in this

work keeping expertise in Diakonia at the same time as it is improving the overall work of the IHL program.

Diakonia would like this second evaluation to cover both the pilot phase and the current phase in order to better get a historical perspective and evaluate the impact that the program has had. Of course, the main focus of the evaluation should be on the current program period starting from July 2006.

2. PURPOSE AND SCOPE OF THE EVALUATION

The main purpose of the study is to assess if the IHL program has fulfilled the objectives and reached the expected results. The evaluation shall be carried out primarily on an aggregated program level.

Another purpose of the evaluation is to assess whether Diakonia's and Sida's contributions have increased the respect for and further implementation of international law, specifically international humanitarian law, in Israel and Palestine. The evaluation shall also assess the relevance and cost effectiveness of the present partner projects working within the scope of the IHL program.

It is important that the evaluation is distinct and forward looking and produce concrete recommendations as well as providing lessons learnt. Here the consultants should give feedback on good as well as bad experiences from program implementation and spin of effects on advocacy, and what could be the future steps in working with a similar type of IHL program? Besides this the consultants shall also identify how this type of IHL program fit in to the wider picture of the humanitarian work carried out in the oPt.

The evaluation should be carried out with a conflict perspective to assess how sensitive to conflict the program is, besides including a gender-perspective as well as a poverty-perspective as basis for the evaluation.

When planning the methodology and undertaking the evaluation it is important to notice that it is the strategy and the objectives for Sida's humanitarian work, and not the normal Swedish long-term development strategy, that will be indirectly applicable for how the program has been carried out. Hence, also look into in what way this have affected the program.

The evaluation should except for analyses and interviews with our partners, include interviews with relevant stakeholders within the civil society such as youths, students, NGOs, media and decision makers, as well as other groups with vested interest in IHL in the Israeli and Palestinian society. The evaluation shall include visit to partners in Gaza.

The evaluation shall be concluded before 16th of March 2009.

3. ISSUES TO BE COVERED IN THE EVALUATION

- An analysis of whether the broader objectives and/or the results of the IHL program have been reached.
- A description and analysis of the role of Diakonia and our partner civil society organizations, i.e. ACRI, Al-Haq, Al-Mezan, Al-Quds IHL clinic, B'Tselem, HaMoked, HPCR and Mossawa concerning the promotion of IHL in awareness raising, non-formal education and monitoring.
- A short description and analysis of the present set up for the IHL program with its strengths and weaknesses and any recommendations for future adjustments of this set up.
- Analyse the “do-no-harm” and conflict sensitivity of the program
- A description and analysis of Diakonia’s self-implementing parts of the program, its value added and specific impact.
- An analysis of how the cooperation and exchange have evolved and progressed over time between and among Diakonia and its partners to integrate more effectively the different components in the program.
- An analysis whether the program and its know-how has managed to become institutionalized in order to be sustainable beyond this program phase.
- To look into the level of support and guidance that the Diakonia Head Office have been able to provide to the IHL program.
- Assessment on how gender aspects have been included in the sub-level projects and how the gender dimension could be further enhanced and elaborated.
- How has the relation between the Diakonia IHL program and the ICRC been handled since ICRC is the official international custodian of IHL?
- If and in what way Diakonia and our IHL partners have taken any initiatives to diversify funding sources

- How has the the financial aspects, in light of the delays of final financial and audit reports from the pilot phase and the delays by local partner organizations to deliver these reports on time affected the program?
- Analyze how the local international, Israeli and Palestinian NGO community view Diakonia's IHL program?

4. LESSONS LEARNT FOR THE FUTURE

- What lessons can be learnt from the this program level experience of IHL in Israel/Palestine?
- Should a similar program be set up differently in the future and what role could Diakonia or a similar implementing organisation play?
- In which alternative way could Diakonia promote sustainable IHL work in our future support to civil society in Israel and Palestine?
- Should the IHL program focus on additional target groups?
- Should the focus on Sweden/ EU for the information work remain the same or is there a need for any specific changes?
- In what ways could the program links and spin-off effects make advocacy effective.

5. METHODOLOGY, EVALUATION, TEAM AND TIME SCHEDULE

- *Methodology*

The methodology used for the evaluation shall be participatory and include all identified partners and other stakeholders. A participatory evaluation invites different stakeholders to articulate and present their needs, interests and expectations. This process is deemed as particularly significant and valuable in a conflict situation like the Israeli/Palestinian one.

The methodology needs to be elaborated by the consultancy team.

- *Evaluation Team*

The international team leader shall be a person with a very good understanding of civil society, civil society institutions and organizations, preferably in the Middle East. He/she should also be fluent in English and have extensive evaluation experience from the field and understanding of Swedish/European context and humanitarian aid. At least one of the team members shall have extensive experience of IHL or humanitarian work within the protection sector, most preferably a person with legal knowledge. The team shall also possess documented knowledge and experience of gender equality.

The team leader will be responsible to budget, hire and pay the local consultants. Both these consultants shall, combined, have good knowledge of the local civil society in Israel and the oPt, be able to communicate in Hebrew and Arabic and have a good understanding of the local context. At least one of the local consultants should have enough qualifications and experience to be able to function as the acting team leader.

- ***Time Schedule***

The Evaluation shall be finalised by the 16th of March 2009 and cover work in Sweden and Israel and oPt (West Bank including Gaza). The length of the assignment is estimated to be 5 weeks full-time work. 10 preparatory and reporting days, 15 working days in the field for meetings (incl. travel).

6. REPORTING

Preliminary findings will be presented by the team leader and consultant in a meeting with Diakonia before the team leader leaves Jerusalem.

The main findings will be presented in the evaluation report. The Evaluation shall be written in English and should not exceed 30 pages, excluding annexes. Format and outline of the report shall follow the guidelines in Sida Evaluation Report – a standardised format (see Annex 1).

A draft report about the evaluation shall be submitted to Diakonia by latest 2nd of March 2009. The report shall describe the activities that the consultant has carried out, the result of the evaluation, lessons learnt and recommendations for the future.

Diakonia will have an internal reference group for this evaluation consisting of the Head of the Middle East Department in Stockholm, the Regional Manager in the Middle East stationed in Jerusalem and the IHL Program Manager in Palestine stationed in Jerusalem.

Diakonia will send its comments to the consultant on the report within one week of its submission. The consultant shall finalize the report and submit a final version within one week of receiving comments from Diakonia.

Three copies of the final report shall be submitted to Diakonia no later than 16th of March 2009.

- ***Ownership and confidentiality***

When undertaking the evaluation all information and documentation are considered to be the property of Diakonia. Consequently all documents should

be returned to Diakonia after the evaluation is completed. The consultants should also be discrete about any organizational information they may receive or encounter during the evaluation.

7. BUDGET

Budget for consultancy:

The consultant (team leader) will be reimbursed for his/her costs upon receipt of the final report and its review and approval by Diakonia and the consultants submission of the invoice covering the entire fees and reimbursable costs.

Taxes should be paid by the consultants.

Total consultant's (team leader) fees and reimbursable costs including air tickets, hotel, local transports, per diem etc in addition to the local consultant fees. The total budget for the ToR shall not exceed SEK 450 000.