

AL-HAQ

PART OF PALESTINE'S HERITAGE

STRATEGIC ASSESSMENT AND PLANNING REPORT

Final Report

SUBMITTED BY

The Assessment and Consulting Team

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FOR THE PURPOSE OF INPUTS AND DISCUSSIONS WITH
MANAGEMENT ONLY

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ABBREVIATIONS

ICHR	Independent Commission for Human Rights
IIHL	Institute for International Humanitarian Law
LRAD	Legal Research and Advocacy Department
MMD	Monitoring and Documentation Department
NGO	Non-Government Organization
OHCHR	Office of the High Commissioner for Human Rights
OPT	Occupied Palestinian Territory
PNA	Palestinian National Authority
UN	United Nations

I. INTRODUCTION

Al-Haq, a Palestinian human rights organization with its headquarters in Ramallah, West Bank, was established in 1979 with the goal of protecting and promoting human rights and respect for the rule of law in the Occupied Palestinian Territory (OPT). For over 30 years, Al-Haq has been the West Bank affiliate of the International Commission of Jurists in Geneva. The organization has special consultative status with the Economic and Social Council of the United Nations. Al-Haq conducts and disseminates legal research based on international humanitarian and human rights law. In addition, the organization, using its extensive database, documents and monitors violations of international human rights and humanitarian law.

In light of the deteriorating human rights conditions in the OPT, Al-Haq is consistently challenged with increasing internal and external demands to engage in more activities. Yet with its relatively limited human and financial resources, and the increasing demand by donors to demonstrate impact and effectiveness, its strategic choices have to be reasonable, measurable and effective, and we all know this is not an easy task. The political environment in which Al-Haq works continues to be highly complex and risky, in particular given the growth of the Palestinian National Authority (PNA) and the increasingly fractious political life within the OPT and the extent of continued violations of international law by both the Israeli Occupation and the PNA.

Al-Haq conducted an extensive external evaluation in 2005, and followed this with an extensive strategic planning and program planning process. In light of this, the consultants were contracted to review the already existing strategic plan, and assess whether, in light of the political context and internal institutional context, it is still relevant. This document is intended to be used by Al-Haq management to sustain and improve its effectiveness, relevance and efficiency. It was clear to us that Al-Haq continues to struggle to continuously learn and improve, meet the overwhelming challenges and yet stay relevant, competitive and responsive.

In the Terms of Reference it was agreed that the consulting team will

- a. review Al-Haq's 2006-2010 strategic plan and narrative reports, and any program assessments done during 2006-2010 during the corresponding period
- b. conduct few key selective interviews [during a] field visit to Ramallah and conduct interviews with Al-Haq's Executive Committee and other members of staff, and donors, as well as with a representative sample of relevant key government and NGO counterparts, and any other entity and/or individual as deemed necessary by the Team.(between 21-23 September)
- c. rapidly assess key issues raised in interviews, which should guide the first day of strategic discussions with the Senior Staff and Board
- d. facilitate a two-three day strategic planning workshop with Al-Haq selected Board members, management and staff
- e. Prepare a written report.

The review was not to be a comprehensive strategic planning exercise, but rather a review of the mission, vision and strategic objectives in light of achievements, constraints and the new political situation.¹

¹ The Terms of Reference are in Annex A.

The team, composed of Mira Rizek and Chris Sidoti, conducted a set of interviews, focused group meetings, and observations, and reviewed relevant internal as well as public documentation to be able to implement the agreed upon Terms of Reference.²

In the course of the mission, the team met with and conducted workshops with the Board and staff members of Al-Haq. Individual meetings were held with the director and heads of departments and units, as well as Al-Haq field workers. The evaluation team met with key partners and stakeholders of Al-Haq on the West Bank and in Jerusalem, including officials of the Palestinian Authority, Palestinian and Israeli human rights NGOs, international NGOs, donors and UN agencies.

The team would like to express its sincere appreciation and thanks to the Board, Director and support staff for facilitating this mission, and to all Al-Haq staff for their openness, and willingness to share their knowledge and experience, without which this mission would have been impossible.

Special thanks go to Mr. Shawan Jabareen, Al-Haq's General Director who has given the team unlimited time and effort, as well as Ms. Nouran Nassif, Mr. Wesam Ahmad, and Ms. Lina Mustaklem for all the logistics support and facilitation. The consultants could not have done the job without the support of these staff.

The opinions expressed in this report are those of the team and cannot be attributed to any single member of the Board and staff of Al-Haq.

² The schedule of the field visit is in Annex B.

II. EXECUTIVE SUMMARY

Al-Haq is very well, though not uniquely, placed in one particular segment of human rights work: documentation of human rights violations. Its coverage thereof is of undisputed quality and comprehensive as regards a large number of selected violations. Al-Haq takes sworn statements from victims and witnesses, documents all these cases, applies legal research to it and feeds that into well acknowledged advocacy and publication activities. Al-Haq truly is a master in this trade and no matter how heavy the workload, the quality of the work at all these levels has been consistently high. Al-Haq is looked upon by many NGOs, UN and donor organizations as the key resource on documentation.

Whilst recognizing this competence and achievement, it must be acknowledged at the same time that Al-Haq is not necessarily uniquely placed in all the other areas of human rights work: training, education, awareness raising, legal remedies and litigation, non-legal counsel or support to victims. In the past years, Al-Haq's advocacy has improved strategically, but it is important for Al-Haq to look at who the other actors are, as well as the functions of the Palestinian Council of Human Rights Organizations (PCHRO) now, and decide if these functions are for Al-Haq, for the PCHRO, in partnership, or not even a priority.

At the program level, Al-Haq continues to suffer from an expanding workload brought about by a wide and expandable human rights mandate and combined with a tendency to take up new tasks as requested by externals, whether, communities, organizations and individuals. The organization will always be faced with increasing external demands on its activities especially given that the human rights violations are expected to continue at a minimum at the same level. Thus Al-Haq needs to go through a rigorous process of prioritization and, when preparing its plan, focus on activities that potentially could yield most impact given the limited human and financial resources. Additionally, Al-Haq needs to decide whether and to what extent it will continue to implement programs, training and services directly, as against strengthening local capacities of others to implement, and/or implement collectively. In this context, the role of the Centre for Applied IHL and Human Rights Law still needs to be defined, as well as its set-up, ownership and sustainability. A list of questions have been prepared for management to resolve this issue.

Al-Haq is built around the flow chart of human rights violations, from documentation to publications and information sharing in the direction of accountability, to advocacy. That is what Al-Haq says it wants to do, should specialize in, and should derive its credibility from.

The evaluation team has no professional opinion as to the question of whether Al-Haq should be more focused on documenting violations inflicted by the Israeli Occupation, as against the Palestinian authority, nor whether Al-Haq should focus more on local as against international advocacy. Both are needed, and the institution needs to decide its positioning on the spectrum, make a strategic decision and move boldly with a clearly defined agenda and mandate.

Additionally, another strategic question that has to be addressed by the Board and staff is whether Al-Haq should also tackle other IHRL areas, example education, water, livelihoods, which are not being addressed by Al-Haq at the moment. Currently there are quite different opinions within the organization as regards where Al-Haq stands

Al-Haq has a committed and resourceful staff, which is prepared to work well beyond prescribed hours and well beyond the call of duty. The organizational structure is much improved since 2005 but is still not optimal, and needs further streamlining and definition of posts. The issue of staff accountability is also crucial: Al-Haq needs to ensure that its own staff follow the plan and are accountable for its implementation. This will also help control the mission drift that still exists, although some say that it is less than in 2005.

Although the funding situation of Al-Haq is strong, and the organization benefits from an unusually high level of core funding from a number of committed donors, yet its high dependency on donors, with hardly any internal revenue base puts it at high risk. The Board and management should endeavour to explore more creative ways of fundraising. Some guidelines are offered in this report for consideration.



III. THE EXTERNAL AND INTERNAL WORKING ENVIRONMENT: FOR BETTER OR FOR WORSE?

A. THE EXTERNAL ENVIRONMENT

At the time of the assessment, the Palestinian community was closely observing and anticipating the direct negotiations between the PNA and Israeli Government. There generally is a growing movement against the direct negotiations, and the sense of hopelessness and frustration is also anticipated to grow. Either way, the situation will deteriorate. If the negotiations continue, the expectations is that they will not bring about a just and lasting peace. If the negotiations fail, the political, economic and social conditions are going to get worse and more difficult.

During the two-day workshop held on 27 and 28 September, the attendees endeavored to do a scenario analysis. The following sections summarize the analysis and conclusions of the group work.

Additionally, Al-Haq's General Director Mr. Shawan Jabareen prepared a scenario paper, which is also attached as an annex in this report.³

The group anticipated three scenarios:

1. that the situation is going to deteriorate, the scenario that the majority of the group saw as most probable
2. that the present unacceptable situation will stay as is, the scenario that 20% of the participants projected
3. that the situation might improve, which only three of the participants could see eventuating.

1. A deteriorating situation anticipates that the negotiations will fail, thus leading many donors and governments to reduce their funding and assistance to the PNA, which already suffers from lack of resources, leading to a more severe economic crisis, especially as Palestine is recognized as having the highest ratio of humanitarian assistance per capita.

The failure of the negotiations will put the PNA in a very difficult situation both internally and externally, and will thus deepen the internal divisions and eliminate any possibility for reconciliation between Hamas and Fateh.

One could in this case expect a third Intifada and/or a war on Gaza or both. Israel will not be faced with any pressures to stop its settlements or its violations of human rights or to comply with any of the international or bilateral peace resolutions or treaties pertaining to Palestine. Israel actually will gain more strength and support globally for its expansive policies and "judaization" of Jerusalem, and the imposition of a forced unilateral Israeli solution, which will assume the Wall as the border between Israel and Palestine, united Jerusalem as its capital, and expropriation of rights for the Palestinians. Life generally under the Israeli Occupation will become more restrictive and threatening for the Palestinians.

2. Situation unchanged does not mean in any way that everything will remain unchanged, only that the fundamental relationships between Israel and the PNA will be unchanged. Due to the stagnation, the level of frustration and stress among Palestinians could increase leading to a new

³ See Annex D.

uprising and a violent Israeli reaction. The increasing pressures on everyday life might lead to the withdrawal of foreigners living in Palestine, as well as diplomatic missions and support.

The Palestinians will continue to see more settler attacks on civilians, protected and supported by the Israeli military forces, more consistent violations of international law especially perpetrated by the Israeli Occupation. Jerusalem evacuation policies against Palestinian citizens will continue, and will intensify as per present plan, and new settlements will be built in East Jerusalem, completing the “Jerusalem Belt” plan. More Palestinian residents will lose their identification documents, and life in Jerusalem will become a battle of survival. This could lead to a new uprising, with further military action, from the Israeli side and the institutionalization of violations on the Palestinian side. The Palestinians will suffer more imprisonments, especially targeted for groups that are promoting the move against the peace negotiations, as well as what is known as the “rejectionist” camp.

The political and humanitarian situation in the Gaza Strip will also deteriorate, and Hamas will continue to violate basic human rights and repress all types of individual freedoms.

3. The situation could improve, “the unrealized dream”, if the peace negotiations continue and acquire substance there might be positive results for both the Israeli and Palestinian side. Israel might be pressured to freeze the construction of new settlements, home demolitions and expropriations, all of which will suppress and reduce violations of Palestinian basic human rights. Donors, the World Bank and IMF will want to invest in peace, and thus the level of humanitarian aid to Palestine will increase dramatically, leading to a substantial and positively felt improvement in the living conditions of Palestinians and Israelis. There is a possibility then that the internal division within the Palestinian scene will end and that an agreement between Fateh and Hamas be concluded. That would revitalize the role of the Palestinian Legislative Council and provide a better environment for realizing the Rule of Law. The geographic gap and relationships between Gaza and the West Bank will also get closer.

If the internal divisions end, the possibility of conducting local, parliamentary and presidential elections could materialize, thus bringing some political stability to the region. Human rights violations will continue but they would be more targeted against individuals and their freedoms rather than political movements. Despite the potentially better situation, it is still questionable whether the situation in East Jerusalem will improve or ease up.

General Conclusion

Irrespective of which scenario will be realized, all scenarios affirm that the situation of violations of human rights will not improve, and even if the nature of violations or perpetrators might shift, Al-Haq’s role will continue to be extremely vital, needed and responsive, and the organization will continue to have tremendous demands on its staff to document, analyze, publish and advocate. The challenge for Al-Haq will always be how to control these demands, prioritize and continue to manage its plans and mandates effectively.

B. STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS

Throughout the field work, the team has heard a lot from the interviewees on issues related to Al-Haq’s strengths and weaknesses. A whole session during the workshop was also dedicated to the SWOT Analysis. The table below summarizes both external and internal views on the issues.

STRENGTHS	WEAKNESSES
<p>Governance, Structure and Image:</p> <ul style="list-style-type: none"> • Dedicated and diversified Board that understands its role and responsibilities • Board does not involve itself in execution and implementation, restricts its role to supervisory and policy • Al-Haq is a highly reputable human rights organization • Relationship and trust between General Director and Board is positive • Management team conducive to democratic and participatory decision making • The organizational structure is clear to all 	<p>Governance, Structure and Image</p> <ul style="list-style-type: none"> • Inactive General Assembly • Weakness in accountability of staff due to inconsistent performance evaluations and follow-up • Although a management team exists, many decisions are made outside this team. This both undermines the management team and raises questions among staff as to the decision-making mandates, powers and mechanisms • Although there is a clear organizational structure, many staff still go to the General Director when they need to discuss issues
<p>Programs and Program Strategy</p> <ul style="list-style-type: none"> • Al-Haq is looked upon as the leader in human rights arena, • The program objectives are clear and relevant 	<p>Programs and Program Strategy</p> <ul style="list-style-type: none"> • Community and NGOs look at Al-Haq as leader, and thus expects it to cater for all gaps and needs in services of this sector • Research published used to be more in depth in the past.

- The program generally very relevant and responsive to the local environment, especially that violations of human rights are increasing both at the Israeli and Palestinian level
- Documentation of violations is considered best thing that Al-Haq does
- Added component of visual documentation is quite innovative an effective
- Coverage and outreach (field researchers cover all districts in West Bank and Gaza)
- Coverage on violations is almost complete, very reliable and acts a referral to many other HR NGOs and the UN
- Good balance between local and international focus
- Al-Haq produces very good annual program plans
- Good mix of old and new program staff , offering room for information sharing and capacity building
- The PCHRO was recently established as a good coordination forum, if well used
- Al-Haq has good relationship programmatically with many NGOs
- International advocacy, especially in Brussels and within the UN has been instrumental

Researchers are too stretched over a wide arrange of activities, and have limited time to produce in depth research

- No clear guidelines and standards for legal research in the organization in order to control quality
- Expertise of some legal researchers in analysis and writing especially in Arabic is limited to a few key researchers
- Although program plans are prepared annually, Al-Haq consistently adds on new activities and projects outside of the plan
- Inability to implement program plans fully and meet deadlines in project implementation due to mission-drift
- Flow of information between departments and its effective use is still limited
- Complementarities between field research and legal research is not fully understood, leading sometimes to collecting too much or too little information on specific issues
- Some components or activities in the program are perceived as influenced and driven by personal priorities and preferences of management and staff
- Still not very impact-oriented, and needs to focus more on impact and results
- Implementation strategy continues to be based on direct

	implementation rather than implementing in partnership.
<p>Resources: Human, Physical and Financial</p> <ul style="list-style-type: none"> • Al-Haq has very dedicated and qualified staff • Al-Haq has a strong funding base 	<p>Resources: Human, Physical and Financial</p> <ul style="list-style-type: none"> • No clear resource allocation and prioritization strategy • Mismatch between some staff expertise and job requirements or needs for some key staff (need for job analysis) • Office space is both inadequate and not properly allocated • Career improvement opportunities in some areas is limited, thus acting as a disincentive for qualified and senior staff • Unequal distribution of workload among staff resulting in some staff being overloaded and have no time to think strategically or reflect on outputs/quality of the work they produce • No clear human resource management (lack of plans and systems) or staff development and training plans • Totally dependent on external donors and funding which increases the risk of it becoming unsustainable • IT equipment adequate but could be improved (this is important for management so it looks into investing in IT, if you do not recognize, IT will continue to be sub-optimal)
<p>Relationships and Networking</p>	<p>Relationships and Networking</p>

<ul style="list-style-type: none"> • Strong relationship with Donors • Strong and positive relationship with NGOs working in the same field • Respectable and positive relationships with the local communities, especially through the field researchers 	<p>Relationship with foreign media is weak</p>
<p>Opportunities</p> <ul style="list-style-type: none"> • The increasing violations of human rights especially on the Israeli side, and the continuation of the Israeli Occupation, affirm the need, relevance and responsiveness of AI-Haq's presence and mission • The increasing violations of human rights as well as increasing interest amongst international NGOs and donors in the area of human rights • ICHR could open up new avenues and add new roles to AI-Haq (or the opposite). • Regional outreach could open up new avenues and increase the Arab World's awareness on human rights issues in the OPT among civil society and its organizations • The fact the PNA is willing to engage the NGOs in the formulation of plans and allocation of resources offers the opportunity for AI-Haq to impact their decisions and priorities 	<p>Threats / Challenges</p> <ul style="list-style-type: none"> • Increasing violations globally adds burden and risk on human rights NGOs • The global crisis and the shrinking funding base, or shifts in agendas of many donors • High rate of dependency on external funding • The fact that NGOs, especially the ones that expose the PNA, could become a "target" increases the risk for AI-Haq (both existence and sustainability) • Increasing risk of field staff especially in an environment where Rule of Law is inexistent or weak. • Ability to cover Gaza and provide consistent support to AI-Haq staff there in the absence of access • Give sufficient attention to both Israeli violations as well as

- Growing International relations and increasing support for the boycott, divestment and sanctions supports Al-Haq's mission and agenda
- The potential that exists in working more in Europe and the USA in advocacy

Palestinian violations

- The dichotomy between the unlimited expectations from other NGOs and community to deliver more, and the need to be more focused and impact-driven

IV. POSITIONING ALHAQ

A. SETTING

Al-Haq adopted its last strategic plan in 2005.⁴ It undertook a process of internal reflection following an external evaluation. Through that process, it defined the desired future for Palestine (its vision) and its own role in achieving that future (its mission). The plan defined Al-Haq's vision as

Al-Haq's vision is to see the rule of law and standards of international human rights and humanitarian law implemented and adhered to, so that Palestinians can enjoy equal treatment with respect to their human dignity, free from occupation and with the full realisation of their right to self-determination.⁵

It defined Al-Haq's mission as

Al-Haq is a Palestinian non-governmental, independent human rights organization that works in the OPT to uphold the rule of law and respect for human rights.

Al-Haq focuses on monitoring, documenting and advocating against the violations of the individual and collective rights of Palestinians under international law, irrespective of the identity of the perpetrator, using both national and international mechanisms to:

- influence policies at the national and international levels; and
- hold perpetrators accountable

with the intention of promoting respect and adherence to the rule of law and remedying violations.⁶

The strategic plan then put Al-Haq's strategic goals. Strategic goals are an organization's operational priorities aimed at fulfilling its mission and achieving its vision. The plan defines these goals as

- Influence policy at the national and international levels
- Hold accountable perpetrators of international human rights and humanitarian law violations in the OPT
- Improve and enhance Al-Haq's organizational capacity

B. MAJOR OBSERVATIONS AND FINDINGS

In discussions during the strategic review external stakeholders – executive directors of other key NGOs, public officials, donors' representatives – without exception expressed their very high regard for Al-Haq and its position in Palestinian society. Their assessments of it were unanimous in seeing it as the pre-eminent Palestinian human rights NGO: “the leader”, “unique”, “the most credible”, “the most reliable”, “the expert”.

⁴ Al-Haq *Five -Year Strategic Plan 2006-2010*.

⁵ Al-Haq *Five -Year Strategic Plan 2006-2010* p 2.

⁶ Al-Haq *Five -Year Strategic Plan 2006-2010* p 2.

This undoubted pre-eminence of Al-Haq among human rights organizations working in the OPT is the result of the vision, commitment, expertise and sheer hard work of present and past members of Al-Haq's board and staff. It is the best evidence of their success. It presents great opportunities for Al-Haq's future in that Al-Haq has a solid reputation for integrity, accuracy, credibility, expertise and excellence in its work. It presents challenges too as Al-Haq now and in the future must live up to this reputation by maintaining its high standards. The board members and staff feel the weight of this reputation and track-record. They can feel pressured to try to do everything for everyone because "we're Al-Haq". However, no one organization can do everything. And in fact Al-Haq does not need to do everything. There are many other very good NGOs working in the OPT.

The challenge for Al-Haq is to identify what others do well and what it does best, what it brings to the struggle for human rights in the OPT that no other organization can bring and then to plan on that basis. It needs to be able to say "no" when pressured to take on more than it can reasonably and effectively do. None of those interviewed by the review team wanted Al-Haq to stop doing any of its current activities but many proposed that it add more activities to the list. Al-Haq needs to realise that this is impossible unless it gains significantly more resources. In fact, the review team considers that it will be very difficult for Al-Haq to sustain its current level of operations indefinitely at the current level of resources.

External stakeholders did not propose any change to Al-Haq's position and role. Indeed, on the contrary, they strongly affirmed that it should continue as it is. Board members and senior staff also thought the organization's position and direction about right. No one expressed any wish for any fundamental shift. They discussed Al-Haq's present and desired position along a series of spectrums. Strategic positioning is usually not an either-or choice but a series of decisions in relation to spectrums. Board members and senior staff were asked to complete a worksheet that presented five spectrums and invited them to indicate the position along each spectrum where Al-Haq is at present and where they consider it should be over the coming five years. The spectrums were

- from focused on institutions, such as the Palestinian National Authority, the Palestinian Legislative Council, Palestinian and Israeli agencies, and international mechanisms, to focusing on grassroots work
- from an orientation towards advocacy to an orientation towards service provision
- from being activist organization to being a think tank
- from a priority for legal research to a priority for building up civil society
- from being proactive, that is, making its own plans and largely sticking to them, to being reactive, that is, responding to the demands of others and external events.

Seven of the nine Board members and the General Director completed the worksheet. They wanted little change at all on the first (institution focus to grassroots focus), second (advocacy to service provision) and fifth (proactive to reactive) spectrums. They wanted Al-Haq to become more of a think tank and more involved in building up civil society.⁷ All senior staff members completed the worksheet. They wanted significant change only on the second spectrum, with Al-Haq increasing its focus on advocacy.⁸ Taken together the returns indicate a high level of Board and senior staff satisfaction with the current positioning of Al-Haq and confirmation of the continuation of that positioning with some adjustments.

⁷ See Annex D for the full summary of their returns.

⁸ See Annex E for the full summary of their returns.

There was general satisfaction with the vision statement. It was seen to reflect accurately Al-Haq's vision for the future and no amendments to it were proposed.

The mission statement was revised a little, during the strategic review and the strategic planning workshop, to make it a shorter, clearer statement of Al-Haq's role. The revision does not affect substance at all, only the way in which the mission is worded.

The amendments to the mission statement are intended to

- simplify the statement
- give greater prominence to advocacy as Al-Haq's most fundamental role – Al-Haq is an organization “that advocates”
- locate its advocacy as both national and international
- define the purpose of its advocacy as promoting the rule of law and respect for human rights
- maintain the organization's focus as the OPT
- refer to legal research as a broad approach incorporating monitoring
- add building capacity, with strategic activities rather than as a direct service provider, as another approach.

The three strategic goals in the 2006-2010 plan were also discussed. There was no significant change proposed to two goals. A new goal was adopted to express Al-Haq's developing work as a centre for applied international humanitarian and human rights law. Although Al-Haq has always had a training component, the adoption of this goal represents a very significantly increased priority for this part of its work.

C. CONCLUSIONS

The review team has concluded that Al-Haq is very well positioned to continue to play a strong role in the Palestinian human rights NGO sector. Its mandate, as expressed in its vision, mission and strategic goals of the strategic plan 2006-2010, has been appropriate and relevant to the situation of human rights in the OPT. Some slight changes are recommended to clarify and focus the organization's direction over the coming five years.

D. RECOMMENDATIONS

The review team recommends the incorporation into the new strategic plan of the following statement of Al-Haq's vision, mission and strategic goals, as agreed at the strategic planning workshop.

1. Vision

Al-Haq's vision is to see the rule of law and standards of international human rights and humanitarian law implemented and adhered to, so that Palestinians can enjoy equal treatment with respect to their human dignity, free from occupation and with the full realisation of their right to self-determination.

2. Mission

Al-Haq is a Palestinian non-governmental, independent human rights organization that advocates nationally and internationally to promote the rule of law and respect for human rights in the OPT, through legal research, documentation and building capacity to address violations of the individual and collective rights of Palestinians under international law, irrespective of the identity of the perpetrator.

3. Strategic goals

- Laws and policies at the national and international levels that respect and comply with international law are promoted
- Accountability of perpetrators and justice for victims of international human rights and humanitarian law violations in the OPT is pursued
- Develop Al-Haq's work as a centre for applied international humanitarian and human rights law
- Al-Haq's organizational capacity, effectiveness and potential sustainability are improved

V. AL-HAQ'S PROGRAMS: RELEVANCE AND EFFECTIVENESS

A. SETTING

One of the difficult challenges for Al-Haq is to maintain its existing standards of leadership in the human rights sector and excellence in its work when the expectations of it, based on its past performance, are so high. Both external stakeholders and Al-Haq's own board and staff see the critical importance of the organization and its effectiveness over three decades in the Palestinian human rights sector and more broadly in Palestinian society. It was described by two Palestinian officials, independently of each other, as "part of Palestine's heritage". Al-Haq's effectiveness depends on its track record of credibility, legal and analytical expertise, strategic capacity and leadership. These must be maintained if it is to remain effective. Staff are very aware of this and deeply conscious of the demands on them and the expectations of them. They and their predecessors have set a very high bar that they must now sustain.

Al-Haq has a number of different strategies, which could also be described as programs, to pursue its goals:

- monitoring and documentation
- legal research
- national and international advocacy
- accountability
- training and awareness raising
- international networking.

The staffing structure in part reflects these strategies or programs but there is some overlap. The organization has three departments:

- monitoring and documentation department
- legal research and advocacy department
- administration and finance department.

There are also four support staff, providing library, information technology and media services.

B. MAJOR OBSERVATIONS AND FINDINGS

External stakeholders invariably referred to the excellence of Al-Haq's information and analysis and of the advocacy it does on the basis of that. They see Al-Haq not only as a very effective advocate in its own right but as a point of reference for the advocacy of others. For them it is "the place to go" for reliable information, good analysis and advice about situations and strategies. Palestinian and Israeli human rights NGOs, donors and other external stakeholders all made this comment. They particularly singled out A-Haq's general director, Shawan Jabarin, for his insight, expertise and experience and the quality and depth of his knowledge and analysis of the Palestinian human rights situation.

In developing its next five year strategic plan, Al-Haq has the opportunity to re-examine some of the strategic choices it has made in the past, assessing what is most necessary and most appropriate to address the Palestinian situation as it is now and as it is likely to change over the coming five years. Board members, senior staff and external stakeholders are in agreement that there should be no significant shift in the organization's position and role – that is, its vision, mission and

strategic goals. The choices for it at this point, therefore, are not fundamental choices about the organization's directions but go more to the balances to be struck in different focuses for its work and the weight or priority to be given to different aspects. These are choices that the organization alone should make as the choices go to what Al-Haq should be doing. The review team does not make recommendations here but presents the choices that it has identified as needing to be addressed at this time.

The review team sees these choices as a series of 14 spectrums, with Al-Haq needing to decide, in the strategic planning process, where it should be located over the coming years along each spectrum, where the balance should lie. During this review senior staff were asked to assess the current approaches and priorities of Al-Haq in its work and to indicate whether they thought there should be changes to these priorities and approaches over the next five years. They completed a second worksheet which presented the 14 spectrums in seven areas:

1. documentation of violations
 - the balance between Israeli violations and Palestinian violations
 - the balance between width of coverage and depth of coverage
 - the balance between analytical documentation and descriptive documentation
2. accountability
 - the balance between action for domestic accountability and action for international accountability
 - the balance between accountability through courts (judicial accountability) and accountability through other forums (political accountability)
3. advocacy
 - the balance between local and international
 - the balance between Al-Haq advocating alone and advocating jointly at all times
 - the balance between global advocacy and geographically targeted advocacy
4. casework
 - the balance between general casework, through taking strategic cases, and no casework
5. governance and organizational culture
 - the balance between a Board that deals only with policy and a Board with a primary management role
 - the balance between centralized decision making and decentralized decision making
 - the balance between a high level of staff accountability and staff acting independently
6. planning and acting
 - the balance between being demand driven, and planning and acting according to strategic impact, and being supply driven
7. training
 - the balance between providing training generally and directly, and strategically training trainers, and providing no training.

Their responses in every area reflected a high level of satisfaction with the current directions of the organization.⁹ There was no area at all in which some fundamental shift was seen as necessary and only three areas in which any significant shift was sought:

- becoming more analytical and less descriptive in documentation of human rights violations
- increasing staff accountability

⁹ See Annex F for the full summary of their returns.

- planning and acting on a more strategic basis.

The basic views of the senior staff about Al-Haq's future work were supported by the external stakeholders interviewed.

C. GENERAL CONCLUSIONS AND RECOMMENDATIONS

Relevance

Al-Haq's strategies and programs are seen as being of past and continuing relevance. Their relevance is strategic, legal and political.

Monitoring and documentation provide the necessary information and analysis on which legal and political advocacy can be undertaken. By exposing violations and violators they make accountability possible. Pursuing accountability is essential for the promotion of human rights because impunity for perpetrators encourages further violations and denies justice to victims.

Dealing with violations by Palestinian perpetrators as well as by Israeli perpetrators reflects the current reality of life in the OPT where the Israeli military occupation is still directly and indirectly responsible for the largest number of gross human rights violations but in addition the actions of Palestinian authorities and groups continuously affect the human rights of Palestinians. Al-Haq's strategies and programs address the reality of human rights experiences in the OPT.

While the current strategies and programs are relevant, they are not the only possible strategies and programs. There are choices that Al-Haq has made in the past and needs to review regularly. In general the choices made by Al-Haq in the recent past have been and remain relevant.

Recommendation

The review team recommends that in its next five year strategic plan Al-Haq retain the same basic program mix as it currently has.

Coverage

Al-Haq's programs cover a very wide field of human rights activity. However, the priority is given to advocacy, including through monitoring and documentation.

Al-Haq addresses perpetrators of violations of international law "irrespective of the identity of the perpetrator". It deals with violations in the OPT by the Israeli military authorities and other Israeli authorities, by the PNA and its agencies, and by other actors, including paramilitary and other armed groups and the Hamas entity in Gaza. Its extensive coverage is strongly supported internally and externally. This is appropriate, indeed necessary, for an organization committed to the rule of law and human rights for all. It arises directly from Al-Haq's vision and mission. It is also strategically important as it enhances the credibility of Al-Haq and its objectivity, with a base in law and not politics, and thus its effectiveness. Al-Haq's coverage of all perpetrators of violations is essential to its success.

The Al-Haq field workers indicated that they can encounter some difficulties when documenting violations by Palestinian groups because victims and witnesses are often reluctant to give direct evidence of what occurred. Victims and witnesses are frank and open when being interviewed about Israeli violations but seem to fear reprisals from the Palestinian groups involved if they report

the violations to the field workers. This issue requires careful handling by the field workers so that victims and witnesses are supported to give evidence and so that Al-Haq's objectivity and integrity is established. Different tactics are required when monitoring Palestinian violations and Israeli violations.

The senior staff consider that Al-Haq's focus is appropriately distributed between Israeli and Palestinian violations and should remain so. They pointed out that there are other NGOs that only monitor Israeli violations and that the Palestine Independent Commission on Human Rights (ICHR) focuses exclusively on Palestinian violations. However, they and external stakeholders agreed that Al-Haq still had an important role, given its pre-eminent position among NGOs, in monitoring all violations and thus upholding the universality of human rights and of the human rights obligations of state and quasi-state authorities.

Recommendation

The review team recommends that Al-Haq continue to cover human rights violations in the OPT regardless of the identity of the perpetrator, including both Israeli and Palestinian perpetrators.

While extending coverage widely, Al-Haq has also identified four areas of human rights for comprehensive investigation: killings, punitive and administrative demolition of houses, deportations and transfers of persons, and curfews. Other areas are dealt with extensively but not on the basis of documenting and analyzing each incident. The identification of particular issues for "comprehensive" treatment assists staff to prioritize their work and controls to some extent the risk of slipping into doing everything shallowly and nothing deeply.

Recommendation

The review team recommends that Al-Haq continue to identify the most important human rights areas for comprehensive attention, to ensure a clear focus for the work of its staff, especially a field staff, and thorough treatment of key issues.

Effectiveness

Determining the effectiveness of human rights work is extremely difficult and measuring it is nearly impossible. Human rights work is complex, long term work in which quick measurable impacts are almost impossible to obtain. In addition, progress is almost always the result of the actions of many actors and so it is unjustifiable to credit one or a number of specific organizations with responsibility for the achievements. Similarly, where a human rights situation deteriorates, it is unjustifiable to blame one or a number of specific organizations for the failure.

In many senses Al-Haq has been spectacularly ineffective. The Israeli occupation continues. Extra-judicial killings persist, though at a lesser rate than at times in the recent past. Thousands of people are in arbitrary detention. Torture and cruel, inhuman and degrading treatment remain common, though reportedly less now than in the past three years. Houses are still being demolished for punitive and administrative reasons. And so on.

There is no doubt, however, among external stakeholders, including some who have been the subject of Al-Haq's activities, that in fact Al-Haq has been highly effective in its work. In exposing violations and violators, it has built pressure that is leading to greater respect for human rights and some decrease in the number and severity of violations. It has influenced the drafting of laws that

are more consistent with human rights standards. It has increased knowledge and understanding of the obligations arising under international human rights and humanitarian law. It has raised awareness internationally of the human rights situation in the OPT and contributed substantially to international mechanisms for investigation and accountability.

Al-Haq's leadership role among Palestinian human rights NGOs has also been very effective. There have been no formal mechanisms for exchange, cooperation and coordination among the key human rights NGOs for the past eight years. Cooperation has occurred on an ad hoc basis rather than as part of a relationship of regular meetings and joint activity. Donors have often complained about this deficiency. They themselves have attempted to address it by convening occasional workshops with NGOs but the NGOs themselves have been the only organizations really able to commit to cooperation and then develop the mechanisms for it. Al-Haq took the lead in doing this through the initiative of the Palestinian Council of Human Rights Organizations as "a permanent forum of coordination". It is now the principal force behind the work done through the PCHRO, continuing to play the leadership role, initiating most proposals for joint activity and servicing meetings and discussions of the PCHRO. PCHRO members interviewed for this review made it clear that they continued to look to Al-Haq to be the leader in the PCHRO, reflecting its accepted pre-eminence among the NGOs.

D. SPECIFIC CONCLUSIONS AND RECOMMENDATIONS

Advocacy

Al-Haq's principal mission is advocacy. This has been clear for some time and it is made even more explicit in the revised mission statement developed for the new strategic plan. Al-Haq is an organization "that advocates nationally and internationally". Its advocacy is the means by which it seeks to contribute to building a Palestinian society in which "the rule of law and standards of international human rights and humanitarian law [are] implemented and adhered to". Its strategies, programs and activities are the means by which advocacy (its mission) is possible. It conducts its advocacy at both national and international levels.

Few issues were raised during the review about the national level advocacy. Al-Haq is well known in the PNA and its agencies, in the media and in the broader community. It expresses its views strongly and clearly and with a firm base in national and international human rights and humanitarian law. It plays an active role in commenting and advising on legislation and draft legislation, with one of its senior lawyers sitting on six advisory committees of various ministries of the PNA. It is regularly consulted by the PNA and other Palestinian institutions on the drafting and review of laws. It has had a number of successes in promoting new laws and changes to existing laws.

International advocacy has been an increasing arena for Al-Haq during the period of its last strategic plan. It has increased its international profile at global, regional and national levels.

Al-Haq has been especially active within the international human rights system, including in the Human Rights Council, with its Universal Periodic Review and its Special Procedures, and in the human rights treaty monitoring bodies. It regularly provided shadow reports to the treaty monitoring bodies and provided information to Israel's examination under the Universal Periodic Review. It was especially active in providing evidence to the Goldstone Report into the Israeli military offensive known as Operation Cast Lead in Gaza in December 2008-January 2009 and in following up the Report both within Palestine and in the international system.

For some years Al-Haq has sent representatives to Geneva to appear and speak in these international human rights forums. These representatives have been and are very knowledgeable about the international system and make significant statements that attract a good deal of attention. They have had significant influence through raising a credible non-government voice that is an alternative to and indeed quite distinct from the official Palestinian representatives. Al-Haq is well known in these forums in Geneva and highly regarded for the integrity and thoroughness of its work.

More recently Al-Haq has taken a significant step in increasing its international advocacy at the regional level through the placement of a staff member in Brussels to work in and with the European Union. This move arises from a realisation that progress in Palestine will be influenced more by pressure from individual States and groups of States than from the United Nations and its forums. The Brussels representative is very active in EU meetings and in representations directly to missions to the EU, to influence both their State's own policies and actions and its policies and actions in and through the EU. Regionally Al-Haq also has had good and regular relations with the Arab League. It is now considering developing links for strategic advocacy within the Latin American region as the global reach of Latin American States, especially Brazil, extends.

At the national level, the Al-Haq representative in Brussels travels to European capitals to put Al-Haq's case directly to officials in the Foreign Ministries and to members of national Parliaments. Al-Haq is also considering extending its strategic advocacy in Washington DC. The Israeli human rights NGO B'Tselem has had a representative in Washington for the past two years because of the necessity of influencing US Administration and congressional opinion if there is to be any progress on the ground in the OPT. B'Tselem also had a part time representative based in Geneva who does advocacy work there and in Brussels and London.

Al-Haq cooperates in its advocacy with a number of other NGOs. Its principal partners are other Palestinian NGOs but it has also been willing to join Israeli NGOs on an ad hoc basis, for example, in responding to the report of the Goldstone Report. It has found more common cause with Physicians for Human Rights than other Israeli NGOs but additionally works with B'Tselem and others as well. There are advantages in this kind of cooperation at the international level. First, it increases the influence of the advocacy when a significant number of credible organizations act together. This is especially so when Palestinian and Israeli human rights organizations adopt a common position on a particular human rights situation or violation. Second, international work can be very expensive and so it takes away from an organization some of its limited resources, which could perhaps have been spent better and less expensively at home. Cooperation with Israeli organizations is complex and requires a high level of agreement on the specifics of a particular situation or policy. This is often not possible. Nonetheless, joint advocacy makes good sense and should be pursued whenever strategically advantageous.

Al-Haq is also a member of the Euro-Mediterranean Human Rights Network, a grouping of human rights NGOs from countries in Europe, North Africa and West Asia. It has provided a strong support base for human rights activists in the OPT and a "safe space" in which Palestinian and Israeli human rights NGOs could meet and interact within a broader NGO grouping, especially during the most difficult times in the IOPT. The network includes two other Palestinian and three Israeli NGOs.

Al-Haq has also developed close relations with a number of the most significant international NGOs, including the International Commission of Jurists, of which it is an associate member, the Fédération Internationale des ligues des Droits de l'Homme and the International Service for Human Rights. These relationships have been important in providing some measure of international protection for Al-Haq and support for its international advocacy.

Al-Haq's international advocacy is very important and increasingly influential. It has certainly been strategic but it has not been undertaken under a comprehensive strategy. As this advocacy expands further, Al-Haq will face an increasing need to ensure that it is clearly and strategically directed so as to ensure maximum effectiveness. There is enormous international interest in Palestine and there are very large numbers of international meetings that are or could be relevant to Palestinian issues. Al-Haq already receives more invitations to international meetings than it is able to accept. If it extends its international advocacy at regional and national levels, it is in danger of being swamped with requests and opportunities that will lead to waste of resources and effort unless strategically directed and tightly focused. It needs to set out in a written strategy

- the objectives of international advocacy
- the relative priorities among international, regional and national level advocacy
- where it will be conducted
- the partners with whom it will be undertaken
- the issues that will be advocated
- the criteria by which opportunities for advocacy (that is, meetings, conferences and forums) will be assessed and decisions taken on participation
- the resources that will be allocated to it.

Recommendations

The review team recommends that Al-Haq continue its international advocacy, even increasing its level over the coming years, under the direction of a comprehensive strategy for international advocacy. Al-Haq should also explore possibilities for cooperation and joint action, including through shared funding, with other Palestinian NGOs and with Israeli NGOs with which it shares common policies and views.

Monitoring and Documentation

Al-Haq has established its outstanding reputation on the basis of its excellence in monitoring and documentation. Both the standard of its documentation and the reputation it has built on it are the foundations of its effectiveness. It must maintain that standard of excellence to ensure the continuation of its effectiveness. This is a challenge for the organization but one that, from experience, it can properly expect to meet. The critical factor is doing so is the quality of its staff.

The monitoring and documentation department is responsible for Al-Haq's work on the ground, in the field. It undertakes investigations of human rights violations and produces reports of individual violations and monthly reports of the human rights situation as a whole. Most staff in the department are located in the field and there is the head of department and a field coordinator and support staff in the Ramallah head office. The work of the department is Al-Haq's "bread and butter" – the basics and the foundation of all Al-Haq's activities.

Al-Haq's field workers are the primary collectors of information for monitoring and documentation. They are not mere recipients of this information but are required to gather evidence, seek verification, take legal statements and collate, analyze and assess the validity of data. In this respect their role is more appropriately described as that of a field researcher than a field worker. However they also do training and awareness raising work and generally represent Al-Haq on the ground in their regions. Their titles do not adequately reflect their functions and responsibilities

Recommendation

The review team recommends that Al-Haq consider changing the position titles of field workers, perhaps to field researchers to reflect their functions and responsibilities more accurately.

Field workers (to use the present job title) are located in both parts of the OPT, both the West Bank and Gaza. The two Gaza workers are in especially difficult situations under the current circumstances of Gaza under the Israeli military blockade externally and Hamas control internally. Their work is very important both legally, because of the serious human rights situation in Gaza, and politically, because of the internal Palestinian division. Through them and cooperation with Gaza based organizations, Al-Haq demonstrates clearly its coverage of all human rights issues in all parts of the OPT, so that it acts to promote and protect the human rights of all Palestinians in the OPT. They are cut off from Al-Haq's headquarters and from regular, personal interaction with and support from their work colleagues. The two workers are located in different parts of the Gaza Strip and rely on telephone contact for daily exchange of information and a weekly meeting. They have no offices but work from their homes in their local communities. They are very isolated from the Al-Haq headquarters in Ramallah in a situation where they can often be at significant personal risk.

Recommendation

The review team recommends that Al-Haq explore additional ways to assist and support the Gaza field workers, for example, by linking them more closely to the Office of the High Commissioner for Human Rights.

Although the Gaza field workers face the greatest difficulties, all the field workers work in difficult and stressful situations. At times they are brought face to face with the victims of the most serious forms of violation of human rights and humanitarian law. The field workers told the review team that these situations have impacts on them. Al-Haq has provided stress workshops for the field workers but none has been held for some time. The stress that the field workers may experience needs more than the occasional workshop if it not to deteriorate into trauma.

Recommendation

The review team recommends that Al-Haq develop and implement a structured program to provide psychological and emotional support for field workers, especially at times of heightened conflict in the OPT.

A recent development in Al-Haq's documentation has been the commencement of video documentation. This is enabling far more effective outreach to broader audiences and increased the impact of the reporting of violations. The videoing began with handcams which provided an immediate, though relatively low quality, product. Al-Haq has now purchased a higher standard video camera that is able to produce footage for more professional video documentaries. To date these documentaries have been produced on DVD only but the updating of the website will permit the documentaries to be placed on the internet and downloaded. This new form of documentation will certainly be of benefit in advancing Al-Haq's goals.

Al-Haq can also explore other forms of new technology to supplement its more traditional documentation.

Recommendation

The review team recommends that Al-Haq explore additional cost-effective means of using information technology more extensively to increase the reach and impact of its work and thereby its effectiveness.

Legal Research

Al-Haq also has a high reputation for its legal research. The research department produces reports, position papers, legislative reviews, briefings and other documentation. It prepares the shadow reports to international human rights mechanisms. It also participates in and makes presentations to conferences, seminars, briefings and other meetings. Finally, it is responsible for litigation in Palestinian and foreign courts.¹⁰

As with the field reports, Al-Haq's research documentation is of a very high quality. Its reports are reference documents that are used widely for advocacy in support of human rights in the OPT and are cited widely in other documents. Their strength is seen as their legal analysis that places and analyses events and incidents in the framework of international human rights and humanitarian law. Few other human rights NGOs working in the OPT, Palestinian or Israeli, have the legal expertise that Al-Haq provides. The reports provide both narrative and analysis. When asked about the balance in the reports during this review, senior staff indicated that the reports should be more analytical and less descriptive. This reflected a preferred role for Al-Haq as a "big picture" analyst and commentator rather than a reporter of isolated individual incidents. There were no other issues raised in relation to legal research. One suggestion offered by an external stakeholder was that Al-Haq should prepare an annual report on the observance of international humanitarian law in the OPT to complement the annual report on human rights in the OPT prepared by the Independent Commission for Human Rights.

Al-Haq's legal research work has also earned it the respect of officials in the PNA. It is the most active NGO in following Palestinian legislative activity, both in the Palestinian Legislative Council when it was meeting and in the legislation of the President since the Council became inoperative. It receives frequent requests for assistance from the PNA and other Palestinian institutions on the drafting and review of laws.

The review team identified concern that the legal researchers are very stretched and that this could lead to reductions in the quality and quantity of legal reports. The team appreciates that all Al-Haq staff have heavy workloads and that many staff are very over-worked. It was not possible to determine whether the workload was heavier for the legal researchers than for other staff. However, the general issue of workload needs to be addressed as a major issue in preparing the next strategic plan and, more significantly, the annual action plans.

The review team considers that the legal research reports and other documents are excellent and that they are well produced. They are well used inside and outside the organization, demonstrating their relevance and credibility. For that reason the team has no recommendations to make in relation to them.

Accountability

Al-Haq rightly considers accountability of perpetrators of human rights violations an important part of promoting and protecting human rights. Victims of violations are entitled to justice and to

¹⁰ See appendix XX for the outputs of the Legal Research and Advocacy Department.

remedies. Perpetrators are required to be brought before a court to account for their actions. Accountability is important not only retrospectively but also prospectively because impunity encourages further human rights violations.

Al-Haq has identified accountability as one of its goals. This goal has three dimensions: holding individuals accountable regardless of the identity of the perpetrators, holding Israeli and Palestinian Authorities accountable and encouraging other States to give priority to human rights in their relations with Israeli and Palestinian Authorities.

Al-Haq has little confidence in Israeli courts and so its strategy for individual accountability has been to seek forums abroad in which to pursue cases. Some other organizations, especially Israeli NGOs, take different views. They continue to take case to Israeli courts and consider that the possibilities for increasing accountability through those courts have not been exhausted, although the situation is worse than it was. Al-Haq, as a Palestinian NGO, has far less reason to approach Israeli courts and is entitled to a higher degree of scepticism about their effectiveness in enforcing human rights norms. Al-Haq views the use of the Palestinian judicial system as an important mechanism for Palestinian accountability as well as developing Palestinian rule of law.

The difficulty Al-Haq faces in its international accountability strategy is that there are few judicial forums in which cases can be brought successfully. Israel has not ratified the Rome Statute of the International Criminal Court and so can only be brought to that court through a resolution of the UN Security Council – a very remote possibility given US support for Israel, its standing opposition to the International Criminal Court and its veto power in the Security Council. The ability of foreign domestic courts to hear cases against Israel in relation to actions in the OPT is very limited, even though many of the violations are war crimes or crimes against humanity which attract universal jurisdiction. In many countries these crimes can only be prosecuted by or with the consent of a political or judicial authority, such as the Minister for Justice or the Attorney General or Public Prosecutor. It is usually difficult to obtain the necessary consent or engagement of these officials. States that have traditionally provided good avenues for trying international crimes have been steadily tightening their laws over the past decade and so opportunities are now very limited and restricted. Successful prosecution of a human rights violator for an international crime is becoming less and less likely.

Civil litigation is an additional strategy Al-Haq is developing which presents fewer jurisdictional obstacles but there are few States with laws enabling these civil cases.

Under these circumstances the strategy for the international accountability work needs to be regularly assessed.. The strategy has very little chance of success in the short term if its goal is the conviction of individual perpetrators. If the goal is simply to place pressure on perpetrators by exposure and the prospect of having to defend themselves in a foreign court, then the prospect of success will be greater. However, the question in that case is whether the strategy risks emboldening perpetrators by demonstrating the powerlessness of the international system in fact to hold them accountable. If the strategy is to embarrass and pressure the State of Israel, then again its prospect of success is limited. Israel has repeatedly shown itself to be beyond international embarrassment and not susceptible to international pressure except from the US. There are certainly gains to be made for human rights in pursuing each of these goals. The question for Al-Haq is whether they are the most significant gains and whether they are cost effective strategies.

Recommendation

The review team recommends that, in the course of preparing the next strategic plan, AI-Haq consider carefully the goals of its international accountability work to ensure that it adopts clear, meaningful and achievable goals and to determine, on a cost-benefit basis, whether this is the most appropriate and effective use of resources.

Training and awareness raising

Training and awareness raising are very different activities. Training seeks to impart knowledge and skills to persons who will be empowered to use them. It is far more than simply seeking to raise the awareness of the general population or a specific group about human rights issues and perhaps remedies. Demand for both is high. They can be highly resource intensive areas of activity.

AI-Haq undertakes a significant amount of training and awareness raising. It seems that many members of its staff can be called on for these activities but that most is done by the field workers. Sometimes the work can be well targeted towards those whose rights are most at risk of violation or who are significant holders of human rights obligations. At other times it is ad hoc and unfocused, responsive to requests rather than strategically planned and driven. Recently, for example, AI-Haq field workers have been providing awareness raising in schools. They see this as a relief from the intensity of their documentation work. However, it is of very limited value. It certainly contributes in a small way to increasing sensitivity towards human rights across society generally and so to increasing in the very long term the construction of a culture of human rights but it does little in the short term to addressing or preventing human rights violations. If AI-Haq is to be involved in training, its training resources would be far better directed towards training trainers than doing all the training itself. In both the short term and the long term, it is more efficient and more effective, for example, to train teachers in human rights than to raise the awareness of their students.

AI-Haq seems to have no strategy for training and awareness raising. Staff have no guidelines to assist them in seeking and responding to opportunities for awareness raising and training. There is also only limited evaluation of the effectiveness of current training and awareness raising activities. Senior staff express strong support for a strategic approach to these activities, with a priority for training of trainers.

Recommendation

The review team recommends that AI-Haq undertake a review of its training and awareness raising activities both to evaluate current activities and to develop a strategy for future activities in these areas. If AI-Haq decides to adopt a more strategic approach in these areas, it should be accompanied by clear criteria or guidelines and procedures for deciding whether and, if so, when, to undertake any specific training or awareness raising activity and who the targets should be. This could be part of the mandate for the proposed IHL.

Casework

In 2005 AI-Haq made a strategic decision to withdraw from individual casework. Previously it has tended to offer legal advice and often representation to all who sought it. It had a legal department with para-legals working under the supervision of excellent legal practitioners. It decided that this was not the best and most effective use of its limited resources and that it was better placed to provide more generalist advocacy. Other Palestinian NGOs offer casework services, with advice and legal aid for litigation, and AI-Haq considered that it did not need to duplicate or add to these

legal aid services. It did not refuse all cases work, however, and since 2008 the number of individual cases it is taking has crept up again. It is estimated that it may now be handling 70 to 80 cases a year.

External stakeholders expressed different views on Al-Haq's strategic decision. Some said that Al-Haq should be taking cases as this was an essential component of human rights work. Others agreed with the 2008 decision, describing it as "an excellent decision", on the basis that Al-Haq had expertise and experience that was better used in advocacy. The senior staff were strongly of the view that Al-Haq should undertake strategic casework that brought test cases to courts or other forums to establish significant precedents of wider application.

In any society casework can be a bottomless pit into which an organization falls. In a situation of gross and widespread human rights violations, the potential trap can be even greater. It is all but impossible to deal with every case, though of course individual victims of violations are entitled in law to individual remedies. With its expertise and experience and its high reputation, however, Al-Haq itself is far better placed addressing human rights issues holistically, at the level of systemic advocacy based on its documentation, research, analysis and policy development work. Doing general casework would detract from systemic advocacy. Taking a small number of strategic cases, however, can be an effective means of informing and supplementing systemic advocacy. To avoid the bottomless pit, Al-Haq needs to be clear and make clear that it is not a general legal aid organization and that it will be very selective in the cases it takes up.

Recommendation

The review team recommends that Al-Haq avoid becoming a casework NGO. Taking cases to court needs a complete litigation unit that Al-Haq does not have. Its lawyers are engaged as legal researchers and they would have to reduce or abandon this core role if they were to do casework. If Al-Haq is to accept any cases at all, it should adopt strict criteria or guidelines and procedures for deciding whether and, if so, when, to take up an individual case to ensure that only strategically significant cases are taken.

Palestinian Council of Human Rights Non Government Organizations

Al-Haq took the lead in establishing the PCHRO as "a permanent forum of coordination" and it is the principal force behind the work done through the PCHRO. The founding organizations established the PCHRO "to share experiences and information, to complement each other's work, and to advance a legal discourse with coordinated positions among the organizations on the main human rights issues faced by the Palestinian people, whether relating to violations and crimes committed by the Israeli occupying authorities, or by official or non-official Palestinian factions".¹¹

To date the PCHRO has issued a small number of joint statements on critical human rights issues. It is capable of doing more if its members want to increase the level of their interaction. For example, it could be a forum for developing common analyses of the human rights situation in the OPT and likely developments, for joint strategising, for identifying in the work of the various NGOs gaps that need to be filled and duplication that should be eliminated. It could provide training programs and hold seminars and workshops that include a broader spectrum of the human rights sector, including Israeli human rights NGOs where appropriate. Through these kinds of joint activity Al-Haq's effectiveness could be further increased, sharing the benefits of its expertise and

¹¹ *Declaration of the Palestinian Council of Human Rights Organisations* 6 April 2009.

experience, building more effective coalitions on specific issues and strengthening the voice of Palestinian civil society as a whole, domestically and internationally, on the Palestinian situation.

Some members of the PCHRO want it to be more solidly established, with its own secretariat and program. Others prefer to have it as a mechanism for ad hoc joint activity. Either way, Al-Haq's leadership will be critical to its continuation and usefulness. Al-Haq, therefore, needs to be clear about its objectives in relation to the PCHRO. The strategic planning process is the appropriate opportunity for this clarification, especially as it enables Al-Haq's views on the future development of the PCHRO to be determined in the context of its own broader goals and strategies. In particular it needs to identify when it considers joint activity more effective and when it prefers acting alone.

Recommendation

The review team recommends that Al-Haq clarify and develop further its strategies in relation to the Palestinian Council of Human Rights Organizations.

Centre for Applied International Humanitarian and Human Rights Law

The Centre for International Humanitarian and Human Rights Law is a new initiative of Al-Haq. Although it had been a dream within Al-Haq for a long time, it became possible suddenly and unexpectedly when a donor made a large grant to Al-Haq as a final contribution to end a long term relationship. Because of this sudden and unexpected nature, many Al-Haq staff did not know what the proposed centre would be and what it would do. Indeed these questions are still to be discussed and resolved within the organization.

The Centre proposal came from a recognition of gaps in knowledge and understanding of international humanitarian law among groups in the OPT. The Centre was seen as a means by which those gaps could be addressed. It was seen not so much as a training centre (though it might do training) but as one that would pursue a range of strategies to institutionalize respect for and observance of international humanitarian and human rights law. It could play a role not only in the OPT but for the Arab region as a whole.

At the strategic planning workshop, the Al-Haq executive committee identified the range of issues and questions needing to be answered. They also identified some of the alternative answers for discussion, developing into the third goal entitled "Develop Al-Haq's work as a centre for applied International Humanitarian and Human Rights Law.

Recommendation

The review team recommends that Al-Haq clarify its strategies in relation to the proposed Institute for International Humanitarian Law through a participatory process of consultation engaging senior staff and other relevant staff.

VI. GOVERNANCE, ORGANIZATIONAL CULTURE AND STRUCTURE

A. GOVERNANCE: LEGAL STATUS AND FOUNDING DOCUMENTS (BYLAWS)

1. SETTING

Al-Haq is incorporated and registered as a NGO under the terms of Law No. 1 of 2000 in Palestine. This NGO law requires civil society organizations to establish a General Assembly which appoints a Board of Directors from its members.

The Bylaws of Al-Haq, which are in compliance with the Law, assign the responsibilities of the General Assembly as well as the Board of Directors. The General Assembly is in charge of approving the amendments of the membership fees, the election of the members of the Board of Directors (by secret ballot) , the Board's annual report the approval of initiating new branches for the organization, the appointment of an external auditor, and the approval of annual financial statements. The General Assembly usually meets once a year.

Board members are elected for a term of three years and can be re-elected without restriction. The present Board is made up of nine members elected towards the end of 2009, and will run through 2012. Six of the present members have served on the previous Board and three are new, which offers a good mix, as well as serves as a good strategy for sustaining institutional memory, lessons learnt and experience.

The Board elects a chairperson, a deputy chairperson, secretary and treasurer and is expected to meet at least once every three months.

2. MAJOR OBSERVATIONS AND FINDINGS

- The constituency of the Board is quite diversified and balanced in terms of expertise and backgrounds of members, gender, diversity of thinking, the mix of old and new members.
- Although the Board has not engaged in a serious discussion around its role, or how it sees it, the Board is clear in its relationship with the General Director, appears to be working more as a policy Board that delegates authority and responsibility of execution to the General Director, rather than a management Board that interferes in implementation.
- The Board is able to work within a clear and effective division of tasks between itself and management, as outlined in its Bylaws
- Despite the diversity in the Board's thinking, the Board is able to create consensus, and the working environment and decision-making are quite effective and transparent.
- On the same lines, although Board members might differ with each other on issues or positions, they operate on the premise of collective decision making and mutual respect.
- The Board is not actively engaged in programmatic issues or discussions, and engages only when called upon by the General Director. In this respect, the Board might not be fully aware of the strategic choices and the tension that exists between strategic choices and their implications on the direction, identity and role of Al-Haq. Some Board members may be more involved than others, but generally these programmatic issues are left to management and staff to resolve. Board members' positions regarding for example whether Al-Haq should do more monitoring of violations perpetrated by the Israeli Occupation as against the

PNA are quite diverse, although this is healthy, yet it could easily drift the mission of the organization if clear positions are not spelled out.

- Given the nature of the work of the organization, there needs to be a written policy and clear strategy for dealing with risk situations, protection and safety of the office, staff and documentation.
- The Board is adequately satisfied with the role, performance and standing of the General Director and are happy to entrust him with the management of the office and operation. It is noted though that performance evaluation of the General Director and other executive staff has not been carried out regularly.

3. RECOMMENDATIONS

1. Al-Haq's Board needs to engage in a serious discussion regarding its role and authorities, as well as strategic issues related to Al-Haq's mission, vision and strategic role. The strategic choices for Al-Haq which are explored under the section on Programs will have serious implications on Al-Haq, its identity, role and relationships, and thus the Board needs to make deliberate decisions that will offer the general framework for the General Director and staff to conduct the detailed planning.
2. Al-Haq Board members should actively engage in the strategic planning review process and the detailed implementation plan for 2011.
3. The Board should ensure that management develops a risk management and protection policy, which should be formally documented. All relevant Al-Haq staff should know what these policies are and the implications and liabilities of not adhering to these policies.

B. ORGANIZATIONAL CULTURE AND STRUCTURE

1. SETTING

As regards organizational culture, Al-Haq has problems in saying no to the continuous internal and external demand to do more than it can reasonably and professionally handle. This is facilitated by the fact that staff has a strong commitment to contribute to Palestinian state and civil society building and often see their work at Al-Haq as an opportunity, duty even, to attend to that commitment. This also is a result of Al-Haq's long standing experience, very positive reputation and the high expectations of partner, donors and stakeholders of it.

This, however, brings external requests into the organization and, if not managed carefully, overload is the result with potential threats to the quality and timely delivery of Al-Haq's own agenda, core mission and quality of work. In several interviews, especially with senior staff, the overload and the quality, especially of the research and publications seemed to be of great concern and if not attended to could lead to serious recession in the program quality

The general environment is very positive, and commitment levels are quite high, the atmosphere is pleasant, informal and non-hierarchical, and resource allocation is adequate, at least at the office. Yet, underneath this warm blanket more staff want decision-making to be clarified, and the heads of departments to be the focal managers for the staff within their units, so that staff stop going directly to the General Director. Problems could be exacerbated by the fact that many staff are overloaded, and the culture of catering for unplanned activities to meet external requests continues to stress staff and minimize the time and resources available for pro-active planning, more responsiveness, creativity and strategic thinking.

Structural and cultural weaknesses tend to reinforce one another in this context. The tendency of being demand-driven to all stakeholders opens the door wider for internal and external requests,

facilitated by a culture of not saying no and a strong commitment to do more than what the organization is doing already. Combined with reallocation of human resources to secondary tasks and some pressure to deviate from planned core activities, the result could be very detrimental to the organization if not acknowledged and attended to.

Presently, Al-Haq has two major program departments, the Monitoring and Documentation Department (MDD), and the Legal Research and Advocacy Department (LRAD), and an administration department and staff that support the whole operation. The program departments very much reflect the core functions of the institution, and thus its structure is very functional. Two years ago, Al-Haq received a grant from Ford Foundation to start up an Institute for International Humanitarian Law. There is still internal debate about whether this institute will be part of Al-Haq legally and functionally, the type and caliber of resources to be allocated to this function, and the mandate and tasks within the Institute. The General Director supervises the heads of the two departments, as well as the head of the administration/finance department and the librarian. The Program Assistant/Advocacy staff person is functionally supervised by the Director, although this is not reflected in the organizational structure.

Al-Haq has a management committee, also known as executive or steering committee. This committee is needed and, if well structured and defined, it could improve the efficiency of flow of information and decision-making. Yet it seems to be mostly dealing with administrative issues, that could be dealt with on another level or within a different mechanism. The constituency of the committee is also not reflective of the name (not all residing in the committee are managers), and the roles, mandates and decision-making power is not clearly defined.

Although the organizational structure of Al-Haq is to a large extent functional, some positions are still either not well defined or do not fall within the appropriate departments. The organizational set-up still appears to be less than optimal and offers room for improvement.

As observed in 2005, and in relation to the organization of the workload and the allocation of resources, Al-Haq continues to be not centralized or top-heavy, but beyond the heads of departments there is a rather flat structure which is not very effective, and puts extensive pressure on the heads to supervise each and every staff member within their department, . The institution does not deliberately invest in succession planning and, if and when staff leave, the vacuum created could be quite extensive, especially for senior positions

The library at Al-Haq is a service center that services mainly the Legal Research and Advocacy Department, in addition to the public. Presently, the librarian reports to the General Director, which also is not optimal.

2. MAJOR OBSERVATIONS AND FINDINGS

- The drive to meet external requests is the result of a tendency towards over-estimating Al-Haq's capacity in combination with not taking advantage of the work of other actors in civil society. Al-Haq may be "uniquely placed" but it is rarely "the only ones who can do that". The assessment team is concerned that Al-Haq should avoid over-estimating its role, especially since serious effort of mapping the human rights NGO sector and its relevant services has been done.
- The Program Assistant and Advocacy Officer, whose functions are also not well defined, sits in the LRAD Department, although his functions are more connected with the General Director, and his tasks are concentrated around advocacy, fundraising and reporting.

- The continued reporting of the librarian to the General Director has distorted the function and seniority of the post. If this continues, the organization might run the risk of buying and stacking books which are not needed by the researchers, which will not be an optimum allocation of budget
- The legal researchers have a variety of functions and of levels of responsibility and seniority, yet all are named “legal researchers”. Some of them also work on providing the Ministry of Justice of the PNA with support for drafting laws, others used to offer training of security staff in human rights and international humanitarian law, and some also cater for legal cases, yet all are titled legal researchers, implying that they all do legal research.
- The culture of the organization is result oriented and based on commitment to high professional standards yet the organization still suffers from flawed decision making practice. At times finds it difficult to reject external demands, which will continue to overload some staff.
- There are continuous discussions on priorities and consequent allocation of resources leading to overload and, sometimes, frustration.
- Field work needs strengthening and more administrative support, as the balance between field and headquarters work continues to favour the latter in terms of resource allocation.

3. RECOMMENDATIONS AND CONCLUSIONS

Al-Haq’s organizational structure is manageable but some changes could enable improvements in the functional organization of the work in departments and units. Starting at the top, senior management needs to be better supported and strengthened. The General Director in particular is not adequately supported to deliver the necessary strategic functions of strategic planning, monitoring, supervision, media and advocacy management.

In the evaluation of 2005, it was observed that Al-Haq needs more technical posts, for example a Program Planning, Monitoring and Reporting position, a senior technical assistance position, located within the Administration and Finance Department that will build internal capacity of staff in planning, monitoring and reporting. It should also establish an additional external relations department with staff to include a Media Advocacy and Public Information Officer and officers for fundraising and public relations. If advocacy is to become a key strategic area for the organization, then the organization needs to be resourced in this direction.

Al-Haq must also realise that the administration support for field workers is either inadequate or insufficient. The conditions they deal with on a day-to-day basis seem to be deteriorating, and the risks are increasing, especially in the field of mobility and access. However, the organization does not provide incentives for these staff to ensure total coverage. As the field workers are exceptionally committed to their work, they do not complain and carry on relentlessly, but the organization needs to develop risk or security policies and procedures that will provide some sense of security (if not actual security) to the staff that are most at risk.

More specifically:

1. Based on its mission, core business and programs, Al-Haq should define clearly the principles for and the details of its organizational structure and consequently amend positions of staff, titles, job content, qualifications. At a time of increasing pressure on

- resources it needs to look rigorously at what positions it needs, establishing new positions to fill important gaps and deleting existing positions that are now less important. It should then undertake an objective re-assessment of the capabilities of all staff with a view to matching capabilities with jobs and needs.
2. Given the present situation of resource pressures, and the decision by management staff to keep the budget at its present level (no intentions for expansion), a conservative policy in terms of resource allocation should be implemented. The General Director should focus on strategic direction and overview, ensuring strategic coherence and implementation of the overall strategy and work plans, as well as external affairs and public relations.
 3. The General Director should supervise only heads of departments and direct support staff that work with him. All other staff should be supervised directly by the respective head of department. Although understood, it is important to justify why the organizational structure is being reformed and new positions created.
 4. Al-Haq should consider establishing one new department for external relations and three additional functions/posts, if and when the financial situation allows:
 - a. a Media/Public Information Coordinator, within the new external relations department
 - b. a Public Relations / Fundraising Coordinator, also within the new external relations department
 - a Program Planning, Monitoring and Reporting Officer, within the administration and finance department.
 5. Since Al-Haq clearly divides its advocacy work into local and international, a National Senior Legal Researcher post and an International Legal Researcher post should be created in the LRAD, to supervise, between them, all legal researchers (national and international).
 6. Al-Haq should review its field operations and formulate a more equitable pattern of resource allocation between field and headquarters.
 7. The management team should be a very effective mechanism for information sharing and decision-making. It is recommended to develop an authority matrix that will define what kind of decisions can be made by the General Director, the heads of departments individually, and the management committee.
 8. It is recommended that the library should be transferred to LRAD and the librarian should report directly to the head of LRAD, both functionally and administratively. This will improve the resource allocation and budgeting for this service center.
 9. A new unit for training and capacity building should be established on a temporary basis until the functions, methodologies and organizational structure of the proposed Institute for International Humanitarian Law are finalized. This unit could start up and manage the tasks related to the Institute, which then will be transferred and institutionalized within the Institute, itself once created.

An alternative Organizational Structure is proposed in Annex G for Al-Haq's management. This structure although optimal might not be affordable, and thus management needs to decide which posts it could maybe create first, or even merge temporarily until the budget allows.

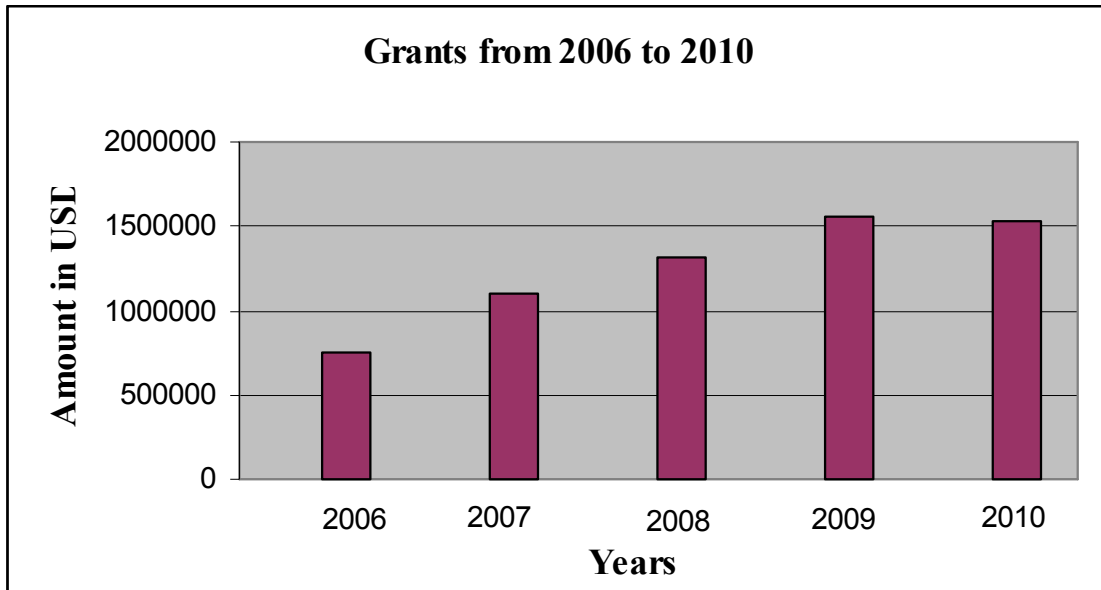
VII. FINANCIAL RESOURCES, RISKS AND STRATEGIES FOR IMPROVING POTENTIAL SUSTAINABILITY

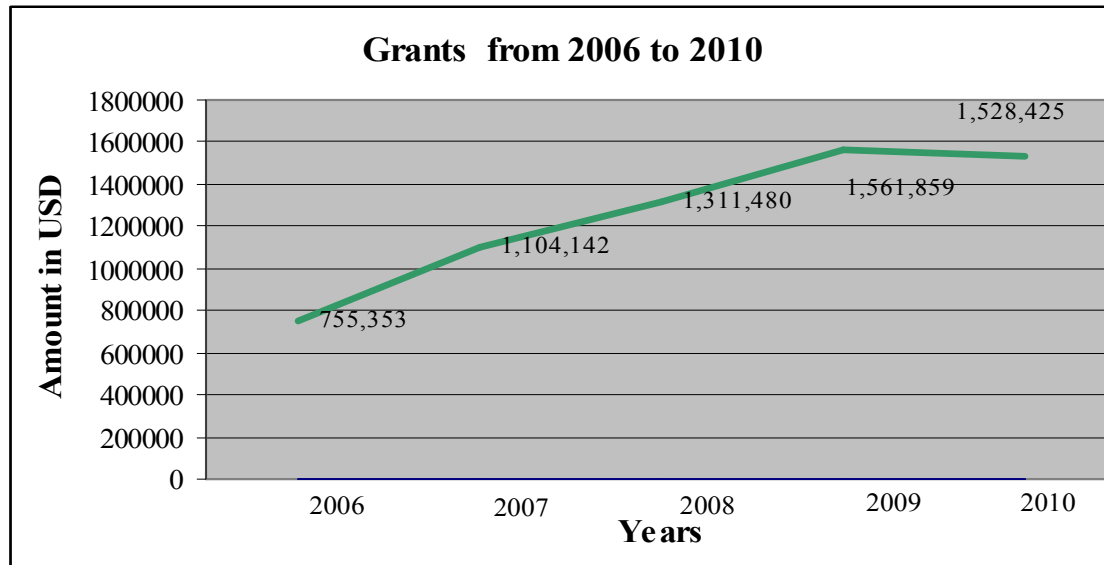
A. PRESENT FINANCIAL RESOURCES

Al-Haq is well connected with donors, has high credibility and is well resourced with a diversified base of donors and funding.

The bulk of donor funding has been core funding, and there are also donors that have funded special projects. In 2009, almost 70% of Al-Haq's funding sources were allocated to core costs, whereas 30% to projects. This is relatively a very good position when compared to other NGOs, and Al-Haq management needs to be commended for achieving this with donors, knowing it is not easy.

On average, the number of Al-Haq's donors has stayed almost the same, ranging between 10 and 13 donors, but the funding levels per donor have increased, indicating program satisfaction, realization of commitments, and an improved level of trust between the donors and Al-Haq. Its funding and overall budget has increased by almost 200% from 2006-2010 (see charts below).





Although Al-Haq is faced with a budgetary deficit in 2010, its potential for soliciting more funds from existing donors, or seeking new donors is quite strong. Al-Haq’s donors have commended it for its quality work, timely and transparent reporting, and high credibility and level of trust. The pre-conditions for successful fundraising are quite high.

B. Risks

Yet, having said this, the risks are still great especially in light of the global economic crisis, and consequent cuts in funding, and the changing political environment and its implications. Although not all donors expect cuts in funding, the risk of the continuing to fund the human rights and advocacy sector are greater, due to its political nature and consequent political costs for many donors. It is also worth mentioning that if the peace negotiations succeed, less donors will be interested in investing in the human rights violations area, and could shift funding to “peace investment” programs that are targeted to strengthen the PNA, its control and institutions.

Fundraising continues to be very much a difficult and challenging job within the organization. Partly, this is linked with the fact that projections for real costs of departments or functions are still difficult to do, due to overlap of functions between departments, and thus it will not be clear which departments are facing deficits. If Al-Haq cannot do departmental costing (because activities overlap), then core funding will be its best strategy, but this will be very risky as donors will be moving away from core funding.

The IHL Center is a good example of how funding is allocated or prioritized, and the risks that Al-Haq could face. If the donor agreed to invest the grant to core funding, then maybe the center would not have been established at this point, and the funding would have been allocated to the core functions of the organization, at a time when it was facing some operational deficits. It is not clear also to the evaluators to what extent this decision could have been changed, especially that there is still no consensus on the center, and that some individuals in the organization saw the Institute as the priority , whereas other do not have a clear vision of what this center will do or implement.

C. RECOMMENDATIONS FOR IMPROVING FUNDRAISING STRATEGIES AND POTENTIAL SUSTAINABILITY

- The most important task for AI-Haq now is to define clearly its mission and strategic goals and link directly the objectives and activities with this so the planning is focused. This will and should form the basis for fundraising, since the plans to be produced are expected to identify funding gaps.
- Budgeting within AI-Haq could also be improved by adopting these recommendations if found fit:
 - Each department should budget its own activities and administration costs, and this should be reflected in the overall budget of the organization. (i.e. budget should reflect each department, MDD, LRAD, and general administration), and all direct and indirect costs proportionately allocated to the departments. This will make the budget presentation much more reflective of the reality, and more attractive to donors.
 - Budget compliance will become a major tool for monitoring implementation, and thus departments will then be held responsible for effectively managing their departmental budgets, thus reducing the risks of deficits that cannot be foreseen.
 - Departments that cannot spend the allocations, or on time will have to work hard to get future funds allocated. This way, funding is not guaranteed, but demanded and driven by program plans and compliance. This is one of the basis of instituting what is called “**management good practices**” in the organization.
- AI-Haq is in a very good position today to push and facilitate NGOs, within the network, and develop a position paper to be negotiated with governments for allotting funds for the NGO sector. Tax money is public money and should be allocated to all who produce development and service the public. As part of its review of the NGO law, AI-Haq could lobby and introduce new articles that will help NGOs demand a % of public money, which can be used either as matching fund or core.
- The major function for the Board of AI-Haq is fundraising. It is recommended that the Board put in place a fundraising strategy and action plan for the next three years, which could consider the following:
 - creating a trust fund for contingency or innovation for the organization which could be invested to support core costs or innovative projects.
 - identifying private companies that could support AI-Haq without jeopardizing or impacting its mission and strategy
 - approaching individual investors and companies to sponsor specific activities that could be of special interest to them (the Institute is one attractive option)
 - charging fees for the services that it delivers to private and public entities, e.g. drafting of laws, training of public service employees, training to other NGOs and human rights and international humanitarian law associations. AI-Haq should eventually stop delivering services for free, not only as a fundraising strategy, but to create a new image and more demand for these services (shift from supply-driven to demand-driven service delivery).
- AI-Haq should both increase and diversify its sources of funding, not only among the external traditional donors, but also tap into public and private sources. This needs a detailed action plan and a person assigned to do this.

ANNEX A TERMS OF REFERENCE

External Strategic Review and Planning for Al-Haq

1. Purpose of External Strategic Review and Planning for Al-Haq

The purpose of the strategic review is to look back over the past five years of Al-Haq's work and make a broad assessment of where the organization has succeeded and where it has failed while assessing how the organization's work over the last five years has followed the 2006-2010 Strategic Plan.

The purpose of the strategic planning is to assess what changes, if any, need to be made to Al-Haq's previous strategic plan by looking forward to the next five years and assessing how compatible the current goals and objectives are to the organization's vision for the next five years.

2. Composition of Evaluation and Planning Team

The Team will be composed of two experts, one international consultant and one Palestinian consultant. The two consultants will be commissioned full time to review, evaluate, and plan.

3. Methodology

The strategic review and planning for Al-Haq will be undertaken in two phases.

3.1 Strategic Evaluation September 2010 (Phase 1)

- B. The Team will review Al-Haq's 2006-2010 strategic plan and narrative reports, and any program assessments done during 2006-2010 during the corresponding period.
- C. The Team will conduct few key selective interviews field visit to Ramallah and conduct interviews with Al-Haq's Executive Committee and other members of staff, and donors, as well as with a representative sample of relevant key government and NGO counterparts, and any other entity and/or individual as deemed necessary by the Team. (between 21-23 September)
- D. The Team will rapidly assess key issues raised in interviews, which should guide the first day of strategic discussions with the Senior Staff and Board (22 September 2010)**
- E. The Team will meet with the executive team for one day (23 September 2010) to discuss ideas for new Strategic Plan and list Issues to be addressed in the two-three day meeting with the entire Al-Haq staff which will be organized between 27-29 September 2010 in order to facilitate the discussion and incorporate initial findings of the review and interviews)

3.2 Strategic Planning Workshop September 2010 (Phase 2)

- A. One Consultant will facilitate a two-three day strategic planning workshop with Al-Haq selected Board members, management and staff. This will not be a comprehensive strategic planning exercise, but rather a review of the mission, vision and strategic objectives in light of achievements, constraints and the new political situation. (Proposed on 27 and 28 September, and could use part of the day on the 29th of September?)
- B. The team will then prepare a written report,
 - a. first part will summarize the findings of the interviews and reviews
 - b. The second part will summarize the strategic direction, including a revised vision and mission statement (if needed), and corresponding strategic objectives.
 - c. Assimilation of the report and finalization
- C. The first draft report will be submitted between 20-22 October
- D. Al-Haq will review the report and provide comments between 20-25 October
- E. The final report will be submitted no later than 5 November, and after incorporating comments from Al-Haq.

**ANNEX B
SCHEDULE OF FIELD VISIT**

Detailed Field Work Schedule 19 - 22 September 2010 - Final

Date	Day	Work Schedule	Who	Est # of hrs.	Hour		Group / Individual	Title	Where / Address
					From	To			
9/15	Wednesday	Preparatory Meetings and Informal Interviews	Mira		9:30	16:00	4 staff		Al-Haq
19/9/2010	Sunday	Preparation for the Mission	Mira/Chris	3,5	9:00	12:30			
	Sunday	Interview with Al-Haq Director	Mira/Chris	2	12:30	14:30	Sha'wan	Director / Al-Haq	Ankars Suites
	Sunday	Group Meeting with Selected Staff	Mira/Chris		15:00	17:30	Nina, Gracia, Nouran, Rafeef, Nasir, Wisam		Ankars Suites
9/20	Monday	Interviews	Mira/Chris	1.5	8:30	10:00	Dr. Ahmad Barrak	رئيس النيابة	ش. الارسل قبل المقاطعة / مقابل عمارة الفهد / مكتب النائب العام ط2
9/20	Monday	Interviews	Mira/Chris		10:30	12:00	Ziad Shari'a	Netherlands Rep.	Al-Haq
9/20	Monday	Interviews	Mira/Chris		12:00	13:30	Said Alzain	Irish Rep.	Al-Haq
9/20	Monday	Interviews with Coordinator Field Workers and Field	Mira / Chris		14:00	16:00	Zahi, Manaf and Ziad.	Field Staff	Al-Haq
9/20	Monday	Group Meeting to clarify expectations and	Mira/Chris		16:30	18:30	Board Members and Director	Al-Haq	Al-Haq

		rasie issues							
9/21	Tuesday	Interviews	<i>Mira</i>		11:00	12:00	Dr. Azmi Shueibi		Aman Office - Irsal Str. Rimawi Building
9/21	Tuesday	Interviews	<i>Mira</i>		13:00	14:00	Judge Issa Abu Sharar		Goldstone Committee Office/Al-Wataniyyeh Building
9/21	Tuesday	Interview	<i>Mira/Chris</i>		16:00	17:30	Mr. Takahashi	OHCHR	Tokyo St. UN house 2 nd floor
9/21	Tuesday	Interviews	<i>Chris</i>		8:30	10:00	Dalia Kerstein	Hamoked	#4 Abu Obeidah Street, near Nuzha Bldg
9/21	Tuesday	Interviews	<i>Chris</i>		10:00	11:30	Hadas Ziv	Physicians for Human Rights	
9/21	Tuesday	Interviews	<i>Chris</i>		12:30	14:00	Jessica Montell	B'tselem	Ha Ta'asiya Building 8, 4th flr Talpiot
9/21	Tuesday	Interviews	<i>Chris/Mira</i>		16:00	17:30	Mr. Takahashi	OHCHR	Tokyo St. UN house 2 nd floor
9/22	Wednesday	meeting Skpye with Gaza staff	<i>Mira/Chris</i>		8:30	10:00		Gaza Field workers	Al-Haq
9/22	Relaity Check meeting with group	Meeting with Al-Haq Staff	<i>Mira/Chris</i>		10:00	12:30	Group	Shawan, Nouran, Nina, Gracia. Wisam.Naser,	Al-Haq
		Meeting with DCI Representative)HR Council	<i>Mira/Chris</i>		12:30	14:00		Rif'at	DCI Office
9/22	Wednesday	Meeting with Librarian Review Virtual Doc Unit	<i>Mira Chris</i>		14:20	15:00	Ellen Manaf		Al-Haq
9/22	Wednesday	Meeting With NDC	<i>Mira/Chris</i>		15:00	16:30	Ma'moun Attili	NDC	Al-Haq
9/22	Wednesday	Analysis and Initial Findings	<i>Mira/Chris</i>		19:00	open			Ankars

ANNEX C

Profiles of Consultants

CHRIS SIDOTI

Chris Sidoti is a human rights lawyer, activist and teacher. He currently works from Sydney, Australia, as an international human rights consultant, specialising in the international human rights system and in national human rights institutions. He was director of the International Service for Human Rights, based in Geneva, Switzerland, from 2003 to 2007, and is now a member of the board of ISHR. He has been Australian Human Rights Commissioner (1995-2000), Australian Law Reform Commissioner (1992-1995) and Foundation Director of the Australian Human Rights and Equal Opportunity Commission (1987-1992). He has also worked in non-government organizations, including for the Human Rights Council of Australia and the Australian Catholic Commission for Justice and Peace. In 2007-08 he was the independent chair of the United Kingdom Government's Northern Ireland Bill of Rights Forum. He is an adjunct professor at the University of Western Sydney, Griffith University (Queensland), University of the Sunshine Coast (Queensland) and the Australian Catholic University, a Fellow of the Castan Centre for Human Rights Law at Monash University and an Affiliate at the Sydney Centre for International Law at the University of Sydney.

Mira Rizek

Mira Rizek is a development expert, with more than 22 years of local and regional experience in UN organizations as well as international and local NGOs. Mira's skills and experience lies in organizational development within the NGO sector, as well as in formulation, management and evaluation of community and rural development programs especially targeted to enhance decentralization and poverty alleviation schemes, as well as women empowerment and advocacy programs. Mira has a first graduate degree in Business Administration, and second graduate degree in International development, specializing in Local and Regional Development.

Mira has worked both in Palestine and in the Middle East region with Save the Children, from 1987 -1993, initially as Director of programs, later as regional advisor to women economic projects, then moved to the United Nations Development Programme as Team Leader for the Rural Development Program from 1993 - 1997, working both with NGOs and Local Governments, on designing and implementing poverty alleviation projects. From 1997 – 2003 Mira worked with the World Bank's NGO Trust Fund Project as Director of Operations / Deputy Director for Welfare Association Consortium. This project was targeted at building the capacity of the NGOs in Palestine, as well as offering support services for the whole sector, including the drafting and issuance of the NGO Law as well as the NGO Web Portal and Code of Ethics in Palestine.

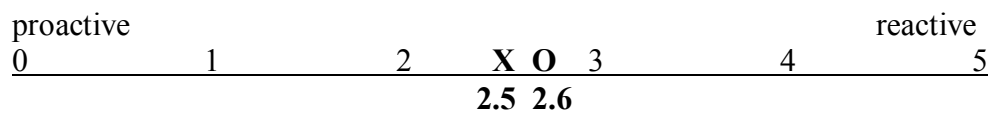
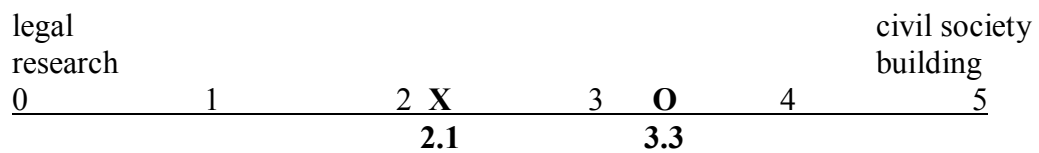
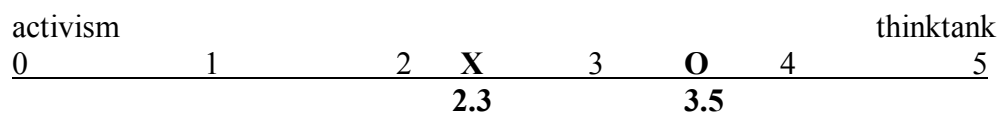
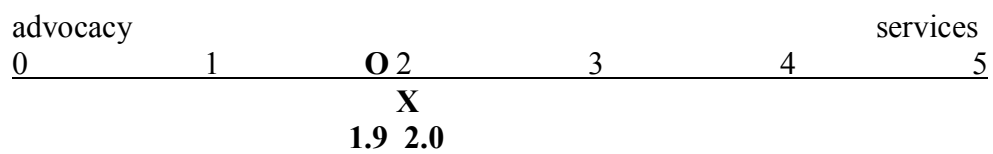
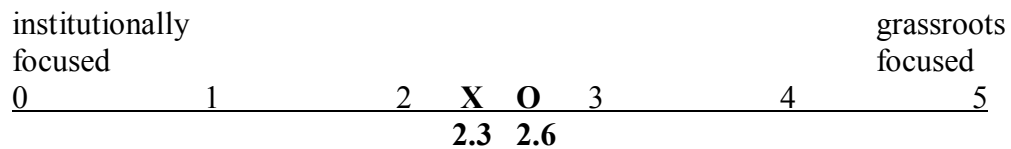
In 2004/2005 Mira worked a freelance consultant, and at the time was commissioned as team leader with two international experts to do the first evaluation of Al-Haq (2005), as well as facilitation and issuance of the first Strategic Plan for Al-Haq, for the period 2005-2010.

Since April 2006, Mira took on the position of General Secretary at the YWCA of Palestine, and as such fills in the highest executive post at the national level in the organization. Her major role is strategic planning, fundraising, advocacy and strategic oversight.

ANNEX E
SUMMARY OF RETURNS OF BOARD MEMBERS AND GENERAL DIRECTOR ON AL-HAQ'S
POSITIONING

For each of the functional spectrums below, please indicate

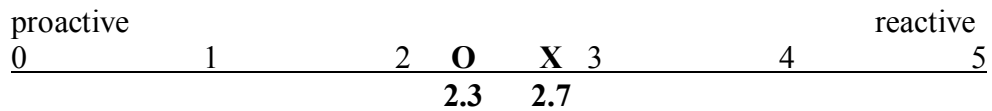
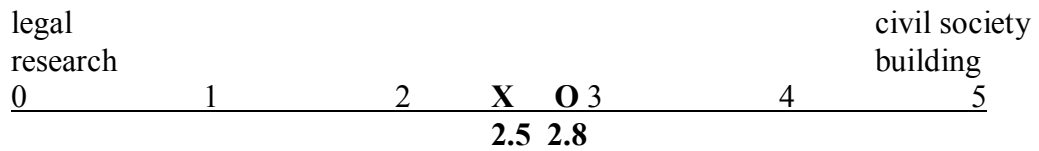
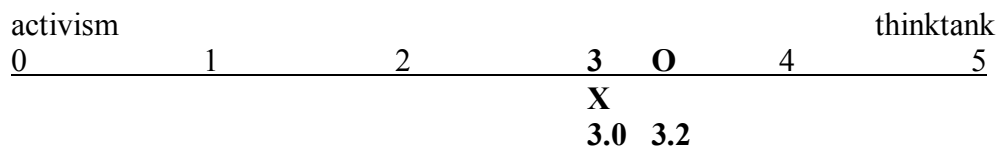
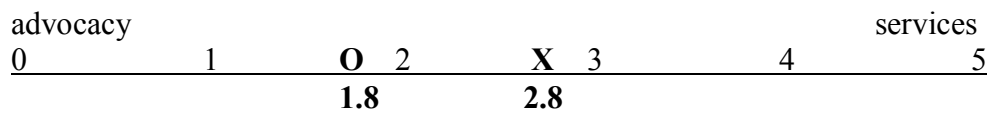
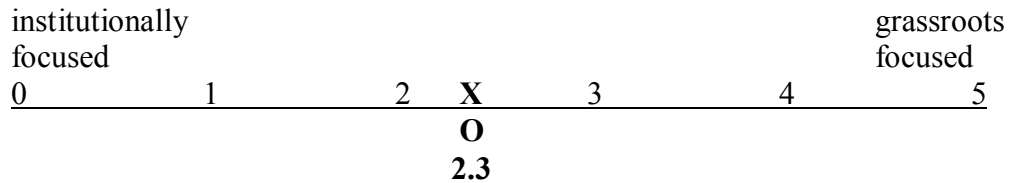
- with X where you see Al Haq being today
- with O where you would like Al Haq to be over the coming five years.



ANNEX F
SUMMARY OF RETURNS OF SENIOR STAFF ON AL-HAQ'S POSITIONING

For each of the functional spectrums below, please indicate

- with X where you see Al Haq being today
- with O where you would like Al Haq to be over the coming five years.



ANNEX G
SUMMARY OF RETURNS OF SENIOR STAFF ON AL-HAQ'S STRATEGIC CHOICES

For each of the strategic choices below, please indicate

- with X where you see Al Haq being today
- with O where you would like Al Haq to be over the coming five years.

Documentation of violations

Israeli							Palestinian
0	1	2	X O	3	4		5
			2.4 2.5				

width						depth	
0	1	2		3	O X	4	5
					3.1 3.4		

analytical						descriptive	
0	1	O	2	3	X	4	5
		1.7			3.7		

Accountability

domestic						foreign	
0	1	2		3	X O	4	5
					3.1 3.2		

courts						other forums	
0	1	2		3	X O	4	5
					3.2 3.7		

Advocacy

local						international	
0	1	2		3	O X	4	5
					3.1 3.3		

Al Haq alone						jointly	
0	1	2		3	X O	4	5
					3.2 3.6		

global						geographically targeted	
0	1	2		3		4	5
				X			
				O			
				3.0			

Casework

general				strategic			none
0	1	2	XO	3	4	5	
2.9 3.0							

Governance and organizational culture

policy board						management board
0	O	X	2	3	4	5
1.0 1.3						

centralised decision making						decentralised decision making
0	1	X	O	2	3	4
1.5 1.9						

staff accountable						staff independent
0	1		O	3	X	4
2.0 3.2						

Planning and acting

demand driven				strategic impact		supply driven
0	1			2	X	O
2.3 2.9						

Training

General, direct				strategic TOT		none
0	1			2	X	3
O						
2.4						

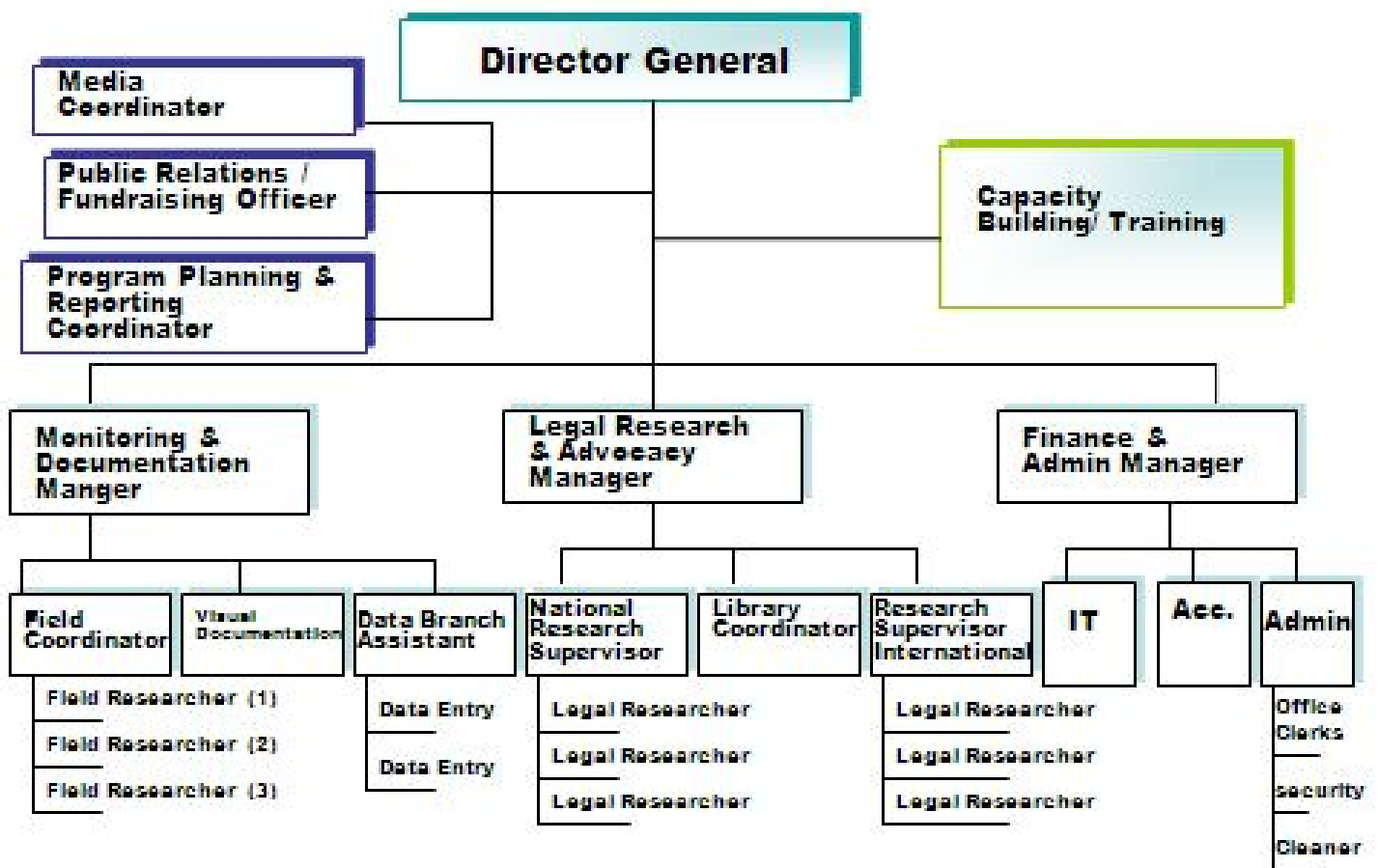
**ANNEX H
POSSIBLE ALTERNATIVE STAFFING STRUCTURE**

As a general comment the chart is inconsistent in using titles and names of offices

The public relations/fundraising officer and the program planning and reporting should be merged in one position of public relations and fundraising unit Or Communications and Programming Unit

The library should be included under the responsibility of the finance and administration department.

Proposed Organizational Structure - Al Haq



Annex I

Al-Haq's 2011-2015 Five-year Strategy

Al-Haq has identified the following goals and objectives as necessary to realising and upholding of the rule of law in the OPT and respect of human rights. Through the strategic planning process, Al-Haq has developed the following goals and objectives.

Goal 1: Laws and Policies at the national and international levels that respect and comply with international law are promoted

Objective 1: To contribute towards the respect for the rule of law, access to justice, and the independence of the judiciary in the OPT (West Bank and Gaza).

One of Al-Haq's fundamental values, the promotion of the rule of law, is embodied in this objective. This is intrinsically linked to promoting the principles of justice, democracy, and the separation of powers, in order to ensure that Palestinians enjoy rights and freedoms according to the provisions of the Palestinian Basic Law and other legislation. Al-Haq recognizes the important role that the internal political division plays on rights of individual Palestinians and Palestinian society as a whole. The expected continuation of this division will likely lead to further deterioration of human rights and further movement to more and more restrictive actions by authorities in the West Bank and Gaza.

Such challenges necessitate a closer monitoring of the performance of the Palestinian Authorities' institutions, government representatives, and security services to ensure that they will respect and promote international principles of human rights and humanitarian law (to the maximum of their available resources and capacity), and develop sound governmental structures and institutions.

To achieve this objective, Al-Haq envisions that it will continue to keep a close eye on the activities and practices of the Palestinian Authorities' various bodies and representatives which pertain to the issues of the administration of justice, ill-treatment and torture, human rights defenders, and attacks on Palestinian private property. Al-Haq will monitor the extent to which these practices are compatible with these actors' obligations, responsibilities, and privileges established by law.

In addition to monitoring and documentation of violation, Al-Haq will accept complaints on strategic issues that exemplify a policy or developing trend. These complaints will form the bases of interventions to the relevant authorities and /or test cases through the Palestinian judicial system.

Objective 2: Integration of international human rights standards into Palestinian legislation and policies

This objective revolves around Al-Haq's efforts to influence Palestinian policies and legislation to comply with international legal standards, and incorporate principles of international human rights and humanitarian law. Al-Haq recognizes the current paralysis of the Palestinian Legislative Council due to arrests of legislative council members and the internal Palestinian divisions. This paralysis, however has not stopped legislation and policies from being formulated and impacting Palestinian society. This is why it is essential that Al-Haq continues to maintain this objective.

To achieve this objective, Al-Haq will closely monitor and follow up on the status of existing or draft legislation and the extent of their incorporation of international legal standards. The organization will also provide legal analysis in the form of interventions, memos, and briefs that will raise to relevant officials and representatives the various issues of concern and the extent to which specific legislation or draft legislation incorporate human rights standards.

To multiply the effects of Al-Haq's expertise in the area of Palestinian legislation, and advocacy-based activities, it is vital for the organization to work on improving the ability of civil society organizations and advocacy groups to influence the Palestinian officials; in order to incorporate human rights standards into existing or draft legislation and policies, and to carry out training activities that will increase their understanding of the way policy and legislation is being formulated, and the related international and national laws.

Objective 3: To contribute towards adherence by the international community to its international legal obligations regarding breaches of international law in the OPT

This objective has two main components, both centred on advocacy. The first is that violations of international human rights and humanitarian law occurring in OPT are brought to the attention of the international community. The second is aimed at informing the international community of their obligations under international law in regard to Israel's policies in the OPT..

Both of these components necessitate a solid understanding of relevant international legal principles by Al-Haq, and an understanding of the situation on the ground, which must then be effectively combined towards ensuring that international law is prioritised in the international community's stance on OPT and the protected persons therein.

When carrying out international advocacy on OPT, Al-Haq's efforts will focus on addressing relevant stakeholders on two levels. The first is the representatives of the international community of states locally within the OPT, in the form of consulates, representative offices, development co-operations, humanitarian agencies, and the like. To these parties, Al-Haq will emphasise the deteriorating human rights situation of Palestinians in the OPT, and the international legal obligations arising out of international human rights and humanitarian law on their respective governments to take effective and concrete measures to put an end to Israeli violations.

The second component would be the forums representing the international community of states as a whole, concerned with upholding international law, in the form of the various UN bodies, the European bodies, the Organization of Islamic Countries, the Arab League, and the Non-Aligned Movement, amongst other organizations. Al-Haq will make extensive use of its Consultative Status with the UN Economic and Social Council, to submit written and oral interventions to various bodies that make reference to Israeli violations in OPT.

Specific advocacy activities and strategies must be adopted that rely on monitoring and documenting violations in the OPT, sound legal analysis, the development of regular channels of information sharing, networking and cooperation with the various stakeholders (including local and international human rights organizations), and devising effective media and awareness-raising activities. Al-Haq will make strategic use of available options and activities depending on intended audience.

Goal 2: Accountability of perpetrators and justice for victims of international human rights and humanitarian law violations in the OPT is pursued.

Objective 1: Pursue cases against individuals and corporations through local and international judicial mechanisms

This objective relies primarily on international criminal law, as implemented in the national legislations of certain countries, to seek to put an end to the prevailing impunity of Israeli forces and corporate complicity in the OPT. International judicial mechanisms, such as the International Criminal Court, are also encompassed in this objective. Theoretically, it encompasses both pressing for better legislation in selected countries across the world and actually using these laws, where they already exist, to prosecute Israeli war criminals and corporate entities involved in benefiting from the violations of international law in the OPT.

In practice, the first prong of the objective may be outside of Al-Haq's grasp as a local NGO with limited resources. The second prong demands that Al-Haq builds ready-to-be-used case files that meet evidentiary demands of criminal trial, ready to be activated in the courts of a number of third-party states when the opportunity presents itself.

For this purpose, Al-Haq will focus on building case files of Israeli crimes, criminals, and corporate activity in the OPT based on the organization's meticulous and credible documentation efforts. The organization will also conduct a number of activities that will help ensure that the complete documentation can be quickly and easily linked to a specific alleged war criminal or war crime, and that a file of incriminating statements made by responsible officials be compiled, ready to be used in order to link evidence of crimes to specific officials.

Subsequently, it intends to identify a handful of countries in which successful cases can most likely be brought. This subsequently requires the organization to have a full and continuously-updated legal knowledge and understanding of all relevant national legislation (including universal

and active and passive personality) for selected countries with favourable legislation, and that it maintains a close supervision of the movement of suspects so that case files can be activated when these peoples find themselves under the jurisdiction of a given state.

Furthermore, AI-Haq will be focusing its efforts on networking with persons and organizations at the local level of third-party states, such as lawyers, bar associations, human rights activists, solidarity groups, and human rights organizations to share information regarding the relevant laws and evidence that needs to be compiled to submit successful files in the future. This objective also encompasses seeking accountability of Palestinian perpetrators through the Palestinian judicial system as well as internationally, specifically with regard to the crime of torture.

Objective 2: Engage with UN mechanisms to highlight Israeli violations and hold Israel accountable.

This objective will rely on and make extensive use of AI-Haq's Special Consultative Status with the UN Economic and Social Council to work towards holding Israel accountable for its violations in the OPT before the UN's various treaty and non-treaty bodies. To do so, AI-Haq will make extensive use of its monitoring and documentation and legal analysis to bring the attention of these bodies to the human rights situation in the OPT, and the applicability of international law to these territories and to Israeli violations therein.

AI-Haq will therefore focus its energy on increasing its visibility at the UN level by addressing various UN bodies and representatives through oral and written interventions, shadow reports and meetings, and networking and cooperating with members of international civil society organizations that conduct work on this level on joint activities that will help ensure that key human rights concerns remain in the UN spotlight at its various forums. Where possible and relevant, the organization will also be cooperating with partner organizations at the local level to raise issues and concerns, and/or submit joint interventions and reports, in order to achieve increased accountability for Israeli violations.

Objective 3: Compel third-party states to prioritise international law, including international human rights and humanitarian law, in their relationships with Israeli and Palestinian Authorities.

The crux of this objective is to relay how Israeli and Palestinian violations in the OPT are relevant to the international legal obligations of third-party states, and to strategically pressure these states to practically consider these obligations in their political, economic, and strategic relations with Israel and the Palestinian Authorities. The bulk of AI-Haq's work in this regard is to undertake activities such as advocacy and providing documentation and legal materials to relevant individuals and organizations in third-party states concerned with the human rights situation in the OPT, and with ensuring that their respective governments adhere to their international legal obligations in their relations with Israeli and Palestinian Authorities.

Given AI-Haq's limited resources, it will identify a set of key countries for a set of activities that will motivate such states to uphold their obligations

under international law, which will then increase the opportunities for the perpetrators of Israeli violations to be held accountable and pressure the Palestinian Authorities to respect human rights and the rule of law. In this regard, Al-Haq will then rely on existing local and international networks or organizations to maximise its outreach. It will also target the diplomatic missions in the OPT and Israel in an effort to raise their awareness of the human rights situation, and constructively engage them on their obligations towards ensuring respect for international norms.

Other components will clearly require that Al-Haq survey existing pools of solidarity groups, human rights, and civil society organizations in key countries and cooperate with some of them in carrying out activities. It is also vital that the organization explores effective media venues in third-party states to maximise the dissemination of information and knowledge regarding policies and practices in the OPT and to advocate that these states respect their international legal obligations. In some instances, Al-Haq's activities may need to focus on highlighting the relevant international legal principles that are relevant to ongoing violations in the OPT, whilst in others, providing first-hand documentation of specific human rights violations committed, in order to ensure implementation of those laws.

International civil society is also an important actor and can function to exert pressure on governments of third-party states to alter their political priorities, and put pressure on them to uphold their obligations under international law in relation to those who commit grave breaches of the Fourth Geneva Convention. In this regard, Al-Haq can provide legal analysis on specific trends of violations and carry out advocacy and awareness-raising activities, targeting civil society organizations and individuals that are interested in ensuring the accountability.

Goal 3: Develop Al-Haq's work as a centre for applied international humanitarian and human rights law.

Objective 1: To transfer, deepen and exchange the applied knowledge and experience of Al-Haq in IHL and human rights locally, regionally and internationally.

The foundation for this objective is the over 30 years of experience Al-Haq has gained in addressing violations of IHL and HR in the OPT. As a result of this long experience, Al-Haq's role as a resource and reference for training and other forms of capacity building has continued to develop encouraging Al-Haq to integrate this area of work into its strategic plan

The primary focus of the objective will be to develop Palestinian society's understanding of IHL and human rights through educational activities such as trainings, workshops and seminars that will be targeted for specific audiences, such as NGOs, law students, or public officials. Different issues that Al-Haq addresses on the ground will formulate the content of the various activities in addition to meeting external requests, when the organization's resources allow, providing trainings in different areas

related to Al-Haq's work. Al-Haq will also utilize its network of international scholars and practitioners to participate in activities ranging from research to lectures thus allowing them benefit from the experience of being on the ground and sharing their research with Palestinian society.

Through this objective, Al-Haq hopes to develop regional discourse on IHL and human rights through the sharing of Al-Haq's experience with regional civil society organizations and experts in the form of seminars in the region.

Goal 4: Strengthen Al- Haq's organizational Capacity.

Objective 1: Developing the organizational capacity to secure sufficient and appropriated support for Al- Haq's activities.

Supporting Al- Haq's various activities and addressing the staff needs in order to reach the organization's mission in an efficient manner, are of the main elements for strengthening the organizational capacity. The Administrative/Financial Department (A/F Department) takes responsibility for this task.

Providing logistical support for the organization's activities, securing technical solutions and providing financial clarifications addressing the personnel and financial enquires and projects expenses are also the tasks of A/F Department.

Support bodies working under the A/F Department, which are the Library and IT, are strengthened .

The A/ F Department is responsible for securing a safe and comfortable work environment.

The A/F Department also applies developing regulations and policies to institutionalize the work system.

Objective 2: Individual staff members acquire the needed knowledge and, skills to effectively implement the organization's activities.

A strong working capacity and skill acquisition are main elements for the organization's strength. Every year Al Haq allocates an estimated budget for staff training and development.

The A/ F Department searches for the most suitable and available training for the Administrative staff . Meanwhile, the Department facilitates the logistics and financial issues for the program staff who takes the full responsibility for searching for the most suitable training programs.

Training program nominations are discussed at the Executive committee to finalize a decision in this regard.

A positive and constructive work environment are essential for the success of the organisation, thus Al- Haq through staff social activities on particular occasions enhances this work environment.

Interns are an important part of Al-Haq team And the A/ F Department manages the accommodation and travelling arrangements for them.

Objective 3: Sustain a transparent financial system that guarantees professional financial control.

Securing financial governance and management, and implementing the organization financial regulations and policies are of the main concerns of the financial staff at the A/F Departments.

Monitoring the expenses versus budgets and issuing financial reports are of main of the main tasks at the A/F Department.

Responsive relation with Al- Haq's partners, Board of Directors and the auditing company are essential for reliable internal and external relationships.