

NOTE of the Steering Committee on the MTR report dated June 2016

The SC agrees with most of the general conclusions of the report. However, the SC considers that the report does not sufficiently take into consideration the first two years of the implementation of the project and does not refer sufficiently to key documents that were approved by the SC during the first year of implementation. Furthermore, the SC considers that the document is slightly biased, putting more emphasis on the feedbacks of the Secretariat than comments from the donors.

The SC feels that the weaknesses related to the management of the Secretariat and the supervision provided by NIRAS were under-estimated or insufficiently reflected in the analysis.

The SC agrees only partially with some of the conclusions and/or recommendations, it is committed to take all measures to ensure that joint decisions regarding key recommendations related to the future development of the programme are taken in due time.

More precisely:

1. Recommendation 1, definition of human rights organisations to be supported by the Secretariat

Eligibility criteria were developed by the Secretariat in the FMM and approved by the SC.

Core funding will be directed to established Palestinian or Israeli HR and IHL organisation (HR/IHL based Organisation) applying a HRBA with a clear mandate, long term strategy and a results-based framework that clearly contribute to the Secretariat's results framework.

The updated FMM dated January 2016 also provides a definition of organisations and projects that would be financed through project funding. The definition here is more abstract because the idea was to support innovative and trend-setting projects while addressing growing needs and capacity building issues.

Therefore, the SC considers that the Secretariat should review the overall definition of eligible CSO in the light of experience.

2. Recommendation 2&3 on capacity building, define the purpose of capacity building and continuation of capacity building interventions

The SC agrees that in depth reflection on capacity building shall take place. The lead donor will investigate further with the Secretariat and selected CSOs on capacity building needs and revert to the SC to take a decision for the follow up phase.

However, the SC would like to emphasise that the Secretariat puts a lot of efforts in mapping capacity building needs but these efforts have not allowed the CSOs to tap/use expertise of Birzeit University before even the financial problems discovered in late 2015

Accordingly, the SC does not agree with the consultant analysis on the budget, page 5 where specifically in late 2015 more time and resources were spent on grant management and support than originally planned have contributed to delay capacity building initiatives and to drag the secretariat into basic program support operations that other grant providers and were "the original ideas of **asking Birzeit University to host the Human Rights Secretariat side-lined.**" However, the SC agrees that several of the capacity building needs could be addressed by services provided by other actors working in oPt such as PNGO, Diakonia IHLRC, Al Haq. Therefore, a future decision related to capacity building will have to be based on clear added value of the Secretariat and Birzeit University.

3. Recommendation 4 related to the full time employment of the program director

The SC considers that the strategic and supervision role of the Director shall be enhanced. However, having a full time program director based in the region might not be the adequate response to the problem.

A full time director should not compensate for the weakness of the Management. He can redress the situation, review processes and enhance his supervision role but shall not compensate for the weak performance of the manager.

A cheaper option might be to recruit a solid manager, to enhance the supervision and steering role of the director while increasing his presence in the region.

Therefore, the SC will assess the added value to have a full time director based in Ramallah, in addition to a strong program manager. A decision of the SC will be based on clear TORs and clarification of roles between the Manager and the Director and shall not prevent NIRAS to redress weaknesses at the management level. Furthermore, additional management costs will be carefully assessed in order to avoid overcoming 15% of the grants.

4. **Recommendation 5:** the SC partially agrees with the recommendation related to the TORs of the SC. The report does not mention that TORs had been developed and approved by the SC. Therefore, the SC recommends reviewing the existing TORs in the light of previous experience. The lead donor will ensure that collective messages prior to SC meetings are developed. More precise minutes of the donors' technical meetings and of the SC meetings will be prepared. In case of difference of opinions, the donors will discuss the issue technically among themselves and avoid interacting directly with the Secretariat.

The SC should in a systematic manner discuss operational and financial/administrative issues. Changes of bilateral amendment between NIRAS and donors, in particular lead donor since the agreement is part of the JFA, cannot be made without prior information and approval of SC. Such procedure would enable the other donors to adjust their bilateral agreement if necessary.

5. Recommendation 6 proposing to invest in leadership-subversion and coaching for the manager of the Secretariat.

The SC takes note of the weaknesses of the management and will discuss this matter with the Q&A team in September. NIRAS and the Director had the responsibility to supervise the management of the Secretariat before taking a decision. Furthermore, several options will have to be considered and costed before the SC decides.

6. Recommendation 6 related to the reference group

The SC does not fully understand what the MTR team means by "*lack of clarity of the secretariat and the donors "ownership" of the reference group*". The matter was discussed thoroughly during inception phase and TORs of the reference group approved. Therefore, it is not so much the lack of clarity but the lack of ability or feasibility to implement what was decided by the SC jointly with the Secretariat

As regards policy dialogue, also thorough discussions were held during the inception phase; the Secretariat was in favour of a broad definition of what policy dialogue would entails (please refer to the operational report) and this was agreed by the SC.

The SC agrees that the scope of the policy dialogue should be revisited; focusing on the dialogue between CSOs and donors, even to consider a third actor from the sector itself to facilitate this objective

7. The MTR report says that the quality of the RF was not sufficient. The SC does not fully agree with this since the RF was reviewed by the Secretariat after the inception phase to focus more at outcome level. The RF proposed by the MTR is outputs and activity based and does not enable the Secretariat to assess its impact on the sector. However, the SC agrees that quality of the RF is key to assess the performance of the project and will thoroughly review what NIRAS will propose for the new phase in partnership with selected or key partners (as they will have to contribute to achieving the RF).

8. **On the process:** The SC will also consider sharing some of the findings with selected CSOs and consult them on the way forward. The lead donor will play a key role in this process. The SC will also meet the member of the Q&A mission in September to review NIRAS management response to the E&Y report and to the MTR report.