



2021:3

Sida Decentralised Evaluation

NIRAS Sweden AB

Evaluation of Diakonia's multi-year programme for International Humanitarian Law (IHL) Resource Desks in Stockholm, Beirut, Bamako and Jerusalem (2017–2020) and Diakonia's Jerusalem IHL Program (2004–2017)

Final Report

Evaluation of Diakonia's multi-year programme
for International Humanitarian Law (IHL)
Resource Desks in Stockholm, Beirut, Bamako
and Jerusalem (2017–2020) and Diakonia's
Jerusalem IHL Program (2004–2017)

**Final Report
November 2020**

**Tasneem Mowjee
Samer Shtayyeh
Andrew Carswell
Mahamadou Konate**

Authors: Tasneem Mowjee, Samer Shtayyeh, Andrew Carswell,
Mahamadou Konate

The views and interpretations expressed in this report are the authors' and do not necessarily reflect those of the Swedish International Development Cooperation Agency, Sida.

Sida Decentralised Evaluation 2021:3

Commissioned by Sida, HUMASIEN/HUM

Copyright: Sida and the authors

Date of final report: 2020-11-27

Published by Nordic Morning 2021

Art. no. Sida62358en

urn:nbn:se:sida-62358en

This publication can be downloaded from: <http://www.sida.se/publications>

SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Address: SE-105 25 Stockholm, Sweden. Office: Valhallavägen 199, Stockholm

Telephone: +46 (0)8-698 50 00. Telefax: +46 (0)8-20 88 64

E-mail: info@sida.se. Homepage: <http://www.sida.se>

Table of contents

Table of contents	i
Abbreviations and Acronyms	ii
Acknowledgements	iii
Executive Summary	iv
1 Evaluation Purpose and Methodology	1
2 Staffing, Funding and Organisational Structures and Systems	7
3 Activities and Target Groups	19
4 Achieving Results	30
5 Contribution to Overall Goal	36
6 Sustainability	37
7 Conclusions and Recommendations	40
Annex 1 Evaluation Matrix	46
Annex 2 Interviewee list	50
Annex 3 Bibliography	53
Annex 4 Overview of objectives and expected results	55
Annex 5 Relevant findings from previous evaluations	56
Annex 6 Developing a strategic plan	57
Table 1: Summary of data collection	4
Table 2: Overview of IHLRD partnership and target group engagement	19
Table 3: Recommendations	42
Figure 1: Analytical framework	3
Figure 2: Summary of evaluation phases	4
Figure 3: Level of satisfaction with the quality of the IHL courses	22
Figure 4: Relevance of training courses to the work of participating organisations	23
Figure 5: Survey data on gender perspectives in IHL training	28
Box 1: External stakeholder perspectives on contribution of IHLRDs to their work	27

Abbreviations and Acronyms

AIDA	Association of International Development Agencies
CSO	Civil Society Organisation
EAPPI	Ecumenical Accompaniment Programme in Palestine and Israel
EU	European Union
ICRC	International Committee of the Red Cross
GDPR	General Data Protection Regulation
HC	Humanitarian Coordinator
HCT	Humanitarian Country Team
HR	Human Resources
IHL	International Humanitarian Law
IHLRD	International Humanitarian Law Resource Desk
IHRL	International Human Rights Law
KII	Key Informant Interview
M&E	Monitoring and Evaluation
MENA	Middle East and North Africa
NSAG	Non-State Armed Group
OHCHR	Office of the High Commissioner for Human Rights
PME	Planning, Monitoring and Evaluation
PwD	Persons with Disabilities
ToR	Terms of Reference
UN	United Nations

Acknowledgements

The evaluation team is very grateful to IHL Centre programme staff for all their time and input into this evaluation. Aside from making time for interviews and sharing documents and other information, we appreciate the time and effort that they put into providing the names and contact details of potential interviewees and their support in distributing the online survey. The team also wishes to express its thanks to other Diaconia staff members who gave generously of their time for interviews and shared relevant information.

The team is also grateful to Sida staff members for their engagement in the evaluation, their participation in presentations and workshops as well as interviews.

Last, but not least, the evaluation team appreciates the generosity of all external stakeholders in making time to participate in interviews and/or the online survey.

Executive Summary

Evaluation objectives and methodology

Sida commissioned this evaluation to assess whether Diakonia's 2017-2020 International Humanitarian Law (IHL) Centre programme (with IHL Resource Desks (IHLRDs) in Bamako, Beirut, Jerusalem and Stockholm) has achieved the results outlined in the programme application. The evaluation takes into consideration lessons learnt from the Jerusalem IHL Resource Centre from 2004-2017.

In the absence of a theory of change against which the team could assess whether the programme had achieved its results, the team conducted an online workshop with IHL Centre programme and Sida staff to develop an analytical framework for the evaluation. This was also part of the evaluation's participatory approach, as requested in the Terms of Reference (ToR). The team then organised the evaluation questions in the ToR according to this framework, adding questions where needed to ensure that it covered the different components that contribute to the achievement of results. At the request of IHL Centre programme staff, the team added a number of organisational issues to the framework and evaluation questions. The team then developed a detailed evaluation matrix (see Annex 1).

The table below provides a summary of the team's data collection.

Data Source/Tools	Information
Key informant interviews (KIIs)	KIIs with 110 people, 45 per cent female and 55 per cent male
Document review	Reviewed 50 documents, including reports, internal documents, and a draft Planning, Monitoring and Evaluation (PME) package
Online survey	52 responses in English, 19 responses in Arabic and 11 responses in French (total = 82). 9 per cent response rate.

After the completion of data collection, the team anonymised interview data before analysing it by IHLRD and evaluation question. The team held a virtual meeting to synthesise findings before presenting these to Sida and Diakonia at two virtual validation workshops. Feedback from the workshops has been incorporated into this report.

Findings

1. Does the programme have adequate and effective staffing, funding, and organisational structures and systems in place to achieve its objectives?

Diakonia has been able to recruit high-calibre staff across the IHLRDs, with interviewees praising their professionalism and expertise. The extent to which Diakonia, rather than dedicated IHLRD staff, should undertake support functions (including communication and advocacy) was unclear and there were suggestions that the IHLRDs' level of staffing and team composition needed to be reviewed. The programme application seriously underestimated the level of work required to deliver the results allocated to the role of a single Global IHL Advisor. Also, the Reference Group that was supposed to support the Global IHL Advisor was discontinued early in 2018 and not replaced. While the Stockholm, Lebanon and Mali IHLRDs had relatively stable staffing levels, staff turnover was a challenge for the Jerusalem desk. There were three periods during the evaluation timeframe when the desk did not have a manager and the global programme manager filled that role as well.

While there was general consensus across the IHLRDs that Sida had provided adequate funding for the programme, the Jerusalem desk had lost its two other main donors, leaving Sida as the sole donor to the whole programme. Diakonia has not prioritised resource mobilisation for the programme and a lack of clarity around the roles and responsibilities of IHL Centre programme staff in securing additional funding has also been a challenge (although Diakonia as an organisation has detailed internal procedures). Diakonia is also of the view that Sida had agreed that it should focus on consolidating the programme rather than seeking additional funding although Sida interviewees expressed grave concerns about being the only donor. This was particularly because the programme plans to expand to at least one more desk in Myanmar (which Sida has strongly encouraged) with no plans to exit from any of the existing desks.

The IHL Centre programme has faced major challenges because of a lack of clarity about decision-making procedures and the role of the global programme manager vis-à-vis the field desk managers, the failure to adapt human resources (HR) policies for third country nationals (even though the programme hired the first third country national in 2010), the lack of an adapted monitoring and evaluation (M&E) system and limited linkages between the IHLRDs and Diakonia's country offices and programmes (with the Mali desk an exception). The IHLRDs have also not been well linked to each other and the programme application's aspiration to build synergies has not been realised. Diakonia has recently taken some measures to address these challenges – setting up an internal task force to review decision-making, developing an appropriate HR policy, and developing a draft M&E system – but these have not been finalised.

The new IHLRDs have tended to respond to opportunities for engagement with stakeholders as they arose. This is understandable in the case of a new programme and it is also important for the IHLRDs to be responsive to their contexts. Diakonia introduced its conflict mainstreaming toolkit to the IHLRDs in January 2020. This should be helpful for identifying strategic entry points for the work of the IHLRDs but, a recent evaluation suggested that Diakonia staff might need more support in applying it. It is also likely that the lack of M&E tools has made it more difficult for the IHLRDs to learn lessons about what is working and what is not.

Each of the four desks has different objectives and/or expected results (see Annex 4 for an overview), although the Lebanon and Mali desks report to Sida against the same expected results. This raises the question of the extent to which the IHL Centre programme should have an overarching strategy, with which the IHLRDs have to align, or whether it is appropriate for each IHLRD to have different objectives that are relevant for their context.

2. Is the programme undertaking relevant activities and working with the appropriate target groups to achieve its objectives?

Each IHLRD has established partnerships with organisations or groups of actors that it deemed the most appropriate for its context or based upon the opportunities available to it. Interviews as well as the results of the online survey showed that the IHLRDs had largely met the needs and priorities of partners, target groups and donors. Interviewees were generally positive about their interactions with the IHLRDs, praising their professionalism and finding their work relevant. For example, participants found the Mali IHLRD's training courses relevant while other interviewees found a legal brief on the qualification of the conflict in Mali and the applicable law very useful. Stakeholders praised the quality of the training provided by the international desk and also appreciated its participation in research projects. The Lebanon and Jerusalem IHLRDs had been most active in outreach work. The former put a strong emphasis on training students and lawyers to build IHL knowledge and infrastructure in the region. It also provided confidential advice to Humanitarian Coordinators (HCs) and its webinars on cross-border operations in Syria had been very useful for highlighting different perspectives on the legal situation.

A number of UN agencies, third state representatives and human rights organisations highlighted the quality and relevance of the Jerusalem IHLRD's legal analysis, advocacy and help desk support. However, several noted a marked reduction in the desk's presence and a shift away from advocacy activities. There are several possible reasons for this, including the high level of staff turnover, the gaps in having a desk manager in place, and the reduction in team size. According to a couple of interviewees, the purpose of the changes was to enable the IHLRD to focus on improving the quality of its legal analysis and refraining from political advocacy unless it is grounded in an accurate analysis of the law. The desk also ended its long-term relationships with local civil society organisations (CSOs) with limited communication. This had left CSOs confused about why they had not been invited to submit proposals in 2020.

The programme application organised the activities of the field-level IHLRDs into three pillars – field-driven research and analysis, targeted training and capacity development, and strategic advocacy and dissemination. While the IHL Centre programme reported to Sida against these pillars in progress reports, it reported against each IHLRD's separate objectives and expected results in annual reports. The three pillars and the activities under the results do not align completely though there is a broad overlap. The desks can choose to focus more on specific pillars and the level of activities varied across the desks. For example, the Mali desk focused more on training activities than on research and advocacy while the Jerusalem IHLRD had focused more on advocacy activities. The Lebanon IHLRD worked across all three pillars and interviewees thought that it had been astute in identifying issues that were most relevant for the Syria crisis context. Some interviewees suggested additional issues on which the field-level IHLRDs could focus, suggesting that there is a continuing need for the IHLRDs.

The programme application argued for the need to mainstream gender into IHL, which is largely 'gender neutral'. Diakonia developed a gender mainstreaming toolbox at the end of 2018, which was subsequently introduced to the IHLRDs. The IHL Centre's first annual workshop in 2018 also had a thematic focus on gender. However, there is limited evidence of gender being mainstreamed into the work of the IHLRDs.

3. To what extent has the programme achieved, or is it expected to achieve, its objectives and results? If yes, why? If not, why not?

It is evident that both the Mali and Lebanon IHLRDs have established their identity as providers of information and advice on IHL. Stakeholders argued that all three field-level IHLRDs have made a significant contribution to the knowledge and use of IHL in the contexts in which they operate, reaching particular groups that are not served by other organisations. What set the IHLRDs apart was their ability to make legal analyses available to other organisations and the help desk function.

Despite these achievements, the evaluation identified a number of challenges with assessing the extent to which the IHL Centre programme has achieved objectives as defined in programme documents. The main one is that the programme's overall goal of contributing to improved protection by promoting adherence to IHL and international law more broadly is not measurable and it is also impossible to achieve because so many aspects are outside the programme's control. It was also difficult to measure whether the activities on which the IHLRDs report have delivered the stated result. It was particularly challenging to link the activities on which the Mali and Lebanon IHLRDs report with Result 2 'selected strategic partners have applied and mainstreamed IHL and IHRL into policy and practice'. Thirdly, the international desk has not been adequately staffed to deliver on the full range of expected results, some of which are not entirely related to IHL.

The most important factor enabling the IHL Centre programme to deliver high quality legal analyses, training, advocacy and help desk support is the high calibre of its staff. It is also

helpful that all the IHLRDs have established close and trusting relationships with key stakeholders. The Mali IHLRD had benefitted from its good working relationship with the Diakonia country office.

The greatest challenge for the IHL Centre programme has been the range of organisational issues arising from its situation within Diakonia. Some of these issues were apparent from the time of the Jerusalem desk (Annex 5 identifies similar findings from previous evaluations) while others became apparent at the beginning of the global IHL Centre programme but they have not been addressed. Another critical barrier to the IHL Centre programme's ability to demonstrate the achievement of its objectives is the absence of a clear theory of change. One risk for the IHL Centre programme is its dependence on individual staff members to build and maintain trusting relationships with stakeholder. For example, in the eyes of many, the Lebanon IHLRD is synonymous with the desk manager. As already demonstrated by the Jerusalem IHLRD, these relationships tend to dwindle or end when the staff member leaves.

4. To what extent is the programme contributing to its overall goal of increasing protection in situations of armed conflict and instability?

The IHL Centre programme does not report to Sida against its overall goal but the evaluation found that the IHLRDs have influenced key stakeholders in their contexts. They have also provided analysis on the important legal issues in their contexts. It is logical to assume that this contributes to improving the protection environment and IHL adherence. However, the absence of a theory of change to link activities, outputs and outcomes meant that it was not possible to measure this.

Sida recognises that it is difficult to make causal links and to demonstrate that the IHL Centre programme's interventions deliver change for an affected population (rather than a range of other factors). However, from Diakonia's perspective, greater clarity on what Sida means when it asks for evidence of outcomes would be helpful because, at present, no humanitarian organisation reports to donors on outcomes beyond providing anecdotal evidence or success stories.

5. How could sustainability for the programme be defined? To what extent are the net benefits of the intervention sustainable?

The ToR sought a definition of sustainability, suggesting that IHLRDs could be established as a temporary catalyst to build a local culture of IHL adherence or they could be more ongoing 'service providers' of IHL knowledge in a given context. Sida also expressed interest in understanding whether the Jerusalem desk remains relevant and effective. It was reasonable to ask whether it would be more sustainable for local CSOs, with whom the Jerusalem IHLRD had partnered to strengthen capacity, to take forward the desk's work. However, several external stakeholders argued that it is very important for an international NGO that is regarded as credible in the highly politicised context of oPt to continue to undertake IHL work.

The three field-level desks have sought to achieve long-term added value and ensure the sustainability of their work in different ways. The Mali IHLRD trained the judiciary to ensure the sustained application of IHL, the Lebanon IHLRD invested in training students and young lawyers as a way of building long-term and sustainable IHL capacity in the region. As noted above, the Jerusalem IHLRD contributed to the IHL capacity of local CSOs through long-term strategic partnerships. In the context of Sida's two options for defining sustainability, to date, the desks have been ongoing service providers of IHL training, analysis and advice. This is understandable in the case of the recently established desks although the Lebanon IHLRD is conscious that the endgame might be underway in the Syria conflict and suggested that it could either close or build on its reputation to pivot to cover other conflicts in the region.

The main challenge to the IHL Centre programme's administrative sustainability is the fact that it is not well integrated into Diakonia's organisational structure, decision-making processes and

systems. The other key challenge is the lack of funding diversity. In light of these, Sida interviewees expressed concerns about whether Diakonia is the right ‘vehicle’ for the global IHL programme.

Conclusions

It is positive that the three new IHLRDs have established their identity and credibility as providers of reliable IHL knowledge and advice and added value in the contexts in which they operate. While some external stakeholders expressed concerns about the reduction in the Jerusalem IHLRD’s level of engagement, there was also a strong case for it to continue to operate as an independent and objective provider of legal analysis and advice.

The high calibre of staff that the programme has been able to recruit have enabled it to deliver a broad range of activities and outputs. It is the way in which the programme defined its objectives and goals that have made it impossible to say whether these have been achieved. While the programme needs to develop its M&E approach further, an important first step would be to develop a clear strategy with realistic and measurable objectives that are within the programme’s control and focused on an ‘end’, not simply the promotion of IHL, which is the means to an end.

It was not clear why Diakonia had not been able to resolve the organisational challenges that the IHL Centre programme faced but there was a suggestion that senior management needed to have a better understanding of their role in the programme (and also, perhaps, of its added value to the organisation). These issues need to be addressed as a matter of urgency before Sida can commit to funding another phase of the programme. Otherwise, they will not only continue but also multiply if the programme expands to new contexts. Similarly, it will be important to clarify responsibilities for resource mobilisation for the programme so that it can move forward into the next phase on a more financially sustainable footing.

To date, the IHLRDs have been ongoing providers of IHL knowledge and expertise. Sida’s expectation that they could act as catalysts for improved IHL adherence, better understanding of the law, and improved application of IHL would need to be based on realistic, achievable and measurable goals.

Recommendations

The recommendations summarised in the table below aim to improve the IHL Centre programme’s effectiveness by addressing the three main challenges identified in this evaluation – the organisational challenges related to the IHL Centre programme’s location within Diakonia, defining measurable and achievable objectives for the programme, and resource mobilisation to ensure funding diversity. Table 3 in the main report provides a detailed list of actions for each recommendation. In addition, Annex 6 provides guidance on identifying appropriate objectives for the programme.

#1	Organisational change
Problem statement	Diakonia has not established clear decision-making procedures for the IHL Centre programme, nor adapted or put in place the necessary policies and M&E systems.
Recommendation	Within the next 3-6 months, Diakonia needs to address the organisational challenges that have hampered the IHL Centre programme, establishing clear decision-making procedures and effective policies and systems
Responsible	Diakonia senior management
#2	Future funding
Problem statement	Sida has expressed concerns about whether Diakonia is the appropriate organisation to host the IHL Centre programme. By the end of this pilot phase for the global programme, Sida needs to decide how it wants to support the IHL Centre programme’s work in future

Recommendation	Sida should give Diakonia the opportunity to demonstrate that it can address the organisational difficulties that the IHL Centre programme has faced. If it is not able to do so, Sida should explore other options for funding a similar IHL programme.
Responsible	Sida
#3	Strategic plan
Problem statement	The IHL Centre programme application did not establish goals and objectives that were measurable and achievable (i.e., within its area of responsibility and within its institutional capacity). As a result, the programme has not been able to demonstrate whether and how activities are contributing to addressing a clear humanitarian problem.
Recommendation	Define a clear strategy for the IHL Centre programme
Responsible	Diakonia and global programme manager in collaboration with IHLRD managers
#4	Operational plans
Problem statement	The IHLRDs have not had clearly defined contextual objectives aimed at alleviating identified humanitarian problems in the field, which would enable them to make the most effective use of their resources and to measure their achievements.
Recommendation	Each IHLRD should create an operational plan following the intent of the IHL Centre programme strategy, based on context analysis, humanitarian problem analysis, general and specific objectives, associated budget and a monitoring mechanism
Responsible	IHLRDs in agreement with the international desk, based on adherence to the strategic plan
#5	Funding diversity
Problem statement	The IHL Centre programme's dependence on a single donor is not sustainable in the long-term. Funding diversity is also needed to deliver a range of benefits, including broad-based political support
Recommendation	At the start of the programme's next phase, once there is a strategic plan in place as per recommendation 3, approach prospective donors in the contexts where IHLRDs are present
Responsible	All IHLRDs, with Diakonia providing adequate resource mobilisation expertise and relevant support

1 Evaluation Purpose and Methodology

1.1 EVALUATION OBJECTIVES AND SCOPE

Sida commissioned this evaluation to assess whether Diakonia's 2017-2020 IHL Centre programme (with resource desks in Bamako, Beirut, Jerusalem and Stockholm) has achieved the results outlined in the programme application. The evaluation takes into consideration lessons learnt from the Jerusalem IHL Resource Centre from 2004-2017.¹ Sida will use the evaluation's findings to review whether the programme has contributed to addressing the following objectives in its humanitarian strategy:

- “increased protection for people affected by crises and increased respect for international humanitarian law and the humanitarian principles” (objective 2) and
- “greater capacity and efficiency in the humanitarian system” (objective 4).²

The evaluation covers four IHL resource desks (IHLRDs) that are part of Diakonia's IHL Centre programme, the three desks based in Jerusalem, Bamako and Beirut and the international desk based in Stockholm. The time-period covered by the evaluation is 2017-2020.

The Jerusalem IHLRD has been operating since 2004 and has been the subject of previous evaluations. As a result, the Terms of Reference (ToR) make it clear that this evaluation should not examine the Jerusalem IHLRD in the same detail as the desks established in 2017 but, rather, draw on existing documents to assess whether it has achieved its objectives and whether it is still adding value in its context.

1.2 METHODOLOGY

This section provides a summary of the team's methodological approach. The evaluation's inception report provides more details.

1.2.1 Evaluation approach

The evaluation approach has five key aspects.

Utilisation focus

The evaluation team has sought to meet the needs of Sida as the evaluation's primary user and that of Diakonia as the focus of the evaluation and a stakeholder with strategic interest in its outcome. It has done this through a participatory approach and also by addressing issues of concern that Sida and IHL Centre programme staff identified during the inception phase. When developing recommendations, the evaluation team has also kept in mind that Sida and Diakonia have discussed another phase of the IHL Centre programme, which will include the option of setting up a new IHLRD in Myanmar.

¹ Since the Jerusalem IHL Resource Centre has been part of Diakonia's IHL Centre programme during the evaluation period of 2017-2020, this report refers to it as the Jerusalem IHL Resource Desk, the same terminology used for the Mali and Lebanon desks.

² *Strategy for Sweden's humanitarian aid provided through the Swedish International Development Cooperation Agency (Sida) 2017-2020*

Participatory approach

The ToR requested opportunities for facilitated reflection, discussion and learning between Sida and Diakonia as the two key users of the evaluation. One such opportunity was the online workshop during the inception phase to develop the analytical framework for the evaluation. This allowed for a discussion of the key issues on which the evaluation team should focus and also ToR questions around sustainability. The online validation workshops in which the evaluation team presented its preliminary findings was another opportunity for reflection and discussion. It also enabled IHL Centre programme staff to provide additional data on specific issues. Due to security concerns, the Jerusalem and Lebanon IHLRD teams could not participate in the same workshop, so the team held two workshops – one for Sida and Diakonia staff at Stockholm level and the Mali and Jerusalem IHLRDs, and one for the Lebanon team, in which Sida also participated. The proposed seminar to discuss the final report will be a further opportunity for Sida and Diakonia to reflect on the evaluation findings and recommendations. The format for this is yet to be agreed.

Gender and conflict sensitive approach

During the workshop to develop the analytical framework, the team agreed with IHL Centre programme staff that it would include gender and conflict sensitivity as crosscutting issues in the programme's activities. The team has also added a question on mainstreaming gender to the evaluation matrix. The team's gender sensitive approach is reflected in the disaggregation of interviewee data by gender and in having a gender mix in the team to bring in different perspectives. The team has sought to be conflict sensitive by having a clear understanding of the complexities and sensitivities of the contexts in which Diakonia is working. Having team members based in Jerusalem and Bamako has been helpful for this. The team has also been careful to consider whether any of the information that it has collected has been sensitive or confidential. The team's approach to confidentiality, described below, is also part of its conflict sensitive approach.

Case study approach

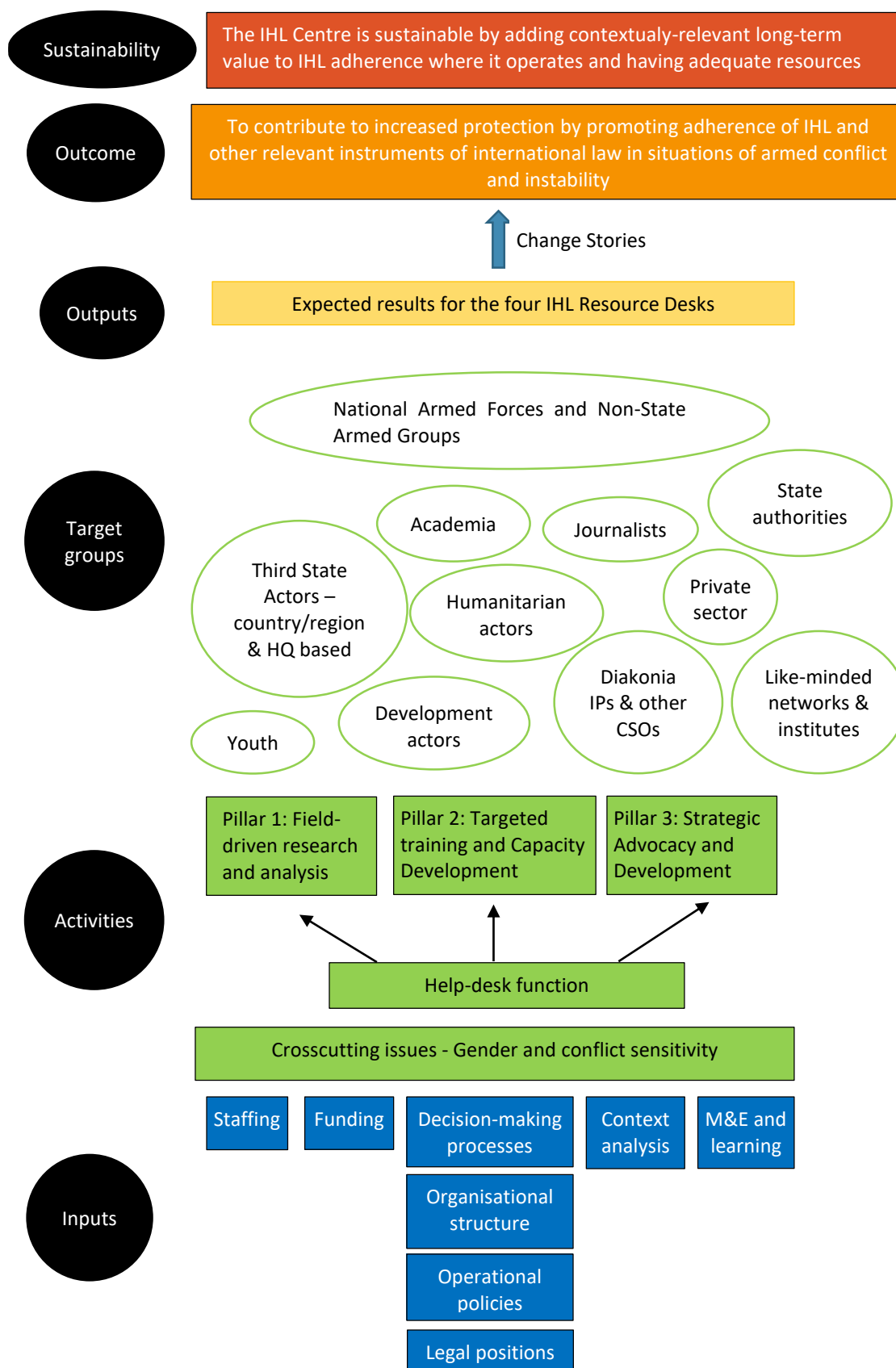
Although the evaluation team used an overarching analytical framework and a standard set of evaluation questions (see section 1.2.2 below), it approached each of the four desks as a case study. This is in response to a request from IHLRD staff during the inception phase to assess each desk within the specificities of its context. Team members shared responsibility for the case studies, with one team member leading on the Bamako desk, another team member leading on the Jerusalem and Beirut desks, and the team leader taking the lead on the international desk. The team analysed findings by each IHLRD, before synthesising these findings, and present them separately in this report where it is relevant to focus on context-specific findings.

Confidentiality

The Diakonia IHL Centre programme is operating in complex conflict settings and undertaking sensitive and potentially confidential work. In order to mitigate participants' concerns and to maximise the opportunities to elicit relevant information, the evaluation team informed interviewees at the beginning of each interview that the information they shared would not be attributed to a specific person or agency without their permission. Therefore, it obtained permission from interviewees for every quote in this report, even though these are not attributed by name or agency. The team stored interview notes securely and anonymised interview data during analysis (see section 1.2.5 below).

1.2.2 Evaluation design

Figure 1: Analytical framework



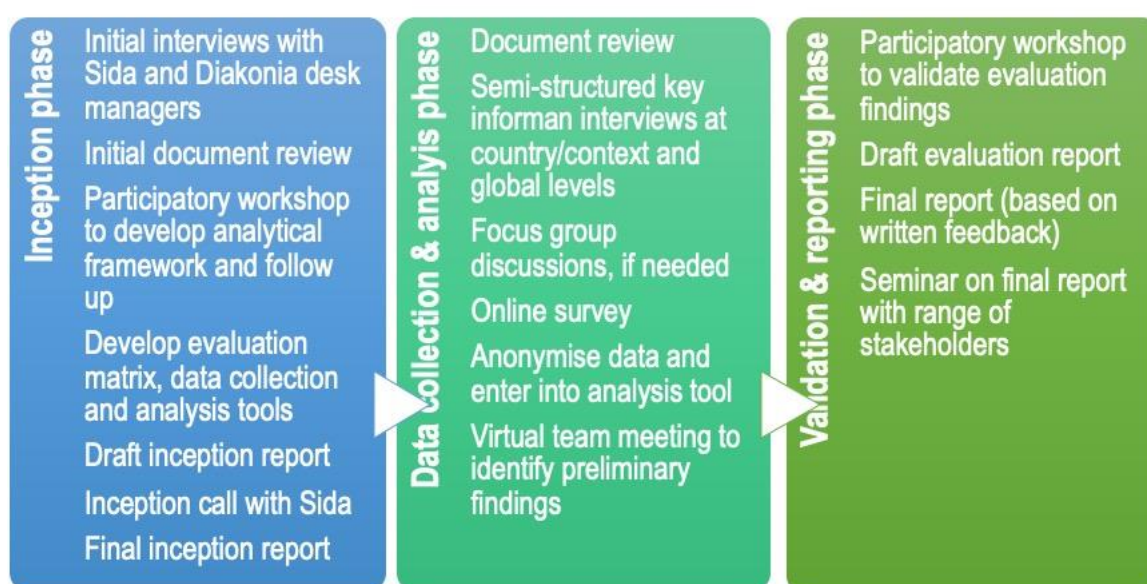
In the absence of a theory of change against which the team could evaluate the IHL Centre programme, it proposed developing an analytical framework to identify the different components that contribute to the achievement of results. This would enable the team to answer the main evaluation questions around how and why the programme has been able to achieve its objectives and whether it is sustainable. As part of the team's participatory approach to the evaluation, it conducted an online workshop with Sida and Diakonia staff during the inception phase to develop the analytical framework (see Figure 1 below). During this workshop, IHL Centre programme staff requested the inclusion of an evaluation question on whether Diakonia has the appropriate organisational structure, decision-making processes and operational policies for the programme. These elements were added to the input level of the analytical framework.

The evaluation team subsequently organised the evaluation questions in the ToR according to the analytical framework and added additional questions as needed to develop an evaluation matrix (see Annex 1).

1.2.3 Overview of evaluation phases and activities

Figure 2 below provides an overview of the three phases of the evaluation and the activities that have been undertaken in each (with a seminar on the final report still to be undertaken).

Figure 2: Summary of evaluation phases



1.2.4 Data collection

Table 1 below provides a summary of the data sources that the evaluation team has used to develop its findings and conclusions.

Table 1: Summary of data collection

Data Source/Tools	Information
Key informant interviews (KIIs)	KIIs with 110 people, 45 per cent female and 55 per cent male
Document review	Reviewed 50 documents, including reports, internal documents, and a draft Planning, Monitoring and Evaluation (PME) package
Online survey	52 responses in English, 19 responses in Arabic and 11 responses in French (total = 82)

Key informant interviews

The evaluation team conducted semi-structured remote interviews with Sida and Diakonia staff members as well as a broad range of the stakeholder groups identified in the analytical framework (due to Covid-19 restrictions, it was not possible to conduct in-person interviews even though the team had members based in Jerusalem and Bamako). The IHLRDs provided contacts for potential interviewees and evaluation team members then contacted them to set up the interviews. Where the IHLRD had listed more potential interviewees than the team could cover in the time available, team members worked with the relevant desk manager to prioritise the list. In the case of the global desk, the team added interviewees based on initial interviews, particularly Sida staff. Annex 2 provides the full list of interviewees.

Document review

The team reviewed a variety of documents, including programme application documents, IHL Centre programme reports to Sida, planning/strategy documents, legal briefs and notes produced by the IHL Centre programme, previous evaluations of the Jerusalem IHLRD, IHLRD-specific documents, internal documents, and a draft Planning, Monitoring and Evaluation (PME) package that the IHL Centre programme has developed.

Online survey

Following discussions with Sida and Diakonia during the inception phase, the team decided to use an online survey to solicit input from training course participants. This was the most efficient way to collect information from a very large group of respondents. To maximise the response rate, the team made the survey available in English, Arabic and French. The team agreed with Diakonia that the survey would elicit greater response if IHLRDs emailed out the link with an explanatory email prepared by the evaluation team. This is because training participants would be more likely to respond to a programme with which they are familiar than they would if they received the request to participate from an unknown person. The IHLRDs sent the survey to 911 email addresses – 555 for the Lebanon desk (including participants in three webinars in 2020), 296 for the Jerusalem desk and 60 for the Mali (although the Mali desk has trained around 520 people, most are based in conflict-affected parts of the country without internet access). The team asked respondents to provide information that would enable the team to disaggregate responses by type of organisation, job title but they were not asked for names or contact details. NIRAS collated and analysed the survey responses so the IHL Centre programme had no role in receiving or managing responses.

Although the team made every effort to elicit responses, including requesting the IHLRDs to send a reminder before the deadline, the response rate was 9 per cent.

1.2.5 Data analysis

The evaluation team began the process of analysing interview data by anonymising this. It created a list of interviewees and assigned a unique code to each. Team members then organised interview data by evaluation question in data analysis documents, using the code to identify the source of information rather than interviewee details. This helps to avoid giving undue weight to a particular data source. In line with the case study approach, the team organised the data analysis by each of the four IHLRDs.

Prior to the validation workshops, the team had a virtual half-day meeting to synthesise the data analysis, identifying findings that were specific to a particular desk as well as those that cut across desks.

1.2.6 Limitations

The evaluation team was able to address the two potential limitations identified in the inception report. The first was that team members would not be able to conduct in-person meetings due

to COVID-19 restrictions. Although this was the case, the team members (including those based in Bamako and Jerusalem) were able to conduct remote interviews with relevant stakeholders. In Mali, the team member overcame internet connection problems by conducting phone interviews. The second potential limitation identified was securing adequate participation from the programme's partners and target groups. The fact that the team was able to conduct 110 interviews with a broad range of stakeholders shows that it was able to address this successfully. However, the evaluation faced two other limitations. One was the coup and ensuing political turmoil in Mali. This made it very difficult to obtain interviews with some groups, particularly judges, and the team was not able to conduct as many interviews as planned. The other limitation relates to change stories to identify how the field-level IHLRDs were contributing to the programme's goal of increased protection (see Figure 1). Although IHL Centre programme indicated during the analytical framework workshop that they could provide these change stories, this proved not to be the case (due to the lack of appropriate tools for assessing results). External interviewees were also unable to provide evidence of how they had used the IHL Centre programme's work to contribute to the programme's goal.

1.3 REPORT STRUCTURE

The remainder of this report is structured as follows:

- Sections 2-6 present findings from the evaluation. Each section focuses on one of the main evaluation questions in the evaluation matrix, with each sub-section focusing on a sub-question. The sequence of the sections and sub-sections follows that of the evaluation matrix.
- Section 7 provides conclusions and recommendations.

2 Staffing, Funding and Organisational Structures and Systems

This section focuses on the inputs level of the analytical framework and addresses the evaluation question ‘Does the programme have adequate and effective staffing, funding, and organisational structures and systems in place to achieve its objectives?’

2.1 STAFFING AND FUNDING

This sub-section focuses on whether the programme has been adequately resourced in terms of staffing and funding to achieve its objectives.

2.1.1 Staffing

Diakonia has been able to attract a high calibre of staff across the IHLRDs. Interviewees singled out individual staff members for praise, particularly the global programme and Lebanon desk managers and a former staff member at the Jerusalem desk. A third state representative, who was an international lawyer himself, said that he had been impressed by the Jerusalem desk’s ability to recruit high quality legal staff at both junior and senior levels. Those who had taught on the Lebanon desk’s IHL training programmes praised the team for its professionalism in organising the training courses, highlighting the smoothness of the process.

Some IHLRD staff suggested that **the level of staffing and team composition needed to be reviewed to enable the desks to achieve their objectives.** The Mali desk pointed to the need for more legal expertise, particularly as its work becomes known and there is more demand for it. The Lebanon desk highlighted the need for a communications officer to help promote the desk’s work. It also underlined the challenges with recruiting local IHL experts given the lack of formal IHL qualifications in the region.

At global level, the programme application outlined the role of a Global IHL Advisor to be based in Stockholm. The tasks assigned to this role included programme set up and coordination; programme development (including setting up a second round of pilot desks); monitoring with an emphasis on results, lessons learnt and best practice; identifying and linking up with relevant experts; liaising with head office staff on advocacy, policy and communications; developing synergies and learning between the desks; ensuring the financial stability of the programme; and grant management.³ These are eight very diverse tasks assigned to one person and suggest that the application seriously underestimated the level of work required to deliver all the tasks and results outlined in the proposal. This was particularly the case as the global programme manager also acted as the Jerusalem desk manager a number of times during the evaluation period (see below). As a result, the desk has faced challenges with achieving all the expected results (see section 4.1). The Global IHL Advisor was to deliver the tasks with the support of a Reference Group, comprising the IHLRD managers, representatives from Diakonia’s international and policy departments at head office, and, if relevant, external representatives. In practice, the Reference Group met a couple of times in 2018 but meetings tended to

³ Diakonia (2016) *Global IHL Resource Desk Programme Application 2017-2019*

be focused on informing non-IHL programme participants about the programme rather than discussing substantive issues, the Diakonia staff involved were not the right ones to address the administrative and financial issues that had to be resolved, and there was turnover in non-IHL programme staff participating. Due to these challenges, the Group was discontinued.

One issue for the IHLRDs is the extent to which Diakonia provides support functions rather than IHL Centre programme staff members undertaking these. The programme application to Sida suggested that each desk should have four staff members – two legal experts (including one senior legal expert who would also be the desk manager); one programme officer to work on grant management, planning, monitoring and evaluation, project handling, training and workshop management, coordination of activities and procurement; and one part-time finance and administration officer who would be responsible for human resource issues such as accommodation and work permits for international staff as well as financial administration and reporting.⁴ The team composition would be tailored to the context of each desk. The Mali desk is the smallest, with a desk manager, a legal advisor and a programme officer. The Lebanon desk had a desk manager and one legal advisor (appointed in August 2018) and a programme officer. In February 2019, it added another legal advisor to the team. The international desk had only a desk manager until early 2019, when it added a programme officer in January and a part-time projects officer in April (currently on maternity leave). While the programme application implied that a finance and administration function would be embedded in the programme, Diakonia deemed it more efficient for the IHLRDs to finance at least 50 per cent of a finance and administration office in the country office. In Mali, three Diakonia country office staff members provided support with financial and administrative tasks (see section 2.2). The MENA regional office (with two of the three field desks in its region) has also supported the IHL Centre programme on financial management. In early 2020, under the heading ‘strengthening of administrative support needed’, the IHL Centre programme reported that Diakonia had underestimated the need for administrative support at the beginning of the programme but had worked to improve the efficiency of country and regional office support and to provide additional resources.⁵

The IHL Centre programme budget has funding for relevant country directors to spend one day a week managing the IHLRDs. Interviews suggested that the Mali IHLRD worked closely with the country office but the Palestine and Lebanon country directors had limited engagement with the IHLRDs in their contexts. The Lebanon IHLRD works closely with the country office on activities focused on Lebanon but the bulk of its work focuses on the Syria crisis and the broader region, which is outside the country office’s remit. There was a view that the IHLRD did not fit well into the Lebanon country strategy, which has a localised theory of change, particularly as Lebanon did not have an ongoing armed conflict so that IHL did not apply.

One interviewee noted that, prior to the evaluation period, the Jerusalem desk had faced challenges with securing adequate support from the country office, sometimes resulting in delays to staff salary payments. This indicates that some issues predate the global IHL programme (see Annex 5 for findings from previous evaluations). As discussed in sections 2.1.2 and 2.2, the programme needs communications, advocacy and resource mobilisation capacity (in addition to the financial and administrative support that Diakonia provides) but it is not clear whether Diakonia should provide this as well or whether the IHL Centre programme should have dedicated staff.

⁴ Diakonia (2016) *Global IHL Resource Desk Programme Application 2017-2019*

⁵ Diakonia (2020) *Diakonia Global International Humanitarian Law Program: Annual Operational Report 1 January 2019-31 March 2020*

Staff turnover has been a challenge for the Jerusalem desk in particular. The IHL Centre programme also had a change in programme officers across the three field desks in early 2020. The Lebanon and international desks have had the most stable staffing levels, with the Lebanon desk only having to recruit a programme officer in early 2020, when the person in post resigned. The Mali desk manager appointed in August 2017 resigned in December 2017, with the current desk manager appointed in February 2018. A couple of interviewees felt that this gap early on in the desk's establishment had affected the programme's operation at the time. The programme officer, who had been in post since August 2017, resigned in February 2020 and a new programme officer was appointed in April. The Jerusalem project manager, who had been in post for almost nine years, resigned in early January 2020.

The Jerusalem desk has had high staff turnover for some years.⁶ One reason is related to Diakonia's restructuring of the combined regional and country office in Palestine, moving the Middle East and North Africa (MENA) regional office to Stockholm, in 2017-18. As part of this, Diakonia revised the terms and conditions for staff, particularly national staff, which was not acceptable to all. However, there was also a high turnover of international staff during the evaluation period, with an average employment period of 15 months compared to 42 months for national staff.⁷ A couple these staff members were head hunted by other international NGOs but they also cited the workplace environment as a reason for leaving.⁸ In particular, there were three periods when the desk did not have a manager in place and the global programme manager stepped in to fill the gap. These were from December 2017-May 2018, January-April 2019 and from March-June 2020. The time taken to fill the managerial gaps raises questions about Diakonia's recruitment procedures, discussed further in section 2.2.⁹ Some former staff members expressed concern about the IHLRD's lack of strategic direction during the periods without a manager and that decisions were taken at Stockholm level without adequate consultation. According to one, each time a new manager came in, the desk undertook a fresh analysis to identify its approach and added value. The team has also reduced in size considerably from nine full-time and one part-time staff in 2015 to eight in 2016 to six in 2018-19 to five at present. This may be due to Diakonia's view that a smaller and more flexible programme could be more efficient and effective as well as due to a reduction in funding for the desk (see section 2.1.2).

2.1.2 Funding

There was general consensus across the desks that **Sida had provided adequate funding for the programme** although a couple of interviewees thought that the Mali desk needed more funding to expand its training programme and to cover office costs adequately (though a number of costs are included as direct costs in the programme budget).¹⁰

Sida is currently the only donor to the programme since Diakonia has not prioritised mobilising resources from other donors. At the beginning of the evaluation period, the Jerusalem desk had funding from the Swiss and Dutch and it has also received ad hoc funding to undertake specific pieces of work (for example, the Spanish commissioned an analysis while DanChurchAid, in collaboration with DanWatch, is funding a media lab project). The other donors

⁶ NCG (2019) *External Evaluation of the International Humanitarian Resource Centre (IHLRC) program 2017-2019* and STHLM Policy Group (2014) *Evaluation of the Diakonia IHL Program Performance – 2012-2013: Final Report*

⁷ Information provided by Diakonia

⁸ Staffing information provided by Diakonia

⁹ An evaluation of the Jerusalem desk also highlighted a persistent problem with staff turnover and delays in filling vacancies. See NCG (2019) *External Evaluation of the International Humanitarian Resource Centre (IHLRC) program 2017-2019*

¹⁰ Diakonia has covered the costs of a vehicle, computers, etc. for the Mali IHLRD

phased out their funding during the evaluation period (with Dutch funding ending in July 2019 and Swiss funding ending in March 2020). The Swiss strongly urged Diakonia to find alternative sources of funding before it phased out and the first recommendation of a Swiss-commissioned evaluation in 2019 was to actively pursue additional donors, partly because support from multiple donors is ‘also a source of support for the cause that is being promoted’.¹¹ Diakonia accepted this recommendation in its management response. It committed to cultivating new funding partnerships for the Jerusalem desk and listed a set of actions that it would take from September 2019-March 2020 to implement the recommendation.¹² Despite this, Diakonia had not pursued funding from other donors. According to two interviewees at headquarters level, this was because Sida had agreed that Diakonia should focus instead on consolidating its work (with the global programme manager focusing on developing guidelines, oversight and strategy development). A third interviewee argued that it was more important for the Jerusalem desk to focus on the quality of its work and find its niche again than on securing additional funding. As noted earlier, there is a perception within Diakonia that a smaller Jerusalem desk could be more efficient and effective, with one interviewee mentioning that the Israeli-Palestinian conflict is not the only conflict or the largest one in the region and that Diakonia should be focusing on ‘more alarming’ situations.

A lack of clarity around roles and responsibilities for identifying potential donors and securing funding has been a major barrier to diversifying funding for the Mali and Lebanon desks. The programme application stated that the Global IHL Advisor was responsible for ensuring the programme’s financial sustainability, “in close consultation with” the desk managers and others.¹³ Perhaps as a result, the job descriptions for the Global IHL Advisor as well as the IHLRD managers include responsibility for building relationships with existing and potential donors although desk managers are expected to work “in close collaboration with the Global IHL Advisor/Program Manager and Country Manager”.¹⁴ During interviews, at least two of the field desk managers were either unaware of their resource mobilisation responsibilities or stated that the desk did not have the required resource mobilisation expertise/capacity. Therefore, their view was that it was regional and/or head offices were responsible for resource mobilisation. Diakonia has detailed internal procedures for following a grant cycle (at the country, regional and head office levels).¹⁵ According to these, resource mobilisation planning is incorporated in country strategies, including back donor assessments (for which there is a specific format).¹⁶ An application is generally prepared by a country director, commented on by the Global Funding Unit, and approved by the regional director. The IHLRDs are not necessarily part of country strategies and, according to Diakonia, the regional director would be responsible for signing grant agreements for the IHLRDs with donors. This would still require close collaboration between the IHL Centre programme (with the global programme manager playing an important role as well as the IHLRD manager who identifies a funding opportunity), country and regional offices and the Global Funding Unit at head office. This collaboration or

¹¹ NCG (2019) *External Evaluation of the International Humanitarian Resource Centre (IHLRC) program 2017-2019*

¹² Diakonia (2019) *Diakonia’s Management Response to the external evaluation of the International Humanitarian Law Resource Centre for the period of 1 January 2017-30 April 2019*.

¹³ Diakonia (2016) *Global IHL Resource Desk Programme Application 2017-2019*, pg. 52

¹⁴ Global IHL Advisor/Programme Manager job description, valid March 2020 and Senior IHL Expert/Desk Manager scope of work. It is worth noting that a draft job description for the desk manager (‘accurate as of June 2018’) did not include responsibility for drafting proposals/applications but a current one does. The Global IHL Advisor job description also includes this responsibility for drafting proposals/applications.

¹⁵ Outlined in Diakonia (2017) *Diakonia’s PME Manual*

¹⁶ Diakonia (2019) 4.1.1 *Format 1 – Back Donor Assessment*

interaction has not happened and the IHLRDs have no procedure for engagement with the Global Funding Unit. There is also no mechanism for clarifying responsibilities, leading to mixed messages. For example, ECHO is a potential donor to the Lebanon IHLRD. According to Diakonia headquarters, the humanitarian advisor facilitated a meeting between the IHLRD and ECHO Brussels as a “precursor to funding”. It was then left to the IHLRD to follow up and Diakonia described this as “an ongoing process”.¹⁷ However, the desk was very clear that the purpose of the meeting was to advocate for the extension of the UN security Council Resolution on cross-border humanitarian assistance to Syria, not resource mobilisation, because the latter is not the desk’s responsibility. The meeting, scheduled for April 2020, had not been able to go ahead due to Covid-19 restrictions and there was no evidence of any “ongoing” discussions relating to funding. A donor interviewee suggested that the Swiss had been very impressed by the Lebanon IHLRD’s work and might fund it. However, since the Lebanon IHLRD is clear that responsibility for resource mobilisation rests with headquarters, it has not initiated any funding discussions. This highlights the risk of potential funding opportunities falling between the cracks because of the lack of clear responsibilities and communication channels. It also underlines that Diakonia has not communicated the need to prioritise resource mobilisation to the field-level IHLRDs.

Sida interviewees expressed grave concerns that it was the only donor to the programme, particularly as there are plans to expand the programme to at least one more desk in Myanmar (which Sida has strongly encouraged) and no plans to exit from existing desks. They highlighted the risk of complacency that Sida funding would always be there, when this is not the case.¹⁸ They also noted that they had made clear the need for diversifying donors in meetings with Diakonia, not only to avoid dependence on one donor but also because the programme could benefit from exchanges with other donors. In Jerusalem, interviewees argued that having multiple donors would empower the program and demonstrate political support, improve decision making through discussions around strategies, high-level access to third state delegations, ensure programme continuity, and channel more funding to local partners.

Diakonia plans to appoint four regional fundraisers in 2021 so they could support the IHLRDs with resource mobilisation as long as there is clarity on roles and responsibilities. One issue for Diakonia to bear in mind is that, unlike Sida, most donors will be interested in funding the work of an individual desk. Currently, Diakonia manages the Sida grant and relationship from the head office because Sida is providing a global grant. Desk-specific funding will raise issues about who manages the grant and the relationship with the donor.



Challenge:

At present, the IHL Centre programme relies solely on Sida funding, risking its financial sustainability. Diakonia has not prioritised mobilising resources from other donors, leaving Sida expressing concerns about the lack of funding diversity.

2.2 POLICIES, PROCESSES AND DECISION-MAKING

During the workshop with Diakonia and Sida to develop the analytical framework for the evaluation, participants requested the inclusion of an evaluation question on whether Diakonia has

¹⁷ Comments on draft evaluation report.

¹⁸ A 2019 evaluation of the Jerusalem IHLRD highlighted a similar concern. See Annex 5.

the appropriate organisational structure, decision-making processes and operational policies for the IHL Centre programme. The findings outlined below are a reflection of their concerns.

The IHL Centre programme is different to Diakonia's general way of working, being a self-implementing programme rather than one delivered through partners and one of only two programmes that works across multiple contexts. As a result, **there has been a lack of clarity about decision-making processes and the role of the global programme manager vis-à-vis the field desk managers.** In theory, the IHL Centre programme has two reporting lines. The responsibility for delivering against the grant agreement (content) is delegated from the international director (who signed the grant agreement) to the global programme manager to the field desk managers. Administrative and financial responsibility is supposed to flow from the programme to the country director and up to the regional director. Country directors are responsible for all funds executed in the country but, in the case of the Lebanon desk, a relatively small proportion relates to activities in Lebanon since the desk was set up to focus on the Syria crisis and has undertaken activities across the MENA region (where Diakonia does not have offices). This has led to confusion about who is responsible for basic decisions such as travel authorisation when staff need to travel to Turkey or Jordan. Formally, the regional office (based in Stockholm) should be responsible but, three years into the programme, this is still not clear. The regional offices are responsible for recruitment while staff performance management should follow the reporting line from country director to regional office and this was the proposed structure in the programme application (with the country manager/director responsible for all staff based in a country office). However, the Jerusalem desk traditionally operated as an independent programme and, with the IHL Centre programme's expansion, there has been a lack of clarity about who is responsible for staff performance management, the global programme manager or country/regional directors.¹⁹ The global programme manager has been engaged in the recruitment of IHL Centre programme staff and is responsible for delivering against the grant agreement but it is unclear whether his role is that of a manager of the field desks or of a coordinator. This lack of clarity has persisted throughout the programme's operation with the global programme manager meeting with Diakonia's senior management in September 2020 to seek clarity on decision-making processes as well as his role.²⁰ Diakonia has set up a task force to examine these issues but this underlines the point made by one interviewee that Diakonia senior management, from the Secretary-General downwards, needs to have a clearer understanding of its role in the IHL Centre programme. This includes understanding that IHL is a sensitive and potentially high-profile issue and that it requires high-level engagement both within the organisation and externally.

One consequence of the lack of clarity about the role of the global programme manager is that **it is unclear where responsibility lies for developing consistent organisation-wide positions** on issues such as engagement with armed actors, including non-state armed groups (NSAGs). The Reference Group might have been the forum for this but, in its absence, Diakonia has not established an alternative procedure.

The IHL Centre programme has also faced challenges because Diakonia has not had the appropriate policies in place or adapted its policies and procedures to the specific needs

¹⁹ Diakonia's report to Sida for 2019-2020 highlights the need to clarify the role and mandate of all the desk managers in the programme as well as country director and regional director responsibilities. See Diakonia (2020) *Diakonia Global International Humanitarian Law Program: Annual Operational Report 1 January 2019-31 March 2020*

²⁰ The global programme manager has developed a potential decision-making guide to address some of the challenges and presented this to Diakonia senior managers. Diakonia (2020) *Diakonia IHL Centre: Decision-Making Guide 2020*

of the programme. Perhaps the most prominent example of this is that the organisation does not have an organisation-wide human resources (HR) policy and compensation package in place for third country nationals even though the Jerusalem desk first hired a third country national in 2010. The IHL Centre programme faced a challenge when the Mali desk hired a third country national because of a disparity in salary scales. It was unclear who should decide on this and the problem was referred to the HR department at head office. This is in the process of developing third country national contracts that can be signed and managed from head office, which will be rolled out in 2021.²¹ However, it does mean that Diakonia does not have a tailored contract/compensation package in place 10 years after it first hired a third country national. This has had implications for the signing of contracts for third country national staff at the Lebanon IHLRD as well. A couple of interviewees argued that Diakonia's existing salary scale and structure have made it difficult for the programme to offer a salary and benefits package that is competitive with what is offered by other NGOs (even though Sida has provided "generous" funding for staffing costs). As a former staff member noted, people have tended to join the IHL Centre programme because they are passionate about the work. Some Diakonia staff members also raised concerns about security policies and procedures, with Lebanon and Mali desk staff feeling that the lack of a security management mechanism had hampered their ability to travel (including to conflict-affected areas, such as Northern Mali and Syria). According to the programme application, country managers would be responsible for security and risk assessments for the programme. This is in line with Diakonia's systems, with country offices required to report to regional offices and headquarters on security on a quarterly basis. The Palestine country office had a security plan and security routines in place for travel to Israel, the West Bank and Gaza while the Mali and Lebanon country offices also had security or safety plans in place. However, the Lebanon country office has not been in a position to undertake risk assessments for the other countries in the region to which IHLRD staff need to travel, including Turkey, Egypt and Tunisia, although IHLRD staff have travelled to these countries. At the time of finalising this report, Diakonia was in the process of completing a web-based Global Security Framework, which will be piloted in the MENA region before being rolled out. It had also very recently appointed a company as a global security advisor to help implement this framework.

An additional challenge for the IHL Centre programme has been how it links to Diakonia on functions such as communications and advocacy.²² The IHL Centre programme does not have dedicated communications staff but Diakonia's role in supporting this function has not been clear. For example, the Jerusalem IHLRD's webpage has been absorbed into the IHL Centre programme's website²³ but an IHL Centre programme annual report has noted that Diakonia's existing platforms and tools are not well suited to the programme's needs. The programme intended to develop a communications strategy in 2020 (although this had not happened at the time of the evaluation).²⁴ An interviewee in Jerusalem noted that it would have

²¹ Diakonia (2020) *Diakonia Global International Humanitarian Law Program: Annual Operational Report 1 January 2019-31 March 2020*

²² The lack of engagement from the policy, advocacy and communications departments in an evaluation of Diakonia's work in conflict contexts suggests that there is an issue beyond the IHL Centre programme. See Millard, A. and S. Zikovic (2020) *Evaluation of Diakonia's work on/in conflict 2015-2019: Final report*. Nordic Consulting Group

²³ Responsibility for updating the Jerusalem desk's website and uploading reports shifted from Jerusalem to Stockholm as part of this process. A few external stakeholders commented that it was not obvious how to find the Jerusalem desk's publications though the evaluation team was able to find the desk's legal publications through the Diakonia website.

²⁴ Diakonia (2020) *Diakonia Global International Humanitarian Law Program: Annual Operational Report 1 January 2019-31 March 2020*

been helpful if the desk issued a regular newsletter to target groups, such as third state actors, highlighting its work (following the example of other organisations). However, this would require a communications function. The Lebanon desk has also felt the need for a dedicated communications staff member since it has not received support for this function. Advocacy is one of the three pillars of the IHL Centre programme's work but the programme no longer has dedicated advocacy capacity. The Jerusalem desk engaged in international advocacy (see section 3.3), including funding a staff member at headquarters to engage with the EU at one stage. This was because it regarded advocacy with the EU and the UN as one important way to apply pressure to reduce IHL violations. The Lebanon IHLRD has been active in advocacy and outreach, particularly with the UN and humanitarian actors working in Syria, but it has done this without any dedicated advocacy capacity. Diakonia's advocacy department in Stockholm provided some support to the Jerusalem IHLRD but it has tended to focus mainly on Swedish decision-makers (and European ones to some extent) whereas the IHL Centre programme needs to advocate with a much broader range of stakeholders.²⁵

The IHL Centre programme has not linked closely to Diakonia's other work and country offices as envisaged in the programme application (with the Mali desk an exception). One of the international desk's expected results is that *'The programme contributes to learning regarding how integration of risk and vulnerabilities can help link humanitarian action with long-term development cooperation'*. One indicator for this is the development of complementarity and synergies between the IHLRDs and Diakonia development programmes through joint analysis. The assumption was that the IHL desk-country office relationship would be of utmost importance for this.²⁶ However, there was no evidence of linkages between the Jerusalem and Lebanon IHLRDs and Diakonia development programmes. There are close links between the Mali IHLRD and the country office's other programmes (for example, Diakonia received Sida funding for a humanitarian project in Mali that drew on the IHLRD's analysis to ensure that it was conflict sensitive) but this is based on an informal agreement rather than institutionalised. It could be questioned whether a link between humanitarian action and long-term development cooperation is a relevant result for an IHL programme but, as outlined above, the programme has faced a number of challenges because it is generally not well integrated within Diakonia.

According to the programme application, one of the Global IHL Advisor's tasks was to ensure synergies and learning between the IHLRDs. However, in practice, **the IHLRDs are not well linked to each other and the aspiration to build synergies has not been realised.** One potential explanation for this is that the Reference Group, which was supposed to bring together all the desks as well as relevant staff members from Diakonia head office, had challenges with participation from the non-IHL programme staff (as outlined in section 2.1.1) and was discontinued early on but there was no alternative mechanism set up. The IHLRD managers and teams have had annual meetings in 2018, 2019 and 2020.²⁷ However, some desk staff had not found this sufficient because they were not structured for sharing experiences and building communication channels/synergies across the desks. In the early stages of the global programme, the Jerusalem desk provided some training support to both the Lebanon and Mali desks but this

²⁵ Diakonia's advocacy department worked with the Jerusalem IHLRD to organise visits for European decision-makers and Swedish journalists.

²⁶ Diakonia (2016) *Global IHL Resource Desk Programme Application 2017-2019*. Annex F: Results Matrix Global IHL Resource Desk Programme incl. Resources Desks for Syria and Mali

²⁷ Diakonia (2019) *Diakonia Global International Humanitarian Law Program: Annual Operational Report 1 January-31 December 2018*; Diakonia (2020) *Diakonia International Humanitarian Law Resource Centre: Completion Report 1 January 2017-31 March 2020*

was discontinued. Since June 2020, the four desk managers have started having monthly calls (as have the four programme officers) but it is too early to assess the impact of this.



Challenge:

Three years into the global IHL Centre programme, it is still grappling with a lack of clarity around decision-making procedures and roles and responsibilities within the programme and in Diakonia more broadly (including for support with communication and advocacy). Diakonia policies have also not been adapted to meet the programme's specific needs.

2.3 CONTEXTUAL ANALYSIS

This section focuses on whether the IHL Centre programme has sufficient understanding and analysis of the contexts in which it is operating to be able to identify the most effective ways in which to achieve programme objectives.

Diakonia has an established approach to conflict and risk analysis, encapsulated in its conflict mainstreaming toolkit, which it discussed with the IHLRDs at the annual meeting in January 2020.²⁸ This approach is to be localised and responsive, working with local partners to identify subtle nuances in a conflict situation. The assumption is that each desk has many different options and strategic entry points for its work and can assess the risks of each one. In theory, Diakonia's added value for the IHL Centre programme is that its network of local partners can provide relevant contextual and conflict-related information to each desk. In practice, this is more challenging. For example, the Lebanon desk is focused on the Syria crisis, where Diakonia does not have a presence. Even in the case of the Mali desk, Diakonia's civil society partners tend not to operate in the conflict-affected parts of the country.

Interviews highlighted that there is no formal or systematic analysis process to identify the most effective entry points for the IHLRDs' work that can be reviewed and updated regularly (although the Lebanon and Mali desks have conducted stakeholder analyses). **The new IHLRDs have tended to respond to opportunities for engagement as they arose.** For example, the Lebanon and Mali desks have trained national armed forces in their respective contexts because they identified opportunities to do so. This was not envisaged in the grant application but has had an impact in the Mali context in particular.²⁹ The international desk has collaborated with Geneva Academy and York University on research projects when these institutions reached out to the global programme manager because of his known expertise.

It is important for the IHLRDs to be responsive to their contexts but perhaps the approach also arises from the lack of a theory of change. The programme has not had a theory of change that would enable the desks to identify what change the programme seeks to deliver and which actors they should influence in order to deliver the change. As described in sections 3.1 and 3.3, the desks have identified important target groups and influenced key actors in their contexts. However, the Lebanon desk has been active far beyond the Syria crisis, supporting a moot court in Lebanon, providing training to the Jordanian national armed forces (who are not engaged in Syria), co-hosting a workshop on women in armed conflict in Tunisia, and training young lawyers from across the MENA region. As a result, one external stakeholder pointed out

²⁸ A recent evaluation of Diakonia's work in conflict-affected contexts identified the need for Diakonia to provide support in using the toolkit. See Millard, A. and S. Zikovic (2020) *Evaluation of Diakonia's work on/in conflict 2015-2019: Final report*. Nordic Consulting Group

²⁹ Diakonia has reported anecdotal examples of impact to Sida. See Diakonia (2020) *Diakonia Global International Humanitarian Law Program: Annual Operational Report 1 January 2019-31 March 2020*

that they had not worked with the Lebanon desk on any activity related to the Syria crisis. Without clear parameters, it is difficult to say whether this is an effective way to achieve the programme's objectives.



Challenge: *In the absence of a theory of change or guiding strategy for the IHL Centre programme, the IHLRDs have lacked a well-defined goal to work towards and clear parameters to help them decide which activities and target groups are the most effective for contributing to this goal. This also makes it challenging to identify which opportunities they should pursue and when to say no.*

2.4 MONITORING AND EVALUATION SYSTEMS

This section examines whether the IHL Centre programme's monitoring and evaluation (M&E) systems have delivered robust information that could be used to assess progress towards outcomes and contribute to learning.

The programme application included an annex with a detailed results framework for the international, Syria and Mali desks. This stated the programme's overall goal, objectives for the Syria and Mali desks as well as expected results for each desk (see Annex 4 for an overview of the objectives and expected results for each desk).³⁰ Diakonia had a detailed PME manual when it established the Jerusalem desk in 2004. However, this was focused on supporting partners, which is Diakonia's main way of working, and not suitable for a self-implemented programme. Therefore, **the Jerusalem desk developed its own PME manual. However, this was deemed to be overly focused on outputs**, due to the requirements of donors to the desk, and not relevant for capturing the type of results that Sida expected the global programme to report. The two new field desks were also operating in very different contexts, working with different actors and engaging in different activities so the Lebanon desk developed its own PME approach. The Mali IHLRD did not have systematic M&E tools for its work.

Realising the need for a common approach across the four desks and common definitions of outputs, outcomes, etc., Diakonia invited a consultant to present on Outcome Harvesting at the annual meeting in January 2020. Since then, the global programme officer has worked with programme officers at the field IHLRDs (all of whom joined in early 2020) to develop **a PME package for the IHL Centre programme**.³¹ While an Outcome Harvesting approach is particularly suitable for advocacy work and could help the programme to identify results at the outcome level, the PME package remains a draft. It lacks details on the tools that the IHLRDs can use to monitor their activities. It also suggests that each IHLRD conduct a mini-evaluation every six months to update project plans and remain relevant to the context but without any guidance on how to do this. Diakonia's aim is to roll out the new PME system in 2021, at the start of a possible new phase of the IHL Centre programme, but it requires more work before the IHLRDs could use it.

One challenge for the IHL Centre programme has been that **Sida has had three different programme officers managing the IHL Centre programme since 2017 and it has tended to focus on different aspects of 'results' at annual meetings**. For example, in 2019, Sida

³⁰ Diakonia (2016) *Global IHL Resource Desk Programme Application 2017-2019*. Annex F: Results Matrix Global IHL Resource Desk Programme incl. Resources Desks for Syria and Mali

³¹ This comprises an introduction (explaining why Diakonia requires additional PME tools for a self-implementing programme), a handbook for self-implementing programmes, a monitoring log template, an evaluation guide, a work plan template, and a project template for collecting information on projects implemented by the IHL desk (whether a training programme or other activity) and including gender and conflict sensitivity mainstreaming.

concentrated on programme impact (which was one factor prompting the IHL Centre programme to develop the new PME package) whereas, in 2020, the focus was on the help desk function and risk management. While it is not unreasonable for Sida to focus on one or two aspects of the programme at the annual meeting, from the IHL Centre programme's perspective, it would be helpful to have greater clarity on Sida's expectations about the results that the IHL Centre programme should be achieving.

2.5 LESSONS LEARNT

The evaluation ToR included a question on the extent to which the IHL Centre programme has used "lessons learnt" to adjust ways of working. It noted that the Jerusalem desk's experiences would be of particular interest but should be complemented by findings from the other desks.

Before reviewing the IHL Centre programme's mechanisms for learning lessons, it is important to note that **the three field-level desks have different objectives and 'expected results'** (Diakonia makes a distinction between an objective and the results that are expected to contribute to this). For the international desk, the programme's results framework did not establish objectives but five 'expected results'. Annex 4 provides an overview of the programme's goal and the objectives and expected results for each desk.

In the programme application, Diakonia set the same objectives and expected results for the Mali and Lebanon desks. However, the Lebanon team undertook context and stakeholder analyses when the desk was established and assessed the potential added value of the IHLRD. Based on this, it identified that many of the activities identified in the programme application were not relevant to the Syria context, mainly because other actors were filling gaps in IHL knowledge and capacity building.³² Therefore, it set itself different objectives to the Mali IHLRD. However, it reports to Sida against the same two expected results and activities as the Mali desk, rather than its different objectives.

As noted in the previous section, the Mali IHLRD did not have a systematic M&E system and it had not undertaken a process that led to a change in its objectives. Interviewees noted that it adjusted the content of its training courses based on feedback from participants but this is a minor improvement at activity level.

Due to its agreements with the Swedish Consulate-General in Jerusalem and other donors, the Jerusalem desk had its own set of three objectives and expected results. It reported against these objectives and expected results until the 2019-March 2020 annual operational report, which was the last annual report available for this evaluation. Although the desk has not changed its objectives, there has been a recent shift in emphasis away from advocacy and engagement as well as partnerships with local CSOs. Section 3.2 discusses this in further detail. The reduction in advocacy was not based on a defined 'lesson learnt' but a couple of interviewees argued that it was due to concerns raised by a donor and an external stakeholder about the quality of the desk's legal analysis. In 2018, Diakonia stopped the publication of two Jerusalem IHLRD legal documents that had been produced in 2017 because of concerns about their format, content and tone (although their research base was sound). Specific issues included their being too technical to be accessible to a general audience but also not containing sufficiently detailed legal analysis of specific aspects. Within the IHL programme, there is also a view that the IHLRD was engaging in political activism rather than focusing on the provision of legal expertise.

³² Lebanon IHLRD (2018) *Management Report to HO. Reporting period 1 January 2018-30 March 2018*.

A recent evaluation of the Jerusalem desk found no clear evidence that PME tools had been used to identify lessons that led to the adaptation of activities.³³ In the absence of a standardised set of PME tools for the IHL Centre programme as a whole, it was difficult for the evaluation team to collect evidence related to this but **it is likely that the lack of PME tools makes it more difficult for the desks to learn lessons about what is working and what is not and to adjust their implementation strategies or target groups accordingly.**



Future consideration:

The different objectives and expected results for each of the four desks raises a question about the extent to which the IHL Centre programme should have an overarching strategy or theory of change that can be adapted to individual contexts but not changed radically or whether it is appropriate for each desk to set very different objectives in order to be relevant to the context in which it is operating.

As noted in section 2.2, one of the tasks allocated to the Global IHL Advisor was to build learning across the different IHLRDs. However, in the absence of the Reference Group (or similar mechanism for sharing information and lessons) and limited meetings bringing together the desks, this has not happened. This is a missed opportunity and it will be challenging to bring all the teams together in the near future, even virtually, because of security and legal concerns with bringing together the current Jerusalem and Lebanon teams.

While not related to using lessons learnt to adjust how an individual desk works, one interview noted that a key lesson that should have been learnt from Diakonia's experience with the Jerusalem desk before it established the other IHLRDs was around Diakonia's administrative procedures (see Annex 5 for an overview of relevant issues identified by previous evaluations of the Jerusalem desk). As outlined in section 2.2, the IHL Centre programme is still dealing with the consequences of Diakonia policies and procedures not being adapted to its specificities.

³³ NCG (2019) *External Evaluation of the International Humanitarian Resource Centre (IHLRC) program 2017-2019*. See Annex 5 as well.

3 Activities and Target Groups

This section focuses on the second tier of the analytical framework, covering the activities undertaken by the IHLRDs and the target groups with which they work. It addresses the evaluation question ‘Is the programme undertaking relevant activities and working with the appropriate target groups to achieve its objectives?’

3.1 PARTNERSHIPS

Each IHLRD has established partnerships with organisations or groups of actors that it deemed the most appropriate for its context or based upon the opportunities available to it. Based on Diakonia reports as well as interviews conducted for this evaluation, table 2 below provides an overview of the types of partnerships and collaborations that each desk has established and projects or activities conducted with these partners. This indicates the target groups with which each desk has interacted most intensively and the extent of its outreach activities.

Table 2: Overview of IHLRD partnership and target group engagement

Target Group	Lebanon Desk	Mali Desk	Jerusalem Desk	International Desk
Academia	Training on IHL clinics in partnership with Leiden University and Human Rights Legal Clinic at the Law Faculty of La Sagesse University,	Training on IHL rules and the role of Universities in improving the awareness of IHL (training to selected Master's level students across the country)	IHL public session/conference with Alquds Open University; cooperation on research with Amsterdam University; recently initiated cooperation with Geneva Academy and University of Oxford's Institute for Ethics, Law and Armed Conflict on legal research project	Geneva Academy research project on Persons with Disabilities in armed conflict; York University research project on role of religious leaders in conflict (in partnership with Geneva Call); lectures on IHL at Swedish Defence University
Diakonia partners & Civil Society Organisations (CSOs)		Training on IHL principles and rules in non-international armed conflicts (Diakonia partners in Mali and Burkina Faso)	Joint work with CSO partners includes legal advocacy, capacity development and training, documentation, monitoring and reporting on IHL violations, adoption and utilisation of improved monitoring standards and techniques to measure the impact of conflict on vulnerable groups (most notably, women, children and disabled people), investigation mechanisms, putting pressure on duty-bearers and third State actors to respect and ensure respect for IHL, and working with other key	Lecture on IHL to Ecumenical Accompaniers in Palestine and Israel (EAPPI) in 2020

			stakeholders on mainstreaming IHL into operations, policies, programming, and practices CSOs: Betselem, Al Haq, Badil, Al-Mezan, Adala and others	
Development/humanitarian organisations			Tailored IHL trainings for various international NGOs such as: GVC, Oxfam, ACF, Save the Children, EAPPI, and PUI	
Humanitarian/Human Rights organisations	Specialised workshops on Protection of Humanitarian Aid Workers; In cooperation with OCHA's MENA region office, organised a three-day IHL training for the UN Resident and Humanitarian Coordinators (RC/ HCs) and Heads of OCHA Country Offices in the region; IHL Summer Schools in partnership with ICRC and Geneva Academy; partnered with ICRC on national moot court in Lebanon; help desk support to Deputy Regional HC for the Syria Crisis; webinars on cross-border operations for humanitarian actors	Training on IHL principles and rules in non-international armed conflicts (in Mali and Burkina Faso in 2018 and 2019 respectively)	Human Rights Watch commissioned research on crimes against humanity and the prohibition on apartheid and potential for collaboration on collective punishment; member of Humanitarian Country Team's Advocacy Working Group; joint workstreams with the Norwegian Refugee Council on Security Council Resolution 2334, joint briefings to heads of missions, the EU and others; joint analysis and publications on legal issues; cooperation with ICRC Legal Division to update the Commentaries on the Geneva Conventions of 1949 and their Additional Protocols of 1977.	
Journalists		IHL training to journalists from Sékou in 2018	Trainings for journalists (including training and support to journalists operating a newly established media lab and radio station, funded by DanChurchAid) as well as organising tours for European journalists	
Like-minded networks and institutes	Regular engagement in the working group "Friends of IHL Network" that was founded in November 2017 with Geneva Call, La Sagesse University, and Lebanese Blue Shield Committee; IHL trainings for Syria International NGO Regional Forum		Delivered IHL basic trainings to fellow Association of International Development Agencies (AIDA) members located in Jerusalem, Ramallah, and the Gaza Strip. Participated in HCT, UN network subgroups: legal task force, protection cluster and OCHA meetings, LAG (legal	

			advisory/advocacy group), ACT alliance, PNGO	
National Armed Forces	IHL training to Lebanese and Jordanian armed forces	IHL training (including trainings of trainers.)		
Non-State Armed Groups	Briefs about NSAGs	IHL training provided in collaboration with Geneva Call in 2018		
Private sector			Collaborated with international desk on work with GES/Sustainalytics	Provision of training on IHL and advice on companies in potential breach of IHL to GES/Sustainalytics
State authorities				
Third State Actors	Webinar on cross-border operations specifically for donors		Commissioned to conduct research on Gaza Reconstruction Mechanism, including dual-use lists; used to provide regular briefings to EU member states; continue to strategically target the diplomatic community operating in/on oPt by organising and delivering topical briefings in which complex and timely legal opinions are addressed	
Youth	IHL Training for Syrian Lawyers (not 100% youth)	Two IHL trainings to the Youth's associations of friends of IHL (The Desk facilitated its creation in 2018)	Direct training to students as well as through partners	

Table 2 demonstrates that **the Jerusalem and Lebanon desks had been most active in their outreach activities**. The Lebanon desk has put a strong emphasis on training students and young lawyers to build IHL knowledge and ‘infrastructure’ in the region, in line with the objective that it has set itself. Through its help desk function, it had been able to provide confidential advice to HCs in the region. Its recent webinars on cross-border operations in Syria had helped it to reach a wide audience and, according to one interviewee, was well-received by donors. Another interviewee noted that Diakonia was well-placed to unpack the complex question of the cross-border operations and use its webinars to highlight the divergence of views on the subject because it could be objective. Until recently, the Jerusalem desk had been very active in engaging with third state actors through the provision of regular briefings and the help desk function. It had also been an active member of the Humanitarian Country Team (HCT) and its Advocacy Working Group and participated in a range of meetings, as highlighted in Table 2. The desk continued to deliver trainings to different groups as well as to provide legal briefings and produce research. The Mali IHLRD has provided legal briefings to partners on issues relating to the conflict affecting the country and the Sahel more broadly, and on intercommunity violence. It has also engaged actively with the National Armed Forces and Judges. One army officer reported: *“In 2019...because of the training benefited from IHLRD, [I] preferred releasing some civilian suspects than exposing them to starvation...”*

As noted in section 2.3, **the new desks have tended to be opportunistic in the collaborations that they have established**. Understandably, the international desk’s focus has been on setting up and supporting the programme, leaving a limited amount of time for outreach activities and

establishing partnerships. The desk also had very limited capacity because it had only one staff member till the beginning of 2019. As mentioned in section 2.3 as well, the Lebanon desk is working with stakeholders in the region, going well beyond a focus on the Syria crisis. **This makes sense in the first phase of the global programme, which was always meant to be a pilot.** However, it highlights the need for a better way for the programme to assess which partnerships are the most effective for achieving objectives and where the IHLRDs should focus their resources.

3.2 MEETING STAKEHOLDER NEEDS AND PRIORITIES

Interviews with external stakeholders as well as the results of the online survey showed that **the IHL Centre programme has largely met the needs and priorities of partners, target groups and donors.** As Figures 3 and 4 below demonstrate, participants in the online survey were overwhelmingly satisfied with the quality of the IHL courses provided by the three field desks. 93.5 per cent also found the training courses of at least some relevance to the work of their organisation.

Most interviewees were positive about their interactions with the IHLRDs, praising their professionalism and their contribution. For example, those who had lectured on the Lebanon desk’s training courses praised the way in which the courses were organised and run. A few interviewees noted that Diakonia’s ability to offer the training for free made it possible for a much larger number of people to participate in courses. UN agency interviewees commented on the usefulness of the legal analysis produced by the Lebanon IHLRD as well as its help desk function.

Stakeholders praised the quality of the international desk’s lectures on IHL. They also valued its partnership in research projects. The desk had financed a photographer to highlight the experience of Persons with Disabilities (PwD) in armed conflict, resulting in a photographic exhibition by Lake Geneva, which Geneva Academy would not have been able to finance. This was very much appreciated because it was the focus of a high-profile event at which the High Commissioner for Human Rights and the Diakonia Secretary-General spoke. It also helped to disseminate the research project’s message to a wider audience.

Figure 3: Level of satisfaction with the quality of the IHL courses

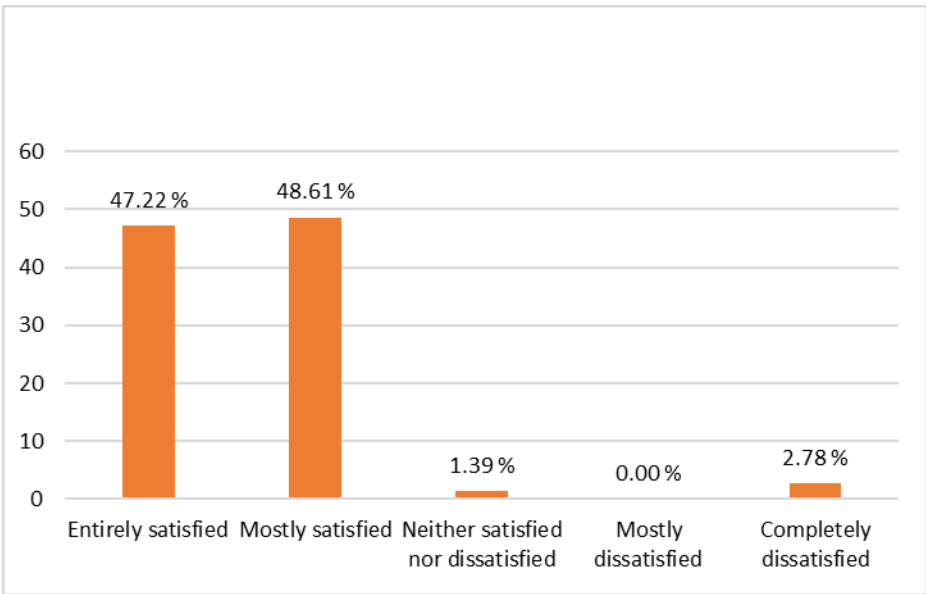
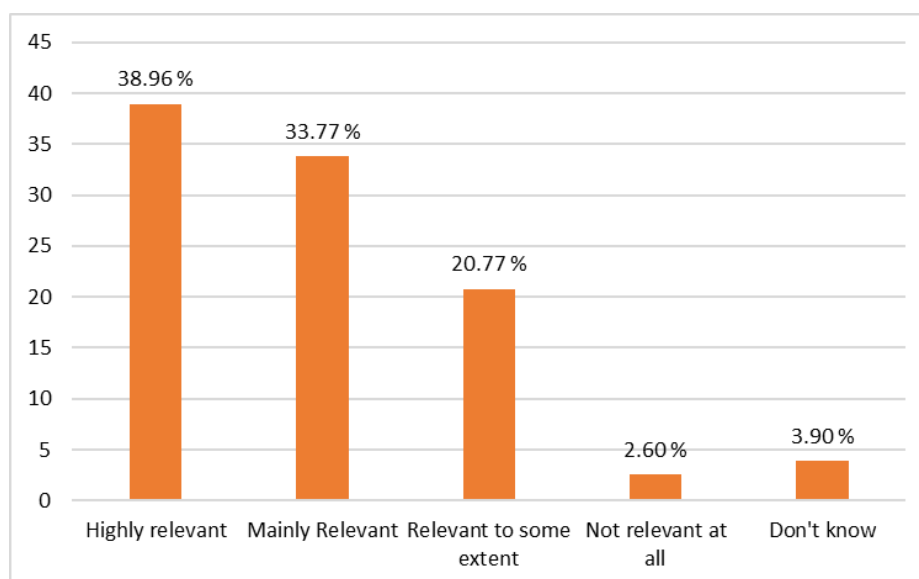


Figure 4: Relevance of training courses to the work of participating organisations



The Mali IHLRD’s training courses were very relevant for most of the participants, in terms of their awareness of the applicability of IHL in their context and interventions. One of the interviewees was very positive about the quality of the training: *“Their contribution allowed me to better understand the subject of IHL. Determining factors in the quality of the training [were]: professionalism of the facilitators; good organization of knowledge; scenario exercises.”* Some stakeholders highlighted the relevance of the legal brief on the qualification of the conflict in Mali and the applicable law and how much it helped them to better understand the context and the protection of civilians. A stakeholder interviewee underlined how he benefited from this legal analysis: *“Diakonia’s [IHL Programme] legal advice is more than positive or favourable. The study on the legal characterization of the situation in Mali, gave a great insight on the applicable IHL. The study also demonstrated that there are several non-international armed conflicts in Mali. The law applicable to armed militias in central Mali was also deciphered. All in all, the information, education and advice provided were very salutary.”*

In the case of the Jerusalem desk, a number of UN, third state actor and human rights organisation interviewees highlighted the quality and relevance of its legal analysis³⁴ as well as its advocacy work and engagement with third state actors (one third state representative was fullsome in their praise of the level of engagement by a staff member in particular). According to one senior UN official, *“When an organisation is frequently cited in widely read scholarly articles and civil society reports, that has an effect of others turning to them. I rely on them for well-designed documents, which is rare among CSOs, as well as well-researched, well-written and argued documents. Therefore, I have a high trust level in using them, particularly when I’m going in-depth into IHL. It’s one of the areas where I cite them with confidence. That has two purposes – I know I’m using a responsible reference that enhances my analysis. I also know that others will recognise the citation, not as a controversial or doubtful reference, but as a highly reliable reference.”*

However, **several interviewees noted a marked reduction in the desk’s presence and level of activity in 2020 in particular.** The desk had been less engaged with the HCT’s Advocacy

³⁴ These included the UN Special Rapporteur on the occupied Palestinian territory (oPt), an academic specialising in international law and an IHL specialist at an international NGO.

Working Group, two third state actors thought the organisation had closed while another was unaware of the desk's role in advocacy, a couple of UN interviewees commented that much of the desk's legal analysis was some years old and needed updating, a couple of interviewees mentioned that they had no idea of who to contact at the desk or how, and an international NGO that worked closely with the desk noted that it no longer provided opinions or political context as it used to do (arguing that advocacy was a critical part of the IHLRD's work because IHL is the means to achieving the 'end' of policy change). Within Sida, there was widespread disquiet about the changes in the Jerusalem desk.

There are several possible reasons for this reduction in the Jerusalem desk's level of activity and engagement, including the high level of staff turnover, the gaps in having a desk manager in place, and the reduction in team size (with the loss of an advocacy officer who had been supported by a political advisor). There was also a perception amongst a couple of organisations that Diakonia had reduced the desk's prominence to avoid it overwhelming the other desks in the new global IHL Centre programme. From Diakonia's perspective, there had been concerns about the quality of the desk's legal analysis at the start of the evaluation period (as noted in section 2.5).³⁵ Currently, the global programme manager undertakes the final review of all legal briefs produced by the desks, although this might be delegated to one of the other IHLRD managers.³⁶ Diakonia's view is that it is important to avoid spreading the desk too thinly when it has limited human resources, to focus on improving the quality of the desk's legal analysis to produce high impact interventions, and to refrain from political advocacy unless it is grounded in an accurate analysis of the law.

The Jerusalem IHLRD had also ended its long-term relationships with local CSOs (that extended much further than funded projects or activities). The CSOs interviewed for this evaluation were left confused because they did not know the reason for the decision and had their own interpretations of why they had not been invited to submit proposals in 2020. The lack of clear communication, combined with a new team being put in place at the Jerusalem IHLRD, had left them wondering about the nature of any future relationship.

While interviewees generally felt that **the field-level IHLRDs were focusing on issues that were relevant to their context, there were a number of suggestions of other issues on which the desks could also focus. This is an indication of the continuing need for the work of the IHLRDs.** Interviewees suggested that the Lebanon IHLRD could focus its efforts on the International Syria Support Group's Humanitarian Task Force, engage with the protection clusters in Syria and the region, reach out more to NGOs working 'on the frontline' in Syria, and establish a network or discussion group for participants on IHL courses. From a UN perspective, the Jerusalem IHLRD could focus on more 'live' issues such as whether the occupation has become illegal and whether Israeli settlements have evolved into a war crime (which is an issue before the International Criminal Court). A couple of interviewees suggested that it would be useful if the Jerusalem IHLRD highlighted experience from outside the Palestinian-Israeli context, such as Crimea or other examples of how Member States have applied IHL. In light of the reduction in the Jerusalem desk's advocacy capacity, one interviewee emphasised the need to reach out

³⁵ The Jerusalem desk had a quality assurance mechanism for legal reports, drawing on external experts. However, Diakonia had concerns about the lack of diversity of the review committee and, in response to a Swiss-commissioned evaluation, stated its intention to find a balance between using internal legal expertise and outsourcing legal review activities when appropriate. See Diakonia (2019) *Diakonia's Management Response to the external evaluation of the International Humanitarian Law Resource Centre for the period of 1 January 2017-30 April 2019*.

³⁶ The international IHLRD also drew on an external high-level review committee for the Jerusalem IHLRD's analysis on the issue of apartheid at the end of 2019.

to decision-makers who are outside Palestine and Israel, whether in third state capitals or the UN hubs of Geneva and New York because, without this, ‘you haven’t done anything’. In the case of the Mali IHLRD, some interviewees suggested that it should be able to fund local NGOs working in conflict-affected parts of the country in order to deliver the programme’s objectives closer to the frontline of humanitarian work.

3.3 RELEVANCE OF ACTIVITIES

This section focuses on the extent to which the IHLRD help-desk function and activities undertaken under the three pillars were relevant to the contexts in which they were operating. The programme application organised the activities of the field-level IHLRDs into three pillars – field-driven research and analysis, targeted training and capacity development, and strategic advocacy and dissemination. The IHL Centre programme organised its progress reports to Sida according to these three pillars but the annual operational reports are organised according to the expected results (outlined in Annex 4) and activities listed in the results framework attached to the programme application.³⁷ There is no activity under the ‘expected results’ focusing specifically on advocacy so it is only in the progress reports that the IHLRDs have a clear space to describe their advocacy efforts. During the analytical framework development workshop, Diakonia participants highlighted the importance of the help-desk function, which informs (and is informed by) all three pillars. While Diakonia does not report separately on the help-desk function in its progress reports to Sida, it reports on it in annual operational reports under activity 1.8 – help desk and legal advice functions.

This report does not repeat the details that Diakonia has provided to Sida in these various reports. However, it is worth noting that **the desks can choose to focus more on specific ‘pillars’ and that the level of activities can vary across the desks**. For example, **the Mali desk has focused more on training activities than on research and advocacy**, with around 520 participants in their training courses over the evaluation period. The Lebanon desk shared the online survey for training participants with 555 people although this included participants in its 2020 webinars. The Jerusalem desk had trained 354 people during the 2017-2020 period.

The Mali desk had produced three legal briefs, with two of these completed very recently so it was not possible to gauge their relevance. However, as noted earlier, interviewees indicated that they had found the legal brief on the qualification of the situation in Mali and the applicable law to be useful. The Lebanon desk had produced seven legal briefs and notes. Of these, interviewees particularly commended the usefulness of the research memorandum on cross-border humanitarian operations, which the desk had developed in response to numerous requests for legal advice.³⁸ The IHLRD had promoted this research through three webinars targeted at different audiences. Some interviewees thought that this was a very effective form of engagement with a range of stakeholders – governments, NGOs, and students, academics and the general public. Since there had been a difference of views on the issue, it was very helpful to clarify the legal aspects of this very topical subject. Interviewees also referred to the relevance of the Lebanon IHLRD’s legal briefs on humanitarian demining, on forcible recruitment of adults by NSAGs (which had been a concern for humanitarian NGOs) and on the legal status of allegedly ISIS-affiliated persons. Overall, **interviewees thought that the Lebanon IHLRD had been astute in identifying issues that were most relevant for the Syria crisis context**. The Jerusalem IHLRD had developed 13 legal briefs, expert opinions and reports during the evaluation

³⁷ While the Jerusalem desk has reported against its specific objectives and expected results, in the 2020 annual progress report, it also reported its activities and achievements under the three pillars.

³⁸ Diakonia (2020) *Diakonia Global International Humanitarian Law Program: 2020 Annual Progress Report*.

period. Interviewees made specific reference to the usefulness of the expert opinions on self-determination and *jus cogens* and dual use lists, the partner report on accountability for IHL violations, and recent reports on duties and obligations of an occupying power during a pandemic and on the annexation of the West Bank (while one interviewee had found the report on annexation useful, another described it as ‘wishy-washy’ because recommendations were not sufficiently targeted). The evaluation team reviewed a sample of the legal briefs produced by the IHLRDs and found them to be of very high quality (see Annex 3: IHL briefs section). They were clearly vetted by genuine IHL experts, which strongly boosts their credibility.

The Jerusalem IHLRD had focused most on advocacy activities. In 2019, it had participated in seven international advocacy trips in Europe and to New York. At the national level, it reported participating in ‘dozens’ of strategic advocacy meetings led by the UN and AIDA as well as in mechanisms such as the protection cluster and Legal Task Force (see Table 2).³⁹ Due to COVID-19 restrictions in 2020, the desk had participated in advocacy meetings online and provided briefings to the diplomatic community and CSOs on the legal framework applicable to annexation. A number of these were in collaboration with international NGOs.⁴⁰ As noted in section 3.2, a number of interviewees were very appreciative of the desk’s active engagement in advocacy (both private and public) though some felt that the desk had been reluctant to take advocacy positions in recent months.

The Lebanon IHLRD refers to bilateral advocacy activities in its reporting, particularly with the Office of the High Commissioner for Human Rights (OHCHR). In April 2020, it was due to meet with EU representatives in Brussels to advocate for more comprehensive mainstreaming of IHL in the Syria conflict but this was cancelled due to COVID-19.⁴¹



Future consideration:

The programme application did not outline an advocacy role for the international desk though expected result 5 envisaged that the desk would link and contribute to IHL expert groups and networks. If the international desk was to be more active in promoting communication and synergies across the field-level desks, it might help to share lessons on advocacy activities or bring desks together on issues of common concern.

All three field-level desks have responded to questions and requests for advice (i.e., performed a help desk function) to varying degrees. The Mali desk had responded to questions, often from participants in its IHL training courses (including journalists and students), but also from the Mali Armed Forces and OCHA amongst others. A number of requests for legal advice on the frameworks applicable to intercommunal violence led the desk to develop a legal note on this issue.⁴² The Lebanon desk had responded to a wide range of requests for legal advice, some of which led to the development of legal notes (such as on cross-border operations and on the conduct of hostilities in non-international armed conflict). It also responded to confidential questions, including from advisors to HCs in the region. Perhaps because it had been established the longest and was well known for its help desk function, the Jerusalem desk received

³⁹ Diakonia (2019) *Global IHL Program: 2019 Progress Report*

⁴⁰ Diakonia (2020) *Diakonia Global International Humanitarian Law Program: 2020 Annual Progress Report*

⁴¹ Diakonia (2019) *Global IHL Program: 2019 Progress Report* and Diakonia (2020) *Diakonia Global International Humanitarian Law Program: 2020 Annual Progress Report*

⁴² Diakonia (2019) *Diakonia Global International Humanitarian Law Program: Annual Operational Report 1 January-31 December 2018*; Diakonia (2020) *Diakonia Global International Humanitarian Law Program: Annual Operational Report 1 January 2019-31 March 2020*

the largest number of requests for legal support in 2019. The desk provided legal and policy advice to a broad range of stakeholders, including UN agencies, the diplomatic community, NGOs and local CSOs as well as journalists. The requests had also resulted in the development of legal written inputs, field visits, targeted training and briefings. One notable result was that the UN Commission of Inquiry into the Gaza Protests cited the desk's submission directly.⁴³

It is clear from both the documentary evidence and interviews with external stakeholders that the work of the IHLRDs under the three pillars has been relevant to the contexts in which they operate. Interviewees had found the help desk functions of the Lebanon and Jerusalem desks to be particularly helpful. The quotes from interviewees in Box 1 below show how their legal reports and help desk support had contributed to the work of key players.

Box 1: External stakeholder perspectives on contribution of IHLRDs to their work

There'd be a real hole in the areas that I turn to if Diakonia changes its operation or stops its operations in oPt. The reason is that, while there are a number of organisations, thankfully, who are doing work using the framework of IHL and IHRL in assessing the occupation, Diakonia's unique attribute is the framing of international law through their published documents in a straightforward 'this is what the law says' format. It has a version of objective advocacy that no other organisation does so when I turn to Diakonia, I'm getting something that I'm not getting from any other place, other than scholars, in terms of documenting the framework of law as it applies to an occupation.

Senior UN official

If Diakonia wasn't there, there would be a huge gap for me in my work. My work is pure IHL and I find them when I need them and I get answers in timely way. As [a UN agency] staff member, I can't get answers as quickly from within the organisation. Diakonia's answers turn into advocacy messages that the [senior leadership] uses in his discussions with people of concern. Or it ensures that the [senior leadership] understands what he's talking about, legally speaking.

UN agency staff member

Sometimes, Diakonia's work saved my life. I would get a request from HQ to immediately present an analysis of something. I couldn't simply report what the media was saying. In Palestine, the legal aspect is really important. [IHLRD staff member] was always prepared to produce a short analysis on the spot. Whatever I got from [IHLRD staff member], I put into my reports to HQ. We sent the reports to people in Washington, Brussels and Tel Aviv. The feedback was very positive because the report went into more depth than simply reporting a government announcement.

Third state representative

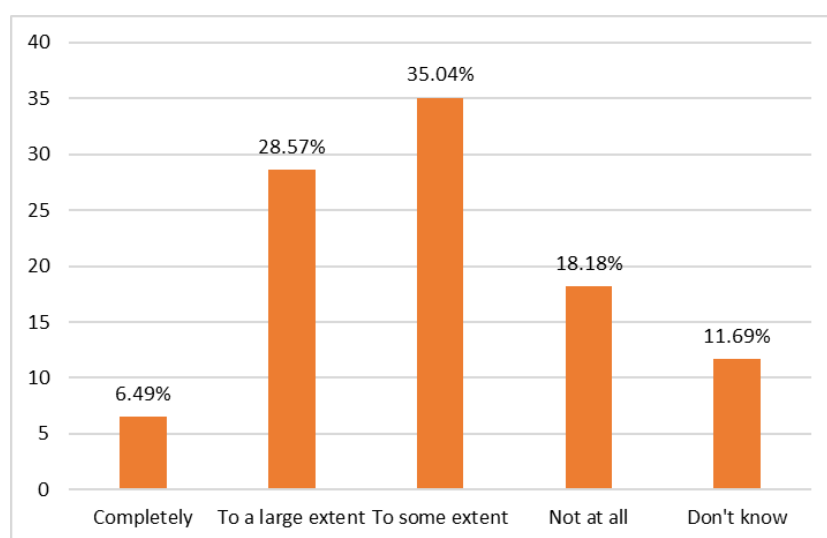
⁴³ Diakonia (2020) Diakonia Global International Humanitarian Law Program: Annual Operational Report 1 January 2019-31 March 2020

3.4 MAINSTREAMING GENDER AND CONFLICT SENSITIVITY

The programme application made the argument that IHL is largely ‘gender neutral’ in that it provides equal protection and obligations for men and women. However, it was important to build a strong gender perspective so that the law did not provide unequal protection or inadvertently discriminate against one gender. The application also noted that conflict sensitivity required localised interventions so each desk would respond to the unique context in which it was operating. Conflict sensitivity was also important to the programme in order to manage context-specific risks.⁴⁴

Diakonia developed a gender mainstreaming toolbox at the end of 2018, which was subsequently introduced to the IHLRDs.⁴⁵ Also, at the IHL Centre programme’s first annual workshop in 2018, there was a thematic focus on IHL and gender and Diakonia developed a gender checklist for research.⁴⁶ However, **there was limited evidence of gender mainstreaming in the work of the IHLRDs**. The online survey data showed that there was considerable variation in participants’ views of the extent to which the IHL training courses included perspectives on gender (see figure 5 below). Interview data showed that gender was also not mainstreamed into the legal analyses or other work of the desks. The Lebanon IHLRD co-hosted a regional conference on the protection of women in armed conflict in Tunisia in March 2019 but there had been no other activities on this issue. The international desk’s work with Geneva Academy on PwD in armed conflict had included a focus on the gender aspect of PwD, with the story of a disabled woman as the central feature of the photography exhibition that the IHLRD financed.

Figure 5: Survey data on gender perspectives in IHL training



One IHL expert noted that mainstreaming gender into IHL work is a worthy goal to help ensure the full and equal application of the law. Populations caught up in armed conflict will experience its impact and the application of IHL differently, depending on their identity (including

⁴⁴ Diakonia (2016) *Global IHL Resource Desk Programme Application 2017-2019*

⁴⁵ Diakonia (2020) *Diakonia Global International Humanitarian Law Program: Annual Operational Report 1 January 2019-31 March 2020*

⁴⁶ Diakonia (2019) *Diakonia Global International Humanitarian Law Program: Annual Operational Report 1 January-31 December 2018*

gender). A couple of other interviewees noted that young men are often at greater risk of IHL violations than women so gender mainstreaming should not focus only on women and girls.

As described in section 2.3, Diakonia has developed a conflict mainstreaming toolkit, which it introduced to the IHLRDs in January 2020 (although another evaluation found that Diakonia staff needed more support with applying it).⁴⁷ This evaluation did not find evidence of the desks conducting regular and systematic conflict or risk analyses, although the Lebanon and Jerusalem IHLRDs undertook risk analyses in 2019. The Mali desk, with its closer relationship to the country office, had participated in a Sida course on security management with other Diakonia staff and been included in a comprehensive risk analysis and contingency plan that the country office developed.⁴⁸ It is worth noting that the programme application's focus on conflict sensitivity was linked to ensuring that the desks were responsive to the contexts in which they were operating. The findings from this evaluation demonstrate that the desks have been context-specific in their work.

⁴⁷ Millard, A. and S. Zikovic (2020) *Evaluation of Diakonia's work on/in conflict 2015-2019: Final report*. Nordic Consulting Group

⁴⁸ Diakonia (2020) *Diakonia Global International Humanitarian Law Program: Annual Operational Report 1 January 2019-31 March 2020*. An interviewee noted that the Mali IHLRD had been instrumental in developing a conflict analysis for a Sida-funded Diakonia humanitarian project in Mali.

4 Achieving Results

This section focuses on the outputs level of the analytical framework and addresses the evaluation questions ‘To what extent has the programme achieved, or is it expected to achieve, its objectives and results? If yes, why? If not, why not?’ It also addresses part of evaluation question 2.3 on the extent to which the help desk function and the activities under the three pillars have contributed to achieving the programme’s objectives.

4.1 ACHIEVING EXPECTED RESULTS

As mentioned in section 2.5, every IHLRD has different objectives although the Mali and Lebanon desks report against the same two expected results. There is also some overlap between the two expected results for the Mali and Lebanon desks and two of the Jerusalem desk’s expected results under its first two objectives (see Annex 4). Therefore, during the analytical framework workshop, the evaluation team agreed with Sida and Diakonia that it would focus on expected results, rather than the differing objectives of each desk. Section 3.3 outlined the different types and levels of activities that the field-level desks have undertaken under the three pillars and as part of their help-desk function. The evaluation collected significant interview data on how the desks have contributed to the work of important stakeholders in their contexts, as indicated in Box 1.

When assessing whether the desks have achieved the expected results, what is challenging is being able to measure whether the activities on which the desks report have delivered the desired result. Result 1 for the Lebanon and Mali desks is ‘improved knowledge of IHL, including violations and obligations, among selected strategic partners’. This is relatively straightforward because it can be assumed that the activities listed under this result - providing training, making available research, and responding to requests for information and advice - all improve knowledge of IHL. The online survey also highlighted that participants had increased their knowledge of a range of different aspects of IHL, particularly the sources of IHL, the difference between IHL and international human rights law, and the legal classification of situations as armed conflict and occupation (with Arabic responses emphasising this last aspect and French respondents emphasised their increased knowledge of the difference between international and non-international armed conflict). However, the desks do not have a way of measuring the level of increase in IHL knowledge and, more importantly, whether it has been retained over time and applied. For the Lebanon desk, the high staff turnover in NGOs working in Syria was a major challenge. The desks might also have different interpretations of the activities. For example, the Mali desk reported conducting roundtables under the activity ‘assessment and engagement with selected strategic partners’ while the Lebanon desk had identified specific cooperation strategies to work with a very broad range of stakeholders with the aim of increasing their capacity to apply and mainstream IHL.⁴⁹ The one activity that has not been particularly relevant for the Mali and Lebanon desks is the commission of expert opinions. This is not surprising since this was taken from the experience of the Jerusalem desk.

⁴⁹ Diakonia (2020) *Diakonia Global International Humanitarian Law Program: Annual Operational Report 1 January 2019-31 March 2020*

Result 2 for the Mali and Lebanon desks is more challenging. It states that ‘selected strategic partners have applied and mainstreamed IHL and IHRL into policy and practice’. The activities that are supposed to achieve this comprise assessment of strategic partners re: IHL mainstreaming, informal and formal meetings, legal advice, dialogue with strategic networks, developing CSO capacities, and international dissemination. It is much harder to make the link between these activities and measuring whether strategic partners have applied and mainstreamed IHL into their policy and practice. It might be possible for the IHLRDs to assess whether strategic partners have mainstreamed IHL if they are funding them, as was the case in Jerusalem, but it is much harder in the other contexts. For example, NGOs that have received IHL training and/or accessed the Lebanon desk’s legal note on the forcible recruitment of adults by NSAGs might have used this to advocate with such groups for adherence to IHL. However, they are unlikely to send this information to the Lebanon IHLRD unless the desk has an ongoing engagement with them. Also, while international dissemination is likely to be useful for promoting the work of the IHLRDs, this is not likely to result automatically in the application and mainstreaming of IHL. Therefore, it is not surprising the Lebanon and Mali desks have provided much less information under the Result 2 activities than under Result 1 in their reporting to Sida.

As noted in section 3.3, **the Lebanon and Mali IHLRDs have no designated activity relating to advocacy under the two expected results, even though this is critical for delivering the programme’s overall goal.** The Lebanon desk has undertaken advocacy efforts perhaps because it is one of the three programme pillars but there is a disconnection between this and the expected results and activities against which the Mali and Lebanon desks report. The Jerusalem desk has a separate expected result for increasing ‘discussions in strategic opinion-shaping and decision-making fora’ with dissemination and strategic advocacy as a specific activity. As outlined in section 3, it had focused strongly on advocacy until recently.

The international desk has not been adequately staffed to deliver on the full range of expected results. Although the programme application allowed for only one staff member at Stockholm level, this person was expected to deliver five results. Apart from the successful set up of the IHLRDs (potentially five in total) and contributing to IHL expert groups and networks, these results related to generating learning (see Annex 4). The international desk’s focus has been on keeping the programme running (including stepping in as the Jerusalem desk manager for three periods) as well as engaging with IHL experts at the global level. The lack of clear decision-making processes, adequate administrative support, appropriate HR policies and sufficient support from Diakonia on functions such as communications and advocacy (as described in section 2.2) have been time-consuming to address, leaving less time to work on the other results. For example, the international desk had intended to produce training materials on IHL and gender in 2019 but this had to be postponed to the end of 2020 because the desk had been focused on supporting the IHLRDs and developing a new programme strategy.⁵⁰ Although the international desk appointed a programme officer in January 2019 and a part-time project officer in April 2019 (who is currently on maternity leave), they have been focused on programme support tasks, such as reporting and developing the new PME package.

Some of the results expected of the international desk are not well articulated and/or not clearly linked to IHL. For example, while the desk was expected to set up the field-level desks, there was no recognition of the need for ongoing support to the desks (beyond activity 1.5 – coordination and collaboration between the desks). The balance between this function and result

⁵⁰ Diakonia (2020) *Diakonia Global International Humanitarian Law Program: Annual Operational Report 1 January 2019-31 March 2020*

5 on contributing to IHL expert groups and networks is unclear. Was the role of the international desk to focus more on this, once the desks were up and running and expected to be self-sufficient? The activities under result 3 on the linking of humanitarian and development work relate mainly to coordination and collaboration between the field-level IHLRDs and country offices on risk and vulnerability assessments and analysis (with only one activity on programme-wide methodological reflections). There are two issues with the framing of this expected result. One is why the international desk should be responsible delivering collaboration between the IHLRDs and their respective country offices and the other is whether the link between humanitarian and development work has any relation to IHL. As outlined in section 2.2, there have been limited links between the Jerusalem and Lebanon IHLRDs and country offices and this is reflected in the fact that, in 2019, both desks developed their own risk analyses, separately from the country offices, though these were to be communicated to country office staff.⁵¹



Future consideration:

Diakonia needs to clarify whether the expected results for the international desk are appropriate and relevant (and the level of staffing required to deliver on the results). It also needs to review whether the expected results for the three field-level desks are adequate to deliver the outcome-level results that Sida is seeking.

As outlined above, the expected results and activities against which the Mali and Lebanon desks report do not align fully with the organisation of the work of the desks under the three pillars. This may be one reason why **the IHL Centre programme's reporting to Sida does not fully reflect the full range of the achievements of the desks** as highlighted in section 3.3. The desks have provided a few anecdotal examples of impact in their reports to Sida but the evaluation team was not able to obtain 'change stories' from the desks, as anticipated during the analytical framework workshop. This is mainly because the IHLRDs do not currently have the appropriate M&E tools to capture information on how their activities, whether the production of research reports, advocacy or advice provided through the help-desk function, are contributing to higher-level results. As noted in section 2.4, the development of an M&E system based on outcome harvesting could help to address this challenge although it is likely to require complementary mechanisms and tools.

4.2 FACTORS ENABLING AND HAMPERING DELIVERY OF RESULTS

This section draws on information provided in previous sections to identify the factors that have enabled the IHL Centre programme to achieve results and those that have hampered its work.

4.2.1 Enabling factors

The most important factor enabling the IHL Centre programme to deliver results is the high calibre of its staff (see section 2.1.1) and the high quality of the work that they have produced, whether that is legal analysis or outreach and advocacy or responding to help desk queries (as highlighted in section 3.3).

A second enabling factor is **the perception of the IHLRDs (particularly Jerusalem and Lebanon) as independent and objective sources of legal opinion** (see quotes in Box 1). This was

⁵¹ Diakonia (2020) *Diakonia Global International Humanitarian Law Program: Annual Operational Report 1 January 2019-31 March 2020*

particularly important in the highly politicised context of oPt (see section 6). The Lebanon desk's analysis and webinars on cross-border operations into Syria were welcomed because they provided an opportunity to examine different views on the issue.

All the IHLRDs have built close and trusting relationships with key stakeholders, which means that they are relied on to provide confidential advice and have the opportunity to influence decision-makers. For example, one advisor to an HC in the Syria region noted that they had asked the Lebanon desk to develop legal notes and briefing notes and that the international desk had provided a confidential briefing to the HC before he had to deliver a statement about attacks on medical facilities. A third state representative described the Jerusalem desk as the 'go-to organisation' for IHL issues for the diplomatic community. They also described how the desk's analysis underpinned the EU Heads of Missions' annual Jerusalem report. The international desk had been invited to participate in research projects because of the manager's long-term relationships with IHL experts.

The Mali desk has a good working relationship with the Diakonia country office. As noted in section 2.2, the Mali desk has also benefitted from administrative and financial support from the country office. It provides an annual training course to keep Diakonia staff up-to-date on IHL issues and it has also provided IHL training to Diakonia's CSO partners (see Table 2).

4.2.2 Hindering factors

The greatest challenge for the IHL Centre programme has been the range of issues arising from its situation within Diakonia. These have been outlined in section 2.2. Some of these issues were apparent from the time of the Jerusalem desk (such as the need for specific contracts for third country nationals) while others became apparent at the beginning of the global IHL Centre programme but they have not been addressed (see Annex 5 for issues highlighted in previous evaluations). The IHL Centre programme structure and direct implementation model has not been a good fit within Diakonia's decentralised structure and partnership model but there were also some questions raised about whether it fitted with Diakonia's former global strategy and whether the new global strategy addresses this adequately.

Another critical challenge for the IHL Centre programme is the absence of a clear theory of change and/or strategy for achieving results. Without a clear sense of what change the programme wants to bring about or a way of assessing what are the most effective ways of achieving results (or even what is a realistic result), it has been very difficult for the IHLRDs to do more than report at an output/activity level.

As outlined in sections 2.1.1 and 4.1, **the programme application seriously underestimated the level of effort that the international desk would require** to support and coordinate the field-level IHLRDs, manage the Sida grant with its associated administrative and reporting requirements, and to deliver on the five expected results. The lack of clarity around decision-making processes and the role of the global programme manager have further exacerbated the problem.

One challenge for the programme is the flip side of its ability to recruit high-calibre staff. This is that **the relationships of trust and partnerships that the desks have built up depend on individual staff and there is a serious risk that the relationships will end if the staff members leave.** In the eyes of many (UN agencies, the ICRC, donors and NGOs), the Lebanon IHLRD and the desk manager are synonymous and there is a significant risk of losing the desk's achievements in the event of staff turnover. The experience of the Jerusalem desk has already demonstrated this, with a number of relationships with third state actors and UN agencies reduced or ended when particular staff members left. At the international desk level as well, the collaborations on research projects had come about because of the desk manager's personal reputation and contacts.

In the specific case of the Jerusalem IHLRD, there had been a reduction in engagement on advocacy and in discussion fora (see section 3.2). This is likely to make it more difficult for it to deliver against result 1.2 (increased discussions in strategic opinion-shaping and decision-making fora) and related activity 1.5 (dissemination and strategic advocacy). Also, the expected result under objective 3 is based on partnerships with CSOs so it is unclear how the ending of the IHLRD's relationships with local CSOs will impact this.

4.3 MEASURABILITY OF OBJECTIVES AND IHL CENTRE PROGRAMME'S NICHE

This section focuses on an evaluation question that covers two different issues. One is whether the IHL Centre programme's objectives are measurable and achievable. The other is whether the programme has established a clear niche and identity within the IHL field.

4.3.1 IHL Centre programme's niche and identity

External stakeholders felt that **both the Lebanon and Mali desks have established their identity as providers of information and advice on IHL**. Interviewees highlighted that the Lebanon desk had established itself as a relevant player in the IHL field and a couple of them noted that Diakonia was known in Lebanon more for its IHL work than its other programmes. According to a staff member, *"ICRC is talking about Diakonia as an organisation doing the same work. They're not ignored. Considering to whom they can reach out and with whom they're organising workshops and conferences, they've managed to position themselves. Other NGOs are doing the same work but they're doing it their own way. Diakonia has managed to be taken into consideration when we're organising activities, particularly in terms of the interlocutors that they can reach."* The fact that the Mali Armed Forces, OCHA and local human rights organisations from the region had requested the Mali IHLRD to clarify IHL issues and provide information demonstrates that it had established a niche and identity for itself.⁵² The Jerusalem IHLRD has had a much longer time to establish itself so it was not surprising that it had become well-respected in the oPt context. The international desk's identity is linked to the network and contacts of the desk manager, which is understandable given its size.

Several stakeholders argued that **the IHL Centre programme had made a significant contribution in the contexts where the desks are operating, which would not have happened otherwise**. For example, the Lebanon desk's provision of training to HCs and senior staff in the region was the first time an organisation had brought together senior humanitarian leadership. Its other IHL trainings were also considered very important with one interviewee noting that OHCHR's trainings had not been as well organised and targeted. Another interviewee pointed out that the ICRC does not train humanitarian aid workers so the IHL Centre programme is reaching an important group that needs to be able to apply IHL knowledge in the field but would not be served otherwise. A UN agency staff member argued that, without the Lebanon IHLRD, there would be a gap in the IHL field in the context of the Syria crisis. This was because OHCHR could not develop legal notes that were as detailed while ICRC is limited in the extent to which it can speak up. The IHLRD was well placed to address substantive gaps in the IHL knowledge of humanitarian actors. As indicated by the quotes in Box 1, the legal analysis provided by the field-level IHLRDs and the help desk function also set the programme apart from what others in the IHL field could offer.

⁵² Diakonia (2020) *Diakonia Global International Humanitarian Law Program: Annual Operational Report 1 January 2019-31 March 2020*

4.3.2 Measurable and achievable objectives

There was a general consensus amongst interviewees that **the programme's overall goal of contributing to improved protection by promoting adherence to IHL and international law more broadly is not measurable and it is also impossible to achieve because so many aspects are outside the programme's control.** Interviewees from humanitarian and human rights organisations agreed that it is a challenge to measure improvements in protection or even IHL adherence because this requires measuring the absence of something (an IHL violation or a protection incident). As argued in section 4.1, the IHLRDs have also faced a challenge in demonstrating that their activities link to, and deliver, the expected results and that these, in turn, deliver the programme objectives and goal. Measuring prevention work is also notoriously difficult because it is also impossible to attribute the outcome to the work of any one organisation. One interviewee gave the example of the Israeli authorities reversing a decision to bulldoze a Bedouin village after several organisations advocated against it. The IHLRD had provided legal analysis to the international community but to what extent did that, combined with advocacy by several organisations, contribute to the Israeli authorities' decision? Interviewees from humanitarian/human rights organisations explained that they tend to focus on the extent to which the wording or language of their advocacy is reflected in statements by key stakeholders that they have sought to influence. It is possible for the IHLRDs to do the same (e.g., one interviewee pointed out that the Commission of Inquiry into the Gaza protests had cited the Jerusalem desk's input almost verbatim) but this remains at the output level.

In terms of achieving objectives, the programme can improve knowledge of IHL (through training and legal analyses), clarify points of law so that organisations can use this to guide their work and to call for parties to a conflict to adhere to IHL, and advocate for relevant organisations to apply it (e.g., making their obligations clear to third state actors). Examples from all three field-level desks have shown that they do this. However, the programme cannot make third state actors abide by their obligations or ensure that humanitarian organisations make use of its legal analyses in their work or ensure that parties to a conflict adhere to IHL. This is reflected in the challenges that the Mali and Lebanon desks have faced in documenting achievements under result 2 (strategic partners have applied and mainstreamed IHL and IHRL).⁵³ In the case of the Jerusalem desk, a third state actor commissioned a study into dual use lists. According to a representative, the desk delivered a very thorough report that had addressed the right questions. However, the commissioning organisation did not use it for advocacy purposes as planned because of reservations about raising highly sensitive issues in public fora. This was outside the desk's control though it has disseminated the report and planned private advocacy.

As already described in sections 3.2 and 3.3, **the IHLRDs have significant achievements. The challenges lie in linking these to the programme's objectives and goal as well as capturing information beyond the output level.** A recent evaluation of Diakonia's conflict-related work also highlights this problem. For example, under the objective 'Protection in armed conflict has improved', it cites the Mali IHLRD's work on refining its stakeholder analysis, establishing its legitimacy with national authorities and international organisations, and public communication on the desk's activities.⁵⁴ While these are important activities, there is no demonstrable link to improving protection for affected populations.

⁵³ See Results Deviation section of Diakonia (2020) *Diakonia Global International Humanitarian Law Program: Annual Operational Report 1 January 2019-31 March 2020*

⁵⁴ Millard, A. and S. Zikovic (2020) *Evaluation of Diakonia's work on/in conflict 2015-2019: Final report*. Nordic Consulting Group.

5 Contribution to Overall Goal

This section focuses on the outcome level of the analytical framework and the evaluation question ‘To what extent is the programme contributing to its overall goal of increasing protection in situations of armed conflict and instability?’

5.1 CONTRIBUTION TO PROTECTION ENVIRONMENT AND IHL ADHERENCE

The IHL Centre programme does not report to Sida against the overall programme goal so the evaluation has drawn mainly on evidence from interviews. As highlighted in previous sections, the main evidence that the evaluation has gathered is that **the IHLRDs have influenced key stakeholders in their contexts**, whether that is HCs in the Syria crisis context, the UN Special Rapporteur on oPt and third state actors in Jerusalem, or the judicial system in Mali. **They have also provided analysis on the important legal issues in their contexts**, whether that is the qualification of the situation in Mali and the applicable law, cross-border humanitarian operations in Syria, or dual use lists and input into the UN Commission on Inquiry into the Gaza protests. It is logical to assume that this influence contributes to improving the protection environment and IHL adherence but, as pointed out in section 4.3.2, it is not possible to measure this. This is particularly because of the absence of a strategy for the programme that would enable the desks to link their activities, outputs and outcomes.

At present, **despite repeated discussions, there is no clear agreement between Sida and Diakonia on what are realistic and measurable ‘results’ for the programme.** Sida recognises that it is difficult to make causal links between influencing a third state actor, which should influence parties to a conflict, which should then improve protection for a conflict-affected population. It accepts that it is hard to demonstrate causation between the IHL Centre programme’s interventions and change for an affected population so, from Diakonia’s perspective, it would be helpful to have greater clarity about Sida’s expectations around ‘results’ or outcomes for this programme. While donors regularly push partners to demonstrate ‘outcomes’ or change in the lives of affected populations, the humanitarian system is not currently well placed to measure this.⁵⁵ No humanitarian organisation, whether a UN agency, an NGO or the Red Cross Movement, reports to donors on outcomes or how its activities have made a difference to the lives of affected populations, beyond providing anecdotal evidence or ‘success stories’.⁵⁶



Challenge:

Identifying outcome-level results for an advocacy-oriented programme is not easy. However, given the findings of previous evaluations around assessing the outcomes of the Jerusalem desk’s work (see Annex 5), this pilot phase of the IHL global programme could have been a good opportunity to trial different approaches to reporting and identifying results (for example, developing a theory of change and trying to use contribution analysis or trialling other M&E tools).

⁵⁵ Featherstone, A., et al (2019) *OCHA Evaluation of Country-Based Pooled Fund: Global synthesis report*.

⁵⁶ This is based on a team member having reviewed partner reporting to Sida in order to help it develop a results framework as well as engagement with donors to OCHA’s Country-Based Pooled Funds on measuring impact.

6 Sustainability

In the ToR, Sida sought a definition of sustainability for the IHL Centre programme. It suggested that IHLRDs could be established as a temporary catalyst to build a local culture of IHL adherence or they could have a more ongoing role as a ‘service provider’ of IHL knowledge in a given context. In addition, the ToR included a question on the extent to which the net benefits of the IHLRD interventions are sustainable.

During inception phase and other discussions, Sida also expressed interest in understanding whether the Jerusalem desk still remained relevant and effective. Given that the desk has worked with local CSOs to build up their capacity to work on IHL issues and conduct research (see next section), it was reasonable to ask whether it would be more sustainable for these local CSOs to take forward the work done by the Jerusalem IHLRD. However, **external stakeholders argued that it remained very important for an international NGO that was regarded as credible in the highly politicised context of oPt to continue to undertake IHL work** (legal analysis and the ability to provide confidential advice and clarify legal positions in decision-making fora). This was because people or organisations motivated to do so could undermine the work of local CSOs by terming it ‘biased’. One third state representative argued that the IHLRD’s added value was that it was regarded as neutral and above the divisions in the context. Another interviewee pointed out that, despite the international community’s lip service to localisation, it still regards analysis from an international organisation as more trustworthy than what is produced by a local CSO. Due to this, perhaps, two third state representatives noted that they would not approach a local CSO for confidential advice in the way that they had approached the IHLRD. Even a human rights organisation said that, when Israel announced the annexation of the West Bank, it contacted the IHLRD rather than a local CSO because of its ability to focus on strategic issues and bring in different perspectives. For the reasons outlined above, an international NGO also has much greater access. A third state representative noted that EU member states do not generally receive briefings from local organisation. The IHLRD can use its privileged position as a credible, non-biased organisation to give its local partners a platform to get across their message.

One interviewee made the case that IHL has been under attack in the oPt context and it is important to keep a spotlight on the legal aspects of the situation. This needs to be done by as many organisations as possible to build up critical mass and having a credible voice in the group, like that of the Jerusalem IHLRD, matters. Another argued that oPt is at risk of falling off the agendas of many states and it is not right to abandon Palestinian CSOs to argue for IHL and human rights on their own.

While it was clear that the IHLRD can add value in ways that local CSOs cannot, it was more challenging to assess whether another international NGO could replace the IHLRD if it were to close. A human rights organisation argued that there is currently no international NGO doing equivalent work. With the reduction in the Jerusalem desk’s size and level of engagement, the Norwegian Refugee Council and AIDA have stepped into some of the space that it used to occupy. However, their mandates and focus are somewhat different and the IHLRD remains unique.

6.1 LONG-TERM ADDED VALUE AND SUSTAINABILITY

The three field-level desks have sought to achieve long-term added value and ensure the sustainability of their work in different ways. The Mali desk has provided training to the judicial system to ensure the effective enforcement of IHL by domestic courts. This was based on a request from the Malian National Human Rights Commission, which had identified the difficulties that prosecutors, defence lawyers and judges faced in dealing with IHL violations. One judge testified as to how much they needed the IHL training: *“I find this work relevant. With the crisis that we are currently experiencing in Mali, the conflicts in the north and centre have caused enormous loss of human life and property. Malian magistrates really need a basic knowledge of IHL [which the IHL programme is providing] in order to be equipped with the procedure for reparation of damages and protection of the victims of these conflicts.”* The Mali IHLRD has also trained trainers from the National Human Rights Commission so that they could continue providing IHL knowledge support to the judicial system.

The Jerusalem desk has contributed significantly to the IHL capacity of local CSOs through strategic partnerships, enabling them to conduct research and advocacy independently. This has been achieved by providing both financial resources and technical expertise to support their work.

The Lebanon IHLRD set itself the objective of developing national and regional IHL infrastructure as a form of sustainability. It had worked towards this by running IHL Summer Schools for participants from across the MENA region, by training academics to set up IHL clinics (which give law students the opportunity to work on a real-life IHL problem for an NGO or other client), and by working with ICRC on the first national moot court in Lebanon.

As already highlighted, the added value of the desks is that they are able to work with groups (whether to provide training or help desk support) that other organisations such as the ICRC, UN agencies and other INGOs are not. According to a UN agency staff member, *“I definitely think that there’s a need for Diakonia to offer IHL expertise in the way that it does. Most IHL lawyers act to advise and train their own colleagues within an organisation. What’s unique about Diakonia’s IHL role is that it acts to train and advise the outside world, i.e. States and humanitarian organizations. They do it better than a number of others that have tried.”*

Interviewees mentioned that the IHL training that the desks had provided and also their legal briefs or notes remained relevant. However, it is too early to judge whether the benefits of interventions such as the training to the judicial system in Mali and the various efforts of the Lebanon desk to build IHL capacity across the region will have long-term benefits (for example, how many of the students and lawyers that the Lebanon desk has trained go on to become IHL legal experts or how many of the judges trained in Mali apply IHL in their judgements).

In the context of Sida’s two options for a definition of sustainability, **to date, the desks have been ongoing service providers of IHL training, analysis and advice.** This is understandable in the case of the Mali and Lebanon desks, which were only established fully in early 2018. However, the Lebanon desk was established seven years after the start of the Syria crisis. Although the conflict continues, it is possible that the endgame is underway. This led to a lively discussion during the second validation workshop about the desk’s future role. One option remains to close it when the conflict in Syria is declared over or been reduced to a level when the desk’s work is no longer needed (which would be a clear exit strategy). However, some of the parties to the conflict (particularly Russia and Turkey) are becoming involved in other conflicts, such as Libya and Nagorno-Karabakh. This raises the question of whether the desk should build on its reputation and relationships to address IHL issues in a broader geographical area. However, this approach would need to take account of Diakonia’s limited presence in the region.



Future consideration:

Given the ongoing need for work on IHL issues, Sida and Diakonia need to consider whether the Lebanon desk should pivot into more of a regional desk, since it has already undertaken activities across the region. In addition to conflicts where Turkey and Russia are playing a role, there is an ongoing need to address IHL violations in the Yemen crisis.

In the case of the Jerusalem desk, Sida has been keen to understand if there is an exit strategy, particularly as the IHL Centre programme examines the options of opening new desks, specifically in Myanmar. As described above, external stakeholders argued strongly that the Jerusalem desk was still needed even though it had contributed to local capacity to address IHL issues. In the oPt context, there was no indication that ‘a local culture of IHL adherence’ would be established anytime soon but this was outside the Jerusalem desk’s control.

6.2 ADMINISTRATIVE SUSTAINABILITY

Discussions about how to define sustainability during the analytical framework workshop led to the inclusion of an evaluation question on whether the IHL Centre programme is sufficiently sustainable administratively. As discussed in section 2.2, **the programme has faced major administrative challenges because it is not integrated into Diakonia’s organisational structure, decision-making processes and systems for M&E, communication, security, etc.** The Mali desk is an exception to some extent because it has established a good working relationship with the country office. However, it still suffers from the lack of an M&E system and clarity on resource mobilisation.

A second important **challenge to the IHL Centre programme’s sustainability is its dependence on Sida as the sole donor**, though donors have expressed interest in funding the Lebanon desk and there had been opportunities to secure other funding for the Jerusalem desk (as outlined in section 2.1.2).

One **major risk to the programme’s continued sustainability is that the IHLRDs’ partnerships and relationships of trust depend on the dynamism and initiative of individual staff members** (as highlighted in section 4.2.2). The Lebanon desk, in particular, is heavily dependent on its desk manager. The departure of a key staff member could undermine the achievements of an IHLRD in the long run. However, there was no evidence that Diakonia had considered measures to ensure the retention of key staff members, despite the problem of high staff turnover at the Jerusalem desk, which were not all related to the restructuring of Diakonia’s regional and country offices.

In light of the above-mentioned challenges to the IHL Centre programme’s administrative sustainability, **Sida has expressed concerns about whether Diakonia is the right ‘vehicle’ for the programme** or whether another entity might be better suited to hosting the programme.

7 Conclusions and Recommendations

7.1 CONCLUSIONS

The IHLRDs have achieved some significant results during the evaluation period. The three new IHLRDs have established their identity and credibility as important providers of IHL knowledge and advice, with the Mali and Lebanon IHLRDs also providing valuable training on IHL. Stakeholders were of the view that the three field-level IHLRDs focus on relevant issues and made a significant contribution in their contexts, addressing substantive gaps in the knowledge and application of IHL. The international desk managed the Sida grant, supported the field-level desks and contributed to a couple of large-scale IHL research projects. The Jerusalem desk, with its much longer history of operation engaged actively in relevant discussion and decision-making fora, provided advice to third state actors (that was highly appreciated), and contributed to important reports. Diakonia argued that the reduction in the desk's size and level of engagement in advocacy were due to a conscious decision to focus on improving the quality of the desk's legal analyses and to explore whether a small IHLRD was more effective. External stakeholders expressed concerns about the desk's shift in emphasis and made a strong case for it to continue as an independent and objective provider of legal analysis and advice. This suggests a need for the IHL Centre programme to clearly define its role and niche in discussion with Sida, if the latter continues to fund it.

Each IHLRD has established partnerships or engaged with organisations or groups that it deemed most appropriate for the context and/or based upon available opportunities. This included academic institutions (international desk and Lebanon IHLRD), humanitarian or human rights organisations, national armed forces (Mali and Lebanon IHLRDs), the judiciary and national Human Rights Commission (Mali IHLRD) and the private sector (international and Jerusalem IHLRD). Interviewees from these stakeholder groups expressed their appreciation of the professionalism and work of the IHLRDs. The IHLRDs will always be opportunistic in their partnerships and activities to some extent, in order to be responsive to evolving contexts, but the IHL Centre programme lacks a well-defined set of objectives with a clear strategy for achieving them. This would help the IHLRDs to decide which activities are the most effective and relevant and how best to focus their resources (in situations where demands will always outstrip available resources).

At the 'outcome' level, the main evidence gathered by the evaluation is that the IHLRDs had informed and influenced key stakeholders in their contexts, whether HCs and humanitarian NGOs in the Syria context, the judicial system in Mali or high-level reports and third state actors in oPt. It is not possible to measure whether and how this contributes to the programme's overall goal of increased protection and greater adherence to IHL without a theory of change or the programme having a more realistic and measurable goal with appropriate tools to measure results. At the output level, the IHLRDs report on a wide range of activities under their respective expected results and under the programme's three pillars (although the desks focused on these pillars to different extents). At present, the activities, expected results and pillars do not align completely, nor is there a clear pathway from these to the programme's ambitious goal. This makes it impossible for the programme to report beyond the activity and output level and shows the need for a thorough review and revision of the programme's objectives and goal, followed by a reorganisation of its reporting.

The IHL Centre programme's achievements are due to the high calibre of staff that Diakonia has been able to recruit, despite organisational challenges with putting in place a tailored compensation package and contracts for third country nationals. Numerous interviewees highlighted the professionalism and expertise of staff across the IHLRDs and were positive about their engagement with these staff members. Aside from the Jerusalem IHLRD, the desks had fairly stable staffing levels, although the programme officers in all three field-level IHLRDs had resigned in early 2020. The team was not able to identify whether this was a coincidence or an indication of the programme's challenges around administration and finance. Going forward, as IHLRD staff members identified, a review of staffing levels and team composition is required to enable them to operate more effectively. In particular, they need support with communication, advocacy and financial/reporting functions and Diakonia needs to clarify whether it would provide these or the IHL Centre programme should have dedicated staff.

The IHL Centre programme has struggled with a range of organisational and administrative challenges because it does not fit well with Diakonia's existing organisational structures, systems and policies. These include a lack of clarity on decision-making, the lack of a tailored HR policy (which has been an issue since 2010), and the lack of a tailored PME system. These were not addressed during the three-year evaluation period although Diakonia has taken some recent measures, such as revising its HR policy and setting up a task force to review decision-making procedures. The IHL Centre programme has also started developing a tailored PME package although this needs to be much more detailed. Unless these challenges are addressed as a matter of urgency, the IHL Centre programme will continue to struggle and they will multiply if and when the programme establishes new desks. They are not insurmountable, which does raise the question of why they have not been addressed sooner and whether Diakonia's senior management has sufficient ownership and oversight of the programme. There was a suggestion that senior managers need to better understand their role in the programme and also its added value for Diakonia. Sida could give Diakonia the opportunity to address the issues before deciding on future funding. However, it needs to communicate its position clearly and review its options for supporting IHL work should it decide to stop funding Diakonia.

Related to the lack of clarity on decision-making, **there has been a lack of clarity about the role of the international desk.** The application implied that the Global IHL Advisor's role was to coordinate the work of the IHLRDs through the Reference Group but this did not function well and was not replaced by an alternative mechanism. As a result, the programme has not delivered the synergy and learning between the IHLRDs envisaged in the application. There is an urgent need to clarify whether the global programme manager's role should be that of a manager or a coordinator and where responsibility for managing IHLRD staff performance lies. Part of the challenge is that the programme application completely underestimated the effort required to deliver the tasks assigned to the Global IHL Advisor. Given the organisational and administrative challenges that the programme has faced, there was a need for a programme manager to deal with these and coordinate the efforts of the IHLRDs, for a senior legal advisor to undertake global engagement and coordinate legal positions and advocacy efforts across the programme, and for a programme officer to provide an administrative support function.

The programme's lack of funding diversity is at least partly due to a lack of clarity about who is responsible for resource mobilisation but also because Diakonia did not prioritise fundraising. IHL Centre and Diakonia staff presented different views on where the responsibility for resource mobilisation lay, suggesting that this has not been clearly discussed and agreed within the organisation. Ultimately, the responsibility for signing donor agreements rests with the regional office, suggesting a greater need for support to, and engagement with, IHLRD managers. However, this relies on clear decision-making procedures, which has been an ongoing challenge. Also, Diakonia had not prioritised fundraising for the programme. The end result

is that the IHL Centre programme is entirely dependent on Sida's funding, which is not a financially sustainable position because Sida is under no obligation to continue funding Diakonia.

While this evaluation has been able to identify significant achievements, **it is difficult to say that the programme has achieved its objectives because those objectives (and the programme goal) are not measurable. They are also not achievable because what is needed to achieve them is largely outside the IHL programme's control.** The analytical framework showed that there is a gap between the programme's expected results/objectives and the overall goal, which would be filled through the use of change stories. However, the programme does not have the M&E tools to capture these change stories. Even if it did, there was general agreement amongst interviewees (particularly those engaging in advocacy efforts) that the programme's current goal is not measurable. The IHL Centre programme has tried to address the challenge of reporting at an outcome level by developing a PME approach based on outcome harvesting. However, a first step would be to identify realistic and measurable objectives for the programme and focused on an 'end', not simply the promotion of IHL, which is the means to an end. From Diakonia's perspective, it would be helpful if Sida provided greater clarity on what it expects the programme to deliver in return for its funding and what it means by 'outcomes', given the challenges that humanitarian programmes have with identifying results beyond the output level.

In terms of the IHLRDs' sustainability, to date they have been ongoing providers of IHL knowledge and expertise although they have tried to build local sustainability in ways that are relevant to their contexts. Sida's expectation that IHLRDs could act as catalysts for improved IHL adherence, better understanding of the law, and improved application of IHL would need to be based on realistic, achievable and measurable goals. As highlighted in section 4.3.2 the IHL Centre's objectives have been defined very broadly without a clear link between the current ambitious strategy and the operational approach. If the IHL Centre programme reverse engineers specific objectives and actions from clearly identified humanitarian problems and their applicable IHL, with a strong understanding of the actors who can directly and indirectly influence those problems, then the IHLRDs could serve as a catalyst for genuine behavioural change in favour of better compliance.

7.2 RECOMMENDATIONS

The recommendations in Table 3 below aim to increase the IHL Centre programme's effectiveness by addressing the three main challenges identified in this evaluation – the organisational and administrative challenges related to the IHL Centre programme's location within Diakonia, defining measurable and achievable objectives for the programme, and resource mobilisation to ensure funding diversity. Drawing on the team's IHL expertise, Annex 6 offers a detailed approach to underpin recommendations 3 and 4.

Table 3: Recommendations

#1	Organisational change
Problem statement	Diakonia has not established clear decision-making procedures for the IHL Centre programme, nor adapted or put in place the necessary policies and M&E systems.
Recommendation	Within the next 3-6 months, Diakonia needs to address the organisational challenges that have hampered the IHL Centre programme, establishing clear decision-making procedures and effective policies and systems
Recommended actions	1. Present a clear action plan to Sida detailing how Diakonia is going to address organisational challenges with the IHL Centre programme before the next phase of the programme

	2. Create a position for a dedicated IHL Centre programme manager or director who can implement the changes required quickly. The key skills required are organisational/managerial rather than IHL-related 3. Ensure that the substantive work of the IHLRDs, including the international desk's engagement with legal experts and networks, is able to continue till the end of the programme's current phase 4. Review the implementation of the new global security framework to ensure that it meets the needs of field-level IHLRD staff 5. Complete the PME package for the IHL Centre programme, working with the IHLRDs and external expertise if needed 6. Ensure that the tailored HR policy and compensation package is ready to roll out for the next phase of the programme
Responsible	Diakonia senior management
#2	Future funding
Problem statement	Sida has expressed concerns about whether Diakonia is the appropriate organisation to host the IHL Centre programme. By the end of this pilot phase for the global programme, it needs to decide how it wants to support the IHL Centre programme's work in future
Recommendation	Sida should give Diakonia the opportunity to demonstrate that it can address the organisational difficulties that the IHL Centre programme has faced. If it is not able to do so, Sida should explore other options for funding a similar IHL programme.
Recommended actions	1. Agree with Diakonia's senior management on its action plan to address organisational challenges, including a timeframe for delivering this. 2. Follow up with Diakonia on a regular basis to ensure that it is on track to deliver the organisational changes required 3. If there are indications that Diakonia will not be able to address the organisational challenges, examine options for finding another entity to host the IHL Centre programme, including issuing a call for proposals
Responsible	Sida
#3	Strategic plan
Problem statement	The IHL Centre programme application did not establish goals and objectives that were measurable and achievable (i.e., within its area of responsibility and within its institutional capacity). As a result, the programme has not been able to demonstrate whether and how activities are contributing to addressing a clear humanitarian problem.
Recommendation	Define a clear strategy for the IHL Centre programme
Recommended actions	1. Organise an internal workshop with IHL Centre programme staff and relevant Diakonia staff, with Sida staff as observers, facilitated by an external expert. 2. Decide on cross-cutting humanitarian themes that the IHL Centre programme seeks to alleviate (e.g. the harm caused by indiscriminate bombardment, the challenges posed by detention by NSAGs, sexual violence by armed forces, or the problem of access of humanitarian aid to areas controlled by NSAGs) 3. Choose these themes according to the programme's past record of successful achievement of humanitarian outcomes (identified through an institutional Strengths, Weaknesses, Opportunities, Threats (SWOT) analysis), and its ability to perform where other organizations cannot 4. From these themes, derive a general mission statement that establishes the IHL Centre programme's niche approach towards the prevention of IHL violations⁵⁷ 5. Based on this mission statement and the chosen humanitarian themes, define measurable strategic objectives

⁵⁷ <https://www.icrc.org/en/publication/4019-icrc-prevention-policy>

	- Define the IHL Centre programme's modus operandi based on its ability to most effectively achieve its strategic aims: Neutral approach? Public advocacy or confidential approach? Defining humanitarian principles? - Capture the strategic plan in a single public document containing: background of the organization, management structure, mission statement, modus operandi, strategic objectives and M&E mechanisms - Ensure that Diakonia's Board of Directors ratifies the strategic plan - Share the plan with Sida and potential donors
Responsible	Diakonia and global programme manager in collaboration with IHLRD managers
#4	Operational plans
Problem statement	The IHLRDs do not have clearly defined contextual objectives aimed at alleviating identified humanitarian problems in the field, which would enable them to make the most effective use of their resources and to measure their achievements (Annex 6).
Recommendation	Each IHLRD should create an operational plan following the intent of the IHL Centre programme strategy, based on context analysis, humanitarian problem analysis, general and specific objectives, associated budget and a monitoring mechanism
Recommended actions	- Once the IHL Centre programme has a strategic plan, each IHLRD should choose the priority humanitarian problems within its context that it is capable of influencing significantly - The IHLRD should then identify the actors most directly exercising influence over those problems and establish general objectives to alleviate them (e.g. "with IHLRD support and advocacy, key CSOs influence the country X armed forces to successfully apply the prohibition of sexual violence within their doctrine, training and disciplinary systems"). The objectives would be medium-term, i.e., for the duration of the programme phase, which is likely to be 3 years - Prioritise engagement with stakeholders that are within the IHLRD's sphere of influence, e.g., the appropriate levels of government (executive, legislative, judicial), civil society, academia and media, according to their ability to exert influence over the identified humanitarian problems - Under each general objective, choose annual specific objectives and related activities (e.g. "Hold 2 workshops for relevant INGOs with a view to implementing the prohibition of sexual violence in the doctrine and training systems of the country X armed forces", or "develop a manual for INGOs on integrating the IHL applicable to sexual violence into military practice"), and budgets accordingly - Ensure that 'specific objectives' are indeed specific, measurable, achievable, realistic, time-bound (SMART) and monitored annually - Consolidate existing IHLRD external engagement, eliminating activities that do not correspond to the operational plan, and adding ones that do - Put in place mechanisms to assess IHLRD performance against established qualitative indicators for achieving the specific objectives
Responsible	IHLRDs in agreement with the international desk, based on adherence to the strategic plan
#5	Funding diversity
Problem statement	The IHL Centre programme's dependence on a single donor is not sustainable in the long-term. Funding diversity is also needed to deliver a range of benefits, including broad-based political support
Recommendation	At the start of the programme's next phase, once there is a strategic plan in place as per recommendation 3, approach prospective donors in the contexts where IHLRDs are present
Recommended actions	- Develop a resource mobilisation strategy with clearly assigned roles and responsibilities and a mechanism for assessing that staff fulfil their responsibilities - Ensure that the IHLRDs have adequate support with resource mobilisation, including dedicated expertise if needed - Reach out to potential funders with different mandates and interests in rectifying identified humanitarian problems in the field

	4. Adjust donor outreach according to the IHL Centre programme's own humanitarian priorities, with the potential to adjust course according to the objectives of donors, but only within the scope of the programme strategy.
Responsible	All IHLRDs, with Diakonia providing adequate resource mobilisation expertise and relevant support

Annex 1 Evaluation Matrix

Evaluation questions/sub-questions	Indicators	Data collection methods and sources	DAC Criteria
Inputs			
EQ1 Does the programme have adequate and effective staffing, funding, and organisational structures and systems in place to achieve its objectives?			Effectiveness
1.1 Is the programme adequately resourced (in terms of staffing and funding) to achieve its objectives?	• Number and duration of vacancies in evaluation period • Staff retention levels • Staff with relevant qualifications recruited • Funding levels are commensurate with programme objectives • Programme has considered funding diversity	• KIIs with Diakonia, programme, Sida and potential donor staff at country and HQ levels • Review of relevant documents, including organigrams, HR policies, internal reports and previous evaluations	
1.2 Do Diakonia and the IHL programme have the appropriate organisational structure, decision-making processes (including on legal positions) and operational policies to achieve programme objectives?	• Programme fits within Diakonia's organisational structure and strategy • Effectiveness of decision-making processes between the four desks and between the programme and Diakonia • Existence of process for agreeing legal positions and ensuring consistency across the organisation • Diakonia has operational policies to support the IHL programme	• KIIs with Diakonia and programme staff at country and HQ levels • Review of programme documents	
1.3 Does the programme have sufficient contextual understanding and analysis to identify the most effective ways to	• Existence of context and 'problem' analysis processes • Existence of risk assessments • Links between context/risk analyses and processes for the selection of partners, research and training topics,	• KIIs with programme staff, partners and target groups • Online survey with training participants	

achieve its objectives?	target groups, etc.	Review of internal documents and external context analyses	
1.4 Have the programme's M&E systems delivered robust and useful information that could be used to assess progress towards outcomes and contribute to learning?	- Quality and use of log frames and results frameworks - Reliability and usability of information generated through M&E systems - Extent to which M&E systems generate information related to programme outcomes - Programme's staff use information from the results framework for decision-making - Strengths and weaknesses of monitoring undertaken by partners	- Review of monitoring data and reporting against expected results - KIIs with programme and Diakonia staff	
1.5 To what extent has the programme used "lessons learnt" to improve and adjust project activities, programme implementation and strategies?	- Examples of programme staff having used lessons generated through M&E systems to change strategies, activities, partners, etc. - Evaluation recommendations have been implemented	- Review of M&E data and reports, including from previous evaluations - KIIs with programme and partner staff	
Activities			
EQ2 Is the programme undertaking relevant activities and working with the appropriate target groups to achieve its objectives?			Relevance
2.1 What sorts of partnerships have the respective resource desks established (ICRC, academics, etc.), and what can be said to be their subsequent out-reach capacity – which are the target groups who are most intensively approached and are they likely to enforce respect of, or compliance with, IHL in order to increase the level of protection of civilians?	- Effectiveness of partner/target group identification and outreach processes - Relationships have been created to achieve objectives - Partnerships have contributed to the implementation of IHL at the national level, as evidenced by treaty ratification, incorporation of IHL in domestic law, integration of IHL obligations into the operational practice of parties to armed conflict, and the consequent mitigation of specific humanitarian problems	- KIIs with partner/target group and programme staff - Review of programme documents	
2.2 To what extent has the programme conformed to the	Programme has processes in place to identify the needs and priorities of target groups, partners and donors	KIIs with partner, target group, Sida, other donors (to	

needs and priorities of partners, target groups and donor policies in the respective contexts?	• Programme has adapted to the needs and priorities of partners, target groups and donors when relevant • Programme has assessed specific humanitarian needs in each context and tailored its activities to addressing those needs	Jerusalem desk), programme staff • Online survey of training participants • Review of programme documents and reports	
2.3 Are the programme's help-desk function and activities undertaken under the three pillars relevant to the contexts in which it is operating? How have they contributed to achieving the programme's objectives?	• Programme has mechanisms to identify the most relevant activities in the contexts in which it is operating • Target groups find the programme's activities relevant and useful • The help-desk function in each context contributes to activities under the three pillars, and expected results • Strength of legal analysis and advice, information and education, and advocacy work	• KIIs with partner, target group and programme staff • Review of programme documents and reports • Online survey of training participants	
2.4 Has the programme mainstreamed gender and conflict sensitivity in accordance with its objectives?	• Existence of gender, conflict and risk analyses • Programme mainstreams gender in IHL • Programme activities and approaches are conflict sensitive	• Review of programme documents • Online survey of training participants • KIIs with partner, target group and programme staff	
Outputs			
EQ3 To what extent has the programme achieved, or is it expected to achieve, its objectives and results? If yes, why? If not, why not?			Effectiveness
3.1 To what extent has each of the four desks achieved the expected results?	• Reported results match expected results in programme application • Target groups change as defined in the expected results	• Review of programme reports and documents • KIIs with partner, target group, Sida and programme staff	
3.2 What factors have enabled the desks to achieve the expected results and what factors have hampered the delivery of results?	• Examples of challenges with achieving expected results • Factors enabling the delivery of results identified from inputs and activities	• Review of programme reports and documents • KIIs with partners, target groups and programme staff	

3.3 Are the programme's objectives achievable and measurable, and do they establish Diakonia's niche or added value in the IHL field clearly?	• Diakonia collects measurable data against its results framework • Diakonia has clearly defined its thematic IHL niche or identity, distinct from other IHL actors • Diakonia has addressed clearly identified humanitarian problems in each context	• Review of monitoring data and programme reports • KIIs with partners, other IHL actors and Diakonia staff	
Outcome			
EQ4 To what extent is the programme contributing to its overall goal of increasing protection in situations of armed conflict and instability?			Effectiveness
4.1 In what ways has the programme contributed to improvement in the protection environment and adherence to IHL in the contexts in which it operates?	• Diakonia has demonstrated that it is achieving the programme goal through change or contribution stories • Existence of positive contribution stories related to the protection environments • Target groups have improved knowledge and implementation of IHL, as evidenced by their contribution to IHL treaty ratification, incorporation of IHL into domestic law, and integration of the law into the operational practice of parties to armed conflict	• KIIs with partner, target group and programme staff • Review of programme reports and documents • Review of open source conflict data related to protection concerns	
Sustainability			
EQ5 How could sustainability for the programme be defined? To what extent are the net benefits of the intervention sustainable?			Sustainability
5.1 In what ways is the programme adding long-term value to IHL adherence in the contexts in which it is operating?	• Partners are building local IHL capacity and infrastructure • Programme has been a catalyst for the improved application of IHL • Programme has added value in the contexts in which it is operating	• KIIs with partners, target group and programme staff • Review of programme reports and documents • Online survey of training participants	
5.2 Is the programme sufficiently sustainable administratively to be able to continue contributing to the adherence to IHL?	• The programme has stable staffing and funding levels • Diakonia, as the hosting organisation, is able to resource and support the programme adequately	• KIIs with programme, Diakonia and Sida staff and potential donors • Review of programme documents	

Annex 2 Interviewee list

Stockholm/International IHLRD

Representative, Programme manager, Sida
Representative, Humanitarian Programme Manager, Sida
Representative, Senior Policy Specialist, Sida
Representative, Senior Advisor, Democracy and Human Rights (MENA), Sida
Representative, Head of Regional Development Cooperation in the Middle East and North Africa, Councillor at the Embassy of Sweden in Amman
Representative, Manager, Diakonia International Humanitarian Law Centre
Representative, IHL Programme Officer, Diakonia
Representative, Director, Vi Agroforestry
Representative, Acting International Director and Process leader, Diakonia
Representative, Regional Director, Middle East and North Africa, Diakonia
Representative, Conflict and Justice Advisor, Diakonia
Representative, Humanitarian Advisor, Diakonia
Representative, Executive Director, Geneva Academy
Representative, International Law Centre, Swedish Defence University
Representative, Reader, York Law School & Centre for Applied Human Rights
Representative, Global Legal Advocacy Advisor, Norwegian Refugee Council
Representative, Legal Advisor, OCHA
Representative, Associate Director, Engagement Services, Sustainalytics
Representative, Senior Researcher, Geneva Academy/ Consultant, COVID19 and the rights of persons with disabilities at OHCHR

Beirut IHLRD

Representative, Manager, Lebanon IHLRD
Representative, Legal Team Coordinator, Senior Legal Expert, Lebanon IHLRD
Representative, Legal Advisor, Lebanon IHLRD
Representative, Programme Officer, Lebanon IHLRD
Representative, Former programme officer, Lebanon IHLRD
Representative, Country Director, Lebanon Country Office, Diakonia
Representative, Legal Advisor, ICRC Egypt
Representative, Legal Advisor with Regional Responsibilities, ICRC
Representative, Regional Legal Coordinator for Middle East and North Africa, ICRC
Representative, Deputy Head of Delegation, ICRC Lebanon
Representative, Spokesperson, ICRC
Representative, Former Humanitarian Coordinator, Syria
Representative, Human Rights Advisor to Deputy Regional Humanitarian Coordinator for the Syria Crisis
Representative, Trainer/Consultant, Geneva Academy
Representative, National Field Coordinator/Access Focal point, OCHA Jordan
Representative, Coordinator, International NGO Regional Forum in Syria (SIRF)
Representative, Director of Legal Human Rights Clinic, La Sagesse University, Lebanon

Representative, Coordinator, Amel Association
 Representative, Lebanese Ministry of Justice
 Representative, Chief Justice, Supreme Court of Cassation
 Representative, Former Regional Humanitarian Programme Officer/Counsellor, Swedish Embassy for Syria and Lebanon
 Representative, Senior Research Fellow, Oxford Institute for Ethics, Law and Armed Conflict
 Representative, Chief of Investigations, International Commission of Inquiry on the Syrian Arab Republic, Office of the United Nations High Commissioner for Human Rights
 Representative, Director Kalshoven-Gieskes Forum on International Humanitarian Law, Leiden University

Jerusalem IHLRD

Representative, Former Country Director, Diakonia Palestine
 Representative, Manager and senior legal expert, Jerusalem IHLRD
 Representative, Communications officer, Jerusalem IHLRD
 Representative, Senior Legal Advisor, Jerusalem IHLRD
 Representative, Program Officer, Jerusalem IHLRD
 Representative, Former Director, Jerusalem IHL Resource Centre
 Representative, Former Director, Jerusalem IHL Resource Centre
 Representative, Political Advisor, EU Special Representative for Human Rights/Former Director, Jerusalem IHL Resource Centre
 Representative, Former Senior Program Manager, Jerusalem IHLRD
 Representative, Advocacy Coordinator, West Bank Protection Consortium
 Representative, Researcher, Crisis and Conflict Division, Human Rights Watch
 Representative, Former Legal Advisor, Jerusalem IHL Resource Centre
 Representative, Former Senior Finance and Administration Manager, Jerusalem IHLRD
 Representative, Senior Programme Manager, SDC
 Representative, Senior Programme Manager, Humanitarian Assistance, Consulate General of Sweden
 Representative, Senior Humanitarian Programme Specialist and Coordinator (OCHA, CBPF, Humanitarian System, Palestine), Sida
 Representative, Senior Programme Manager, AECID - Oficina Técnica de Cooperación, Consulado General de España en Jerusalén
 Representative, Head of Political and Economic Section, Representation of the Republic of Poland to Ramallah
 Representative, Formerly Political Affairs Office, Office of the European Union Representative, Jerusalem
 Representative, Governance and Human Rights, Office of the EU Representative
 Representative, Director, Al Haq
 Representative, Program Director, Al Haq
 Representative, Director, Al Mezan
 Representative, Director of Training and communication, Al Mezan
 Representative, International Advocacy Director, Adalah
 Representative, Director of Land and Planning Unit, Adalah
 Representative, AFA and Advocacy Unit Manager, BADIL
 Representative, Director, Kerem Navot
 Representative, International Relations Officer, B'Tselem
 Representative, Senior field officer- Gaza, PUI
 Representative, Policy, advocacy and communications senior manager, Save the Children
 Representative, Policy Advisor & Communications Coordinator, PNGO
 Representative, Director, AIDA

Representative, Head of Advocacy and Communications, OCHA
Representative, Special Rapporteur on oPt, OHCHR
Representative, Associate Professor, Inland Norway University of Applied Sciences
Representative, Israel and Palestine Director, Human Rights Watch
Representative, Deputy Regional Director - MENA, Amnesty International
Representative, Norwegian Refugee Council
Representative, Special Advisor, Norwegian Refugee Council
Representative, Former Researcher, EAPPI

Bamako IHLRD

Representative, Deputy Regional Manager, Africa, Diakonia
Representative, Country Director, Diakonia Mali
Representative, Programme Manager, Bamako IHLRD
Representative, National Legal Expert, Bamako IHLRD
Representative, Budgeting/Compliance control, Diakonia
Representative, Communications, Diakonia
Representative, Planning, Diakonia
Representative, Finance, Diakonia
Representative, General secretary, CNDH
Representative, URTL, Ségou
Representative, Government, MAECI, Director
Representative, HAO, Coordination Unit
Representative, Judge
Representative, Judge
Representative, Judge
Representative, Judge
Representative, Judge
Representative, Judge
Representative, Prosecutor
Mahamadou Diarra, AADI, Agent
Representative, AMAPROS
Representative, ODHP, Agent
Representative, CADJ, Agent
Representative, CAD, Agent
Representative, AADeC, Agent
Representative, AMSS, Agent

Annex 3 Bibliography

- Diakonia (2016) *Global IHL Resource Desk Programme Application 2017-2019*
- Diakonia (2016) *Global IHL Resource Desk Programme Application 2017-2019. Annex F: Results Matrix Global IHL Resource Desk Programme incl. Resources Desks for Syria and Mali*
- Diakonia (2017) *Diakonia's PME Manual*
- Diakonia (2019) *Diakonia Global International Humanitarian Law Program: Annual Operational Report 1 January-31 December 2018*
- Diakonia (2019) *Diakonia International Humanitarian Law Resource Centre Annual Result-Oriented Report, 1 January-31 December 2018*
- Diakonia (2019) *Diakonia's Management Response to the external evaluation of the International Humanitarian Law Resource Centre for the period of 1 January 2017-30 April 2019*
- Diakonia (2019) *Global IHL Program: 2019 Progress Report*
- Diakonia (2019) *4.1.1 Format 1 – Back Donor Assessment*
- Diakonia (2020) *Diakonia Global International Humanitarian Law Program: Annual Operational Report 1 January 2019-31 March 2020*
- Diakonia (2020) *Diakonia Global International Humanitarian Law Program: 2020 Annual Progress Report*
- Diakonia (2020) *Diakonia International Humanitarian Law Resource Centre: Completion Report 1 January 2017-31 March 2020*
- Diakonia (2020) *Draft PME package*
- Diakonia (2020) *Diakonia IHL Centre: Decision-Making Guide 2020*
- Diakonia (2020) *Diakonia IHL Centre Program Strategy*
- Diakonia (2020) *2020 Activity Overview: Diakonia IHL Centre*
- Draft Senior IHL Expert/Desk manager job description, accurate as of June 2018*
- Featherstone, A., et al (2019) *OCHA Evaluation of Country-Based Pooled Fund: Global synthesis report*
- Global IHL Advisor/Programme Manager job description, valid March 2020*
- Lebanon IHLRD (2018) *Management Report to HO. Reporting period 1 January 2018-30 March 2018*
- Meeting notes: Annual meeting with Sida 2018*
- Millard, A. and S. Zikovic (2020) *Evaluation of Diakonia's work on/in conflict 2015-2019: Final report. Nordic Consulting Group*
- NCG (2019) *External Evaluation of the International Humanitarian Resource Centre (IHLRC) program 2017-2019*
- Senior IHL Expert/Desk Manager scope of work*
- Sida (2017) Strategy for Sweden's humanitarian aid provided through the Swedish International Development Cooperation Agency (Sida) 2017–2020*

IHL Briefs and Conferences

- Diakonia Lebanon IHLRD (2019) *Forcible Recruitment of Adults by NSAGs in NIAC, May 2019*
- Diakonia Lebanon IHLRD (2019) *The Legal Status of ISIS-Affiliated Foreign Nationals Held in Detention in Northeast Syria, August 2019*

Diakonia Lebanon IHLRD (2020) *Panel Talk: Cross-Border Relief Operations into Syria*, 28 July 2020

Diakonia Lebanon IHLRD (2020) *Humanitarian Demining as a Form of Humanitarian Assistance under IHL*, June 2020

Diakonia Mali IHLRD (2019) *Legal Classification of the Situation in Mali and Applicable International Law*, October 2019

Diakonia Palestine IHLRD (2020) *Health-Related Duties and Obligations of an Occupying Power During a Pandemic: The Occupied Palestinian Territory and the COVID-19 Outbreak*, April 2020

Annex 4 Overview of objectives and expected results

This Annex provides an overview of the different objectives and expected results for each of the desks in the IHL Centre programme. Expected results are listed in *Italics*. The global desk only has expected results, not objectives.

Overall goal: To contribute to increased protection by promoting adherence of IHL and other relevant instruments of international law in situations of armed conflict and instability			
MALI	LEBANON	JERUSALEM	GLOBAL
Objective: Selected strategic partners promote compliance with IHL and IHRL in their own policies and practices.	Objective 1: Provide immediate legal support to operational humanitarian actors. Objective 2: Build capacity of humanitarian actors responding to armed conflict to apply IHL in their operational work Objective 3: Develop national and regional IHL infrastructure	Objective 1: Improved knowledge of IHL violations and obligations among key stakeholders by mainstreaming IHL/IHRL and derivative principles into policies and operations. Objective 2: State, regional and international organization representatives are engaged and influenced to effectively incorporate IHL principles and analysis into their work, setting the framework for bilateral and multilateral responses in line with IHL, and reinforcing the principled IHL position in relation to Israel and Palestine. - Enhanced awareness of, and respect for, IHL among key stakeholders - Increased discussions in strategic opinion-shaping and decision-making fora incorporating legal information, analysis or policy advice from the IHLRC & partners - Key Stakeholders have used and/or included IHL in their programmes, communication materials, public statements or published reports	Expected results: - Successful set-up of IHLRDs in the five [two] selected pilot countries - The programme contributes with methodological conclusions regarding the effectiveness and efficiency of the Diakonia IHLRD model - The programme contributes to learning regarding how integration of risk and vulnerabilities can help link humanitarian action with long-term development cooperation - The programme contributes with learning regarding enhanced gender integration in IHL advocacy and mainstreaming - The programme is linked up to and contributes to IHL expert groups and networks
Expected results for Mali and Lebanon desks: - Improved knowledge of IHL and IHRL, including violations and obligations among selected strategic partners - Selected strategic partners have applied and mainstreamed IHL		Jerusalem Objective 3: Identified partners have improved their knowledge about, and adopted monitoring tools to include, vulnerable groups (most notably, women, children, and disabled people), thereby capturing the impact of the conflict and increasing implementation of IHL and protection compliance. Local partners and CBOs have improved their capacity to incorporate improved standards for disaggregated data and have integrated gender, age and disability perspectives into documentation, monitoring, and reporting on IHL violations	

Annex 5 Relevant findings from previous evaluations

The table below summarises findings from previous evaluations that are relevant to findings from this evaluation. It validates the evaluation team's assertion that some of the challenges identified through this evaluation were evident from the operation of the Jerusalem desk and could have been addressed earlier. The previous evaluations also support this evaluation's finding that the IHL Centre programme has had significant achievements and that its work is important and needed. *"One of the main findings of the [2014] evaluation is that the IHLRC has managed to produce impressive results, despite considerable administrative challenges in the program period".*⁵⁸ *"The need for the programme is clear and the potential for expanding it further is quite large".*⁵⁹ It should be noted that all the previous evaluations were of the Jerusalem desk, even though the other three desks were operational at the time of the last evaluation in 2019. It is also worth noting that the 2014 evaluation only covered the period 2012-2013 and the 2019 evaluation covered 2017-2019 so the evaluations reviewed below do not cover the Jerusalem desk's functioning from 2006-2011 and from 2014-2016.

Topic	2019 Evaluation ⁶⁰	2014 Evaluation ⁶¹	2006 Evaluation ⁶²
Human Resources	Challenges with recruitment and retention (pgs. 8, 16, 19).	In view of staff turnover, it was important to ensure institutional memory (pg. 32). <i>The 2020 evaluation has highlighted that, while the Mali and Lebanon desks have not experienced significant turnover yet, this remains a major risk for the programme.</i>	<i>Not a focus of the evaluation.</i>

⁵⁸ STHLM Policy Group (2014) *Evaluation of the Diakonia IHL Program Performance – 2012-2013: Final Report*, pg. 3.

⁵⁹ Bynander, F., M. Rizek and M. Warschawski (2006) *Diakonia's International Humanitarian Law Program: Evaluation Report*, pg. 25

⁶⁰ NCG (2019) *External Evaluation of the International Humanitarian Resource Centre (IHLRC) program 2017-2019*

⁶¹ STHLM Policy Group (2014) *Evaluation of the Diakonia IHL Program Performance – 2012-2013: Final Report*.

⁶² Bynander, F., M. Rizek and M. Warschawski (2006) *Diakonia's International Humanitarian Law Program: Evaluation Report*

Links between the IHL programme and Diakonia as an organisation	“There is no flowchart or similar document that shows how the regional office, which supports the Jerusalem office interacts with the Jerusalem office. Given available information it is not possible for the evaluation team to assess complementarity of positions, or indeed how supportive financial and HR staff are in order to promote and support the conduct of activities” (pg. 21).	“The exact delegation of authority and responsibilities, the functionality of the new program- and financial management system, and channels and routines for communication and sharing of information do not appear to be entirely clear at all levels” (pg. 32).	Recommendation that “Diakonia and the program leadership should find ways to improve the connectedness between the operations in Jerusalem and the advocacy work in Stockholm.... The most concrete action would be to fund a coordinator/communicator in Jerusalem, at least part-time, to produce materials for the Stockholm office based on the program output from both the Diakonia Jerusalem office and its partners.” (pg. 19). The evaluation identified “the unclear mandate emanating from the Head office” as a source of uncertainty. “The regional office, partly due to the ‘self-implementing’ character of the program, has had to prove the acceptability or usefulness of some of its activities to Stockholm” (pg. 23). The evaluation was conducted at the end of the pilot phase and argued that “If the program is to be institutionalized and have a chance to live beyond the coming phase, Diakonia needs to commit to the long-term generation of expertise and resources to the program” (pg. 22).
PME systems and identifying results at outcome level	The failure to use PME tools and concern about whether the tools were adequate (pg. 18). “Diakonia still lacks mechanism to both effectively capitalize on work undertaken (maximise the impact they can secure from activities they fund or undertake directly) as well as measure their achievements (contributions)” (pg. 11). “Diakonia currently lacks an effective way to measure the degree to which its efforts attain its overall objectives (impact)... this finding affects our ability, as	Need to strengthen the programme’s results framework (pg. 3). “There is a clear need to develop a stronger and more sophisticated set of outcome indicators in the coming program period and to separate these indicators carefully from descriptions of activities. The evaluation team acknowledges the inherent difficulty to accurately measure and attribute results in programs aimed at changing perceptions and behaviours in complex political environments. This makes it all the more	The evaluation identified a scarcity of documents and results in the area of advocacy (pg. 20) although this is perhaps understandable given the IHL programme had only been operating for 18 months. It also noted that “It is very difficult – if not impossible – to find quantitative indicators for a project dealing with awareness: raising awareness is a long-term accumulative process, where change in objective conditions are mixed with conscious steps taken by a variety of actors

	an evaluating team, to assess results. Mainly that our focus on results ends up being on outputs rather than on outcomes or impact (pg.14).	important to develop strong indicators at outcome and output level to be able to measure results of activities. If it is not possible to formulate credible impact indicators, this gap can be filled by a solid analysis and clearly outlined assumptions on how outcomes contributes to the desired impact” (pg. 15).	which are interacting with each other” (pg. 22).
Financial and administrative function	“As regards the administrative and financial mechanism, there is an organizational manual, but little beyond that... there is no evidence to show that the administrative mechanisms are particularly supportive or constructive” (pg. 21)	The desk was under-resourced on financial and administrative management. It also spent considerable time getting up to speed with Diakonia’s new programme and financial management systems (pg. 3). Need to complement legal expertise at management (desk manager) level with ‘solid’ programme management and PME skills (pg. 34). <i>In light of the 2020 evaluation’s findings, it is unfortunate that this lesson was not built into the structure of the international desk.</i>	<i>Not a focus of the evaluation. At the time, Diakonia’s Jerusalem office was both a regional and country office.</i>
Resource mobilisation/funding diversification	“Diakonia has thus far failed to see donors as partners, which could be a key to strengthening the role, relevance and positioning of the programme, and rather focused on each as a source of funds only ... the evaluation would [be] remiss if it did not note that Diakonia has contributed considerably to being cut from the funding pot through its own actions, or inactions”. “Momentarily there is a clear overreliance on Sweden which may be linked to the belief that Diakonia, as a Swedish organization, will not be let down by its home donor.	“Because of previous problems with financial reporting and audits (as the team understands it, mainly outside of the IHLRC’s direct control), donor reactions to recent troubles have been quite serious. It is of utmost importance that Diakonia takes these concerns seriously and exerts every effort to regain the confidence of its two main donors” (pg. 32). “Diakonia and the IHLRC generally have a good and constructive relationship with their donors. The evaluation team gathered a very positive sense from donors	It is recommended that both Diakonia and its partners consider ways of diversifying and matching funding sources. This will strengthen the possibilities of continuity if the donor (which is Sida right now) decides to discontinue funding the program (pg. 25).

	However, this is concerning not only from a financial perspective, but also from an endorsement perspective”. “The lack of urgency and responsiveness given to the funding question underlines that Diakonia has not seen the IHLRC programme as one that needs additional funding, beyond that which has been secured through Sida. This indicates two problematic aspects a) that Diakonia has not seen the departure of donors as a loss of general support for their programme. Support in the form of donors is particularly important given the local context; b) Diakonia has failed to recognize the high degree of relevance and value that the IHLRC can have in the Palestine-Israel context”. “As things stand the programme is fully reliant on Sida funding, which in turn means that if Sida makes alternative funding decisions the programme would come to a swift end” (pgs. 29-30).	regarding the work that the IHLRC performs” (pg. 35).	
--	---	--	--

Annex 6 Developing a strategic plan

This Annex provides details on how the IHL Centre programme could better implement recommendations 3 and 4, particularly in selecting appropriate objectives.

A protection-based strategy

In accordance with its current goal, the IHL Centre programme aims to contribute to increased protection by promoting adherence to IHL and other relevant instruments of international law in situations of armed conflict and instability. Put another way, it seeks to foster an environment conducive to respect for the life and dignity of affected persons – and IHL/IHRL compliance by parties to armed conflict is at the core of that goal (known in the sector as “prevention work” because it aims to prevent violations of the law). This implies a change of behaviour by parties to armed conflict toward greater compliance. Given the fact that today’s major armed conflicts are characterised by frequent violations, it is a laudable objective. However, modern armed conflict is characterised by a limitless array of humanitarian problems, framed by an endless list of applicable legal provisions, and a crowded field of humanitarian organisations, with different operating principles, attempting to address various aspects of them. To effect tangible change, and to establish its own identity, any IHL programme should prioritise its objectives and its modus operandi according to the likelihood of increasing the protection of specific categories of vulnerable persons – bearing in mind its own institutional capacity, strengths and weaknesses.

Reaching actors of influence

In view of its limited resources and specialised legal focus, the IHL Centre programme should clearly set out strategic and operational objectives that are achievable and measurable, and that address specific, identified protection problems. The Centre’s programming should be prioritised to influence, within its area of expertise, those actors with the most direct capacity to affect the humanitarian problems it has identified within its strategy. At its core, these actors comprise arms carriers (State and non-State) and relevant authorities at the executive, legislative and judicial levels of government, i.e. those with the direct capacity to either cause or rectify humanitarian problems in armed conflict. At the next levels of influence, they include international organizations, NGOs, human rights commissions, CSOs, media and academics, among others.

Creating an environment conducive to respect of the law

It is well established that general IHL/IHRL familiarisation aimed at even the most direct actors of influence is not sufficient to change behaviour on the battlefield. The most effective actions, as measured by their outcomes, are those that successfully create lasting *institutional conditions for international law compliance*: the ratification of treaties, incorporation of those treaties into domestic law, and the integration of the law (and its reasonable interpretation) into the doctrinal framework of military training, operations and discipline. Furthermore, efforts aimed at ameliorating particular humanitarian problems need to be *focussed on the specific international law governing them*. In this manner, an approach to reducing violations becomes rational, effective and

measurable: it views a chaotic conflict landscape through the lens of the key humanitarian themes causing the greatest human suffering, and the applicable law required to successfully address them, as well as the key individuals and institutions that are capable of embedding that law into the most relevant institutions. In a given context, an otherwise infinite set of humanitarian problems with infinite applicable international law is narrowed down to an articulated objective and an effective strategy to reach it. This in turn helps to build the institutional identity of the organization, and its recognized expertise.

Take the hypothetical of country X (in a non-international armed conflict), where the main humanitarian problems prioritized by the IHL Centre are systematic ill-treatment of detainees and indiscriminate bombardment by State armed forces, as well as summary execution of detainees by an armed group. The logic applied would begin with this problem, and then reverse engineer the strategy necessary to address them, as summarized in the following chart.

Identified protection problem	Applicable international law	Key actors of influence capable of resolving the problem	Institutional change sought [as measured by]	Tailored objectives
Systematic ill-treatment by armed forces	Convention Against Torture, ICCPR, Common art. 3 GCs, Customary IHL	-Legislature -Judiciary, which is allowing confessions derived from ill-treatment -Armed forces themselves	Reinforced domestic law inadmissibility of confessions derived from IT [as measured by steps toward legislative change, judicial decisions]	-Advocacy with legislators -Publication for judges dedicated to the integrity of evidence collection -Tailored training sessions with judges -Advocacy with armed forces
Indiscriminate bombardment by armed forces: entire villages seen as "terrorist" / military objectives	Customary IHL: principle of distinction, presumption of civilian status, definition of fighting forces / military objectives	-State armed forces (direct) -Credible NGOs / IOs (indirect) -Media (indirect)	MoD doctrinal change, accurately reflecting the principle of distinction [as measured by steps taken toward doctrinal change]	-Advocacy with armed forces -Expert assistance with writing targeting doctrine -Event on integration of principle of distinction aimed at armed forces and key NGOs, media
Summary execution of detainees by non-state armed groups	GCs common article 3, customary IHL	-NSAG itself (not available) -State A, which supports the NSAG with arms and cash -An NGO that already works with the NSAG	Issuance of a binding code of conduct containing the prohibition on summary execution, practical means for humane treatment and transfer of detainees, disciplinary mechanisms	-Advocacy with the NGO, and legal drafting assistance -Advocacy with State A aimed at conditioning material support for the NSAG on adherence to a binding code of conduct

Guiding points on choosing objectives

- Decisions on strategic and operational objectives should be decided on a collaborative basis between the IHL Centre management and the field, with full support from the larger institution.
- The IHL Centre's approach should be contextualized and multidimensional, addressing multiple stakeholders at different levels, all with a view to addressing the prioritized humanitarian problems.
- The Centre should be results-oriented, constantly focussing on objectives and the strengths of the organization to reach them.
- Objectives should be specific, measurable, achievable, realistic and time-bound (SMART) -- even if they do not completely solve the identified humanitarian problem.
- Stakeholder engagement should be prioritized on the basis of their directness of influence over the prioritized humanitarian problem.
- Every activity planned by the organization should correspond to an annual specific objective, which in turn addresses a longer-term general objective that is informed by the institutional strategy.
- In summary, the decision to engage in a particular activity aimed at preventing IHL violations should be based on:
 - Identification of an actual or potential protection problem in a given context
 - The problem falls within the mandate of the organization
 - The prevention activity has potential added value to the overall response

Identity and modus operandi

To date, the IHL Centre has taken various approaches to the activities under its three pillars – research, training and advocacy – depending on available opportunities. It is perceived as a strong source of IHL expertise. On occasion it has been quite publicly vocal concerning alleged violations by parties to armed conflict; whereas other times it has confidentially shared its analysis with partners. It tends to embrace neutrality relative to parties to armed conflict (consonant with its Swedish origins), but this principle is not explicit in the Centre's mandate. The Centre remains secular in its approach, even if Diakonia itself is a faith-based organization and may well be perceived as such in religiously-sensitive contexts such as oPT or Lebanon. It retains a degree of financial independence through its SIDA donorship, but it is not clear whether it could be politically influenced. It speaks out in favour of the victims of armed conflict, and it is impartial in its approach (e.g. it does not favour beneficiaries on the basis of their political leaning). It has several modalities of work (persuasion, mobilization, support), but could it also publicly denounce parties to armed conflict without compromising its other principles? Its identity as an institution is diluted by the fact that it lacks a clear, defining strategy; but also by the lack of clarity surrounding its modus operandi. The Centre should therefore express its driving principles within its mission statement, reflect them in its strategy and operations, and communicate them. It should choose its modus operandi based on a utilitarian logic: what operating principles are most likely to yield results toward alleviating the humanitarian problems it has prioritized?



Evaluation of Diakonia's multi-year programme for International Humanitarian Law (IHL) Resource Desks in Stockholm, Beirut, Bamako and Jerusalem (2017–2020) and Diakonia's Jerusalem IHL Program (2004–2017)

This Sida-commissioned evaluation found that Diakonia's 2017–2020 International Humanitarian Law (IHL) Centre programme has had significant achievements, including establishing itself as a credible source of IHL knowledge and advice. It has recruited high-calibre staff who have delivered good quality work and met the priorities of key stakeholders. However, the programme has set itself a goal that is unmeasurable and not possible for it to deliver. It also lacks adequate tools to report on results beyond the output level. Therefore, it needs to develop a clear strategy for delivering change, with realistic and measurable objectives. The programme has also struggled with organisational and administrative challenges, including a lack of funding diversity, because it does not fit well with Diakonia's existing structures, systems and policies. There is a strong ongoing need for the programme's work so Diakonia should address the organisational challenges (a few of which are long-standing) urgently. This would contribute to making the programme administratively and financially sustainable. It would also reassure Sida as it considers future funding for the programme.

SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Address: SE-105 25 Stockholm, Sweden. Office: Valhallavägen 199, Stockholm

Telephone: +46 [0]8-698 50 00. Telefax: +46 [0]8-20 88 64

E-mail: info@sida.se. Homepage: <http://www.sida.se>

