

# Activity Appraisal Document ODA below € 250.000

Dutch contribution under € 250.000 / Increase commitment up to 25% of the original amount

## I REQUESTED DECISION CONCERNS

Explanation of the policy data can be found in on [Rijksportaal](#). For a more detailed description you can find additional information in the [OS-Gegevenswoordenboek \(Dutch\)](#).

For the **highlighted** subjects in table below the [OS-Gegevenswoordenboek \(Dutch\)](#) and [Rijksportaal \(English\)](#) give further explanation.

<b>Application number</b>	4000001608
<b>Short name application</b>	B'Tselem
<b>Long name application</b>	B'Tselem bilateral support 2018
<b>Description application</b>	Bilateral support towards execution of the 2018 Work Plan
<b>Budget holder</b>	RAM
<b>Number business partner</b>	30014507
<b>Implementing organisation(s)</b>	B'Tselem - The Israeli Information Center for Human Rights in the Occupied Territories
<b><a href="#">Legal relationship</a></b>	Contribution
<b><a href="#">Commitment</a> in foreign currency (if applicable)</b>	€176.000
<b><a href="#">Corporate rate</a></b>	
<b><a href="#">Commitment</a> in euros</b>	€176.000
<b>Funds centre</b>	0501U02040057 – HR ODA
<b>Activity start date</b>	01/01/2018
<b>Activity end date</b>	31/12/2018
<b>Contract start date</b>	01/01/2018
<b>Contract end date</b>	31/12/2018
<b><a href="#">Aid modality</a></b>	Non-earmarked contributions
<b><a href="#">Donor role</a></b>	Lead or active donor

<b><u>Technical assistance</u></b>	TA=0      0% of the activity budget		
<b><u>Beneficiary's country/region</u></b>	Palestinian Territories		
<b>Countries within the region (if applicable)</b>	Palestinian Territories		
<b>Location within the country (be as specific as possible)</b>	Territory	<b>Name of location(s)</b>	West Bank and Gaza
<b><u>CRS Code</u></b>	15160 Human Rights		
<b><u>Policy marker weight is 'principal'</u> (no minimum or maximum amount)</b>	10.2.24 Democr PD/GG		
<b><u>Policy marker weight is 'significant'</u> (no minimum or maximum amount)</b>	10.2.29 Ondrzk		
<b><u>Special pledges made by the Minister or State Secretary / and/ or special marks regarding sensitive information</u></b>	<p>Minister has announced bilateral support to Israeli and Palestinian human rights NGO's active in oPT during parliamentary debate of 19 April 2018. D'66 (Sjoerdsma) has specifically requested Dutch support for B'Tselem in a parliamentary debate in November 2018, which has been positively responded to in general terms by M.</p> <p>Project does not contain sensitive, non-public information.</p>		

## **II. APPRAISAL OF THE ACTIVITY**

### **Overall considerations to the project**

Bilateral strategic support for the organizational work plan 2018 of **B'Tselem**, as part of bilateral support to a total of seven Palestinian and Israeli human rights NGO's active in the Palestinian Territories, succeeds Dutch support, until December 2017, to human rights NGO's through the Secretariat for Human Rights and International Humanitarian Law ('Human Rights Secretariat'). In the HR Secretariat, four donors (Switzerland, Sweden (lead), Denmark and the Netherlands) supported 24 organizations (23 after termination of support to WATC), through a mechanism of pooled funding, implemented by a third party (Niras Natura AB in cooperation with Birzeit University). Due to diverging positions of the four donor countries, the HR Secretariat was not extended or renewed after the end date of 31 December 2017. Upon finalization of the HR Secretariat, there was no political will amongst a minimum of three donor countries to continue in a pooled fund. Opportunity to do so continues to be explored over the next months, but as the deliberations take much time, 2018 was defined as a bridge year, in which each donor would support a number of organizations in a -as much as possible- coordinated manner, to provide stability and continuity to the human rights sector.

Coordination amongst the four donors -who to support which organizations in 2018 - and the approval process in The Hague has only recently been concluded (April 2018). For this reason contracts can only be entered into starting May 2018, but will be backdated to cover all of 2018 (January- December).

### **2.1 Contribution made by the activity to BZ policy objectives (policy relevance)**

#### **2.1.1 General**

The budget holder has drawn up an annual plan, on the basis of its MASP, in the context of the annual planning cycle.

B'Tselem has drawn up a multi-annual strategic plan and an annual plan, in the context of the annual planning cycle. The strategic plan runs from 2016-2018.

#### **2.1.1 Description policy relevance**

See below

#### **2.1.2 Appraisal policy relevance**

The proposed activity is fully compatible with the Human Rights Policy letter (2013) and the MASP 2014-2017 of the NRO, which extends into 2018.

#### **Human Rights Policy letter**

Human rights are the cornerstone of Dutch foreign policy, in which three priorities have been set: Human Rights defenders (HRDs), equal rights for LGTB and equal rights for women. The other points of attention are the most serious violations (like torture and the death penalty), freedom of expression online, freedom of religion, human rights and (economic) development, human rights and the private sector.

With regard to HRDs, focus of Dutch policy is on the shrinking space for them to operate in (both

through legal means or intimidation and obstruction) as well as support for 'change agents'. Furthermore, capacity building, innovation and protection are central elements.

In the context of the conflict in Israel/oPt, the situation of HRDs, rights of women, the most serious violations and freedom of expression are all under pressure. B'Tselem basis its intervention on its vision to oppose the human rights infringements that follow from the Israeli occupation and military control over Palestinians (by opposing the occupation itself on the basis of human rights)– which feeds very well into the Dutch priority of supporting 'change agents', especially in situation of (armed) conflict.

Broader political instability in the Middle East and the potential for further countries and regimes to crumble, are elements that cultivate a 'fear of change' among the Israeli public when it comes to the occupation and human rights violations that go with it. B'Tselem's work to change perceptions in the Israeli society (as well as abroad) is rooted in a comprehensive public opinion poll to understand the Israeli public's views on Palestinians and perceptions of Israeli policies vis-à-vis Palestinians. Combined with a general indifference to the everyday consequences of HR violations in the oPt, the occupation is accepted as a 'necessary evil'. In a political climate that is dominated by right wing politicians and with strong influence from the pro-settler camp, the responsibility of resisting the occupation rests mainly on the shoulder of Israeli HR- and civil society organizations. B'Tselem seek active collaborations with civil society in Israel as well as abroad. As a consequence of its criticism towards the occupation, B'Tselem has seen increased attempts to silence and even shut its work (as did other Israeli HR anti-occupation organizations), which included –according to B'Tselem- attacks from the highest political echelons, physical and personal attacks, cyber attacks and legal restrictions. These developments forces the organization to invest in a system for physical, cyber, legal and public protection. In this context, it can be concluded that B'Tselem's activities tie in with the Dutch HR policy goal to support the freedom of expression.

NRO MASP (2014 -2017, extended into 2018)

According to the current MASP, NRO interventions "are tailor made to meet the priorities contained in the Human Rights Policy Letter (2013), in the context of the occupation and the improvement of public administration by the PA", with support for HRDs as one of its focal areas. Human rights support is one of the foreign policy instruments in the MASP.

The work of B'Tselem fits very well into the support for HRDs, as explained above.

Appraise the policy relevance of the project, using the appraisal table. If the maximum score is not achieved, explain why. If certain criteria do not apply, please indicate this.

Nr.	Criteria policy relevance	YES/NO/N.A.
<b>Applicable to all budget holders</b>		
2.1.1	The activity ties in with the operational objectives in the Explanatory Memorandum and the related policy memorandum (policy theory and <u>intervention logic</u> ).	YES
2.1.2	The activity ties in with the ODA result areas and spearheads.	YES
2.1.3	The proposed activity/intervention is relevant to the crosscutting themes of women's rights and gender equality / climate / PSD / <b>coherence and strengthening of civil society organisations*</b> .	YES

Only if applicable to the budget holder		
2.1.4	The activity / intervention ties in with the annual plan.	YES
2.1.5	The activity/ intervention ties in with the result chain of the MIB/ MASP.	YES
Only for activities to which specific policy criteria are applicable		
2.1.6	The activity/ intervention ties in with the policy objectives of the policy instrument.	YES

\* 2.1.3: With regard to the relevance of cross cutting themes, B'Tselem activities relate to the coherence and strengthening of civil society organisations.

## **2.2 Objectives (outcomes), results (outputs) and activities according to the SMART principle**

On the basis of its strategic plan 2016-2018, B'Tselem develops annual activity plans. These have a narrative format. The following can be distracted from it:

Objective: erode the status quo by challenging the principal mechanisms that maintain the occupation, and by calling for international action to end the occupation. This is accompanied by ongoing documentation of the reality on the ground and public outreach in Israel and abroad.

Results: activities are based on two key axes: Firstly, efforts to erode the image that Israel seeks to promote of a clean and lawful occupation. Secondly, intensified attention to the routine of occupation, in an attempt to make this more real and transparent, so as to make daily occupation a component of public discourse.

### Activities:

1. Mapping developments in Hebron (continues into 2019; in cooperation with Breaking the Silence)

Slongside the ongoing documentation of the reality through the collection of testimonies and video work, B'Tselem will prepare a report including a new map and discussing the expansion of the settlements in Hebron.

2. Documenting communities Facing Expulsion in Area C (ends at the end of 2019; in cooperation with Bimkom)

B'Tselem will continue its ongoing documentation of human rights violations that Palestinian communities in area C face and of Israeli attempts to expel them from their land, including residents' testimonies and the publication of video footage. B'Tselem will prepare an interactive map exposing Israeli efforts to seize control of Palestinian space. The map will detail the changes introduced by Israel over the years. B'Tselem will publish a survey of the communities and work to ensure that they appear on sites featuring digital location (Facebook, Waze, Google, etc.), in order to add previously unknown communities to digital maps worldwide.

3. The Supreme Court and the Expulsion of Communities (planned for second half of 2018)

As a case study, B'Tselem will issue a report on the role of the Israeli Supreme Court in the expulsion of Palestinian communities, particularly in the Jordan Valley, the Southern Hebron Hills, and the Ma'ale Adumim area. B'Tselem regularly refers to the Supreme Court as one of the main mechanisms that permits the ongoing occupation and human rights violations by granting judicial legitimacy to Israel's policies.

#### 4. Minors in the Military Justice System (ends March 2018)

In order to illustrate the reality for Palestinian minors in Israeli detention, B'Tselem will collect testimonies from youths tried in this system and from their parents. The report has been published in March 2018.

#### 5. The Routine of Occupation

In order to highlight to the Israeli public the intensive military presence in Palestinians' lives, B'Tselem will publish a series of (online) items and several short studies illustrating different aspects of everyday life in the Territories – both in the West Bank and the Gaza Strip.

#### 6. Jilazun Refugee Camp (ends in May)

B'Tselem will report on the daily reality for residents of the Jilazun camp, being enclosed by Israeli settlements. The project will include publication of a background sheet about the camp, including basic facts concerning the reality in the camp and the residents' lives. B'Tselem will also publish three extended items about the camp, with an emphasis on minors.

#### 7. Women's Rights in Gaza (ends February 201, B'Tselem aims to resume activity)

B'Tselem aims to (continue to) present the voices of women in the Gaza Strip to the Israeli and international public. Testimonies will be collected from women in the Gaza Strip and uploaded to the website. B'Tselem will produce a video clip featuring a factory that manufactures products from dates, as a means to illustrate the impact of the bad economic situation in Gaza on women.

#### 8. Routine Activities

B'Tselem will continue to document the situation and collect information from the field concerning various human rights violations in the Gaza Strip and West Bank (including East Jerusalem). As part of this, B'Tselem will resume its processing of incidents involving settler violence (which was only addressed very rarely in 2017 due to a shortage of staff members). Extra emphasis will be to collect information regarding *accountability*, with the goal of publishing a report on this subject in 2019. Also, B'Tselem will focus on the distribution of cameras in communities facing expulsion, including training residents. B'Tselem will continue to invest substantial efforts in its international work.

*You should always consider gender aspects when assessing the objectives, results and activities.*

#### **Appraisal with regard to gender**

With regard to the gender aspects of the activity, assess the following:

- The objectives refer specifically to women/men, girls/boys and gender equality. **no**
- Relevant gender-specific performance indicators have been formulated for each outcome. **no**

- Relevant gender-specific performance indicators have been formulated for each output. **no**
- Baseline values, target values and verification methods have been established so that gender-specific data can be collected. **no**

**Explanatory note:** B'Tselem incorporates gender considerations in all of their work. A policy on gender mainstreaming has been developed by B'Tselem (received by NRO). Women constitute half the managers and nearly half of the staff and board of directors. B'Tselem made great efforts to increase the number of women volunteers in their video project, and women's involvement is one of the most important aspects of the project. The Gaza Women's project is continuing as planned. In 2017, B'Tselem hired our first female field researcher in the Gaza Strip, and will continue our gender awareness training with the staff there.

*In addition to the many types of risks relating to the implementing organisation (continuity, expertise, independent status, internal control, etc.), special attention must be paid to fraud, [state aid](#) and unacceptable behaviour.*

*The first two points in the table below relate to whether the organisation communicates clearly to its employees that committing fraud or other unacceptable behavior will not be tolerated. Employees who may be tempted to commit fraud must be prevented from rationalising such actions. As well as checking whether the organisation actively promotes anti-fraud policy, you should form a general idea of the ethical climate (tone at the top). Management shows leadership concerning the zero tolerance towards sexual abuse, abuse of power, fraude and concerning creating a safe environment to discuss all forms of abuse internally.*

*With regard to the third point in particular, you should check whether the implementing organisation has comprehensively identified the scope for fraud and is monitoring the measures described above.*

*The fourth point concerns the potential for manipulating or falsifying source documents when drawing up financial reports (financial statement fraud). Please check whether the implementing organisation is sufficiently aware of this risk with a view to prevention.*

*Under the fifth point, you could check whether the counterparty is also the party implementing the activities or whether it is working with local organisations. In case of the latter, the intended counterparty must have an adequate selection procedure in place.*

<b>Risk</b>	<b>Influence on results of activity</b>	<b>Mitigating measures</b>
The Dutch cabinet has a strict policy that the Netherlands does not finance activities that propagate BDS against Israel. Expressing support for BDS is protected by freedom of speech and expression, as enshrined in	High as this would prohibit NRO from financing B'Tselem	Regular exchange between NRO and B'Tselem on the political contexts in the Netherlands as to ensure sufficient sensitivity on these issues by supported NGO's, and the adjustment of work processes if needed; NRO funding is disbursed on (maximum) an

the Dutch constitution and international agreements. There is no indication whatsoever that the activities that are financed in the framework of this project propagate BDS against Israel. However, there are no absolute guarantees in this regard; the chance of a mistake (e.g. financial means not being used for agreed objectives) by any of the implementing NGO's in the course of the project cannot be entirely excluded.		annual basis after submission, review and approval of an annual activity plan. Activities that would not fall under donor-accepted activities, will be excluded from funding, unless deviations were previously agreed with NRO. Reporting, including financial reports, takes place against these agreed activities.
Cyber or physical attacks and/or smear campaign against B'Tselem	High, could impact donor base and perceived credibility	B'Tselem is well aware of this risk, and has developed/ will develop further appropriate responses for physical, cyber, legal and public protection.  Intense cooperation with civil society in Israel and abroad.
(integrity) Poor financial management increases the chance for fraud and corruption, which in turn decreases efficient and prudent use of Dutch funds, and harms reputation of B'Tselem.	High, as B'Tselem is dependent on donor funding	B'Tselem has developed strict management procedures and internal policies in many spheres. For example, they have a procurement policy that requires 3 price offers and a managers signature on a dedicated form in order to make any purchase. They have a human resources policy that sets out a complicated hiring process. They have a strict policy on gifts.  Annual audit is performed.
Poor monitoring, evaluation and quality of management	High, as the credibility and reliability are crucial to maintain trust in a challenging environment	A policy on Monitoring and Evaluation has been developed, with appropriate involvement in M&E by management.
The Dutch cabinet has a strict policy that the Netherlands does not finance organizations that promote hate-speech, racism, anti-semitism in any sort or format.	High as this would prohibit NRO from financing B'Tselem	Contract between NRO and NGO: NRO will include a clause in the contract that enables stopping NRO support upon request of Minister. Specific clauses will be included around the prohibition to promote hate and anti-semitism.  Regular exchange between NRO and B'Tselem on the political contexts in the Netherlands as to ensure sufficient sensitivity on these issues by supported NGO's, and the adjustment of work processes if needed.

**Integrity appraisal, including procedures regarding unacceptable behaviour**

Confirm whether a recent capacity assessment is available (COCA, Partos 9001 certificate, Scorecard). If this is the case, confirm whether the appraisal of the integrity policy, including the relevant rules and regulations and reporting procedures about unacceptable behaviour within the partner-organization was part of the capacity assessment. Does the appraisal meet the requirements?



If no (satisfactory) appraisal is available, you should perform the appraisal yourself and capture the results of the appraisal in the capacity assessment of the implementing organization.

The budgetholder should make a comprehensive integrated appraisal whether the financing request should be accepted. The integrated appraisal consist of:

1. A policy appraisal: *describe the points to consider in relation to the integrity risks and indicate how these may **affect the results** to be achieved through the activity.*
2. A managerial/legal appraisal: is the partner-organization willing to give access to the relevant information with regards to the implementation of the integrity policy? Describe the legal risks if access to the information is denied.
3. Political/communication appraisal: media/parlement. Describe what level of insight in the policies of partner-organizations and sub-contractors and access the information about the policy implementation is needed. Appraise whether the level of risk of unacceptable behavior is acceptable to accept the financial aid request by the partner-organization.

Further explanation of the comprehensive integral integrity appraisal:

BTselem is an organization that is well aware of the volatile situation it is operating in, both in contextual, program and organizational sense. Its Strategic Plan is built on the basis of a thorough situational analysis (including polls) and mitigating measures are in place to deal with risks. The support for 2018 is based on the positive outcome of the initial thorough assessment by the *Secretariat for Human Rights and International Humanitarian Law* for partner selection in the past. Once a new multi-annual program commences, planned early 2019, NRO will fully re-assess all potential and current partners. Therefore, although a COCA or other quality assessment measures are not in place, the overall integrity appraisal is positive.

#### **Assessment of state aid risk**

If a grant is to be awarded to a company for this activity, will it constitute state aid, as described in the [Operational Procedures Manual \(HBBZ\)?](#)

No

If so, please consult the European Law Division of the Legal Affairs Department (DJZ/ER) for advice.

## **V. IMPLEMENTATION**

### **5.1 Budget**

See below.

### **5.3 Monitoring**

#### **5.3.1 Narrative and financial reports**

Use [the performance assessment decision tree](#). Give a short explanation with the result of the decision tree.

Outcome 7: narrative and financial reports.

In the case of additional requirements: specify what conditions must be set (*e.g. greater frequency, criteria relating to content, etc.*). Also indicate if there is some other means of oversight of activity implementation (*e.g. via Board of Donors*).

### **5.3.2 Annual plans and other reports**

Reporting will take place against the submitted and approved annual activity plan (reports include but are not specific for Dutch funds).

### **5.3.3 IATI – International Aid Transparency initiative**

Financial support is < 250,000 EUR, meaning IATI is not mandatory.

B'Tselem will not be requested to report according to IATI standards. NRO is executing a pilot with a number of projects, of which B'Tselem is not part. B'Tselem has multiple donors, and to minimize administrative workload, NRO aligns itself with the reporting requirements of other donors (over execution of the activity plan of 2018), who do not require IATI reporting.

### **5.3.4 Monitoring calendar**

Set out the reporting requirements in the table below, to ensure they are accurately incorporated in the contribution agreement.

<b>Report type</b>	<b>Any specific requirements*</b>	<b>Period</b>	<b>Submission by</b>
<b>Annual plan</b>	<i>n/a</i>		
<b>Narrative*</b>	<i>n/a</i>		
<b>Financial</b>	<i>n/a</i>		
<b>Field visit</b>			
<b>Final narrative**</b>		<i>01/01/2018-31/12/2018</i>	<i>31/03/2019</i>
<b>Final financial</b>		<i>01/01/2018-31/12/2018</i>	<i>31/03/2019</i>
<b>Auditor's report</b>	<i>n/a</i>		
<b>Others to be included</b>			

\* Narrative: reports on the *contributions by third parties (inputs), outputs, outcome, sustainability* and the spending of the Dutch contribution in accordance with the latest approved budget. If a financial report is submitted separately, please insert a line.

\*\* See also the results given in section 5.3.1; if any additional criteria are desirable, insert them here.