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# PARTICIPATORY ORGANIZATIONAL NEEDS ASSESSMENT TOOL (PONAT) REPORT

**ARKAN'S KEY FINDINGS WITH THE PALESTINIAN CENTER  
FOR THE INDEPENDENCE OF THE JUDICIARY AND THE  
LEGAL PROFESSION (MUSAWA)**

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Supporting Rule of Law Reform**

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency of International Development or the United States Government.

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## **EXECUTIVE SUMMARY**

To implement USAID's Supporting Rule of Law Reform project, Arkan assigned a team of experts to carry out an assessment of the organizational climate of the Palestinian Center for the Independence of the Judiciary and the Legal Profession (MUSAWA). The assessment included three modules.

The first module consisted of implementation of the Participatory Organizational Needs Assessment Tool (PONAT). PONAT serves as a diagnostic instrument to determine an organization's capacity and development priorities in five areas.

The second module consisted of in-depth interviews with a number of stakeholders from the three state powers. They were asked their opinions on MUSAWA — the feasibility of its work, the extent to which its work is needed, its niche in civil society, its role in developing the legal profession, and its mission supporting the legal structure and development of the Palestinian judiciary.

The third module consisted of three focus group meetings with a select number of legal professionals who benefited from MUSAWA's services in the West Bank and Gaza Strip. These meetings were designed to assess the satisfaction of the beneficiaries with regard to MUSAWA's work in delivering programs and initiatives to develop the legal profession and the judiciary equally.

The impact of the PONAT is already evident after only one year. MUSAWA has become more financially stable and administratively sound. A brief overview of developments and improvements in MUSAWA's program development and delivery, as well as finance and administration systems following PONAT, are included in Annex K.

A presentation summarizing the PONAT results, in-depth interviews, and focus-group meetings was presented to MUSAWA's Board of Directors and a number of MUSAWA's potential donors. The presentation is included here as Annex L.

The assessment team sincerely appreciates the transparency, cooperation, and honesty demonstrated by MUSAWA's team, including the director general and the board of directors, during this process.

## **BACKGROUND ON MUSAWA**

The Palestinian Center for the Independence of the Judiciary and Legal Profession (MUSAWA) is a Palestinian civil society organization with the mandate of supporting an independent judiciary and legal profession at three levels: legislation, methodology, and conduct. MUSAWA monitors and addresses the social, cultural, political, economic, and legislative obstacles that inhibit law enforcement and affect the foundations of the judiciary and legal profession.

### **MISSION STATEMENT**

To contribute to building state institutions governed by law and uphold the principle of separation of powers; protect the independence of the judiciary and its role in honoring and implementing the rule of law decently, boldly, and actively, taking into consideration that the role of the judicial authority is superior to that of either the legislative or executive authorities. The judicial authority is the highest authority in resolving disputes and all forms of crime, and serves as monitor and mediator if either the legislative or executive authorities neglects its duties.

### **OBJECTIVES**

- Bolster the principle, content, requisites, features, and mechanisms of the independence of the judiciary, being the sole authority to uphold justice
- Reinforce the constitutional and legislative dimensions of the principle of separation of powers and independence of judiciary and legal practice, as the primary prerequisites for democratic rule and protection of citizens' rights and freedoms
- Strengthen the unity of the judiciary (regular) that assumes the overall jurisdiction for settling all disputes and crimes; serves as one of the pillars of civil society; and opposes, through legal means, any party that may illegally attempt to usurp or share this jurisdiction
- Create public awareness to bolster the independence of the judiciary and legal profession, as an indicator for honoring and implementing international standards of human rights
- Monitor, document, and address, through legal means, all violations and practices harmful to the independence of judiciary and legal practice, whether exercised by lawyers, judges, litigants, the legislative authority, or the executive authority
- Support all community-based efforts aiming at bolstering and developing the proper legal practice of the judiciary and Palestinian lawyers
- Encourage individual and collective initiatives that strive to strengthen the independence of judiciary and the legal profession, and improve their performance (theoretically and practically), thus recognizing their social value in reinforcing the rule of law and building a sound, modern democratic society
- Develop the legal skills of lawyers and judges to enhance their role in promoting the Palestinian judiciary, and combat the culture of fear and interest-based

allegiance, which is behind all attacks and violations committed against the judicial authority and legal profession

- Foster communication and cooperation between the center and other Arab and international centers with similar interests, in order to exchange expertise, benefit from human experiences, and work jointly to maintain the values of the independence of judiciary and legal profession and unify common concepts and visions to ensure the efficiency of such independence
- Developing legislative, human, and physical resources relevant to the judicial authority and legal practice to enable them to perform their roles, exercise their powers, and maintain their independence

#### **PROJECTS IMPLEMENTED**

- Monitoring and Networking in conjunction with the Dutch Representative Office (January 1, 2006 – June 30, 2006)
- Lawyers for Rule of Law in conjunction with the National Endowment for Democracy (NED) (August 1, 2005 – July 31, 2006).
- Improving Lawyers Professional Skills in Elections in conjunction with the European Union and UNDP (June 1, 2005 – July 31, 2006).
- Judicial Review on Presidential Election in conjunction with the Representative Office of Canada (December 1, 2004 – February 25, 2005).
- Monitoring and Networking for Justice in Palestine in conjunction the representative offices of Norway and Holland (November 1, 2004 – November 13, 2005).
- Role of Civil Associations in Supporting and Activating their Role with Regard to the Independence of Justice in conjunction with the Representative Office of Norway (December 1, 2003 – February 25, 2004).
- Improving Professional Skills of Lawyers in Judiciary Related Lawyer in Palestine in conjunction with the Representative Office of Canada (September 1, 2003 – December 30, 2003).
- Monitoring Role of the Palestinian Legislative Council on the Performance of the Executive Power with regard to the Judiciary in Conjunction with Konrad-Adenauer Stiftung (KAS) (June 1, 2003 – November 30, 2003).
- Fresh Look at the Palestinian Administrative and Constitutional Law in conjunction with DPK/USAID (December 1, 2002 – December 30, 2002).

## **PONAT**

The Participatory Organizational Needs Assessment consists of three modules: (a) general survey; (b) climate survey; and, (c) focus groups. The general survey aims at assessing the capacity of the organization at the highest administration that is appropriate. The climate survey presents the points of view of the organization's staff. The focus groups present the beneficiaries' perceptions.

### **GENERAL SURVEY**

The general survey is a diagnostic instrument that aims to gain a broad understanding of the organization and help determine its capacity in five areas: program delivery, human resources, management, finance, and external relations.

The survey data is collected through regular meetings with an organizational development committee (ODC) and the completion of a unified questionnaire. The meeting may last from 2 to 4 hours and is normally conducted by an external capacity-building specialist. The collected data is triangulated using a variety of techniques to acquire more accurate and reliable data. The external specialist conducts the triangulation, determines the scores, and analyzes the data. Each specialist requires 24 work hours to complete the general survey, triangulation, analysis, and preparation of the report.

### **CLIMATE SURVEY**

The climate survey aims to identify the perceptions, attitudes, and opinions of the organization's staff on internal systems and procedures and the prevalent organizational culture. Normally, staff members, board members, administrative personnel, and volunteers participate. The survey is comprised of 55 questions, the responses to which are given a value of 0 to 4 points. Within one week of receipt of the questionnaire, each respondent delivers the questionnaire in a sealed envelope to the external specialist. The respondent may address enquiries or questions directly to the specialist. Each specialist's level of effort for completing the climate survey and the report is 12 hours.

### **FOCUS GROUPS**

Focus groups explore the satisfaction, perceptions, and attitudes regarding an organization's products and services and the way it relates to its beneficiaries. The focus group, made up of representatives of the organization's constituency, is used as a means of triangulating the survey results in general, and the program delivery and external relations in particular. To determine the number of group meetings needed, the specialist normally assesses the numbers of programs and beneficiaries and geographic coverage. Generally, two meetings may be sufficient.

The three modules of PONAT may be applied individually, but use of the full package is preferable, in order to achieve a comprehensive analysis of the capacity needs of the organization.

### **SCOPE OF WORK**

Arkan assigned a team of consultants to assess the organizational capacity needs of the MUSAWA, located in Ramallah.

The scope of the assessment covered:

- Using PONAT to assessing the organization’s capacity in five areas: management, program delivery, human resources, external relations, and finance
- Determining priority areas of intervention, based on the results of the general survey
- Using focus groups, made up of representatives of MUSAWA’s constituency, to assess satisfaction with the services they received

## **METHODOLOGY**

### **General Survey**

The assessment team collected the required data by meeting with the organizational development committee of MUSAWA. The ODC included Jaser Jaber, attorney at law and chairman of MUSAWA’s board of directors; Ibrahim Barghouti, attorney at law and executive director; Mr. Samir Nathmy, treasurer and member of the board of directors; and Naser Khadour, financial manager. The team presented all the of the general survey questions and recorded the relevant answers (which are either “yes” or “no”) upon discussion with the ODC.

### **Triangulation**

The main objective of triangulating data collected from PONAT’s general survey is to provide objective evidence/proof to the “yes” answers. The proof is acquired using variety of tools, including auditing of documents, observation, and in-depth interviews. Usually the ODC’s answers to general survey questions are taken as the official answer of the organization with regard to its capacity issues. Therefore, it is justifiable to assume that the ODC is responsible for any answer and should be responsible for providing enough evidence to support those answers.

To triangulate the data, the assessment team used direct observation during interviews and examined numerous files and documents, including MUSAWA’s memorandum of association, objectives and activities of MUSAWA’s projects, a number of project reports, financial documents (bank reconciliations, payment procedures, and the latest assets inventory), employee contracts, meeting minutes, an impact assessment document, MUSAWA’s strategic plan, and several publications (including “Eye on Justice” and “First Conference on Justice in Palestine”).

### **In-depth interviews**

- Yaser Jaber, attorney at law and chairman of the board of directors
- Ibrahim Barghouti, attorney at law and director general
- Amani Salah, programs director
- Naser Khodor, financial manager
- H.E. Farid Jallad, Minister of Justice
- Judge Issa Abu Sharar, chairman of the Supreme Judicial Council
- Adnan Amro, attorney at law and the president’s legal counselor
- Judge Mahmoud Hammad (meeting took place before his appointment to bench)

- Faten Bu Lifa, counselor for the legal department of the PLC
- Dr. Azmi Shoaybi, Director of Aman (CSO)
- Ahmad Sayyad, chairman of the Board of Directors, Palestinian Bar Association
- Ali Safarini, attorney at law
- Amar Dwiek, CEO of the Central Elections Commission
- Nael Al Hawah, attorney at law at Nablus
- Dr. Amin Dawwas, law school dean, Arab American University of Jenin

### **Focus group meetings**

The focus groups were comprised of a number of lawyers from Gaza and the West Bank. The team held three meetings, one of which was in Gaza.

The team aimed to assess whether MUSAWA's development priorities (structure, programs, and services) correspond to the participants' current needs and potential future needs. The meetings were run in a way that would guarantee independent participation, without hegemony, interference, or misleading information. The team prepared answers to a range of potential questions that were used to steer an organized discussion and to guarantee that all of MUSAWA's activities were discussed.

The participants expressed their opinions regarding the depth and impact of MUSAWA's services. The discussion revealed the extent of their bitter feelings as well as their genuine interest. The assessment team appreciated the participants' honesty and transparency.

In conducting the focus group meetings, the team contended with several issues.

- Some participants were not aware of the focus group technique and had expected an open discussion. However, they appreciated the technique once they were engaged in the first question and began the discussion.
- Some participants were not sufficiently aware of all of MUSAWA's programs and activities.
- All of the selected participants were lawyers; no other sectors (law students, judges, etc.) were represented.
- Logistical issues presented problems. The general situation prevented the participation of lawyers from Nablus and Tulkarem areas. The political situation also prevented the assessment team from conducting the Gaza focus group in person; it was conducted remotely through "video conference" from Ramallah.
- The Gaza focus group was large (28 participants), but it did not include women.

## KEY FINDINGS OF THE PONAT GENERAL SURVEY

### MANAGEMENT

The final score in management was 4/10. The chart below details the results.

INDICATOR	SCORE	RESULT
Management and Leadership**	6	Reasonable, needs some improvement
Planning	4	Poor, needs significant improvement
Administration issues	5	Reasonable, needs some improvement
IT System	0	Poor, needs significant improvement
Constant Improvement	5	Reasonable, needs some improvement

### Comments and recommendations

- There is a need to expand the membership of MUSAWA’s General Assembly, develop the structure of the board of directors, and activate/support its role in shaping MUSAWA’s policies, strategic plan, and plans in general. The caliber of the Board and General Assembly members has earned MUSAWA a high level of respect and trust among the legal community. There is a need to maintain the board’s enthusiasm, involvement, and proactive contributions. MUSAWA can think creatively about tools to maintain and even improve the leadership role of the board.
- During their interviews, stakeholders made clear that the current director general plays a dynamic and active leadership role. He possesses the vision, courage, energy, and drive to move MUSAWA forward. However, it also became clear that there is a need to change MUSAWA’s image as a “one-man show.” This can be achieved by more board involvement and by granting MUSAWA’s employees more space and encouragement to participate in promoting MUSAWA and assuming more responsibilities.
- Through reviewing MUSAWA’s files and interviews with stakeholders, the team found that MUSAWA needs to develop its planning skills. A draft strategic plan was written in mid-2005, but the plan has not yet been approved or even discussed by the board of directors. While it may be true that MUSAWA needs to be ready to identify and deal with “hot issues” as they arise, the organization also needs to devise, in a participatory fashion, a medium-term plan that outlines objectives and major projects and is acceptable to and approved by its general assembly. Such a plan would help MUSAWA find partner donors for its programs. The team recommends that MUSAWA hold a three-day retreat workshop to agree upon a medium-term plan.
- MUSAWA currently lacks a specialized library. The organization must establish a core library as soon as possible, in order to link MUSAWA with existing specialized legal libraries. This will greatly enhance MUSAWA’s communication and networking with lawyers, judges, and other stakeholders.

- MUSAWA needs to be furnished with computer equipment (including laptops), especially as MUSAWA employs new technical or administrative staff or if the organization moves to a new office.
- The current MUSAWA office, located in a huge commercial area, is unsuitable. The office lacks necessary facilities such as a training hall, meeting rooms, or library. The team recommends that MUSAWA move to another office with such facilities.
- The team noticed that MUSAWA’s Web site is outdated and lacks vital information, such as MUSAWA’s activities, programs, and publications (periodicals, announcements, and books). MUSAWA needs to redesign its site to meet its own needs as well as stakeholders’ needs.
- MUSAWA should invest in improving its capacity for recordkeeping. Such improvements will be especially important as MUSAWA moves forward with plans to establish a modern, comprehensive archive for contraventions and violations of rule of law, regardless of their source or nature. The archive would serve as a resource for all involved in rule of law reform, independence of judiciary, and good governance.

## PROGRAM DELIVERY

The final score in program delivery was 4.5/10. The chart below details the results.

INDICATOR	SCORE	RESULT
Technical Expertise	4	Poor, needs big improvement
Relative Advantage (niche)	10	Suitable, needs to be sustained
Program Development	5	Reasonable, needs some improvement
Evaluation and Follow up	5	Reasonable, needs some improvement
Sustainability	2.5	Poor, needs big improvement

## Comments and recommendations

- Interviews and meetings revealed that MUSAWA, in a relatively short time, gained the respect and trust of key actors in its target sector. The organization has a competitive advantage and fills an important niche in Palestinian civil society.
- MUSAWA established effective relations with the Palestinian judiciary, and in particular with the Supreme Judicial Council and the relevant parties in the Palestinian Legislative Council. Despite being a relatively new organization, MUSAWA is regarded as an influential point of reference in the realm of rule of law, independence of the judiciary, and improvement of the legal profession.
- MUSAWA enjoys good relations with legal professionals, as evident from the discussions with the three focus groups of lawyers. The organization has gained equal respect and appreciation from judges and legislators. MUSAWA’s “Eye on

Justice” publication has widely attracted the interest of lawyers, judges, and civil society activists. Similarly, participants in MUSAWA’s education activities (especially those held during the preparations for the recent Palestinian elections) have been marked as impressive and were fully appreciated. In addition, lawyers and judges regard the “Justice and Law” publication as an educational forum for judicial precedents that must be maintained, expanded, developed, and utilized.

- While MUSAWA’s work and interventions are responsive to genuine community needs, it does not utilize scientific or systematic means to evaluate needs and priorities, as evidenced from the training session targeting lawyers. Although lawyers hailed MUSAWA’s training sessions and regarded them as an alternative professional training for lawyers in the field, there remains a need to conduct a systematic assessment to identify priorities, content, and curriculum for training sessions.
- MUSAWA has not yet conducted an assessment to measure the impact of its interventions and activities. This might be partially blamed on the lack of institutional capacity or awareness of the importance of such a tool. Various stakeholders indicated that MUSAWA plays an important and distinctive monitoring role, especially with regard to the judiciary and its connection to other state powers (judicial procedures, selection and appointment procedures for the bench, integrity and justice of the judiciary, professionalism of judicial decisions, elections laws, public awareness of elections laws, etc.).
- Interviews revealed that many stakeholders are dissatisfied with the level of follow-up on the recommendations and results of MUSAWA events. The stakeholders complained that they were not informed on what happened to the recommendations raised during activities, and suggested that MUSAWA establish better follow-up mechanisms. According to one stakeholder, email could be one major means of improving communication. Others criticized MUSAWA for poor geographic coverage and focusing their activities in the Ramallah area.
- There were discrepancies as to the role MUSAWA should play: training lawyers, improving the legal profession, acting as a watchdog on the judicial or executive power, or reviewing laws. The team recommends that MUSAWA hold a meeting for the administrative team, program managers, judges, lawyers, PBA, and other relevant CSOs to identify program priorities for MUSAWA.
- Some interviewees recommended that MUSAWA work on news subjects, namely military justice and the monitoring of the legislative power. These issues should be discussed in strategic planning sessions.

It was evident that MUSAWA suffers seriously from sustainability of its programs. MUSAWA’s activities are responsive to the needs of the community and its beneficiaries (lawyers and judges), but it has not yet established strategic plans to address the issue of the sustainability for its programs or address its reliance on external funding. Many important and good suggestions were revealed during the interviews that are worth studying.

## HUMAN RESOURCES

The final score in human resources was 7.5/10. The chart below details the results.

INDICATOR	SCORE	RESULT
Organizational Structure **	10	Suitable, needs be sustained
Organizational Culture **	5	Reasonable, needs some improvement
Cadre	7.5	Reasonable, needs some improvement
Diversity	10	Suitable, needs to be sustained
Human Resources Management	8	Suitable, needs to be sustained

### Comments and recommendations

- It is difficult to assess the structure of an organization that has only three employees currently. However, upon review of documents and as a result of interviews, it was evident that MUSAWA can be characterized as a centralized organization because of the strong personality of the director and the lack of a second-tier technical and administrative expertise to make management more participatory and democratic. In this respect, the team recommends that MUSAWA establish a new program manager position or senior technical position. This employee is expected to help the director focus on high-level interventions and decision-making instead of the day-to-day or field or administration details.
- Despite the existence of an evaluation form for employees and a budget to develop professional skills, employees are not regularly evaluated and a staff development program has not been implemented.
- As a judiciary watchdog, MUSAWA has exclusivity within the fabric of civil society. Its activities need more institutional capacity in many areas. MUSAWA cannot achieve its objectives in a sustainable way or reach the desirable impact without improving the quality and quantity of its technical, administrative, and coordination cadre.
- No indication or criticism was given during interviews and meetings that would raise questions about the integrity or ethics of MUSAWA's team. To the contrary, it was evident that the MUSAWA team enjoys the utmost respect and trust of stakeholders. However, the team observed that MUSAWA does not provide an adequate climate to stimulate employee loyalty, activeness, or development. This has marginally lowered morale of some old employees, and reduced their drive for improvement and creativity.

## EXTERNAL RELATIONS

The final score in external relations was 7.5/10. The chart below details the results.

INDICATOR	SCORE	RESULT
Relation with the Community, audience and beneficiaries	8	Suitable, needs to be sustained
Relation with the government	7.5	Reasonable, needs some improvement
Coordination and Networking	8	Suitable, needs to be sustained
Relation with the Media	6.7	Reasonable, needs some improvement
Advocacy	6.7	Reasonable, needs some improvement

### Comments and recommendations

- MUSAWA did manage to show distinctive ability to capture, highlight, and openly discuss hot issues and problems related to the judiciary and the legal profession, but some stakeholders believe that the level of professionalism in lobbying and advocacy is not up to standard. Therefore, the team recommends that MUSAWA improve the organization's capacity toward professionalism in these two fields. This can be achieved through hiring capable employees to first coordinate and manage these activities, then establish clear, effective, and long-term mechanisms, plans, and tools.
- MUSAWA has no internal filing procedures for lobbying and advocacy, or even training activities. While the lawyers who are participating in the training activities are satisfied with MUSAWA's educational services, MUSAWA should offer more capacity building training for lawyers and judges.
- MUSAWA has no clear networking policy or plan with other complimentary or similar CSOs, whether towards establishing coalitions or galvanizing cooperative relations. However, MUSAWA enjoys good relations with many of these organizations. MUSAWA proved, on many occasions, its ability to mobilize a number of organizations to lobby change. It will be important for MUSAWA to assume the lead in establishing coalitions and coordinate and focus their advocacy efforts towards an effective, independent transitional judicial council.

## FINANCE

The final score in finance was 6/10. The chart below details the results.

INDICATOR	SCORE	RESULT
Budgeting	0	Poor, needs big improvement
Fund Raising	2.5	Poor, needs big improvement
Purchases	10	Suitable, needs to be sustained
Compliance	10	Suitable, needs to be sustained

### Comments and recommendations

- The PONAT “general survey” revealed that MUSAWA has no tax file, but work is being done to reach this end. The team recommends that MUSAWA open the file as soon as possible to avoid any liability in the future.
- MUSAWA’s funding structure, up to now, is not built on medium-term or long-term budgeting plans or vision. MUSAWA’s financing is principally dependent on short-term projects to implement activities rather than short-term or long-term programs.
- MUSAWA needs to establish medium-term funding strategies as its first priority for building MUSAWA as an institution. Such strategies could include:
  - Establish a program document that will include the following major components:
    - Continue issuing “Justice and Law” publication, improve its content and layout, and widen its distribution/readership locally and abroad. This publication has the potential of becoming a trusted reference, critic, and analyst of judicial decisions (precedents). It will also improve the judiciary’s self-criticism and become an educational tool for lawyers and judges.
    - Continue issuing “Eye on Justice” publication as a comprehensive and reliable judiciary watchdog, and maintain its image as an objective monitoring tool of the judiciary.
    - Introduce training/educational program for lawyers to support the legal profession, and raise their genuine lawyering capacity and skills. The team encourages MUSAWA to start a service-for-fee diploma program that is recognized by pertinent authorities.
    - Work with the PLC committees, departments, members, and PLC-members’ coalitions to ensure a healthy legislative power as part of a comprehensive program that is focused on the PLC.

- Continue advocacy and lobbying activities that work toward an independent, transparent, and effective judiciary through a variety of activities, including workshops, conferences, forums, letters, and meetings.
  - Issue an annual report or semi-annual report on the status of the Palestinian judiciary, analyzing improvements and achievements as well as violations, irregularities, diversions, or omissions.
- Organize a donor meeting to present MUSAWA’s various programs and to guarantee a level of coordination among donors, so that each donor (according to their respective agenda and priorities) adopt one or more components for the duration of their financial cycles.
  - Introduce project indicators and performance monitoring tools that can serve as MUSAWA’s primary method for monitoring progress and carrying out impact assessments.
  - Improve MUSAWA’s institutional capacity by appointing coordinators and program manager(s), so that MUSAWA can achieve a performance leap.

## **SYNOPSIS OF RESULTS OF THE IN-DEPTH INTERVIEWS AND FOCUS-GROUPS MEETINGS**

- Participants expressed their utmost satisfaction with the MUSAWA training and educational activities targeting the legal community.
- Participants believe that MUSAWA’s activities helped them develop knowledge and skills in different areas, such as elections laws, judicial system, and appeal against court decisions.
- Lawyers will enthusiastically and with great anticipation participate in future trainings that MUSAWA conducts.
- The vast majority of participants agree that MUSAWA succeeds in playing an important and effective role in civil society because it has built good relations with the judiciary, CSOs, the judicial system, and the PBA.
- Some participants point to the fact that MUSAWA succeeded in having a positive impact on the lawyers’ awareness of and interest in community issues and enhanced their participation in defending the independence of the judiciary and rule of law.
- Participants clearly agree that MUSAWA’s programs tackled lawyers’ genuine needs; however, they believe that the vast majority of issues have not been sufficiently exhausted or activated on the ground. Other issues that should have been tackled include monitoring the work of the executive powers, the PLC, and the ministries.
- MUSAWA should work toward enhancing its institutional development and employees’ capacity-development.
- The “Lawyers for Rule of Law” network should be supported and promoted in other areas.
- Participants recommended that MUSAWA establish a “diploma” training program that addresses the lawyers’ field and practical needs.
- The lawyers recommended that MUSAWA contemplate establishing a “legal services office” that provides legal services in different specializations under the guidance of prominent lawyers. The office could act as an incubator for new lawyers to be trained on lawyering skills, legal ethics, and values.
- Participants urged MUSAWA to contemplate the idea of opening an office in Gaza so that it can achieve geographical balance.
- Despite the following shortcomings, the participants expressed their satisfaction with the deliverables of MUSAWA’s activities:
  - MUSAWA needs better tools for follow up and realization of recommendations reached during workshops and conferences.

- Most of MUSAWA’s activities are primarily in Ramallah, creating an insufficient geographic coverage.
- Despite the notable efforts by MUSAWA, some participants criticized its administration style and decisions, lack of clear vision, and lack of long-term plans that would help MUSAWA enjoy more support and backing.
- The membership of the General Assembly must be broadened and the role and participation of the board of directors must be improved.
- More people should be included in designing and implementing MUSAWA’s activities.
- Some participants believe that some of MUSAWA’s activities are responsive rather than well thought out, targeted interventions.

## **ANNEX A**

### **MEMBERS OF THE ORGANIZATIONAL DEVELOPMENT COMMITTEE**

Name of the CSO: The Palestinian Center for the Independence of the Judiciary and the Legal Profession

Members of the Organizational Development Committee:

1. Yaser Jaber, attorney at law and chairman of the board of directors
2. Ibrahim Barghouti, attorney at law, and director general
3. Amani Salah, programs director
4. Naser Khodor, financial manager

## ANNEX B

### STAFF QUALIFICATIONS MATRIX

NAME	HIRE DATE	EXPERIENCE	HIGHEST LEVEL OF EDUCATION	SPECIALTY	JOB TITLE
Ibrahim Barghouti	1\11\2004	24 years	B.A	Legal Studies	Director General
Amani Salah	1\10\2005				Program coordinator
Naser Khodor	1\1\2006	4 years	B.A	Accounting	Financial Manager
Manar Sharaf	13\2\2006	1 year	B.A	English+ translation	Admin Assistant
Scarlet Habash	1\6\11\2005	1 year	B.A	Legal Studies	Project Coordinator
Sana' Hussein	1\11\2004	2 years	B.A	Legal Studies	Coordinator + Researcher
Rania Kharbatli	1\11\2004	1 year	B.A	Legal Studies	Coordinator + Researcher

This information was acquired from MUSAWA.

Notes:

- The program coordinator is a part-time position
- The financial manager is a part-time position
- With the exception of the director general and the administrative assistant, all other employees are on leave without pay due to lack of funding

## ANNEX C

### VITAL STATISTICS MATRIX

2002	2003	2004	2005	2006	ITEM
7	7	7	7	7	Members of the Board of Directors
3	3	7	7	5	Staff
0	2	3	3		Consultants
2	4	7	7		Staff that have remained with the MUSAWA for a long period.
0	0	0	0	2	Newly Approved Staff
5	8	7	7		BOD Meetings
48	48	60	60		Staff Meetings
1	1	5	5		Computers (hardware)
1	1	4	4		Telephones
1	1	2	2		Official Internet Accounts
0	3	5	17		Publications
9	15	25	15		Announcements (ads)
3	5	5	15		Press Releases
0	0	1	1		Press Conferences
0	0	1	3		Radio Programs
0	0	1	3		Television Reports
9	15	25	15		Articles/reports/newspaper news
1	2	3	2		Proposals
1	2	3	2		Awarded Proposals
1	2	3	2		Contracts Signed
1	2	3	2		Ongoing projects
3	3	15	15		Beneficiaries (organizations)
100	210	1000	1000		Beneficiaries (individuals)
7	7	7	7		Beneficiaries (sectors, locations)
4	0	0	5		Signed Partnership Agreements
0	0	0	0		Joint Projects w/ Governmental Dep.
4	0	0	5		Joints Projects with other CSOs
1	2	3	2		Joint Projects with Foreign Org.
0	0	0	8		Foreign Guests
0	0	0	2		Invitations Received from Foreign Entities
0	0	0	2		International Conferences Attended
					Donations (gifts) Acquired
1	2	2	2		Grants Received

DPK	Konrad Edenauer-stiftung + Canadians	Holland and Norway	EU, Canadian s, and UNDP		Donors
0	0	2	5		Books
0	0	2	5		Magazines and Periodic
0	0	0	0		Annual Subscriptions
0	0	?	?		Number of Access to the Internet
2	3	5	12		Conferences / Workshops
					Occasions and Public Events
1	2	3	2		Projects Review
0	3	3	5		Monitoring and Assessment Activities
2	3	4	10		Meetings with the Targeted Groups
0	0	0	1		Needs Assessment Activities
0	0	0	5		Impact Assessment Activities
0	0	0	3		Training Activities
3	3	4	6		Advocacy Activities
1	1	2	1		Financial Audit

This information was acquired in February 2006.

## ANNEX D

### LIST OF PARTICIPANTS, FOCUS GROUP 1

Rocky Hotel, Ramallah

AREAS BENEFITED FROM MUSAWA	AREA	NAME	#
Training: Elections Appeals -PBA- two months	Hebron	Eyad Farid Salma	1
Training: Elections Appeals- two days- Grand Park Training: Elections Appeals -PBA- two months Training: Local Government Elections- PBA Conference: Lawyers Role- Salim Afandi	Hebron	Said Tawfiq Al Ewawe	2
Training: Elections Appeals -PBA- two months Conference: Lawyers Role- Salim Afandi	Hebron	Raed Ismael Khalil Barbarai	3
Training: Elections Appeals- two days- Grand Park Training: Elections Appeals -PBA- two months Training: Local Government Elections- PBA Conference: Lawyers Role- Salim Afandi	Hebron	Sufian Barbarawi	4
Training: Elections Appeals- two days- Grand Park Conference: Lawyers Role- Salim Afandi	Jenin	Abdallah Kilani	5
Training: Elections Appeals- two days- Rocky Hotel Conference: Lawyers Role- Salim Afandi	Jenin	Majdi Jarwan	6
Training: Elections appeals Conference: Lawyers Role- Salim Afandi Member of the Lawyers for Rule of Law Submitted an elections appeals with MUSAWA's support	Bethlehem	Hisham Rahal	7
Training: Elections appeals Conference: Lawyers Role- Salim Afandi Member of the Lawyers for Rule of Law Submitted an elections appeals with MUSAWA's support	Bethlehem	Scarlet Habash	8

## ANNEX E

### LIST OF PARTICIPANTS, FOCUS GROUP 2

Rocky Hotel, Ramallah

AREAS BENEFITED FROM MUSAWA	AREA	NAME	#
Attended a number of trainings and studeies on elections appeals and participated in two television episodes	Ramallah	Rabea Rabea	1
A number of meetings related to judicial reform, elections, and other issues of interest to lawyers	Ramallah	Fatima Hamoudeh	2
Lectures on human rights and judicial reform	Ramallah	Aeda Mohammed Abu Helo	3
A number of lectures and publications	Ramallah	Nancy Abu Sbeih	4
Highlighting the inhibitors facing lawyers and judges in general	Ramallah	Fahid Shoubaki	5
Presenting problems of the legal profession and the judiciary	Ramallah	Ali Squerat	6
Monitoring the Judiciary through "Eye on Justice" Court Decisions Review Monitoring the judiciary's violations and contraventions	Ramallah	Shukri Aboudi	7
Lectures, forums, and Publications.	Ramallah	Rateb Mohiesen	8
Lawyering issues and forums with PBA. Legislations and court decisions	Ramallah	Nazeeh Abu Tiben	9
Judicial work Improving the legal profession.	Ramallah	Mohammed Tharf	10

## ANNEX F

### LIST OF PARTICIPANTS, FOCUS GROUP 3

Arkan (Ramallah and Gaza)

AREA	NAME	#
Gaza	Jamal Kamel Daood	1
Gaza	Mohammed Amin Saliha	2
Gaza	Wael Read Yazje	3
Gaza	Abdel Aziz Ghelani	4
Gaza	Baker Turkman	5
Gaza	Mohammed Reyad Zaharneh	6
Dier Al Balah	Akram Ahmad Al Kurd	7
Dier Al Balah	Khaled Ahmad Barakeh	8
Gaza	Hazem Shaheen	9
Gaza	Moaed Aziden	10
Rafah	Imad Mahoud Abu Harb	11
Gaza	Ashraf Al Saf	12
Gaza	Ali Ahmad Ulwan	13
Al Breij	Baha Ahmad Hussein	14
Jabalia	Ihab Hussein	15
Jabalia	Eid Subhy Naser	16
Jabalia	Othman Naeim Naser	17
Al Nuseirat	Omar Jamil Hameed	18
Gaza	Majed Alami	19
Jabalia	Yousef Yousef Madhoun	20
Jabaia	Musref Abed Abu Meddien	21
Al Breij	Nihad Issa	22
Gaza	Mohammed Hasuneh	23
Gaza	Naser Hamdan	24
Gaza	Mohammed	25
Gaza	Hani Mohammed Saed Allah	26
Gaza	Mowafeq Ulwan	27
Gaza	Yaser Madhoun	28

## ANNEX G

## **SYNOPSIS OF FOCUS GROUP DISCUSSIONS IN THE WEST BANK**

Participants in focus groups expressed their utmost satisfaction with and trust of MUSAWA; they consider it a pioneer organization. It was also clear that they expressed interest in any future activities that MUSAWA conducts to improve their participation in and leadership of civil work. They were motivated to participate in MUSAWA's activities because:

- MUSAWA's activities rise to the challenge by discussing sensitive and hot cases and issues that have never been discussed by any other CSO.
- MUSAWA has conducted targeted and effective workshops in support for rule of law and judicial reform initiatives.
- Participants' willingness to develop their information and legal skills in issues such as: local elections law, general elections law, elections appeals, trial advocacy before the high court, administrative law, and other laws.
- MUSAWA's focus on improving lawyers' professional capacity in legal and judicial issues through their activities.
- MUSAWA's activities address the current legal and social development needs of the Palestinian people.
- The participants possess a deep conviction that there isn't any other CSO that effectively deals with issue of their concern.

The participants in the focus groups agree that MUSAWA provided target groups (women and men and disabled people) with equal opportunities. It is worth mentioning that women, and to a lesser extent people with disabilities, always participate in MUSAWA's activities. The participants summarized their benefits from MUSAWA as follows:

- Acquiring new and effective experiences in new laws, especially local governments' law, general elections law, elections appeals, and administrative law.
- Enriching the legal materials and doctrine and encouraging lawyers to learn through review of court cases.
- Improving lawyers' knowledge base, skills and drive both at the practical and theoretical levels.
- MUSAWA selected important subjects and presented them in clear ways.
- Exposing lawyers and the civil society to the current legal/judicial system problems and issues.

- Expanding their knowledge in new issues related to trial advocacy, monitoring of court/judges decision, and elections appeals. All of this improved the judges' daily work, whether related to issuance of judgments or ethics.
- MUSAWA's activities were characterized as important because they allowed lawyers to practice what they had previously learnt.
- MUSAWA's publications, especially "Eye on Justice" and "Justice and Law", managed to educate lawyers, judges, and other interest groups on the Palestinian judicial system.

Despite the following shortcomings, the participants expressed their satisfaction with the deliverables of MUSAWA's activities:

- MUSAWA needs better tools for follow up and realization of recommendations raised during workshops and conferences.
- Most of MUSAWA's activities are primarily in Ramallah creating an unbalanced geographic distribution. Participants from remote areas expressed their need to benefit from MUSAWA's activities through more activities in the northern and southern regions of the West Bank.
- Despite the huge effort that MUSAWA has done, some participants criticized its administration style and decisions. They accused MUSAWA's as being a "one-man-show" or "a centralized organization" that lacks a clear vision and long term plans that would help MUSAWA enjoy more support and backing.
- There is a need to broaden the membership of the General Assembly, and improve the BoD's role and participation. They recommended that MUSAWA accept applications for the General Assembly.
- There is a need to include more people in designing and implementing MUSAWA's activities. The coordination for activities was limited to a small number of coordinators/organizers who were not selected according to professional competence. The participants recommended that MUSAWA involve more people and devise selection criteria for guaranteeing competence and specialization of organizers.
- Some participants believe that some of MUSAWA's activities are responsive rather than being well thought through and targeted interventions.
- Some participants believed that MUSAWA has not yet achieved the capacity of a full fledged institution.

Participants believe that MUSAWA's activities help them develop their knowledge and skills in different areas including: elections laws, judicial system, and appeal against court decisions.

The vast majority of participants agree that MUSAWA has effectively and successfully filled a niche within the mosaic of civil society because it built good relations with the judiciary, CSOs, the judicial system, and the PBA. They added that

there are many circumstances that have helped MUSAWA move forward, including: exclusivity of the subject areas, its courage in presenting ideas, and concepts, lack of other effective organizations [public sector] that deal with the judiciary free from political and sectoral interests.

Participants in the focus groups indicated that they are aware of the problems facing the Palestinian judiciary (that plays a major role in the Palestinian society), but conversely, they indicated that their role in revamping the Palestinian legal system is almost nonexistent, especially in issues affecting the public good. But through MUSAWA, the lawyers have become more effective and able to deal with issues in the judicial sector, at least in their respective areas. Some of them even became bolder and acquired the determination to raise issues related to the public good.

Some participants pointed to the fact that MUSAWA has succeeded in achieving a positive impact on the lawyers' awareness of and interest in community issues, and has enhanced their participation in defending the independence of the judiciary and rule of law. One participant said that the training that s/he acquired on elections appeals has encouraged him/her to take a case for the public good with help from MUSAWA, and women participants. This was demonstrated in the case of Rashidiyeh village council in Bethlehem. While some participants said that MUSAWA was effective in lobbying and advocacy, others believe that MUSAWA's impact on the judicial system was minimal. It is worth mentioning that measuring MUSAWA's impact on the judiciary requires a different methodology, which is outside of the scope of this assessment.

The participants clearly agreed that MUSAWA's programs tackled lawyers' genuine needs; however, they believed that the vast majority of issues have not been sufficiently exhausted or activated on the ground. They felt that other issues, such as monitoring the work of the executive powers, the PLC, and the ministries, should have been tackled.

Some participant believed that MUSAWA managed to follow through with recommendations reached by its activities and effected positive change, while others believe that MUSAWA's follow-through was insufficient. For example, MUSAWA has never informed them about the results of many issues that had been highlighted or raised in workshops or conferences as issues that required follow-up.

## **ANNEX H**

### **SYNOPSIS OF THE FOCUS GROUP DISCUSSION IN GAZA STRIP**

Some lawyers believe that it is important for MUSAWA to work on the following components:

- Monitor new draft laws, and the legislative process;
- Monitor the implementation of laws and the justice system;
- Improve the practical and professional capacity of lawyers in specific areas in accordance with their needs;
- Advocacy and lobbying for rule of law; especially in this critical period that is heading towards big change; and,
- Continue issuing of the “Eye on Justice” and “Justice and Law” publications.

Lawyers recommend that MUSAWA develop training programs for lawyers, despite the fact that training priorities are difficult to identify. However, there is a need to train lawyers on trial advocacy skills related to sovereign and constitutional issues, rule of law, and constitutional appeals.

Participants affirmed that they have directly benefited from MUSAWA’ trainings in a tangible fashion, especially from training on the elections law and appeals; they expressed their preference for training that is widespread and sustainable. Participants recommended that MUSAWA contemplate the idea of establishing a “diploma” program that address lawyers’ field and practical needs.

Participants stressed on the need for MUSAWA to achieve a geographical balance of its activities and to open an office in the Gaza Strip; Gaza lawyers feel particularly disadvantaged as they cannot access MUSAWA’s activities.

The lawyers recommended that MUSAWA consider the idea of establishing a “legal services office” that would provide legal services in different specializations under the guidance of prominent lawyers. The office could act as an incubator for new lawyers to be trained on lawyering skills, legal ethics, and values. This idea should be studied carefully from legal, administrative and logistical perspectives, but there is a clear need for such an office. Such an office would also help develop lawyers’ awareness and readiness to engage in public work, become guardians of justice, and MUSAWA’s allies.

MUSAWA’s activities should also be expanded to cover judges, whether it is to improve their capacity or to monitor their performance.

MUSAWA should also provide assistance to judges as they perform their work, either through legal research or as needed.

MUSAWA should work towards improving its human capacity and institutional building.

Lawyers attested to MUSAWA' boldness and impact on very sensitive issues.

Lawyers appreciate the "Eye on Justice" and "Justice and Law" publications.

"Lawyers for Rule of Law" network should be supported and expanded to other areas.

# ANNEX I

## PONAT GENERAL SURVEY QUESTIONNAIRE

<b>MANAGEMENT</b>				
<b>Governance</b>				
		<b>Score</b>	<b>Modified Score</b>	<b>Availability</b>
1	Does the organization have a board or a similar independent governing body with a well-defined and written mandate?	1	1	
2	Does the board provide the organization with Oversight and accountability Policy definition	1	0	Based upon the meetings, the BoD monitors and questions but not up to standard.
3	Does the Board regularly keep business records?	1	1	
4	Does the organization have a written mission statement?	1	1	
5	Do mechanisms & structures exist for ensuring participatory management by the CSO's top management?	1	0	There are tools and structures, but de facto they are non-active. We felt this from meetings
		<b>5</b>	<b>3</b>	
<b>Planning</b>				
		<b>Score</b>	<b>Modified Score</b>	<b>Availability</b>
1	Does the organization routinely engage in planning activities concerning its various programs and projects?	1	1	
2	Are concerned staff involved in the organization's planning exercises?	1	0	
3	Does the planning process benefit from reviews of previous plans?	1	1	
4	Does the organization have written implementation plans (annual, semi-annual, ...etc.)?	1	0	There is a strategic plan but there isn't any annual of quarterly plan
5	Are implementation plans updated or adjusted as a result of the monitoring process?	1	0	The strategic plan has been recently developed.
		<b>5</b>	<b>2</b>	
<b>Administration</b>				
		<b>Score</b>	<b>Modified Score</b>	<b>Availability</b>
1	Does the organization have adequate office space to properly conduct its main functions?	1	1	It is suitable now, but it might not be so in the future.
2	Does the organization have enough furniture, office equipment, and tools	1	1	

	to support its main functions?			
3	Does the organization have enough administrative support services (secretariat work, reception, pc maintenance, cleaning, ...etc.)?	0	0	Now it is not available.
4	Is there a documented procedure for recording, filing, and intra-office communications?	1	0	
		<b>3</b>	<b>2</b>	

### INFORMATION SYSTEMS

		Score	Modified score	Availability
1	Does the organization have adequate and updated information resources (books, magazines, films, CDs, databases, ...etc.) to implement its programs and deliver its services in an appropriate fashion?	0	0	
2	Does the organization have a system to manage its information resources?	0	0	
3	Does the organization have an in house capacity (human and systems) to manage its information system?	0	0	
4	Does the organization effectively use relevant available information in its various activities (planning, implementation, evaluation, ...etc.)?	0	0	
		<b>0</b>	<b>0</b>	

### Continuous improvement

		Score	Modified Score	Availability
1	Does the organization routinely upgrade its technical procedures and practices?	1	1	Technical procedures are changes after the assessment (MUSAWA's publications is a clear example).
2	Does the organization review and if necessary modify its administrative procedures?	1	0	All procedures are new and have not been modified, but MUSAWA is seriously keen on this.
		<b>2</b>	<b>1</b>	

### PROGRAM DELIVERY

#### Technical expertise

		Score	Modified Score	Availability
1	Does the organization possess the necessary internal technical competencies (knowledge, skills, and attitudes) in its main service areas?	0	0	No employees are now at MUSAWA for lack of funding. MUSAWA is operative through volunteers and friends.
2	Does the organization have documented technical procedures and	1	0	Unwritten

	practices in its main service areas?			
3	Does the organization have in-house quality assurance systems?	0	0	Unwritten
4	Is the organization able to acquire additional technical knowledge and expertise if need arises?	1	1	
5	Does the organization effectively employ its technical skills in its main services?	1	1	
		<b>3</b>	<b>2</b>	
Comparative Advantage				
		Indicator Score	Modified Score	Availability
1	Does the organization believe that it can consistently deliver its product or services more effectively relative to other organizations?	1	1	
		<b>1</b>	<b>1</b>	
Program Development				
		Score	Modified Score	Availability
1	Does the organization regularly conduct needs assessment exercises?	1	0	MUSAWA does evaluations but they need tools to benefit from these evaluations more and effectively.
2	Are needs assessment exercises participatory?	1	0	MUSAWA gathers needs in a no-participatory fashion, but they do evaluations.
3	Are the organizations programs generally need driven?	1	1	
4	Does the organization regularly seek feedback of project beneficiaries in its program design?	1	1	
		<b>4</b>	<b>2</b>	
Monitoring and Evaluation				
		Score	Modified Score	Availability
1	Does the organization have an operational and documented project management system?	0	0	
2	Does the organization collect baseline information prior to project implementation?	1	1	
3	Does the organization develop measurable objectives and clear indicators of the success of its programs?	1	1	
4	Does the organization regularly conduct impact assessment exercises?	1	0	
5	Does the organization involve project beneficiaries in its monitoring and	1	0	MUSAWA does not measure impact but they do evaluations.

	impact assessment exercises?			
6	Are results of monitoring and evaluation/impact assessment exercises shared with staff?	1	1	
		<b>5</b>	<b>3</b>	

### Sustainability

		Score	Modified Score	Availability
1	Does the organization have operational direction to ensure that its services are responsive to constituency needs?	1	1	
2	Does the organization have plans for enabling its constituency to assume management responsibilities in its service delivery?	0	0	
3	Has the organization developed systems for the continuation of its program in the medium and long term?	0	0	
4	Does the organization have programmatic phasing-out strategies?	1	0	There isn't any strategy, but MUSAWA is trying to acquire and managed to acquire local funding.
		<b>2</b>	<b>1</b>	

## HUMAN RESOURCES

### Organizational Structure

		Score	Modified Score	Availability
1	Does the organization have an organizational chart that shows the most significant units and functions of the organization?	1	1	According to bylaws
2	Are the lines of authority and communication well defined in writing?	1	1	According to bylaws
3	Are there defined mechanisms for coordinating the work of the different functions of the organization?	1	1	According to bylaws
4	Are there policies & mechanisms to resolve conflicts between units or colleagues?	1	1	According to bylaws
5	Do staff have clearly defined and documented job descriptions?	1	1	According to bylaws
		<b>5</b>	<b>5</b>	

### Personnel

		Score	Modified Score	Availability
1	Are staff members appraised periodically according to transparent performance based criteria (results discussed with the concerned staff members for example)?	0	0	
2	Is there an updated human resources	1	0	No personnel at the office now.

	development plan?			
3	Is there a budget allocation for staff training and development?	1	1	
4	Does the organization encourage its staff to continuously train and upgrade their knowledge and skills?	1	1	MUSAWA has two budgets for training the cadre.
		3	2	

### Organizational culture

		Score	Modified Score	Availability
1	Are their operational policies to strengthen the staff's understanding and commitment to the organizations mission and societal role?	1	1	
2	Is staff encouraged to actively participate in the design, implementation, and review of the organization's various projects?	1	0	MUSAWA feel they do it, but the Cadre doesn't feel this.
3	Is staff encouraged to ascribe to a particular set of ethical standards, values, beliefs or practices such as to express their opinion freely, take initiative, team work, diligence, minimizing the use of paper, ...etc.?	1	1	
4	Is the organization gender sensitive in its various internal practices?	1	1	
		4	3	

### Diversity

		Score	Modified Score	Availability
1	Does the organization provide equal job opportunities for all qualified candidates?	1	1	
2	Do traditionally under-represented stakeholder groups have equitable access to, and equal benefit from project activities?	1	1	
		2	2	

### HR Administration

		Indicat or Score	Modified Indicator Score	Availability
1	Does the organization have documented policies and procedures for:	1	1	
2	Recruitment, contractual terms, and conditions of employment (rights & privileges)	1	1	
3	Compensation and benefits	1	1	
	Grievances	1	0	No forms
4	Working hours and standards	1	1	

5	Do these systems encourage good performance, low turnover, and high staff morale?			
		5	4	

## EXTERNAL RELATIONS

### Community/constituency relations

		Score	Modified Score	Availability
1	Do you believe that there are adequate channels for the community / constituency to access to the organization?	1	1	
2	Are the organization's programs actively marketed to its constituency?	1	1	
3	Does the organization actively educate and build awareness among its constituency?	1	1	
4	Does the organization have adequate materials (books, reports, website, etc.) that reflect its mission, goals and objectives and various activities?	0	0	
5	Has the organization been successful in gaining the acceptance and support of its constituency?	1	1	
		4	4	

### Government relations

		Score	Modified Score	Availability
1	Does the organization generally maintain good working relation with relevant government institutions?	1	1	
2	Do relevant government institutions show appreciation for the organization's developmental role?	1	1	
3	Are the organization activities and recommendations integrated into governments' development plans?	1	0	
4	Do relevant government institutions seriously involve the organization in the design or implementation of programs or services?	1	1	
		4	3	

### Networking and coordination

		Score	Modified Score	Availability
	Does the organization has an operational policy to:	1	1	
1	Build alliances with other members of its cohort?	1	1	
2	Create effective programmatic collaborate linkages with relevant	1	1	

	organizations?			
3	Share resources with other members of the cohort?	1	1	
4	Coordinate its programs with other organizations in order to minimize duplication and maximize complementarity?	1	1	
5	Is the organization an active member of a federation / network?	1	0	MUSAWA is active in many areas but not at a level of a certain union.
		<b>5</b>	<b>4</b>	

### Media

		Score	Modified Score	Availability
1	Does the organization use media (newspapers, radio, TV) effectively to reach its constituency, expose and promote its work, and to influence the public and decision makers (advocacy)?	1	1	
2	Does the organization attract positive media attention?	1	1	
3	Does the media consult the organization on relevant issues?	1	0	
		<b>3</b>	<b>2</b>	

### Advocacy

		Score	Modified Score	Availability
1	Does the organization have an advocacy strategy in its main program areas?	1	1	
2	Does the organization work with other organizations on advocacy issues?	1	1	
3	Has the organization developed adequate in-house skills and resources to carry out advocacy campaigns?	1	0	MUSAWA needs to develop its advocacy capacity, we felt this during meetings.
		<b>3</b>	<b>2</b>	

## FINANCE

### Budgeting

		Score	Modified Score	Availability
1	Are financial projections made?	0	0	
2	Are financial projections usually accurate?	0	0	
3	Do established procedures exist to regularly maintain revenues and expenses in balance?	0	0	
4	Are there financial contingency plans?	0	0	

		0	0	
Fundraising				
		Score	Modified Score	Available or not
1	Does the organization have an effective fund raising strategy?	0	0	Unrecorded
2	Has the organization succeeded in accessing diversified resources to contribute to its activities during the past three years?	1	1	MUSAWA managed to acquire funds for certain projects but not in requisite systematic way.
3	Does the organization have the capacity to develop proposals and respond to tenders?	1	0	There isn't at the moment, a program manager to write programs. The programs are written by a part-time employee.
4	Does the organization have a fee for services and/or other cost recovery mechanisms built into service delivery where appropriate?	1	0	
		3	1	
Procurement				
		Score	Modified score	Availability
1	Is there a procurement system in operation?	1	1	
2	Are procedures followed to ensure that procurement is effected at competitive prices (multiple bids)?	1	1	
3	Are detailed records of capital assets / property/equipment maintained?	1	1	
4	Are physical inventories of property / equipment conducted regularly?	1	1	Not regularly
		4	4	
Accounting				
		Score	Modified Score	Available or not
	Does the organization maintain a policy manual or documented procedures covering:			
1	General organizational accounting procedures	1	1	
2	Approval authority for financial transactions	1	1	
3	Guidelines for controlling expenditures, such as purchasing requirements and travel	1	1	
4	Payroll and petty cash	1	1	
5	Does the organization maintain cash book/check register/cash disbursement journal/general ledger of expenses, etc?	1	1	MUSAWA uses BISSAN accounting program.

		5	5	
<b>Compliance</b>				
		<b>Score</b>	<b>Modified Score</b>	<b>Availability</b>
1	Is the organization registered according to relevant government legislation?	1	1	
2	Does the organization conform to standard tax and labor regulations and requirements?	1	0	MUSAWA doesn't pay taxes, but is currently working on doing so.
3	Are there annual financial reports prepared by a registered auditor?	1	1	
		<b>3</b>	<b>2</b>	

## ANNEX J

### PONAT GENERAL SURVEY SCORING SHEET

Name of CSO: MUSAWA

Location: Ramallah

COMPONENT	INDICATOR	WEIGHT	INDICATOR SCORE	ADJUSTED INDICATOR SCORE	NORMALIZED ADJUSTED INDICATOR SCORE	COMPONENT SCORE	NORMALIZED COMPONENT SCORE	INDICATOR CAPACITY SCORE
<b>Management</b>								
	Governance	5	5	3	6.0	8	4	Reasonable
	Planning	5	5	2	4.0			Poor
	Administration	4	3	2	5.0			Reasonable
	Information system	4	0	0	0.0			Poor
	Continuous improvement	2	2	1	5.0			Reasonable
		<b>20</b>	<b>15</b>	<b>8</b>				

Program delivery								
	Technical expertise	5	3	2	4.0	9	4.5	Poor
	Comparative advantage	1	1	1	10.0			Adequate
	Program development	4	4	2	5.0			Reasonable
	Monitoring and evaluation	6	5	3	5.0			Reasonable
	Sustainability	4	2	1	2.5			Poor
		<b>20</b>	<b>15</b>	<b>9</b>				
Human resources								
	Organizational structure	5	5	5	10.0	16	8	Adequate
	Organizational culture	4	3	2	5.0			Reasonable
	Personnel	4	4	3	7.5			Reasonable
	Diversity	2	2	2	10.0			Adequate
	HR administration	5	5	4	8.0			Adequate
		<b>20</b>	<b>19</b>	<b>16</b>				

External relations								
	Community /constituency relations	5	4	4	8.0	15	7.5	Adequate
	Government relations	4	4	3	7.5			Reasonable
	Networking & coordination	5	5	4	8.0			Adequate
	Media relations	3	3	2	6.7			Reasonable
	Advocacy	3	3	2	6.7			Reasonable
		<b>20</b>	<b>19</b>	<b>15</b>				
Finance								
	Budgeting	4	0	0	0.0	12	6	Poor
	Fundraising	4	3	1	2.5			Poor
	Procurement	4	4	4	10.0			Adequate
	Accounting	5	5	5	10.0			Adequate
	Compliance	3	2	2	6.7			Reasonable
		<b>20</b>	<b>14</b>	<b>12</b>				

## **ANNEX K**

### **MUSAWA: A YEAR AFTER PONAT**

When the PONAT was conducted at MUSAWA a year ago there was consensus among the beneficiaries that it is an important organization that provides valuable services to the legal community, whether it is through training programs or its periodicals “Eye on Justice” and “Justice and Law”. Most importantly, MUSAWA had gained the respect, confidence and trust of key actors and its constituents within a relatively short period. In addition, its activities have tackled some very delicate issues that have generated awareness and discussion within the legal community. However, much of MUSAWA’s work was being done on an ad hoc basis, primarily based on the availability of funding from donors; MUSAWA had not developed a strategic plan to guide its programs and activities.

The lack of strategic planning also had a negative impact on MUSAWA’s financial stability since the organization was operating on a project by project and even on activity by activity basis, which resulted in staffing and programming problems. In addition, there were some significant inconsistencies in the finance and administration department; files were improperly kept and basic financial standards were not followed.

### **ARKAN IMPROVED MUSAWA’S PROGRAMMING AND ADMINISTRATION, FINANCE, AND MANAGEMENT SYSTEMS**

#### **Programming assistance**

The PONAT exercise that was conducted by Arkan provided MUSAWA with a comprehensive and thorough analysis of the organization; it formed the basis on which recommendations were made. It has been a year since the PONAT was completed and presented to MUSAWA; since that time a number of significant changes have been implemented as a result of PONAT.

MUSAWA, with assistance from *Arkan*, has developed a strategic plan that has been approved by the Board. This is a major accomplishment as it moves the organization away from working on a project by project basis to working on programs that comply with its mandate and strategic plan. This not only focuses the work of MUSAWA, but also gives it the opportunity to secure more stable funding, which provides the organization with the opportunity and space to work towards achieving its mid and long term objectives and goals.

In fact, MUSAWA has been able to secure a total of \$780,000 in core funding for three years, \$600,000 from the Dutch and \$180,000 from Muassassat; this will ensure that MUSAWA’s operational costs are covered for the next three years. One of donors credited PONAT and the strategic plan for convincing her agency to provide funding to MUSAWA; the mission and objectives are more clearly articulated and accomplishments can be more easily tracked.

## **Finance and administration assistance**

*Arkan's* Finance and Administration Manager, Ruba El Ghouh worked with MUSAWA's team to improve the organization's administration/management, and finance systems. *Arkan* worked with MUSAWA to guarantee that their finances are transparent and compatible with accounting standards applicable to not-for-profit organizations, and best practices, which included:

- Finance best practices;
- Updating the bank reconciliations file;
- Separation between employee's expenses and the center expenses, to guarantee that only expenses incurred by MUSAWA should be charged to the center;
- Finance filing system and meeting auditing requirements;
- Recording bank charges;
- Issuance of VAT exemption certificate for vendors;
- Improving the inventory list and labeling the furniture;
- Improving the petty cash procedures and management (petty cash advances, reconciliation and advances); and,
- Auditing and improve filing of bank accounts.

In addition, Ms. El Ghouh reviewed and suggested changes to MUSAWA's personnel manual and procedures to guarantee best practices, including development of:

- Working hour's policy, field work leave request, leaves request, leaves tracker, and attendance record;
- Annual and sick leave trackers;
- Improve the evaluation and promoting process; and,
- Attendance forms and polices

Following the completion of the recommended changes and based on MUSAWA's request, *Arkan's* staff trained MUSAWA's employees on the new systems and informed of them of the new polices. The training requested by MUSAWA included:

- Introduction to the definition of an organization and its work, in general;

- The relationship between employees and the organization and among the departments within the organization;
- Decision making process - starting with the project idea, its development and final implementation decision;
- Work procedures in the organization;
- The need for different departments to work together in order to achieve MUSAWA's goals;
- Employees' work plans and time management;
- Organizational chart, job descriptions and delegation of authority;
- Employee duties and obligations, rights and benefits.....etc;
- Other internal office policies; and,
- Organization's relationship with external parties and stakeholders.

#### **A year after the assessment**

On February 20, 2007, MUSAWA organized a presentation of the PONAT findings and recommendations to representatives of various donors, with a summary of developments since the assessment. One donor representative indicated that he has witnessed a significant improvement from 2004 to the post-PONAT period. He stated "prior to the PONAT I was not able to measure the impact that the organization's work had on the lawyers and judges. However, this changed after the PONAT, which was thoroughly done; it was a major breakthrough."

In addition to developing a strategic plan, which assisted MUSAWA in securing core funding, MUSAWA has already implemented a number of the recommendations that were proposed in the PONAT. Some of the recommendations were actually incorporated into its strategy. For instance, they are in the process of opening an office in Gaza in response to the recommendation for the need to ensure broader distribution of their activities. The network of Lawyers for the Rule of Law has been expanded and vitalized. In addition, the design and execution of activities involves more individuals than before, which indicates that the development of a new management style and organizational culture that is different from the pre-PONAT assessment era.

MUSAWA has already implemented some of the recommendations outlined in PONAT, including:

- Moved to a new office that is more suitable for their needs;
- Developed alliances with other relevant NGOs in order to advocate for the independence of the judiciary and rule of law;

- Developed a strategic plan which enabled it to move from a project to a program based organization;
- Added another two new members to the General Assembly, both of whom are well known and respected legal professionals;
- Enhanced its Monitoring and Evaluation competencies;
- Hired a technical director who serves as the link between the staff and the Director General;
- Improved the reporting quality in its “Eye on Justice” publication by focusing more on good news and adopting objective and less critical language. The staff who work on the publications received legal research training from Arkan; and,
- Developed the KAP study with assistance from Arkan and are currently in the process of completing the study.

It is evident that MUSAWA, which is an organization that is serving an important purpose in the Palestinian legal community, has achieved more stability and has become a more sound organization. While the PONAT and Arkan’s assistance may not be the only factors that have contributed to its development, they have clearly had a great impact on its restructuring and have improved its processes and services. This marks a major achievement for Arkan and its staff as they have contributed to developing the proper foundations for an institution that will serve the legal community.

## ANNEX L



# PONAT Results

## Organizational Development Priorities and Beneficiary and Stakeholder Satisfaction

**MUSAWA — The Palestinian Center for the Independence of the Judiciary  
and the Legal Profession**

**Ramallah, February 20, 2007**

**The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.**

# What is PONAT?

PONAT is the Participatory Organizational Needs Assessment Tool. It consists of:

- General survey
- Climate survey
- Focus groups

# General Survey

The general survey seeks a broad understanding of the organization and serves as a diagnostic instrument to determine organizational capacity in five areas:

- Management
- Program delivery
- Human resources
- External relations
- Finance

# Climate Survey

The climate survey aims to identify the perceptions, attitudes, and opinions of the organization's staff on various aspects of internal systems and procedures and the prevalent organizational culture.

# Focus Groups

Focus groups explore a representative group's satisfaction, perceptions, and attitudes on the organization's products and services and the way it relates to its constituents. Findings will be used to apply survey results in general and program delivery and external relations in particular.

# Scope of Work

The scope of this exercise is threefold:

- ❑ To assess organizational capacity in the above areas and determine priority interventions.
- ❑ To assess the satisfaction of focus groups with the organization's services.
- ❑ To assess MUSAWA's role, image, and perceived influence as seen by key stakeholders.

# Methodology

- ❑ General survey: Interview with the Organizational Development Committee
  
- ❑ Triangulation technique
  - ❑ In-depth interviews with key informants
  - ❑ Document review
  
- ❑ Focus groups involving 46 lawyers from Gaza and the West Bank
  
- ❑ In-depth interviews with key stakeholders

# Summary of Findings

# Service Delivery

1. There was consensus among interviewees that MUSAWA's interventions are responsive and address genuine community and sector needs.
2. In a relatively short time, MUSAWA gained the respect and recognition of key actors within the judiciary system and civil society.
3. MUSAWA enjoys a competitive advantage by filling a unique and important niche within the mosaic of the Palestinian NGO sector.

4. MUSAWA enjoys an effective working relationship with the judicial authority, including the Higher Judicial Council, the legal department of the PLC, and some active PLC members. However, its relationship with the Ministry of Justice needs revitalizing.
  
5. MUSAWA has developed very good working relationships with lawyers, gaining their confidence and trust.

6. The periodical *Eye on Justice* attracts attorneys, judges, and civil-society activists. It serves as an effective monitoring tool for justice and the rule of law. It emphasizes objectivity, professionalism, and cordial reporting in both content and language.

7. The periodical *Justice and Law* is considered significant and valuable to lawyers and judges. It has deterred deficient, unsound court decisions.

8. MUSAWA's professional development activities for lawyers are reported as responsive, useful, and having a direct impact on their fieldwork. Training in the context of past elections has been greatly appreciated.
  
9. MUSAWA has enhanced lawyers' sense of social responsibility and their awareness of public issues and concerns about their profession.

10. MUSAWA's awareness-building and advocacy activities, including workshops and conferences, are seen as valuable for highlighting key issues and themes, orchestrating debate, and mobilizing public interest and support.

11. MUSAWA's advocacy and lobbying work within the PLC has been positively received by PLC's legal department and former members.

# Suggestions for Enhancing Service and Program Delivery

- ❑ More systemic, sustained, and proactive work within the PLC.
- ❑ More systematic and effective follow-up on recommendations raised in conferences and workshops.
- ❑ More effective and sustained communication and follow-up with constituents.

- ❑ A proactive and leading role in building a consortium or alliance of NGOs to advocate for an independent judiciary and rule of law.
- ❑ More systematic and sustained professional development that is responsive to lawyers' emerging needs. This may be done in collaboration with the Bar Association and relevant academic units.
- ❑ Catering to the needs of lawyers in marginalized areas.
- ❑ Opening an operational office in Gaza.

- ❑ Enhancing the content, style, spread, and coverage of *Eye on Justice* to become a watchdog for court violations and malpractice.
- ❑ MUSAWA's leadership and courage in monitoring the performance of the judiciary and the legal system are extremely valuable, but its rhetoric needs to be tempered without compromising its integrity and sharpness.
- ❑ The Network of Lawyers for the Rule of Law should be expanded and further vitalized.

- ❑ More professional advocacy and lobbying.
- ❑ The group that designs and executes the center's activities should be expanded.
- ❑ Attorneys suggest that MUSAWA consider establishing a legal consulting outfit to train new graduates under senior mentors. This may become an effective source of income.
- ❑ MUSAWA should study the possibility of developing a practical diploma with accreditation by the relevant bodies.

# Organizational Development Needs

- ❑ More effective and proactive leadership, planning, regulatory, and supervisory roles of the board.
- ❑ A wider general assembly.
- ❑ A more satisfactory organizational climate where staff are more engaged, motivated, satisfied, and encouraged.
- ❑ Enhanced planning capacity.

- ❑ Enhanced M&E competencies.
- ❑ Enhanced technical capacity in its areas of competence. In particular, the organization greatly needs second-tier technical staff (such as technical directors and senior program officers). There is also need to hire coordinators for program components.
- ❑ A major restructuring of fundraising strategy, focusing on medium- and long-term programs and not short-term emergency-type projects.

# Suggested Program Design

- ❑ Continue and enhance the content, spread, and utility of *Justice and the Law*.
- ❑ Continue and upgrade the content, style, and coverage the *Eye on Justice*.
- ❑ Embark on the creation of a lawyers' professional development program that is responsive and accredited.

- ❑ Develop an effective lobbying program targeting the PLC in conjunction with the legal department and PLC committees and caucuses.
  
- ❑ Design a systematic public awareness and advocacy program using the media, conferences, workshops, and signature campaigns.
  
- ❑ Develop an income-generation plan based on these and other suggestions.
  
- ❑ Bolster and restructure the Web site into a more effective communication, advocacy, networking, and even income-generating resource.