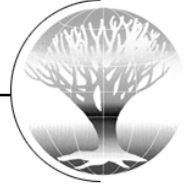


الشبكة الأوروبية المتوسطية لحقوق الإنسان

Réseau euro-méditerranéen des droits de l'Homme

Euro-Mediterranean Human Rights Network



# **Tightened Spaces for Human Rights**

## – A Discussion Paper on Palestinian NGO Work

A Discussion Paper  
from a mission to Israel and  
the Occupied Palestinian Territories  
investigating the working conditions  
of Palestinian NGOs

EMHRN March 2004

# Table of Contents

<b>1. INTRODUCTION .....</b>	<b>3</b>
<b>2. TIGHTENING SPACE FOR HUMAN RIGHTS .....</b>	<b>5</b>
<b>From Oslo to the al-Aqsa Intifada – The Human Rights Environment in which NGOs have worked.....</b>	<b>5</b>
The al-Aqsa Intifada .....	6
The Road Map.....	7
The legal framework.....	8
<b>3. TIGHTENING SPACE FOR CIVIL SOCIETY ACTION .....</b>	<b>8</b>
<b>Palestinian NGOs in the OPT after the al-Aqsa Intifada .....</b>	<b>8</b>
Restriction in freedom of movement.....	9
Destruction of offices .....	9
International solidarity.....	10
The aftermaths of 11 September.....	12
<b>4. EFFECTS ON PALESTINIAN CIVIL SOCIETY IN ISRAEL .....</b>	<b>12</b>
October 2000 killings .....	13
Stigmatising Palestinians in Israel.....	13
Israeli attempts to limit work for NGOs .....	14
Raiding of NGO offices.....	14
<b>5. DONORS .....</b>	<b>15</b>
Stagnated policies since Oslo .....	15
The relationship to donors – NGOs .....	16
<b>6. NGOS' REACTION.....</b>	<b>17</b>
Suspicion of terrorism – conditional funding.....	17
Suspicion of financial mismanagement – donors' request for transparency .....	18
<b>7. CONCLUDING REMARKS .....</b>	<b>19</b>
A democratic balance .....	19
<b>APPENDIX.....</b>	<b>22</b>

# **Tightened Spaces for Human Rights – A Discussion Paper on Palestinian NGO Work**

## **1. INTRODUCTION**

This discussion paper is the outcome of an EMHRN mission to Israel, the West Bank and Gaza in July 2003 that aimed at investigating the working conditions of Palestinian NGOs in the light of the human rights situation following the al-Aqsa Intifada.

The main objective of the report is to provoke discussion between NGOs, donors and governments on how to pro-actively reinforce the role of civil society, human rights and democratisation in the Israeli-Palestinian conflict in the Middle East, including whether current policies and practises are supportive of strengthening human rights, civil society and democratisation in the region.

The decision to conduct the mission was made following reports received by the EMHRN about:

- Massive destructions of civil society infrastructure after Israeli forces' incursions into the OPT after 28 September 2000.
- Increased restrictions on Palestinians' freedom of movement.
- Israeli Foreign Minister Silvan Shalom's public attack on Palestinian NGOs on 21 May 2003 alleging that Palestinian NGOs and most human rights organisations in the West Bank and Gaza Strip provide shelter for Palestinian terrorists.
- Increased donor restrictions on NGOs and 'funding-dumping' by certain donors.
- Reports about severe financial mismanagement within LAW, a Palestinian human rights NGO, at that time also a member organisation of the EMHRN.

The EMHRN mission team (composed of Stefan Lütgenau, coordinator at the Bruno Kreisky Forum; Marc Schade-Poulsen, Executive Director EMHRN; and Marita Roos, coordinator EMHRN), went to Israel and the Occupied Palestinian Territories on 15-21 July 2003. The team met with a large number of Palestinian NGOs, some Israeli organisations as well as representatives of Western governmental donor agencies (see appendix for a list of persons and organisations).

The EMHRN wishes to stress that the goal of the mission was not to conduct investigations into NGOs' or donors' current administrative and financial practices, etc. These matters lie outside the present scope and capacity of EMHRN work.

The EMHRN also wishes to underline that the authors do not claim to have dealt with all aspects of the subject. For example, the team did not investigate the question of impact the attacks had on Israeli civilian population, or look into all questions one could raise regarding the working conditions of NGOs.

The paper deals neither with the relationship between the Palestinian Authority and the Palestinian NGOs, nor with any matters regarding financial mismanagement and human rights violations within the PA.

The mission team is aware of the limits of the mission and the fact that it did not have time to meet a number of relevant interlocutors among Palestinian NGOs, some governmental donors and the multitude of private ones. The mission team also did not meet with representatives of the PA or the Israeli government.

The EMHRN conceives of the discussion paper as a first step in a process of dialogue and that in a second step, the findings of the missions should be presented to, and discussed with representatives from the donor community. Furthermore, it should be presented to representatives of the PA and the Israeli government.

The main conclusions of the paper are that:

- The Israeli occupation, Israeli annexation attempts of the West Bank, and incursions into Palestinian Territories, the West Bank, and Gaza since the onset of the al-Aqsa Intifada, have caused a constant deterioration of the human rights situation and of Palestinian NGOs' working conditions – thereby seriously compromising efforts to promote civil society and democratic principles within the peace process.
- Despite the fact that the human rights situation and working conditions of NGOs have steadily deteriorated, particularly since the al-Aqsa Intifada, governmental donors have not changed their policies concerning human rights with respect to NGOs and civil society. On the one hand donors sponsor Palestinian civil society, including human rights groups. On the other hand they silence the need to respect and promote human rights and international humanitarian law as part of the peace process.
- By silencing human rights and international humanitarian law, Western states and governments, including those of the EU, indirectly or directly legitimise policies, actions, and practices that run against these fundamental norms and standards. This approach lends itself to extremism and violence on both sides of the conflict and to a gradual weakening of civil society.
- NGOs basing their work on human rights and democracy platforms vis-à-vis both the Israeli occupation and the Palestinian Authority (PA), are left in limbo. They are asked to perform in an environment where those who are supposed to protect the rights of the occupied population commit or accept blatant encroachment on universal values without being seriously challenged by governments (including the High Contracting Parties of the Geneva Conventions).
- The NGO community works in an environment where human rights and humanitarian values are not pro-actively defended or promoted as the basis for political solutions. Increased donor focus on possible links between Palestinian NGOs and 'terrorists' in the aftermath of 11 September 2001, and the introduction of related conditional funding, in addition to 'funding-dumping' on the NGO community (aimed at supporting new political leadership) all contribute to the risk of cutting Palestinian NGOs off from broad segments of the Palestinian population and fostering extremism.

The EMHRN believes that ensuring respect for the international human rights standards set out in the Universal Declaration of Human Rights and the Fourth Geneva Convention is crucial to preventing human suffering and to the search for comprehensive solutions for peace. Article 1 of the Convention places a duty on the High Contracting Parties 'to respect and ensure respect of' the provisions of the Convention 'in all circumstances'.

In this light the EMHRN recommends the following steps to be taken:

1. A call for an immediate conference of donors and the Palestinian NGO community in order to discuss and clarify implications of increased use of conditional funding and changing financial management procedures, and to prevent additional hampering of the work that NGO's do.
2. Initiation of a process of regular consultations between government donors and the Palestinian and Israeli NGO communities in order to mainstream fundamental standards of international human rights and humanitarian law into a general,

coherent approach to peace and civil society building in Israel and Palestine. This could entail a series of seminars on how to collectively strengthen the role of human rights institutions and NGOs in promoting peace and security, and in contributing to an end of occupation. Means of fostering the results of these efforts into the peace process should be recognised.

3. Initiation of a dialogue between donors and Palestinian NGOs on how donors can up-date their policies in response to the situation on the ground through the support of long-term NGO-to-NGO projects and partnerships.
4. Requesting transparency is a must for both donors and NGOs. While NGOs should strive to improve transparency and democratic structure within their organisations, the request should not hamper their efforts by imposing a large amount of extra work. Donors should coordinate their requests, preferably in cooperation with the NGOs. This can be done by requiring NGOs to follow similar reporting scheme for all donors and through advance notification of any up-coming reporting requests in order to improve the efforts of NGOs to plan ahead.
5. Donors must actively challenge the obstruction of their work by the Israeli authorities. Donors should pressure Israeli authorities to secure donor freedom of movement in order to conduct their work related to Palestinian NGOs, including personnel visits by donors to NGO offices, branches, and fields of work. Additionally, international representatives of civil society organisations (human rights, peace groups, solidarity groups, etc) should be given free access to the OPT.
6. In relation to the EU, a clear link needs to be made by the European governments regarding Israel's privileged partnership with the EU and its respect for human rights. Israel's violations of human rights and humanitarian law are on a scale that necessitates the immediate activation of Article 2 of the Association Agreement between the EU and Israel. The activation of Article 2 is imperative and should be done immediately in order to pressure Israel to promote and protect human rights in the OPT and Israel. The EMHRN also urges the EU to give priority to the implementation of the human rights clause with regard to all bi-lateral agreements, including the one with the Palestinian Authority.
7. The action plans currently under negotiation between the EU and Israel in the framework of the EU Wider Europe Initiative should include a substantial chapter on human rights 'in the promotion of peace and stability' and clear benchmarks for the implementation, as requested in the European Commission's Communication of 11 March 2003 on *Wider Europe – Neighbourhood: A New Framework for our relations with our Eastern and Southern Neighbours* which has been welcomed by the EU Council.

## **2. TIGHTENING SPACE FOR HUMAN RIGHTS**

### **From Oslo to the al-Aqsa Intifada – The Human Rights Environment in which NGOs have worked**

The main framework within which Palestinian NGOs have had to work since 1993 has been the Oslo Process that was widely hailed as a landmark in Israeli-Palestinian reconciliation efforts. The process was accompanied by a huge flow of donor support to the build-up of the Palestinian Authority including Palestinian civil society.

However, few outside the human rights community stressed that the Oslo Accords did not mention human rights or international humanitarian law as the basis upon which peace should be built.

In fact, the Oslo Accords did not honour key international legal principles in the Universal Declaration of Human Rights, the International Covenant on Political and Civil Rights, the International Covenant on Economic and Social Rights or the Geneva Conventions as basis for a resolution of the Israeli-Palestinian conflict. Nor were the accords based on the two primary UN resolutions concerning the Israeli-Palestinian conflict UNSC Resolutions 242 and 338, which clearly stipulate the inadmissibility of the acquisition of territory by war. It was merely mentioned that the resolutions should be the basis for a permanent solution achieved at the end of the negotiation process.

The Oslo Process turned a blind eye on PA human rights violations on behalf of Israeli security interests. Furthermore, they consolidated Israel's complete control over Palestinians' economy, living space, roads system and natural resources.

During the Oslo Process, Palestinians suffered on many occasions from the Israeli policy of general closure and land divisions that crippled their economy and limited their freedom of movement, making it hard to travel to work, or to receive medical care, or education. This situation became even more severe after the onset of al-Aqsa Intifada.

The policy of creating 'facts on the ground' with the settlements effectively influenced key issues in the Israeli-Palestinian conflict such as borders, refugee rights and the status of Jerusalem (which were all to be dealt with in the final status talks of the Oslo Accords).

Through its neglect of explicit reference for the respect of human rights and international humanitarian law, the Oslo process effectively undercut the significance and applicability of international legal principles and key UN resolutions related to the situation on the ground in the Occupied Palestinian Territories. Thus, the Oslo Process actually enabled, and even multiplied, Israeli violations of Palestinians' legal, social, political and economic rights in the West Bank and Gaza Strip. It did not end the Israeli occupation, but rather enabled it to continue by other means.

One of the most remarkable aspects of the Oslo process is the fact that the 'silencing' of human rights and humanitarian law has been sustained and supported by the international community, including the High Contracting Parties to the Geneva Conventions to which the European Union countries, and other governments belong; all of them known elsewhere to uphold a high profile on human rights principles.

### **The al-Aqsa Intifada**

With the final collapse of the Oslo process, and during the al-Aqsa Intifada, subsequent to Sharon's visit to the Temple Mount/al-Haram al-Sharif in Jerusalem on 28 September 2000, the human rights situation has greatly deteriorated.

From the point of international law the current crisis cannot be termed an armed conflict (where two armies fight one another) which would be ruled by the law of war (The Hague Convention of 1907 and the First, Second and Third Geneva Conventions). The root of the conflict is the military occupation, and the ensuing violations of human rights and humanitarian law in the Occupied Palestinian Territories.

Since 29 September 2000 collective punishment and severe restrictions on the freedom of movement of Palestinians in the Occupied Territories have escalated. Israel has officially acknowledged and defended targeted assassinations and the illegal settlements have spread, and the bypass road system has expanded.

As the Intifada intensified, numerous civilians on both the Palestinian and the Israeli side have been killed. As violations increased under closure and behind road blocks, Palestinians in the OPT became more dependent on humanitarian assistance.

The economic results have been devastating both for individual Palestinians and for Palestinian society and its infrastructure on a whole. According to World Bank estimates, in March 2003, 60 percent of the population in the West Bank and Gaza lived under a poverty line of two USD per day, and unemployment increased from 10 percent in September 2000 to over 50 percent.

Statistics show that since 29 September 2000, 2,354 Palestinians (including civilians and armed combatants) have been killed by Israeli forces in the OPT<sup>1</sup>, and more than 24,000 Palestinians injured<sup>2</sup>. Systematic, mass human rights violations have intensified throughout this period. In Israel, 48 Palestinians, residents of the OPT, were killed by Israeli security forces.

Parallel attacks on Israelis caused the death of more than 198 Israeli civilians, killed in the OPT by Palestinians. 394 Israeli civilians were killed inside Israel by Palestinians, residents of the OPT<sup>3</sup>. Most of these deaths were caused by 'suicide bombers' attacks inside Israel, further nourishing the cycle of violence. The overall number of Israelis (civilians as well as members of the security forces) killed in Israel and the OPT by Palestinians during the Intifada is 856.<sup>4</sup>

### **The Road Map**

Pursuant to the attacks on 11 September 2001, US President Bush declared a 'war against terrorism' and UN Security Council adopted resolution 1373 on international co-operation to combat threats to international peace and security caused by terrorist acts. This was done without any internationally accepted definition of terrorism, including both acts by state and by non-state actors, consistent with the principles of human rights and humanitarian law. However, the fight against terrorism has since become a highly prioritised issue and set the framework for the Road Map.

Like the Oslo Accords, the Road Map generally silences an approach to peace that is based on respect for human rights, international humanitarian law and international law. Instead of referring to concrete violations, such as collective punishment, extra-judicial killings, deportations, settlements etc. the Road Map refers to loosely defined acts such as 'undermining trust'. It also postpones the critical issue of the status of Jerusalem, the permanent borders, the illegality of all Jewish settlements, and the Palestinian refugees' right of return.

Similar to the provisions of the Oslo Accords, the Road Map requires that the PA operate as a state actor despite the restrictions on the PA to conduct its work as a state.

The PA is required to restructure and make more effective its security services in order to put an end to Palestinian violence and acts of terror. In its 'fight against terror' the PA has overruled the rights of Palestinians by using arbitrary detentions, executions, ill-treatment and torture of prisoners, as it did under the regime of the Oslo Accords. Many of these actions by the PA were not related to security issues but rather to criminal and political ones.

The Road Map also outlined that the Palestinian cessation of violence be accompanied by supportive measures undertaken by Israel. Nevertheless, Israel not only undertook arrests of Islamists (under suspicion of their having committed or assisted in acts of terror) in Israel, but also increased the number of extra-judicial killings of Palestinians in the OPT. During the summer and autumn of 2003 both the Gaza Strip and the West Bank encountered numerous aerial attacks on Palestinians suspected by Israel of involvement in 'terror' acts. Many passers-by were killed and numerous injured in these extra-judicial killings, houses were demolished, property and land damaged – all the while suicide bombing conducted inside Israel did not cease.

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<sup>1</sup> B'Tselem as of 22 February 2004.

<sup>2</sup> Palestine Red Crescent Society as of 15 February 2004.

<sup>3</sup> B'Tselem as of 22 February 2004.

<sup>4</sup> B'Tselem as of 22 February 2004.

In June 2002, the Government of Israel made the decision to construct a barrier/wall claiming that it would prevent the entrance of Palestinian suicide bombers from the West Bank into Israel. Most of the route does not run along the Green Line, but goes through the West Bank. As a part of the construction of the barrier/wall, Palestinian lands along it were confiscated, farming lands destroyed, and houses and other buildings demolished. The barrier/wall will isolate many Palestinian villages and turn some of them into isolated enclaves. The barrier also separates Palestinians from their agricultural lands, schools, medical facilities, and centres of commerce and community services.

While the situation has worsened and poverty has increased among the Palestinian population in the OPT, religious and radical groups have steadily gained support in Palestinian society, challenging the NGO community and the power of the PA.

Meanwhile donors, avoiding taking any effective measures to protect and promote human rights, continue to support Palestinian NGOs and civil society which is expected to work for the protection and promotion of the rights and values that the donors and the international community effectively deny politically! These policies de-legitimise human rights as such as well the work of human rights NGOs and foreign donors.

### **The legal framework**

The Fourth Geneva Convention applies to the Occupied Palestinian Territories. It states that the Occupying Power is responsible for ensuring respect of civilians' rights. According to the same Convention, its High Contracting Parties, including the member states of the EU, are responsible for ensuring Israel's compliance with the Convention.

When it comes to the EU states it is noteworthy that an Association Agreement between the European Union and Israel was entered into force on 1 June, 2000, in which Article 2 states that: *'Relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles which guide their domestic and international policies and constitute an essential element of the Agreement'*.

As Article 2 is a legally binding provision, the European Union and its member states have an obligation to address the serious human rights violations which are taking place in the territories occupied by Israel as well as towards the Arab minority in Israel.

Nevertheless, member states of the European Union have demonstrated a lack of political will and power to assist in ending Israeli human rights violations in the Occupied Palestinian Territories. European states have abstained from supporting United Nations resolutions calling upon relevant UN bodies to consider the best ways of providing the necessary international protection for the Palestinian population.

In short, despite commitments and agreements, countries known for their high human rights profile have actively sustained the silencing of human rights in various scenarios for achieving peace. At the same time they have funded civil society and human rights NGOs and encouraged the promotion of values they elsewhere have shown no willingness to uphold as basic principles for peace.

## **3. TIGHTENING SPACE FOR CIVIL SOCIETY ACTION**

### **Palestinian NGOs in the OPT after the al-Aqsa Intifada**

Although not worse off than the Palestinian population, in fact often much better off, the working conditions of the Palestinian NGO community has become increasingly restricted since the start of the al-Aqsa Intifada. The margins in which Palestinian NGOs manoeuvre within the Occupied



Territories have been greatly limited, a trend that was further amplified in the aftermath of the 11 September 2001.

Developments since September 2000 have translated into destruction of the Palestinian civil society infrastructure, increased restrictions on freedom of movement, increased isolation from the international community, and from the Palestinians inside Israel, and more important, increased isolation from their grass roots.

### **Restriction in freedom of movement**

As Palestinians' daily life was strongly affected by Israel's closure policy and the restrictions of movement, particularly since September 2000, NGOs were affected too. Israel's policy of closure mounted since the outbreak of the al-Aqsa Intifada created a situation where NGOs found themselves blocked-in.

Since the onset of the al-Aqsa Intifada there has been an implementation of an extensive system of roadblocks which have increased hardships for NGOs. It has become increasingly difficult for NGOs to work on and complete projects as their movement is limited or even prevented.

Restrictions on movement also result in uncertain working conditions for NGO staff members commuting to work, as well as for the fieldworkers who work in remote areas far away from the organisation's office. These areas are often shut off by closures.

As a result, projects have suffered serious delays or halted completely since people involved could not reach the NGO offices, nor could the beneficiaries of the projects be reached. The search for alternative roads and different forms of transportation (as the policy of roadblocks often prevents Palestinians from passing checkpoints in vehicles) has resulted in extensive consumption of time and money. The main crossing point between the Gaza Strip and Israel, the Erez checkpoint, has from time to time been completely shut off.

During long closures, the Israeli authorities partially lifted the closure with respect to certain named humanitarian staff who have security clearance. There was, however, little consistency with regard to terms of who could cross the border and at what times. This makes proper and effective planning and organising of work impossible.

### **Destruction of offices**

In March 2002 Israeli forces began operation Defensive Shield consisting of large-scale invasions of Palestinian cities across the Occupied Palestinian Territories. Israeli authorities claimed the operation to be in response to the several suicide bomb attacks inside Israel. It marked the beginning of a new phase of Israeli operations inside the OPT which includes large scale incursions into the OPT, mass arrests etc. Tanks, barbed wire and curfews stopped all work and closed communities off. Several offices of NGOs were destroyed, damaged or vandalised. The incursions showed a regular pattern of seizure of records and financial resources as well as the destruction of technical infrastructure.

In Ramallah, Israeli armoured infantry and sniper force occupied the building complex where the Health Development Information Policy Unit (HDIP), the Mattin Group, al-Haq and other offices were located. The building was used as a temporary military base and was blocked with barbed wire and NGO staff attempting to enter the building were denied entry by soldiers.

Inner doors of the offices were broken open and damaged and the ceiling was in some places smashed from inside. Neighbours reported that the soldiers carried a large quantity of unidentified objects out of the building. Archives and the contents of filing cabinets were scattered over the floor, drawers forced open and contents rummaged through. Computer hard drives had been removed on a number of computers as well as internal electronics taken.

The Union of Palestinian Medical Relief Committees (UPMRC), running permanent primary health care centres, laboratories and mobile health units, was also attacked by the Israeli forces. On 1 April 2002, Israeli tanks shelled the building in downtown Ramallah which houses a main office and emergency medical centre of the UPMRC. Soldiers ordered all the inhabitants out of the building. Doctors, staff and a number of Italian volunteers, including a Member of the European Parliament, were detained. The UPMRC reported that office equipment had been destroyed and a wall collapsed. The UPMRC also had had some other facilities raided some days earlier.

In the Mandela Institute for Political Prisoners, the properties were completely vandalised, office equipment destroyed, computers thrown on the floor, furniture broken and files strewn on the floor. The office was used as a base from where the soldiers fired at other buildings, leaving windows, window frames and doors destroyed. The hard drive of the main computer, including the organisation's database, was removed.

On 8 April 2002 Israeli forces blasted open the main entrance to the YMCA building in Ramallah. The elevator and a number of offices and equipment were vandalised or destroyed. The garage and vehicles were destroyed in detonations.

The NGOs in Ramallah mentioned above constitute only a sample of organisations whose offices were damaged in what seemed to be a systematic effort to destroy Palestinian administrative and civil society structure.

NGOs in other Palestinian cities and communities have also suffered from destruction of their offices due to the Israeli incursions. The results of the attacks on Palestinian NGO offices in Ramallah, Jenin, Tulkarim, Nablus and other places were severe not only with regard to material damages but also with regard to information losses from previous and ongoing work.

Like the NGOs, local media stations (both PA-influenced and private) faced large-scale vandalism and destruction of their offices and equipment as well as extensive and systematic destruction of their technical facilities. In this context it should be noted that several of these media stations, as with most of the NGOs, were recipients of grants and support from both local and international communities.

Also Palestinian Authority institutions were subject to a consistent pattern of incursions. Documents, paper files and hard drives from computers were confiscated as was equipment with no informational or intelligence value.

### **International solidarity**

As Palestinian society became increasingly entrapped and freedom to work severely reduced, thousands of international supporters from Europe and the US, some from NGOs, travelled to the OPT to show solidarity and to provide assistance to both Palestinian individuals and NGOs.

One of the most visible activist movements in international media is the International Solidarity Movement (ISM) that reported on approximately 30-40 volunteers and activists per week arriving to the OPT since the onset of the al-Aqsa Intifada. Also other parts of civil society invited and received internationals to their organisations in the West Bank and Gaza Strip.

Israel acted and reacted against the presence of internationals by implementing policies of denying entry, refusing visa extensions for international volunteers and deportation, thereby initiating a de facto policy of trying to isolate local Palestinian civil society from the international scene.

In April 2002, the Israeli Ministry of Interior issued administrative instructions to control all borders, giving officials authorisation to ask whether visitors intended to visit Palestinians, and granting immigration officials the rights to deport foreigners wishing to enter Israel in order to continue on to the OPT.

Examples include:

In April 2002, the President and Secretary General of the International Federation of Leagues for Human Rights (FIDH), Sidiki Kaba and Driss el Yazami, as well as the Honorary President of the French League for Human Rights, Henri Leclerc were detained by Israeli immigration and security forces at Ben Gurion airport. They had arrived with valid visas permitting entry into Israel. However, immigration officials informed them that they would not be allowed to gain entry into Israel and were to be deported. Only with the intervention of Adalah, The Legal Centre for Arab Minority Rights in Israel, were they allowed entry.

In January 2003, ISM activist Jaggi Singh was detained in West Jerusalem when he was visiting some friends. He was deported out of Israel without a trial.

In May 2003, members of the Euro-Med Youth Programme were denied entry into Israel. The Euro-Med Youth Programme was intended to work towards realising the objectives set forth in the 1995 Barcelona Declaration. Some of their work was with disabled children and unemployed youth and also included assisting with a variety of social and cultural projects.

The programme started in February but since the Israeli authorities issued only three-month visas instead of the six-month visas that the European Commission had requested, the members travelled outside Israel for one week in order to get new visas upon entry into Israel. At the Allenby Bridge border crossing between Jordan and Israel the members were denied entry into Israel in addition to being subjected to an intensive search of their persons and luggage. Only after three weeks in Jordan and legal assistance provided by Adalah, were the nine volunteers of the programme finally allowed entering.

In the same month, the Middle East and North Africa representative of the Ford Foundation, Emma Playfair, was denied entry into Israel and some days later Human Rights Officer, Fateh Azzam, from the same organisation was deported back to Athens.

In June 2003 Israel denied a Dutch-Belgian team of medical doctors and health workers entry into Israel. The team's mission was to examine the accessibility of health care services for Palestinians in the OPT.

Shortly before, in May 2003, the Israeli authorities introduced a disclaimer that internationals wanting to enter the Gaza Strip had to sign. Through the disclaimer, the signatory agreed, among other things, that the military could not guarantee the personal safety of internationals in the Gaza Strip and could not accept liability for 'death, injury, or damage/loss of property incurred as a result of military activity'. Furthermore the signatory had to reject any association with the ISM or any other organisation aiming at disrupting Israeli military operations.

The Israeli May 2003 measures of denying entry and restricting movement for internationals came in the context of an increase in criticism levelled at the Israeli government for illegal actions carried out by Israeli forces in the Gaza Strip, including house demolitions, targeted assassinations, land levelling and restriction of movement, as well as a series of attacks on internationals.

The policy of denial affected Palestinian civil society in that organisations could not receive those international interns and volunteers invited to work with them. Host organisations reported having to sign waivers proving that the international volunteer would not conduct any acts of terror.

Lately the Israeli authorities have further reinforced measures to keep the international community out of the OPT. As of the 4<sup>th</sup> of January 2004, entry into PA areas is forbidden without prior written authorisation and non-compliance may result in deportation and future denial of entry into Israel. Those seeking entrance into Gaza through the Erez check point are asked to make their request 5 days before. This has later on been changed to 15 working days in advance.

The denial of entry for internationals is damaging the Palestinian host organisations by increasing their isolation. At the same time international activists have lost their lives from actions of the Israeli forces:

In November 2002 UNRWA employee, Iain Hook was killed by an Israeli sniper during heavy shooting in the Jenin refugee camp.

Rachel Corie, a citizen of the USA, and a member of the ISM, was run over by a bulldozer and killed in March 2003 in Rafah (in the Gaza Strip) while trying to stop Israeli forces from tearing down a Palestinian home.

In April 2003 Brian Avery, an American ISM activist, was injured during an operation of the Israeli Defence Forces (IDF) in the city of Jenin.

In April 2003 Thomas Hurndall, a citizen of Great Britain and an ISM activist, was declared clinically dead, after being shot by Israeli forces while trying to take Palestinian children out of the military's scene of action. Mr. Hurndall died on January 13, 2004, after succumbing to pneumonia, nine months after the fatal shot was fired.

### **The aftermaths of 11 September**

Just after the attacks of 11 September 2001, USA declared a national emergency to deal with the threat of terror attacks. The international terror prevention, led by the USA, opened up for a legitimisation of a range of otherwise dubious actions and statements.

Thus, on 21 May 2003, the Israeli Foreign Minister Silvan Shalom publicly alleged that Palestinian NGOs and most human rights organisations in the West Bank and Gaza Strip provide shelter for Palestinian terrorists. The Minister's allegation that Palestinian NGOs sheltered terrorists in their offices was a further attempt to de-legitimise the work of Palestinian human rights activists. The allegations also serve as a possible opening to direct attacks against Palestinian NGOs and to increased restrictions upon them.

About the same time, in 2003, USAID added conditional clauses in their contracts with NGO recipients of their financial support. Conditions included a pledge titled 'Certification Regarding Terrorist Financing' that must be signed by the NGOs prior to entering into funding agreements. NGOs need to certify that they have 'not provided and will not provide material, support or resources to any individual or entity that it knows, or has reason to know, is an individual or entity that advocates, plans, sponsors, engages in, or has engaged in terrorist activity', based on the US Executive Order 13224 issued in September 2001.

On 17 November 2003, following lobbying activities in the US Congress and government, the Ford Foundation, the single largest donor to many Palestinian NGOs, issued a statement in which they declared that new agreements will be produced for all partner organisations to sign on that they will not promote or engage in violence, terrorism, bigotry or destruction of any state, nor will it make sub-grants to any entity that engages in these activities.

The implementation of conditionality further limits the working space in which the Palestinian NGOs operate and risks cutting them off from their constituencies, as the definition of who is a terrorist (and subsequently, a supporter of terrorism) is open for subjective interpretations.

## **4. EFFECTS ON PALESTINIAN CIVIL SOCIETY IN ISRAEL**

Freedom of association, freedom to move and to work as parts a civil society have been a lesser problem for Palestinian NGOs in Israel than for Palestinian NGOs in the Occupied Territories.

Although it has not been equal to that of the Jewish civil society as Israeli laws are being applied differently onto Palestinian and Jewish citizens. With the onset of the al-Aqsa Intifada in the autumn of 2000, the tear between Palestinians and Jews in Israel became even more distinct.

### **October 2000 killings**

At the onset of the al-Aqsa Intifada Palestinian citizens of Israel demonstrated throughout northern Israel in solidarity with the uprising in the OPT. Police and demonstrators met in violent clashes. In the course of the demonstrations, 13 Palestinians were killed by Israeli forces, either in the demonstrations Israel, or in connection with them. The results of state inquiry commission headed by Supreme Court Justice Theodor Or, published three years later, showed that the Palestinian demonstrators had been unarmed, that the police had not given accurate protection to the Palestinian citizens under attack, that instead the police protected the Jewish attackers and that the use of police force had been indiscriminate.

The October killings led to a deepening of the gap between Israeli authorities and the Palestinian citizens in Israel. The launch of a new law titled 'Nationality and Entry into Israel Law (Temporary Order)' of 31 July 2003 isolated the Palestinian community from the Palestinians in the OPT. The introduction of the law might also have furthered a psychological split between the Palestinian community from the rest of Israel. This law prohibits residency or citizenship status to Palestinians from the Occupied Territories who are married to Israeli citizens. The law applies only onto Palestinians from the Occupied Territories.

### **Stigmatising Palestinians in Israel**

In November 2001, the Israeli Knesset voted to lift the parliamentary immunity of Member of Knesset (MK) and head of National Democratic Assembly party (NDA), Azmi Bishara, in order to initiate criminal prosecution. Bishara was charged with violating the 'Prevention of Terror Ordinance' (1948) and the Emergency Regulations (Foreign Travel) (1948), based on two political speeches that he had delivered in Umm al-Fahm, Israel in June 2000, and in Kardaha, Syria in June 2001. In the speeches he reaffirmed the right to resist a foreign occupation and praised the achievement of the Lebanese resistance in bringing about the final withdrawal of Israeli occupation forces from southern Lebanon. He was also charged in connection with a series of visits he organised, whereby elderly Palestinian citizens of Israel travelled to Syria to visit relatives they had not seen since 1948. It was the first time that an MK had been stripped of his immunity because of political statements made in the course of performing his duties as a public representative. On 1 April 2003, the Nazareth Magistrate Court dismissed the indictment filed against MK Bishara in connection with the Syrian visits case.

The Israeli Central Elections Committee (CEC) voted to disqualify the National Democratic Assembly Party and Palestinian MKs, Azmi Bishara and Ahmad Tibi, from the Israeli elections to be held on 28 January 2003. The motions to disqualify the NDA and Bishara were based on allegations that he and the NDA 'deny the existence of the State of Israel as a Jewish and democratic state' and that Bishara and Tibi lend support to 'armed struggle, of an enemy state or of a terrorist organisation against the State of Israel,' offences that transgress Israeli Basic Law. The Supreme Court of Israel ruled to reject the disqualification decisions issued by the CEC, thereby the Court approved the participation of the NDA and reinstated the candidacies of Bishara and Tibi in the January elections.

In February 2002, Israel's Minister of Interior issued an order prohibiting Sheikh Ra'ed Salah from leaving Israel for six months. Sheikh Ra'ed Salah, one of the founders of the Islamic Movement in Israel, is widely respected in the Islamic world as a spiritual leader. Sheikh Ra'ed Salah also served as mayor of Umm al-Fahm from 1989 to 2001, before taking on the leadership of the Islamic Movement in Israel. The Minister of Interior claimed that the security of the state would be at risk if the Sheikh would travel abroad. The Minister issued the ban on foreign travel under Article 6 of the Emergency Regulations (Foreign Travel) (1948) (as amended in 1961).

In May 2003, Sheikh Ra'ed Salah, was arrested along with 14 other Palestinians with Israeli citizenship. The accusations were that the Islamic Movement had engaged in unlawful transfers of money from illegal, foreign NGOs and companies, to activities of the Hamas in the Occupied Territories. This accusation was rejected by the leaders of the Islamic Movement. During the arrest action of these 15 people, app. 1,200 policemen and intelligence service officers were involved. Also, some 200 media people provided direct coverage of the arrests and were present on the spot.

### **Israeli attempts to limit work for NGOs**

A proposed bill regarding NGOs presented to the Knesset in the summer of 2002 is evidence of the harder times to come for civil society within Israel. If enacted, the bill proposed in June 2002 could limit the ability of NGOs to receive donations from any foreign country or organisation. Strangely similar to laws on Association in neighbouring Arab countries, the bill proposes that in order to solicit funds from foreign governments or foundations that receive government funds, NGOs would need to get permission from the Israeli Registrar. Once the Registrar has approved the NGO to receive foreign funding, the Registrar would have the right to follow and supervise the work of the NGO. Certain NGOs could be exempted from the bill, provided that the Minister of Interior granted the exemption. It might prove that the bill will end at requiring additional transparency of the funds received by associations.

In August 2002, then Registrar of Associations' attorney Amiram Bogat, decided to appoint an investigator into Adalah's activities. His decision was based on three claims: 1) The organisation provides legal aid and legal services to Arab organisations and institutions on issues of discrimination, in contradiction to its specific goals as registered with the Registrar of Associations; 2) A review uncovered that an organisation named the Galilee Society transferred considerable funds to Adalah in order to finance salaries for Adalah employees prior to its (Adalah's) registration; and 3) Suspicions arose as to financial irregularities due to the use of money for the benefit of certain political figures.

Following the Registrar's decision, Adalah submitted an appeal to the Interior Minister in September 2002. In the appeal, Adalah argued that the Registrar's conduct vis-à-vis Adalah, as well as his three claims, clearly illustrate that his decision was arbitrary, illegal, discriminatory, and politically motivated. Adalah emphasized that the Registrar's decision was arbitrary as it was made without any prior hearing. Adalah also argued that it does indeed provide free legal advice to Arab organisations, including various political institutions, and that funds were transferred from the Galilee Society to Adalah prior to the organisation's registration, all of which are legal actions.

On 7 February 2004, Adalah received the decision of the Interior Minister Avraham Poraz that the appeal submitted by Adalah in September 2002 was accepted.

### **Raiding of NGO offices**

As in the Occupied Territories, some Palestinian NGOs in Israel have also been raided, searched and had their office equipment confiscated by Israeli police or military.

EMHRN member Adalah was in August 2002 subject to investigation on the grounds of undertaking activities beyond the scope of its mandate; control by a political party; and financial mismanagement. The decision to open an investigation into Adalah came at a time when the organisation was involved in several important cases affecting members of the Arab minority community and followed the introduction of several laws and policies aimed at restricting the rights of Arab citizens of Israel.

The office of Palestinian NGO, Ansar al-Sajeen, which works with political prisoners, was raided in May 2003. The raid was based on governmental decisions. The director, Munir Mansour, was arrested and computers and documents were confiscated.

In the same period, the office of al-Aqsa Association, an organisation whose aim is to preserve damaged and destroyed Islamic holy sites in Israel, was raided and searched. Computers, documents and other equipment were confiscated and people were arrested.

## 5. DONORS

During the EMHRN mission to Israel and Palestine, the mission team met with several representatives of governmental donors (see appendix for a list of people met).

### **Stagnated policies since Oslo**

Since the establishment of the Palestinian Authority in 1994, governmental donors have allotted funds to both the Palestinian Authority and to Palestinian civil society. Commonly, the donors rely on country strategies (issued by the respective government) in choosing which projects to support. Even though donors have different focal points for their funding, there is a common interest in supporting and promoting human rights, democracy and state building.

Parts of some funds for civil society building have gone directly from the donors and some funds via a third party (such as international NGOs or UN institutions) sometimes with a clear aim of balancing the funds between the civil society organisations and the Palestinian Authority.

One donor referred to Palestinian NGOs as having been efficient service providers to the Palestinians even prior to 1994 and the establishment of the PA. The PA was rendered ineffective in the field of providing services. Other donors, however, considered the NGOs' efforts as service providers within Palestinian society as having become inefficient and too costly in comparison to the services of the PA.<sup>5</sup>

The main trend however is that donors expect Palestinian civil society to effectively compose a democratic balance to the Palestinian Authority, referring to the role of civil society as the safeguard for democracy and transparency in relation to a state. At the same time donors supported alternatives to the PA leadership<sup>6</sup> within the NGO environment, the LAW case being one such example (see below).

Donors are well aware of the fact that projects which they support and finance often are delayed, interrupted or even destroyed by the Israeli forces. All donors can identify the work of their institutions and their governments in the field of assistance to the Palestinians in the OPT as a Sisyphus work. This is valid for funds both to the Palestinian Authority and to civil society.

Approached with the question of why governmental donors do not put pressure on the Israeli authorities to cease the destruction of internationally funded Palestinian projects, donor representatives say that the situation is 'a two-handed', where the embassies in Israel do one thing and the representative offices in the Occupied Territories another. The two have no means of affecting the other.

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<sup>5</sup> Generally, donors call for civil society and the PA to cooperate, mentioning specifically the field of providing services to the Palestinian communities living the hardship of occupation. Representatives from several donors pronounced that Palestinian NGOs would benefit from discussing and coordinating with the Palestinian Authority.

<sup>6</sup> None of the donors had any funding agreements with Islamic groups. The reason mentioned for this being mostly that the European and American donors have not been approached by the Islamic groups. Some added they would not fund religious groups at all out of principle.

In general, the donors' view on the Sisyphus like work situation is somewhat cynical. Diplomatic expressions are that one should not stop supporting Palestinian society when the work is being disrupted and destroyed, because that would mean giving in to occupation. Some say that the situation is due to the states' policies and their politics, and yet others give more harsh comments, claiming that politicians are 'paying off' instead of taking responsibility.

Regardless of how much assistance is given to Palestinian society, it is subject to threats of destruction by the Israeli occupation, which, all donors agreed on, has not ceased. Despite the increase in human rights violations and the overall deteriorated situation during the last years, the funding policies following the Road map do not break with the logic of the funding policies of the Oslo process.

Another view presented is that the Israeli-Palestinian conflict only can be solved by political means, not by development funding. A donor representative claimed to be against the occupation, against roadblock as an example, but meant that in order to get rid of the roadblocks the presence of international troops would be needed. Thereby, the representative pointed to the fact that the policy is to assist the Palestinian Authority and the Palestinians, despite the fact that Israel continuously destroys the work of civil society – and thus the work of the donors.

### **The relationship to donors – NGOs**

The relationships between governmental donors and the fund recipients have been based on a donor-recipient relationship and not one of a partnership. Generally, donors have acted on an individual basis with the NGOs.

However, in 2001, five countries, Sweden, Denmark, Norway, Switzerland and the Netherlands established a donor consortium, which they named 'the like-minded donors'. The idea of the like-minded donors is that the NGOs should be able to follow their main goals instead of relying heavily on project production for fund-raising. The plan of the like-minded has been to establish monitoring groups that would look into certain allocated areas and according to the outcome of that monitoring, propose long term contracts to NGOs.

An added outcome of the donor consortium has been a closer overview of projects and finances of NGOs, aiming at diminishing the risk for long-term mismanagement of donor funds.

In light of the discovery of financial mismanagement, donors have begun to request greater insight and monitoring. Some donors now demand that their domestic NGOs that receive funds in order to support Palestinian NGOs should have an office on the ground. The demand is meant as a measure to increase the level of contact between the domestic NGO and the local NGO. The proximity is aimed at giving the national NGO greater insight into the affairs of the Palestinian NGO that they support.

Yet other donors claim not to have undertaken any changes in their donor strategies since the start of their programmes and the Oslo Process in 1994.

On the topic of conditionality of funding, related to the conditional clauses of 'Certification Regarding Terrorist Financing' that USAID requires NGOs to sign prior to entering into funding agreements, the European donors, although not supportive of conditionality in the American shape, felt that a change towards conditionality is in the air also within the European donor sphere. USAID representatives in the OPT claim that they do, in fact, have some understanding for the Palestinian NGO representatives that are upset about the conditionality, and that they could understand that NGOs felt falsely accused of supporting terrorism. However, at the same time, they do not think that so much attention ought to be given to the conditional clauses, since 'it is just a piece of paper'. According USAID, among all the NGOs that the donor supports, it is mainly Palestinian NGOs that have refused assistance.



## 6. NGOs' REACTION

NGOs are generally of the understanding that donors prefer "people-to-people" projects, and projects that aim at getting people together. They prefer NGOs not to do or to deal with politics, nor to speak of politics.

At the same time, there is a widespread notion of donors' initiative to encourage, and assist, in the creation of a new generation of NGOs that can be a potential democratic alternative to the Islamic movements that are gaining ground rapidly, or to the rule of Arafat and his allies in the PLO.

Many NGOs are drawn into politics and many people involved in NGOs have a role within civil society, or as a political alternative to the PA. The NGO-system is seen as a potential alternative to the Islamist movement and the PA and thus, attracts more foreign interest on the one hand and creates a situation of conflict with the PA and the Islamists on the other. This idea is further reinforced by instances when NGO representatives are promoted and consulted in the national and international media, by ministers and government officials as expert commentators on the political situation in the area.

However, just as the donors have differing views on the efficiency of NGOs as service providers, so do the NGOs themselves have varying ideas on this. Some NGOs (both human rights and social welfare organisations) claim that the NGOs already work effectively in this field – sometimes in cooperation with the PA – and others claim that they are by far out competed by the Islamist movement.

Secular NGOs realise that they are perceived as being closer in character to Western donors because of the proximity to western liberal politics, more so than are, for example, the Islamists. In this sense they are caught in a dilemma of receiving support from donors whose policies, vis-à-vis the Israeli occupation, are highly compromised.

Some argue that NGOs have not been targeted directly by the Israeli forces, but rather as a part of a broader attack on Palestinian societal structures, meant that they were not perceived as a threat to Israel. Their conclusion is that the NGOs might have to work harder and evaluate their own work in order to see how they can become more efficient.

The clear increase of funding to certain projects (that have been approved upon by the donors) has been named 'funding dumping'. The fact that NGO representatives are often better off, and paid higher wages, has led to a low level of popular support to, and trust in, the NGO constituencies. This situation has made several NGOs want to address the issue of 'funding dumping' and poor contact with grass roots organisations and movements as a credibility problem.

At the same time, the great interest in funding Palestinian civil society has made NGOs suspect donors of trying to interfere in and control Palestinian civil society.

### **Suspicion of terrorism – conditional funding**

Palestinian NGOs articulated the viewpoint that in post 11 September milieu, fighting terrorism has become a priority. The USA's restrictions on civil liberties have acted to justify Israel's implementation of even harsher restrictions on Palestinians. The Road Map has been explained as intending to fight terrorism, including the destruction of the infrastructure of militant religious groups.

Several Palestinian NGOs have reacted intensely against the USAID conditionality in funding agreements and have jointly protested against and/or boycotted the conditionality in funding. There is also a widespread anticipation that the trend will spread to the European donors, the biggest donor providers to Palestinian NGOs.

Conditionality furthers the idea of donors' wish to get involved in internal NGO work, trying to steer the work in approved-upon directions and getting too much influence on civil society. NGOs have reacted strongly about donors' making inquiries about Palestinian NGOs' local partners, explained by the search for likely terrorists. Taking into consideration the possible signals sent when allowing donors (and by extension foreign governments) entrance into the internal of the NGOs, such inquiries may seriously hamper the NGOs in their efforts to strengthen relations with the Palestinian community and grass roots work in general.

### **Suspicion of financial mismanagement – donors' request for transparency**

In March 2003, several international donors decided to freeze all contributions to the Palestinian NGO, LAW – The Palestinian Society for the Protection of Human Rights and the Environment. The decision was made after the discovery of severe mismanagement of donated funds. When first made aware of the situation, the donors hired an international audit firm to investigate the finances of LAW, and the mismanagement was confirmed.

Donors claimed to have been suspecting financial carelessness prior to the detection of the LAW-case, however, as a result of the discovery, suspicion towards the Palestinian NGOs became more outspoken.

The concrete outcome was that donors urged for more insight into NGOs' work, additional and more frequent reports, as well as stricter demands on transparency. Some donors ceased direct cooperation with NGOs upon the discovery of financial mismanagement within LAW and made funding directed through their domestic NGOs, to whom the Palestinian NGOs, in turn, were to answer to.

To a large degree, the new requests were not perceived as necessarily contributing to ensuring that there will not be a repeat of what happened with LAW. Both Palestinian and Israeli NGOs have been asked by donors to get long forms filled out by their auditors. The general questions in the forms do not prevent anyone from reporting in a misleading way, should there be a wish to do so. Rather, the forms are only viewed as taking up the time and energy of the NGOs – thus taking them away from more important work.

The LAW-case proved to have effects on the relationship between the donor community and the Palestinian NGOs. A common standpoint among both the donors and the NGOs, is that the case was extremely harmful to the human rights and NGO work in the Palestinian Territories.

It was also agreed upon that donors should have taken more responsibility and not allowed the mismanagement to continue when lack of insight and evaluation of the organisation from the part of the donors was evident.<sup>7</sup> NGOs reaffirmed their concern for, and dedication to, transparency.

Another common standpoint between NGOs and donors was that the NGOs should provide certain standards: clear programmes with clear aims and clear budgets stating the means to reach the aims as well as a full overview of finances.

In short, Palestinian NGOs in the OPT have perceived the LAW-case as having inflicted considerable damages to the Palestinian NGO community. On the one hand the LAW-case provided Israel with an opportunity to accuse Palestinian human rights organisations of financial mismanagement and unclear finances, and on the other hand because it opened up suspicion of

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<sup>7</sup> At the General Assembly of the EMHRN in December 2003, it was decided that LAW membership of the EMHRN be ceased as the organisation had difficulty in responding to a series of question by the EMHRN concerning management, board, statutes, and financial situation. On 13 January 2004, Palestinian police arrested former Director of LAW, Khader Shkirat, on the suspicion of financial mismanagement of donor funds.

mismanagement among other NGOs. Commenting on donor policies, there is a feeling that donors have become more suspicious, and increased their level of scrutiny and control.

## **7. CONCLUDING REMARKS**

As has been described above, Israeli incursions on Palestinians and Palestinian society have increased steadily since the outbreak of the al-Aqsa Intifada. In this context the whole of Palestinian society and its structure have been targeted and by extension Palestinian civil society and NGOs have also been targeted.

The attacks on civil society organisations have obviously tarnished the prospects of a Palestinian state as those organisations play an essential role and are an important ingredient in the Palestinian building of a viable and democratic state. Incessant damage and destruction of societal institutions and structures obviously creates obstacles to the Palestinian state building process. Furthermore, civil society is not only a part of the institution and state building process but also monitors the same process.

### **A democratic balance**

As several donors have indicated, they prefer when NGOs do not do politics but rather leave the politics to the politicians. In the 'game' between different authorities (Israeli, Palestinian and foreign) and civil society, the NGOs are expected by the international community to act as responsible civil society, or 'counter-society', including up-holding universal human rights standards vis-à-vis a state that does not exist as such.

This is expected to be done in an international environment that has discarded human rights and humanitarian standards, peace talks and even encouraged the Palestinian Authority to violate human rights when it comes to the parts of Palestinian society that oppose the peace process as it is conceived (both groups that use violent means and those who use peaceful means of opposition).

To some extent the 'option' that donors have is to withdraw funding (or threaten to do so) – which might ultimately impact Israel's policy, but could cause substantial harm to Palestinians along the way. Either we would see more suffering (hunger, sickness, etc.) – or Israel would have to step in, and re-establish the Civil Administration as a provider of basic services. Donors and humanitarian organisations seem to be well aware of this problem – and it essentially leaves them stuck in a catch-22.

'Funding dumping', donors' increased interest in funding certain preferred projects, the introduction of conditional clauses and the LAW-case have all contributed to a donors-NGOs relationship marked by a mutual lack of trust and dialogue.

Significantly, donors do not invite NGOs to discuss donor policies and strategies in relation to what the NGOs see as most needed. A discussion that could prove beneficial for both parties if held in an open and communicative sphere, and one that could lead to the enhancement of society building.

At the same time as Palestinians' rights and freedoms are violated, civil society work destroyed and Palestinian statehood building hindered, foreign donors continue to fund Palestinian society. This situation is undoubtedly to be looked upon as a Sisyphus work.

The cynical touch to this reality is that the ones who have power, for example, the foreign donors, see themselves as helpless and unable to contribute to improving the situation. Donors refer their inability to put pressure on Israel and to live up to their own agreements with Israel as to a 'two-handed' situation, where the embassies or foreign ministries – seemingly completely cut off from

the representative offices/consulates – have the power, whereas the funding parts have none. Rather, it seems that donors put harder restrictions on Palestinian NGOs to work both democratically, transparently and effectively.

The main conclusions of the paper are that:

- The Israeli occupation, Israeli annexation attempts of the West Bank, and incursions into Palestinian Territories, the West Bank, and Gaza since the onset of the al-Aqsa Intifada, have caused a constant deterioration of the human rights situation and of Palestinian NGOs' working conditions – thereby seriously compromising efforts to promote civil society and democratic principles within the peace process.
- Despite the fact that the human rights situation and working conditions of NGOs have steadily deteriorated, particularly since the al-Aqsa Intifada, governmental donors have not changed their policies concerning human rights with respect to NGOs and civil society. On the one hand donors sponsor Palestinian civil society, including human rights groups. On the other hand they silence the need to respect and promote human rights and international humanitarian law as part of the peace process.
- By silencing human rights and international humanitarian law, Western states and governments, including those of the EU, indirectly or directly legitimise policies, actions, and practices that run against these fundamental norms and standards. This approach lends itself to extremism and violence on both sides of the conflict and to a gradual weakening of civil society.
- NGOs basing their work on human rights and democracy platforms vis-à-vis both the Israeli occupation and the Palestinian Authority (PA), are left in limbo. They are asked to perform in an environment where those who are supposed to protect the rights of the occupied population commit or accept blatant encroachment on universal values without being seriously challenged by governments (including the High Contracting Parties of the Geneva Conventions).
- The NGO community works in an environment where human rights and humanitarian values are not pro-actively defended or promoted as the basis for political solutions. Increased donor focus on possible links between Palestinian NGOs and 'terrorists' in the aftermath of 11 September 2001, and the introduction of related conditional funding, in addition to 'funding-dumping' on the NGO community (aimed at supporting new political leadership) all contribute to the risk of cutting Palestinian NGOs off from broad segments of the Palestinian population and fostering extremism.

The EMHRN believes that ensuring respect for the international human rights standards set out in the Universal Declaration of Human Rights and the Fourth Geneva Convention is crucial to preventing human suffering and in the search for comprehensive solutions for peace. Article 1 of the Convention places a duty on the High Contracting Parties 'to respect and ensure respect of' the provisions of the Convention 'in all circumstances'.

Lack of dialogue and confidence is a main challenge to the relationship between donors and NGOs. This situation has been detrimental to the strengthening of civil society, human rights, and democratic principles. Based on the discussions of this paper the EMHRN recommends the following:

1. A call for an immediate conference of donors and the Palestinian NGO community in order to discuss and clarify implications of increased use of conditional funding and changing financial management procedures, and to prevent additional hampering of the work that NGO's do.

2. Initiation of a process of regular consultations between government donors and the Palestinian and Israeli NGO communities in order to mainstream fundamental standards of international human rights and humanitarian law into a general, coherent approach to peace and civil society building in Israel and Palestine. This could entail a series of seminars on how to collectively strengthen the role of human rights institutions and NGOs in promoting peace and security, and in contributing to an end of occupation. Means of fostering the results of these efforts into the peace process should be recognised.
3. Initiation of a dialogue between donors and Palestinian NGOs on how donors can up-date their policies in response to the situation on the ground through the support of long-term NGO-to-NGO projects and partnerships.
4. Requesting transparency is a must for both donors and NGOs. While NGOs should strive to improve transparency and democratic structure within their organisations, the request should not hamper their efforts by imposing a large amount of extra work. Donors should coordinate their requests, preferably in cooperation with the NGOs. This can be done by requiring NGOs to follow similar reporting scheme for all donors and through advance notification of any up-coming reporting requests in order to improve the efforts of NGOs to plan ahead.
5. Donors must actively challenge the obstruction of their work by the Israeli authorities. Donors should pressure Israeli authorities to secure donor freedom of movement in order to conduct their work related to Palestinian NGOs, including personnel visits by donors to NGO offices, branches, and fields of work. Additionally, international representatives of civil society organisations (human rights, peace groups, solidarity groups, etc) should be given free access to the OPT.
6. In relation to the EU, a clear link needs to be made by the European governments regarding Israel's privileged partnership with the EU and its respect for human rights. Israel's violations of human rights and humanitarian law are on a scale that necessitates the immediate activation of Article 2 of the Association Agreement between the EU and Israel. The activation of Article 2 is imperative and should be done immediately in order to pressure Israel to promote and protect human rights in the OPT and Israel. The EMHRN also urges the EU to give priority to the implementation of the human rights clause with regard to all bi-lateral agreements, including the one with the Palestinian Authority.
7. The action plans currently under negotiation between the EU and Israel in the framework of the EU Wider Europe Initiative should include a substantial chapter on human rights 'in the promotion of peace and stability' and clear benchmarks for the implementation, as requested in the European Commission's Communication of 11 March 2003 on *Wider Europe – Neighbourhood: A New Framework for our relations with our Eastern and Southern Neighbours* which has been welcomed by the EU Council.

## **APPENDIX**

The mission team met with representatives of the following organisations and donors during the mission to Israel and the Occupied Palestinian Territories on 15-21 July 2003.

### **Palestinian organisations in OPT**

Al-Dameer Prisoners Support and Human Rights Association  
Al-Haq, Law in the Service of Man  
Al-Mezan Center for Human Rights  
Bisan Center for Research & Development  
Educational Network  
Health Work Committees  
Jerusalem Center For Legal Aid & Human Rights  
LAW, The Palestinian Society for the Protection of Human Rights & the Environment  
Mandela Institute for Human Rights – Palestine  
Miftah, The Palestinian Initiative for the Promotion of Global Dialogue and Democracy  
Palestinian Centre for Human Rights  
Teacher Creativity Center  
Tamer Institute for Community Education  
The Mattin Group  
The Palestinian Hydrology Group  
The Palestinian NGO Network (Gaza Section)  
The Palestinian NGO Network (West Bank Section)  
The Union of Palestinian Medical Relief Committees  
Women's Affairs Technical Committee – Palestine

### **Palestinian organisations in Israel**

Adalah The Legal Center for Arab Minority Rights in Israel  
Arab Association for Human Rights  
Ittijah Union of Arab Community Based Organisations  
The Northern Islamic Movement

### **Israeli organisations**

B'Tselem The Israeli Information Center for Human Rights in the Occupied Territories  
Public Committee Against Torture in Israel

### **Donors**

Embassy of Austria  
Consulate General of Spain  
Consulate General of Sweden  
Representative Office of the Netherlands  
Representative Office of Norway  
Swiss Agency for Development and Cooperation  
Spanish Cooperation  
U.S. Agency for International Development

### **Other**

International Solidarity Movement