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BADIL Resource Center for Palestinian Residency and Refugee Rights

Shrinking Spaces in Palestine:

An Israeli Colonial Strategy to De-Politicize

Palestinian Civil Society

BADIL is a Palestinian human rights organization established in 1998, dedicated to defending and promoting the rights of Palestinian refugees and internally displaced persons (IDPs), regardless of their geographic location, according to the frameworks of international humanitarian, human rights and refugee law. BADIL is one of the leading and respected resources on historic and contemporary forcible transfer and the Palestinian refugee and IDP issue.

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Cover photo: Palestinians protest against President Trump's 'Peace Plan' in Ramallah. 11 February 2020 (© Majdi Mohammed /AP)

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Terrorizing Palestinian Civil Society: A Strategy for De-Palestinization and De-Legitimization

by BADIL's Staff

Protest against Israel's designation of six Palestinian civil society groups as terrorist organizations, November 2021 (Source: al-Ayyam.ps)



It is estimated that [117 of 197 countries](#) are currently facing serious civic restrictions, indicating that civil society across the world has become the target of measures deliberately aimed at constraining their work. These developments shrink the space in which civil society organizations can operate. The issue of shrinking spaces is of particular relevance and urgency in Palestine, given the colonial context in which Palestinian civil society organizations (CSOs) operate.

Shrinking spaces in Palestine is characterized by an array of repressive laws, policies, and practices imposed by the Israeli colonial-apartheid system and the international donor community to restrict, criminalize, and delegitimize Palestinian civil society. This is achieved by increasingly controlling the activities of civil society and threatening their access to funding under the guise of counterterrorism, as well as discrediting CSOs in the eyes of donors and the wider international community. These actions are undertaken with the aim of erasing Palestinian identity and narrative, and to repress the struggle for self-determination. The right of the Palestinian people to resist Israeli colonialism by legitimate means, and the attainment of their inalienable rights of self-determination and return are protected under [international law](#).

In Palestine, civil society organizations play a major role in the struggle for self-determination and in resisting Israel's colonial rule. Palestinian CSOs work to oppose Israel's pursuit of absolute control over Palestinian lives by empowering Palestinian rights-holders, building resilience, and exposing the nature of the colonial project's policies. It is on account of this scrutiny that Israel

has unrelentingly tried to delegitimize and ‘de-Palestinianize’ Palestinian CSOs. Such efforts demonstrate the importance of preserving a muscular and effective Palestinian civil society.

Israel, in its repression of Palestinian resistance, is no different than other colonial enterprises throughout history. A core feature of colonialism is that the colonized population is prevented from enjoying the liberties enjoyed by the colonizing society. Calls for freedom and self-determination, or even of the very right of a colonized people to exist, are construed by the colonial regime as existential threats. The colonizer thus works to delegitimize, silence, and violently repress the voices articulating those claims to legitimate resistance in the pursuit of self-determination. Israel’s attacks on Palestinian civil society should be understood as yet another example of this colonial logic.

By suppressing Palestinian CSOs’ work, along with that of human rights defenders (HRDs), Israel seeks to further entrench the colonial-apartheid reality it has created, and to quash any and all effective opposition to such a reality. The Convention on the Suppression and Punishment of the Crime of Apartheid prohibits the commission of acts undertaken for the purpose of establishing and maintaining a system of racial domination and oppression, including “[p]ersecution of organizations and persons by depriving them of fundamental rights and freedoms, because they oppose apartheid.”¹ Israel’s discriminatory policies that shrink space for Palestinian CSOs and HRDs should therefore be understood as constituent parts of Israel’s colonial-apartheid regime, and of its wider aim to forcibly transfer the Palestinian population out of Palestine.

Successive Israeli governments have put forward legislative programs to delegitimize Palestinian HRDs, to suppress Palestinian resistance, and to attempt to destroy the collective consciousness of Palestine. Included amongst these laws are the Nakba Law,² the (anti) boycott law,³ the mandatory disclosure of foreign entity funding law,⁴ the Counter-Terrorism Law,⁵ the entry into Israel law,⁶ and the Nation-State Law.⁷ Yet these efforts are only one aspect of Israel’s campaign to silence Palestinians. The other more pervasive and damaging aspect is focused on lobbying the international donor community to impose unacceptable funding conditions on Palestinian CSOs. Israeli-led smear campaigns attack organizations advocating for Palestinian rights and for dismantling Israeli apartheid. The targets of delegitimization and defunding campaigns are Palestinian CSOs that promote a rights-based approach in pursuit of Palestinian liberation because these organizations present a threat to the Israeli colonial-apartheid regime and its founding racist ideology.

Such delegitimization campaigns against Palestinian CSOs, which offer effective and clear-sighted criticism of Israeli crimes, coerce the international donor community into inserting [conditional clauses in their funding contracts](#). While it is not unusual in the non-profit sector for donors to impose conditions when issuing funds, these highly restrictive conditions essentially punish political engagement and the pursuit of the full spectrum of rights. Indeed, European policy designates virtually all Palestinian parties as terrorist entities, and places them on EU sanctions lists. This demonstrates that Israeli and European policies work in tandem to de-politicize Palestinian civil society work. Both contradict the interests of Palestinians and further decontextualize the Palestinian political struggle, presenting it instead as a humanitarian problem.

The delegitimization and de-politicization of Palestinian civil society started early in this century, with many funders limiting the scope of projects to those of a purely humanitarian nature. This negatively impacted projects that sought to highlight the full extent of Israel’s international crimes and the failure of the international community to fulfill their moral and

legal responsibilities. Projects promoting ‘peace-building,’ for instance, came to be prioritized as funding recipients. This transition disregarded the needs and rights of the Palestinian people and ignored the root causes of their situation. Furthermore, in a move replicating Israeli policies of fragmentation, isolation, and segregation, the international donor community began to restrict the geographical scope of its work and donate to Palestinian beneficiaries in specific areas only.

The international donor community has also attempted to censor the language and terminology used by CSOs, requesting that terms such as ‘ongoing Nakba,’ ‘colonization,’ ‘colonial-apartheid regime,’ and ‘right of return’ be omitted from usage by recipient organizations. CSOs and projects that supported the call for boycott, divestment and sanctions (BDS), as a legitimate form of resistance, increasingly found themselves rejected for funding, demonstrating donor acceptance of Israel’s criminalization of BDS.

While for many years Israel has shut down Palestinian CSOs based on political affiliation, recent changes in the policies of international donors have prompted an even more profound suppression of Palestinian civil society. As a result of these changes, often undertaken in the face of pressure from Israel and its allies, organizations struggle to receive international support and protection.

The latest Israeli designation of a number of Palestinian human rights organizations as ‘terrorist entities,’ followed by the forced closure of their offices, represents an escalation but it is not entirely unprecedented. It is instead just another episode in a long-running series of attacks. These attacks reflect the emboldening effect that restrictive policies and practices of the international donor community, especially those of the EU and its member states, have had on Israel’s suppression of Palestinian civil society. [The EU’s conditional funding](#), for instance, forces Palestinian civil society to improperly assume a security role against its own people, by imposing on organizations ‘vetting’ and ‘screening’ procedures through which staff and constituents must be processed. Increased conditions placed on the recipients of grants has created an additional administrative burden on CSOs. The long-term effect of these practices is one that serves the broader Israeli campaign to erase the inalienable rights of the Palestinian people.

In sum, Israel targets Palestinian CSOs through laws and policies designed to strain or sever their relations with foreign funding partners, while the international donor community imposes political conditions on funding. Palestinian civil society is thus left unable to properly meet the needs, nor vindicate the rights, of the Palestinian people. All of these accumulated policies and practices are not only inconsistent with the principles of humanitarian action, but also with the Palestinian people’s basic and inalienable rights, as recognized under international law, including the [right to self-determination](#), and the right to resist by any legitimate means foreign oppression, colonization and apartheid.

The conditionalization of aid by the international donor community, without proper consideration of the specific political context in which its recipient/partner organizations operate, inevitably results in the retreat of legal protections, and of civic space itself. The EU, as an influential actor in the region, and as one of the most significant financial supporters of Palestinian CSOs, is therefore failing to uphold its third-party international human rights obligations and those of its member states. Rather than working to support Palestinians in the pursuit of their rights, it instead has made itself complicit in Israel’s efforts to continuously shrink the space for Palestinian CSOs. Its actions further reinforce the current imbalance of powers and the colonial-apartheid regime imposed by Israel.

All these coercive policies imposed by both Israel and the international donor community entrench the Israeli colonial-apartheid system, and [confine Palestinian civil society](#) to act only in ways international donors deem appropriate. This will eventually create a neutral, non-confrontational, depoliticized, donor-oriented civil society. Such a civil society is incapable of addressing the root causes of the conflict and the ongoing colonial actions of Israel, and is unfit to vindicate Palestinian rights.

This issue of Al-Majdal deals with the delegitimization of Palestinian civil society through the abuse of counter-terrorism regulations. Providing a historic understanding of Palestinian civil society and its role in a colonial context, the issue analyses the tools and strategies used by both the colonial-apartheid regime and the international donor community to delegitimize civil society and depoliticize the Palestinian narrative. The impact of these strategies on the independence and political sovereignty of the Palestinian civil society is also addressed. Finally, it provides a legal analysis on civil society rights and freedoms in the context of colonial-apartheid rule, and calls for the decolonization of foreign funding.



Demonstration against U.S. support for Israel, Michigan, May 2021 (Source: MLive.com)

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3. Knesset, “Law Preventing Harm to the State of Israel by Means of Boycott”, 5771-2011, 11 July 2011.
4. Knesset, “Duty of Disclosure [for a Body] Supported by a Foreign Political Entity (Amendment) Law”, 5776-2016, 11 July 2016.
5. Knesset, “Combatting Terrorism Law”, 5776-2016, 15 June 2016; This law gives Apartheid-Israel wide discretion to determine who is engaging in “terrorist activity” based on “secret evidence,” most recent enforcement of this law is the Israeli Defense Minister’s decision to arbitrarily declare six prominent Palestinian CSOs as “terrorist organizations”.
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How Civil Society Organizations Respond to Contemporary Situations

by Dr. Eileen Kuttab*

A man salutes the family of the martyr Milad Antone, killed during the first Intifada, Bethlehem, 1989. (@al-ayyam)



Pre Oslo - A Civil Society Responsive to National Priorities and National Resistance

In the mid-1970s, the Palestinian national movement, represented by the Palestinian Liberation Organization (PLO), pursued a policy of democratization to mobilize large sectors of the public – mainly youth, women, workers, and students. The goal was not only to face Zionist settler colonial policies of transfer, expansion, and destruction, but also to mobilize and organize the masses, and serve their practical and strategic needs based on national priorities. This was a revolutionary restructuring of Palestinian political space, where traditional elite, comprised of “notable” families, and landowners, now politically weakened, were replaced by a new leadership of a different caliber that included secular, educated, urban middle-class activists from different geographic locations in Occupied Palestinian Territory (oPt).¹ This prompted the emergence of a new wave of grassroots organizations that were often linked to the progressive political factions that comprised the crux of the Palestinian social movement.² The Palestinian social movement encompassed women’s committees,³ student movements, labor unions, and volunteers, and adopted a democratic, decentralized outreach structure that allowed it to reach all geographic locations.⁴ This method of organization posed a significant challenge to Israeli control of the Palestinian economy and politics, and to Israeli efforts to destroy Palestine’s cultural heritage and socio-economic infrastructure.⁵

These organizations were successful in politically engaging many sectors of Palestinian

society. They promoted collective resistance, raised public consciousness on social issues and comprehensive development, helped to mainstream an alternative discourse that emphasized the context of continuing colonial aggression, and reprioritized local needs within the national movement.

Women and workers were the first to start organizing and mobilizing the masses for national resistance, notably through the provision of services in fields such as health, agriculture, and popular education. This model of service provision was centered around responding to community needs. Volunteers and small donations made by the general public, political parties, and a few international partners in political solidarity were critical to supporting these activities and services.

Over time, these organizations formed an organic bond with the masses who came to see them as an informal national authority, and as their guardians and representatives in the absence of a formal government. The high esteem in which they came to be held by the people gave rise to a kind of accountability.

Democratic activism in this period laid the basis for the first Intifada that erupted in 1987. Participation in the Intifada took different forms. This included boycotts of Israeli goods, which prompted the formation of women's productive cooperatives and new models of household-based economic activity, as alternative forms of market production.⁶ Whilst feminist discourse had not yet taken root in women's committees, they still focused on women's rights as an integral component of national liberation. The closure of schools and universities during the Intifada led to the formation of neighborhood education committees that taught students about the history and geography of Palestine – subjects that were banned in the official curriculum as set by the Israeli civil administration.⁷ Few university administrations also established alternative, informal spaces in which to continue their education during this period.

Specialized committees in sectors such as health and agriculture expanded their activities, creating mobile services to improve their public reach. These grassroots organizations successfully brought together cultural, economic, social, and political considerations through the conduit of service provision, promoting political awareness amongst Palestinian communities and centering development as a means of empowerment and a tool with which to strive for independence.

In the early nineties, new structural impediments forced Palestinian grassroots organizations to undergo processes of transformation. Policies of colonial oppression of road-blocks and siege had weakened grassroots organizations' capacity to organize and mobilize, leading to a gap between the leadership and the grassroots. These developments were the outcome of a set of intertwining factors at the local and international levels.⁸ A series of interventions by the Palestinian leadership in exile, who had come to feel threatened by the nascent, local leadership that Palestinians saw as more legitimate and accountable than them, also had a negative impact. A political crackdown by the official leadership necessitated a change in direction for the grassroots movements.

Thus, a wave of 'NGOization',⁹ endorsing the professionalization and formalization of grassroots organizations as a way of developing programs across agriculture, health, and social issues, began to take place. The EU was one of the main donors that helped finance these newly configured programs, which worked on a range of issues including gender rights, domestic

Sign on the ruin of an EU-funded building in the Jordan valley, twice demolished by Israel, March 2021. (© Ahmad Al-Bazz/NRC)



violence, the imposition of the veil, policy, early marriage, alternative models of development, and policy research, as well as other areas. There were also programs focused on developing the health and agricultural sectors – which required a greater degree of professionalization and personnel training, in addition to financial assistance. NGOs working on these issues became important players in the political arena.

How this transition affected the existing progressive political parties, and the position of these parties towards the Oslo agreement, is discussed in the second section.

Civil Society Organizations Endorsing Neoliberal Agendas

The signing of the Oslo Accords between the PLO and Israel in 1993 reshaped the political environment and culture which had a drastic impact on Palestinian social and economic well-being. The local leadership of the oPt was massively undermined by the Accords, and NGOs were also outflanked by the newly formed Palestinian Authority (PA), in terms of political legitimacy and international financial support. An atmosphere of optimism mixed with panic governed the mood and attitude of political parties, NGOs, grassroots organizations, and the masses.

Many outside observers optimistically believed that Palestinian autonomy would hasten the end of the conflict and would decrease the daily pressures of occupation – this expectation was detached from reality, a fact which quickly became evident. The new leadership had long been based outside of Palestine, and thus lacked experience of the situation in the occupied territories. As existing civil society organizations were relatively larger, and more experienced, the new leadership's future relationship with them and the future of social movements were uncertain.

Politically, the Oslo agreement also caused a deep divide within the national movement over the issue of uniting in resistance versus negotiating with the occupiers. In the face of colonial policies that structurally dismantled democratic political parties, opposition to the Oslo agreement remained weak.

The agreement mechanically brought about the globalization of the Palestinian economy, which

had the effect of undermining the development of its production sectors and deepened reliance on the Israeli labor market for job opportunities and manufactured goods. Most organizations were forced to adapt to the new situation by adopting a neo-liberal discourse and stance, which promoted a western model of state-building but undermined national resistance.

Factors like international funding, which flourished post-Oslo in occupied Palestine to stabilize and further the so-called ‘peace process’ and to build a future, autonomous Palestinian state, made Palestine dependent on global networks. This meant that economic survival, and the manner in which national priorities were determined, became contingent on external factors. The emergence of conditional funding affected the Palestinian economic and political space, as well as the preservation and celebration of Palestinian cultural heritage in different ways. Integrating Palestine into the global economy had negative repercussions, as it led to the neo-liberalization of the Palestinian economy – a process which was at odds with strategic priorities and local needs. In addition, the economic restructuring mandated by the Oslo Accords and subsequent agreements such as the Paris Protocol (1994) ensured that development would be carried out largely according to international agencies, and resulted in the Palestinian economy becoming completely reliant on Israeli markets.

This process of cooptation into a global framework necessitated change and adaptation. Calls for transparency and accountability, as well as professionalization of formerly grassroots institutions, ultimately led to the weakening of mass-based social movements. While some organizations were transformed into professional institutions which adapted to the new political climate and remained viable, others did not. The interests of the World Bank started to take precedence over local priorities in a trickle-down manner, reorienting the political and economic agenda to address global rather than local issues. Civil society organizations required new bureaucratic procedures in order to apply for funding. National discourse was refocused on state-building. Internationally standardized practices were adopted, including formats for writing applications and technical proposals, financial regularization through the opening of bank accounts, and an increased use of technocratic language and discourse. This marginalized cultural and political discourse with concepts such as “colonialism” being excised.

This period of globalization saw a lot of civil society work relocated to international offices, distancing them geographically and conceptually from the Palestinian masses. Social movements became increasingly weakened and alienated as a result. The unity and solidarity of the Intifada disappeared and competition among organizations became the norm post-Oslo, as funding for NGOs was limited. Civil society organizations that aligned with international agendas were more likely to receive funding, while other organizations failed to secure any funding at all. This politicized model of funding forced civil society organizations to adopt a neoliberal orientation in accordance with global interests, and subsequently shift their focus away from their commitments to the basic needs of the people in favor of developing the national agenda. This impacted the orientation of their project work, posing a challenge to the old agenda that had centered on supporting steadfastness and resistance. The dominance of international donors and mainstream politics prompted the emergence of a new leadership, comprised of a globalized, technocratic, and depoliticized elite, who have come to play an important role in decision-making and in imagining the future of the so-called Palestinian ‘state’. The dominant forum became that of the “globalized office”, disconnected from the masses, and accountable only to donors rather than constituents. Civil society organizations thus no longer derive their legitimacy from the people, by merit of their symbolic and historic role; instead, they mainly exist for donors.¹⁰

Current Situation: Shrinking Space for NGOs

Civil society organizations are presently facing serious challenges on account of a range of factors, the most pressing being an escalation of Israeli colonial violence against the Palestinian people and Palestinian civil society organizations. This aggression takes different forms: arrests of activists, forced closure of institutions in Jerusalem, raiding offices and confiscating property, surveying, as well as delegitimization through allegations of terrorism, such as that faced by the six organizations who were blatantly targeted due to their national role and democratic principles.

A further challenge is the PA and its authoritarian, undemocratic practices, such as restricting freedom of expression and marginalizing grassroots voices in decision-making processes related to development strategies, and politics. New policies of international donors, especially those from the European Union, were characterized by conditional funding arrangements and a fixation on funding programs on marginal issues that suited Western agendas that have no relation to the urgent Palestinian needs and national priorities. The result is that only a select few civil society organizations survive, with a greatly diminished ability to promote the democratization of the political system and the rights of the most vulnerable social groups. A shrinking civil society sector has deprived Palestinians of valuable social and political services that reinforce their steadfastness.

Solutions to these complex political, financial, and structural challenges require revisiting the lessons of the first Intifada, such as promoting the decentralized, alternative structures that were prominent at that time. Responding to the occupation's closure of institutions by decentralizing the means and methods of civil society outreach hampers the occupation's efforts to control this sector. Decentralization means that the activities of civil society organizations become better tailored to community needs rather than to donor agendas. This strengthens grassroots activism and shifts the focus away from bureaucracy, as was the case during the first Intifada.

Ending reliance on foreign aid through the use of volunteers is another practical solution. As demonstrated by the first Intifada, volunteers can carry out many different programs and activities, can effectively mobilize broad sectors of society, and kindle a connection between leadership and the grassroots. Although the professionalization of the non-governmental sector has left civil society irreversibly reliant on international funding in structural terms, it is still important to revive volunteer work in civil society spaces.

Local NGOs must operate with a degree of collective awareness, and be in conversation and coordination with each other, if they are to reach a common understanding of future challenges and find potential solutions to combat the structural obstacles. At the same time, more engagement with international partners is needed to reach a consensus where both local organizations and international partners can sustain their work and re-center Palestinian solidarity, both in their operations and in the allocation of funding. It is crucial to recognize that aid to the Palestinian people is a right and an obligation that international organizations should commit to, rather than use as a tool to erase or partially obscure Palestinian identity. Palestinian NGOs are an extension of the Palestinian people and their pursuit of human dignity. Partners who finance programs and stand in political solidarity with Palestinians should not acquiesce in the denouncing of resistance or framing of it as terrorism. Furthermore, terminating economic assistance when organizations reject political funding conditions should be understood as part and parcel of a raft of punitive economic measures which are enforced globally to subjugate Palestinians, to deny

their political rights, further enhance de-development, and coerce them into surrendering their national and political rights.

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Grassroots Organizations and Civil Society Organizations in Palestine: Reality, Role and Challenges

by Nassar Ibrahim*

Activity day for children at a youth grassroots organization in Baddawi refugee camp, Lebanon, 2019. (@BADIL)



From the outset, emphasis needs to be placed on the following key notes:

- Drawing a distinction between the following concepts: grassroots organisations and unions, trade unions, civil society organisations (CSOs), and nongovernmental organisations (NGOs).
- Evolution of CSOs, the concept of civil society, problematic concept (role of the State, organic social structures and CSOs, and social contradictions).
- Debate is usually initiated in a reverse or erroneous manner, starting with a discussion of the nature and role of CSOs. Truly, it should begin with identifying the social reality, focusing on political, economic, and social developments, State/authority role, anomalies, challenges, and COS tasks.

■ In the Palestinian context: Consequences of the protracted Israeli colonial occupation, transfer, displacement, ghettos, confiscation of land and natural resources, and economic dependence and domination require that the national liberation effort go hand in hand with democratisation and social resilience.

Grassroots Unions, Organisations, and Trade Unions

In Palestine, the evolution of grassroots unions and organisations as well as political forces has been linked to the specificity of the Palestinian context. Hence, challenges and questions faced by these groups are qualitatively different from those encountered by any grassroots organisations created in the normal course of evolution of any society.

Following the 1948 Nakba and establishment of the State of Israel, millions of Palestinians were displaced and became refugees. The whole of Palestine was colonized in the aftermath of the June 1967 war. Consequently, the Palestinian grassroots movement and organisations (of students, workers, women, fellahin, teachers, and journalists) found themselves confronted by

major political duties, focused on protection of the Palestinian national identity and struggle to end colonization and establish an independent national State. Grassroots organisations have, therefore, served as an incubator of political forces and parties (Fatah, Popular Front for the Liberation of Palestine, Democratic Front for the Liberation of Palestine, Communist Party, etc.).

Against this backdrop, the main task of these grassroots organisations have centred on and treated as a top priority the political struggle. The social dimension was second on the list of priorities. Along this vein, grassroots groups became the battleground for severe political rivalry and conflict between Palestinian political forces and parties. The influence, impact, and national significance of these forces was measured by the extent of their capability of diffusion and control over grassroots organisations and trade union movement. This reality has triggered a set of manifestations.

Firstly, the role of the grassroots movement and organisations has experienced a historical shift, placing emphasis on the political dimension, rather than social tasks. Secondly, Palestinian political parties have formed their own trade unions and grassroots organisations, resulting in a state of dispersion and fragmentation. Thirdly, an attitude of hegemony and unilateralism has undermined the independence of grassroots organisations and essentially compromised their specificity and social role by dominant political forces and leadership.

These predicaments have been compounded by the Israeli colonial occupation. Over decades, the colonial Power has entrenched occupation within the Palestinian social fabric and distorted the context of the Palestinian grassroots movement. In other words, political repression concretised by the colonizer's social, economic, and cultural behaviour has manifested itself in a constant pursuit to instil a spirit of opportunism within grassroots organisations. This exercise was designed to drive these groups away from the core of the political struggle and continuously push them towards marginal social roles. At the same time, the colonial Power has implemented a fascist repressive policy against Palestinian political forces and factions. However, this policy was counterproductive thanks to powerful and dynamic objective challenges and contradictions, which govern the Palestinian-Israeli conflict. The more the political forces and factions were subjected to colonial oppression, the greater their role and the more visible they were within grassroots organisations and trade unions. In addition to their role in the mass struggle, these actors served to provide protection and adaptation. As a result, the social role played by those trade unions and organisations has been further dominated the political role.

Palestinian grassroots organisations and trade unions served as an incubator that harboured political factions. At the same time, the latter imposed their political and intellectual hegemony over those grassroots organisations and trade unions.

Political Use of Grassroots Organisations by Political Forces and Parties

When political forces felt that their role and status were under threat or when the political leadership sensed that it was under pressure, they used to invoke and set in motion grassroots organisations and trade unions to reduce that pressure. The most prominent example of this was seen in the first and second Intifadas of 1987 and 2000. It is thus noted that the grassroots movement, organisations,

unions have been used as a bargaining chip by the political authority and forces when needed. Once again, grassroots organisations was pushed into the corner and fine-tuned.

More seriously, grassroots organisations and trade unions are utilised to both resolve and fuel internal inconsistencies. Most notable is the current contradiction between Hamas and Fatah movements. Each party drives their own constituencies and grassroots organisations to the street as if to display a show of force. This political conduct causes more rupture and pessimism within

Voluntary olive picking, organized by CBOs and students, 2020
(Source: pnm.ps)



the grassroots movement, pushing efforts and potential away from their political and social priorities and interests, namely, struggle against colonization and improvement of social and economic conditions.

Palestinian grassroots organisations and trade unions reflect a large-scale movement, possess profound expertise, and fulfil the real requirements for action and influence. Still, these are in need of a political movement that is vital and ready enough to review programmes and visions. Accordingly, the grassroots movement will be able to influence and interact both organically and dialectically with those organisations, meeting the requirements of the Palestinian social and political context.

National liberation and social construction tasks necessarily entail engagement and integration between the authority/State and CSOs (both before and after Oslo). This demands that each party be well aware of their role so that political forces and power structures do not dominate grassroots organisations or deprive them of their independence, specific character, and defence of the interests of represented sectors.

CSOs, NGOs, and the Question of Democracy

The root cause of the problem associated with the concept of Palestinian civil society lies in many politicians and intellectuals who turn a deaf ear to the political and social specificities, which have been historically shaped in the Palestinian context. Civil society is a socio-historical

concept linked to the evolution of society. More specifically, it generates from the formation of the modern nation and State. The modern nation-state was formed as both an objective and a subjective response to economic and social transformations and discrepancies brought about by the bourgeois democratic revolution in Europe. These contradictions essentially lie in the bourgeois victory and domination over the State as a tool of class control.

This transformation has put in place new questions and inconsistencies to European societies as well as political and social forces. These had a profound reaction in an attempt to manage and control these contradictions. Hence, an objective environment is created, enabling the establishment and evolution of CSOs as an intermediary between natural or organic social structures (family, tribe, denomination, etc.) on one hand, and the State as a tool of totalitarian control on the other. It aims at putting an end to prejudice and injustice inflicted by the State on some social groups and sectors. Therefore, these groups have found themselves compelled to fit into structures and institutions on the grounds of defending their common interests in disregard of their normal affiliations.

Against this backdrop, the objective condition to build CSOs is evidenced in the existence of a nation- or national State and sovereignty of the democratic system. In other words, all parties must accept rules and principles of the democratic game within the framework of this formula, which is historically and socially shaped in the context of social evolution.

Coming back to the Palestinian context, based on this understanding, we find ourselves facing profound dilemmas, all starting with a discussion of the hypothesis of the existence of Palestinian society in general, and civil society in particular. This involves fragmentation and creation of Palestinian communities in different social, political, and economic contexts (the Palestinian people in the West Bank, Gaza Strip, 1948 territory, and Palestinians of the diaspora, who are subject to various social and political experiences, regimes, and settings.)

To ensure that the debate does not end up in an intricate maze, focus will be placed on Palestinian society in the West Bank and Gaza Strip because it is subject to the same political, social, and economic contexts and conditions. In addition to the absence of a Palestinian state, these Palestinians are faced with a particular specificity, namely, the colonial occupation which dominates and controls all resources of the West Bank and Gaza. This objective reality is a prerequisite to review and understand experiences of the Palestinian people in both areas. The so-called Palestinian CSOs have been formed as political/social structures. With the primary goal of resisting the occupation, these CSOs were not basically created to defend interests of social groups or sectors or confront oppression of the national state apparatus.

In the light of this situation, Palestinian CSOs act under the influence of pressing and overlapping dynamics.

First, challenges are imposed by the colonizer at all levels. Palestinian CSOs came into being in response to requirements for the resistance of colonization. The majority of CSOs have been created on the initiative of parties and organisations of the Palestinian national movement. As a result, the structures, programmes, and relationships of these actors are more akin to political parties. On the other hand, in the face of a stiff competition between political forces to seize control of the Palestinian street, grassroots institutions, organisations, and unions continued to be affected by a split and parallel democratic trade unions and organisations. This was the case of

the workers' union, women's organisations, and many professional associations. Consequently, these groups have not been able to unite behind a democratic social programme or guide the social struggle to bring that programme into reality.

Second, in light of the foregoing dynamics, the majority of grassroots institutions and organisations have positioned themselves on the peripheries of political forces. As a result, transformed into a standby force, these movements have lost an effective and influential role in countering the domination of political actors.

Third, having had their social role dominated by a political function, this reality, characteristics, and roles have turned CSOs and grassroots organisations into an immediate target of the Israeli colonial occupation and Western financing institutions. To control them and seize their programmes, these groups would be used to compromise their political role and nudge them toward contradiction with the national movement and its liberation agenda.

It is these dynamics that explain the shift which Palestinian grassroots and social organisations have experienced since the 1980s and 1990s until the present day. It is noted that these organisations has receded and set the platform for NGOs, creating a new phenomenon involving hundreds or thousands of elitist NGOs. By contrast, the significance and role of grassroots organisations and movements have declined, reflecting in the eroding publicity of political parties and organisations

Fourth, the foregoing social and political dynamics have interacted and overlapped in the absence of political freedoms and democratic experience, making the birth of Palestinian CSOs similar to a caesarean section. Therefore, CSO structures and practices are controlled by a centralised hierarchy, limiting their ability to mobilise concerned social sectors and groups. This has, in turn, profoundly impacted their democratic role, vitality, and prompt initiatives in the face of political and social developments and challenges.

In the light of the above, a performance assessment of Palestinian CSOs is highly ambiguous. This is due to colonial policies and measures on one hand, and deep overlapping between social and political roles on the other. In the absence of the national State, CSO activity has mainly focused on the struggle against colonization.

This reality has been shaped both politically and socially in a historical context, placing CSOs in a state of anomaly that has reached a crisis point following the conclusion of the Oslo Accords and creation of the Palestinian Authority. CSOs could not rebuild themselves and restructure their programmes in response to that paradigmatic shift. As a consequence, CSOs have failed to stand against the abuse of authority, concomitant corruption, and encroachment on citizens' rights. The most glaring example of this decline is evidenced in the failure of civil society and grassroots movements to make a critical intervention to reverse the downward spiral of the Fatah and Hamas movements and slide into factional fighting.

This fact raises major questions about how influential and deep-rooted these CSOs and movements are in the Palestinian social context. It also brings forward a threshold question about the nature and essence of the democratic process in the Palestinian experience. As mentioned above, CSOs are tied to a formula that controls the nexus between the individual and natural or organic structures (families, tribe, and denomination), civil society, the State, and democracy (as

values, system, attitude, and culture). While human beings are individuals in natural structures, they are citizens vis-à-vis the State, expressing the conditions of their citizenship by their democratic choices, right to freedom of expression and opinion, and organising to form and set in motion lobbying forces with a view to protecting their citizenship and rights against infringements of the State regime.

In Palestinian society, the democratic process is governed by the scope of political function, which is premised on commitment to settlement projects and conditions. Thus, democratic action within Palestinian society has been reduced to a mere electoral process that is polarised among political forces and intersecting or contradictory options. Meantime, civil and social structures as well as grassroots movements have been confined to a usage dictated by those forces.

With the elevated intensity of political rivalry, e.g. in the context of the horrific polarisation between Fatah and Hamas, Palestinian grassroots, social, and civil organisations have been affected by a similar state of polarisation. Consequently, the latter have lost their role and function as checks and balances on contradictions. On the other end, associations not aligned with a particular political faction or organisation have remained incapable of action and initiative taking.

This problem has its roots in the predicament of initial establishment. As noted above, CSOs were formed on the initiative of political forces and continued to be subject to their dominance and terms of reference. They did not come into existence as an objective and subjective response to social organising or as a free choice to protect the interests of social groups, sectors, and segments against abuse of the State or authority or to counter domination of the policy party. This is a critical precondition to highlight the independence and democratic approach of any civil social institution or movement, which mirrors the freedom of affiliation and will of respective members.

To address and trust the ability of Palestinian CSOs to protect the democratic process, the awareness of social and grassroots associations both of themselves and of their roles needs to be corrected. Accordingly, they can be established and evolve in a democratic fashion. For these, organising and practice will adhere to three decisive controls or conditions:

- Free organising on the basis of defending the interests of a social group or segment or safeguarding social or human demands and rights, such as protection of the environment and campaigns to counter social violence, violence against children, or domestic violence.
- CSOs' social function will be tied to national liberation tasks as a regulatory prerequisite in the Palestinian context.
- CSOs will be built on a democratic foundation, both in terms of internal structure and relationship with the social milieu.



Israeli police regularly attack Palestinian CBOs in Jerusalem. Burj al-Leqlaq Center, 2018 (Source: <https://palnabd.com/>)

Only then can we talk seriously about effective and influential CSOs and social movements, which are capable of consolidating and protecting outcomes of the democratic process in Palestinian society. Democracy will multiply the force of and vitally scale up CSOs in conjunction with the evolving reality and concurrent social and political tasks.

Threats to NGOs and grassroots organisations:

- Particularly direct, tacit, and long-term funding conditions, imposing slow adaptation of CSO work and placing CSOs in contrariety with their tasks required on the ground. In practice, we have ended up as an entire society turned into a governmental institution.
- Changing agendas of international donors.
- Courage to raise the needs of all or some segments of the Palestinian people.
- Contradiction between long-term and current goals, while opting for short-term programmes.
- Recruitment and appointment of politicians and unionists to NGOs.
- Normalisation.
- Lack of local donors.
- Obstruction of social solidarity and volunteerism.

To sum up, we can only address or evaluate the current context of Palestinian grassroots organisations, trade unions, and CSOs from a historical and comprehensive perspective that is tied to the specific reality on the ground, but also within the framework of challenges and difficulties imposed by the colonization and colonial tools. Still, the grassroots movement and political forces have formed a crucial force in the course of Palestinian struggle experience. In a nutshell, this movement serves as the social and political leverage of the question of Palestine. In this sense, it is capable of going on and evolving, but this is contingent on a reassessment of the experience and recognition of relevant contradictions and weaknesses. It is also deeply conditional on the ability of Palestinian political forces to realise their role and enhance their vision, programmes, and performance with a view to establishing a balance within Palestinian society and address imbalances of the Palestinian reality.

To play this role successfully, we need to resolve chronic inconsistencies and imbalances in the relationship between political liberation and social democratic tasks. We have to get rid of the mentality of an opportunistic use of grassroots organisations and trade unions, scale up their role, and promote their independence to ensure an objective response to their objective function within Palestinian society.

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Legal Analysis of Palestinian Civil Society: The Growing Complicity of the International Community in Human Rights Violations and Israeli Apartheid

by Melissa O'Donnell*



The United Nations Human Rights Council, 2021 (Source: universal-rights.org)

The shrinking space for Palestinian civil society is nothing new.¹ It is inextricably linked to the way in which Israel systematically and cynically manipulates international law to achieve its own ends. In recent decades, Israel has been engaged in a delegitimization, smear and defamation campaign against Palestinian civil society that erroneously exploits necessary ambiguities and exceptions in international human rights law (IHRL) to erode the right of Palestinians to freedom of association on one hand, and the right to freedom of expression on the other. In simultaneously tarnishing an increasing number of Palestinian political and civil society organizations as terrorists, while systematically condemning Palestinian narratives as antisemitic, Israel is targeting the very foundations which international law recognizes as necessary for a vibrant civic space, and thus crucial for the realization of self-determination and liberation. Moreover, in so doing, Israel is successfully entangling and soliciting the international community, particularly a willing donor community, in direct service of the establishment and sustainment of its colonial-apartheid regime. That Israel is in violation of its legal obligations is beyond question.² This article will focus more on what this means for the international community's responsibilities under international law.

Law Is Not an Objective Arbiter of Justice but a Mechanism of Power and Accountability

There are two points to be made at the outset that aid in illuminating the manipulation of international law by Israel and which can offer the international community a path for course correction that is in service of Palestinian self-determination. First, we must consider the political context in which the current state of IHRL came to be. For much of the early 20th Century, international law was crafted principally by Western colonial states who saw a narrower version of human rights as a mechanism to justify their colonial subjugations.³

It is therefore hardly surprising that the unashamedly colonial project that is Zionist Israel is facilitated by international law. Yet, it was also in the decolonization wave of the 1960s that the bedrock of IHRL was laid,⁴ fashioned in large part by the struggles of the Global South.⁵ With greater pluralism arising from decolonization, human rights law came to reflect the needs and mechanisms by which the struggles for freedom of ordinary people against abusive power could be made manifest. Therefore, it is in service of this objective that a consideration of the ambiguities of IHRL should be analyzed and applied by the international community and all human rights lawyers.

Second and for this reason, law should properly be understood as a tool of power, deployed by those with the capacity to wield it to achieve their outcomes. Israel consistently couches its actions in the language of international law. That is a strategy, not evidence of an objective right. Understood as a tool, we also see how international law can be and is wielded by Palestinians, particularly Palestinian civil society organizations (CSOs), to further their struggle for liberation.⁶ This is evident in the recent successes of Palestinians in the International Criminal Court and with the recent avalanche of international organizations finally labelling Israel an apartheid regime, after years of work by Palestinian CSOs. While these successes underscore the vital importance of civil society to the liberation struggle, it must be said that they have also precipitated a commensurate and renewed assault on Palestinian civil society that requires the urgent attention of the international community to how law is used and manipulated by Israel.

International Human Rights Law and the Status of Palestinian Civil Society

The legal framework by which Palestinian civil society – as human rights defenders – is protected, is set out in the Declaration on Human Rights Defenders adopted by consensus of the UN General Assembly, and notably co-sponsored by Israel in 1998.⁷ In recognition of the crucial role CSOs play in contributing to the elimination of apartheid, colonialism, and foreign domination,⁸ the Declaration reaffirms rights enshrined in legally binding human rights instruments and specifies how those rights apply to human rights defenders.⁹

The Declaration codifies these protections for individuals, groups and organs of society engaged in the promotion of human rights. This collective protection is derived from the collective dimension of the right to freedom of association that is well-established in international law.¹⁰ Pursuant to this, the law on freedom of association protects associations in the performance of activities and in the pursuit of the common interests of their founders.¹¹ This means the law protects the right of the association to choose their members,¹² and those people and organizations

with whom it associates. Relevantly, it also entails the right to access funding and resources, and recognizes that restrictions on funding can unduly hinder an organization in a violation of international law.¹³ Fundamentally, the law recognizes that the right to freedom of association sits at the heart of an active civil society and a functioning democracy.¹⁴

The other foundational right for civil society is the right to freedom of expression and opinion,¹⁵ as this right is recognized as essential to the ability to meaningfully claim and enjoy all other rights.¹⁶ It includes expression and opinions that are unpopular, critical and cause discomfort. The right to freedom of expression is protected whether practiced collectively or individually.¹⁷ As such, when considering civil society, it is impossible to separate the right to freedom of association from freedom of expression, as evidenced below.

Most importantly for the purposes of this article, international law recognizes these obligations as binding not just on Israel as the occupying power, but that they confer extraterritorial obligations on all states with jurisdiction over the recognition and protection of the rights of an individual or organization.¹⁸ This is reinforced by the recognition in law that states have a heightened duty to respect and to protect the rights of human rights defenders.¹⁹ In other words, all states, especially donor states, directly owe these legally binding protections and obligations to Palestinians, especially Palestinian CSOs, when exercising control and jurisdiction over them, including when the actions of these states have a foreseeable impact on the enjoyment of these rights.

This is all the more important to consider given that international law also recognizes that in their absence these rights are significant to the establishment of apartheid systems.²⁰ The Apartheid Convention enshrines as among the defining characteristics of the crime of apartheid, both the systematic, deliberate denial of rights such as freedom of association and of expression to individuals and organizations, as well as the persecution of organizations for speaking out against apartheid, when committed for the purpose of establishing and maintaining a system of racial domination and oppression.²¹ Ultimately, denial of these rights violates the right to self-determination, a peremptory norm that underpins international law, particularly the architecture of IHRL.²²

This illuminates clearly the fact that this iteration of Israel's strategy to shrink space for Palestinian civil society is aimed at eroding the foundation of civil society laid out in the Declaration. Subject to the discussion below, this is in clear violation of fundamental principles of IHRL. Furthermore, these particular practices are pivotal to sustaining Israel's colonial-apartheid regime.

Silencing Palestinian CSOs Through Exploitation of Gray Areas Of Human Rights Law

There are permissible restrictions to freedom of association and freedom of expression scaffolded into the international human rights framework. The highest level of derogation set out in Article 4 of the International Covenant on Civil and Political Rights (ICCPR) applies "in a time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed"; clearly inapplicable in the context of third state obligations directly owed to Palestinian CSOs.²³ There are further rights-specific limitations on the extent of freedom of association found in Article 22(2) of the ICCPR that enable restrictions, *inter alia*, in the

interests of national security, and to freedom of expression found in Articles 19(3) and 20 that enable restrictions to protect the rights and reputation of others, for the protection of national security, and to prohibit incitement to hatred. It is these that Israel is exploiting in service of soliciting third states in its violations against Palestinian civil society.

“In the interests of national security”: Tarnishing Palestinian resistance as terrorism

In light of a global proliferation of counter-terrorism measures, these exemptions have provided fertile ground to enable the shrinking of global civil space.²⁴ The adoption by the UN Security Council of Resolution 1373, in 2001, conferred on states binding obligations to, *inter alia*, criminalize acts of terrorism, acts in support of and of financing terrorism, and triggered a plethora of counter-terrorism legal instruments.²⁵ However, the absence of a clear definition for terrorism has allowed states to systematically misappropriate the term to prohibit a wide gamut of associations, activities, and political expression questioning the legitimacy of the state; this has been particularly apparent with social movements of indigenous people, legitimate political dissent, and resistance.²⁶ Israel’s terrorist designation of six Palestinian CSOs unquestionably falls into this category of misuse in violation of its international law obligations.²⁷ It serves the strategic purpose of smearing all actions of Palestinian CSOs, silencing their vital role in exposing Israeli violations, and attempting to activate the broader global counter-terrorism regime in order to engage other states in the shrinking of legitimate Palestinian civic discourse.

Legally, Israel’s strategy should fail for two reasons. First, the broad characterization of Palestinian resistance as terrorism is inconsistent with international law. It is widely recognized that the occupied Palestinian territory is under a state of belligerent and prolonged occupation and as such the principles of international humanitarian law (IHL) apply to govern the use of armed violence by Palestinian political resistance groups.²⁸ It is also by now well recognized in customary international law that, on account of suffering colonization, armed repression, and the denial of their right to self-determination,²⁹ the Palestinian people possess the right to resist Israel by all available means, including through armed struggle.³⁰ Palestinian actions may in specific circumstances constitute violations of IHL,³¹ but to label all Palestinian actions in legitimate resistance to Israel as terrorism is to unlawfully criminalize a broad swathe of conduct in contradiction to the weight of legal evidence and state practice that considers such actions lawful – as exemplified most recently vis-à-vis Ukrainians’ right to resist Russia. It follows that it is particularly erroneous to associate with terrorism the actions, associations, and messaging of Palestinian civil society, whether this activity is in defense of the right to engage in lawful political resistance, and especially when in defense of human rights broadly.³² Their goals, activities and political expression in documenting and exposing Israel’s violations are inevitably contrary to Israel’s interests, but this does not constitute terrorism; it is unlawful to criminalize the defense of human rights.³³

Second, restricting the actions and activities of Palestinian civil society constitutes a breach of IHRL obligations that other states hold vis-à-vis Palestinian CSOs. Even if enlivened, international counter-terrorism obligations are not mutually exclusive of human rights obligations,³⁴ and to consider these bodies of law separate is actually at odds with the broader doctrine of counter-terrorism law.³⁵ The law does not allow national security restrictions on the freedoms of association and of expression unless in accordance with the procedural requirements set out in Articles 19(3) and 22(2), consistent with the doctrines of necessity and proportionality, and in compliance

with all other areas of international law.³⁶ For third states, the Special Rapporteur on Freedom of Association has said that foreign and international donors have responsibilities and must pay due attention to the local political, social and economic context in which associations operate to determine their obligations, and to respect the autonomy of the association.³⁷ Directly implicit in this is the obligation to seek out and listen to local perspectives to understand the applicable context, since the failure to consider the context or to reframe the context in accordance with more convenient or dominant narratives compounds any violations of the right to freedom of association and unduly infringes on other obligations with respect to freedom of expression.

Yet states are failing to apply a human rights-based approach to their obligations under international law by accepting Israel's misuse of international law. The mere implication of terrorism is in and of itself a mechanism of silencing, and it does not withstand scrutiny in the Palestinian context, where CSOs play a vital role exposing violations and advancing Palestinian self-determination and protecting the right to legitimate resistance to colonial domination. Instead, overly restrictive donor frameworks derived from this misapplication of law, actually impair the ability of Palestinian CSOs to self-determine their associations and their advocacy in violation of IHRL.³⁸



Demolition of a Palestinian house in the West Bank village of Beit Ula near Hebron, January 2016 (Source: Al-Ayyam).jpg

“Incitement to hatred”: Erasing Palestinian narratives as anti-Semitism

This strategy is in part foreshadowed by the longstanding smearing of all Palestinian narratives as anti-Semitic and therefore in the realm of hate speech, thus allowing them to be more readily recast as incitement to terrorism. This too, is an exploitation by Israel aligned with a global trend in which ‘real’ incitement is increasingly prevalent, and genuine critique of the state increasingly silenced and persecuted.³⁹

International law endeavors to strike a careful balance between the importance of scrutiny, open debate, and criticism of belief systems, opinions, and institutions enshrined in Article 19; and not allowing the advocating of hatred that incites violence, hostility, or discrimination against an individual or group of individuals by reason of their nationality, racial, or religious background at Article 20.⁴⁰ The law sets a high bar for what will constitute speech requiring restriction. It does

this both in the language of “incitement” which connotes “statements about national, racial or religious groups that create an imminent risk of discrimination, hostility or violence against persons belonging to those groups”,⁴¹ and in the six-part threshold test adopted in the Rabat Plan of Action.⁴² Then, if such speech meets that level, restrictions must nevertheless be in accordance with clearly stated laws, necessary in the circumstances, and proportional to the harm.

The increasing restrictions placed by other states on Palestinian narratives that criticize, scrutinize, and otherwise endeavor to hold Israel accountable, based on spurious assessments of such views being anti-Semitic, is an abuse of international law directed to silence effective and legitimate discourse. It ignores the socio-political context of colonization, apartheid, and belligerent occupation in which Palestinian CSOs operate,⁴³ and the severely asymmetrical standpoint of Palestinians in relation to Israel.⁴⁴ It is also relevant to consider that the Jewish identity of their oppressors and the State are not materially relevant to Palestinian narratives but invoked by Israel in its claiming to represent all Jewish people and systematic citing of (Europe’s history of) rampant anti-Semitism. In the face of a heightened obligation to protect human rights defenders, any appeal to countervailing international legal obligations on bigotry to justify such restrictions or deny obligations to Palestinian CSOs is indicative of complicity with Israel’s agenda.

In Collusion With a Colonial-Apartheid Regime

In criminalizing and delegitimizing Palestinian CSOs, their associations, and their narratives exposing Israel’s crimes to the international community and protecting Palestinian victims of these crimes, Israel is effectively creating a coercive environment in which the Palestinian people are isolated from the global community, deprived of any protection or recourse, and forced into silence.⁴⁵ By suppressing any form of resistance, Israel is able to entrench its settler-colonial and apartheid regime, and its erasure of the indigenous Palestinian people. The international community has clear obligations of non-recognition and cooperation to bring an end to this apartheid situation under Article 41 of the *Draft Articles on State Responsibility*.⁴⁶ The international community is not only failing to enact these obligations, but is also engaged in direct violation of their own human rights obligations vis-à-vis the Palestinian people, and donor states are increasingly complicit in the commission of an internationally wrongful act, a higher violation of the *Draft Articles on State Responsibility*.⁴⁷ Accordingly, the international community must urgently recognize its responsibility, and instead adopt a genuine human rights-based approach that is in partnership with and in service of the Palestinian people’s right to self-determination and liberation from colonial oppression.

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Endnotes

1. Since its creation in 1948, Israel has continuously renewed its “state of emergency” exploiting Article 4 of the ICCPR and arbitrarily derogating from its obligations under international law in order to justify its silencing of Palestinian organizations and stifling of dissent; see BADIL, *Written Submission to the United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association to Inform Thematic Report on Trends, Developments, and Challenges to the Ability of Civil Society Organizations to Access Resources, Including Foreign Funding, to be Presented to the HRC at its 50th Session*, 18 February 2022, available at [written-submission-badil-sr-feb2022-1645613684.pdf](https://www.badil.org/written-submission-badil-sr-feb2022-1645613684.pdf) (hereinafter, BADIL, 2022).

2. See detailed explanation of Israel's violations, *ibid*.
3. Amnesty International, "Decolonising human rights", Speech delivered by Salil Shetty, Secretary General of Amnesty International, at the London School of Economics on 22 May 2018, available at <https://www.amnesty.org/en/latest/news/2018/05/decolonizing-human-rights-salil-shetty/>
4. The core of international human rights law is found in the International Convention on Civil and Political Rights (ICCPR) and the International Convention of Economic, Social and Cultural Rights (ICESCR), both of which were adopted in 1966, preceded by the International Convention on the Elimination of All Forms of Racial Discrimination adopted in 1965.
5. Amnesty International, *supra* n 3.
6. See Noura Erakat, *Justice for Some: Law and the Question of Palestine*, (Stanford University Press, 200).
7. Universal Rights Group, "The history of the UN Declaration on Human Rights Defenders: its genesis, drafting and adoption", website, 11 March 2019, available at: <https://www.universal-rights.org/blog/the-un-declaration-on-human-rights-defenders-its-history-and-drafting-process/>
8. G.A. Res. 53/144, *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (9 December 1998), preamble, available at: <https://undocs.org/en/A/RES/53/144> (accessed 18 April 2022) (hereinafter "Declaration on Human Rights Defenders").
9. While the Declaration is not strictly legally binding itself, it reflects binding principles found in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), among others, and its adoption by consensus after 14 years of negotiations represents a very strong commitment by States to its implementation: see Michel Forst (Special Rapporteur on human rights defenders), *Report of the Special Rapporteur on the situation of human rights defenders: Human rights defenders operating in conflict and post-conflict situations*, UN Doc. A/HRC/43/51 (30 December 2019), para [21]; and Special Rapporteur on human rights defenders, *Commentary to the Declaration on human rights defenders: an essential guide to the right to defend human rights*, (July 2011), p. 5, available at: <https://tinyurl.com/5n6t64d7>.
10. Special Rapporteur on human rights defenders, *Commentary to the Declaration on human rights defenders: an essential guide to the right to defend human rights*, (July 2011), p. 36, available at: <https://tinyurl.com/5n6t64d7>; and for example, ECtHR, *Refah Partisi (the Welfare Party) and others v. Turkey* [GC] (Application nos. 41340/98, 41342/98, 41343/98 and 41344/98, judgement of 13 February 2003), paras. 87-88. See also ECtHR, *National Union of Belgian Police v. Belgium*, Application no. 4464/70, 27 October 1975, paras. 39-40; and Council of Europe, *Recommendation CM/Rec(2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe*, 10 October 2007, para. 5 which states that "NGOs should enjoy the right to freedom of expression and all other universally and regionally guaranteed rights and freedoms applicable to them." See also Inter-American Court of Human Rights, *Huilca-Tesca v. Peru*, 3 March 2005, Series C no. 121, paras. 69-71, < http://www.corteidh.or.cr/docs/casos/articulos/seriec_121_ing.pdf>, cited in Council of Europe, European Commission for Democracy through Law (Venice Commission), *Joint Guidelines on Freedom of Association* (2014), p. 15, available at: <https://tinyurl.com/5cbfp8ft>.
11. Council of Europe, European Commission for Democracy through Law (Venice Commission) and OSCE Office for Democratic Institutions and Human Rights, *Joint Guidelines on Freedom of Association*, Principle 4, available at: <https://tinyurl.com/5cbfp8ft>; Human Rights Committee, communication No. 1274/2004, *Korneenko et al. v. Belarus*, Views adopted on 31 October 2006, para. 7.2, cited in Maina Kiai (Special Rapporteur on freedom of peaceful assembly and of association), *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association: Ability of associations to access financial resources: a vital part of the right to freedom of association*, UN Doc. A/HRC/23/39 (24 April 2013), para [16].
12. See Council of Europe, European Commission for Democracy through Law (Venice Commission), *Joint Guidelines on Freedom of Association* (2014), Principle 3, available at: <https://tinyurl.com/5cbfp8ft>.
13. See G.A. Res. 53/144, *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (9 December 1998), Article 13, available at: undocs.org/en/A/RES/53/144 (accessed 18 April 2022); Council of Europe, European Commission for Democracy through Law (Venice Commission), *Joint Guidelines on Freedom of Association* (2014), Principle 7, available at: <https://tinyurl.com/5cbfp8ft>;

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Decolonizing Foreign Aid to Palestinian Civil Society?

by Dr. Toufic Haddad*



The call to decolonize foreign aid to Palestinian civil society raises a series of structural issues that need to be addressed before practicalities and courses of action. It should be acknowledged from the start that foreign aid to Palestinian civil society has historically represented no more than 20 to 25 percent of the total aid coming to the occupied Palestinian Territory (oPt) since 1993.

The majority of foreign aid to the oPt does not actually go to Palestinian civil society but is channeled through the Ad-Hoc Liaison Committee, which is the Oslo process' inter-funder coordination mechanism.

This group of the top 15 donor countries sets the priorities, parameters, and volumes of the development aid flowing to the oPt bi-annually, with the United Nations system and the Palestinian Authority (PA) being the largest benefactors of these aid streams.

In the past, major donor states have justified their interventions as “supporting the Israel-Palestinian peace process”, subsequently supporting “peacebuilding” activities (between 1993-2000); then “reforming” the Palestinian Authority [PA] (2000–2005), and, most recently, “statebuilding” (2006 – 2012). But today the ‘do good’ veneer of foreign aid has collapsed, and no broad basis for donor activity remains.

The bases of donor activity has always been suspicious and problematic, as repeatedly demonstrated over the course of the past thirty years. After the Camp David summit in June

2000, the main donor states blamed PLO Chairman and PA President Yasser Arafat for the failure of negotiations, arguing that ‘PA corruption’ – rather than Israel’s continued and historical violations of international law – explained the talk’s collapse.

Donor states also consistently turn a blind eye to Israel’s selective implementation of the Oslo Accords and accelerated settlement construction across the oPt. Despite the fact that the total settler population doubled between 1993 and 2000, no sanction or penalty was ever imposed by these states against Israel.

Donor state bias was most evident in the wake of the 2006 Hamas electoral victory, when the US attempted to finance a coup against the new government and ensured that all donor states maintained a financial and political siege over it. This showed that donor states were more interested in ensuring Fateh’s exclusive dominance over the PA, rather than supporting Palestinian democracy.

Naturally, these maneuvers ensured that the Palestinian political sphere and leadership remained weak and divided both internationally and locally, allowing Israel to continue its settlement drive while enclosing and fragmenting Palestinians. Under these circumstances, the majority of donor aid cannot be characterized as engaging in ‘conflict resolution’. At best, donor aid is a form of ‘conflict management,’ and at worst, something far more insidious, serving to constitute and regenerate the conflict.

Foreign aid has been, and continues to be, a form of political intervention within intra-Palestinian political relations to stifle Palestinian democratic and national aspirations. These interventions serve to neutralize and maintain the broader political situation, keeping Palestinians divided and dependent, while Israel gets a free pass for its violations of international law.

In sum, the majority of foreign aid to the oPt should be described as akin to a toxic cocktail of formaldehyde and opium.

Contextualizing Foreign Aid in the Big Picture

Many of the most important states that channel aid to the oPt—mainly the US and most Western European states - also have the strongest relations with Israel, providing vital financial, military, and diplomatic aid and privileges since Israel’s founding. Since 1967, the US alone has contributed at least USD\$280 billion, primarily for military aid.

These astronomical sums have played a key role in developing the research and development capacity of the nascent Israeli state, transforming it into the high-tech military industrial juggernaut it is today. As a result, Israel has become a leader in military technologies – such as ‘anti-terror’ techniques, cyber security and weapons, drones, and integrated algorithmic approaches to population control and behavior – that have a high value in the global marketplace.

Moreover, Israel is unapologetically a prominent and key strategic ally for US and Western European interests in the region. The now well-documented reality of apartheid in historic Palestine is ignored by donors, because these states ultimately financed it. US and EU aid literally paid for the dual road system across the West Bank, so that settlers could move freely across it. Donor states do not even take tangible action against settlement businesses, institutions, and donors – even when these entities operate openly racist enterprises in their own states, and for purposes that international law deems ‘war crimes.’



This situation calls for a modicum of intellectual honesty: the main donor states, the US and Western Europe, provide enormous aid and benefits to Israel so that it maintains hegemony over the regional (Arab) and local (Palestinian) order. Far less sums are channeled to the PA, as a dependent, largely security-oriented governance structure, to curtail the possibility of Palestinian democracy, unity, or national rights.

Fractional amounts of aid end up being channeled to Palestinian civil society organizations, although even these sums have increasingly dried up in the face of political conditions attached to them that restrict financing through ‘anti-terror’ and ‘anti-incitement’ clauses, or those that work to curb ‘anti-Semitic activity’.

In this light, aid to the oPt cannot and should not be hived off from the question of foreign aid to Israel. In this context, what does the call to decolonize foreign aid to Palestinian civil society actually mean? And from where does this call actually emerge?

It is hardly surprising to hear a growing number of voices emerging from within Palestinian civil society demanding that aid coming to the oPt, and to the civil society sector in particular, serve a decolonization agenda.

The call to decolonize foreign aid inherently recognizes that foreign aid is part of the colonial agenda, whether directly or indirectly, and that it is in no way benign or impartial. In fact, the majority of foreign aid should be seen as a key ingredient in the ‘Israel-Palestine conflict’ that ensures it unfolds in line with Israeli and Western interests for the region.

Efforts to decolonize foreign aid to the oPt should actually start with ending foreign aid and privileges to Israel. Any discussion on improving aid flows and conditions to the oPt is meaningless without speaking of the significantly larger aid, including military aid, that these donor countries provide to Israel - the aggressor state subjugating the Palestinian people.

It is artificial to differentiate funding to Israel from funding to the oPt, given that the funding

policies of ‘upstream’ donor states towards either are formed in relation to one another, to further these states’ collective interest in protecting Israel and ensuring its regional position.

Consequently, the aid that actually does make its way to the Palestinians – be this to the PA or civil society groups – fundamentally should be seen as aid provided to the junior party to this arrangement.

The Palestine Question in the Eyes of Donors

From the perspective of donor states, the Palestinians are impossible to ignore altogether because they represent more than 50% of the population ‘between the river and the sea,’ and continue to resist Zionist colonialism and occupation.

At the same time, these states have much more ‘important’, overriding considerations and agendas that they are keen to safeguard - namely, the ‘security’ of Israel as a ‘Jewish state’ and reliable Western ally in the region.

As a result of this positionality, these states try to ‘buy off’ and neutralize the Palestinian question through aid and policy instruments. On account of how fraught this agenda is with contradictions, there is no set formula for how to realize these ends, and at what cost.

Donors have thus been periodically forced to revise their policies and aid flows, to manage a complex and ever-changing local, regional, and international landscape. This largely explains the context in which the call to decolonize foreign aid to Palestinian civil society groups arises.

From a Western, capitalist perspective, Israel’s strategic global significance is increasing while that of Palestinians is decreasing.

This became especially true after the Arab revolutions of 2011 shook the regional order and led to the fall of pro-Western allies. Israel was increasingly seen as the only reliable and stable Western ally in the region, while many, if not all Arab leaders, were seen as precarious and subject to the unpredictable potential of revolutionary upheavals.

The US is also in the process of repositioning itself regionally, such as by withdrawing from Afghanistan and most of Iraq. These policy redirections, particularly after the major global financial crises of 2008, diminished US influence in the region.

The US and Western European states in turn have encouraged more open alliances between Arab states and Israel, and the formalization of these once secret relations in normalization pacts like the ‘Abraham Accords’. Israel has been informally delegated by the Western donor states to act as a kind of subcontractor for Western interests in the region, performing roles previously undertaken in secret, and/or shared with the US and its European allies.

It is equally worth noting that the ongoing war in Eastern Europe after the Russian invasion of Ukraine has made Israel an alternative gas supplier for a Russia-dependent Europe. To this effect, Israel signed a pact with Egypt and the EU in June 2022, to supply the latter with 10% of what it formerly received from Russian pipelines.

This backdrop of shifting global pressures and power dynamics helps explain why there is less tolerance for the Palestinian political question today within US and European political

circles. It also partly explains why there still is a need to decolonize foreign aid to Palestinian civil society.

Increased measures to restrict, police, bully and persecute Palestinian civil activity, discourse, and fundraising efforts, stem from a basic intolerance towards the Palestinian issue overall. This intolerance has been building ever since the end of the second intifada, and since the consolidation of the Palestinian political realm's division between Fateh and Hamas (as of 2007).

The entire Palestinian question has been demoted in terms of its political relevance as Western powers maneuver to ensure that they maintain regional influence. Palestinian civil society groups have felt the downstream effects of these policy shifts because the intellectual tendencies and political parties represented by these groups are viewed as inherently in opposition to the Oslo process.

Prior to the creation of the PA, engagement with these groups was unavoidable because they represented the intellectual elite and organizational networks that provided many essential services to the Palestinian people. The donor community also feared that if marginalized, these groups would organize against the Accords and the PA.

However, today these groups are no longer seen as 'monopolizing' service provision, and, in many cases, have been out-manuevered by the PA, its ministries, and its services – all under the auspices of donor aid.

This means Palestinian civil society groups – especially those with 'harder' political orientations – are viewed as less politically relevant, or are even 'dangerous', and thus subject to being 'cut down to size' in response to shifting global and regional political winds.

It is also worth noting that many Palestinian NGOs are seen as financially captive to donor preconditions, and their continued existence functionally acts as a nagging and humiliating reminder of the brutal system donor states sanction across the oPt today.

Decolonizing Aid to Palestine?

What then can or should be done about this obscene situation, especially considering the impetus to 'decolonize'?

Not all foreign aid that comes to the oPt is inherently colonial. Throughout its history, the Palestinian cause has moved and stirred people politically, creating a rich tradition of aid given in solidarity. As this has been instrumental to supporting the Palestinian people and leadership, it is critical to encourage its continuation and expansion.

But the majority of aid given to the oPt is not solidarity aid, but political aid that aims to serve a malfeasant agenda. Donors have shamelessly attempted to twist the arm of the Palestinian movement through political conditions attached to aid. These efforts must end as focus should be placed on holding Israel accountable for its crimes and addressing the international community's condoning and facilitation of Israeli crimes.

Ending privileged aid to Israel and the normalization of Israeli and Zionist colonial practices will have a substantially more meaningful impact on Palestinian well-being and human rights, than simply increasing the quantity of aid or removing conditions on aid to Palestine.

While the latter can and should be supported, the more crucial and effective course of action is to cease the means by which crimes that subjugate Palestinians are facilitated.

Rather than a financially intensive commitment – albeit one that cannot be ignored – ending aid to Israel entails greater social and political organization, primarily within donor states themselves. It requires movement building on broad and targeted agendas, pin-pointing the constellation of key actors, institutions, relations, and aid flows through which donor states support Israeli crimes.

Commercial, state, civic, and cultural alliances between Israel and its Zionist periphery in the US and Western Europe represent the primary strategic front for ending the daily and historic crimes that take place in Palestine today. It is critical to research, identify, map, and prioritize understanding these links in order to expose and confront them more effectively. Broad coalitions of actors within these states and beyond, must be mobilized around such an agenda to impose it upon their governments, as the ruling elites who currently oversee donor aid to both Israel and the oPt cannot be relied upon to change their policies without effective pressure.

The conversation about decolonizing foreign aid to Palestinian civil society thus needs to begin with a broader, fundamental discussion on the conditions necessary for Palestinian civil society to exist and function in the first place. The current structure of donor aid operates in a context of continued colonization, occupation and apartheid, and cannot realistically or sustainably serve any civil or civic agenda detached from this political reality. Presently, donor aid aims to effectively neutralize the Palestinian question in its entirety, and sees the marginalization of Palestinian civil society as necessary to this end – especially its Islamist and leftist manifestations which are framed as ‘spoilers’. For those who cannot be fit into this category, donor aid effectively aims to transform civic groups and the Palestinian Authority as a whole, into collaborators or bureaucratic and security subcontractors of occupation.

Neither is conducive to the advancement of genuine civil or liberal norms, nor to effective stability either vis-à-vis Israel or within Palestinian society. The past thirty years has effectively demonstrated this, with a staggering number of lives lost and money spent paying the price of claiming otherwise.

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Last NGO Standing: How Funding Restrictions Threaten the Independence and Political Sovereignty of Palestinian Civil Society

by Amjad Alqasis*



Palestinian civil society organizations (CSOs) face growing difficulties in their work due to an environment of constraints, restrictions, and obstacles. They are compromised by the Palestinian Authority (PA), on the one hand, which adopts laws and policies to control these organizations and jeopardize their independence, and by Israel on the other, which continues to attack CSOs, especially human rights organizations, to undermine their credibility and dry up their funding sources. Restrictions are experienced differently depending on geographical location, type of organization, and the nature of their work. Israel does not tolerate any objection to its system of control and tries to silence international as well as Israeli and Palestinian CSOs who uphold international law and the rights of Palestinians.

Funding constraints in the Palestinian context include measures such as preventing engagement with the Palestinian Boycott, Divestment and Sanctions Campaign (BDS), excising the right of return from official discourse, limiting the geographic scope of projects to the occupied Palestinian territory (oPt), censoring terminology, and restricting projects solely to those of a humanitarian nature.

In the latest Israeli escalation of efforts to shut down critical Palestinian civil society voices, the Israeli Ministry of Defence, on 19 October 2021, issued an order declaring six Palestinian civil society organizations in the oPt “terrorist organizations.” Human Rights Watch and Amnesty

International, that work closely with many of these groups, criticized the designation, responding with the following: “this decision is an alarming escalation that threatens to shut down the work of Palestine’s most prominent civil society organizations. The decades-long failure of the international community to challenge grave Israeli human rights abuses and impose meaningful consequences for them has emboldened Israeli authorities to act in this brazen manner. How the international community responds will be a true test of its resolve to [protect human rights defenders](#).”

Two Israeli strategies stand out: first, the demonization of non-government organizations (NGOs) that support the BDS movement, which is supported by efforts to influence European governments and parliaments to categorically [withdraw financial support from organizations that support the BDS movement](#). The second is to defame Palestinian NGOs by alleging that they have links to terrorism, without providing meaningful evidence to support these claims. Accusations are instead based primarily on repetitive and misleading information, selective research, and [guilt by association](#). This is discussed in reports by the UN Special Rapporteur on the human rights situation in the Palestinian Territories occupied in 1967 which emphasize “an atmosphere of intimidation, [threats and arrests of human rights defenders](#) and civil society actors by Israel.”

Israel attacks Palestinian CSOs by pressurizing the US, EU, and its member states to cut funding to Palestinian organizations. By lobbying governments and publishing reports through the Israeli Ministry of Strategic Affairs – which was absorbed into the Ministry of Foreign Affairs – Israel propagates claims that these organizations are terrorists or have ties to terrorism, without any significant evidence.

In this vein, NGO-Monitor is increasingly growing influential in European parliaments, as parliamentarians fear being labelled ‘anti-Semitic’ or a ‘BDS supporter.’ This threatens to delegitimize the discourse on Palestinian rights and, moreover, respect for international law altogether.

For example, at the beginning of 2022, intense lobbying by NGO-Monitor and Israeli Ministries resulted in the Dutch government conducting an internal investigation of Israeli claims that the Palestinian Union of Agricultural Work Committees (UAWC) supported terrorism. Even though it [found no evidence](#) to support Israeli accusations or any misuse of funding, it ceased all funding to the organization, concluding that ties to terrorism were present at the individual level between UAWC staff and board members, and groups listed in the European restricted lists. Israel hailed the move as a victory and urged other European governments to follow suit. This decision sets a grave precedent, as it dramatically lowers the bar of evidence from proofing organizational ties, mismanagement of funds, and fraud, to individual ties at the member and staff levels, without further explanation. The report has also not been made public, and the Dutch government has not revealed its sources on the claim of “individual ties”, which is likely based on Israeli intelligence and security reports.

Additionally, the EU is constantly struggling to defend itself in the face of mounting accusations of “funding terrorism” levelled by Israeli officials, NGO-Monitor, and other pro-occupation groups, for providing financial support to human rights organizations that call for BDS. The EU Commission Vice-President, Mogherini, for instance, denied accusations of financing activities that support terrorism, assuring Israel that its funding was not used to support the boycott of Israel or BDS activities, [and was certainly not used to finance terrorism](#).

This position is highly problematic because it indirectly links the BDS movement and terrorism, and thus tacitly accepts Israel's framing. Moreover, it demonstrates that Israel is creating a state of anxiety among international partner organizations, by forcing them to defend and re-defend their involvement in the OPT. This has redirected time and focus away from much needed advocacy work in the OPT, and towards reacting to these allegations.

Most recently, the EU unfroze funding in July 2022 for Al-Haq and the Palestinian Centre for Human Rights, which had been suspended due to an EU internal investigation into accusations of fraud and misuse of funding brought forward by Israel. The review of the European Anti-Fraud Office clarified that “no suspicions of irregularities and/or fraud” were found and that it “did not find sufficient ground to open an investigation.” This illustrates an important missed opportunity for the EU to criticize Israeli lawfare tactics and misinformation campaigns. By obfuscating the Palestinian context through administrative and legal jargon, the EU is falling short of its obligations to defend human rights organizations and activists from such attacks, and is instead leaving the door open for new Israeli allegations of the same nature to continue.

The Counterterrorism Clause

In 2019, the EU introduced a new counterterrorism clause under Annex 2 of its contracts (General Conditions) – to be applied globally – guaranteeing that no funding will directly or indirectly go to entities listed in the EU restrictive lists. Although no individual Palestinian is on the lists, Palestinian groups are listed. According to the EU representative office in East Jerusalem, “While the entities included in the EU restrictive list cannot benefit from EU funded activities, it is understood that a [natural person affiliated](#) to, sympathizing with, or supporting any of the entities mentioned in the lists is not excluded from benefitting.” Regardless, several Palestinian CSOs question the legal validity of this letter as it represents an opinion rather than a legally binding definition of the EU clause. As a result, they fear this clarification will not protect them in case of a legal confrontation with the EU regarding the implementation of projects.

As approximately 30 – 40 percent of EU aid is disbursed through NGOs, this clause may potentially create a situation where recipient organisations are forced to decide who can and cannot benefit from or participate in EU-funded projects. It is also important to note that USAID applied a similar clause in the early 2000s to impose stricter requirements on Palestinian CSOs. This led many Palestinian NGOs, especially human rights organisations, to stop cooperating with USAID.

Another concern is that signing the clause implicitly means agreeing with its contents, and accepting that a gross number of Palestinian political parties and movements are terrorists. This undermines and erases the Palestinian reality of foreign oppression and the right to resist. Furthermore, on an operational level, signing the clause may result in CSOs being seen as “traitors” or unprincipled, and thus may have severe implications for the legitimacy of CSOs within their respective constituencies. This will lead to difficulties finding partners and beneficiaries to implement activities or projects. However, the dilemma is that refusal to sign weakens the cause of these organizations, as they lose necessary financial support.

International Holocaust Remembrance Alliance (IHRA) Definition

Another example of Israeli lobbying to silence criticism of Israel's human rights record is evident in the misuse of the International Holocaust Remembrance Alliance (IHRA) definition of anti-Semitism. Seven of the eleven examples provided in the definition focus on and conflate criticism of the Israeli state with anti-Semitism. The US, several EU member-states, and others have recently adopted the IHRA definition as their official definition of anti-Semitism. For example, the EU Justice and Home Affairs Council adopted a declaration on the fight against anti-Semitism in which it encouraged all member states to endorse the IHRA definition. Furthermore, in 2021, the EU adopted a strategy to combat anti-Semitism with a €1.55 billion budget, using the IHRA definition as the [benchmark to determine incidents of anti-Semitism](#), and encouraged local authorities, regions, cities, and other institutions and organisations throughout the EU to do the same. The strategy needs to be understood in the context of other EU programmes meant to achieve a global impact: coupled with Israeli efforts to frame legitimate criticism of and opposition to Israel's occupation and widespread human rights violations as anti-Semitic, the strategy will have a devastating impact on human rights work and human rights defenders advocating for Palestinian rights.

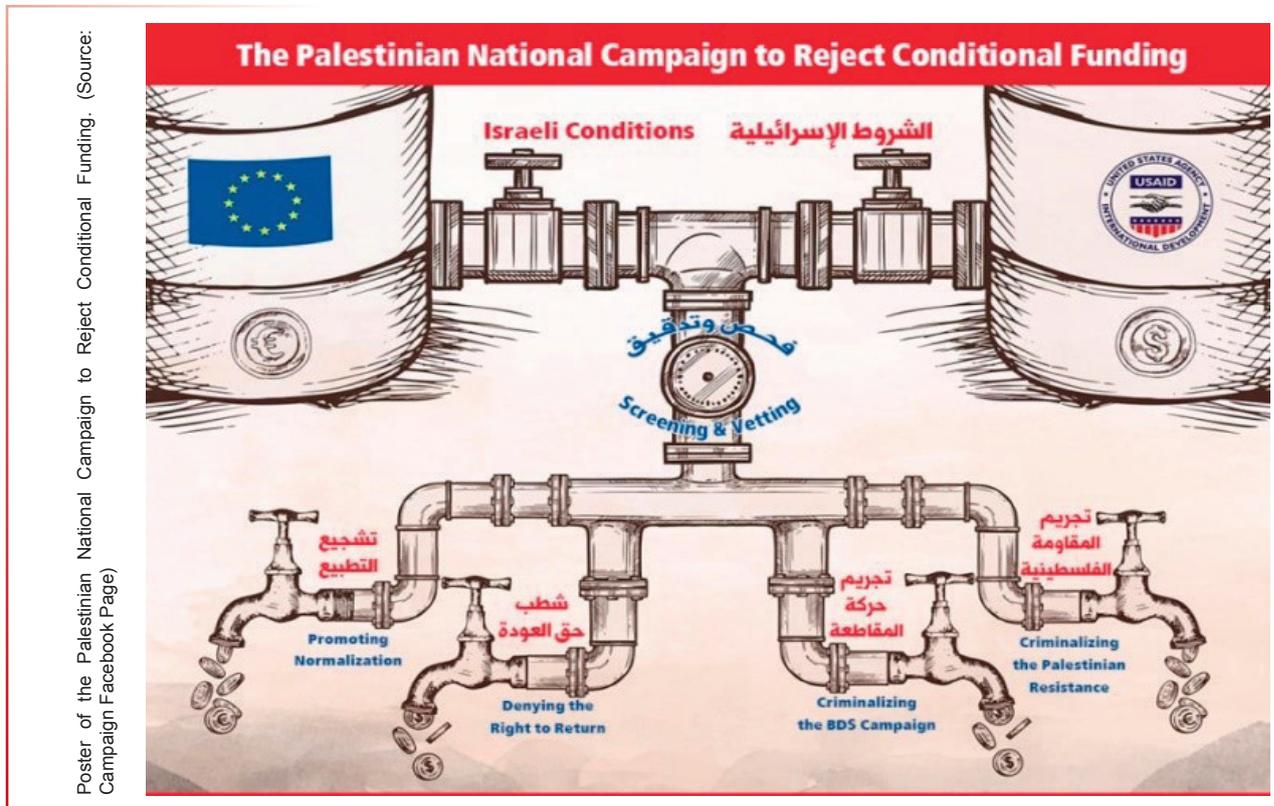
These developments should come as no surprise: by the end of 2018, Israeli scholars had already begun to forewarn the [definition's misuse](#), and, in 2020, more than 120 Palestinian and Arab academics published a [statement against the IHRA definition](#). Now, pro-occupation groups lobby for wider acceptance of the definition to further target and restrict funding for Palestinian CSOs. This could potentially result in the introduction of a new anti-Semitism clause in funding and partnership agreements, that acknowledges the IHRA definition and codifies and entrenches Israel's framing. In conjunction with the existing anti-terrorism clause, a future anti-Semitism clause would further diminish funding possibilities for most CSOs in the oPt.

In order to combat this dangerous and fast developing trend, a clear analysis of how narratives are increasingly polarized and radicalized with claims of absoluteness is necessary, in addition to a clear counter vision for sustainable justice and self-determination. Such a vision is critical to the development of spaces that will counteract the current process of shrinking spaces, and will put pressure on the EU and other actors to abide by their laws and commitments to respect and enforce human rights and international law without discrimination.

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EU Political Conditional Funding: Illegality and Implications for Palestinian Civil Society

by BADIL Research Unit



Introduction

In late December 2019, the Palestinian National Campaign to Reject Conditional Funding was launched in response to the increasing political conditions imposed on Palestinian civil society organizations (CSOs) by the international donor community, namely the European Union (EU) and EU member states. Specifically, the campaign materialized when [Article 1.5 bis of Annex II](#) of the general conditions related to EU-financed grant contracts was included in contracts with Palestinian CSOs. The article states that:

“grant beneficiaries and contractors must ensure that there is no detection of subcontractors, natural persons, including participants to workshops and/or training and recipients of financial support to third parties, in the list of EU restrictive measures.”

Although neutrally worded, Article 1.5 bis has earmarks of an anti-terrorism clause and carries far-reaching implications for Palestinian signatories. It imposes an obligation on any organization receiving EU funds to endorse the European counter-terrorism framework and take measures accordingly, including screening and vetting their own counterparts, to ensure that none of the

funds, whether directly or indirectly, reaches entities or individuals that the EU has deemed ‘terrorist.’

It is essential for Article 1.5 bis to be understood within the underlying context in which it operates, that is: the shrinking space that Palestinian civil society faces in the midst of a fundamentally false Israeli conflation of legitimate resistance with terrorism and criticism of the Israeli colonial-apartheid regime with anti-Semitism. The 2019 inclusion of the article is, in fact, correlated with the increasing pressure that Israel has exerted over the EU in the past several years to prevent the funding of Palestinian CSOs, based on [false allegations](#) that the EU is funding Palestinian NGOs that are tied with so-called terrorist entities. More broadly, the clause reflects the counter-terrorism considerations of powerful western states, including those of Israel, and their respective definitions of terrorism. The impending result is the explicit criminalization of the legitimate right of the Palestinian people to resist oppression by any legitimate means.

Accordingly, the following expands on how Article 1.5 bis specifically, and political conditional funding generally, are unlawful because both neglect the Palestinian people’s right to legitimate resistance and violate the principles of humanitarian action. Also emphasized are the impending effects of counter-terrorism clauses, which includes the criminalization of the Palestinian people’s struggle against foreign domination, contributing to the de-politicization and alienation of Palestinian civil society.

Article 1.5 bis’ in Violation of International Law and Humanitarian Work Principles

In shaping counter-terrorism policies, states and/or entities must ensure that these measures do not contradict their obligations derived from international law, including human rights, humanitarian, and refugee law. Contrarily, political conditional funding in the form of Article 1.5 bis is grounded in the European context of counter-terrorism – that is, a general peace paradigm that reflects the state of current international relations in Europe – rather than the context of national liberation in Palestine, and thus contravenes international law. Importantly, the proper framework applicable to the Palestinian people’s struggle for liberation is their right to legitimate resistance against Israeli policies and practices of apartheid and colonization. Under international law, the use of all means of struggle in the context of achieving a people’s right to self-determination is regulated by rules that differ from the rules governing interstate relations (i.e., good faith efforts, mediation, negotiation, litigation, and arbitration) as would be applicable in the EU. For a people fighting a foreign occupation, colonialism, and alien domination, the internationally well-established framework governing their right to self-determination is indivisible from the right to struggle by all means, as recognized by the [UN General Assembly Resolution 2105 \(XX\)](#). As such, while the EU counter-terrorism framework does not single out Palestine per se, imposing the counterterrorism framework on a people struggling for their national liberation is, in and of itself, unlawful.

Additionally, [Article 1.5 bis requires Palestinian grant recipients to discriminate against their stakeholders](#) and beneficiaries based on their political affiliation. The conditions attached to EU funding thus interfere with the Palestinian people’s right to freely determine their political course of action and indirectly undermine the Palestinian people’s participation rights from which is derived [the right to form political parties](#), including the right to take part in the conduct of public affairs, as well as [the right to freedom of association and assembly](#).

Furthermore, Article 1.5 bis excludes any natural person or entity that the EU would consider as involved in terrorist acts to benefit from their grant. Such discrimination in the allocation of funding contravenes the most basic tenets of humanitarian action as directly endorsed by the [EU in the European Consensus on Humanitarian Aid](#), founded on the principles of neutrality, humanity, independence, and impartiality. Political conditional funding in the form of Article 1.5 bis is not neutral but obtrusive, as it has the potential to exclude any member of Palestinian civil society and cripple the Palestinian people's tools for resistance.

By pushing forward the fight against 'terrorism' and promoting the European approach to the question of Palestine and its 'peaceful' resolution, political conditional funding conceals ultimately political objectives. This violates the principle of independence that necessitates the separation of humanitarian objectives from any other objectives. It also contravenes the principle of impartiality as it entails that EU funding is not supplied to beneficiaries on the grounds of need, but potentially on the basis of political activism that is falsely conflated with terrorism.

Accordingly, by imposing a counter-terrorism clause in its grant contract, the EU inadmissibly interferes with the Palestinian people's right to self-determination, in a manner that contradicts not only its own commitment to humanitarian principles, but also [its commitment to the Palestinian people's pluralistic civil society](#), and the pursuance of their right to freedom, independence, and self-determination. Contrary to these commitments, Article 1.5 bis prevents the funding of Palestinian CSOs whose work is decisive in supporting Palestinian communities threatened by Israeli policies of forcible transfer and displacement, colonization, annexation, and apartheid.

Effects on Palestinian CSOs: Criminalization of Legitimate Resistance, De-Politicization, and Alienation

In practical terms and when considering the effects of Article 1.5 bis, it is clear that the EU requires Palestinian grant recipients, as EU contracting partners, to acknowledge, endorse, and comply with the EU restrictive measures, including the sanctions list. To date, the Palestinian

A Palestinian man holds up a flyer during a protest in Ramallah, March 2021. (Source: wafa.ps)



entities that are on the list are: Hamas, Islamic Jihad, Al-Aqsa Brigade-Fatah, the Popular Front for the Liberation of Palestine (PFLP), and the Popular Front-General Command, and there are no Palestinian individuals on the list (yet). Their addition to the sanctions list, and categorization as terrorist, is based on the [EU's overly broad definition of terrorist acts](#) which has the effect, intentionally or not, to equate legitimate resistance with terrorism. In fact, the EU definition of terrorism and list of terrorist acts are vague and include a wide range of acts not limited to armed struggle.

The EU definition's failure to differentiate between terrorist acts and the legitimate struggle of a people to achieve liberation from foreign domination counteracts the right of peoples to resist colonization, apartheid, and oppression – especially bearing in mind the lack of an internationally accepted definition of terrorism. Instead of taking such distinctions into consideration, the EU imposes a definition on the Palestinian people that claims that they are committing terrorist acts, combined with attached liabilities that in no way adhere to their legal and political context. As a result, the terrorism label criminalizes, delegitimizes, and defames forms of legitimate armed resistance, including but not limited to colonized people's right to armed struggle, that are nonetheless legal as per the [UN General Assembly resolutions](#), and recognized as owed to the Palestinian people in the particular context of their resistance for liberation from colonial domination.

Article 1.5 bis forces Palestinian civil society to not only surrender the Palestinian legitimate right to resistance, but to also concede to the EU's categorization of the above Palestinian political parties as terrorist. In effect, Palestinian CSOs are faced with the dilemma of how to work with Palestinian individuals and/or groups that are affiliated with or sympathetic to the listed political parties. This limits interaction between Palestinian civil society and Palestinian political parties, and hinders the ability of Palestinian CSOs to engage and influence Palestinian decision makers, which is an essential aspect of liberation. Consequently, the margin of action of Palestinian civil society would be shrinking to the point of de-politicization. Palestinian CSOs are additionally dishonored at a national level, which undermines their integrity and credibility amongst the Palestinian community and breaks up solid and essential relationships between partners, which then fosters the fragmentation of Palestinian civil society and entrenches the isolation of Palestinian CSOs.

Suspected After-Math, Confirmed Outcome

In [BADIL's position paper highlighting the illegality and political implications of EU conditional funding](#), it was warned that “[g]iven that Article 1.5 bis reflects the current EU counter-terrorism policies, largely influenced by the US and Israel, there is solid evidence that support the possible escalation of measures targeting Palestinian civil society and labelling their work under the framework of terrorism to discredit them.” This has undoubtedly manifested, as seen by Israel's designation of six Palestinian NGOs as terrorist entities by both the Israeli Minister of Defense and the military in October 2021. Although the decision is fallacious and based on unsubstantiated claims, several funders have delayed their contributions to the Palestinian CSOs as they ‘investigate the claims,’ while the [EU formally suspended its funding to two of these organizations](#).

The implicit acquiescence of the EU, evidenced in the inclusion of the counter-terrorism clause discussed above in granting contracts, has not only paved the way to the designation of the six, but has also buttressed Israel's strategy to criminalize and eventually eliminate Palestinian

civil society. Indeed, the general imposition of political conditional funding based on Israeli-led claims contributes to the creation of a coercive and shrinking environment for Palestinian civil society, whose scope of action is gradually restricted to the point of failing to adequately pursue its activities.

The EU and EU member states, therefore, must rescind all counter-terrorism clauses and conditions in their grant contracts with Palestinian CSOs and position themselves to show support for Palestinian civil society in a meaningful way that advances Palestinian national liberation. In the meantime, Palestinian CSOs must uphold a unified position to reject all political conditional funding, even if it means conjoining all their financial and human resources to uphold their mission for a free Palestine. After all, if all the CSOs are fighting for the same cause – Palestinian liberation – then perhaps it should not be too audacious to act upon a belief that furthering liberation is more important than individual organizational survival. Having a dominated and oppressed civil society subjugated to unjust standards will not serve the struggle for freedom and respect of human rights.

The Opium of Conditional Funding: Grassroots Organisations are the Weakest Link

by Shatha al-Azza*

The identity of Palestinian civil society organisations (CSOs) is fragmented in their struggle for survival and their consequent search for funding sources that have not been tarnished by politicised agendas. Meantime, a new form of grassroots organisations has emerged, identifying with international donor conditions and policies. These function separately from the standards of Palestinian national liberation, self-determination, and vision. Voluntarily, grassroots organisations have turned into executive institutions, submitting to donor conditions and complying with detailed time-based and thematic restrictions that run counter to civil society needs and interests. This is evidenced in their programmes adapted to donor formalities and impositions, namely, of Zionist US and European financing funds. These organisations stand idly with a view to maintaining those resources. Consequently, the CSO space has



Murals on the wall of a youth center in Dheisha refugee camp, Bethleheh, 2020. (@BADIL)

shrunk both quantitatively and qualitatively due to the systematic laws and processes set up by the colonial occupation, donor community, and government agencies of the Palestinian Authority (PA). This has had a negative bearing on the performance of civil society as a whole. In particular, CSOs play a role in mobilising, supporting, and promoting the rights and perseverance of the Palestinian people. They carry out socio-political action, popular mobilisation, community engagement, and resistance in their own spaces within Palestinian society.

Undermining CSO activity is attributed to a combination of complex variables, grounded in socio-political and economic dimensions at play since the Oslo process. Fund flows have been channelled to many CSOs, which restructured their agendas to be in line with and serve the “peace process”, “post-conflict” contexts, and donor interests, meeting then current milestones. This has, in turn, moulded institutional structures and development process dictated by conditional policies of foreign aid. The Zionist project has maintained colonial domination over the Palestinian political landscape. Namely, the PA “security” agencies have played a role as

mechanisms that facilitates, controls, and activates dominance on one hand, and have taken hold of financial processes on the other. To this effect, according to the Law by Decree No. 7 of 2021 on the Amendment of the Law No. 1 of 2000 on Charitable Associations and Civil Society Organisations, the Palestinian government has managed to thwart civil society action and maintain a stable financial and political position of the PA. However, this exceptional regulation is in conflict with the Basic Law, particularly given the fact that the Palestinian Legislative Council is out of session.

The transformation of CSO goals and agendas over the past three decades has compromised national political action and paved the way for restrictive measures by donors. While the Palestinian struggle is labelled and criminalised as terrorist, CSOs are categorised on the basis of donor visions. These colonial security policies and consequences are more detrimental to CSOs as they restrict the space for civil society action within the occupied Palestinian territory, including by arbitrary detention and campaigns launched to smear and delegitimize those CSOs, which work towards promoting and supporting perseverance of the Palestinian people. To further tighten their grip, other donors and agencies of the United Nations have followed in the footsteps of US and EU institutions, placing more severe constraints and imputing charges of terrorism and anti-Semitism. These allegations are consistent with and serve the Zionist colonial perspective and quest for changing the Palestinian civil society structure and fragmenting CSOs. At the same time, those CSOs which embrace a principled national position against donor conditional funding are effectively eliminated.

In the light of these coercive challenges, grassroots organisations emerge and eke out their existence. For example, the Lajee Centre is a civic institution based in the Aida refugee camp of Bethlehem, surrounded by six Israeli military watchtowers and besieged by the Annexation and Separation Wall. Established in the early 2000s, the Lajee Centre's vision, mission, and programmes are derived from its Palestinian identity as well as struggle for justice, equality, and human rights principles. On this basis, this organisation works towards promoting individual and collective rights of the Palestinian people. In organisational terms, the Lajee Centre consists of five main units: Health and the Environment, Media, Women, Culture and Folklore, and Sports and Performing Arts (Circus). The Lajee Centre is fully dependent on international donors for funding. However, stable functions of grassroots organisations have been impacted by increasingly and persistently dwindling support. Sources of funding have been either cut off or made conditional on the anti-terrorism clause. Over the years, this has resulted in an operational burden on the organisation. Other donor policies have also imposed heavy restrictions on the Lajee Centre.

Like dozens of grassroots organisations, the Lajee Centre has found itself caving in to the demands of international donors, let alone new anti-terrorism conditions. These demands have sneaked into and overlapped with the centre's institutional setting and organisational structure, reflected in project proposals and diversity, including in terms of staff age, disability, gender, and functional hierarchy. These should be in tandem with donor-imposed agendas and approval of aid. Most often, donors require a depoliticised content that is devoid of references to national liberation, action, resistance, and underlying challenges to activity within the refugee community. To this effect, the organisation sums up the complicated context and agreed language in a simulation of community needs, producing cumbersome narrative and financial reports, providing donors with detailed information and documentation on the local setting in line with donor visions.



The entrance to Lajee youth center in Aida refugee camp, Bethlehem, 2020. (@BADIL)

The Lajee Centre's slogan, "We think and choose to be creative," involves the names of a number of Palestinian refugee camps. In funded projects, the donor's slogan should be juxtaposed to that of the Lajee Centre. Fulfilling documentation and evidence requirements, this practice reduces the lives and sentiments of beneficiaries to a picture with a slogan. To fulfil required credibility, lists of the names of refugees, who benefit from the donor's projects, should include their signatures and telephone numbers. This way, the Lajee Centre has been stripped of its own slogan. Now, it no longer chooses nor thinks to be creative. Instead, the donor has taken the organisation's role and deprived it of the faculty of thinking and choosing. The duration of projects is mostly so short that they do not achieve the targeted change, making them immeasurable. As a result, the development process initiated by the organisation to empower refugees' issues and rights is compromised. Essentially, the process has been limited to dealing with symptoms, rather than addressing the underlying root causes of the Israeli colonial structure, which serves as the main obstacle.

Changes to the institutional structure of the Lajee Centre are an outcome of the increasing problem, which has been created by declining relief, educational, health services provided by the United Nations Relief and Works Agency (UNRWA) to the refugee population. As a consequence, the Lajee Centre and counterpart organisations have sought to bridge the gap left by UNRWA. The health project has been launched in response to the needs of persons with chronic diseases (high blood pressure and diabetes) in refugee camps across Bethlehem. This project requires cooperation from UNRWA in order to facilitate access to test results by patients themselves so that health workers at the Lajee Centre can follow up on their health condition. However, UNRWA gave up cooperation to provide the most basic health rights as it no longer shared test results with patients. In line with the US definitions and requirements, the UNRWA stipulated that the Lajee Centre provide a detailed statement of its vision, goals, donors, and full names of staff members. Accordingly, the USA could apply its own anti-terrorism rules to the Lajee Centre. Effectively turning UNRWA into a security agent, this requirement is in breach of UNRWA's principles of independent and impartial humanitarian action.

Most recently, new requirements have been placed by international donors. In addition to ideological conditionality, normalisation ideas and agendas that oblige grassroots organisations to have an Israeli partner so that they can receive funds. This was experienced by the Lajee Centre with the University of York in the United Kingdom, depriving the organisation of

an environmental programme estimated at tens of thousands of US dollars. The programme envisaged a project of agricultural work within the framework of resistance economy. It would reflect the Palestinian national identity, including rural symbols and attachment to land. The initiative would use small agricultural holdings in densely populated areas on the roofs of refugee homes inside refugee camps. Beneficiary households are of rural origin, who were dispossessed of hundreds of dunums of their agricultural land several kilometres away from their homes. The project adopts an organic farming method. Though free of chemical waste, organic crops are affected by tear gas canisters which the Israeli occupying army fires, deliberately targeting gardens on house roofs in the refugee camp. On several occasions, the hydroponics unit on the roof of the Lajee Centre was intentionally set on fire. As a result, an iron fence was installed around the unit for protection against systematic practices of the Israeli occupying authorities and partner normalising institutions in community action.

Since 2002, alienation and isolation has crippled and secluded the Lajee Centre from many CSOs. Then, the United States Agency for International Development (USAID) conditions were imposed on CSO programmes and visions. Overtime, other funding organisations have increasingly dared to place more humiliating conditions to criminalise the Palestinian struggle. Consequently, the Lajee Centre has eliminated and boycotted agencies advancing conditional funding from the network of its relations. Interaction with such donors is now nil, reflecting on the presence and representation of the Lajee Centre in respective lines of activity within the civil society. Preserving dignity, such alienation has isolated the centre and its counterparts, but still fighting and exposing accomplices with those Zionist Israeli campaigns.

In such complex circumstances, the Lajee Centre has engaged in and challenged most predicaments for two decades. Within Palestinian society, opposite dimensions have featured a declining national status and political standing at the grassroots level, impacting the Lajee Centre's activity across Palestinian refugee camps. Against this backdrop, the production of knowledge and adoption of sustainable national projects, which meet the needs of tens of thousands of beneficiaries, are at odds with the donor visions and goals. If donor impositions are not resisted and a national priority vision is not embraced, this will disempower successive post-Nakba generations' right of return and self-determination.

The growing number of complicit CSOs in the service of donor interests puts at risk the society's safety net and national status. To ward off prevalent fragmentation, CSOs and grassroots organisations must opt for mutual empowerment, reduce the impact of systematic interruption of Western assistance, and join forces with civil society and social justice movements against colonization around the world. This should go hand in hand with a fundamental change in fundraising patterns, creating self-financing sources and putting in place an innovative and sustainable approach to cultural, social, and economic development. A shift must be made from dependence on foreign aid to autonomy and self-sustainability through self-sufficiency, recovery from the West, and prioritisation of national perceptions.

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Youth Movements and Political Action in Palestine

by Ahmad Hammash*



'Alherak al-Fahmawe' (Umm al-Fahem Youth Movement) solidarity protest in support of Gaza and Jerusalem, May 2021 (source: arab48.com)

Introduction

Youth movements are among the most prominent and significant modern social and political activities that have spread out throughout the Arab region over the past few years, namely, in the aftermath of the Arab Spring revolutions. Palestine has not been immune to this new political phenomenon. Since 2010,¹ the Palestinian landscape has seen the evolution of several youth movements, which have emerged to express the desire of young people to bring about political, social, and economic change. In the Palestinian context, these movements have played a pivotal role, attempting to revive and reinstate Palestinian political action as a broad-scale mass effort. However, many questions and criticisms have been raised about the evolution of youth movements and their efforts to make change.

Criticism is a key factor to developing and ensuring the right process of political action. Up until now though, criticism has not been tailor-made to improve youth movements as political action, but to weaken and eliminate them from the political stage. Monopolising political action, powerful official political agencies² have spearheaded the attack on and demonised youth movements in order to prevent any attempt to put forward alien political action. At a bare minimum, the official political authority has tried to contain or place youth movements under its control and use them as a tool of its own. In addition, benefiting from the current situation, some small marginal political parties and elites have contributed to this attack, sometimes reaching the point of using the language of treason against youth movements and organisers.

This article mainly attempts to understand the spread of movements in Palestine and provide answers to some questions. Namely: what reasons have prompted the emergence and proliferation of this new form of political action? Why do youth movements insist on declaring political independence while they seek to bring political and social change? Can non-political action introduce substantial political changes? Perhaps most importantly, can political action be separated from the struggle for liberation in such contexts of settler colonization as in Palestine?

It should be stressed that this article does not attempt to underestimate or criticise the role of youth movements for the sake of criticism. It aims at shedding light on weaknesses that have fragmented and mostly dissipated these movements with a view to enhancing their performance and ensuring continuity and ability to devise change.

Developments and Shifts in Political and Social Action: An Overview

In the early 1920s, the Palestinian landscape saw a liberation and revolutionary movement against the British colonial regime and Zionist immigration to Palestine. Many resistance political parties and groups were established with the aim of liberation and self-determination across the Palestinian territory.³ The majority of these parties played an important role in resisting colonization. Ultimately, however, they failed to achieve their vision of repelling British colonization and putting an end to Zionist immigration to Palestine. On the other hand, the colonial project managed to establish so-called “Israel” in 1948, resulting in the displacement of 85 percent of the Palestinian people and breaking up political parties and entities.

The 1948 Nakba did not pose an obstacle to the Palestinian people’s ability to reorganise and initiate their struggle against colonization. Between 1948 and the early 1990s, many Palestinian political parties and fronts were created, mainly seeking to decolonize and liberate Palestine from the river to the sea. Displaying different ideologies and tools of liberation, political parties were a turning point in the history of the Palestinian people and liberation movement. Meantime, the bipolar world order and spread of liberation movements around the world contributed to developing the Palestinian liberation movement, gaining international momentum as a central global cause.

With the Soviet Union’s collapse in the early 1990s, a new world order emerged under control of the United States. In different societies and States, political and social action was impacted by this change in the world order. Changes aimed at consolidating US dominance as the world’s policeman and rolling out US ideology, then viewed as the end of history and optimal approach to addressing human issues. Within this framework, with the decreasing relevance of parties, non-state actors, including international institutions and transnational NGOs, started to play a greater role in the world order, politics, and societies.

Represented by the Palestine Liberation Organisation (PLO), Palestine and the Palestinian leadership were not disconnected from these international shifts. Under the ‘aegis’ of the United States, the PLO engaged in a peace process with Israel, even minimal results of which have not materialised to this day. Regarding the question of Palestine, changes in the world were not limited to entry into an open-ended peace process, but also largely impacted the Palestinian domestic social, economic, and political situation. Since the early 1990s, the Palestinian political stage has witnessed a ‘State’ building process on part of the Palestinian territory, giving rise to critical political, social, and economic transformations within Palestinian society.

Perhaps foremost among these transformations is the shift of political and social action as an inclusive public activity, engaging all Palestinians, into a political action monopolised by the dominant power from its premises. In the West Bank, since the early 1990s, the Palestinian Authority (PA) has had a monopoly on political action in relevant offices and institutions. In the light of receding mass and popular activity, political focus has been redirected to international agencies and advocacy work outside Palestine. This activity has taken over the lion's share of Palestinian political action.

After Hamas took control of the Gaza Strip in 2006, political action has been dealt with in a purely military fashion. Any 'non-military' person was no longer been able to engage effectively in political or organisational activity. It has been difficult to present any vision or ideology under a policy different from that embraced by Hamas, the faction controlling the Gaza Strip. As is the case in the West Bank, Hamas persecuted all forms of or demands for change, which Palestinian youth attempted to introduce or bring forward.

Since the early 1990s, consistent with the colonial establishment, the majority of Palestinian organisations inside the Green Line have shifted their political discourse from liberation to one of citizenship and equality. Coinciding with the signing of the so-called Oslo peace agreement, participation in the Israeli Knesset grew increasingly within the framework of the discourse of citizenship and improvement of living conditions. A significant impact could no longer be made by those parties or groups which did not take part in colonial institutions. Remotely from the Palestinian public, political participation and attempts to 'realise rights' from within Israeli colonial institutions have been the formal course of political action inside the Green Line.

It can, therefore, be argued that political action in Palestine has been expropriated and monopolised by three major poles, which govern a segment of the Palestinian people. These work towards prohibiting and demonising any new organised political activity. Over three decades, these poles have attempted to dominate other Palestinian political parties and thwart the emergence of any organised political action that could be built on. This policy has had a significant bearing on the awareness of young generations, who have dealt with existing political parties as a fate and with alternative political action as a vice that one needs to move away from.

Besides, many NGOs have played a key role in promoting a depoliticised discourse, which integrated with the course of action led by political poles. Impartiality and disengagement from the political process were a precondition for institutions to receive funding and support. On the other hand, the fact that the youth were independent of political action served as an entry



Confrontation between Palestinian police and youth protesting the death of Nizar Banat, 2021 (source: annaharara.com)

point to benefit from institutional programmes, which would rehabilitate young people to be employed by those institutions. Hence, a depoliticised, human rights, and demand-oriented discourse has dominated Palestinian political action, driving a shift from addressing root causes to focusing on effects and consequences of the cause.

This discourse has negatively reflected on the Palestinian people, who have been stripped of self-action. To achieve political goals, failure of self-reliance has been the prevalent strategy. On one occasion, we demand that the international community redress us, and on another we place the burden on future generations and the youth. Under the depoliticization strategy, the concept of the youth has eventually turned into a bubble and non-existent entity. The youth, particularly activists and organisers of movements, have adopted this discourse, now talking about the role of the independent and depoliticised youth from an objective standpoint, while at the same time isolating their role from any material action.

Youth Movements and Political Action

With wide youth participation, the 2010 Tunisian revolution played an important role that has reflected on politics throughout the Arab world in general, and in Palestine in particular. Although it was different in Palestine, the political situation was influenced by the wave of change demands that grew prominent in some Arab States. Many Palestinian youth took the initiative and attempted to simulate ongoing events throughout the Arab world. Commonly referred to as “activism”, a new framework that involved a broad participation of young people.

In Palestine, the rise of these movements coincided with ossified, stagnant, and regressed political action in view of the declining role of Palestinian parties and increased Israeli persecution of any organised political activity in the aftermath of the second Intifada. As the role of the youth was marginalised in Palestine, youth movements have played a critical role in activating and integrating young people in political life. It can be argued that these movements have assumed a central role in Palestine for two main reasons. Firstly, they have furnished an opportunity to the Palestinian youth for political participation, albeit temporarily. Secondly, they have brought Palestinian political action back to track both in the street and among the public at large. Especially in the West Bank, political action had been confined to offices and focused abroad.

Contrary to political parties, the youth movement and organisers lacked a clear definition of activism and an ideology that reflected their vision. Still, activism has allowed considerable room to assimilate young people and youth potential, who sought change and were of all ideological backgrounds. It should be emphasised that the lack of a definition of activism is not an academic or theoretical luxury. Contrarily, it is necessary to understand this political framework, tools of change, and more importantly political programme and perception of the form of desired change.

A cursory glance shows that, over the past few years, youth movements have not presented a comprehensive political programme, making clear their vision of the future or the change they seek to bring about. On the contrary, these movements have mostly dealt with social and political dimensions as specific and miscellaneous issues, well out of the broader context. In other words, youth movements have addressed the consequences, rather than the underlying causes, of the problem. It can be argued that, apart from movement demands, a politically fragmented and decontextualised approach to addressing community issues suggests that the status quo is the

ideal situation. This gives rise to many questions, mainly: Does the current situation pose an existential or behavioural problem? If the challenge is existential, there is a need to put in place a clearly defined political programme, including solutions and perceptions of various demand-oriented problems. If it is behavioural and linked to a particular abuse, the problem can be overcome by resolving the issue at hand. Of note, many movements advocate themes that go beyond demand-based issues.⁴

The problem of lacking a political programme most clearly manifests itself in the absence of an alternative perception of the future by youth movements. As a result, these movements are turned into passive frameworks, focusing on rejection, while at the same being unable to present or impose alternatives.⁵ Clearly, youth movements agree to the need for and importance of change. They advocate themes that reject the so-called 'political regime', but have no perception of the form of such a change, depriving movements of a key part of their activity, debilitating their political action, and waiting for those who seek change to do so.

On the other hand, due to the lack of a political programme, most movements could not maintain their demands and were soon disintegrated or contained and used to serve the interests of existing authorities. This illuminates an important aspect, namely, political action is neither haphazard nor reactive to a certain incident. Conversely, it is organised and can be built on. It puts in place a perception of various social and human issues. It is capable of dealing with urgent variables and issues in line with a clearly defined vision, which reflects its own strategy and ideology.

Additionally, youth movements are often unable to address problematic issues from within because of the lack of an ideology or strategy, by which they can address these problems. Joining a certain movement, activists agree to minimum standards that are directly related to devising the desired change in a demand-oriented context. However, when the issue is existential, a strategy is needed to determine the movement/framework's approach to the different problems encountered by the framework itself, individuals, and society. For example, leadership is one problematic issue within movements, clearly reflecting on performance and engagement with developments associated with the establishment of these movements. As no clear mechanisms or entities are in place to make decisions to handle such developments, a resolution is open to improvisation, which is not always in the interest of movements.

On the other end, it can be argued that youth movements are a manifestation of the 'depoliticization' policy, which current authorities in Palestine have instilled in the minds of young people over a period of 30 years. This practice mainly involves demonising any political action and entrenching human rights



Protesters from the 'Herak Talaat', female youth movement call for the release of female prisoners from Israeli jails. Ramallah, 2019 (Source: al-Ayyam.ps)

and legal discourse remotely from the colonial context. This is one of the most important reasons that have driven the youth away from political action. This hypothesis is further supported by the fact that once it is established, a movement hastens to announce its political independence. Although its demands are all political, the movement states that it is apolitical. What does an independent movement mean, then? Can an apolitical movement bring about political and social change? Can depoliticised action be performed in a complex political setting such as Palestine?

An independent movement might mean that it is not affiliated with any existing Palestinian party. However, why is politics confined to and monopolised by current parties? Has it been impossible to exercise politics within a political framework away from these parties? Adopted by the majority of youth movements, this depoliticization discourse serves the interests of the powerful few and their strategies of monopolising political action and demonising any political process beyond their reach. This discourse also suggests that movements are a reaction, devoid of clear political goals that serve the people and preserve the land. Hence, it is easy to persecute and contain that reaction.

Giving them a degree of legitimacy, dominant organisations have clearly defined political programmes, regardless of how consistent and responsive these are with the people's needs. Hence the importance of social legitimacy and recognition for political action. In Palestine, dominant organisations in monopoly of political action derive their legitimacy from their action of resistance or history of struggle. The former has often been part of history, but is sometimes invoked to renew legitimacy and provide a reminder that these organisations came into being thanks to the sacrifices made by respective members.

By contrast, the majority of youth movements largely concentrate on internal criticism of existing authorities. Without a clear programme tied to the colonial regime, these movements are linked to particular political, social, and economic changes. It is imperative to stress here that such an approach does not derogate from the national dimension of either the movements or their organisers. At the same time, however, it does not give these movements the necessary legitimacy to devise change. In Palestine, a political, social, or economic issue is not connected to temporary reform movements, but to a programme that can present real and tangible alternatives on the ground. In the colonial context, legitimacy is not endowed on grounds of justice or demands of the cause. Rather, it is extracted through a national programme that stands in the face of colonization, handles colonial consequences, and puts in place a clear perception of the future.

Conclusion

Beyond doubt, youth movements in Palestine have played a pivotal role in Palestinian political action over the past ten years. In particular, they have attempted to bring political and mass action back to the street and public space. They have contributed to highlighting many social and political issues, which are actually in need of social debate and political action to be addressed. More importantly, youth movements have tried to reinstate and take part in political action, which was traditionally monopolised by the ruling parties, as a collective activity that affects all walks of Palestinian life.

These movements have successfully reached out to and mobilised a great number of young people, precisely at the time when many political parties did not manage to issue a statement

or call for a mass event. Most often, however, youth movements could not achieve their goals or demands. This was not exclusive to a failure to materialise goals or demands. In view of the nascent creation and lacking experience of this political framework, failure might be natural and acceptable. Worse is the dissipation and disintegration of youth movements after they burn themselves out or are persecuted. The main reason behind disintegration is probably that these movements mostly address specific individual issues. As Palestine involves a complex case of colonization with many political distortions and divisions, every day marks an urgent event that draws attention of the people, weakening or distracting youth movements.

Albeit important, a focus on social and living conditions does not give political legitimacy to activism,

particularly in the context of persisting colonial policies. As far as youth movements are concerned, accumulating expertise becomes irrelevant because they do not act along the lines of a political programme that can be built on. Rather, they rely on day-to-day events, which drive them to react to particular policies. While the central cause of Palestine is existential vis-à-vis colonization and its consequences, a discussion or treatment of this issue will have a negative impact on the question of Palestine. In this vein, it is imperative to emphasise that the importance of the violations committed by powerful parties should not be ignored. Also, one should not lose sight of the root causes of the problem of lacking a real political programme, which falls within a permanent and sustainable organisational framework and seeks to bring about change in consistence with the aspirations set by that political frame.

It might be argued that although they have failed to accomplish their goals and demands, youth movements are still important to build up and produce change in the future. However, the question is why are the experience of existing Palestinian organisations and parties not put to use and delivered on? Current Palestinian organisations did not mark the start of history or initiate the Palestinian struggle, but were an extension of previous Palestinian organising.

In essence, all political issues advocated by youth movements agree to rejecting political practices of the ruling parties. However, these issues are fragmented and dealt with separately from others. To avoid a transcendental discussion, it should be noted that many movements have linked their demand-oriented struggle to the political colonial context. In most cases, however,



"the people want the end of the division" - Palestinians protest against the Hamas-Fatah split. Gaza, 2021 (Source: al-Ayyam.ps)

the link is theoretical and cannot be translated into reality. Further, to associate an issue per se with the colonial setting might strip it of its context and isolate it from other problems.

Many movement organisers have been aware of this predicament. Some attempts have been made to promote encounters between different movements to ensure standardised operation and integration. However, this goal cannot be accomplished without a common ideology for such an assembly as well as clearly defined regulations and bylaws for membership. Affiliation with a political framework implies consent to relevant objectives, vision, and strategy. In other words, agreement involves the maximum threshold of rights and objectives, with a thin margin of disagreement over unessential tools and matters. It is impossible that members of a liberation movement are at odds about the goal of liberation or partisan vision of the form of the would-be State after liberation. Still, there is a room for disagreement and debate over the mechanisms and tools needed to achieve the party's goals and visions. By contrast, movement activists agree to the minimum rights associated with the goals and demands of their movement.

In conclusion, the experience of liberation movements of all forms emphasise that the process of liberation and reform does not materialise by addressing the consequences of the problem in question, but by removing the problem ab initio. Perhaps interestingly, the efforts made to establish demand-oriented movements are in fact sufficient to crystallise a national programme that dismantles this system in its entirety. Nevertheless, firmly impressed on our minds, depoliticization forces us to exclude any action of an eminently political essence. Clearly, youth movements have conflated the struggle for reform and demands in the sovereign nation State with the struggle for liberation for colonialisation.

The magnitude of existential threats to the Palestinian people and need for developing a national (political, economic, and social) programme have become more urgent than ever. A prompt review of the history of liberation movements around the world demonstrates that they have experienced many setbacks and instances of disempowerment. Still, these movements need to keep in mind that failure to address the root causes of the issue at hand does not mean to change it or attend to its consequences, but to change and/or develop the means and tools to do so.

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Endnotes:

1. Like many Arab States, Palestine was impacted by the Tunisian revolution. Several movements have emerged, simulating the Jasmine Revolution.
2. The Palestinian Authority and Fatah movement in the West Bank, Hamas movement in the Gaza Strip, and Arab parties running for the Knesset elections inside the Green Line.
3. Until 1948, more than 16 political parties had been formed. For an overview of these political parties and programmes, see [Palestinian Political Organisations and Parties before 1948](#).
4. Such as ending the internal Palestinian political divide, standing against economic policies, overthrowing the regime, holding elections, and stopping security coordination.
5. Azam, Ahmed Jamil (2019). *From the Movement to Activism 1908-2018*. Ramallah: The Palestinian Center for Policy Research & Strategic Studies (Masarat).

al-Majdal is BADIL's biannual English magazine produced with inputs from Palestinian and international experts and activists with a focus on current concerns and situation of Palestine and Palestinian rights.. The magazine aims to increase public awareness and provide a venue for analysis, discussion and debate on these issues.

al-Majdal, and all other BADIL publications can be found here:
<http://www.badil.org/>

<https://www.badil.org/publications/al-majdal>

ABOUT THE MEANING OF AL-MAJDAL

al-Majdal is an Aramaic word meaning fortress. The town was known as Majdal Jad during the Canaanite period for the god of luck. Located in the south of Palestine, al-Majdal was a thriving Palestinian city with some 11,496 residents on the eve of the 1948 Nakba. Majdalawis produced a wide variety of crops including oranges, grapes, olives and vegetables. Palestinian residents of the town owned 43,680 dunums of land. The town itself was built on 1,346 dunums.

The town of al-Majdal suffered heavy air and sea attacks during the latter half of the 1948 war in Palestine. Israeli military operations (Operation Yoav, also known as “10 Plagues”) aimed to secure control over the south of Palestine and force out the predominant Palestinian population. By November 1948, more than three-quarters of the city’s residents had fled to the Gaza Strip. Israel subsequently approved the resettlement of 3,000 Jews in Palestinian refugee homes in the town. In late 1949 Israel began to drive out the remaining Palestinian population using a combination of military force and administrative measures. The process was completed by 1951. Israel continues to employ similar measures in the 1967 occupied West Bank, including eastern Jerusalem, and the Gaza Strip.

Palestinian refugees from al-Majdal now number over 71,000 persons, and Israel has Hebraized the name of their town as “Ashkelon.” Like millions of other Palestinian refugees, Majdalawis are not allowed to return to their homes of origin. Israel opposes the return of the refugees due to their ethnic, national and religious origins. al-Majdal, BADIL’s quarterly magazine, reports about and promotes initiatives aimed at achieving durable solutions for Palestinian refugees and displaced persons based on international law and relevant resolutions of the United Nations.

This issue deals with:

- *Shrinking spaces in a colonial context as a tool of depoliticization.*
- *The historical development of Palestinian civil society pre and post the Oslo peace process.*
- *Legal analysis of rights of freedoms and Palestinian civil society in a context of colonial apartheid.*
- *Colonial strategies of shrinking spaces for Palestinian civil society and threats on independence and political sovereignty.*
- *The EU conditional funding on Palestinian organizations and its impact on civil society.*
- *Examples of shrinking spaces of political work for Palestinian grassroots and movements.*
- *Impact of delegitimization strategies on the overall depoliticization of Palestinian civil society.*
- *The wider context of conditional funding and the argument of decolonizing foreign funding.*

