

**DEFENDING HUMAN RIGHTS IN THE OCCUPIED PALESTINIAN
TERRITORY – CHALLENGES AND OPPORTUNITIES**

**A Discussion Paper on Human Rights Work
in the West Bank and Gaza Strip**

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Foreword

A brief introduction to the Friedrich Ebert Foundation

The Friedrich Ebert Foundation (FES) was established in 1925 as a political legacy of Friedrich Ebert, Germany's first democratically elected president. As a non-profit public interest institution, the foundation is committed to the ideas and principles of social democracy.

International cooperation connects the Friedrich Ebert Foundation with partners in more than 100 countries all over the world. In most of these countries, the foundation has established offices and its representatives work to promote democracy, sustainable development and international understanding. The work of the FES aims at facilitating participation, pluralism, rule of law, social justice and non-violent conflict resolution in different countries. Equal rights between men and women and advancement of human rights in general are especially important within our work.

The Foundation's offices in the Palestinian Autonomous Territories and in Israel work towards contributing to the attainment of a peace agreement between Israel and the Palestinians as well as striving toward a comprehensive security arrangement between Israel, the Arab world, Turkey and Iran. In concrete terms, the FES supports the democratic and peace-promoting political forces and actors with their difficult tasks in both the Palestinian Autonomous Territories and Israel. An example of this is the Foundation's organization of political platforms in which creative approaches to solutions for the Middle East conflict and political intervention strategies can be discussed. The FES thereby furthers dialogue between Europe, Germany and the crisis region regarding central questions of political transformation.

The main focus in the Palestinian Autonomous Territories is promoting the building of political institutions and parties for a future democratic Palestinian state. Preconditions for this include a certain political stability, a vital civil society and economic development.

We hope that the present report, "Defending human rights in the Occupied Palestinian Territory – challenges and opportunities" will help to focus attention on the brave and important work of Palestinian human rights defenders, and also encourage new thinking about the role of human rights in the OPT at this very difficult juncture.

Knut Dethlefsen
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1. INTRODUCTION

This paper was written for the Friedrich Ebert Foundation (FES) by Iain Guest, a consultant who visited the Occupied Palestinian Territory (OPT) between October 31 and December 4 2006 at the request of FES.¹ The consultant was asked to review human rights work in the OPT, and provide advice on the Foundation's own program.

The paper is written at a time of deep peril for the Palestinian people. Government in the OPT has effectively collapsed following the parliamentary election victory by Hamas in January 2006. Violent confrontations between militia loyal to Hamas and Fatah, the two largest Palestinian political factions, have brought the OPT close to civil war. Mahmoud Abbas, the Palestinian President, has called for new elections, but this has been rejected by Hamas as tantamount to a coup and a repudiation of its January election victory.

The year-long internal political crisis has been exacerbated by the actions of Israel, which has withheld over \$600 million of tax revenues from the Palestinian Authority (PA), arrested over 30 Hamas members of parliament and ministers, and intensified the siege of the West Bank.

Western governments have added to the pressure by withholding funds from all PA ministries in an effort to force Hamas to recognize Israel, renounce terrorism and acknowledge past agreements. During most of 2006, public sector employees exerted more pressure on the PA by declaring a strike in the public sector which closed down ministries in the West Bank.

The result has been an unprecedented humanitarian crisis, with over 70% of all Palestinians now living below the poverty line. Yet the international community is unwilling to do more than provide an emergency safety net in the form of partial support for PA employees (through the Temporary International Mechanism) and social support for refugees, through the UN Relief Works Agency (UNRWA).

As a result, the political crisis is deepening. The best that can be hoped for is a Palestinian government of national unity, comprised of technocrats. That prospect will remain remote as long as the violence continues.

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Against such a background, some will see human rights as something of an afterthought. But others would draw exactly the opposite conclusion: at a time when the rule of law is under siege, human rights offer Palestinians a strong and clear moral code. This is about how people live together and manage their lives, not academic conventions.

¹ Iain Guest is founder of the Advocacy Project (www.advocacynet.org) and an adjunct professor at Georgetown University, where he teaches human rights.

Palestinians are fortunate to have one of the strongest and most professional human rights sectors in the Middle East. In terms of numbers the sector is small. Of the 2,531 nongovernmental organizations registered with the PA, less than 40 probably fit the conventional profile of professional human rights monitors.² But their impact is great, and they are highly respected abroad.

After the past year they are also under enormous pressure following a dramatic change in the human rights landscape. This mission identified seven specific challenges:

The lack of a peace process. Peace is the best guarantor of human rights, but the official dialogue between Israel and the Palestinians came to a halt following Hamas' election victory. In addition, Palestinians are disillusioned with the current peace model, which is based on the Oslo Accords. The Accords made no reference to international human rights law, which may explain why the last decade has been so violent and abusive. In addition, Oslo divided the West Bank into three separate categories of land (A, B and C). The lack of contiguity between the regions in area A, which is under Palestinian control, has allowed Israel to impose closure and siege. For many Palestinians, Oslo has become an instrument of oppression.

Palestinian and Israeli human rights groups will play a key role in ensuring that human rights is central to any new peace initiative. The lack of official contact between Israel and the Palestinians also underscores the importance of cooperation between human rights groups on both sides.

Intensification of war and occupation. The war intensified dangerously in 2006, leading to wide-spread abuses against civilians on both sides and exhibiting a disregard for basic principles of human rights. Hamas militia fired hundreds of Kassam rockets at civilian targets in Israel, while the Israeli Defense Force (IDF) returned to the policy of incursions, mass arrests, extrajudicial killings, and the use of lethal force against noncombatants.

This resulted in a succession of deadly incidents, including the killing of 19 civilians at Beit Hanoun (Gaza) in November. 61 Palestinian children were killed in a four-month period in 2006 – more than any other period during the second *intifada*. The Israeli siege has also tightened considerably throughout 2006. According to the UN, there were 528 checkpoints and other physical obstacles to free movement in the West Bank as of September 20, 2006. This represented a 40% increase over 2005.³

Israel's policy of "closure," and the spread of settlements, have divided the OPT into several separate areas. Once the Israeli Separation Barrier is completed, this

² One 2004 mapping mission, commissioned by five Western governments, sent out a questionnaire to 71 Palestinian and Israeli organizations "active in human rights, good governance and public participation." The mission met with 31 Palestinian NGOs. ("Mapping of Palestinian, Israeli and International human rights, good governance, and public participation non-government organizations relating to the Occupied Palestinian Territories," by Chris Sidoti and Fadia Daibes-Murad, November 5, 2004. Page 5).

³ The UN Office for the Coordination of Humanitarian Affairs (UNOCHA).

fragmentation could become irreversible, ruling out any chance of a viable, unified, Palestinian state. The fragmentation of the OPT will also force communities to fall back on their own resources and develop local solutions to human rights challenges.

In a larger sense, this mission was told repeatedly that Israel has no interest in the welfare of Palestinians or in seeing a democratic state in Palestine. Palestinians are convinced that Israel views them solely as a demographic and security threat.

Political crisis. The collapse of government in the Palestinian Territory and the confrontation between Hamas and Fatah have created an exceptionally difficult environment for human rights work. In the first place, the abuse and violence of recent months is difficult to define in human rights terms and dangerous to monitor, particularly in Gaza. Second, it is clearly unreasonable to ask human rights monitors to moderate the actions of armed militia, which act with total impunity. Finally, the absence of a functioning police and legal system has left human rights groups dangerously exposed. Yet the effort must be made if human rights is to remain credible.

There is, in addition, a deep ideological rift between human rights organizations and Hamas over the very nature of international human rights, particularly when it comes to women's rights. Hamas has described human rights as a "Western" concept, and refused to recognize the PA's endorsement of international human rights treaties.

European donors. After years of supporting the PA institutions, European governments are withholding funds from the PA in an effort to force Hamas to recognize Israel. This represents an abrupt change of strategy by Europe, and has profound implications for human rights. Some Western governments are looking to NGOs to spend funds that were previously allocated to the PA. But donors are so unpopular in the OPT that this could easily backfire.

Complex emergency. The combination of occupation, siege and political upheaval has produced a crisis of enormous complexity. All agree that it calls for more monitoring and protection. But the sheer magnitude of the crisis and the multiplicity of violations, leave them unsure about how to start.

Cynicism and skepticism: After a year of Israeli incursions, targeted assassinations, poverty and international isolation, Palestinians are increasingly skeptical about the value and purpose of human rights. The decision by Western governments to insist on elections and then reject the result has created further cynicism.

One group of students at Bir Zeit University put the following question to this mission: what is gained by adhering to international standards and by insisting – for example – on gender equality at a time when the nation is under siege? This, they suggested, is a luxury. Moreover, holding the Palestinian authorities accountable for violations at a time when the PNA is under siege undermines the ability of Palestinians to survive. One student even suggested "suspending" human rights until a Palestinian state can be established.

Civil society in general – and human rights NGOs in particular - lack credibility among Palestinians: As noted earlier, professional Palestinian human rights groups that emerged during the Oslo years have an excellent international reputation. But they are not necessarily appreciated within the OPT. This mission heard them described as “elitist,” “overpaid,” “tools of Western donors,” “detached from society” and out of touch with the needs of ordinary Palestinians. These charges are particularly serious at a time when so many Palestinians are under pressure. Many NGOs interviewed for this report agreed that they lack - and need - a domestic constituency.

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How should human rights groups respond to these many and varied challenges?

The question was put by this mission to over 60 people and focus groups in the West Bank and Gaza Strip. This report summarizes their response. It does not offer a comprehensive solution, and many of the ideas need further review and follow-up. The intention is to encourage debate.

While the report does address some controversial issues, including the internal management of NGOs, it is certainly not intended to add to the pressure on NGOs. Palestinian human rights NGOs are performing an essential task with great dedication and bravery. (This consultant has visited the OPT regularly since the start of the *intifada* and repeatedly praised the bravery and independence of civil society).⁴

But the report does reflect a consensus among those interviewed that there is a need for new thinking and a change of emphasis. This paper is offered in this spirit.

The broad conclusion is that human rights organizations and their donors should focus more on the promotion of human rights, and on restoring faith in the core values of human rights, inside Palestine. This is particularly important at a time when Palestinians are at the mercy of their own security forces and militia.

Looking ahead, whatever political solution emerges from the current crisis, and whatever the shape of a future Palestinian state, it will have to be founded on principles of law, respect for people, and social justice. Oslo has shown that this may not come about through international intervention. The initiative will have to come from Palestinians themselves. Worried by the collapse of law and order, many would probably be receptive.

This is not a call to stop lobbying for an end to Israeli occupation. More than anything else, occupation is responsible for the crisis in the OPT, and international pressure remains the best hope of raising the Israeli siege. But the occupation is now extensively monitored, and the Palestinian case is well understood at the international level and within the United Nations.

⁴ See, for example, “Palestine under Occupation,” an AdvocacyNet series (2001) http://www.advocacynet.org/news_view/news_vol_16.html

The point is that there is an equally pressing task within the OPT - to convince Palestinians that human rights has a place in their lives and that any future Palestinian state must be built on democratic principles. By democratic is meant the way people work together and take collective action.

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There is much to work with. The last fifteen years has produced a deep commitment to human rights among Palestinians, and a devotion to democracy that manifests itself in the smallest collective endeavor. This is a source of pride to most Palestinians. Indeed, while Western donors reacted harshly to the election victory of Hamas, Palestinians (including those who voted against Hamas) felt vindicated at having held three fair elections (Presidential, local and parliamentary) in two years.

In particular, this research found many positive and encouraging developments in communities, and a strong interest in what can broadly be described as “rights-based community development.” Community initiatives have emerged throughout the OPT, often in response to the Israeli siege. Many use a rights-based approach to solving local problems.

This suggests that human rights are still relevant and valued. It also points to a new role for mainstream Palestinian human rights organizations. In addition to monitoring Israeli practices, these “professional” NGOs should develop alliances with community-based defenders initiatives, help them to provide their services from a rights-based perspective, and disseminate their message out to the world. This would allow NGOs to build respect for human rights at the grassroots and develop their own constituency among Palestinians, without compromising their essential role as professional monitors.

A mission of this kind would require imagination from Western donors, who have generously supported human rights work in the OPT for the past decade. Working more in communities will require donors will need to broaden their horizons, adjust their lending procedures, and relax their reporting requirements.

There is also an exciting new role here for international agencies, NGOs, international civil society and even trade unions. All have a role to play in reminding Palestinians that human rights has a central role to play in their lives.

While this report argues the case for human rights, human rights can never substitute for political action. Israel must be made to understand that its policies are creating violence and lawlessness in the OPT – and this is a task for politicians. Inside Palestine, the current crisis can only be resolved by restoring the rule of law and democratic government. This, too, is a political challenge. Human rights work can never substitute for the rule of law, but it can build respect for the principle.

2. CONCLUSIONS AND RECOMMENDATIONS

LEGITIMACY AND CREDIBILITY

Palestinian civil society is viewed as detached and elitist by many Palestinians, and this has affected the credibility of human rights work in the OPT. While the criticism is not necessarily fair or accurate, human rights groups themselves agree that they are too detached from ordinary life in the communities.

Human rights NGOs can best address this concern by developing alliances with community-based defenders. In addition, many NGOs could make more effective use of their assemblies, which offer them a chance to recruit members from communities and build their legitimacy. They should also commission surveys to gauge public opinion, and use the results in promotional and advocacy campaigns. Such surveys are used by Israeli human rights organizations and show consistent support in Israel for defending Palestinian rights. This helps to legitimize what would otherwise be unpopular work.

A RIGHTS-BASED APPROACH TO A COMPLEX EMERGENCY

The crisis in the OPT is a complex mixture of political, security, economic, humanitarian and even environmental problems which do not easily lend themselves to conventional human rights monitoring. While human rights cannot resolve the crisis, it can help to ensure that aid reaches those most in need and avoids discrimination.

All aspects of the crisis should be monitored from a rights-based perspective, with the needs of the vulnerable considered as a priority. This approach should be applied from top to bottom - from the way international aid is distributed, to the way tax revenues are spent in villages. The task should not be reserved for “professional” human rights organizations. Anyone who sees their work in terms of social justice should be viewed as a “human rights defender,” even if they do not explicitly use the “discourse” of international human rights.

THE IMPACT OF OCCUPATION ON HUMAN RIGHTS DEFENSE

Israeli occupation poses the greatest threat to human rights in the OPT. While there has been a dramatic fall in the number of suicide attacks on Israel, the Israeli government is exploiting security concerns to squeeze Palestinians into ever-tightening areas, consolidate settlements on the West Bank, expel Palestinians from East Jerusalem, and seize Palestinian land. This process is relentless, and will likely only be halted by diplomatic pressure. Israeli pressure has also contributed to the current lawlessness in the OPT, by targeting the Palestinian police, destroying Palestinian prisons and impeding the activities of judges.

Israeli pressure is also discouraging human rights monitoring by Palestinians. Several Palestinian human rights NGOs are being forced to move from East Jerusalem. NGO officials are prevented from traveling abroad. Foreign volunteers are being refused visas. Two NGO staff officials are currently in “administrative detention” in Israel.

Such practices are being challenged by international NGOs (INGOs), which are lobbying their governments to intervene with Israel on behalf of Palestinian partners, campaigning against visa restrictions on foreign volunteers, and promoting the use of special ID cards for human rights defenders. These initiatives deserve support. Governments should also promote European human rights instruments, like the EU Guidelines on Human Rights Defenders and the Neighborhood Policy, on their websites and in projects. Palestinian defenders should be encouraged to use and operationalize these important instruments.

There is another side to occupation, which receives less attention. However burdensome, the Israeli siege is unintentionally helping to build support for human rights in Palestinian communities, by leading to the creation of social capital. Several projects visited by this research started in response to the siege (encroachment by the Israeli Separation Barrier, family members in detention, the loss of land, the high price of transport etc). People have responded to these challenges by working together, and in so doing helped to build social capital. More often than not, this evolves into rights-based work.

MONITORING PALESTINIAN VIOLATIONS IN THE OPT

In spite of the pressure they are under, ordinary Palestinians have not resorted to widespread violence and abuse, as some had feared. This indicates a high degree of social cohesion in the OPT, and a basic respect for the rule of law.

These core values are clearly threatened by the current political crisis and violence. Human rights monitors face three distinct problems in monitoring this crisis. The first is accountability - it is hard to hold government accountable if government is not functioning. Second, monitors lack a partner in government - it is hard to lobby for greater legal protection when ministries are closed and parliament is barely meeting. Third, security - monitors are expected to pursue abuses by militia and death squads, without support from the police and judicial system.

In spite of these difficulties, the effort is made by such NGOs as the Palestinian Center for Human Rights (PCHR) and the Palestinian Independent Commission for Citizen’s Rights (PICCR). This adds to the credibility of NGOs, and of human rights in general.

In terms of accountability, there is much about the current lawlessness that should be viewed through the prism of human rights. This includes threats against freedom of speech, attacks against women under the guise of religion, religious intolerance, intimidation against suspected collaborators, and honor killings. To the extent that such abuses are sanctioned by an authority, they qualify as human rights violations. They are

also reflective of another major human rights problem, namely the lack of protection afforded to ordinary Palestinians.

Human rights workers still have a partner in government, even though ministries were closed on the West Bank through much of 2006. The Palestinian Legislative Council (PLC) still meets in Gaza, and parliamentary committees continue to work. Committees such as the PLC Committee on Oversight and Human Rights in Gaza and the PLC Legal Committee in Ramallah offer human rights advocates a forum that could be exploited more energetically.

Ultimately the solution lies in restoring the legal system and providing Palestinians with basic security. To this end, Israel should ease travel restrictions on Palestinian judges, and restrain from attacking Palestinian police and prisons.

HAMAS AND THE STRUGGLE TO PROTECT WOMEN'S RIGHTS

The Palestinian women's movement is one of the most effective in the Arab world. Over the past fifteen years, advocates for women's rights have made huge strides, particularly in the area of political participation. This has produced a Women's Ministry within the Palestinian National Authority, and a quota for women in local and parliamentary elections.

These and other successes are now challenged by Hamas, which insists on a strict interpretation of Islamic law and maintains that women do not have rights independently of the family and society. This has put Palestinian feminists on the defensive, and halted discussion of a new family law that would raise the age of marriage, end polygamy and strengthen a woman's right to equal inheritance. If Hamas gains the upper hand in this confrontation, it could further undermine support for human rights among Palestinians.

Palestinian society is increasingly conservative and this adversely affects women's rights. But the idea of "women's empowerment" also has significance in a crisis which has severely affected women, and there is growing demand for services from women. This is a strong argument for mapping women's civil society in communities and for investing in community-based projects for women, such as health clinics, legal aid, computer centers, handicrafts and gardening. It is essential that such projects are initiated by the women and are not imposed.

POLITICAL NEUTRALITY AND THE MOVEMENT FOR INDEPENDENT TRADE UNIONS

To be credible, human rights monitoring should not take a political position. But this is hard to reconcile with the fact that many Palestinian human rights NGOs emerged from political parties, and see themselves as "catalysts." This implies a political role. The more neutral they are, the more detached NGOs become from Palestinian society.

The challenge facing NGOs is to combine political neutrality with greater engagement in the lives of Palestinians. Some prominent NGO leaders have responded by entering parliament while continuing to run human rights organizations, but this has compromised their credibility as human rights defenders.

One possible solution is suggested by Palestinian workers. Official Palestinian trade unions are openly political in that they are affiliated to the Palestine Liberation Organization and consistently put their political interests before the interest of workers. But their indifference to the needs of their members has encouraged the emergence of independent workers' associations, which are promoting democracy on the shop floor. In Gaza, this mission met with three groups of unemployed workers in Gaza who went on strike after working for months without pay. They were assisted by the Democracy and Workers Rights Center (DWRC), a professional NGO. Such strikes have meant more hardship for ordinary Palestinians, but the popular reaction was sympathy not criticism – suggesting a deep commitment to fairness and basic rights.

The work of the DWRC in supporting independent unions shows how professional human rights NGOs can defend rights, remain politically neutral while challenging the political status quo, and also gain credibility in communities. The movement for independent unions is growing, and some feel that it holds out the best hope for reforming Palestinian trade unions. DWRC is even seeking to export the model to neighboring Arab countries, although it receives little international support for this important work. European and North American unions, governments and international organizations, should review this policy and support the movement for independent unions as a matter of urgency.

UNDERSTANDING HUMAN RIGHTS WORK IN COMMUNITIES

As noted above, there is wide agreement that human rights groups and their donors need to engage more with Palestinians and work in communities, but little sense of how this can be done.

One way would be to better understand the strengths and needs of community-based associations that are working for social justice in the villages. These have been ignored by traditional human rights “mapping,” which tends to focus on professional, urban-based organizations. Yet visits to southern Gaza, the northern West Bank, Hebron and the Jordan Valley found several community-based associations that are mobilizing volunteers and using a rights-based approach to provide services.

These initiatives are defending human rights, even if they do not always invoke the formal “discourse” of human rights treaties. They also offer the best chance of promoting human rights at the grassroots. Any mapping will find that they are strong in motivation, personal contacts and volunteerism, which are not the qualities normally associated with professional human rights work. At the same time, community-based associations have major weaknesses, and need outside support – for example in reaching a wider audience. They are also constantly evolving as institutions, from associations into organizations.

Understanding this process is the first, essential, step towards building support for human rights at the community level. Future mapping should expand the definition of “human rights defenders,” define a “rights-based approach,” and develop a methodology for understanding community-based human rights advocacy.

HUMAN RIGHTS NGOS AS “INTERMEDIARIES”

The best way for professional NGOs and their donors to engage with ordinary Palestinians is not to provide services themselves, but to help community-based defenders to use a rights-based approach in providing services. This role is best described as that of an “intermediary.” It could include channeling small grants from donors.

A role of this kind may require that professional NGOs develop skills that are not normally associated with human rights work. They particularly need information and communications technology (ICT) skills. Many mainstream Palestinian human rights NGOs do not understand the value of websites in promoting human rights, and fail to update their sites. This is a failure of priorities, not a shortage of funding.

Knowledge of ICT is arguably more valuable for human rights defense than knowledge of UN conventions, and donors should help their grantees to strengthen ICT skills. This should not necessarily be contracted out to private IT companies, which are often unreliable. Donors might, however, consider partnering with private associations like the Palestinian Information Technology Association (PITA), which has provided pro bono website support for NGOs.

Professional human rights NGOs should also focus less on international advocacy, and more on promoting human rights inside the OPT. They should maintain Arab language websites and work more with the local media, particularly radio, newspapers and the Internet. Studies show that over a third of all Palestinians use the Internet. ICT could be a powerful tool for human rights advocacy.

MONEY AND MANAGEMENT

The credibility of Palestinian NGOs has suffered from the perception that they pay high salaries, have an inside track to donor funding, and live extravagant lifestyles. This widens the gap with ordinary Palestinians.

In fact, NGOs salaries do not seem to be excessively generous and compare with senior levels of the PA. The real problem is any perceptions of extravagance will be resented while so many Palestinians are living in poverty. **Given this, NGOs would be advised to be more pro-active and even “go public” about their finances. At the very least, they could publish the audited accounts which are produced for their donors, and internal evaluations. They might also consider volunteering information about salary levels on their websites.**

Human rights NGOs have been under pressure over their management of funds since the collapse of the organization LAW in 2003. Following this scandal, many donors demanded more internal safeguards and more administration. While understandable, this has led them to favor the more “professional” organizations. This widens the gap between urban and rural human rights work and penalizes community-based work. It also implies that NGO malpractice is best dealt with by internal management, even through the LAW scandal also highlighted the importance of oversight from independent trustees.

If NGOs are to help community-base partners to manage funds and implement projects, their own management capacity will need to be strengthened. This will require more funding in the form of program support, as opposed to project funding. (See below)

GOVERNANCE

NGOs that register under Palestinian law are required to elect assemblies and boards of trustees. This is intended to address some of the issues raised earlier, and help NGOs become more credible in the eyes of Palestinian society. But assemblies also provide NGOs with an obvious way of recruiting from communities while also improving internal accountability and building their legitimacy.

Surprisingly few human rights groups take advantage of the opportunity. Assemblies tend to be small (between 20 and 30 on average). Of the NGOs interviewed for this report, only two recruit from among their beneficiaries, and some even use their own staff to swell their membership. The election of boards is haphazard and often left to NGO directors. Very few NGOs see the value of investing in their boards and assemblies.

Finally, some leading human rights organizations NGOs have declined to register under the NGO Law, on the grounds that registration is managed by the Ministry of the Interior. This is understandable, but relieves them of the obligation to have independent boards and gives the unfortunate impression that they are indifferent to accountability.

The Hamas government has taken NGO registration seriously and is trying to weed out bogus organizations (“*dakakin*” or shops). Donors should do what they can to support such efforts. Donors should also help their NGO grantees to better exploit their instruments of governance (for example, in drawing up criteria for membership of assemblies). They should support the efforts of such NGOs as PNGO, Aman and Mu’assasat, which are all promoting NGO governance. Any new NGO code of conduct should be vigorously and widely promoted among Palestinians as well as NGOs, to maximize its credibility and impact.

STAFFING

Many Palestinian human rights NGOs are led by prominent individuals with strong personalities who have considerable standing in their own community and internationally. These individuals bring prestige and funds to their organizations, and it is

hard to imagine Palestinian human rights without them. But this mission was also told repeatedly that many human rights leaders also find it hard to step aside. This makes it harder to introduce fresh blood into their organizations and can impede the development of internal rules and transparency.

This is a familiar predicament for NGOs, but it is not hard to find a role for experienced and committed NGO directors once they step aside from the day-to-day task of management. **This is a role for the board of trustees. NGOs might even consider setting “term limits” for directors.**

This mission also heard that foreign interns provide important support for Palestinian human rights organizations. Their recruitment, however, has been greatly impeded by the worsening security and by Israeli visa restrictions. In addition, interns require mentoring, and this can put a strain on smaller community-based groups. Interns tend to gravitate towards larger organizations which can enrich their education, which tends to widen the gap between small and large NGOs.

Much could be done to change this. Some international NGOs have negotiated arrangements with Israel to recruit interns on behalf of Palestinian partners for periods of up to 2 years, and this approach could be encouraged and even funded by Western governments. The UN Development Program could consider recruiting human rights specialists through its successful UN Volunteers program. Larger NGOs, which receive more applications than they can use, could share applications with smaller NGOs. Donors could provide funds to help community-based organizations recruit and employ foreign interns.

COORDINATION

With 2,531 Palestinian NGOs registered in the West Bank and Gaza, there is much competition for donor funding. This is particularly true of human rights work and underlines the need for coordination. In June 2006, donors created an informal policy forum on human rights, which is now open to NGOs, and the organization Mu’assasat issues policy papers for the whole sector. But there is, at present, no sector-wide coordination for human rights NGOs. As a result, human rights several Palestinian NGOs are reviving a coordinating council that lapsed in the 1990s.

There are important lessons to be learned from past and current efforts at coordination:

- **Successful coordination is based on the self-interest of those participating and will only happen when the cost of co-ordination is outweighed by the benefits. Coordination should address practical issues and not attempt to coordinate for its own sake**
- **The new NGO coordinating council would be advised not to seek donor funding. This would put the council at the mercy of the donors’ agenda**

- **The council’s agenda should be broad. In particular, it should encourage an expansive definition of “defenders” and engage directly with smaller, community-based groups that are committed to a rights-based approach.**

DONORS

Western governments provide most of the funds for human rights work in the OPT and have extraordinary power to mold the sector, but this power is not always been exercised responsibly or with a larger strategic purpose. This report lists eleven ways in which donors are criticized by Palestinians.

The key question for this mission was how donors can be encouraged to invest more in community-based human rights advocacy. While most donors understand the need, they continue to be drawn to high-profile, urban-based professional organizations that have a strong track record and demonstrate a clear return on their investment. There is also an obvious tension between trying to decentralize funds on the one hand, and keeping tight control on how the money is used on the other.

Some recent developments have undoubtedly improved the quality of aid to Palestinian NGOs. Some European governments favor working together in consortia, which make it possible for them to provide sustained and coordinated support over a long period of time to a single organization, and also develop a true partnership with the grantee rather than impose an agenda. But this may actually not discourage human rights work in communities, because consortia tend to benefit larger and more professional NGO and so contribute to greater concentration in the human rights sector.

Project funding represents another obstacle to strengthening support community-based human rights work. This mission concluded that project funding weakens the ability of professional NGOs to support the work of community advocates in four ways:

- Projects are short-term, which means that they cannot support sustained programs by NGOs
- Projects seek to produce deliverables and outputs (in the form of trainings, reports and conferences) that may reassure the donor’s domestic audience, but often do not address the most important needs in communities
- Project funding does not support recurrent costs, such as salaries, which are needed to build the capacity of NGOs in such areas as IT and management
- Projects create burdensome reporting obligations. (One mid-level NGO interviewed for this report was required to produce 33 separate reports in 2006).

If donors are to support community-based human rights work, they should provide “professional” human rights NGOs with sustained program funding that will strengthen the NGOs’ ability to support community initiatives. Where possible,

donors should create inclusive consortia with all mid-level NGOs that are networks and whose members have extensive community contacts.⁵

Community-based initiatives will continue to work through projects, and this will require small grants and project funding at the community-level. But this money should be channeled by professional NGOs and be viewed rather like venture capital – an investment in human rights that will produce a return that cannot be measured just in outputs. It also makes little sense to expect a strict accounting for how such small grants are spent. Donors and NGOs should also invest in strengthening the institutional capacity of community-based initiatives.

An approach of this kind would require donors to review their own internal expertise and capacity. For example, few if any Western governments have information specialists in their own delegations. This makes it hard for them to understand the value of information and make the case for ICT support.

Finally, donor governments should not forget the political dimension of their role in Palestine. They should understand that they are blamed for contributing to the crisis by withholding funds from the PA and by not pressing Israel to ease the siege. This crisis will be solved through a political solution, not funding civil society.

INTERNATIONAL ALLIES – THE UN, INGOS AND TRADE UNIONS

This mission did not have time to do justice to the important work of the United Nations in the OPT, but it did receive information and suggestions which bear on the central theme of this report.

The United Nations has supported Palestinians since the Six Day War in 1967, and provided Palestinian human rights advocates with an international platform. This has helped to shape human rights advocacy in the OPT and explains why so many human rights NGOs have a strong international focus.

While Palestinian human rights groups view the UN as a valuable ally, they also fault the UN for a failure to provide better protection to Palestinian civilians in the conflict. The UN's political bodies have also failed to find a political solution to the crisis. Instead, they define the crisis as a "humanitarian emergency" and rely on specialized agencies to cushion Palestinians against the impact of the Israeli siege.

These UN agencies do important and difficult work, and were it not for their efforts the impact of the crisis would be infinitely more serious. Many agencies also deliver services from a rights-based perspective, which allows them to focus on the needs of the vulnerable and even criticize Israeli occupation without taking a political position. Some, like the UN's Office for the Coordination of Humanitarian Affairs (UNOCHA), which

⁵ By "inclusive" is meant consortia which allow other donors to participate. Some consortia insist that the grantee drop long-standing relationships with other donors.

uses satellite mapping to pinpoint the presence of Israeli roadblocks, have been innovative and bold.

But UN agencies working in the OPT are still focused largely on the direct or indirect impact of Israeli occupation, rather than the challenge of promoting human rights within the OPT. For example, the office of the UN High Commissioner for Human Rights (OHCHR) sees its role as coordinating among other UN agencies and familiarizing Palestinians with UN human rights procedures. The International Labor Organization (ILO) continues to support the highly politicized official trade unions.

There is much that these and other UN bodies could do under their “rights-based” mandates to support the exciting movement for human rights that is emerging in communities and among Palestinian workers. UNIFEM deserves special praise for its support of community-based women’s initiatives.

It is also important to remember that even a rights-based approach cannot substitute for a political solution, and that the root causes of this crisis are continuing occupation, lawlessness and political stalemate in the OPT. These represent a failure of political will on the part of the international community, and require political intervention by the UN. UN support for the aid embargo is particularly difficult to comprehend.

International NGOs (INGOS) provide valuable support for Palestinian human rights work. Their own work is broadly supportive of a rights-based approach and working in communities. They also seek to develop long-term partnerships, and are less interested than governments in imposing an agenda. This comprehensive and integrated approach makes INGOs essential partners in the human rights endeavor.

International Trade Unions could play a much more vigorous and constructive role in helping Palestinian trade unions to become more democratic and representative of the needs of workers. Most North American and European unions support the pro-Fatah unions, and show little interest in using workers’ rights as a democratizing force in Palestine and neighboring Arab countries.

European and North American unions can help Palestinian unions find a better balance between supporting the political system and remaining politically independent. They can also provide technical assistance to help unions to become more democratic and representative. One way is to work through professional NGOs that work with independent unions and workers’ committees, such as the Democracy and Workers Rights Center (DWRC). Countries like Germany, where the Social Democratic Party is close to unions, could be particularly helpful.

COOPERATION BETWEEN ISRAELI AND PALESTINIAN HUMAN RIGHTS GROUPS

A small but growing number of Israeli organizations work to defend Palestinian rights. Some are monitoring Israeli practices and occupation, while others have taken up related issues, such as the right of Palestinian refugees to return to pre-1948 homes. Many of these organizations work with Palestinians. Such cooperation is made possible by the fact that human rights offers a “universal language” which applies on all sides of a conflict.

This mission heard of many inspiring examples of cooperation between Palestinians and Israelis. In some cases, it may be functional. For example, Israeli lawyers can help Palestinian organizations appeal to Israel courts, which they cannot otherwise do directly. Cooperation also occurs when both sides work together on an issue of common interest (the Israeli Separation Barrier; family reunification; visas; torture, women’s rights, workers’ rights; the right of return for Palestinian refugees, etc). Palestinian and Israeli groups have even tried to work together on retrieving the bodies of dead suicide bombers.

These cooperative efforts deserve admiration and also support, but donors should resist the temptation to fund “people to people” projects, which encourage Israelis and Palestinians to work together for its own sake. The people to people model has been broadly rejected by both sides in favor of separate but parallel cooperation.

The work of Israeli human rights activists on behalf of Palestinians is particularly important during the current crisis. The work was described by one Israeli human rights advocate as “endless catch-up” – a thankless and stop-gap response to relentless Israeli pressure and new restrictions. In addition, monitoring by Israeli organizations is not always appreciated by Palestinians, who sometimes feel that it serves to “legitimize” the Israeli siege and the decisions of the Israeli Supreme Court.

This is mistaken. Israelis who monitor Israeli practices in the OPT and advocate for the rule of law in the OPT, are performing a vital and indispensably function. While their immediate goal is to remind Israelis that Palestinians have rights and that Israel has obligations, they also make the point that there will be no security for Israel if the rule of law is not respected in the OPT. It is impossible to exaggerate the importance of this message. There will be no resolution to the current crisis without a profound change of heart by Israel.

3. LEGITIMACY AND CREDIBILITY

Some Palestinian civil society organizations are viewed as detached and elitist by many Palestinians, and this has affected the credibility of human rights work in the OPT. While the criticism is not necessarily fair or accurate, many human rights groups themselves agree that the problem needs to be addressed. This mission was strongly encouraged to propose solutions.

The broad charge is not new. It goes back to the years following the first *intifada* (1987-1991) when civil society organizations severed their ties with community-based popular committees and began the evolution into professional, independent organizations.

This process was encouraged by donors, but it provoked hostility from the Palestinian Authority, which was competing with NGOs for the same funds. Ordinary Palestinians were encouraged to view NGOs as “*dakakin*” (shops) that existed mainly to collect donor money. Human rights NGOs were singled out for special criticism by the PA because they saw fit to challenge many of the PA’s practices, particularly detention without trial.

Civil society’s stock rose during the second *intifada*, when NGOs performed bravely and provided many essential services. But there remained an undercurrent of skepticism among Palestinians. A 2004 public opinion survey by the Bir Zeit University Development Studies Program found that public trust in NGOs and charitable organizations fell from 53% to 47% between 2002 and 2004.⁶ People interviewed for this report agreed that the level of disdain has grown in 2006. One report, commissioned for the World Bank, contains three pages of detailed and sweeping criticism of civil society.⁷

As a general point, the credibility of a human rights organization is linked to whether or not it meets its goals. This is a strong argument for professionalism, and NGOs should certainly not pander to public opinion. Effective human rights work often involves taking an unpopular position. The real problem comes if the mission itself lacks popular support, and if the organization lacks legitimacy. The Ramallah-based organization Mu’assasat points out that professional organizations NGOs do not derive their legitimacy from a constituency or the public.⁸

One way to improve legitimacy is suggested by the law governing NGO registration. Under the law, NGOs are required to have elected assemblies. Many NGOs keep their assemblies small, but assemblies are a way for NGOs to recruit members from the general public and build a local constituency.

⁶ Palestine Human Development Report (2004), page 105

<http://www.undp.ps/en/newsroom/publications/pdf/other/phdr2004.pdf>

⁷ “Proposed Strategy for the Development of the Palestinian NGO Sector” by Danilo Songco, Dr. Khalil Nijem, and Dr. Majed El Ferra, September 2006, pages 15-18.

⁸ “Issues and Challenges regarding the Palestinian HR/GG Sector”

<http://www.muassasat.ps/etemplate.php?id=43>

NGOs can also strengthen their legitimacy by more clearly identifying their stakeholders within Palestinian society (for example among beneficiaries). Most of the groups interviewed for this report see their primary stakeholders as being their donors. This perpetuates the idea that legitimacy comes from outside Palestinian society, which may further weaken their credibility at home.

As they build their credibility with Palestinians, NGOs might also want to commission public opinion surveys. During the past six years, only two polls have been conducted on how the Palestinian public views civil society, in 2003 and 2004, and these were inconclusive.⁹ Until they test public opinion, NGOs will never really get a true sense of their credibility and - importantly - whether Palestinians would approve of more emphasis on human rights within the OPT.

This contrasts with Israel, where surveys are commonly used by Israeli human rights groups to gauge the level of support among Israelis. The results have been unexpected and encouraging. B'Tselem, the Israeli monitoring organization, has found that a third of those canvassed consistently support B'Tselem's efforts to monitor Israeli practices in the OPT.¹⁰ This helps to build legitimacy for what would otherwise be unpopular work.

4. A RIGHTS-BASED APPROACH TO A COMPLEX EMERGENCY

The crisis in the OPT is a classic complex emergency – an overlapping and interlinked mixture of political, security, economic, humanitarian and even environmental crises. It is hard, in such a crisis, to disentangle human rights and ascribe responsibility – a key component of human rights monitoring. The task is made even more difficult by the fact that the crisis has caused widespread poverty, and affected so many social, economic and cultural rights. These are, by their very nature, harder to monitor and enforce.

In spite of this, it is essential to understand the crisis from a human rights perspective, because the abuses are so extreme and pervasive. A crisis of this magnitude creates so many vulnerable groups that need protection.

A rights-based approach seeks to avoid discrimination in the way services are provided and insists on fairness and equity. This begins at the international level. It is, for example, heartening that the UN system has adopted a rights-based approach in the latest (2007) consolidated appeal, at the suggestion of the office of the UN High Commissioner for Human Rights.¹¹ While couched in the language of humanitarianism, the appeal holds Israel accountable for the impact of the siege and seeks to ensure that UN projects focus on the needs of the vulnerable.

⁹ Palestine Human Development Report (2004), page 105.

¹⁰ “Challenges Facing Israeli human rights organizations” by Jessica Montell, Director B'Tselem. Prepared for a September 21, 2006 meeting, organized by Mu'assasat <http://www.muassasat.ps/pdfs/Microsoft%20Word%20-%20Jessica%20Presentation%2021.9.06.pdf>

¹¹ The appeal seeks \$454 million for 2007. http://www.ochaopt.org/documents/CAP_2007_oPt_VOL1.pdf

But the same logic dictates that the boycott of the PA by Western donors should also be viewed from a rights-based perspective. The boycott has a severe impact on human rights because it so clearly prevents Palestinians from enjoying their social and economic rights, and also results in widespread discrimination. (In one example, children of rich families were able to go to school during the recent strike because private schools stayed open.)

The impact of the donor boycott has received insufficient attention, although the boycott was criticized by Paul Hunt, the UN Special Rapporteur on the right to health.¹² Eight Israeli human rights organizations issued a joint statement on November 16, 2006 which expressed concern at the humanitarian crisis in Gaza, and concluded that Israel should take prime responsibility..¹³

Many other aspects of international aid could benefit from a rights-based analysis. The office of President Mahmoud Abbas receives large amounts of money from donors, which is not subject to public scrutiny. The same might also be said of the Temporary International Mechanism (TIM), an emergency project of the European Union which pays 40% of the salaries of 40,000 PA employees – a quarter of the entire PA workforce – in an effort to soften the impact of the aid boycott.¹⁴ There is no TIM website.

A rights-based approach looks at the way budgets are allocated - even if budgets have been reduced or may not even exist. Although the PA did not present a budget in 2006, it did collect tax revenues and pay out money. Local government, too, has continued to function. As this research found, badly needed revenues are sometimes allocated locally for political reasons and not on the basis of need.¹⁵

A rights-based approach helps to ensure that those most in need are reached. One such category is the elderly, whose traditional safety net - the extended family - is being weakened by smaller families, migration, and divorce. The Health Work Committees, a Palestinian NGO that provides health services, is one group to focus on the needs of the elderly. The Committees' new strategic plan will also introduce rights into its daily work – for example, by respecting the right to privacy of patients in emergency care.

A rights-based approach is particularly important at the level of communities. This mission found many examples.¹⁶ The broad goal should be to introduce such an approach into all aspects of this emergency.

¹² In a June 22, 2006 statement.

¹³ The statement can be found at

http://www.btselem.org/English/Gaza_Strip/20061116_Brief_on_Gaza.asp

¹⁴ The Temporary International Mechanism (TIM) was set up for an initial period of three months by the EU on June 16, 2006, and extended for a further three months on September 20, 2006. It pays partial salaries to 40,000 PA employees and an allowance to 73,000 poor families.

¹⁵ During a visit to three villages in the Jordan Valley this mission found that the poorest and most isolated village - Al Malih – receives 4,000 shekels a year from the Palestinian government. When he complained, the mayor was told that his village had no services, and so needed little support. In contrast, the village of Aqrabaniyeh receives 15,000 shekels a year, even though it is close to urban centers and lies on a main road.

¹⁶ a) Until recently, the village of Jayyuz, in the West Bank, had two computer centers, which were only used by men. Three women in the village decided this was discriminatory, and used this in seeking a

Professional human rights NGOs have the primary responsibility, given their expertise, but the task should not be limited to professional organizations. It should particularly involve community-based associations and even individuals. indeed, anyone who sees their work in terms of social justice is applying a rights-based approach even if they do not explicitly use the “discourse” of international human rights.

This broad definition of a “human rights defender” is consistent with international instruments, such as the 1998 UN Declaration on defenders.¹⁷ In 2004, the European Union also adopted guidelines on human rights defenders that adopted the same broad definition.¹⁸

5. THE IMPACT OF OCCUPATION ON HUMAN RIGHTS DEFENSE

This research did not set out to monitor Israeli occupation, because that would duplicate the excellent work of others. Instead, it sought to understand how occupation affects the promotion and protection of human rights within the OPT.

Some objected to this very goal, and warned that it would take the pressure off Israel. Ending the occupation, they argued, is the first and necessary pre-condition for any improvement in human rights within the OPT. Others warned against suggesting that criticism of Israel could be balanced against criticism of Palestinians. There is, they said, no “equivalence” between occupation on the one hand and abuses by Palestinians on the other. Any attempt to create such a balance is itself politically motivated.

In the view of this mission, it is not a question of choosing one against the other, because human rights in the Territory – and the findings of this research - can only be understood in the context of the Israeli siege. The following observations are drawn from interviews with Israeli and Palestinian human rights monitors.

The impact of closure. There is consensus that the Israeli policy of “closure” is responsible for the humanitarian crisis and has been made easier by the Oslo

sponsor for a new computer center for women; b) the organization Atfaluna, which provides services for deaf children in Gaza, found that deaf teenagers often suffer from isolation in their own family because family members do not take the trouble to learn sign language. This, to Atfaluna, is discriminatory – even if the organization does not explicitly present it this way; c) in the village of Bidya, the organization Women for Life is encouraging Palestinian women to produce handicrafts and selling them to a Fair Trade outlet in Tulkarm. The very concept of “fair trade” is rights-based.

¹⁷ The text of the UN Declaration can be found at <http://www.ohchr.org/english/issues/defenders/declaration.htm>. In a commentary on the declaration, the office of the UN High Commissioner for Human Rights observes: “human rights defenders can be any person or group of persons working to promote human rights, ranging from intergovernmental organizations based in the world’s largest cities to individuals working within their local communities..... Human rights defenders are identified above all by what they do.”

¹⁸ The EU guidelines can be found at <http://ue.eu.int/uedocs/cmsUpload/GuidelinesDefenders.pdf>

arrangements. Oslo divided OPT into three areas (A, B and C). This allows the IDF to close off villages, towns and regions at will. This researcher passed through 17 checkpoints in one day, all but two of which were aimed at slowing movement within the West Bank. As of September 2006, there were 528 obstacles to free movement in the West Bank.¹⁹ Eight Israeli organizations warned recently that Israel is applying so much pressure to Gaza, with such a devastating humanitarian impact, that it remains the occupying power.²⁰

The Israeli siege amounts to a broad, systematic and sustained assault on Palestinian civilians that is disproportionate to any security threat and a clear violation of international law. This is not to suggest that security is of little consequence – and the number of suicide attacks on Israeli fell dramatically during 2006. Nor is it to diminish in any way the gravity of rocket attacks against Israel. As the UN High Commissioner for Human Rights recently pointed out on a November visit to Israel, attacks on Israeli citizens are to be deplored like any attacks on non-combatants.²¹

But it has become impossible for Israel to justify closure on security alone. This is shown by the Israeli Separation Barrier. Instead of following the Green Line (the 1967 line of disengagement) the Barrier attempts to seize Palestinian land, create a new border between Israel and any new Palestinian state, and open up space for future settlements – without regard for the impact on Palestinians.

There are now over 250,000 settlers living on the West Bank. According to the Israeli group Peace Now, 40% are on private Palestinian land. UNOCHA estimates that 5% of those living on the West Bank have been forced to move by the Separation Barrier and that 10% of all West Bank land is affected. Palestinian farmers who have land on the “wrong” side of the Barrier are issued permits to use their land, only to find that permits are hard to get and the available time limited to as little as one hour. One UN official predicted that Israel will eventually invoke Ottoman law to claim ownership of the land on the grounds that it is unused.

The Israeli Supreme Court has developed a methodology for weighing up the impact of the Barrier on Palestinians against the security concerns of Israeli settlements, and come down clearly on the side of settlements.²²

One feature of the Barrier rarely receives coverage. However dire its impact, the Barrier is also forcing local communities to rise to the challenge. In Jayyuz, a small village that has lost over 90% of its land to the Separation Barrier, many people find the system of permits so onerous that they are giving up hope of retrieving their land. They have taken their case to the international community, and even appeared before the International

¹⁹ UN Office for the Coordination of Humanitarian Affairs (UNOCHA) www.ochaopt.org

²⁰ Above, note 12.

²¹ “Standing up for the Victims.” Interview with Louise Arbour, the UN High Commissioner for Human Rights, Jerusalem Post, November 30, 2006.

²² In one decision, taken on November 26, 2006, the Israeli Supreme Court authorized a route for the Separation Barrier that will surround five villages in the Bir Naballah, with a population of 20,000.

Court of Justice in The Hague. But they are also exploring alternatives. This research met with three women who have formed a local group that has started a computer center, a home gardening cooperative, and a kindergarten. The group now has 33 members.²³

This mission heard of several cases where the Israeli siege has spurred self-help initiatives. This is not to explain or excuse the siege – simply to say that the consequences of such pressure can be unexpected and even inspiring.

Freedom of movement and human rights monitoring. Israel has been repeatedly criticized by international human rights experts for restricting the activities of defenders in the OPT, and denying them contact with the international community.²⁴ This trend appears to be on the increase. More and more organizations are being forced to move from East Jerusalem by the presence of the Separation Barrier and the gradual withdrawal of work permits for their staff. The Israeli authorities routinely deny entry to foreigners working with human rights organizations. It is also becoming harder to secure an extension of tourist visas beyond the initial 3-month period.

Several officials working for human rights organizations have been barred from leaving the country, for no specified reason.²⁵ Palestinians are routinely refused permission to attend conferences, no matter how neutral the subject matter. In one example, the Gaza Community Mental Health Program was forced to pull out of one project with the American University in Cairo to support mental health initiatives in Iraq, because its officials were denied permission to leave the OPT.

Many organizations with offices in Gaza and the West Bank have been cut in two since the outbreak of the second *intifada* in 2000, and have to make do with telephones, email, or the occasional video conference link (at a cost of \$75 an hour).

The most serious development is the detention of human rights field workers. As of writing, two NGO human rights field workers, Ziad Hmeidan and Ahmad Abu Haniyeh are in administrative detention.²⁶ Both men have been accused in vague terms of a

²³ This mission found many such examples. In the West Bank village of Bidya, three women friends began to coordinate demonstrations against the Separation Barrier after the Barrier cut through their property. This has evolved into a successful initiative (Women for Life) which markets handicrafts for women and provides legal aid against domestic violence. On the other side of the West Bank, shepherds from Atuf, a small community in the Jordan Valley, are prevented from using traditional grazing land by the IDF. Several shepherds have formed a cooperative to cut the cost of fuel and share transport to markets.

²⁴ One 2004 report, by the Euro-Mediterranean Human Rights Network, accused Israel of “initiating a de facto policy of trying to isolate local Palestinian civil society from the international scene.” (“Tightened Spaces for Human Rights,” March 2004). In her March 2006 report to the UN Human Rights Council, the UN’s Special Representative on human rights defenders, Hina Jilani, expressed “deep concern” at the way Palestinian defenders were being “targeted.”

²⁵ Dr. Majed Nassar, from the Health Work Committees has been refused permission to leave the OPT since 2001, without explanation. His appeal was rejected by the Israeli Supreme Court.

²⁶ Ziad Hmeidan is a field worker for Al Haq, the Palestinian monitoring organization. Ahmad Abu Haniyeh heads the youth program of the Alternative Information Service, a joint-Palestinian-Israeli news service.

connection to “terrorism,” but administrative detention means that they were not allowed to hear the charges against them, or see the evidence.

These two field workers are among over 700 Palestinians currently in administrative detention. Last March, the UN’s Special Representative on human rights defenders, Hina Jilani, stated that “administrative detention is being used as a means to deter defenders from carrying out their human rights activities” and that field workers had been particularly targeted. This is impossible to confirm or deny, because administrative detention is never explained by Israel. But the absence of such an explanation is taken as further proof that Israel has no interest in encouraging the promotion of human rights and democracy within the OPT.

The growing number of restrictions against defenders is meeting with international opposition. A loose coalition of individuals has launched a new campaign for the right of entry/re-entry into the Occupied Palestinian Territory and posted a website which profiles recent examples.²⁷

One Irish organization, Frontline, is promoting the idea of an ID card for human rights defenders. This idea met with a mixed response from Palestinian field workers interviewed for this report. Some felt it could be useful, but others worried that it would appear to give them privileges which ordinary Palestinians do not have. One field worker for the Palestinian Center for Human Rights in Beit Hanoun in northern Gaza, where 19 Palestinians were killed during a November incursion by the IDF, doubted whether Israeli tanks would respect a card that is issued in Ireland. Yet he did feel such a card would be useful in helping him to navigate through Palestinian roadblocks.

All agreed that the growing restrictions on human rights defenders calls for an energetic and coordinated response from donors. Some donors are sympathetic. After the detention of Mr. Hmeidan, who works with the organization Al Haq, several donors met and formed a human rights coordinating forum that now meets every month.

The Dutch government, which provides funds for Al Haq, requested permission from Israel for Dutch diplomats to attend Mr. Hmeidan’s military hearing. But the Dutch embassy in Tel Aviv was less responsive to a plea from the Alternative Information Center (AIC) on behalf of its detained field worker, Mr. Abu Haniyeh. The embassy argued that because the AIC is not a professional human rights monitoring organization, Mr. Haniyeh is not a human rights defender.

This restrictive view is sharply at odds with the expansive definition of defenders proposed earlier in this report. It also contrasts with the EU’s guidelines on human rights defenders and with the views of the UN’s Special Representative on defenders.²⁸ ICCO, a

²⁷ www.righttoenter.org.

²⁸ In her March 10, 2006 report to the UN, the Special Representative, Hina Jilani, describes Rachel Corrie, a volunteer with the International Solidarity Movement (ISM) who was crushed by an Israeli bulldozer in southern Gaza, as an “international human rights defender.” Ms. Corrie was part of an ISM team that was using non violent resistance to stop the bulldozing of Palestinian houses.

Dutch organization that funds the AIC, has protested to the Dutch government. ICCO has also joined with two other Dutch NGOs to use the EU guidelines in pushing the Dutch government to support human rights defenders globally.²⁹

Many wish that European governments which are committed to human rights, would take a bolder stance in confronting Israel. Diplomats explain that this is complicated by the fact that diplomatic missions in Ramallah deal with the Palestinian Authority, not the Israeli government, while embassies in Tel Aviv tend to be much more sympathetic to the Israeli perspective. It also seems that the further away from the region the less pressure there is on Israel. In one example, several NGOs expressed alarm that the EU in Brussels has dropped a human rights component from the Neighborhood Policy agreement between the EU and Israel, apparently in response to pressure from Israel.³⁰

At the very least, EU governments that work in the OPT could do more to highlight the essential and important work done by defenders, and promote the EU guidelines on defenders on websites and in human rights education projects. They should also press Israel to respect and support the important role of Palestinian monitors.

Many people interviewed for this report offered a bleak assessment of Israel's overall view of Palestinian democracy. They said that Israel sees Palestinians solely in terms of a security and demographic threat, and has no interest in nurturing a peaceful and democratic neighbor. The Israeli government did nothing to counter this harsh judgment during this mission.

But Israel's unrelenting policy towards Palestinians also underlines the essential role played by Israeli human rights defenders who take up the case of Palestinians. These groups serve as a reminder to the Israeli public of their obligations and provide much practical support to Palestinian defenders. This is looked at below in section 17.

6. MONITORING PALESTINIAN ABUSE IN THE OPT

The current crisis of violence and lawlessness in the OPT is the inevitable culmination of six years of war and political upheaval. It is also the strongest possible argument for focusing more on human rights work inside the West Bank and Gaza.

The crisis began in January, 2006 when Hamas won 76 of the 132 seats on the Palestinian Legislative Council (PLC) in elections. The new Hamas government faced immediate hostility from inside and outside the country. Israel withheld VAT revenues (worth some \$55 million a month) which it collects on Palestinian exports. Western donors decided to suspend direct support of PA ministries. Together, these two sources accounted for 75% of the PA's budget.

²⁹ The organizations are Novib and Cordaid.

³⁰ Launched in 2004, the EU's Neighborhood Policy is intended to strengthen ties with non-EU neighbors. Action plans are developed for each country and jointly monitored by the EU and local government.

On June 29, following a violent clash with Hamas forces in Gaza, Israel began to detain elected Hamas officials on the West Bank, including a third of the cabinet ministers. A week later, Israeli forces detained the PLC speaker (Dr Aziz Dweik) and deputy speaker. This removed most of Hamas' more moderate legislators and also robbed the PLC and PLC committees of a quorum. As of writing, 28 MPs and five ministers remain in detention.

On August 23, after three months of working without pay, public sector workers went on strike in protest. The strike quickly fizzled in Gaza (where many workers are pro-Hamas and were unwilling to bring down the government) but was completely successful on the West Bank, where most workers support Fatah. Education workers decided to return to work in early December, and there are reports of an agreement in the health ministry as well.

This succession of events has had three major consequences for human rights. First, it has led to an upsurge of abuse that is hard to categorize in conventional human rights terms, and difficult to monitor. Second, it has deprived human rights organizations of an authority that they can hold accountable for abuse. Third it means there is no obvious government partner that can work with the human rights community to advance a broad human rights agenda.

Monitoring the PA. It has never been easy to hold Palestinian officials responsible for human rights abuses, even when the PA has been able to act like a normal government.

There are, to start with, legal obstacles. The PA is not a sovereign government and so has not ratified international treaties. In spite of this, Article 3 of the Palestinian Basic Law (the equivalent of a Palestinian constitution) commits the PA to upholding international standards. This was used by human rights groups to hold the PA accountable for a wide range of abuses during the Oslo years. Human rights agencies were particularly critical of the PA's use of detention and torture. Many Hamas leaders were detained without trial during the Oslo years.

The criticism was deeply resented by the PA, which even resorted to arrest and intimidation to silence its critics. Eyad Serraj, one of the leading advocates in Gaza and the director of the Gaza Community Mental Health Program (GCMHP), was so badly tortured by PA officials that he required extensive treatment in Europe.

The task of monitoring abuse by the PA was greatly impeded during the second *intifada*, not least because Israel's repeated attacks on Palestinian police and prisons made it so difficult for the PA to practice routine abuse like torture.³¹ It was during this time that the different Palestinian security forces took advantage of the collapse of the legal system and achieved the state of semi-independence that they enjoy today.

The situation improved in 2005, following the election of Mahmoud Abbas as President. Several ministries, including the Ministry of Interior, set up mechanisms to hear

³¹ This point was made by the National Association for Democracy and Law, in Rafah.

complaints against their officials. President Abbas also responded to several recommendations from the Palestinian Independent Commission for Citizen's Rights (PICCR), which serves as an ombudsman and an important check on government abuse. But most initiatives were put on hold following the Hamas election victory.

The past year has seen a steady increase in incidents which are deeply alarming, but also difficult to categorize as conventional human rights abuses. This mission heard of six different types of abuse:

* **Political chaos and violence.** According to the PICCR, 332 Palestinians died violently in the OPT in the first eleven months of 2006 - a 100% increase over 2005 (176). Most of the victims were from Gaza (236). According to the Commission, 41 of the murders were politically motivated and 88 were due to "clan feuds."

Most of the current violence in Gaza is caused by two large militia connected to the political factions - the Executive Forces, which report to Hamas and operate under the Ministry of the Interior, and the Preventive Security Forces, which are controlled by Fatah. Fatah also controls the police and several other security forces, one of which is held responsible for the recent spate of kidnapping of foreigners.

* **Social intolerance.** The last few weeks have seen a succession of abusive and violent incidents that seem to reflect the growing conservatism of Palestinian society, particularly in Gaza. On December 3, 2006, a group calling itself the "Swords of Islam" issued a warning to women in the Gaza Strip to wear the *hijab* (head covering) and claimed responsibility for 12 recent attacks against women using Internet cafés. The group claimed to have thrown acid at one young woman who was dressed "immodestly" in central Gaza. Hamas officials denied connection to the group, but this research heard that Islamic clergymen have issued warnings in mosques that women should not be allowed to visit internet cafes, on the grounds that they peddle pornography.

* **Attacks against freedom of speech and religion.** Six churches were attacked in the OPT following the widely publicized speech by the Pope on September 12, in which he appeared to describe Islam as a violent religion. In one recent incident, a bomb was placed outside the home of Majdi Arabeed, a prominent journalist who owns and directs an independent radio station (Voice of Freedom).

* **Honor killings and collaborators.** The Independent Commission also reported 14 "honor killings" in the first eleven months of 2006, (against 17 during the whole of 2005). These are acts of murder against female family members who are suspected of offending strict sexual mores. There are also regular reports of Palestinians being detained by militia on suspicion of collaboration with Israel. The PCHR followed up on around 20 cases in northern Gaza in 2006. (One PCHR field worker said that Hamas is noticeably more lenient with suspected collaborators and their families than Fatah when it was in power.)

* **Traditional Justice.** In the absence of a civilian police and courts, Palestinians are increasingly turning to religious and tribal courts (*Lejan Al Islah*) for justice. These use conflict resolution to deal with crimes, but like many indigenous justice systems also carry the risk of abuse. For example, punishment is likely to be meted out against entire families instead of individual perpetrators. One human rights official said this form of traditional justice cannot be reformed or influenced by conventional human rights monitoring. The only solution, he said is to restore respect for the legal system.

The abuses listed here present obvious challenges for human rights monitors. For example, it is often hard to identify those responsible and discern a pattern of official involvement, which is a pre-requisite for human rights monitoring. While the violence in Gaza is deplorable and illegal, there is also no evidence of any policy to target civilians. Earlier in 2006, the Palestinian Center for Human Rights in Gaza began monitoring “Security Chaos and Arms Proliferation” – a neutral description that allows it to record the violence without ascribing government responsibility.

This leaves some unsatisfied because the security forces are so clearly associated with political factions and – in the case of the Executive Forces – with the Hamas government. Dr Feisal Abushahla, a member of parliament and head of the PLC Oversight and Human Rights Committee in Gaza, described the militia as “death squads.” Others point out that Palestinians have long been at the mercy of security forces that were meant to protect them. In 2005 alone, the PICCR received complaints against six separate security forces. Many concerned beatings and torture.³²

Of all Palestinian groups, the PICCR has the clearest mandate to address such abuses.³³ In addition to protecting civil and political rights, the PICCR also monitors adherence to a series of social and economic rights – health, housing, education – which are taken directly from the Universal Declaration of Human Rights and found in the Palestinian Basic Law. This “rights-based” approach is set out in the PICCR’s annual reports. For example in 2005, the PICCR lobbied hard to implement the “right to housing” in accordance with article 17 of the Basic law, which requires the PA to “secure housing for those without shelter.” It achieved a major success when President Abbas was persuaded to cancel special privileges that allowed government officials to receive state land – a privilege that the PICCR considered discriminatory and unfair.³⁴

The PICCR’s reports make a strong case for the argument set out earlier in this report – that a rights-based approach is particularly important at a time of crisis. But the PICCR is also cautious in its approach. Unlike conventional human rights monitoring

³² “The Status of Palestinian Citizens’ Rights During 2005” (PICCR), page 14. The forces were: Preventive Security, Public Intelligence, Military Intelligence, Police, Military Prosecution, and Presidential Guard.

³³ Set up in 1993, the PICCR has field offices in six towns and is supervised by a board of 16 prominent Palestinians who meet once a year. It receives support from several Western donors who consider its work to fall under their human rights portfolio. The PICCR acts on the basis of complaints “related to human rights violations and assaults on public freedoms that were either committed by civil institutions or by the various security agencies.” During 2005 it received 734 complaints and followed up on 671. 438 were resolved. By June 2006, it had received 450 new complaints.

³⁴ “The Status of Palestinian Citizens’ Rights During 2005” (PICCR), page 40.

organizations, the PICCR is required to exhaust all remedies before going public. Even then, there are limits to how much information can be disclosed. While the PICCR claims that over 60% of the complaints are resolved, most are relatively uncontroversial.

Government as a partner. The PICCR's form of "quiet diplomacy" may or may not be more socially acceptable to Palestinians than forthright denunciations, but its effectiveness rests entirely on its ability to lobby the Palestinian authorities. This has been seriously tested by the virtual collapse of the PA during 2006.

This research heard many times that the lack of a functioning government has deprived human rights monitors of a government partner that they can lobby and work with. The PLC transferred only one law to the President during 2006. No new laws were enacted.

Looked at more closely, it is not quite so clear cut. Parliament meets regularly in Gaza and several important government committees continue to review draft laws, notably on family law and trade unions. Even on the West Bank, several parliamentary committees (on Jerusalem, legal issues, and social affairs etc) continue to meet. PLC members are also active individually.

At least some of the political "paralysis" has been deliberately caused by the political parties. The problem began in early 2006, when Hamas dismissed senior civil servants who were associated with its political rival, Fatah, and replaced them with Hamas supporters who had no experience of management or administration. This was a recipe for instant chaos.

This mission was also told that Fatah and Hamas are "selective" about the committees that they attend, and that this – even more than the arrest of Hamas PLC members or the strike – has prevented the PLC committees from being more effective. Dr Feisal Abushahla, the head of the PLC Committee on Oversight and Human Rights in Gaza, complained that the Hamas Minister of Interior has repeatedly refused to appear before his committee. Rawia Shawa, an independent PLC member, complained that Fatah had boycotted PLC committees and that Hamas has refused a compromise proposal on quorum aimed at offsetting the impact of arrested Hamas MPs.

This suggests that human rights monitors still have vestiges of government with which they can work. Al Haq has worked with the PLC's Legal committee in the West Bank. During 2006, President Abbas proposed eight amendments to existing laws, which was viewed by human rights groups as unconstitutional. After intense lobbying from Al Haq, the President took back or delayed three of the amendments.

This brief review of the human rights challenge in the OPT underscores the immense difficulties of monitoring in the middle of a major crisis. Yet the effort must be made, if human rights monitoring is to remain credible and if Palestinians are to retain any confidence in the rule of law. In spite of their skepticism about human rights and NGOs, Palestinians may be inclined to listen as their state moves closer to outright civil war. In addition, Palestinians interviewed for this report repeatedly expressed support for social

justice, and agreed that vulnerable groups need more, not less protection, at a time of social stress and fragmentation. This is the essence of the human rights endeavor.

At the same time, it is important that human rights groups are not asked to carry the burden alone. This is partly a matter of security. Human rights monitoring is dangerous enough, even when it can rely on a functioning police for support. In the absence of a police or judicial system, it is perilous indeed. Nor can human rights monitoring substitute for a political solution. The best and indeed only solution is to restore the judicial system and respect for the rule of law.

Finally, there is, as always, the Israel context. One recent EU analysis of human rights in the OPT concluded that Israel's policy of targeting Palestinian jails and police stations has contributed to the absence of due process.

7. HAMAS AND THE CONFRONTATION OVER WOMEN'S RIGHTS

The Hamas government and the women's movement are locked in an ideological and strategic struggle over women's rights which has major implications for Palestinian women and for human rights. This will play out whether or not Hamas retains control of the government. Some fear that it could reverse years of steady progress in advancing women's rights and further undermine support for international human rights within Palestinian society.

Women played an active role in communities during the first *intifada* (1987-1991) but in support of the national struggle, not women's rights. Following the *intifada*, they began to focus more on the role of women within Palestinian society and on gaining a voice within the political system. They successfully lobbied Yasser Arafat for a role at the Madrid peace conference (1991) and mounted a sustained campaign for political and social rights during the Oslo years. This resulted in the creation of a Women's Ministry (2004) and a quota for women in the local and parliamentary elections (2004-2005). There are, at present, 532 women serving on municipal councils throughout the OPT, including 3 women mayors.³⁵

In spite of these achievements, several key demands were unmet by the time Hamas won power in early 2006. Most are in the area of family and social law – such as inheritance, divorce, the age of marriage, and polygamy. Under the current system, family law in Gaza and the West Bank is a mixture of regulations inherited from past occupying powers and enforced by religious courts. Muslims are governed by Islamic law (*sha'aria*) and Islamic courts. In practice, this means that girls can marry at 16 in Gaza and 15 in the West Bank, that a man can marry up to four wives, and that women are only entitled to half the inheritance of their brothers. Disputes are resolved by local Imams.

³⁵ Figures from Rose Shomali, Director of the Women's Affairs Technical Committee (WATC).

During the 1990s, women's rights activists pressed for a unified family law that would raise the age of marriage and provide greater legal protection for women. Many of their ideas were adopted by a conservative legal scholar who was asked by President Arafat to develop a draft. The draft was presented to the PLC last year, but has remained stalled during the current political crisis.

The secular women's movement was thrown onto the defensive by the Hamas victory. Soon after the election, in February, a delegation met with Dr. Aziz Dweik, the Hamas president of the PLC, and issued an open letter demanding that the quota for women be increased to 30% in future elections.

At present neither Hamas nor the women's movement are forcing the issue, but both agree that it will come to a head at some stage. After slowly building up its strength in communities, Hamas is now using its political power to openly advance an Islamic agenda, particularly in social affairs. Senior civil servants were dismissed from the Education and Women's ministries, and religious teaching has been increased in schools. The Hamas-appointed Women's Minister, Maryam Mahmoud Hussein Salah, has emerged as a forceful critic of human rights and dismissed women's rights as "western."

In interviews with this mission, several Hamas members of parliament and supporters set out a vision of women's rights that is fundamentally different from that of the secular women's movement. Islam, they said, holds that women do not have an absolute right to equal treatment, protection, or political participation. While women have rights, they do so as part of the family, not as women.

At the same time, Hamas has worked within the system and made several concessions to pragmatism and the fact that a large number of women who voted for its members of parliament. For example, Hamas has supported the establishment of shelters for victims of violence and raised no objections to women working and earning a living. Hamas has also argued strongly for social protection – but for the whole family, not just women. This strikes a chord at a time of national crisis and siege and there is broad consensus that Palestinian society is growing more conservative under the impact of the Israeli siege. Hamas and Fatah are largely in agreement on women's issues and this has forced defenders of traditional women's rights further on to the defensive.

The confrontation is notable for the lack of dialogue. Huda Naim, a Hamas MP, complained that the secular women's movement had declined invitations to appear before PLC committees. Women leaders replied that Hamas is not interested in a dialogue and that its basic argument – that rights come from God – does not admit of any refutation.

Meanwhile, the struggle over competing values is being played out communities, where Hamas is vying with other political factions for hearts and minds. It is here in the communities, and in the delivery of badly-needed services, that defenders of human rights might be best advised to concentrate their efforts. This research found that there is growing demand from women in villages for more legal protection in all of the key areas - divorce, inheritance rights, custody over children, employment and political

participation. The organization Women For Life, in the town of Bidya, received over 100 complaints in 2006 alleging domestic violence – far more than it had expected. There is growing demand for ICT training, and several community-based associations have opened computer centers for women only.

The municipal and parliamentary elections have also generated great confidence among the women who were elected, and started a process of emancipation that can only grow. During one focus group meeting with elected women councilors in Tulkarm, this mission was told that councilors quickly moved past the first awkward stage of working with men and are now carving out roles on councils that reflect their own interests and skills. They are also focused more on representing their women constituents. More and more women councilors have broken with their political parties and are taking an independent line.

These trends hold out promise. They also suggest that the campaign for women’s rights may be easier to sustain in the communities that at the level of parliament and in cities.

8. POLITICAL NEUTRALITY–THE RISE OF INDEPENDENT TRADE UNIONS

It is an article of faith that credible and effective human rights monitoring requires political neutrality and a strict separation from any political agenda. This was strongly affirmed by all those interviewed for this report. It is particularly important, said many, because the Palestinian factions – which evolved into political parties during the Oslo years – are widely seen as ideological, resistant to change and corrupt.

In spite of this, it is not easy for human rights organizations to remain politically detached. Many emerged from left-wing political factions after the first *intifada* (1987 – 1991) and their members retain strong political ties to these factions. Palestine is a highly political society and individuals who go into human rights are committed and political.

In addition, many human rights groups see themselves as agents of change and “catalysts,” which implies a political role. They know that while political detachment might improve their credibility abroad, it will also take them further from the grassroots and communities. All are aware that Hamas owes its success to the way it has cultivated contacts in communities.

The question, then, is how to combine political independence with greater engagement in the every day lives of Palestinians. Is it possible to be part of a deeply political society and serve as a catalyst for political change, yet remain politically detached?

Different NGOs have tried different ways of resolving this dilemma. PNGO, the Palestinian NGO network, has tried to broaden its membership by including organizations that are openly associated with political parties (including Fatah and Hamas). But PNGO also requires that they do not discriminate in favor of party members in providing services.

More controversially, several prominent human rights activists have stood for parliament in the PLC elections. Some were elected and continue to serve in parliament while at the same time running human rights organizations. While their aim may be laudable - to break the mold of the political factions and build a more just Palestinian society - this was sharply criticized by Palestinians interviewed for this report.

Independent Trade Unions. A more credible approach is suggested by a campaign for workers rights that is gathering pace throughout the OPT. At first sight, this exemplifies the contradiction noted at the outset of this paper. How, for example, is it possible to advocate for the right to strike when unemployment is running at over 35% and over 70% of all Palestinians are living below the poverty level?³⁶ Is not exercising the right to strike adding to the woes of ordinary Palestinians - and driving a further wedge between Palestinians and human rights defenders?

This research found the reverse to be true. The main reason is the ineffectiveness and politicization of the mainstream trade unions, particularly the Palestinian General Federation of Trade Unions (PGFTU), which claims to represent over 250,000 workers

The PGFTU is a political organization. It has been a part of the PLO and associated with the Fatah faction ever since being established in 1991. The PGFTU is also widely viewed as undemocratic and unaccountable. It has not held elections for several years, its accounts are not transparent, and it has failed to stand up for the rights of workers that were not members of Fatah.³⁷ Forced to choose between loyalty to Fatah and defending the rights of its members, the PGFTU has consistently chosen the former. The only service it offers to members is health insurance, and even this has been sharply curtailed by the Hamas government.

The inability of the PGFTU to represent its members during the past six years of crisis has opened the way to other, newer, unions that are claiming rights and advancing respect for the broad principle of human rights. This has been accentuated by changes in the economy, and the emergence of powerful new sectors – particularly telecommunications and banking services – which do not owe allegiance to the PGFTU. It has also been spurred by the abrupt unemployment of tens of thousands of Palestinian workers who used to work in Israel before the second *intifada*.

Palestinian labor law allows one union for any profession. But any group of more than 25 workers can form a worker committee. The right to strike is also allowed, as long as the strikers inform management and suspend the strike during negotiations.

³⁶ From the UN Office of Coordination of Humanitarian Affairs (UNOCHA). The poverty level is set at \$2.7 a day.

³⁷ From an October 31, 2006 workshop at the Palestine Economic Policy Research Institute (MAS) and interviews with MAS officials. See also “Palestinian Trade Unions – an Overview” by the Friedrich Ebert Foundation, July 2006.

The strikers of Khan Younis. This mission met with three groups of workers in Khan Younis (Gaza), who have all exercised their rights in recent months. In each case the workers were supported by the Democracy and Workers Rights Center (DWRC), a Palestinian NGO which helped them to organize and provided basic training.

The mission met first with representatives of 4,200 workers who were hired to work in seven former Israeli settlements in Gaza after the Israelis withdrew in the summer of 2005. After five months of working for six days a week, they were told that their work days were being reduced. They then received no pay for three months and were abruptly fired. At this, the workers formed committees and began to mobilize in large numbers. Within three months, they had received their back pay. When they met this mission, they were planning to remain organized and present a united front to any new management.

The second group of workers formed a committee after their employer, the Khan Younis municipality, stopped paying wages. The municipality argued that the central government was not providing support as a result of the donor boycott and that local people were not paying their utility bills. But this was contradicted by several workers who were collecting local taxes and could see that municipality leaders were continuing to receive salaries, while they were expected to work without pay. The government conceded after five days and agreed to pay back wages.

The third successful workers initiative in Khan Younis affected the Palestinian Red Crescent which runs many of the health services in the Gaza Strip. Once again, the problem was triggered after the management stopped paying wages and once again, the reason given was a lack of funds.

On this occasion, the workers received support from the Health Services Union, which is a member of the PGFTU but had not previously managed to organize workers. The union spotted an opportunity and was happy to work with the DWRC to support the workers. The management quickly conceded, and signed a written agreement committing to pay back pay.

There were important similarities in each of these three cases. First, there was no popular backlash against the strikers, even though ordinary people were certainly inconvenienced. One reason was that the strikers were supporting large numbers of family members. Another reason was that in each case the management was perceived to have funds.³⁸ There was a basic unfairness about asking someone to work without pay – the reverse of “a rights-based approach.”

This move towards independent unions has also extended to unemployed people. This mission met with the leaders of several committees from the Unemployment Worker Federation in Hebron, which represent 25,000 unemployed workers who used to work in

³⁸ The assets of the Palestinian Investment Fund, which hired the 4,200 workers in the former Israeli settlements, were worth over a billion dollars at the time. The Khan Younis municipal government was also collecting tax revenues, even if on a diminished scale. The Red Crescent was also thought to have received support from abroad – even though such details were not shared with workers.

Israel. The committees are run entirely from contributions of members, and they use their connections and influence to find temporary work for its members.

How large is this movement for independent trade unions? According to the Democracy and Workers Rights Center, it comprises around 45,000 workers in secure, full-time employment, and another 25,000 who are unemployed or in part-time or construction work. The DWRC's goal, however, is not to replace or supplant the traditional unions, so much as to make them more democratic.

This worthy exercise in basic rights is even being exported to other Arab countries, which are considerably less democratic than the OPT. The DWRC has started an Arab branch of the International Federation of Workers Educational Associations (IFWEA) which now has affiliates in Tunisia, Jordan, Iraq, Lebanon, Morocco and Jordan. DWRC hopes to use the IFWEA to export democratic values to its Arab neighbors.

Inexplicably, this initiative has yet to receive support from donors or international trade unions. The ICFTU, AFL/CIO and International Labor Organization (ILO) all continue to support the PGFTU, in spite of its undemocratic and unrepresentative ways.

9. UNDERSTANDING HUMAN RIGHTS WORK IN COMMUNITIES

All of those interviewed for this report agreed that Palestinian human rights organizations need to engage more with communities, and the grassroots. At the same time, there is some confusion about how exactly this can be done. This report suggests that the answer is to be found in the communities. It is just a matter of looking.

There is surprisingly little research underway on community-based activities in the OPT. One reason is that NGOs prefer working near the centers of power, in Ramallah and Gaza City. Another is that the Israeli siege and restrictions on freedom of movement make it extremely difficult to travel out to communities. (The same restrictions tend not to apply to foreigners).

Traditional mapping has tended to define human rights organizations narrowly as professional monitoring organizations that work in cities. One 2004 mapping, undertaken for five European governments, broadened the definition from human rights to groups working on "good governance and public participation" but only met with groups in Ramallah, Jerusalem and Gaza City.³⁹ Many donors do not view NGOs that work on health and education as "human rights specialists," even if they are explicitly advocating a rights-based approach.

Mu'assasat, a Ramallah-based organization that manages grants for four European donors, is undertaking a new mapping exercise that draws on the applications of 56 organizations who have applied to it for funding. This will include networks and

³⁹ See note 2.

associations, some of which are not registered as NGOs, but otherwise uses conventional criteria.

This report not only argues for a broader and expansive definition of “human rights defenders,” but more emphasis on what makes human rights defense effective – in other words, more emphasis on the outcomes and less on the organizations.

Looked at this way, human rights defense in the OPT is vibrant, widespread and deeply rooted in communities. During field visits to Rafah, Khan Younis, Tulkarm, Hebron, Bidya, and the Jordan Valley, this mission encountered many community-based associations that are pursuing a rights-based approach and defending human rights in their villages. Their vigor and energy contrasts sharply with the conventional view of Palestinians as dejected, brow-beaten and prone to terrorism. They are indeed on the frontline for struggle for human rights.

A rough assessment of their strengths and weaknesses would suggest the following:

Strengths

- **Strong-willed and highly motivated leaders.** All of the initiatives visited are led by individuals with a strong personal commitment to rights.⁴⁰
- **Emerge from communities.** All of the initiatives formed in the communities, instead of responding to outsiders or donor funds.
- **Provide services and respond to the needs of communities, particularly in response to occupation.** As noted above, many of the most urgent needs in communities are linked directly to closure and its impacts (the Israeli Separation Barrier, the detention of prisoners, and the cost of transport).
- **Committed to a rights-based approach.** The degree to which community associations invoke human rights will vary. Some, like the National Association for Democracy and Law in Rafah have chosen an explicit human rights mission. But others are less explicit in the way they invoke human rights. The organization Atfaluna, which works for deaf children, uses hearing aids to “empower” the deaf and end discrimination against deaf people. This is a rights-based approach, even if it does not specifically invoke the draft UN Convention on the Rights of People with Disabilities.
- **Evolve from service providers into human rights advocates.** There is a natural progression from providing a service to understanding why the service is not more widely available to those who need it and - eventually - advocating for this right to be provided.
- **Rely on volunteers, but also need money.** All of the groups interviewed for this research rely heavily on volunteers. But money also goes a long way at the community level, and many community groups have a keener appreciation of the value of money than well-funded professional organizations.

⁴⁰ For example, the National Association for Democracy and Law, a voluntary human rights organization in Rafah, was launched in 2003 by 25 professionals at the urging of Ibrahim Muammar, who was jailed by the Israelis for much of the 1990s. This, he said, gave him a personal interest in human rights.

- **Have democratic structures and take membership seriously.** Community associations are aware of the value of elections, even as they depend heavily on individuals. Unlike large, professional organizations interviewed for this study, CBOs interviewed also keep meticulous account of member contributions.⁴¹
- **Use “downward networking”** within the community.⁴²
- **Evolve from voluntary associations into formal organizations and become increasingly professional.** This process is part of the natural cycle of civil society, and often begins when members of a collective action select roles that reflect their own skills.⁴³ Associations then seek legal status as a Community Based Organization (which requires affiliation with a Ministry) or an NGO (registered by the Interior Ministry).
- **Are sustainable.** Community initiatives tend to be sustainable because they are not dependent on donor funding, and because they have clear goals and strong motivation. This is of great importance to donors.
- **Work closely with local government.** Relations between community-based defenders and local government are often based more on cooperation than confrontation. Municipal councilors who were themselves elected in the local elections tend to be more receptive to human rights work, and more respectful of accountability, than those who were appointed.⁴⁴ The local elections of 2005 and 2006 have greatly strengthened democracy and human rights in communities.

Weaknesses

- **Depend on individuals**, particularly leaders who have difficulty in delegating.
- **Lack internal rules**, which can help associations to take advantage of motivated individuals without personalizing roles.
- **Lack professional skills and resources** - for example in ICT, management, and networking.
- **Lack contacts for “upward networking”** at the national, regional and even international levels.
- **Lack tools** (computers etc).
- **Lack funds.** Even groups which are committed to voluntarism require some core funding.

This is not a conventional human rights assessment, but it is the firm view of this mission that it begins to describe the human rights assets that exist in Palestinian communities and

⁴¹ During 2004 - its first year of work - the National Association for Democracy and Law in Rafah operated on a budget of 10,790 shekels, all of which came from its 52 members.

⁴² Women for Life in Bidya is coordinating a network of voluntary women’s organizations in 20 villages.

⁴³ One member of the striking workers’ committee in Khan Younis found he was skilled at working the media and became the strikers’ unofficial spokesman.

⁴⁴ This proved to be the case in the three villages visited in the Jordan Valley by this mission. The mayor of Atuf, Abdullah Busharat, who was elected in the 2005 municipal elections, has encouraged a women’s rights committee, headed by Amna Beni Odi. In the village of Aqrabaniyeh, Mayor Abu Awad (who was appointed by Yasser Arafat in 1998) expressed contempt for women’s rights.

should be better understood by donors and urban-based NGOs. It is hoped that this will be explored further by future mapping exercises.

10. HUMAN RIGHTS NGOS AS “INTERMEDIARIES”

As has been noted in this report, the human rights discourse in the OPT is dominated by professional organizations that work mainly in towns and do not see their legitimacy as deriving from a Palestinian constituency. They measure success not by popularity, or how they are viewed in communities, but by results. If they are able to achieve change in Palestinian communities, it is as “catalysts.” They place great store in their professionalism. Their primary mission is to expose the impact of Israeli occupation.

This model has served Palestinians well, and brought the Palestinian cause to the world, but many organizations interviewed for this report feel it needs to be reviewed. In particular, they are looking for a way to connect with the grassroots while remaining true to their calling.

How can professional organizations work more with communities? One way is to support the community associations that were described in the last section. NGOs thus become “intermediaries” between communities and the rest of the world. They can act as a mouthpiece, provide technical and other support, and help community-based defenders to formalize their commitment to human rights.

This is not a new, or radical, suggestion. The role has been described by Mu’assasat and is being performed by several groups interviewed for this paper:⁴⁵

- **The Women’s Center for Legal Aid and Counseling (WCLAC)** in Ramallah, is providing technical support for its community-based “sister” organization, Women for Life, in Bidya. WCLAC staff have helped develop a strategic plan, organize legal aid, develop proposals and manage accounts.
- **The Democracy and Workers Rights Center (DWRC)** in Gaza and West Bank, has helped striking workers in Khan Younis to organize and bargain with management, and encouraged the development of independent unions.
- **The Health Worker Committees (HWC)** in Ramallah provide mobile health clinics to isolated communities in the Jordan Valley. These have encouraged women to organize and understand their right to health, in return for receiving health care.

⁴⁵ In a September 21, 2006 report, Mu’assasat describes the role as follows: “Organizations see themselves as catalysts for change through the intermediary role they play between the general public and the grassroots or community based organizations.”

- **The Union of Palestinian Women’s Committees (UPWC)** in Ramallah helped a women’s group in Jayyuz to open a kindergarten school, organize home gardening and open a computer center – all under the general rubric of “women’s empowerment.”

These four NGOs have all followed roughly the same approach in working with community-based partners. First, they responded to a request from the community rather than take the initiative. This is essential, because initiatives that are imposed invariably turn out to be unsustainable. Second, they offered basic trainings to help community leaders gain confidence and manage people and projects. These trainings then became progressively more specialized, depending on need.⁴⁶ This shows how mainstream, urban-based NGOs can engage with communities and promote a rights-based approach without distorting their mission.

This role for NGOs raises many important questions and dilemmas:

Services: Should urban-based NGOs offer services in an effort to garner support in communities? Services are popular and bring NGOs into close contact with the grassroots. The temptation to offer services is perhaps greater in a humanitarian crisis when the community’s needs are so great. But the temptation should probably be resisted, because service-provision requires new skills and can seriously divert human rights groups from their main mission. Several mainstream Palestinian human rights organizations are moving in the opposite direction, away from services.⁴⁷

Instead of offering services directly, it makes more sense for NGOs to help community-based service-providers apply a rights-based approach - and ensure that their services reach those most in need, in a transparent and accountable manner.

Networking and networks: Palestinian civil society comprises many overlapping and interlocking alliances that complement each other and cushion Palestinians during crisis. These alliances are part of what is often described as Palestinian “coping mechanisms,” and human rights NGOs are particularly comfortable with partnering and networking. Al Haq, the oldest monitoring NGO in the West Bank, has offered its expertise and knowledge of human rights law NGOs over the past decade.⁴⁸

⁴⁶ In examples encountered by this mission, Women for Life, in Bidya, needed training in social and family law from WCLAC. The striking workers in Khan Younis needed advice in collective bargaining and Palestinian labor law from the DWRC. The women in Jayyuz needed advice on home gardening and agriculture from the UPWC. Community groups in the Jordan Valley sought advice in women’s health from the HWC.

⁴⁷ Al Haq suspended its legal aid service in 2006. The Gaza Community Mental Health Program will start phasing out community centers and focus more on building the capacity of “strategic partners” including ministries to provide the service. This is deemed more sustainable and likely to reach more beneficiaries.

⁴⁸ For example Al Haq has worked with Defense for Children International and the Women’s Center for Legal Aid and Counseling (WCLAC) to produce “shadow” reports on the application of UN human rights conventions in the OPT.

Organizations like Al Haq should put their contacts and skills at the disposal of community-based allies, and help them to get their message out and up through “upward networking.” They should not, however, initiate networks from the outside, because these will require new resources and skills that may be beyond the capacity of the partner. (A recent report for the World Bank encourages such outside interventions.⁴⁹)

NGOs that are themselves already networks, like the Women’s Affairs Technical Committees (WATC) or the Palestinian NGO Network (PNGO), should focus on building the capacity of their members. They should not undertake projects directly with communities – least of all projects that compete with their own members.

Money: As noted above, most community-based organizations need funds, regardless of their commitment to voluntarism, and often a small grant will go a long way. The question is whether NGOs should serve as conduit for such grants. Some felt that this makes sense, because NGOs are more philosophically in tune with community initiatives than governments and can also invest more time in follow-up.⁵⁰ But others felt that NGOs should not become funding organizations and that administering small grants might even prove “corrupting,” undermine community spirit and create competition.

This mission concludes that NGO “intermediaries” are well suited to channel small grants to communities, even though this may call for a change in the organizational “culture.” It will certainly require a different type of funding and new skills.

Advocacy: Many of the NGOs interviewed for this report focus more on international advocacy than advocacy in the OPT, as reflected in the fact that their promotional literature is often largely in English and their advocacy staff is mainly international. Most try and maintain Arab and English-language websites, but the majority of their email contacts are outside the OPT, and in English.

One conclusion from this report is that there should be more focus on domestic advocacy – and on promoting human rights to Palestinians. Dr Feisal Abushahla, the head of the PLC Oversight and Human Rights Committee in Gaza, complained that he rarely receives press releases from Gaza’s three leading human rights NGOs, which are highly respected internationally.

In reviewing their advocacy, NGOs should draw on assets that are not normally associated with promotion and advocacy.⁵¹ NGOs might also weigh the benefits of written publications against other tools of advocacy, particularly radio and local newspapers. This research was told several times that most Palestinians are “not a reading

⁴⁹ See above, note 7.

⁵⁰ In 2005, Badil, a Bethlehem-based NGO that lobbies for refugee rights, gave out 14,000 Euros in small grants to roughly 100 community partners. The funds came from several International NGOs which did not ask for a detailed report on how the money had been spent.

⁵¹ Badil, in Bethlehem, is printing 1,000 copies of an internal evaluation report, which provides an unexpectedly good rationale for the right of return, and plans to distribute this widely.

people” but that those who do read are devoted to local newspapers. The radio is also popular. The growing importance of website and ICT is examined below.

Local groups are extremely skilled in local advocacy, even though they lack professional staff.⁵²

Core capacities and IT. If NGOs are prepared to assume the role of “middleman” suggested in this paper, they will need to acquire new skills. For example, this research concluded that knowledge of Information and Communications Technology (ICT) may be as important for human rights work in the OPT as knowledge of UN conventions.

Many of the recommendations contained in this report - greater transparency, contact with grassroots, promotion, and human rights education - could be done through websites and email. Yet there is a notable lack of ICT sophistication among many mid-level NGOs. The director of one large organization, with a budget of \$1.2 million, lamented the fact that the website had not been updated for 10 months. This meant, among other things, that she could not showcase an excellent set of new fact-sheets. Another organization, with an annual budget of \$700,000, has not had a functioning website for three years.

This contrasts with the enthusiasm of community associations. One woman in Atuf, a village in the Jordan Valley which only has electricity for 6 hours in the day, travels several miles by bus to the nearest town to take computer courses. Several women’s associations in villages visited by this research have organized computer classes for women and even opened computer centers. One women’s computer center in Qalqilya even provides its customers with an income as well as an opportunity to use the Internet in the presence of women alone, which is culturally acceptable.⁵³

These community associations not only see ICT as a tool of empowerment. They also understand that demand for ICT has risen dramatically in the OPT during the last six years of crisis and that this can be exploited by human rights defenders.⁵⁴

NGOs and their donors need to focus on their ICT skills as a matter of urgency. One reason why websites lie unused is that NGOs lack the capacity to produce regular information, or are concerned at whether information might be too sensitive for posting on the Internet. This research also heard that webmasters command higher salaries, and

⁵² The National Association for Democracy and Law in Rafah, which has no full-time staff, placed 85 press releases in Gaza newspapers between January 1 and November 25, 2006. This was higher than the output of one well-respected professional human rights NGO in Gaza City, which has a full-time staff of 167 professionals and a public relations department.

⁵³ The center is run by the Union of Palestinian Women’s Committees (UPWC). One woman who was using the center when this mission visited said that she does not have an Internet connection at home. She uses the center to surf the Internet for henna designs, which she prints and uses to paint the hands of friends for funerals and weddings, at 100 shekels a hand. This brings her 1,000 shekels a month and is her sole source of income.

⁵⁴ According to a survey by the Palestinian Central Bureau of Statistics in 2004, 33.3% of all Palestinians over the age of 10 use the Internet.

that NGOs have to compete with the private sector. But ultimately, this comes down to a question of priorities. Any organization with a budget of over \$500,000 can certainly find the money for a webmaster and information specialist.

Donors also need to reassess their own expertise and understanding of the information needs of their clients. This mission was told that no donor has an in-house ICT expert to advise on grant-making.

11. MONEY

This mission heard repeatedly that Palestinian human rights organizations run on very large budgets, and that their staff “live in luxury.” (One interviewee said that salaries of NGO directors can range as high as \$8,000 a month.) Several NGO officials felt that this perception is damaging and affects their credibility among Palestinians.

As noted above, the charge that NGOs are overpaid is not new. During the 1990s, it was common to hear NGOs denounced as “*dakakin*” (shops) whose main purpose was to attract funds. The PA certainly encouraged this view during a long campaign to prevent NGOs receiving funding directly from donors.

The charge received more attention in 2003, when it came to light that one of the largest human rights organizations in the OPT, the Palestinian Society for the Protection of Human Rights and the Environment (LAW), had misused or failed to report \$3.9 million of the \$9.7 million it received in donations between 1997 and 2002.⁵⁵ A subsequent report by auditors found that LAW’s director and senior staff had spent lavishly on first class travel, purchased a radio station (for \$358,000), taken out loans, bought expensive vehicles, opened private bank accounts, and exaggerated salaries and expenditure. LAW was already well known for holding lavish conferences and receptions in Ramallah, and these disclosures further focused public attention on NGO salaries and life-styles.

This research asked all those it interviewed for information about salary scales. It is uncomfortable to be questioned on such issues, but the salaries reported were not excessive. Only one Executive Director received over \$3000 a month, but he has been active in professional life for thirty years and brings in a considerable amount of income to his organization. One ED, who heads an organization with 30 staff and has 17 years experience in human rights, earns \$2000 a month. This compares with the salary of a director in a PA ministry (\$ 1,250 a month with another \$500 in benefits).

A greater problem appears to be internal salary disparities. One donor survey, conducted in January 2006, showed a disparity in salary levels of the positions of General Director, Project Coordinator, Field Worker, Lawyer, Legal Researcher, ranging from 400% – 500% between the lowest and the highest.

⁵⁵ Investigation report by Ernst and Young, March 12, 2003.

Salaries are, generally, tightly controlled by boards and by donors, and there is pressure from donors to keep salaries low. Several directors said that their staff had not received pay raises for two years and that they are under pressure to pay “private sector” salaries, particularly for IT and financial management.

The problem is not so much salaries per se as the context. A salary of \$2,500 may not be extravagant in Western terms, but is high at a time when ordinary Palestinians are living in great poverty and donors are boycotting the Palestinian government while generously funding NGOs. NGO salaries also appear high when compared to those offered by organizations associated with Hamas, which owes much of its popularity to its work with volunteers.⁵⁶

The same is true of budgets. A budget of \$2 million is modest compared to many Western human rights NGOs, but appears huge at a time when ministries are not functioning.

Against this background, human rights NGOs could be more proactive in offering information about their budgets and salary scales. This is not required by law, but would seem to make sense, particularly as the information on salaries is available in audited reports which are shared with donors. These reports could even be posted on websites. Donors might also consider developing an equivalent of Guidestar, a website which publishes audited accounts of NGOs in the US. The point is to take the initiative and counter negative public comment.

At the very least, NGOs should give their trustees a strong mandate to apply salary levels judiciously. Some large human rights NGOs have refused to register under the NGO law, on the grounds that it is administered by the Ministry of Interior. Instead, they are registered as non-profit companies, which does not require them to have independent boards and elected members. This seems unwise in the current climate. The issue of NGO registration is examined below.

Financial management. NGOs interviewed for this report agreed that as professional organizations, they should be judged partly on how effectively they can implement programs. Their reputation suffered following the 2003 disclosures about malpractice at LAW which drew unwelcome attention to the way human rights organizations manage their money.

Governments that funded LAW reacted with sharp disappointment and a sense of betrayal to the organization’s dishonesty. Their disappointment grew when the director refused to accept responsibility and other NGOs appeared muted in their criticism of LAW. For some donors, notably the European Union, the affair is far from over. The EU tried to recover funds from LAW and even raised the issue with Yasser Arafat shortly before his death. Unable to secure a response, the EU has referred the matter to the Israeli authorities.

⁵⁶ Maysoon Ramahi, the director of Al Khansa, a Ramallah-based women’s organization with close ties to Hamas, works without a salary. Al Khansa’s Executive Director earns 1,800 shekels (\$450) a month.

NGOs interviewed for this report expressed embarrassment at the LAW episode, and agreed that human rights organizations should be held to a particularly high standard of accountability and transparency. At the same time, most were inclined to lay the blame on personal dishonesty by the director of LAW and saw no evidence of widespread NGO malpractice. They noted that in the aftermath of the LAW disclosures, several NGOs were audited at the request of their donors but came up “clean.” At least one major NGO was audited twice, and there have been no subsequent allegations of fraud.

But there is also agreement that while NGOs and their staff members may be generally honest, there is still malpractice – for example the forging of receipts. One donor even suggested that NGO should encourage whistle-blowing by NGO staff, although Palestinians felt this would be very unwise in a culture where collaborators are loathed.

Ultimately, if individuals want to practice theft, they will do so. The best response is to inculcate a culture of honesty and transparency within the organization. This is primarily a task for management, but it can also be encouraged by trustees. The final report on LAW demonstrated a total lack of oversight from LAW’s board of trustees (who had been personally chosen by the director and whose terms had been routinely extended, in violation of the bye-laws). This highlights, once again, the importance of having an independent board, with a strong mandate, which is examined in the next section.

LAW raises another question – how much of the problem was due to malpractice within the organization, and how much to negligence by its donors? LAW received funding from no fewer than 33 different donors, and many appear to have paid for the same activities without realizing it. The sheer number of donors made it easy for LAW’s director to open numerous bank accounts and hide how the money was spent.

This suggests that donors had themselves partly to blame. One official said that donors “threw money” at civil society during the Oslo years, often with little regard for its impact or controls. If anything, donors under greater pressure today to disburse money to the nongovernmental sector because they are boycotting the government. But it is hard to strike a balance between spending more money on the one hand, and tightening controls on how money is spent on the other.

The upshot is that while LAW did highlight the need for tighter management in NGOs, it will take more than administration and internal controls to ensure that money is spent as intended. One solution is to develop a real partnership between the donor and grantee, which is based on trust. Another is to invest in NGO governance.

One final point needs to be made about NGO management. Most funding for human rights in the OPT takes the form of short-term projects, as opposed to program (“core”) funding.⁵⁷ As a later chapter will show, project funding creates an administrative straightjacket for smaller NGOs and makes it harder for them to implement the sort of agenda proposed in this report.

⁵⁷ Core funding is generally understood to cover recurrent costs, such as salaries and rent.

12. GOVERNANCE – ASSEMBLIES, BOARDS AND NGO REGISTRATION

Governance addresses three important issues that have been raised in this report. First, it provides the means for human rights NGOs to connect with Palestinian communities and stakeholders. Second, it demonstrates a commitment to transparency and accountability. Third, it provides oversight over the way funds are spent.

The modalities of NGO governance are set out in a 2000 Law that is widely agreed to be one of the most progressive in the Arab world. In spite of this, several NGOs interviewed for this research were lukewarm about the law, and more broadly about the importance of governance.

Assemblies and Boards. Many organizations interviewed for this report are keen to develop contacts with the grassroots, and some have tried to create groups of “Friends.” (In at least one case this failed because it required too much servicing from staff).

This mission concludes that NGOs would be better advised to invest in their own members. Under the NGO law, NGOs are required to elect fee-paying members and hold regular assemblies, every one to three years. This is one obvious way for NGOs to connect with the grassroots, yet most of these interviewed for this research appeared to view their assemblies as a necessary evil rather than an opportunity. Assemblies remain small (averaging between 20 and 30) and tend to comprise academics and activists. Two organizations have tried to pack assemblies with staff members.

Many organizations keep their assemblies small to ensure that they are not infiltrated by political factions. But often it comes down to a general indifference, and an unwillingness to invest time and effort. Few organizations knew how much money they take in from membership contributions, or view this as a significant source of income. Some directors did not even know what the annual membership fee is supposed to be. One expressed irritation at the fact that under the law, two board-members should sign all checks. (NGOs typically require that all expenditures of over 100 shekels (\$25) are disbursed by check, for purposes of accountability.)

The process of electing members to boards and assemblies appears to be largely haphazard. The 2000 NGO Law gives general assemblies the task of electing the board, which then hires the Executive Director. But in practice the order is often reversed. It is often the Executive Director who selects the board trustees and recruits for the Assembly.

This indifference to boards and assemblies among NGOs contrasts with the approach of community-based associations, which view their membership as an important source of grassroots support and also funds.⁵⁸ Such groups often have a policy of seeking out

⁵⁸ The Unemployed Workers Federation, in Hebron, receives no funding from donors and relies totally on contributions from its (unemployed) members. The National Society for the Rule of Law and Democracy in Rafah keeps meticulous track of member contributions, which accounted for the group’s entire budget in 2004.

members. Only two “professional” NGOs expressed outright enthusiasm for their members, and viewed their assembly as a bridge to the community.⁵⁹

NGO Registration. The 2000 NGO Law is intended to improve NGO governance, but human rights organizations are divided over its value. Some feel it is an important tool, and source of strength. Others see the law as a threat.

Civil society began pressing for a law in the mid 1990s that would ensure their independence from the PA and also allow them to receive funds directly from donors. This campaign was led by the Palestinian NGO network (PNGO) and strongly supported by Western donors. It was also opposed by the PA, which saw independent NGOs as a major threat and competition for funding.

The law passed parliament in 2000 and was finally signed into law by President Arafat in 2004. While many see this as a crowning achievement of Palestinian civil society, several prominent human rights NGOs have not registered on the grounds that registration is managed by the Ministry of the Interior, which they view as their natural opponent. These also take strong exception to the fact that the Ministry has in the past required a background security check on all NGOs. They point out that the law does not yet have by-laws. This leaves implementation to the discretion of government officials.

The PNGO network is pressing the government to develop by-laws, although this is difficult during the current crisis. But even with its flaws, PNGO argues that the overall disadvantages of the law outweigh the disadvantages and offers important guidance for governance. PNGO’s own by-laws require that its members be registered.

NGOs that decline to register have chosen a lesser and less demanding status, that of non-profit companies, which does not require them to have an independent board. While there is no suggestion of malpractice, they risk being seen as lukewarm towards good governance and accountability.

There is some evidence that the Hamas government has taken NGO registration more seriously than the previous Fatah government. This mission was told that when Fatah lost the January election, it authorized the registration of scores of new NGOs that had been started by Fatah supporters. This was denied by the former head of the NGO unit at the Ministry of the Interior. The incoming Hamas government did, however, block all NGO registrations after it took power in early 2006. Several NGOs protested that this violated the right to association, took the government to court, and had the order lifted.

⁵⁹ Defense for Children International - Palestine has 38 members, of whom two are children. (These are chosen by an annual conference of over 100 children). The organization Badil advocates for the right of refugees to return home and has 42 paying members, who meet every year in the Badil Assembly. 95% of Badil’s members are refugees, but they are also activists and “not reading people,” according to the Badil Director. As a result, they require intensive servicing from Badil staff. The investment pays off because it allows the organization to stay connected with its stakeholders and draw on their expertise.

The Hamas government is making an effort to weed out the *dakakin* that have discredited civil society as a whole. According to the director of the NGO unit at the Interior Ministry in Gaza, 20 NGOs lost their registration in 2006 and three organizations were referred to the Attorney General in Gaza for investigation into corruption. The office is auditing as many NGOs as possible on a small staff.⁶⁰

It is probably premature to assess the effectiveness – or sincerity - of these efforts, and decide whether they deserve support. Western donors have barred themselves from working with the PA and Hamas, which would seem to rule out any direct and over support for efforts to regulate the sector. But the NGO law itself is, potentially, a valuable tool for strengthening NGO governance and donors could do much to help their grantees make better use of governance.

13. STAFFING

Executive Directors. This research was repeatedly reminded that Palestinian civil society is “personality-driven” - led by prominent individuals who have considerable standing in their own community and internationally.

This can be a mixed blessing. Palestinians are lucky to benefit from individuals of this stature (who bring in very large sums of money to their organizations.) At the same time, there are obvious risks in being dependent on personalities. This discourages fresh blood and young people from entering the organization. It also inhibits the development of internal rules, and democracy, which are so important to strong social capital. One ED even suggested having “term limits” for directors.

Interns: Palestinian NGOs have traditionally made good use of foreign interns, particularly in such areas as legal research, IT and international advocacy. But several organizations warned that the recruitment of interns is increasingly difficult.

The first problem is security. Organizations like the Gaza Community Mental Health Program in Gaza, and the Palestinian Center for Human Rights have, in the past, employed several foreign interns at a time. But applications fell sharply in 2006 as security deteriorated.

The second obstacle comes from Israel. Most interns to the OPT enter on a tourist visa which is valid for three months and can only be extended outside Israel. This requires the intern to travel abroad to renew the visa, which is expensive and disruptive to their work. There is also no guarantee that Israel will extend the tourist visa on return, and some feel that Israel is turning more and more interns away. Most interns who work for Palestinian human rights organizations dissemble when questioned by Israeli immigration officials.

⁶⁰ Interview with Tharwat Al Baik, Director General Ministry of the Interior.

Several organizations interviewed by this research saw this as part of Israel's general lack of sympathy for democratic work in the OPT and expressed the hope that Western donors would intervene with the Israeli authorities.

Several international NGOs receive support from their governments and have been able to draw up an agreement with Israel to recruit interns for extended periods.⁶¹ Given Israel's increasingly restrictive approach, more Western governments might consider supporting such programs.

Interns also raise other issues for organizations. To take advantage of an intern, an organization needs to invest time and money (accommodation, mentoring, pocket money etc). This investment is clearly easier for large and wealthy organizations than it is for smaller organizations, whose need for interns may even be greater. The result is to widen the gap between the large and the small NGOs.

Donors could do more to help their smaller grantees use interns. Larger NGOs could also help. Al Haq, which has three foreign interns working in its legal department, received 272 applications for interns in 2006 and has sent some applications on to other organizations. This is one issue that could be addressed by the new coordinating council of human rights NGOs (see below).

Some NGOs interviewed for this research have also used former interns to represent them at meetings in Europe. This is particularly useful at time when Palestinians are constrained from leaving the Territory. One organization ensures that such speaking tours combine Palestinian staff with supporters in the countries involved, to train staff and attract more support abroad.

14. COORDINATION

As of writing, 2,531 NGOs are registered in Gaza and the West Bank – a huge number for such a small region. With so many NGOs organizations jostling for space and competing for money, coordination becomes of paramount importance.

It is widely agreed that human rights advocates will have a greater chance of being heard if they can speak with one voice, and this is certainly born out by experience in the OPT. One successful NGO campaign in 2006 forced the Israeli government to suspend a plan to restrict the entry to the OPT of Palestinians with a joint American-Palestinian nationality. Several leading Palestinian and Israelis groups lobbied against the proposal, which also drew the ire of the United States, Israel's closest ally. Many human rights advocates viewed the outcome as a success for informal, but coordinated, advocacy. Another issue which has benefited from coordinated action was Israel's policy of punitive

⁶¹ KURVE-Wustrow, a German NGO interviewed for this report, currently deploys around 8 German volunteers in the OPT for extended periods of time. The program (Civil Peace Service) is funded by the German government. The UK-based International Service (UNAIS) also recruits interns for Palestinian NGOs for periods of two years.

house demolitions. This was also stopped after vigorous lobbying by several different groups.

Successful networking in itself does not, however, require formal coordination, and there is general agreement that coordination should only be undertaken when there is an evident need and when the costs of coordination – which can be considerable – are clearly outweighed by the benefits. Coordination for its own sake is a recipe for frustration.

PNGO, the Palestinian NGO network, runs several sector coordination groups (health, agriculture, development, women's issues etc). This research was told that some sectors have been more productive than others, and that the human rights coordination in Gaza has been ineffective. One reason is that only three PNGO members in Gaza are working on human rights. All three are large, successful and effective, which means they have little to gain from coordination.

There is, at present, no formal coordinating mechanism among human rights NGOs on the West Bank. Some of the best policy papers on human rights in the OPT are coming from Mu'assasat, the organization which was established in 2005 by five governments to streamline and coordinate funding to the human rights sector.

A number of human rights NGOs also attend an informal human rights "policy forum" that was established in June 2006 by donors under the chairmanship of the Swedish and Dutch diplomatic missions in Ramallah. The origins of this initiative are to be found in the 2003 collapse of the organization LAW (which received funding from many different donors) and in the 2005 arrest of a field worker for the organization Al Haq (which receives funds from several governments). Several European missions in Ramallah concluded that they would have more impact with the Israeli government (and even with their own embassies in Tel Aviv) if they worked together. Nine governments and the EU participated at the first meeting in October. They did not include USAID.

Several human rights NGOs have decided that they need their own coordinating mechanism, and plan to revive a council that previously functioned in the late 1990s. The council had 22 members, which met every week and kept extensive minutes. But most of the work was done by one or two organizations which became increasingly resentful of the freeloaders, and the council stopped working at the start of the *intifada*. It was revived briefly in 2004 by 12 organizations, but was able to achieve nothing of value for its members.

The new council could develop into an important lobby if it can develop a compelling agenda and persuade members to make a serious investment. Individual groups will decide this on the basis of self-interest rather than an inspiring mission statement, and many of the issues raised in this report would probably benefit from greater coordination. Such a council could also help its members to connect with communities by holding meetings in the regions, partnering with community-based associations and exploring what it means to serve as a "middleman" between the towns and villages.

There is always a risk that NGO coordinating mechanisms can turn into “clubs” and lead to further concentration and even exclusion. This, clearly, should be avoided. Groups interviewed for this report also agreed that the new council should not turn into another vehicle for seeking funds, and that any costs will, at least initially, be carried by its members. This would probably increase the council’s credibility with Palestinians, and standing with donors.

15. DONORS

Donors have spent many years developing, nurturing and supporting human rights work in the OPT and can be well pleased by the result. But talking to ordinary Palestinians makes their support seem like a mixed blessing. While donors have helped to build strong professional organizations, they also share responsibility for the fact that so many NGOs appear detached from Palestinian society and “elitist.” The majority of the NGOs registered with the PA today were established in response to donor funding.

One thing is clear – donors have extraordinary power to influence the human rights sector. If there is to be a broadening of the definition of human rights defenders, and a shift of emphasis towards more intensive work with Palestinian society, it can only happen with encouragement from donors. This paper will hopefully encourage some rethinking on their part.

This mission heard ten different criticisms of Western donors, some of which are discussed elsewhere in this report:

- **Contribute to the political crisis.** Western governments are widely seen as contributing to the current crisis by withholding support from PA institutions. The fact that the West provides humanitarian support through the UN and Temporary International Mechanism (TIM) is not viewed as a satisfactory response.
- **Impose political conditionality.** Many donors are faulted for imposing political conditions in return for aid. USAID in particular was singled out for criticism for refusing to fund NGOs that support “terrorism,” as defined by the US government.⁶² Following the Hamas election victory, USAID extended the ban to organizations that associate with PA institutions or officials. These two restrictions were challenged by NGOs interviewed for this report. They argued that by seeking to bar contact between NGOs and PA officials, USAID further widens the gulf between civil society and Palestinians.⁶³ Europeans do not tie aid to terrorism (although the EU reportedly considered this in 2005). But European donors are accused of conditionality by boycotting Hamas and surreptitiously supporting the Fatah-led strike.

⁶² The Anti-Terror Certification was first posted on December 31, 2000 and revised on March 29, 2004.

⁶³ PNGO, the Palestinian NGO network, has lobbied vigorously against the measure and encouraged NGOs not to seek USAID funding. At one stage the PLC even threatened to investigate NGOs that accepted USAID grants.

- **Funding urban-based, professional NGOs.** Donors are blamed for encouraging the creation of an elite civil society which is detached from the grassroots.
- **Creating a dependency on donor funding.** NGOs that are established to take advantage of funds face enormous difficulties when the funds run out or the donor's priorities change.
- **A lack of transparency and even corruption in the way donors funds are allocated and implemented.** One NGO director was surprised to be offered a copy of one of her own proposals for a price. It emerged that a Palestinian contractor who works for one Western government was "selling" strong proposals.
- **Coordination.** Human rights NGOs complain that donors do not work together and follow up, particularly when it comes to lobbying Israel. But they are reassured by the donors' decision to create an informal human rights coordinating forum, as described earlier.
- **Promotion.** Donors could do more to promote and educate Palestinians on important European mechanisms, such as the EU Declaration on Human Rights Defenders and the Neighborhood Policy, which monitors human rights in countries adjoining the EU region.
- **People to people projects.** Donors are attracted by the idea of Palestinians and Israelis working together, even though this "people to people" model of cooperation has been widely rejected by both sides. The 2003 Road Map called for people to people funding. (See below)
- **Inconsistency.** Donor priorities can change quickly in response to the domestic political agenda, and donors tend to be influenced by the latest political "fashion" (eg youth, women's empowerment, and training candidates for municipal elections). One NGO said that such inconsistency makes many NGOs reluctant to join donor consortia.⁶⁴
- **Evaluation.** Indicators can vary widely between donors. Often, indicators fail to measure the impact of programs on stakeholders and communities or evaluate programs from the perspective of beneficiaries.

Given this list, donors would be advised to review their entire funding strategy as a matter of urgency.

Funding modalities and the search for a new donor-grantee partnership. The key question for this mission is how donors can be encouraged to supporting community-based human rights defense. While they are sympathetic to the goal, most donors are drawn to high-profile, urban-based organizations that have a strong track record and can demonstrate a visible return on their investment. After the LAW scandal, donors have been reluctant to relinquish control over how their funds are spent. Yet there is an obvious tension between trying to decentralize funding on the one hand, and micromanagement on the other.

⁶⁴ The Democracy and Workers Rights Center in Ramallah.

Progressive donors try to ensure tight control while at the same time seeking to improve the quality and impact of their aid. With this in mind, the Dutch government asks its auditors to ensure that grantees produce an annual report and work from the same strategic plan instead of changing goals in mid stream. But this is combined with capacity-building. If the auditors uncover serious management weaknesses, they are asked to provide technical assistance. The Dutch government has only denied funding to one grantee in the past two years, and even this was resumed after changes were made.

Many European governments have concluded that they will have more control over their funds if they work together in providing funds to an NGO. Such donor “consortia” reduce the chance of overlap or duplication between donors and make it possible to develop a partnership between donors and recipients as well as streamline reporting.

Most of the larger Palestinian human rights NGOs now work with donor consortia. One interesting model was created by five European governments which have given generously to human rights (the Netherlands, Sweden, Norway, Denmark and Switzerland). In 2005 these governments decided to create a new organization, Mu’assasat, to manage their human rights grant-making, strengthen the capacity of NGO grantees and develop policy for the entire human rights sector. Many of the issues raised in this paper have been discussed internally at Mu’assasat, and the group posted several stimulating papers following a September 21 meeting for the sector.⁶⁵ The organization has challenged the entire sector to confront the issue of NGO credibility.

But donor consortia are not without their critics. Perhaps the biggest problem is that consortia are only available to organizations with a large budget and long track record. Smaller, more isolated organizations, are less attractive to donors even though they may have a greater need for money. Put bluntly, money attracts money in human rights.

Even Mu’assasat initially encouraged such a concentration. Determined to avoid a repeat of the LAW scandal, Mu’assasat’s donors initially decided to fund only six organizations which had demonstrated a capacity to manage funds and been registered for at least two years. The governments then decided to fund 16 organizations instead of six. Mu’assasat also established a small grants facility, which disbursed \$150,000 in 2005. But this only amounted to less than 5% of the funds that went to larger, urban, organizations.

This may change. Mu’assasat plans to expand funding under the small grants facility, and has decided to prioritize funding for Gaza, Jerusalem, and isolated parts of the West Bank. But the essential tension will still remain - between making more funding available to the grassroots and insisting on control over how funds are spent. This will likely become more difficult as the fragmentation of the OPT intensifies, and monitoring becomes more time-consuming and difficult.

Some organizations relax their reporting requirements when it comes to small grants and feel that their community-based partners can be trusted to use the money effectively. The NGO Badil, which distributed 14,000 Euros to local partners in 2005, asked for a

⁶⁵ See above, note 8.

description of what activities had been funded, but did not require a line-item report on expenditure.

Project funding. One notable feature of human rights funding in the OPT is that the bulk of funding is given for projects rather than programs. Project funding is by definition short-term and is expected to produce deliverables (such as a report or meeting). The amounts offered will typically range from \$25,000 to \$45,000. For this, the grantee will have to produce a minimum of three reports (mid-year, final narrative and final financial).

There are many drawbacks to this model of funding. In the first place, it reflects the donor's agenda, not the needs of the recipients. As noted above, this agenda is liable to change disconcertingly depending on priorities in the donor country.

Second, project funding encourages the wrong sort of activities. To hear NGOs talk about their work in the OPT, human rights is all about words – trainings, reports, conferences – not action. But many reports are rarely read and have little influence. Trainings seek to “empower” beneficiaries, and training plays an important role in strengthening community associations. But at the same time, “empowerment” can also become a catch phrase that means little. Everyone spoken to for this report agreed that there are far too many conferences in the OPT. Project funding also encourages duplication: no fewer than eight donors are reported to have funded capacity-building for women municipal councilors.

Short-term project funding does not encourage NGOs to promote human rights in communities, or support human rights organizations. For this, NGOs need to build up their own capacities. For example, if an organization is to help smaller groups build and maintain websites, it will need its own IT specialists - which in turn will require sustained support from donors. This is not possible on short-term project funding

Third, project funding imposes an enormous administrative burden not just on the grantee, but also on the donor. One mid-size organization, the Women's Affairs Technical Committees (WATC), received funds from 13 donors this year. The only donor to provide core funding (for recurrent costs, such as salaries) was the Norwegian government. All other funding came in the form of projects. One WATC project lasted just three months. In return for this project support, WATC was required to produce a total of 33 reports in 2006. Like many NGOs, WATC has found itself following up on small expenditures – a costly and tiring exercise which diverted them from more essential tasks.

In contrast, Al-Haq, an organization which has a much larger budget than WATC and a more experienced staff, was required to produce four reports for donors last year. Al Haq is in such a strong position that it can insist on core funding and works with a consortium, which means it can produce the same report for all donors.

During 2006, another organization interviewed for this report, the Democracy and Workers Rights Center (DWRC), produced 14 audited reports, 25 quarterly reports, and 25 annual reports for its donors. DWRC's reporting obligations are so onerous that it has hired four new staff members to work on administration and spends over \$70,000 a year servicing donors.

There will, of course, always be an important role for projects. Projects allow NGOs and donors to move quickly, remain flexible and take up issues for limited periods of time. Many partnerships between donors and grantees also start with a project, which allows both sides test each other out, and then evolve into more sustained and open-ended program support. It is also the case that some donors – notably the EU – can only provide project funding.

Mu'assasat also observes that funding community-based initiatives can only be done through projects, because community-based associations do not have the capacity to produce strategic plans and manage long-term programs. As noted earlier, this is not necessarily the view of this mission. Community-based groups also need help in managing projects and developing as institutions.

But the goal is not to eliminate project support altogether, so much as find a more appropriate, and less counterproductive, fit for this sort of support. One way might be to distinguish between activities and building social capital. Community-based activities will necessarily take the form of small-scale projects. But capacity-building for civil society – whether in villages or cities – generally requires program support.

16. INTERNATIONAL SUPPORT – THE UN, INGOS AND TRADE UNIONS

Palestinian human rights work relies heavily on support from international intergovernmental and nongovernmental supporters. Three categories are particularly relevant to the issues reviewed in this paper:

The United Nations has supported Palestinians since 1967, and provided Palestinians with a platform for mobilizing international opinion against Israel. Almost all UN agencies now have a standing procedure to monitor Israeli practices in the OPT, and UN human rights bodies have been particularly active. John Dugard, a South African Law professor, monitors Israeli practices in the OPT for the UN Human Rights Council. Several other UN human rights monitoring procedures (religious freedom, human rights defenders, summary executions etc) have also criticized Israel's occupation. The Council met twice in special session in 2006 to review Israel's actions in the Lebanon and Gaza. In 2004, the International Court of Justice issued a landmark ruling, declaring the Israeli Separation Barrier to be illegal.⁶⁶

⁶⁶ For Professor Dugard's latest report visit: <http://daccessdds.un.org/doc/UNDOC/GEN/G06/138/12/PDF/G0613812.pdf?OpenElement>. Among the

This satisfies neither the Palestinians nor Israel. The government of Israel has long viewed the UN as irredeemably biased in favor of the Palestinians. Israel is able to use the sheer volume of criticism against its policies to ignore what are usually well-founded UN decisions.

Even the Palestinians are not above criticizing the UN. While Palestinians view the UN as their best hope of mobilizing international opinion against the occupation, they have also urged the UN to deploy peacekeepers and provide protection for Palestinian civilians – something that Israel has successfully resisted. Palestinians are also dismayed that the UN joined the US, EU and Russia in agreeing to pressure Hamas to recognize Israel following its election success. The UN forfeited much goodwill by this decision.

The UN's political bodies have also failed to find a political solution to the crisis. Instead, they use specialized agencies in the OPT to cushion Palestinians against the humanitarian impact of the Israeli siege.

These agencies do important and difficult work, and were it not for their efforts the humanitarian crisis would be infinitely more serious. In addition, several of the largest agencies (UNICEF, the World Health Organization, UNESCO, and the International Labor Organization) have a mandate to provide services from a rights-based perspective. This makes them key players in integrating human rights into all aspects of the crisis, as described above in Chapter 4 of this report.

Some have interpreted their mandate with boldness. The UN's Office for the Coordination of Humanitarian Affairs (UNOCHA) uses digital maps to pinpoint all obstacles to free movement in the West Bank. These maps are used by diplomats in capitals and at international meetings to explain the impact of the Israeli siege in graphic, but dispassionate terms. They make a human rights statement, even though the language is that of humanitarianism. Even the World Bank and IMF, which view human rights as political and outside their mandate, have taken what many see as a rights-based approach in criticizing the impact of the Israeli siege.⁶⁷

Others agencies have been more cautious. UNICEF, the UN's Children Fund, draws a clear distinction between child rights and protection. The UN Development Program (UNDP) does not have a human rights specialist or focal point on its staff in the OPT. One UN official noted that there will soon be no UN lawyer working on protection in the OPT.

many standing UN procedures on the OPT, the International Labor Organization (ILO) sends a mission to the OPT each year to report on workers rights in the OPT for the annual ILO conference.

⁶⁷ See, for example, the World Bank's November 2006 briefing note on the PA institutions: "Coping with Crisis" which lists Hamas ministers arrested by Israel
<http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/PAInstitutionalPerformanceNov.7.06.pdf>

The one UN body with an unambiguous mandate for human rights, the office of the UN High Commissioner for Human Rights (OHCHR), is still working from a 1996 agreement to provide “technical assistance and advisory services” to the PA that was drawn up in the peace years, and bears little relevance to the raw protection needs that have arisen during the past six years.⁶⁸ As a result, OHCHR finds itself promoting the UN’s own human rights procedures, rather than addressing the abuse and violations crisis emanating from Israeli occupation and the lawlessness within the OPT.

This is not, of course, without value. It is largely due to the OHCHR’s coordination efforts that the UN’s 2007 appeal takes a rights-based approach, and the OHCHR plays an important part in ensuring that visiting UN rapporteurs meet with Palestinian groups and get accurate information. But Palestinian monitors have long felt that the UN High Commissioner should take the lead in demanding more UN protection for Palestinians. This implies a more vigorous (and political) role than “technical assistance” and was discussed during a recent visit by Louise Arbour, the High Commissioner, to the OPT. A review of the OHCHR mandate is reportedly under discussion.

Generally speaking, UN agencies working in the OPT are still focused largely on the direct or indirect impact of Israeli occupation, rather than the challenge of promoting human rights within the OPT. In the view of this mission, this is a lost opportunity. For example, the tripartite composition of the International Labor Organization (ILO) (unions, governments, and employers) makes the ILO uniquely suited to support the growing movement of independent trade unions described in this report. But so far the ILO has declined this opportunity. The ILO continues to support the politicized PGFTU. The ILO’s 2006 Mission of inquiry makes no mention of the mobilization of unemployed workers, or the emergence of independent trade unions.⁶⁹

The Office of the High Commissioner for Human Rights could also play a role in supporting the sort of community-based human rights defense described in this report. In one promising initiative, the OHCHR and UN Development Program have joined forces to provide grants of \$5,000 to nine community-based organizations under Assisting Communities Together (ACT). The OHCHR received 180 applications for the nine grants, which shows the degree of interest that exists among communities. The office could do more to build its following by publishing its own information and developing an Arabic-language website.

Of all the UN specialized agencies, UNIFEM, the UN Fund for Women, has made most effort to understand the strengths and weaknesses of community-based human rights work. UNIFEM has supported several of the women’s initiatives described in this report.

⁶⁸ From the High Commissioner’s website: <http://www.unhchr.ch/html/menu2/5/gaza.htm>

⁶⁹ “The Situation of workers in the occupied Arab territories,” Report of the ILO Director-General for the 2006 conference
[http://domino.un.org/UNISPAL.NSF/eed216406b50bf6485256ce10072f637/f770e7284dc9081c8525717e0050311c/\\$FILE/Situation%20of%20workers_2006.pdf](http://domino.un.org/UNISPAL.NSF/eed216406b50bf6485256ce10072f637/f770e7284dc9081c8525717e0050311c/$FILE/Situation%20of%20workers_2006.pdf)

While UN agencies in the OPT could probably do more to promote and protect human rights, they cannot and should not substitute for political engagement by the international community. As noted above, the root causes of this crisis are political, and require a political intervention. By helping to stamp this crisis as a “complex humanitarian emergency” there is a risk that these agencies provide the UN’s member governments with an excuse not to address the root causes of the conflict. A “rights-based approach” cannot substitute for a political solution and a just peace.

International NGOs (INGOs). It is hard to exaggerate the importance of INGOs in providing support, encouragement, and funds to Palestinian human rights defenders. Many INGOs from Europe and North America are already supporting the sort of agenda laid out in this report. They have a strong commitment to social justice and development, and to the Palestinian cause. They are deeply committed to a rights based approach, and to working in communities. They are more inclined to develop sustained partnerships, as opposed to funding short-term projects. They recruit interns for Palestinian organizations.

INGOs are also more courageous than governments about taking a political stand against Israel. In one example, several Dutch NGOs (which also fund Palestinian human rights work) have formed a lobbying network, Civilians United for Peace (UCP). They are now pressing some 35 Dutch companies to stop working in Israeli settlements.⁷⁰

This is one of several imaginative advocacy campaigns in the Netherlands on behalf of the Palestinians: another, launched by the YWCA, uses olive trees in the Netherlands to highlight the destruction of Palestinian olive trees). International NGOs have also consistently opposed the Israeli Separation Barrier.

International Trade Unions. Trade unions have much to offer the new and emerging movement for workers rights in the OPT. European unions have been particularly successful in striking a balance between coexisting with political parties on the one hand, and exercising their right to strike on the other - a balance that has not been found in the OPT. They could provide valuable technical assistance to Palestinian trade unions.

It is also notable that the ITUC (formerly the ICFTU) and national union bodies (notably the American AFL/CIO) continue to support the PGFTU and “official” trade union movement, in spite of their obvious shortcomings. Smaller unions from the Basque country and Belgium are the exception, and do fund the DWRC’s work with independent unions.

⁷⁰ United for Peace brings together the NGOs Cordaid, ICCO, Pax Christi, IKV, and Kerkinacte.
<http://www.unitedcivilians.nl/nl/index.phtml?p=Home>.

17. COOPERATION BETWEEN ISRAELIS AND PALESTINIAN

Several Israeli nongovernmental organizations monitor human rights in the OPT. Between five and ten are considered to be “professional” human rights organizations, in that they use the discourse of human rights and do not advance a political agenda.⁷¹

Like Palestinians, these Israeli organizations monitor Israeli practices in the OPT. But they also promote respect for human rights within Palestine, as outlined in this report. They do this directly, by working with Palestinian monitors, and indirectly by influencing Israeli opinion and helping Israelis to understand that Palestinians have rights.

This mission did not have sufficient time to meet all of these Israeli groups, which is regrettable. It did hear enough, however, to understand that their work is highly valued by the Palestinian partners.

Contacts between Israeli and Palestinian civil society have suffered during the last six years of conflict. These contacts flourished during the Oslo years, when donors encouraged “people to people” initiatives aimed at bringing Israelis and Palestinians together. The hope was that these contacts would build personal friendships and break down the barriers of distrust. Young people were considered particularly susceptible, and many hundreds of young Palestinians and Israelis were sent away together to holiday camps in Cyprus, Greece or Turkey.

Many Palestinians were already disillusioned with the people to people model long before the outbreak of the second *intifada*. They felt that the involvement of Palestinians was often tokenism, and that projects tended to be dominated by Israelis with superior resources. When the *intifada* broke out in 2000, both sides reacted with a sense of betrayal and the PNGO (NGO network) issued a formal statement calling for an end to all people to people projects. Several reports have since criticized the approach, although the EU, US and Norway continued to offer funding for people to people projects throughout the *intifada*.

The *intifada* saw the emergence of a new type of cooperation between Palestinian and Israeli civil society. Under this, both sides share a broad common interest, but operate separately and adapt their lobbying to their different societies. In one example, the Geneva Initiative, Palestinians and Israelis drafted a detailed agreement on the “Final

⁷¹ The following eight organizations issued a joint appeal on November 26, 2006, criticizing the impact of Israeli policies on Gaza: B’Tselem; Hamoked - Center for the Defense of the Individual; The Association for Civil Rights in Israel, (ACRI); Amnesty International – Israel section; Bimkom – Planners for Planning rights; Gish – Center for the Legal Protection of Freedom of Movement; Physicians for Human Rights – Israel; Public Committee against Torture (PICATI); Rabbis for Human Rights. In addition, as noted in this report, several Israeli organizations defend Palestinian rights from their own specialist perspective, including the Alternative Information Center (information), Bat Shalom (Women’s rights), Kavla Oveid (workers’ rights) and Zochrot (the right of return). All oppose continuing Israeli occupation and defend the rights of Palestinians.

Status” issues that caused the collapse of the 2000 Camp David summit. They then promoted the text on either side of the border.

The same approach is followed today by human rights groups on both sides. They share certain broad assumptions: Israel should withdraw from the OPT to the 1967 Disengagement (“Green”) Line; Jerusalem should be a joint capital; Palestinians have a right to self-determination and an independent state; the settlements are illegal; and Israel has clear legal obligations as the occupying power.

Both sides find it easier to agree on this agenda because they are working from the perspective of “universal” human rights. But at the same time, there is also disagreement on some important issues.

For example, B’Tselem, the foremost Israeli human rights monitoring organization, has long held that Israeli settlers should be viewed as civilians rather than combatants under international law, even though the settlements themselves are illegal. Some Palestinians privately agree but are unwilling to defend this position in public, while others maintain that the settlers can legitimately be attacked, particularly as many are often armed and act aggressively. This has been a bone of contention between B’Tselem and Palestinian human rights groups for some time.

But B’Tselem and some Israeli groups themselves have doubts about other issues. One is the right to return of Palestinians who were expelled in 1948 and their families. B’Tselem itself is not required to take a position because its mandate does not cover human rights within Israel, but B’Tselem’s director agreed that the organization might lose standing in Israel if it were to advocate for the right of return, which is rejected by most Israelis.

Some Israeli human rights advocates are also ambivalent about the Israeli Separation Barrier. While they agree that the Barrier’s current route - within the Green Line - is unacceptable, they feel that some sort of security barrier against suicide bombers might be necessary.

This research identified two broad types of cooperation between Israeli and Palestinian human rights advocates, one functional and the other based on issues.

Functional: Under the Oslo arrangements, Israelis are not allowed to travel into the populated centers (Area A) in the OPT, while Palestinians from the OPT are generally forbidden from entering Israel. This creates several obvious opportunities for cooperation:

- Securing visas for foreigners working with Palestinians in the OPT (done on the Israeli side)
- Supporting and training Palestinian field workers who work for Israeli organizations in the OPT (Palestinian side)
- Appealing to Israeli courts, including the Israeli Supreme Courts (Israeli side)

- Issuing joint statements and press releases, for placement in Israeli and Palestinian papers (Israeli and Palestinian sides)
- Collecting evidence in the OPT. Israeli groups are unable to enter Gaza, and rely on Palestinian partners to collect physical evidence – for example fragments from shells which killed Palestinian civilians. (Palestinian side).

Issues: Israelis and Palestinians have also joined forces on a wide range of issues: Family reunification: free movement; the Israeli Separation Barrier; Palestinian detainees (particularly those in administrative detention); children in detention; the medical impact of the Israel siege; the demolition of Palestinian houses; the use of lethal force by the IDF; residency rights; and the threat to the common environment. Hamoked, a Jerusalem-based Israeli group, and Al-Haq, based in Ramallah, have even worked together on trying to recover the bodies of dead suicide bombers.

Several issues illustrate how this cooperation takes hold and grows:

The right of return for Palestinian refugees. Right of return was one of the “final status issues” that could not be resolved at the 2000 Camp David summit. Although it is widely assumed to be unacceptable to Israelis, a small but growing number of Israeli organizations are asking Israelis to understand this from the viewpoint of Palestinians. In the process, they are working with Palestinians.

One of the groups, Zochrot, “works to make the history of the *Nakba* accessible to the Israeli public so as to engage Jews and Palestinians in an open recounting of our painful common history.”⁷² Zochrot organizes tours to abandoned Palestinian villages inside Israel, and holds public events. It held several coordinating meetings with Badil, the Bethlehem-based group that lobbies for the right of Palestinians to return to their pre-1948 homes. Another Israeli women’s group, Bat Shalom, has also taken the decision to support the right of return after years of rejecting it. Badil estimates that no more than 5% of Israelis sympathize with the Palestinians’ right of return, but that the number is growing.

The rights of Palestinian workers in Israel: Although Israel closed the door to Palestinian laborers at the start of the second *intifada* in 2000, several thousand are thought to be still working in Israel, almost all of them illegally. Palestinians that do work legally in Israel suffer from a basic injustice, in that they are required to contribute to several benefits (old-age pension, unemployment, health etc) that they cannot collect. The Israeli Labor organization (Histadrut) also retains 0.5% of their salary.

This has led to cooperation between Palestinians and Israelis. The Democracy and Workers Rights Center (DWRC) in Ramallah receives complaints from workers and then asks Palestinian lawyers in Israel to take their case to Israeli courts. DWRC has also worked with an Israeli organization Kavla Oveid (“Workers Hotline”), which represents Arab and Palestinian workers in Israel. The two have proposed working together to

⁷² From the Zochrot website. <http://www.nakbainhebrew.org/index.php?lang=english>. The *nakba* (“catastrophe”) refers to the expulsion of Palestinians in 1948.

represent Palestinian workers in Israeli free trade zones within the OPT, who have very little protection. DWRC also maintains contact with another Israeli organization, Sawt El Amel (“The Laborers Voice”) which takes up the case of unemployed Arabs in Nazareth.

In addition to cooperating within the region. DWRC has lobbied successfully for these two Israeli organizations to join the International Federation of Workers’ Educational Associations (IFWEA). This provides all three with a common international forum where they can work together and advise others working in similarly divided societies.

Women’s rights: The idea that women have shared interests as women, and that these transcend ethnic divisions, is compelling and born out by experience in many conflicted societies. Socially conscious Palestinian and Israeli women began working together before the Oslo accords. In 1989 the Israeli feminist organization, Bat Shalom, linked up with the Palestinian Jerusalem Center for Women’s Studies to form The Jerusalem Link.

Jerusalem Link was put on hold during the early part of the second *intifada*, but joint activities have since resumed. They can range from putting together a joint delegation, or organizing a bazaar for Palestinian handicrafts inside Israel. At the same time, both organizations have their own separate, but parallel, agendas.

Another initiative, the International Women’s Commission, has developed a joint political agenda which is based on the principles set out above: Jerusalem as a shared capital; the right of return for refugees; an end to occupation; Israeli withdrawal to the 1967 borders; and the removal of the Israeli Separation Barrier. This is not a feminist agenda, but the goal is to ensure that women on both sides have a voice the next time if and when the peace process is re-launched.

Started in 2001, the Commission brings together 20 Palestinian women, 20 Israeli women and 20 international women. Each group has its own coordinator, and a steering committee meets regularly. The Commission uses UN Resolution 1325 (on the role of women in building peace) as a common framework and has sent joint delegations to North America.

The role of donors. Some donors are prepared to support this vision of “parallel cooperation.” For example, as well as supporting Palestinian NGOs, the Dutch organization ICCO also funds a number of Israeli groups that advocate for the rights of Palestinians and Israel’s Arab minority. Mu’assasat, which manages the human rights portfolio for four European donors, allocates 25% of its funds to mainstream Israeli organizations that work on the OPT. But neither of these donors requires that the two sides work together.

Some larger governmental donors remain attached to joint initiatives, but find it hard to understand that these must be driven by practical concerns if they are to be productive. As noted above, the EU funded “people to people” projects long after the model was largely discredited. But the EU also rejected one cooperative proposal, from the DWRC in Ramallah and Kavla Oveid in Israel, to monitor the treatment of Palestinian workers in

an Israeli trade zone within the OPT. Like Israeli settlements, the zone is largely inaccessible to Palestinian and Israeli groups acting on their own. Together, however, they might stand a better chance.

As well avoiding the temptation to force Palestinians and Israelis together, it is important that donors do not impose their agenda or lead with project ideas – another broad theme of this research. Ideally, projects will be developed jointly between the donor and grantee, as discussed earlier in this report.

It can be difficult for a donor to strike the right balance between encouraging ideas on the one hand, and not imposing on the other. The Italian Consortium of Solidarity, an NGO that began in 1993 to support peace work in the Balkans, conducted an assessment mission in 2005, and concluded that several groups on both sides would benefit from working together to combat torture.⁷³ The Consortium developed contacts with eleven prominent organizations and launched a new network – United Against Torture (UAT) – at a meeting in Jordan. It received a grant for 400,000 Euros over 3 years, which is being divided out between the network members.

While no-one doubts the importance of monitoring torture, some reservations were expressed about UAT. Some thought that there is already so much work being done on torture that a new initiative is hardly needed. Others asked whether the new network will address Palestinian as well as Israeli torture – with all the difficulties noted earlier in this paper. But most felt UAT could be an important and useful addition to human rights work, as long as members see a clear benefit from participating.

What is the impact of these many and varied examples of cooperation? At first sight, they seem largely focused on emergency response and damage control – on trying to check the never-ending succession of new restrictions imposed by Israel on Palestinians. As one said “we are always playing catch-up.” If this is the case, Israeli-Palestinian cooperation will never be more than a band-aid.

Israel groups also face the problem of working in an unfriendly environment. According to Jessica Montell, Director of B'Tselem, the election of Hamas has created a climate in which Palestinians are perceived as the enemy, dehumanized, and categorized as terrorists. This makes it harder to win support for defending Palestinian rights in Israel.⁷⁴

But this is why such work is so important. As noted above in this report, Israel appears to have very little interest in helping Palestinians to build a just and democratic state. Israeli actions during this mission were unrelentingly bleak, hostile and devoid of any sympathy for the challenges facing human rights work in the OPT.

⁷³ The mission decided that Israeli and Palestinian groups could learn from each other, adopt a uniform approach to torture (for example in applying international guidelines on reporting), and make joint presentations to international fora.

⁷⁴ See above note 10.

This explains the importance of the work of Israeli human rights defenders. They remind Israelis that Palestinians have rights, that Israel has obligations, that the siege creates lawlessness and violence, and that Israel's security is not enhanced by the collapse of the rule of law in the OPT. Against the current background of violence and lawlessness in the OPT, this is an indispensable contribution.

The same can be said for human rights work by Palestinians in the OPT. Palestinian and Israeli human rights defenders are one of the few reasons for optimism in an otherwise very grim situation.

18. INTERVIEWS

The author wishes to express thanks and appreciation to the following, who afforded him interviews:

1. Palestinian communities

- **Saleh Dagamin (Chairman), Minwer Meganam, Muhamed el Dubassi, Yussef El Taradi, Khaled El Rizikat, Bader El Atawneh:** Committee members from the Unemployment Worker Federation, Hebron province (Meeting at Beit Kahel)
- **Fatemeh al-Khaldi,** Executive Director, **Um Faddi,** Board member and founder: Women for Life, Bidya (meeting in Bidya)
- **Nazleth, Shofa, Rameen, Asma, Lutfia, Adla, Sobheiya, Rana, Mogadas, Amneh, Mariam:** Women council members from local councils or municipalities (meeting at Tulkarm, organized by the Women’s affairs Technical Committees - WATC)
- **Mustafa Abu Asmi, Subeh Farwah, Ibrahim Tabasi, Ala El Dawaji, Ala Hanon. Hamdi Zogmat, Husein Anu Nusara, Mudhad Ashaer:** Members of the General Committee for Ex-settlement Workers (meeting in Khan Younis, Gaza)
- **Tawfuk Abu Moussin, Mohamed Mahdi, Ishan Gandour, Emad Serraj, Mustafa Zeneh, Musleh Zorob, Essam Abu Ayeh, Raed Debas:** Members of the unofficial workers committee, Khan Younis Municipality (meeting in Khan Younis, Gaza)
- **Mazen Khudear:** Head of the workers committee, Red Crescent Society (Khan Younis, Gaza)
- **Racla Hamadi, Nema Megdad, Manar Zorab, Ferial Zorab, Huda Elian, Faten Bayoumi, Rama Anu Skaweesh, Lobna Zoher el Kijjan, Mohamed Zorob, Itaf el Hamran, Jada El Hanadi; Mohamed Aqla; Khader Shaat:** women who have benefited from empowerment trainings in Rafah, Gaza, organized by the Women’s Affairs Technical Committee
- **Nema Megdad:** President of the Fishermen’s Wives Association, El Mowasi (meeting with members at El Mowasi)
- **Ibrahim Muammar:** President and co-founder of the National Association for Democracy and Law, Rafah.
- **Abdullah Busharat:** Head of the Atuf local council, **Amna Beni Odi,** head of the women’s committee, Atuf village (Jordan Valley)
- **Abu Awad:** Leader, of the Aqrabaniyeh council (Jordan Valley)
- **Arif Daraghmeh.** Leader of the Al-Malih council (Jordan Valley)
- **Aisha Kaddoumi:** Founder and president of the Women’s committee, Jayyuz

2. Palestinian NGOs

- **Dr Mahdi Abdul Hadi.:** Head of the Palestinian Academic Society for the Study of International Affairs – Passia (Jerusalem and Ramallah) www.passia.org
- **Dr Samir Abdullah,** Director General, and **Ms. Samia Al-Botmeh (Researcher)** at MAS – the Palestine Economic Policy Research Institute (Ramallah) www.mas.org.ps

- **Rami Nasrallah:** Director of the International PeaceCooperation Center (IPPC), Jerusalem: www.ipcc-jerusalem.org
- **Mamoun Attily:** Program officer at the Palestinian Independent Commission for Citizen's Rights (PICCR), Ramallah www.piccr.org
- **Ghassan Khattib:** Former Minister of Labor and Executive Director at the Jerusalem Center for Media and Communications (JMCC) www.jmcc.org
- **Rose Shomali:** General Director and **Narmeen Fayyaleh,** Program officer at the Women's Affairs Technical Committees (WATC) Ramallah: www.watcpal.org
- **Siham Barghouthi:** Chairwoman of the Association of Women' Action for Training and Rehabilitation (Ramallah)
- **Dr Khalil Nakleh:** Team Leader and **Randa Siniora** Human Rights Specialist) at Mu'assasat (Ramallah); www.muassasat.org
- **Shawan Jabarin:** General Director of Al-Haq, Ramallah. www.alhad.org
- **Margarate Rai:** Regional director for the Union of Palestinian Womens Committees, Qalkilya and **Khitam Saafin,** board member, UPWC, Ramallah. www.upwc.org
- **Hasan Barghouthi:** General Director, **Dr Hamid Al-Khawaja** (Executive Director) and **Carine Metz Abu Hmeid** (External Relations) at the Democracy and Workers Rights Center – DWRC (Ramallah) www.dwrc.org
- **Dr. Helga Baumgarten:** Director of the Democracy and Human Rights Program, Bir Zeit University www.birzeit.edu
- **Martina Iannizzotto:** Head of mission for United Against Torture/Italian Consortium of Solidarity (Jerusalem) www.unitedagainsttorture.org
- **Maysoon Ramahi:** President of Al-Khansa, Ramallah
- **George Abu Al-Zolof:** Director and **Jihad Shomali,** program officer at Defence for Children International, Palestine section. www.dci-pal.org
- **Karim Nashwan:** Vice-Director and **Wafa Kafarna** at the Democracy and Workers Rights Center in Gaza
- **Jaber Wishah:** Deputy Director, **Mahr Lobed,** field worker and **Sabreen Ibrahim,** Field Worker at the Palestinian Center for Human Rights, Gaza
- **Dr. Ahmed Abu Jawahina:** Deputy Director General, **Husam El-Nounou,** Public Relations Director at the Gaza Community Mental health Program (Gaza) www.gcmhp.net
- **Geraldine Shawa:** President of the Atfaluna Society for Deaf Children (Gaza) www.atfaluna.net
- **Nadia Abu Nakla:** Director of the Gaza branch of the Women's Affairs Technical Committee, **Fatem Bayoumi** and **Huda Elian,** program officers
- **Amjad Shawa:** Coordinator of the Palestinian Non-governmental Organizations' Network (PNGO) Gaza www.pngo.net
- **Issam Younis:** Director General of the Al Mezan Center for Human Rights (Gaza) www.mezan.org
- **Ingrid Jaradet Gassner:** Director of the Badil Resource Center for Palestinian residency and refugee rights (Bethlehem) www.badil.org
- **Dr Majed Nassar and Dr. Kamal Zaineh,** the Health Work Committees (Ramallah) www.hwc-pal.org
- **Dr Naser Daragmeh:** Director of the Toubous branch of the Health Work Committees www.hwc-pal.org

- **Maha Abu Dayyeh Shamas:** Director of the Women's Centre for Legal Aid and Counselling - WCLAC (Ramallah) wclac@netvision.net.il

3. Palestinian private sector

- **Ayed Abu Ramadan:** Director of the Palestine Economic Development Company, Gaza Agricultural Project (GAP) www.ped.ps

4. Donors, UN Agencies, Foundations and International NGOs

- **Ziad Sharia:** Human rights specialist at the diplomatic Mission of the Netherlands, Ramallah nlgovram@palnet.com
Knut Dethlefsen: Resident Representative and **Katja Franke** program officer at the Friedrich Ebert Foundation (Ramallah); **Usama Antar**, director of the Foundation's Gaza office www.fespal.org
- **Hadeel Rizq-Qazzaz:** Specialist in women's affairs at the Heinrich Boll Foundation, Ramallah
- **Raffaella Iodice de Wolff:** Counsellor and **Yasmine Rockenfeller**, Task Manager at the European Commission Technical Assistance Office, Ramallah www.delwbg.eu.int
- **Ulrike Ramlow:** Trainer and consultant at the Union of Palestinian Women's Committees, seconded by Kurve Wustrow, Germany www.kurvewustrow.org
- **Mieke Zagt, Hilde de Groot and Manon Wolfkamp**, program officers with the Dutch organization ICCO www.icco.nl
- **June Ray:** Chief of the office of the UN High Commissioner for Human Rights (UNOCHR)
- **Hans Duynhouwer**, Head of Management Unit, Temporary International Mechanism (TIM)
- **Allegra Pacheco:** Chief of the Information and Advocacy unit at the UN Office for the Coordination of Humanitarian Affairs (UNOCHA): www.ochaopt.org

5. Palestinian Government

- **Jihad Abu Zneid:** PLC member (Fateh party, Jerusalem) www.pal-plc.org
- **Dr Faisal Abushahla:** PLC member and Chairman of the PLC Committee on human rights and oversight (Fateh party Gaza)
- **Rawia Shawa:** PLC member of the social affairs committee (Independent, Gaza)
- **Huda Naim:** PLC member of the Women's sub-committee (Hamass, Gaza)
- **Tharwat Al Baik:** Director General for Public affairs, Ministry of the Interior (Gaza)
- **Fadwa El-Sha'r Khawajh:** General Director, General Administration for NGOs and Public Affairs, Ministry of the Interior, Ramallah

6. Israeli NGOs

- **Connie Hackbarth:** Advocacy Director for the Alternative Information Service, Jerusalem <http://www.alternativenews.org/>
- **Jessica Montell:** Executive Director of B'Tselem (Jerusalem) www.btselem.org
- **Dalia Kerstein:** Director of Hamoked – Center for the Defense of the Individual www.hamoked.org.il