

# Statements to European Parliament and Irish Parliament

June 23, 2010



**Professor Gerald M. Steinberg**  
*President, NGO Monitor*



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NGO Monitor's mission is to provide information and analysis, promote accountability, and support discussion on the reports and activities of NGOs claiming to advance human rights and humanitarian agendas in the framework of the Arab-Israeli conflict.

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# AGENDA – EUROPEAN PARLIAMENT: SUBCOMMITTEE ON HUMAN RIGHTS

Programme 18.00-20.00h

Meeting 23 June 2010

Exchange of views on the Situation of NGOs and civil society in Israel

18.00h Opening remarks by MEP Heidi Hautala

Presentations by NGOs (total 30 minutes)

Dr. Ishai Menuchin

*Executive Director, Public Committee against Torture in Israel (PCATI)*

Mr. Jafar Farah

*Director, Mossawa Center*

Ms. Nathalie Stanus

*Euro-Mediterranean Human Rights Network (EMHRN) and  
International Federation for Human Rights (FIDH)*

Mr. Zvi Tal

*Deputy Ambassador of the Mission of Israel to the European Union*

**Prof. Gerald M. Steinberg**

***President, NGO Monitor***

Mr. Riccardo Serri

*European Commission (DG RELEX)*

Discussion with Members of DROI and other members invited to be present



## BACKGROUND

On June 23, 2010, the European Parliament Subcommittee on Human Rights held a session on the “Situation of NGOs and Civil Society in Israel.” Professor Gerald Steinberg addressed the problems resulting from European funding for Palestinian and Israeli civil society organizations. His participation was challenged unsuccessfully by the EU-funded NGOs which had initiated this session through supportive MEPs.

Following 30 minutes of presentations by NGO officials from the Public Committee Against Torture in Israel (PCATI), Mossawa, and the International Federation of Human Rights (FIDH), also speaking for the Euro-Mediterranean Human Rights Network (EMHRN), Prof. Steinberg discussed the central involvement of European-funded NGOs in BDS (boycott, divestment and sanctions), “lawfare,” and demonization campaigns. He also addressed NGO biases and double standards, false or unverifiable allegations, and distortions of international law that undermine the moral foundations of universal human rights.

During the discussion, members of the European Parliament (MEPs) raised issues related to transparency and NGO funding processes, including a request for a closed session with European Commission budget officials. Another MEP asked the representative from Mossawa, Jafar Farah, to explain contradictions in claims regarding discrimination against Israeli-Arab citizens.

In other remarks, MEP Proinsias De Rossa (Ireland) illustrated the double standards of some European politicians: He attacked the absence of chocolate and jam in Hamas-controlled Gaza, but was silent regarding Gilad Shalit, the Israeli soldier held since 2006 without access to Red Cross visitation.



Excerpted from EU Observer – Wednesday, June 30, 2010

## **EU accused of meddling in Israeli democracy**

Leigh Phillips

EUOBSERVER/BRUSSELS – Professor Gerald Steinberg, NGO Monitor president, was in Brussels last week to speak with MEPs and Israel’s EU mission promoted his work among journalists.

The EU gives “public funds to a small group of opposition groups in an effort to manipulate the political process,” he told eurodeputies.

“In violation of the principle that democracies do not attempt to manipulate or interfere with the internal political processes in other democracies, anonymous European officials in charge of NGO allocations seek to exploit a minority group of Israelis to impose EU-favoured policies on the wider Israeli public. I don’t see it as a conspiracy. But with the EU lack of transparency in general, it is very hard to sort out.”

He compared the sums, amounting to 68.8 million shekels (€15 million) since 2006 for Israeli civil society groups including B’Tselem, Peace Now, the Public Committee Against Torture in Israel, Mossawa and Physicians for Human Rights Israel, whom he terms “radical fringe” NGOs, to the €15 million annually Israel spends internationally on its public diplomacy efforts.

Mr Steinberg also named Amnesty International, Human Rights Watch and Oxfam as part of what he calls “third-generation warfare” against Israel. First came attacks from nation-states, he says; second came violence from non-state actors such as the PLO and the Intifada uprisings; and now the new form of war that is being mounted against the Jewish state comes in the form of human rights discourse that aims to “delegitimise” its right to exist.

“Across the board, these organisations cast Israel as having a poor record on human rights. They have a structural bias against Israel and they are very active in the demonisation and delegitimation campaign of Israel,” he said.

He highlighted a November 2008 conference in Cairo that was funded by Oxfam and the EU entitled “Impunity and Prosecution of Israeli War Criminals,” saying plans were hatched at the event for two Belgian lawyers to later target Israeli officials with legal claims in Belgium on war crimes.

“Why is the EU giving money to private Israeli organisations?” he said. “With the EU and these groups clinging to secrecy so stubbornly, it suggests that there’s something going on under the surface.”

*Available at: [www.euobserver.com/9/30383](http://www.euobserver.com/9/30383)*

**Professor Gerald M. Steinberg**

*President, NGO Monitor*

Prepared Remarks to the European Parliament  
Subcommittee on Human Rights

*Brussels, Belgium*

**“Analysis of EU funding for Political NGOs in the Arab-Israeli Conflict:  
Secrecy, Demonization and Manipulation”**

June 23, 2010 (Revised July 5, 2010)

I thank the committee for inviting me to address this important forum. Before my remarks, I wish to note that I have no connection with, nor receive any funding from the Israeli or any other government, and do not speak on behalf of anyone other than myself and NGO Monitor, which is an independent Israeli civil society organization.

I am here to discuss the policies of and the role played by the European Union (EU) in funding numerous Palestinian, Israeli, and other non-governmental organizations (NGOs) and “civil society” organizations (CSOs). The EU provides large sums of taxpayer funds for political advocacy through programs such as Partnership for Peace, the European Instrument for Human Rights and Democracy (EIDHR), EMHRN, and the Anna Lindh Foundation.

*Projects supported by the EU systematically ignore Palestinian attacks, while condemning Israeli responses.*

The declared intentions are positive, but when the details of this funding are examined, many problems emerge. Projects supported by the EU systematically ignore Palestinian attacks, while condemning Israeli responses, with blanket accusations of “racism,” violations of “all international human laws and rules,” “torture,” “never ending colonial and expansionist desires,”<sup>1</sup> sexual attacks against Arab women,<sup>2</sup> and similar incendiary

<sup>1</sup> ARIJ, Toward annexing Palestinian lands to the Israeli State: “New Israeli Military Orders to Fortify the Apartheid Israeli Segregation Plan in Hebron Governorate,” February 7, 2009.

<sup>2</sup> Mada al-Carmel, “My Land, Space, Body and Sexuality: Palestinians in the Shadow of the Wall,” November 9, 2009. Available at: <http://www.jensaneya.org/english/shownews.php?ID=467>

allegations. EU projects fund Palestinian-led conferences to plan the “Extra-judicial Executions and Prosecution of Israelis Suspected of Committing War Crimes,”<sup>3</sup> with proceedings broadcast on Al Jazeera

*EU-funded political advocacy organizations lead the campaign embodying the “third generation” of warfare against Israel.*

clearly showing the banner thanking the European Union.<sup>4</sup> You can understand how this is seen in Israel, and how it affects relations between Israelis and the European Union.

These are not isolated exceptions. NGO Monitor’s systematic research during the past eight years, analyzed through the models of conflict management and negotiation, demonstrates that, in practice, much of this EU funding does not match the intentions.<sup>5</sup> No evidence has been produced showing that these programs have contributed to a stable and lasting two-state solution. Instead, the evidence demonstrates that many of the recipients fuel the conflict, increase the already formidable barriers to compromise and mutual acceptance between Israelis and Palestinians, create friction between Europe and Israel, and empower divisive groups and individuals.

EU-funded political advocacy organizations lead the campaign embodying the “third generation” of warfare against Israel. These NGOs are key participants in BDS (boycotts, divestment, and sanctions), “lawfare,” and demonization campaigns, based on the 2001 Durban NGO Forum in which 1,500 NGOs adopted the strategy of “complete and total isolation of Israel as an apartheid state ... the imposition of mandatory and comprehensive sanctions and embargoes, the full cessation of all links (diplomatic, economic, social,

<sup>3</sup> PCHR, “PCHR Co-hosts Cairo Conference on Extra-judicial Executions and Prosecution of Israelis Suspected of Committing War Crimes,” November 9, 2008. Available at: <http://www.pchrgaza.org/files/PressR/English/2008/2008/53-2008.html>

<sup>4</sup> PCHR, “The Principle and Practice of Universal Jurisdiction: PCHR’s Work in the Occupied Palestinian territory,” 2010, p. 175. Available at: [http://pchrgaza.org/files/Reports/English/pdf\\_spec/PCHR-UJ-BOOK.pdf](http://pchrgaza.org/files/Reports/English/pdf_spec/PCHR-UJ-BOOK.pdf)

<sup>5</sup> Steinberg, Gerald M. “Europe’s Hidden Hand: NGO Monitor study on EU funding for political NGOs in the Arab Israeli conflict.” NGO Monitor Monograph Series, April 2008. Available at: [http://www.ngo-monitor.org/data/images/File/NGO\\_Monitor\\_EU\\_Funding\\_Europes\\_Hidden\\_Hand.pdf](http://www.ngo-monitor.org/data/images/File/NGO_Monitor_EU_Funding_Europes_Hidden_Hand.pdf)

aid, military cooperation and training) between all states and Israel.”<sup>6</sup> The goal, as clearly stated in many publications and speeches, is to end Jewish national self-determination using the façade of human rights.

Consistent and blatant NGO biases and double standards are also undermining the moral foundations of universal human rights, through cynical double standards, false or unverifiable allegations, and distorted versions of international law. In sharp contrast to the central role of EU-funded NGOs in promoting the Goldstone Report that falsely indicted Israel for alleged “war crimes,”<sup>7</sup> we found few instances in which EU-funded human rights organizations spoke out clearly against abuses by Palestinians. Neither have EU-funded groups advanced the human rights of Israelis.

Instead, behind the façade of civil society – which, in a democracy such as Israel’s, grows out of that society – the EU and its member states are seen as giving public funds to a small number of opposition groups in an effort to manipulate the political process. In violation

of the principle that democracies do not attempt to manipulate or interfere with the internal political processes in other democracies, anonymous European officials in charge of NGO allocations seek to exploit a minority group of Israelis to impose EU-favored policies on the wider Israel public. (While Europe provides funds that give these NGOs influence in Israeli society, the EU and its member states share none of the costs when misguided peace efforts fail, including mass terror and many Israeli deaths.)

Furthermore, the EU’s extreme secrecy with respect to funding and evaluation processes for these political NGOs, in violation of due process and transparency, increases this

*The EU and its member states share none of the costs when misguided peace efforts fail, including mass terror and many Israeli deaths.*

<sup>6</sup> “WCAR NGO Forum Declaration, SANGONeT, September 3, 2001 Available at: <http://www.racism.org.za/index-2.html>.

<sup>7</sup> “Made in Europe: How government funded NGOs shaped the Goldstone report.” NGO Monitor Report, October 1, 2009. Available at: [http://www.ngo-monitor.org/article/european\\_government\\_funding\\_ngos\\_and\\_the\\_goldstone\\_report](http://www.ngo-monitor.org/article/european_government_funding_ngos_and_the_goldstone_report)

damage. No EU official has offered legitimate reasons for such extreme secrecy with respect to funding for civil society organizations. If the extensive EU funding provided to Israeli and Palestinian political advocacy groups is justifiable, the process and protocols should be published.

In response to this secrecy, the elected representatives of the Israeli public are debating legislation to provide the missing transparency. The very loud officials of favored Israeli NGOs and their friends fiercely oppose this transparency and publication of the protocols and evaluations involved in the European Commission's funding process, suggesting a fear that this will lead to reduced funds for waging demonization campaigns.

To further understand the central issues related to EU funding for political NGOs, I will now provide detailed analysis of these points, in the time allotted to me, and with caution that far more discussion is required in order to understand the complexities.

### **Advocacy NGOs – another obstacle to peace**

More than ten years of EU funding via the PfP, EIDHR, and other programs, involving tens of millions of euros, has resulted in few significant achievements. Without independent professional evaluations of EU allocations for NGOs – if such documents exist – conclusions about the impacts are tentative, but it is clear that the wider mutual distrust

*Detailed analysis demonstrates that much of the EU funding for these NGOs has been counterproductive to the peace process.*

and hostility between Israelis and Palestinians has not declined. Instead, detailed analysis demonstrates that much of the EU funding for these NGOs has been counterproductive to the peace process.

A number of EIDHR and PfP recipients, as well as EMHRN member organizations, are very active in the BDS and lawfare campaigns that target Israel, or deny the right of self-determination for the Jewish nation via “one-state solutions.” These NGOs include PCHR (the Palestinian Center for Human Rights,

based in Gaza), ARIJ (Applied Research Institute Jerusalem), the Coalition of Women for Peace, Adalah, HRA (Arab Human Rights Association), Mada al-Carmel, and ICAHD

*Since no independent evaluations of ARIJ's impact have been published by the EU, the results of this massive funding, and its contribution to advancing peace and tolerance, are far from clear.*

(Israeli Committee Against House Demolitions).<sup>8</sup>

ARIJ, a powerful Palestinian advocacy group that receives a large portion of its budget from European governments, including 15% from the EU, has been funded for many years through grants from PFP for a project headlined “Monitoring actions and transformations in the Palestinian Territory to develop policies and strategies for conflict management”<sup>9</sup> (€874,000 from 2004-2011, and an unknown amount from 2000-2004). Since no independent evaluations of ARIJ's impact have been published by the EU, the results of this massive funding, and its contribution to advancing peace and tolerance, are far from clear.

ARIJ's website refers to this EU-funded project as “Monitoring Israeli Colonizing Activities in the Palestinian West Bank & Gaza.” Phase III of the project is clearly designed to promote the Palestinian political war by “disseminating information on Israeli colonization by monitoring Israeli colonization activities.”<sup>10</sup>

In contrast to the language of tolerance and compromise, ARIJ uses the rhetoric of conflict in the EU-funded monitoring project, with allegations of Israeli “denial of all

<sup>8</sup> “EC's Partnerships for Peace 2007-8 NGO Grantees: Funding Conflict under the Façade of Peace.” NGO Monitor Report, April 6, 2009. Available at: [http://www.ngo-monitor.org/article/ec\\_s\\_partnerships\\_for\\_peace\\_ngo\\_grantees\\_funding\\_conflict\\_under\\_the\\_fa\\_ade\\_of\\_peace](http://www.ngo-monitor.org/article/ec_s_partnerships_for_peace_ngo_grantees_funding_conflict_under_the_fa_ade_of_peace); “EIDHR: Additional European Funding for Mideast Conflict Groups.” NGO Monitor Report, March 16, 2010. Available at: [http://www.ngo-monitor.org/article/eidhr\\_additional\\_european\\_funding\\_for\\_mideast\\_conflict\\_groups0](http://www.ngo-monitor.org/article/eidhr_additional_european_funding_for_mideast_conflict_groups0)

<sup>9</sup> The EU Partnership for Peace Programme, “Cooperation and funding, Call for proposals 2007.” Available at: [http://d157696.si27.siteam.co.il/english/content/cooperation\\_and\\_funding/3.asp](http://d157696.si27.siteam.co.il/english/content/cooperation_and_funding/3.asp)

<sup>10</sup> ARIJ, “About the Project, Monitoring Israeli Colonizing Activities in the Palestinian West Bank & Gaza.” Available at: [http://www.poica.org/proj-objectives/proj\\_obj.php](http://www.poica.org/proj-objectives/proj_obj.php)

international human laws and rules,” and refers to “racism acts.”<sup>11</sup> In another example, ARIJ charges that “Israel is seeking to loot as much as possible of the Palestinian lands to fulfill its never ending colonial and expansionist desires.”<sup>12</sup>

Similarly, PCHR is a direct recipient of EIDHR funding, and has also received EC money as a partner of Oxfam NOVIB (a process that is usually undocumented), through the project entitled “Awareness Raising and Lobbying against the Death

*ARIJ uses the rhetoric of conflict in its EU-funded monitoring project.*

Penalty in the Occupied Palestinian Territory (EC Internal No. 98779).” This organization is a major pillar of the “lawfare” tactic, which is part of the wider Durban strategy of political warfare against Israel. In April 2006, PCHR organized a conference in Malaga, Spain, in conjunction with the Al-Quds Malaga Association, entitled “Bringing Cases Against War Criminals: Universal Jurisdiction.”<sup>13</sup> The aim of the conference was “to establish and develop contacts which could be used to enhance and strengthen future universal jurisdiction activities.” In 2008, PCHR held a coordinating conference in Cairo on “Extra-judicial Executions and Prosecution of Israelis Suspected of Committing War Crimes.”<sup>14</sup> The proceedings were broadcast on Al Jazeera, with a backdrop consisting of a large sign, “Impunity and the Prosecution of Israeli War Criminals,” and an acknowledgment to the EU and Oxfam/NOVIB. One session was devoted to case strategy regarding PCHR’s criminal suit in Spain against seven Israeli officials. Another session presented ways to have Israelis prosecuted at the International Criminal Court.

<sup>11</sup> ARIJ, “Manipulation of legal terms: The real intentions of the Israeli occupation military orders,” February 11, 2009. Available at: [http://www.poica.org/editor/case\\_studies/view.php?recordID=1803](http://www.poica.org/editor/case_studies/view.php?recordID=1803)

<sup>12</sup> ARIJ, Toward annexing Palestinian lands to the Israeli State: “New Israeli Military Orders to fortify the Apartheid Israeli Segregation Plan in Hebron Governorate,” February 7, 2009.

<sup>13</sup> PCHR, “The Principle and Practice of Universal Jurisdiction: PCHR’s Work in the Occupied Palestinian territory,” 2010, p. 133. Available at: [http://pchrghaza.org/files/Reports/English/pdf\\_spec/PCHR-UJ-BOOK.pdf](http://pchrghaza.org/files/Reports/English/pdf_spec/PCHR-UJ-BOOK.pdf)

<sup>14</sup> PCHR, “PCHR Co-hosts Cairo Conference on Extra-judicial Executions and Prosecution of Israelis Suspected of Committing War Crimes,” November 9, 2008. Available at: <http://www.pchrghaza.org/files/PressR/English/2008/2008/53-2008.html>

EU-funded NGOs are also centrally involved in the campaigns based on false allegations of Israeli “war crimes,” particularly with respect to the responses to rocket attacks from Gaza. The leaders of an organization known as ICAHD promote the “one state solution,” thus fuelling the conflict. ICAHD is also one of the NGO

*EU-funded NGOs are also centrally involved in the campaigns based on false allegations of Israeli “war crimes.”*

sponsors of the Free Gaza flotilla,<sup>15</sup> which, as recent events made clear, works closely with Hamas and Hezbollah in seeking confrontation with Israel. The tragic results of these violent activities are all too visible. The EU has funded ICAHD since at least the 1999 PfP allocations. (In 2009, PfP funding for ICAHD ended, but EU funding continued via EIDHR – without explanation, and highlighting the secrecy in this process.)

Mada al-Carmel and two other NGOs (Women Against Violence, which is also funded by the EU, and the Arab Forum for Sexuality, Education and Health) organized an event headlined “My Land, Space, Body and Sexuality: Palestinians in the Shadow of the Wall.” Publicity included a poster portraying an Israeli soldier reaching suggestively toward a Palestinian woman, with the caption: “Her husband needs a permit to touch her. The occupation penetrates her life everyday!”<sup>16</sup> Falsely suggesting that Israeli soldiers sexually assault Palestinian women, this image and the language reflect another dimension of incitement.

These and similar activities, led by EC-funded NGOs, do not promote a culture of peace, but rather work against compromise and exacerbate distrust and hostility between Israelis and Palestinians. (The excuse that EU funding is provided to projects, not organizations, is not convincing. In many cases, such as PCHR, the projects directly funded by the EU contribute to the conflict. In the other cases, since money is fungible, and a number of

<sup>15</sup> Free Gaza Movement, “Endorsers” Available at: <http://www.freegaza.org/en/about-us/who-we-are/136-endorsers>

<sup>16</sup> Mada al-Carmel, “My Land, Space, Body and Sexuality: Palestinians in the Shadow of the Wall” November 9, 2009. Available at: <http://www.jensaneya.org/english/shownews.php?ID=467>

controversial Israeli opposition NGOs – Ir Amim, on the explosive issue of Jerusalem; Breaking the Silence; HaMoked; the Public Committee Against Torture (PCATI); Gisha; Bimkom; and others – receive over half (and in some cases, 70 or 80 percent) of their funding from the EU and its member states, the responsibility of the funders for the activities is undeniable.)

### **Manipulating democracy under the façade of “civil society”**

In addition, large-scale EU and European government funding to Israeli NGOs from a very narrow sector has angered many Israelis who view it as a form of manipulation and neo-colonialism. In sharp contrast to its neighbors, Israel is a democratic society, and citizens, both as individuals and members of NGOs, engage in intense debates on the issues of war and peace; occupation, settlements, and security; human rights, humanitarian aid, and Gilad Shalit. For Israelis, these issues are vital to the core questions of national survival.

*Activities led by EC-funded NGOs do not promote a culture of peace, but rather work against compromise and exacerbate distrust and hostility between Israelis and Palestinians.*

Israelis are also aware that opposition groups enjoy a major and unfair advantage in these debates, and in the marketplace of ideas, through massive funding provided by the EU and European governments. Organizations supported by the EU have a clear advantage in terms of the funds and personnel necessary to hold frequent press events, create media visibility for their leaders, organize rallies and marches, advertise in the main newspapers, lobby the Knesset, petition the courts, and hold politicized academic events. Given the high percentage of their budgets provided by Europe, it is understandable that many Israelis view these organizations as European and as representing European interests.<sup>17</sup>

<sup>17</sup> Steinberg, Gerald M. “Manipulating the marketplace of ideas,” Haaretz, November 29, 2009. Available at: <http://www.haaretz.com/print-edition/opinion/manipulating-the-marketplace-of-ideas-1.3288>

Earlier EU funding via Peace Now aimed at convincing Israeli Jews from Russia to change their political views (“This activity would focus on a social group that traditionally has anti-peace views and votes Likud... The other components of the project would be an outreach to Immigrants from the Former Soviet Union”) is clearly manipulative, and ill-conceived.<sup>18</sup>

The same is true for a new PffP project designed to persuade Israeli journalists to take favorable positions on the controversial Saudi/Arab League Peace plan.

The Israeli media reports that the EU is providing close to €6,000 per participant for 60 Israeli journalists to attend seminars, meetings, and two eight-day retreats with other participants in Turkey. The NGOs funded by the EU to set the agenda for these meetings, Neve Shalom and Conflict Resolution and Reconciliation (CCRR), are themselves part of the problem. CCRR, a Palestinian NGO, calls for the boycott of Israeli academics or Israeli academic institutions that support “the occupation” (“for more than 50 years,” i.e., since 1948).<sup>19</sup> However, due to the lack of transparency in the EU, there is no information to explain this strange and counterproductive framework.

Through this secretive NGO funding process, the EU also selects favored members of Israeli civil society – particularly in the Israeli-Arab sector. The radicalization of these organizations and the increasing friction between the Arab/Palestinian and Jewish sectors coincides, to a significant degree, with the funding received by Adalah, Mada al-Carmel, and other groups. Haneen Zoubi, an Israeli-Arab citizen who was elected to

*Given the high percentage of their budgets provided by Europe, it is understandable that many Israelis view these organizations as European and as representing European interests.*

<sup>18</sup> Minutes of the meeting held on 29 September 1999, Ad hoc selection committee for People to People/Permanent Status Issues projects in support of the Middle East peace process, budget line B7-4100, European Commission, Directorate General External Relations, Middle East, South Mediterranean.

<sup>19</sup> “EU funding pushes the Arab Peace Initiative among Israeli journalists.” NGO Monitor Report, April 22, 2010. Available at: [http://www.ngo-monitor.org/article/eu\\_funding\\_to\\_promote\\_the\\_arab\\_peace\\_initiative\\_among\\_israeli\\_journalists](http://www.ngo-monitor.org/article/eu_funding_to_promote_the_arab_peace_initiative_among_israeli_journalists)

the Knesset in 2009 and was a prominent activist aboard the recent IHH/ISM Free Gaza flotilla, gained substantial visibility through her role as head of the NGO known as I'lam, which received over €900,000 from the EU's EIDHR and gender frameworks. While the selection and elevation of particular individuals among the Israeli-Arab minority may not be part of the EU's official NGO funding policy, this is clearly the result.

The role of EU funding in adding to the tensions among Israeli citizens can also be attributed to the false portrayal of societal divisions in Israel as a problem of "civil" or "minority" rights. These terms, which are used to justify support to groups like Mada al-Carmel, Adalah, and Mossawa, mask an intense and often violent ethno-national and religious conflict, rather than *a priori* discrimination. In contrast, EU-funded organizations use the language of discrimination and civil rights, but their agendas reflect hostility to Israel as a Jewish state. The "Haifa Declaration" (Mada al-Carmel 2007) calls for a "change in the definition of the State of Israel from a Jewish state" and accuses Israel of "exploiting" the Holocaust "at the expense of the Palestinian people."<sup>20</sup> At an "academic conference" entitled "Has the Two-State Solution Collapsed?" several participants advocated for a "one-state solution." Nadim Rouhana, who heads Mada al-Carmel, claimed that "a solution to the Palestinian-Israeli conflict that relies on partition cannot be a just one. The partition resolution was based on the appropriation of part of Palestine, exceptionally granting it to the Zionist movement."<sup>21</sup> Mada al-Carmel organized a conference in January 2010 where Hussein Abu Hussein, chairman of the board of Ittijah (of which Mada al-Carmel is a member), said, "Israel is a racist state, and a racist state cannot guarantee or create a

<sup>20</sup> Mada al-Carmel, "The Haifa Declaration," May 15, 2007. Available at: <http://www.mada-research.org/UserFiles/file/haifaenglish.pdf>

<sup>21</sup> Mada al-Carmel, "Has the Two-State Solution Collapsed?," July 2009. Available at: <http://www.mada-research.org/?LanguageId=1&System=Item&MenuId=4&PMenuId=4&CategoryId=4&ItemId=345>

culture of justice. It creates a racist and aggressive culture.”<sup>22</sup> This is the rhetoric of war, not peace, and it is funded by the European Union.

### **Undermining the moral foundations of universal human rights, through double standards, false allegations, and distorted international law**

*This is the rhetoric of war, not peace, and it is funded by the European Union.*

In addition, political advocacy NGOs, many of which are funded by the EU, distort international law to issue one-sided condemnations of Israel. At the same time, they belie their claim to be working for universal human rights by giving very little attention to the rights of Israelis, or of Palestinians under threat from Hamas. While EU-funded NGOs have issued hundreds of reports condemning Israel, they have shown very little concern for the rights of the children from Sderot who have spent their childhood under bombardment from Gaza. These NGOs and their EU funders also show far more concern about the availability of jam and chocolate for Gaza than about freedom for Gilad Shalit, now held for four years. This is shameful.

An example of NGO distortions of international law can be seen in their allegations regarding Nizar Rayan, a senior Hamas commander involved in the planning and execution of numerous mass terror attacks. He was killed during the Gaza war after refusing to evacuate himself and his family members from his home – which was also a Hamas weapons storage compound – despite repeated Israeli warnings.<sup>23</sup>

<sup>22</sup> Mada al-Carmel, “Legal Action: Aspects, Goals, and Challenges,” January 2010. Available at: <http://www.mada-research.org/?LanguageId=1&System=Item&MenuId=4&PMenuId=4&CategoryId=4&ItemId=393>

<sup>23</sup> After the warnings, Israel observed a group of civilians leaving the compound, and therefore assumed that all its residents had left. Rayan and some his relatives were killed in the subsequent bombing of the weapons storage site.

European government-funded PCHR called Rayan's death a "heinous crime" and insisted that the "perpetrators and their military and political leaders must be prosecuted."<sup>24</sup> Without any basis in international law, the NGO continues to list him as a civilian in its widely quoted casualty statistics from the war.<sup>25</sup>

B'Tselem also condemned the strike, calling it a "grave breach of international humanitarian law,"<sup>26</sup> and Adalah (also funded by the EU) referred to the case as an example of an "indiscriminate" and "disproportionate" bombing, claiming it was a "war crime" and that "those who make such decisions and execute them bear personal criminal responsibility."<sup>27</sup> This

*Following the Free Gaza flotilla violence, NGOs issued one-sided condemnations of Israel while neglecting Shalit, whose kidnapping in 2006 and four years of captivity are gross violations of human rights and international law.*

is another absurd NGO effort to exploit the language of international law. The Israeli strike was clearly directed at a legitimate military objective, and therefore was not indiscriminate.

Similar distortions are apparent in NGO campaigns labeling the Israeli blockade on Gaza, following the kidnapping of Gilad Shalit and then the Hamas coup, as "collective punishment." Following the Free Gaza flotilla violence, NGOs including the Arab Cultural Forum, Gaza Community Mental Health Programme (GCMHP), Palestinian NGO Network (PNGO), Al Mezan, International Federation of Human Rights (FIDH),

<sup>24</sup> PCHR, "IOF Offensive on the Gaza Strip Continues for the 7th Consecutive Day," January 2, 2009. Available at: <http://www.pchrgaza.org/files/PressR/English/2009/125-2008.html>

<sup>25</sup> IDC ICT Report, "'Cast Lead' Casualties Report," April 2009. Available at: <http://www.ict.org.il/ResearchPublications/CastLeadCasualties/tabid/325/Default.aspx>

<sup>26</sup> B'Tselem, "The killing of Nizar Rayan and 15 members of his family," January 4, 2009. Available at: [http://www.btselem.org/English/Gaza\\_Strip/20090104\\_Killing\\_of\\_Nizar\\_Rian\\_and\\_13\\_Family\\_member.asp](http://www.btselem.org/English/Gaza_Strip/20090104_Killing_of_Nizar_Rian_and_13_Family_member.asp)

<sup>27</sup> Adalah, "The Killing of Civilians in the Gaza Strip," January 4, 2009. Available at: <http://webcache.googleusercontent.com/custom?q=cache:jTJkJe-OVMIJ:www.adalah.org/features/gaza/Letter%2520Killing%2520Civilians%2520in%2520Gaza%255B1%255D.doc+nizar&cd=3&hl=en&ct=clnk>

and ICAHD issued one-sided condemnations of Israel<sup>28</sup> while neglecting Shalit, whose kidnapping in 2006 and four years of captivity are gross violations of human rights and international law.

The double standards and political bias repeatedly demonstrated in the declarations of the EU's EMHRN and Anna Lindh Foundation further erode the universality and moral foundations of human rights norms. All of the Israeli NGO members either represent the Arab minority or fringe opposition groups from the Jewish sector, whose views generally coincide with those of the Palestinian NGO members.<sup>29</sup> There are no voices that reflect the views and positions of the wider Jewish citizens of Israel, resulting in highly politicized agendas that add further to the double standards.

*ICAHD accuses Israel of apartheid, ethnic cleansing, state terrorism, partners with radical NGOs to promote BDS, and campaigns against a two-state solution.*

For example, under the banner of the Anna Lindh Foundation, the ICAHD organization is the Israeli partner in a summer camp.<sup>30</sup> ICAHD promotes a highly politicized narrative of the conflict, accusing Israel of apartheid, ethnic cleansing, state terrorism, and “bloody and sadistic actions in Gaza.” ICAHD also partners with radical NGOs to promote BDS and campaigns against a two-state solution.<sup>31</sup> This indoctrination is the opposite of the Anna Lindh Foundation’s mandate of “improv[ing] mutual respect between cultures.”<sup>32</sup>

<sup>28</sup> “NGO Campaigns and the ‘Free Gaza Flotilla.’” NGO Monitor Report, June 1, 2010. Available at: [http://www.ngo-monitor.org/article/ngo\\_campaigns\\_and\\_the\\_free\\_gaza\\_flotilla](http://www.ngo-monitor.org/article/ngo_campaigns_and_the_free_gaza_flotilla)

<sup>29</sup> EMHRN, List of Members, November 4, 2008. Available at: <http://en.euromedrights.org/index.php/members/3058.html>

<sup>30</sup> Anna Lindh Foundation Euromed, “Mount Hebron Summer Camp.” Available at: <http://www.euromedalex.org/fields/education-youth/projects/mount-hebron-summer-camp>

<sup>31</sup> “Israel Committee against House Demolitions,” NGO Monitor NGO Index. Available at: [http://www.ngo-monitor.org/article/israel\\_committee\\_against\\_house\\_demolitions\\_icahd\\_](http://www.ngo-monitor.org/article/israel_committee_against_house_demolitions_icahd_)

<sup>32</sup> Anna Lindh Foundation Euromed, “About Us.” Available at: <http://www.euromedalex.org/about>

*Babelmed* is another EU-funded program<sup>33</sup> with activities that contrast directly with the peace process. This on-line Euro-Med culture magazine highlighted the “My Land, My Space” campaign involving EU-funded Mada al-Carmel.<sup>34</sup> Gianluca Solera, Network Coordinator of Anna Lindh Euro-Med Foundation for the Dialogue between Cultures, published an article in *Babelmed* that included highly offensive language:<sup>35</sup>

*EMHRN reflects political exploitation of human rights and morality as part of its anti-Israeli demonization.*

*[Israel's] Neurons [sic] have been worn out so much that even the god Yahweh has aged too much to think and cannot free himself from the role of god of the armies. Operation “Cast Lead” was launched at the end of a Shabbat, Saturday afternoon 27 December. I can imagine those aged generals and young pilots praying to their god before giving the order to attack or getting into their fighter planes. A lost generation has been created, without universal ideals, and hence extremely dangerous. The adolescents of Jihad kill out of desperation, the boys of Tsahal out of idolatry.*

EMHRN also reflects political exploitation of human rights and morality as part of anti-Israeli demonization. Most of its statements on the conflict include calls for action against Israel, and one-sided condemnations of Israeli responses to terrorism. EMHRN provides a platform for and promotes the views of its member NGOs, which include highly politicized Palestinian NGOs such as PCHR, Al Mezan, and Al Haq, as well as Israeli opposition NGOs Adalah, B’Tselem, and PCATI.

The centrality of aggressive political lobbying in EMHRN is illustrated by repeated calls for the suspension of the EU-Israel Association Agreement. In August 2005, EMHRN

<sup>33</sup> European Commission-Youth, “Babelmed Association,” March 31, 2009. Available at: [http://ec.europa.eu/youth/evs/aod/hei\\_form\\_en.cfm?EID=42000558687](http://ec.europa.eu/youth/evs/aod/hei_form_en.cfm?EID=42000558687)

<sup>34</sup> *Babelmed*, “My Land, Space, Body and Sexuality: Palestinians in the Shadow of the Wall,” November 24, 2009. Available at: [http://www.babelmed.net/Countries/Mediterranean/Culture\\_and\\_society/my\\_land.php?c=4747&m=143&l=en](http://www.babelmed.net/Countries/Mediterranean/Culture_and_society/my_land.php?c=4747&m=143&l=en)

<sup>35</sup> *Babelmed*, “Disgust,” January 9, 2009. Available at: <http://www.babelmed.net/Countries/Israel/disgust.php?c=3885&m=18&l=en>

issued a highly biased and unprofessional report entitled “Israel’s Human Rights Behaviour, 2004-2005,” which condemned Israel’s construction of its security barrier and its security policies in the West Bank and Gaza, but failed to mention the Palestinian terrorism that caused these measures. At an EMHRN training seminar in 2007, participants discussed why the EU has not yet imposed sanctions on Israel. The consensus was that “sanctions would most likely only be effective if the US were to join in.”<sup>36</sup>

*All of the actions under the banner of the European Union contribute to the perception that human rights and moral principles are simply another form of political warfare to be used by organizations that target Israel.*

Following the Free Gaza flotilla incident, EMHRN issued a statement (May 31, 2010) which falsely reported that Israel “acted illegally by violently and unjustifiably targeting civilians.”<sup>37</sup>

All of the actions under the banner of the European Union contribute to the perception that human rights and moral principles are simply another form of political warfare to be used by organizations that target Israel, and exclude views that present the Israeli perspective. The result is highly damaging in terms of the moral standing of these principles, to understate the case.

### **Secret funding and evaluation processes, in violation of the EU’s own transparency claims**

As noted, there is no transparency or accountability regarding EU funding of these political advocacy organizations, and there is no way to determine whether due process

<sup>36</sup> “The EU-Israel Action Plan within the European Neighbourhood Policy: What is the Impact of the EU-Israel Action Plan on Human Rights in Israel and the Occupied Palestinian Territories?” Training and Seminar,” April 2007. Available at: <http://en.euromedrights.org/files.php?force&file=emhrn-publications/The-EU-Israel-Action-Plan-within-the-European-Neighbourhood-Policy.pdf>

<sup>37</sup> EMHRN, “EMHRN condemns the Israeli naval attack against ‘Gaza Freedom Flotilla,’” May 31, 2010. Available at: [http://en.euromedrights.org/index.php/news/emhrn\\_releases/67/4393.html](http://en.euromedrights.org/index.php/news/emhrn_releases/67/4393.html)

was followed, leaving many questions: Who performs the evaluations of NGOs for the EU, and do these individuals have political or other interests that could distort their judgment? Are the evaluators connected, directly or indirectly, to the NGO recipients, or their political and ideological biases? The pattern of funding over the past decade, in terms of the small number of repeat recipients, many of which are fringe opposition groups in Israel, suggests possible violations of due process.

The leaked minutes from a 1999 meeting of the ad-hoc selection committee for People to People/Permanent Status Issues projects in support of the Middle East peace process

*The EU's extensive secrecy for NGOs leading demonization is entirely inconsistent with democratic principles.*

suggests that these are valid concerns.<sup>38</sup> The total refusal of the EU to release the documents relevant to the decision-making process in this extremely important area means that these suspicions regarding EU funding for NGOs will grow.

### **Knesset NGO transparency legislation**

The EU's extensive secrecy for NGOs leading this demonization is entirely inconsistent with democratic principles. In this atmosphere, members of the democratically elected Knesset have proposed legislation to demand transparency in NGO funding from foreign governments. As noted, the favored NGOs and their supporters oppose this transparency, fearing its impact. The proposed legislation will require timely and detailed reporting, giving the Israeli public more awareness of the scope of foreign government funding. Condemnations of this legislation as threatening free speech referred to some minor amendments that were removed. Rather than simply repeating these false NGO claims, MEPs would be better served by asking their Israeli counterparts in different parties, including Social Welfare Minister Isaac Herzog (Labor) and Coalition Chair MK Zeev Elkin (Likud) for the details of the legislation.

<sup>38</sup> Minutes of the meeting held on September 29, 1999, Ad-hoc selection committee for People to People/Permanent Status Issues projects in support of the Middle East peace process, budget line B7-4100, European Commission, Directorate General External Relations, Middle East, South Mediterranean.

The attempt by certain European officials to delegitimize this internal Israeli debate in order to justify EU policies is seen by Israelis as further interference in our internal affairs. The UN's "Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States" (UNGA, 1970) and "Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States" (1981) recognize the wider concepts of democratic non-interference, as does the U.S. Foreign Agents Registration Act.

In closing, I will draw your attention to two positive programs, funded under the latest PFP grants, which are in many ways the models that the EU should be following to promote peace and cooperation. Projects such as "Save a Child's Heart" and "Playing for Peace – Strengthening Community Relations through Football," run by grantee organizations that do not engage in destructive political advocacy, fulfill the stated goals of the PFP framework, and are outstanding examples of the positive impact of EU assistance.

But, as I have shown, these are rare exceptions in terms of EU-funded civil society programs.

Most of the money is used to politicize human rights and to preach to Israelis who have lived through decades of hatred, violence, and terror. The results are clearly counterproductive. The EU has an obligation to its own constituents, and to the Israelis and Palestinians whose lives are impacted by these policies, to conduct a fully transparent, impartial, and professional inquiry into and re-evaluation of funding policies and processes for highly politicized NGOs.

*The attempt by certain European officials to delegitimize internal Israeli debate in order to justify EU policies is seen by Israelis as further interference in our internal affairs.*



## AGENDA - IRISH PARLIAMENT: JOINT COMMITTEE ON EUROPEAN AFFAIRS

This Week in the Houses of the Oireachtas

21 - 25 June 2010

Wednesday 23 June 2010

- The Joint Committee on European Affairs will meet in Committee Room 1, Leinster House 2000
- The situation in the Middle East and the Joint Committee's Motions on the situation in Gaza and in particular Article 2 of the EU/Israel Euro Mediterranean Association Agreement 1995 concerning the parties' human rights obligations (Resumed)
- 12.30 p.m. - 1.30 p.m.  
**Ms. Anne Herzberg, Legal Advisor to NGO Monitor**



Houses of the  
**Oireachtas**  
Tithe an Oireachtais

## BACKGROUND

On June 23, NGO Monitor Legal Advisor Anne Herzberg presented a statement to the Irish Parliament's Joint Committee on European Affairs, discussing the Durban strategy, the politicized work of Human Rights Watch and Amnesty International, and methodological deficiencies in the Goldstone Report. The session was held in response to a motion initiated by several Irish TDs calling for a review of the EU-Israel Association Agreement and suspension of a proposed upgrade to EU-Israel relations in light of the Gaza war.

On June 22, the committee heard testimony from Goldstone mission member Desmond Travers, who repeated allegations that Israeli "actions in Gaza were completely disproportionate and were unquestionably a punishment of the people."

Herzberg also circulated an NGO Monitor fact sheet, detailing Irish governmental funding to NGOs. The report described how Trócaire, which received €23.5 million in 2008-2009 from the Irish government, opposed Israel's admission to the Organization of Economic Cooperation and Development (OECD), in direct opposition to the Irish government's policy supporting acceptance. War on Want, another group funded by the Irish government, also violates Irish policy against "trade sanctions or boycotts against Israel" through its boycotts, divestment, and sanctions (BDS) campaigns.

While in Ireland, Herzberg also debated a Trócaire official on Ireland's top morning radio show, *Today with Pat Kenny*, and met with the director of Trócaire's programs in the region.



# IRISHTIMES.com

The Irish Times - Thursday, June 24, 2010

## Trócaire rejects Israeli criticism

Deaglán De Bréadún, Political Correspondent

TRÓCAIRE HAS strongly rejected criticism from an Israeli lawyer who attacked the development agency over the stance it took on the situation in the Gaza Strip.

Trócaire was one of a number of NGOs criticised at a stormy meeting of the Joint Committee on European Affairs at Leinster House by Anne Herzberg, legal adviser to the Jerusalem-based NGO Monitor organisation.

Ms Herzberg circulated a document to committee members containing the names of NGOs which take an interest in Arab-Israeli affairs and are in receipt of Irish Government funding, with Trócaire listed at the top as having received €23.5 million in the period 2008-09.

The document pointed out that Trócaire had unsuccessfully campaigned against Israel's admission last month to the OECD. "This was in direct opposition to the Irish Government's policy of voting for acceptance," it said.

Responding afterwards, Trócaire spokesman Eamonn Meehan said: "We don't necessarily always agree with the Irish Government position, and funding from the Irish Government doesn't come with that condition attached."

In her address, Ms Herzberg said that in addition to the "terror war" against Israel, there was also a "soft power" political war which was often led by NGOs or civil society groups such as Amnesty, Human Rights Watch and Oxfam.

She was sharply critical of alleged NGO influence over the Goldstone report on the Gaza events of December 2008-January 2009, one of whose co-authors, Col Desmond Travers, a former Irish Army officer, gave evidence to the committee last Tuesday.

*Available at: [www.irishtimes.com/newspaper/ireland/2010/0624/1224273186552.html](http://www.irishtimes.com/newspaper/ireland/2010/0624/1224273186552.html)*

Anne L. Herzberg

*Legal Advisor, NGO Monitor*

Prepared Remarks to the Irish Parliament  
Joint Committee on European Affairs

*Dublin, Ireland*

**“The Durban Strategy and the Politicization of Human Rights:  
HRW, Amnesty, and Goldstone”**

June 23, 2010

Thank you for having me here today. I appreciate the opportunity to present to the Committee on this very important and complex issue and to discuss the findings from more than seven years of NGO Monitor research on these issues.

For more than 60 years, the State of Israel has been subjected to violence, warfare, and a relentless campaign of terror attacks deliberately targeting civilians. Thousands have been murdered and injured in suicide bombings, mass shootings, stabbings, rocket attacks, car bombings, kidnappings, and hijackings. Today, these attacks are spearheaded by states including Iran and Syria, and terror organizations – Hamas, Islamic Jihad, Hezbollah, Fatah’s Al Aksa Martyrs Brigade, the PFLP, and even Al Qaeda. They not only outwardly reject the existence of a Jewish state within any borders, but their ideology is marred by overt antisemitism and calls for genocide of the Jewish people. Unfortunately, many so-called Palestinian moderates and supporters also refuse to recognize Israel as a Jewish state, and seek to reverse the November 1947 UN decision calling for two states, which was accepted by the Jewish nation and rejected by the Arabs.

*A “soft power” political war aimed at delegitimizing and demonizing the State of Israel is often led by civil society or nongovernmental organizations (NGOs).*

This “hard power” terror war is bolstered by a corresponding “soft power” political war – also known as the “weaponization” of human rights – aimed at delegitimizing

and demonizing the State of Israel. It is often led by civil society or nongovernmental organizations (NGOs) that claim the mantle of universal human rights and humanitarian goals. Many powerful organizations have joined this effort, organizations whose budgets and influence rival that of large multinational corporations, such as Amnesty International, Human Rights Watch, and Oxfam.

### The Durban Strategy

At the NGO Forum of the 2001 UN World Conference Against Racism in Durban, South Africa, 1,500 NGOs issued a resolution singling out Israel as “a racist, apartheid state” and labeling “Israel’s brand of apartheid as a crime against humanity.” These NGOs accused Israel of the “systematic perpetration of racist crimes including war crimes, acts of genocide and ethnic cleansing” and called upon the “international community to

impose a policy of complete and total isolation of Israel as an apartheid state.”

*The strategy of transforming Israel into a pariah state is the latest incarnation of the campaign that produced the 1975 UN General Assembly declaration that “Zionism is racism.”*

The strategy of transforming Israel into a pariah state is the latest incarnation of the campaign that produced the 1975 UN General Assembly declaration that “Zionism is racism.” Although this very bigoted declaration was repealed in 1991, NGOs resuscitated both the

tactic and the canard at the Durban conference in order to delegitimize Jewish self-determination and self-defense rights. This singling out of Israel is a form of incitement and itself appears to be an expression of racism.

NGOs claiming human rights and humanitarian objectives are the main engine of this “Durban strategy” promoting boycott, divestment, and sanctions campaigns; “lawfare,” where Israeli officials and corporations or states doing business with Israel are harassed around the world with lawsuits that exploit universal jurisdiction statutes; and lobbying and campaigning at international institutions such as the UN, the EU, the International

Court of Justice, and the International Criminal Court, targeting Israel. Disturbingly, many of these efforts are funded via large grants provided by the EU and European governments, including Ireland.

In their publications and campaigns, these NGOs adopt the rhetoric of human rights and international law. By couching political attacks in legal terms, NGOs seek to create a veneer of credibility and expertise, thereby increasing international pressure against Israel and delegitimizing its right to defend its citizens from attack.

*By couching political attacks in legal terms, NGOs increase international pressure against Israel and delegitimize its right to defend its citizens from attack.*

Since the 2001 Durban conference, this process has played itself out many times – Jenin in 2002, the ICJ case against Israel’s security barrier in 2004, the 2006 Lebanon War, last year’s Gaza War, and the IHH/ISM flotilla three weeks ago. It is always the same: Israel is faced with a spate of terror attacks targeting civilians in major population centers; Israel responds with counter-measures in increasing severity; NGOs immediately issue countless condemnations against Israel making accusations of “war crimes,” “crimes against humanity,” and “intentional targeting of civilians” based on speculation and little to no hard evidence; the media and the international community adopt these claims at face value, rarely performing independent verification; the UN, and in particular the HRC, engages in further one-sided condemnations, calling for international investigations and war crimes trials, and NGOs are called upon to play an integral role in these processes, further entrenching their influence and claims.

Although the most recent manifestation of this process began after the full Israeli withdrawal from Gaza in 2005, and the violent June 2007 Hamas takeover, it greatly intensified during last year’s war, and has continued apace since the issuing of the Goldstone Report and the flotilla violence.

The Gaza war was accompanied by obsessive media and NGO coverage: NGO Monitor tracked over 500 statements by 50 NGOs at that time. And these NGO publications repeated several themes couched in international law that were eventually adopted by the Goldstone Report including the alleged continued “occupation” of Gaza, “collective punishment,” the supposed “intentional targeting of civilians,” and claims of “disproportionate” force.

These reports minimized the more than 8,000 mortar and rocket attacks of increasing severity and range directed at Israeli civilians living in Sderot, Ashkelon, Ashdod, Be’er Sheva, and beyond. The role of Syria and Iran in their support of Hamas and other terror groups was similarly ignored, as were reports regarding the mass commandeering by Hamas of construction materials, fuel, and humanitarian aid. In contrast, little to

*In contrast to condemnations of Israel, many international NGOs were silent on extensive human rights abuses occurring around the world during this same period.*

no mention was made of Gilad Shalit, the Israeli soldier kidnapped from Israeli territory and held incommunicado for four years this week in complete violation of the Geneva Conventions.

In contrast to the condemnations of Israel, many international NGOs were silent on extensive human rights abuses occurring around the world during this same period, such as the more than

600 civilians killed in Congo on December 29 in a conflict that has claimed more than five million lives, and the thousands of Muslims killed annually at the hands of other Muslims in attacks in Iraq, Pakistan, Afghanistan, Somalia, Sudan, and elsewhere. Only a couple of days before the IHH flotilla confrontation, more than 120 Muslims were murdered and hundreds injured in a dual bombing and mass shooting at two mosques and a hospital in Pakistan. Yet, there were no emergency sessions at the UN Human Rights Council and comparatively little NGO and media coverage or ongoing focus.

Leading this disproportionate response were Amnesty International and Human Rights Watch, and I will speak now in some detail about their publications on the Gaza war based on the results of our research.

Let me also say, before I continue, that there might indeed have been cases where the IDF may have fallen short of international legal standards. However, in its dozens of publications on the war alleging Israeli crimes, HRW and Amnesty performed little, if any, substantive factual or legal analysis. As noted by the committee appointed by the ICTY prosecutor to review alleged wrongdoing by NATO forces during the 1999 Kosovo campaign, “much of the material submitted to the Office of the Prosecutor consisted of reports that civilians had been killed, often inviting the conclusion to be drawn that crimes had therefore been committed.” Similarly, HRW’s and Amnesty’s reports relating to Gaza simply highlighted a few highly emotive incidents from which these organizations drew overly broad and unfounded conclusions regarding Israel’s compliance with international law. Moreover, both organizations minimized or even concealed that during their missions to Gaza, they were continually shadowed by Hamas officials who vetted and debriefed witnesses prior to and following interviews.

It should also be stressed that the methodological deficiencies in these publications are not unique to Israel. A 2006 study, “The Work of Amnesty International

and Human Rights Watch: Evidence from Colombia,” conducted by the Bogota-based Conflict Analysis Resource Center and the University of London, found that “both organizations have substantive problems in their handling of quantitative information. Problems include failure to specify sources, unclear definitions, an erratic reporting template and a distorted portrayal of conflict dynamics.”

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## Human Rights Watch

HRW's concentration on the Arab-Israeli conflict reflects the political ideology of its officials, as well as the powerful influence of the media in setting NGO agendas. According to a study by James Ron and Howard Ramos, "watchdogs respond to media demand, and the more journalists ask about a country such as Israel, the more Human Rights Watch ... will respond." Similarly, a member of HRW's board has commented that "We seek the limelight—that's part of what we do. And so, Israel's sort of like low-hanging fruit."

*A member of HRW's board commented that "We seek the limelight – that's part of what we do. And so, Israel's sort of like low-hanging fruit."*

In 2009, HRW issued nearly 100 publications on the Arab-Israeli conflict, the vast majority on Gaza, and only 12 of these focused exclusively on Palestinian actors. Since April 2009, HRW has issued more than 40 statements lobbying for the Goldstone Report, dwarfing its reporting on any other abuses in the Middle East and even surpassing its coverage of the Iranian election crisis. HRW has issued only two reports on Iran since January 2009 compared to seven reports on the Gaza war alone. Its lone report on the Iranian post-election crisis is only 19 pages, compared to a total of 351 pages condemning Israel for the war.

HRW's charges related to white phosphorus, drones, and "white flag" deaths drove a variety of NGO and media campaigns during the Gaza war and fed directly into the Goldstone Report, following the model of the "massacre" claims about Jenin in 2002 and Qana in the 2006 Lebanon war. These reports were mostly premised on speculation or false claims ("In none of the cases did Human Rights Watch find evidence that Palestinian fighters were present in the immediate area of the attack at the time") as well as charges that go beyond HRW's research capacity ("the drone operators had the time and optical ability to determine whether they were observing civilians or combatants").

In its report, “Rain of Fire,” HRW charged Israel with illegal use of white phosphorus munitions. This allegation depended upon the military “expertise” of Marc Garlasco – HRW’s former “senior military analyst” who resigned in February in the wake of a scandal. His technical assertions were refuted by many military experts including in evidence provided to the Goldstone mission (even though that evidence was selectively applied by the mission in its report) – and was supplemented with unverifiable and often inconsistent Palestinian testimony. HRW did not have knowledge of the military conditions involved, and based claims of malevolent intent and war crimes on speculations regarding alternatives that may or may not have been available and equally effective.

Another report accused Israel of “war crimes” resulting from the alleged use of Spike missiles fired from drones, according to Palestinian witnesses (“Precisely Wrong,” June 2009). This report, too, was fundamentally flawed.

*HRW based claims of malevolent intent and war crimes on speculations regarding alternatives that may or may not have been available and equally effective.*

A number of experts unconnected with HRW also immediately noted the major technical errors in the claims. Robert Hewson, editor of Jane’s Air-Launched Weapons, remarked that the launch of a missile from drones, two of which were alleged to occur at night, would likely “elude the naked eye.”

He added that “Human Rights Watch makes a lot of claims and assumptions about weapons and drones, all of which is still fairly speculative.” Colonel Richard Kemp, former head of British forces in Iraq and Afghanistan, similarly questioned Garlasco’s claims that witnesses heard drones prior to the alleged attacks. Kemp noted that the five-mile range of a Spike missile was enough to put it well out of earshot.

The single HRW report on Palestinian violations of Israeli human rights, “Rockets from Gaza,” was not published until August 6, 2009, long after media attention had subsided. The report covered no new ground and largely repeated an April 2009 publication of the International Crisis Group. Moreover, the content of the report equated Israel with Hamas, failed to condemn Hamas for the use of human shields, and blamed Israel for Hamas rocket fire from populated areas. “Rockets from Gaza” also ignored weapons

smuggling into Gaza as well as the role of Iran and Syria in supplying those weapons. In contrast to the condemnations HRW directed at Israel, its report on Hamas included no implications, and appeared to be merely an attempt to create an artificial show of “balance.”

*In contrast to the condemnations HRW directed at Israel, its report on Hamas included no implications, and appeared to be merely an attempt to create an artificial show of “balance.”*

“Rockets from Gaza” was followed one week later by another HRW report headlined “White Flag Deaths,” alleging that Israel deliberately killed civilians waving white flags. White Flags relied on conflicting Palestinian claims and ignored the major discrepancies in Arabic-language and international media regarding these claims. In one case, more than 16 different versions appeared in the media. At a press conference held in Jerusalem, HRW admitted it was aware of these many versions, yet this information was missing in its report. Inconsistencies include whether Hamas fighters were present at the time of the incidents; the specific details of how the incidents transpired; and the number, identity, and affiliation of casualties.

HRW’s reporting on Gaza was coupled with several notable scandals. In May 2009, HRW officials appeared at a fundraising dinner in Saudi Arabia including at least one member of the governing Shura Council. At the dinner, HRW noted its need to combat “pro-Israel pressure groups” as the reason for seeking Saudi funding.

In September 2009, Marc Garlasco, HRW’s “senior military analyst” responsible for authoring many of HRW’s Israel reports since 2004, was revealed to be an avid collector of Nazi memorabilia contributing more than 8,000 posts to Nazi memorabilia websites and authoring a 430-page collecting guide to Nazi-era war medals. Finally, in October, HRW’s founder Robert Bernstein wrote a devastating op-ed in the *New York Times* charging that HRW “has lost critical perspective” and “has been issuing reports on the Israeli-Arab conflict that are helping those who wish to turn Israel into a pariah state.” Recent exposés on HRW in *The Sunday Times* and *The New Republic* support these claims.

## Amnesty International

As with HRW, Gaza was the primary focus of Amnesty’s work on Israel in 2009. Israel is portrayed as the second worst human rights violator in the Middle East after Iran. Palestinian, Syrian, Libyan, Egyptian, and Saudi human rights violations received far less attention. In addition, Amnesty issued more in-depth reports – which have the greatest impact – on Israel than on any other country.

In July 2009, Amnesty published a report entitled “Operation ‘Cast Lead’: 22 Days of Death and Destruction,” charging Israel with “war crimes.” The 127-page publication ignored considerable evidence available to anyone with access to YouTube of Hamas operating deliberately within civilian areas to turn the population of Gaza into a mass human shield. It minimized Palestinian violations of international law, and promoted boycotts and lawfare against Israel. The only mention of kidnapped soldier Gilad Shalit was in a footnote, underlining Amnesty’s double standards in the application of human rights norms.

A subsequent report published on the first anniversary of the Gaza war accused Israel of “collective punishment under international law,” Egypt’s and Hamas’ responsibility was minimized, and Amnesty continued to advance the specious legal assertion that “as the occupying power,

it is Israel that bears the foremost responsibility for ensuring the welfare of the inhabitants of Gaza.”

The report also repeated a claim, which originated in its July 2009 report, that Israel “wantonly and deliberately” destroyed the al-Bader flour mill.

This incident was not contemporaneously reported by the Palestinian NGOs in Gaza, nor in the Arabic media. Photographs and a summary of events

released by both the UN (UNITAR) and the IDF refute Amnesty’s (and Goldstone’s) version of events and clearly show that the mill was accidentally hit by artillery during a

*“[HRW] has lost critical perspective” and “has been issuing reports on the Israeli-Arab conflict that are helping those who wish to turn Israel into a pariah state.”*

Robert Bernstein  
Founder, HRW

firefight with Hamas combatants and not by an F-16 strike as Amnesty and Goldstone claimed.

*“[Amnesty’s] degeneration and politicization” is “a moral crisis that has global implications.”*

Amnesty has also seen its share of controversy in the past year. In February 2010, Amnesty suspended Gita Sahgal, head of its Gender Unit, for criticizing Amnesty’s alliance with Moazzam

Christopher Hitchens

Begg, an alleged Taliban supporter. Its actions were condemned by author Salman Rushdie and columnist Christopher Hitchens, among others. Hitchens called the “degeneration and politicization” of Amnesty “a moral crisis that has global implications.”

In response to the criticism, Amnesty’s interim Secretary General, Claudio Cordone, defended Begg, stating that “jihad in self-defence” is not “antithetical to human rights.” In a statement published in *The New York Review of Books*, Sahgal remarked that the organization’s “stance has laid waste to every achievement on women’s equality by Amnesty International in recent years and made a mockery of the universality of rights.”

## Goldstone

HRW and Amnesty and other NGOs such as the Palestinian Center for Human Rights were integral players in the Goldstone mission. Goldstone was a member of HRW’s board until May 2009 and has an ongoing close personal relationship with HRW Executive Director Kenneth Roth. Prior to the war, mission member Christine Chinkin consulted for Amnesty, and shortly after the war the other three members – Goldstone, Hina Jilani and Desmond Travers – signed a letter prepared by Amnesty claiming to be “shocked to the core” by the events in Gaza.

In May 2009, an Amnesty official provided Goldstone with a proposed outline for the report, which was largely adopted. The organization also appears to have given the mission a list of 36 incidents to investigate [all relating to alleged Israeli violations], and

which became the sole focus of Goldstone's report. These connections represent a major conflict of interest – such close ties almost ensured that information provided by these NGOs could not be objectively evaluated. Despite personal assurances to me and others by the mission that NGO submissions would be made publicly available on the UN's website, they remain hidden.

In June and July, Goldstone held “public hearings” in Gaza and Geneva, where the mission cherry-picked witnesses in a process that was secret, and some individuals

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even testified in secret to the commission.

The mission largely failed to ask questions designed to elicit relevant facts pertaining to the charges at hand.

In one very troubling case, Mr. Travers, who testified before you yesterday, asked a pre-vetted witness from the Gaza Community

Mental Health Project about the state of mind that supposedly motivates Israelis. Travers asked, and I quote:

“We have heard testimony of great, uh, violence, seemingly un-militarily, unnecessary violence inflicted particularly on children. There have been instances of the shooting of children in front of their parents. As an ex-soldier I find that kind of action to be very, very strange and very unique. I would like to ask you if you have any professional insights as to what mindset or what conditioning or what training could bring around a state of behavior that would cause a soldier, a fellow human being to shoot children in front of their parents. Do you have any professional insights into that kind of behavior?”

In response, the NGO official replied, “With time, the Israeli soldier has the image of absolute superiority ... There we see the arrogance of power and he uses it without thinking of humanity at all ... inside Israel there is an identification with the aggressor, the Nazis.”

*The Goldstone mission, conducted under the auspices of the thoroughly discredited UN Human Rights Council...was not about a search for the truth but rather was in service of further demonization.*

This exchange exemplifies that the Goldstone mission, conducted under the auspices of the thoroughly discredited UN Human Rights Council and in conjunction with these officials, was not about a search for the truth but rather was

in service of further demonization. After their participation with Goldstone, two of the mission members, Mr. Travers and Ms. Jilani, were active participants in the so-called Russell Tribunal, a fringe political event organized by far-left wing radicals designed to put Israel and countries supporting it on trial in a kangaroo court.

Systematic and widespread condemnation and criticism of the Goldstone process has come from across the political spectrum. For instance, Professor Françoise Hampson has noted that the key problems with Goldstone were the “biased HRC mandate,” “the nature and confused conclusions reached,” and Goldstone’s faulty assumption that violations of IHL can be based solely on results. Professor Yuval Shany, who is often critical of the Israeli military, has remarked that the Goldstone Report “sets a standard that no one applies and no one can meet.” Judge Fausto Pocar, former president of the ICTY, criticized the Goldstone Report for its one-sided and discriminatory call for universal jurisdiction.

British think tank Chatham House also issued a report regarding irregularities in the Goldstone process and concluded that among other aspects, “the Mission had given insufficient acknowledgement of the difficulty in obtaining information in a political environment dominated by Hamas”; that there was a perception of bias regarding mission members; that “the criteria employed [for selection of incidents to be investigated] should have been indicated”; and that criticisms of Hamas were “tentative.”

The NGO reports discussed earlier and the nature of the impartial relationship and stated prejudices of the Goldstone Commission members are in clear violation of fundamental

ethical standards adopted in the London-Lund Guidelines on International Human Rights Fact Finding Visits by the Human Rights Institute of the International Bar Association. The guidelines specify norms for the composition of such inquiries and appropriate methodologies, including “accuracy, objectivity, transparency and credibility.”

*In issuing demands to end the “siege of Gaza,” NGOs offer little analysis as to whether such a move will strengthen the hand of Hamas, a terror organization.*

In particular, the London-Lund guidelines state:

- Reports must be clearly objective and properly sourced, and the conclusions in them reached in a transparent manner. ... In making their findings the delegation should try to verify alleged facts with an independent third party or otherwise. Where this is not possible, it should be noted.
- The terms of reference must not reflect any predetermined conclusions about the situation under investigation.
- The mission’s delegation must comprise individuals who are and are seen to be unbiased. The NGO should be confident that the delegation members have the competence, experience and expertise relevant to the matters pertaining to the terms of reference.

It is most troubling that the motions for discussion today largely rely upon Human Rights Watch, Amnesty International, and the Goldstone Report, repeating their one-sided assessments and political advocacy couched in the façade of morality, and ignoring the ethical and methodological deficiencies.

In issuing demands to end the “siege of Gaza,” NGOs offer little analysis as to whether such a move will strengthen the hand of Hamas – a terror organization that openly persecutes women, gays, Christians, and apostates, bars free speech, advocates genocide, and seeks to impoverish and repress its own people in the service of its dysfunctional

political ideology. Little thought is given to whether more moderate Palestinian forces like Mahmud Abbas and Salam Fayaad will be weakened, thereby making peace based on a two-state solution and mutual acceptance far more difficult. Regional impacts of Gaza policy are also ignored, such as the potential for increased influence of Iran and Syria. No solutions are offered as to how Israel can protect its citizens from attacks or how to prevent the smuggling of increasingly sophisticated and lethal arms, which not only threaten the area surrounding Gaza but also Tel Aviv and Jerusalem. These are the difficult and complex questions that must be considered in both a practical and moral framework.

Peace between Israelis and Palestinians is one of the most complex political situations of our time. However, solutions cannot be found when problems are solely viewed through a narrow ideological lens and morality is exploited to promote bias. I hope that my remarks here today have offered another perspective on these issues and raised critical questions that will inform the debate.







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