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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by Institute for NGO Research, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2020]

* Issued as received, in the language(s) of submission only.

Submission of the Institute for NGO Research: EU Funding to Terror-Tied Palestinian NGO Coordinating Body

OHCHR has prepared an in-depth report aimed at improving civil society engagement with international and regional organizations. One area reviewed in the report is the relationship between civil society and counter-terror measures.

In 2019, the EU took a much-needed step to increase its oversight of funding to NGOs around the world by introducing a new requirement in its civil society funding contracts.

This requirement, found under “General conditions applicable to European Union-financed grant contracts for external actions” (Annex G.2, Annex II, Article 1.5 bis), stipulates that “Grant beneficiaries and contractors must ensure that there is no detection of subcontractors, natural persons, including participants to workshops and/or trainings and recipients of financial support to third parties, in the lists of EU restrictive measures.”¹

In the Palestinian context, these lists include EU-designated terrorist organizations Hamas, Izzedine al-Qassam Brigades, Al-Aqsa Martyrs Brigade, Islamic Jihad, and the Popular Front for the Liberation of Palestine (PFLP).

Such a provision is crucial to ensuring that humanitarian funding is not diverted to terror groups – groups that represent the very antithesis of human rights – and their affiliated individuals and entities.

Unfortunately, capitulating to lobbying and pressure, on March 30, 2020, the EU Representative Office to the West Bank and Gaza sent a “letter regarding the EU-funded contracts” to a Palestinian NGO coordinating body appearing to improperly annul the EU aid requirements.²

In practice, this unsupported pledge meant that, even if a Palestinian NGO applying for EU grants is an open affiliate of an EU-designated terrorist group or employs individuals from these groups, the EU would still provide them with taxpayer funding. Doing so would not only be a violation of EU and international law, but also of the domestic law of the EU’s member states.

At least five members of the Palestinian NGO coordinating body in question have reported ties to EU-designated terror organizations, including through employees and/or board members.

And publicly available information shows that in 2017-2018 alone (latest available data), the EU authorized grants of at least €3.6 million to NGOs with ties to EU-designated terrorist groups.

Due to the moral outrage and the potential legal violations, at a May 19, 2020 meeting of the European Parliament Committee on Foreign Affairs (AFET), **Commissioner for Neighborhood and Enlargement Olivér Várhelyi stated that he had instructed the heads of EU delegations to Israel and West Bank/ Gaza to “look deep” in to the allegations that some EU funds go to terror-linked or -supporting NGOs, declaring that such funding “will not be tolerated.”**

1 The European Commission, “Calls for Proposals and Tenders,” <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?ADSSChck=1578925525617&do=publi.detPUB&searchtype=AS&zgeo=35466¢=7573876&debpub=&orderby=upd&orderbyad=Desc&nbPubliList=50&page=1&aoref=167188>

2 EU: The Representative (West Bank and Gaza Strip, UNRWA), “Clarification letter regarding the EU-funded contracts,” March 30, 2020: <https://www.pngo.net/wp-content/uploads/2020/04/EU-Clarification-letter-regarding-the-EU-funded-contracts1.pdf>

It is hoped the EU will abide by the AFET and conduct an immediate investigation of the West Bank Representative Office, as well as an in-depth review of the millions of euros transferred annually to terror-linked NGOs.

The Council should encourage other Member States to do the same and recommend that all Member States adopt requirements prohibiting such immoral and illegal funding.
