

NGO MONITOR

Making NGOs Accountable

EXPLOITING JUSTICE: HOW THE UK, EU, & NORWAY FUND NGO LAWFARE VS. ISRAEL



February 2014

Exploiting Justice:

*How the UK, EU, & Norway
Fund NGO Lawfare vs. Israel*

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.**

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KEY POINTS

- In 2011-2013, the Norwegian Refugee Council (NRC) spent over \$20 million, provided by the UK, EU, Norway, and other governments, for a legal advocacy program in Israel. These governments financed hundreds of cases in Israeli courts and caused extensive damage to the integrity of legal processes in Israel, Canada, and elsewhere.
- NRC's "Information, counselling, and legal assistance (ICLA)" project exploits judicial frameworks to control and manipulate Israeli policy outside any democratic framework, and to promote international delegitimization campaigns. The evidence suggests that NRC is carrying out a strategy of trying **"every possible legal measure to disrupt the Israeli judicial system... to increase the workload of the courts and the Supreme Court to such an extent that there will be a blockage."**
- The scope of NRC's interference in the Israeli legal system is unprecedented in relations between democratic countries. NRC financed at least 677 cases that received "full legal representation at the relevant court/administrative body" in Israel. According to assessments of the project, NRC is responsible for 51% of all house demolition cases in Area C of the West Bank and 35% of all legal cases dealing with housing, land, and property claims in East Jerusalem and Area C.
- The government funders selected NRC precisely to provide "evidence and analysis to form the basis for international pressure on Israel" and "provide more effective advocacy which would be more likely to result in changes in policy and/or practice."
- By taking on "public interest cases...NRC hopes to obtain legal precedents in public interest cases that will likewise increase the pressure to change policy and practice." These include cases relating to the most controversial and contentious issues relating to the Arab-Israeli conflict. In each instance, NRC adopts the Palestinian political narrative, including on private property disputes.
- In a highly irresponsible expansion of NRC's targeting of Israel, NRC used UK funds to finance a complaint against Canada at the UN Human Rights Committee, impugning the Canadian justice system and calling for censure of Canada.
- NRC engages in a "low visibility policy," obscuring its involvement in legal advocacy and political activities in Israel and the Palestinian Authority. In this way, NRC's government funders are adding to the violation of democratic accountability norms and due process.
- NRC transfers funds to "local lawyers and NGOs to carry out legal counselling and represent cases in court." However, details on amounts channeled to specific NGOs are not provided by NRC or the government funders. On its

“Development Tracker” website, the UK has “withheld” the names of the final NGO recipients.

- NGO Monitor research reveals that NRC funding goes to highly radical political advocacy NGOs active in a range of demonization efforts. A number of these partners, as well as individual lawyers who participate in NRC’s legal cases and advocacy, have denied the legitimacy of the Israeli justice system. These declarations call into question the ability of these NGOs and lawyers to appear in good faith before Israeli courts.

RECOMMENDATIONS

1) It is essential that Israel respond strategically to the campaign of NGO-led lawfare exposed in this report:

- The relevant government ministries should carefully review the regulations and procedures related to legal advocacy by foreign governments and NGOs, as well as develop clear and democratic guidelines to prevent further abuse of Israel’s justice system.
- Israeli courts should be made aware of the organizations, funders, and ulterior political motives behind the cases that are heard, and take these factors into account.
- Comments made by lawyers and NGOs affiliated with the NRC program demonstrate the effort to exploit Israeli courts for illegitimate and possibly fraudulent purposes. The Israeli government should launch a full-scale public inquiry to explore the implications, including with respect to future appearances by NGOs officials and lawyers before Israeli judicial bodies.
- NRC’s “low visibility policy” suggests a deliberate attempt to prevent public scrutiny and to avoid accountability vis-à-vis donor state officials and the Israeli government. Israel should investigate whether NRC staff gained entry into Israel under false humanitarian pretenses.

2) European governments, including the UK, EU and Norway, should:

- Immediately freeze all funding to NRC, pending independent and public inquiries into the decision making processes that authorized the NRC's initiatives.
- Immediately end the pervasive secrecy and lack of democratic transparency by publishing (a) the complete list of NRC's NGO partners; (b) the amounts given to each NGO, as well as a description of the activities undertaken with them; (c) the names of all attorneys employed as part of the NRC project; and (d) a comprehensive list of cases that were enabled by European taxpayer funds (e) all relevant protocols, evaluations, official correspondence, and other documents, including the report "ICLA-Palestine's Theory of Change," a March 2013 evaluation of the program, and a 2012 ECHO (EU)-funded "impact study."
- To avoid the introduction of further Knesset legislation on this issue, the European governments need to engage broadly with the Israeli government and Israeli civil society to develop guidelines and independent evaluation mechanisms on appropriate uses of taxpayer funding in the context of lawfare and manipulative political advocacy outside the Israeli democratic process.

INTRODUCTION

European governments have been attempting to change Israeli policy on some of the most contentious and fundamental issues relating to the Arab-Israeli conflict. However, instead of using acceptable means, such as direct diplomacy, these governments manipulate Israeli democracy and democratic processes through secretive, non-transparent means. As NGO Monitor research has shown, a primary method is funding for NGOs (non-governmental organizations) to conduct politicized advocacy projects.

The Norwegian Refugee Council's legal advocacy work in Israel, part of its "[Information, counselling, and legal assistance \(ICLA\)](#)" project, is perhaps the most egregious and damaging example of this phenomenon.

Norwegian Refugee Council (NRC) [describes](#) itself as "an independent, humanitarian, non-profit, non-governmental organization which provides assistance, protection and durable solutions to refugees and internally displaced persons worldwide." In speaking about the NGO's work in the Arab-Israeli conflict, NRC Secretary-General Elizabeth Rasmussen [remarked](#), "It's difficult in oPt because the whole situation is so politicized. Some actors are doing a lot of advocacy, sympathizing with one party or another at the same time as they are providing assistance - that is blurring the lines. We insist on being impartial."

However, in contrast to Rasmussen's claim of impartiality, and as this report documents in detail, NRC is engaging in an unprecedented and hostile campaign targeting the Israeli judiciary.

Based on documents provided by the British government, NRC was selected precisely to "provide more effective advocacy which would be more likely to result in changes in policy and/or practice," reflecting a desire by the donor countries to manipulate "for changes in Israeli policy and practice." NRC's involvement includes providing "evidence and analysis to **form the basis for international pressure on Israel** which, in turn, increases the possibility of policy change" (emphasis added).

Moreover, according to internal UK documents, NRC engages in a "[low visibility policy](#)," obscuring its involvement in legal advocacy and political activities in Israel and the Palestinian Authority. This is "to ensure that their legal status to carry out their work is not threatened" – most likely referring to restrictions against activities that are not strictly humanitarian, upon which entry into Israel is conditioned.¹

¹ NGO Monitor attempted to contact NRC's representatives in Israel and the Palestinian Authority

BACKGROUND:

LAWFARE AND THE DURBAN STRATEGY

In August 2001, the UN held the World Conference Against Racism in Durban, South Africa. At the NGO Forum, which ran parallel to the governmental conference, 1,500 non-governmental organizations (NGOs) adopted a strategy of singling-out Israel as a “racist” and “apartheid” state, and isolate it through campaign based on lawfare and boycotts, divestment, and sanctions. Lawfare is the exploitation of legal frameworks to advance the political war against Israel.

As part of this campaign, NGOs have promoted a [strategy to discredit the Israeli justice system](#) and to falsely paint Israel as an anti-democratic state. A component of this strategy is to target the Israeli Supreme Court. In November 2010, the Palestinian NGO, Al Haq, issued a report, “[Legitimising the Illegitimate? The Israeli High Court of Justice and the Occupied Palestinian Territory](#).” Al Haq advocated for an NGO “campaign against the Court,” proposing that “the legal community flood[] the Court with petitions in the hope of obstructing its functioning and resources” (emphasis added). Al Haq has also [called](#) for the international community to “actively engage and exert pressure on the Israeli judiciary to comply with international law in manner that respects the international consensus” regarding evictions in East Jerusalem.

It appears that the NRC program is implementing this strategy.

FUNDING

According to NRC’s “[Palestine Fact Sheet](#),” its budget for projects in Israel, West Bank, and Gaza was NOK 56 million (~\$9.1 million) in 2013, NOK 47 million (~\$7.6 million) in 2012, and NOK 38 million (~\$6.1 million) in 2011.

The “Main Donors” are the EU, Norway, Sweden, and the UK.

Most of these funds are spent on NRC’s “[Information, counselling, and legal](#)

in order to discuss their activities and learn more about the project. Reflecting the lack of transparency and secrecy regarding the NRC’s activities, however, the organization did not respond.

[assistance \(ICLA\)](#)" project, which, as will be seen below, has a massive and undemocratic presence in Israeli courts.

According to documents [available](#) from the UK Department for International

| DONOR | 2011 | 2012 | 2013 |
|--|----------------|----------------|----------------|
| UK | £ 1,294,132.80 | £ 1,454,050.57 | £ 1,500,000.00 |
| EU (EUROPEAN COMMISSION) | | £ 257,766.70 | £ 606,100.07 |
| EU (EUROPEAN COMMUNITY HUMANITARIAN OFFICE - ECHO) | £ 1,306,250.00 | £ 1,371,783.44 | £ 1,190,948.03 |
| FRANCE | £ 45,144.89 | £ 25,080.00 | £ 36,036.00 |
| NORWAY | £ 1,102,530.00 | £ 701,581.60 | £ 1,102,530.00 |
| SWEDEN | £ 87,011.10 | £ 186,890.00 | £ 374,000.00 |
| UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP) | | | £ 165,000.00 |
| TOTAL | £ 3,835,068.79 | £ 3,997,152.30 | £ 4,974,614.10 |

Development (DFID) and its Development Tracker website, the [following governments](#) funded ICLA in 2011-2013 (see Appendix A for further details on government funding for NRC):

The [stated goal](#) of British funding for ICLA is "Improved access to justice in the Occupied Palestinian Territories for refugees, internally displaced persons, and persons/communities at risk of displacement or affected by displacement."

NRC is [currently receiving](#) an additional £3 million from the UK for FY13/14-14/15 for a seemingly identical project, "Legal Assistance to prevent displacement and demolitions in the Occupied Palestinian Territories (OPTs)."

The UK is also providing an additional £7,629,435 over three years (FY11/12-13/14) to NRC, as part of a [Programme Partnership Arrangement](#). An unknown amount is earmarked for NRC shelter coordination and housing reconstruction projects in Gaza (see below).

Transfers to local NGOs

It appears that NRC transfers significant amounts of its government funding to Israeli and Palestinian NGOs. Indeed, "[in the vast majority of cases](#)," NRC operates by transferring funds to "local lawyers and NGOs to carry out legal counselling and represent cases in court."

NRC, however, does not provide details on how much it channels to local NGOs.

NRC's lack of transparency is shared by the British government. Although the [Development Tracker](#) website states that £2,890,599 of the first grant was disbursed as "Aid to civil society organizations/NGOs," the final recipients of the funds are "withheld" and unidentified. The [same language](#) is used regarding the single disbursement to date (£189,679) from the second project.

NGO Monitor has independently reconstructed some of the sub-grants by cross-referencing the partial information provided by DFID with NGO financial statements.

- A review of the documents posted on the Development Tracker website reveals the names of several NGO partners that participated in the NRC project. These include [Yesh Din](#), [Israeli Committee Against House Demolitions](#) (ICAHD), [St. Yves](#), Community Action Center, [Palestinian Centre for Human Rights](#) (PCHR), and Palestinian Centre for Democracy and Conflict Resolution (PCDCR). However, the documents do not discuss whether these groups received British government funds, and if so, in what amounts.

| NGO | 2011 | 2012 | 2013 |
|----------|-------------|--------------|-------------|
| BIMKOM | | 204,295 NIS | 6,287 NIS |
| HAMOKED | 482,392 NIS | 746,753 NIS | 598,559 NIS |
| YESH DIN | | 409,920 NIS | 205,310 NIS |
| JLAC | | \$518,722.00 | |

- Research by NGO Monitor identified [additional partners](#), including [Bimkom](#), [HaMoked](#), and Jerusalem Legal Aid Center (JLAC), as well as the following information on funding from NRC to local NGOs:
- In 2012, the Global Initiative for Economic, Social and Cultural Rights, a Minnesota-based NGO, [received](#) \$5,850 from NRC. This grant appears to be for a UN complaint against the government of Canada (discussed below).

NRC'S LAWFARE ACTIVITIES

NGO Monitor research shows that NRC uses its foreign funding to exploit legal frameworks, interfere with Israeli policy, and bolster international delegitimization campaigns.

A key goal of NRC's work is to put international pressure on Israel: NRC engages in "[policy change work](#)," consisting of "**research and advocacy**....through engagement with the diplomatic community and use of international justice

mechanisms. NRC will also take on public interest cases that highlight discriminatory laws and practices **and will carry out related advocacy on these cases.**"

According to a [report by a Dutch national](#), who attended a presentation by a lawyer apparently affiliated with this NRC program, these cases are an attempt to **"try every possible legal measure to disrupt the Israeli judicial system... as many cases as possible are registered and that as many cases as possible are appealed to increase the workload of the courts and the Supreme Court to such an extent that there will be a blockage"** (emphasis added, translation from original Dutch by NGO Monitor). In other words, the program is an attempt to sabotage the Israeli judicial system, not to engage in legitimate activities.

Indeed, a primary component of the NRC's campaign is to finance lawsuits before Israeli courts and administrative bodies, and the scope of NRC's **interference in the Israeli legal system is staggering. NRC financed at least 677 cases that received "full legal representation at the relevant court/administrative body."** According to an evaluation conducted by DFID in April 2012 and discussed in its [Project Completion Review](#), **NRC is responsible for 51% of all house demolition cases in Area C of the West Bank.** According to [another assessment](#), the data suggest that **35% of all legal cases dealing with housing, land, and property claims in East Jerusalem and Area C of the West Bank are funded by NRC.**

"Public interest cases"

Another way in which NRC goes beyond "legal assistance" is its [focus](#) on "public interest cases that highlight discriminatory laws and practices and will carry out related advocacy on these cases." **NRC [describes](#) its work as "supporting 14 public interest cases in the West Bank, including East Jerusalem. Included in the cases are some of the most prominent legal cases in the oPt, including Sheikh Jarrah and the Cliff Hotel case."**

These cases reflect attempts to manipulate the Israeli democratic system, as "NRC hopes to obtain legal precedents in public interest cases that will likewise increase the pressure to change policy and practice."

In fact, NRC has been involved in cases relating to some of the most controversial and contentious issues relating to the Arab-Israeli conflict, such as private cases seeking to nullify pre-1948 Jewish property claims in East Jerusalem, where the Jewish owners were expelled by the Jordanian army upon its military occupation of the area; the route of the security barrier; military orders; and construction in settlements. In each instance, NRC adopts the Palestinian political narrative, including on private property disputes. **Many of the cases are intended to challenge and undermine Israeli sovereignty in East Jerusalem and in Area C of the West Bank** as assigned to Israel in the Oslo Accords. This

interference by the NRC with a binding treaty, of which the EU and its member states are guarantors, is a breach of international commitments.

[Cases funded](#) by the NRC grant include:

- Two cases in the Israeli Supreme Court regarding the Massafer Yatta Firing Zone 918. One lawsuit revolved around the right of the army to designate military training zones, and the second was on the legality of demolition orders within the zone. One of the petitions was filed by ACRI attorneys [Shlomo Lecker and Tamar Feldman](#). The second case was brought by Rabbis for Human Rights (RHR) and litigated by attorneys [Neta Amar Shif and Keren Knafo](#).
- Lawsuits involving property disputes with Jewish owners in the Sheikh Jarrah and Ras al-Amud neighborhoods of Jerusalem. NRC wrote that the purpose of these cases was “to challeng[e] the practice of the General Custodian of Israel in releasing property in Im Harun to pre-1948 Israeli owners.”
- A lawsuit brought by Yesh Din and attorneys Michael Sfard, Shlomi Zacharia, and Avisar Lev challenging an appeal by the Israeli government in the Ulpana construction case. Regarding the states appeal, Michael Sfard [said](#), “Today, the Israeli government has declared war against the rule of law...The government, in its political despair, is assisting the theft of Palestinian land and it is razing the moral values upon which the State of Israel was founded.”
- Partial funding for [lawsuit](#) brought by St. Yves, RHR, JLAC, and ICAHD challenging the legality of Military Order 418 dealing with local planning powers in Area C.
- Funding for a lawsuit challenging the route of the security barrier near Beit Jala. The lawyer representing the community was Manal Hazzan-Abu Sinni, the head of St. Yves’ legal department. As reported in [the Guardian](#), Britain’s Foreign Secretary William Hague, the Archbishop of Westminster, and the British Consulate in East Jerusalem played an active role in the lawsuit. Yigal Palmor, spokesman for the Israeli Ministry of Foreign Affairs, responded, “the involvement of a foreign government in a legal battle against another government was ‘very odd.’” In contrast to the UK, [the Vatican](#) did not get involved in the lawsuit even though Vatican property was involved.

International Campaigns

In addition to manipulating Israeli democracy and attempting to sabotage the Israeli justice system, NRC has engaged in international lawfare campaigns against Israel and its allies.

Canada

In a highly irregular and improper deviation from the NRC’s stated focus on Israel and legal protection, NRC used UK funds to finance a [complaint against Canada](#)

at the UN Human Rights Committee, impugning the Canadian justice system and calling for censure of Canada. In the complaint, NRC and its partners alleged a “structural and systemic problem in the Canadian judicial system.”

This was a punitive attack against the independence of Canada's justice system, following repeated losses in Canadian courts by NRC's partners. (See NGO Monitor's [Memorandum: UK Funding for UN Complaint against Canada](#) for more information.)

Other international advocacy against Israel

NRC [has used government funds](#) to call upon various UN bodies – including the Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Racial Discrimination, and the Special Rapporteur on Adequate Housing – to sanction Israel.

NRC has also participated in and facilitated a number of international frameworks aimed at advancing lawfare initiatives against Israel.

- [Created](#) a “hub network... to provide an electronic ‘working space’ for legal experts and litigators to share information and experiences about international litigation and legal developments.”
- Participated in an [international legal conference](#) organized by leading lawfare NGO Palestinian Center for Human Rights (PCHR), “Pursuing justice and redress for Palestinian victims: developing strategies for advocacy and litigation.”
- Reflecting NRC's massive budget and discretionary use of government funds, NRC funded a [partnership with the Human Rights Institute of Columbia Law School](#). NRC supported legal research and reports submitted to the UN Special Rapporteur on the Right to Adequate Housing. Neta Patrick – who [has worked](#) with Michael Sfard (see below), Yesh Din (see below), and the Coalition of Women for Peace's BDS (boycott, divestment, and sanctions) campaign – directed this project.

Partners and the Legal Taskforce

As noted above, NRC primarily partners with “local lawyers and NGOs to carry out legal counselling and represent cases in court.” Most of this collaboration occurs within the context of the Legal Taskforce, for which NRC serves as the co-chair.

The Legal Taskforce is a coalition of NGOs “[that employ lawyers and have legal action strategies in the struggle against the occupation](#).” Members include St. Yves (co-chair), Yesh Din, Israeli Committee Against House Demolitions (ICAHD), Association for Civil Rights in Israel (ACRI), Bimkom, HaMoked, UNDP, Public Committee Against Torture in Israel (PCATI), Rabbis For Human Rights, Physicians for Human Rights-Israel (PHR-I), Al-Maqdese, the Jerusalem Coalition, Jerusalem Legal Aid Center (JLAC), and Addameer.

(The Legal Taskforce is a subset of the Displacement Working Group [DWG], a joint initiative of the radical anti-Israel group [Badil](#)² and UN Office for the Coordination of Humanitarian Affairs [OCHA].)

Other NGO partners include Community Action Center, Palestinian Centre for Human Rights (PCHR), and Palestinian Centre for Democracy and Conflict Resolution (PCDCR).

Partner’s perspectives on the illegitimacy of Israeli courts

As mentioned above, a lawyer apparently affiliated with NRC [stated](#) that NRC and its partners attempt to “try every possible legal measure to disrupt the Israeli judicial system... as many cases as possible are registered and that as many cases as possible are appealed to increase the workload of the courts and the Supreme Court to such an extent that there will be a blockage” (translation from original Dutch by NGO Monitor).

This statement echoes the proposal by Palestinian NGO Al Haq to “flood[] the Court with petitions in the hope of obstructing its functioning and resources.” This agenda is part of the NGO campaign to portray Israel as undemocratic and to promote the belief that the Israeli justice system (and Israel in general) is illegitimate. Similarly, OCHA-OPT’s former chief of advocacy ([through April 30, 2010](#)) and Israeli attorney, Allegra Pacheco, has advocated for universal jurisdiction lawsuits, blacklists, and other [harassment against justices](#) of the Israeli Supreme Court, including the widely respected Aharon Barak, for their alleged “legalizing [of] Israeli violations.”

A number of NRC’s NGO and individual partners, who participate in NRC’s legal cases and advocacy, have expressed comparable sentiments about the Israeli justice system. These comments call into question the ability of these NGOs and

² Badil’s funding was frozen after NGO Monitor exposed its publication of antisemitic cartoons.

lawyers to appear in good faith before Israeli courts.

Jerusalem Legal Aid Center (JLAC)

- Rami Saleh, Director of JLAC, has [stated](#), “Palestinian institutions use gaps in Israeli law to impede various Israeli projects...Palestinian institutions seek to offer a defense against their colonial tactics by imposing obstacles to these plans and impeding the ideal time frame determined by the Occupation, hoping that meanwhile there will be changes in political or international pressures that will be capable of halting these projects” (page 27).
- “The tactic of exhausting all law-based procedures of local judicial institutions can be considered as a preparatory step before heading to the international arena such as the International Criminal Court or the International Court of Justice... Thus, Palestinians will be prepared in the case of authentic political will on the part of the Palestinian leadership to pursue prosecution of Israel for its violations of Palestinian rights through international forums” (page 28).

Palestinian Centre for Human Rights (PCHR)

- In April 2013, PCHR hosted a [conference](#) in Spain, “with the aim of developing possible legal and advocacy strategies.” Participants included Israeli NGOs, along with NGOs and lawyers who lead the lawfare campaign against Israel: “Adalah, Al Dameer Association for Human Rights, Al Haq, Al Mezan Center for Human Rights, B’Tselem, the International Federation for Human Rights, the Norwegian Refugee Council, PCHR, Physicians for Human Rights, the Public Committee Against Torture in Israel, Redress, the UN Office of the High Commissioner for Human Rights, as well as international lawyers Emily Schaeffer and Daniel Machover, and international legal expert, Chantal Meloni.”
- “[PCHR](#) uses Israeli justice mechanisms to meet the requirement of exhausting domestic litigation means before resorting to international mechanisms. In this context, PCHR has continued its efforts to prosecute suspected Israeli perpetrators of violations under the principle of universal jurisdiction. PCHR is urging the Palestinian leadership to sign and ratify the Rome Statute to accept the jurisdiction of the International Criminal Court and allow victims the possibility of seeking justice and redress through the international courts” ([page 115](#)).
- Regarding alleged violations in Gaza, PCHR invited international legal experts to work “with PCHR lawyers to prepare the files for use before the International Criminal Court and other courts that apply the principle of universal jurisdiction” ([page 115](#)), “in order to ensure its suitability for use before national courts in other countries operating under the principle of international jurisdiction, as well as in terms of presenting them to the International Criminal Court” ([page 136](#)).

- Coordination with Hamas: “On 29 November 2012, the Unit lawyers participated in a meeting between human rights organizations and the Minister of Justice in Gaza to coordinate and discuss establishing legal files of Israeli violations of human rights” (page 136).

St. Yves

- [FAQs](#): “Why are the cases brought before the Israeli jurisdiction?...under international law, one must exhaust local remedies before addressing an international tribunal, generally speaking, and therefore must address Israeli courts in this case.”

Yesh Din

- [According to Emily Schaeffer](#), a lawyer on Yesh Din's legal team, “Yesh Din was founded to use law as a tool to fight the Israeli occupation of the Palestinian territories.”
- Michael Sfard, Yesh Din's primary legal counsel and an editor of many of the NGO's reports, [claims](#), “If war crimes are committed and an apartheid system is being deployed under our eyes, it is the moral duty of a citizen of the country responsible, to combat this, even if it means using external legal means.”
- [Michael Sfard](#): “When you're faced with a system that's systematically violating human rights, on a huge scope, is it right or wrong to sustain internal, as opposed to external, resistance? Because when you resist from within, you legitimise the system. There are many prices that you pay. And it's a very, very difficult question... don't forget also that when you go to court you have to use a very particular language. I for instance had to insist to use the term 'assassinations' rather than the official 'targeted subversions'. To call the wall a 'separation wall' rather than 'security fence.' But then, in all honesty, this creates antagonism. If, tactically speaking, I want to win the sympathy of the justices, I can't tell them, like I did in the permits system case, that this is apartheid. But there are things you simply have to do because you realise that otherwise you really do become complicit.”

Film Advocacy

As part of its ICLA program, and again in contrast to claims that the NGO is “impartial,” NRC produced one-sided advocacy videos, repeating the Palestinian political narrative and demonizing Israel.

- [“The Way We Live: Eviction”](#) provides an extremely distorted depiction of Bedouin in Area C of the West Bank. The film does not mention that most Bedouin encampments lack permits and were built illegally.

- [A second video](#) discusses how Palestinians are negatively affected by the security barrier. The video does not elaborate further on barrier's success in reducing terrorist attacks, but rather proceeds to portray "the Wall" as creating a prison.
- A third video, "The Way we Live: Occupied," discusses eviction proceedings against a Palestinian women and her family in Sheikh Jarrah. The Jewish owners of the building are accused of physical violence.
- NRC is also [producing four additional advocacy films](#), two of which detail farming and fishing in Gaza, another about Silwan, and the last titled "The Cage House-Hebron."

These videos were [submitted](#) to the UN Fact Finding Mission on Settlements in 2012 and were to be shown to "[high level representatives of the international community in oPt...senior official in the UN, or foreign governments in New York, Washington, and Geneva](#)."

NRC in Gaza

In addition to legal work, NRC's activities in Gaza include [shelter coordination and housing reconstruction for displaced Palestinians](#). NRC describes a plan to attempt "to reconstruct 50 houses by legally importing building materials from Israel, while opting for advocacy and legal pursuit in the event they are refused." According to NRC, the plan, which focused on individuals whose homes were destroyed during the 2009 Gaza conflict, "ultimately aims at lifting the blockade on building materials. While simple in design, the intervention has the potential to have significant quality impact not only on intended beneficiaries but also on all construction related interventions in the Gaza strip."

However, NRC's attempt to achieve its broader political agenda failed. After the 2011 Egyptian revolution, there was a mini-construction boom in Gaza as materials came through tunnels from Egypt to Gaza. NRC's local partners utilized the newly acquired materials, and quickly fulfilled NRC's original caseload.

NRC did not see these developments, including meeting the project's original benchmarks, as wholly positive: "While materials from the tunnels are quickly meeting the needs of the Gazan population, **this has not put any pressure on Israel to end its blockade; on the contrary, it has helped Israel maintain its blockade**" (emphasis added). In response, NRC revised the project and expanded the target group to include "any vulnerable beneficiary in need of adequate shelter."

This episode highlights NRC's primary political purpose, putting pressure on Israel to end the blockade of Gaza, even at the expense of humanitarian achievements.

CONCLUSIONS AND RECOMMENDATIONS

Using government funding from the UK, EU, and Norway, NRC has engaged in political warfare against Israel, manipulating Israeli democracy and attempting to sabotage the Israeli justice system. NRC has also initiated international campaigns against Israel and Canada, targeting the judiciaries of those countries.

This exploitation of human rights and international relations is magnified by the misuse of massive amounts of British, European, and Norwegian taxpayer funds, and the violations of diplomatic norms and accepted relations between states.

In light of the data and findings contained in this report, NGO Monitor makes the following recommendations:

1) It is essential that Israel respond strategically to the campaign of NGO-led lawfare exposed in this report:

- The relevant government ministries should carefully review the regulations and procedures related to legal advocacy by foreign governments and NGOs, as well as develop clear and democratic guidelines to prevent further abuse of Israel's justice system.
- Israeli courts should be made aware of the organizations, funders, and ulterior political motives behind the cases that are heard, and take these factors into account.
- Comments made by lawyers and NGOs affiliated with the NRC program demonstrate the effort to exploit Israeli courts for illegitimate and possibly fraudulent purposes. The Israeli government should launch a full-scale public inquiry to explore the implications, including with respect to future appearances by NGOs officials and lawyers before Israeli judicial bodies.
- NRC's "low visibility policy" suggests a deliberate attempt to prevent public scrutiny and to avoid accountability vis-à-vis donor state officials and the Israeli government. Israel should investigate whether NRC staff gained entry into Israel under false humanitarian pretenses.

2) European governments, including the UK, EU, and Norway, should:

- Immediately freeze all funding to NRC, pending independent and public inquiries into the decision making processes that authorized the NRC's initiatives.
- Correct the pervasive secrecy and lack of democratic transparency by publishing (a) the complete list of NRC's NGO partners; (b) the amounts given to each NGO, as well as a description of the activities undertaken with them; (c) the names of all attorneys employed as part of the NRC project; and (d) a comprehensive list of cases that were enabled by European taxpayer funds (e) all relevant protocols, evaluations, official correspondence, and other documents, including the report "ICLA-Palestine's Theory of Change," a March 2013 evaluation of the program, and a 2012 ECHO (EU)-funded "impact study."
- To avoid the introduction of further Knesset legislation on this issue, the European governments need to engage broadly with the Israeli government and Israeli civil society to develop guidelines and independent evaluation mechanisms on appropriate uses of taxpayer funding in the context of lawfare and manipulative political advocacy outside the Israeli democratic process.

APPENDIX A

According to documents available from UN-OCHA's Financial Tracking Service ([2011](#), [2012](#), [2013](#)), the following governments funded NRC's work in Israel and the Palestinian Authority (all funds earmarked for ICLA, unless otherwise noted):

| DONOR | 2011 | 2012 | 2013 |
|---|--------------------------------------|-------------|-----------------------|
| DEPARTMENT FOR INTERNATIONAL DEVELOPMENT (UK) | \$329,164 | \$2,022,580 | \$2,265,861 |
| EU (EUROPEAN COMMISSION) | | | \$961,538 |
| EU (EUROPEAN COMMUNITY HUMANITARIAN OFFICE - ECHO) | \$2,074,074 | \$1,715,686 | \$2,086,050 |
| MINISTRY OF FOREIGN AFFAIRS (NORWAY-MFA) | \$3,137,639 \$1,708,027 (SHELTER) | \$2,154,272 | \$859,845 |
| SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCY (SIDA) | \$143,866 \$414,677 (SHELTER) | \$278,741 | \$306,091 |
| OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (OCHA) | | | \$126,300 (EDUCATION) |