

April 24, 2014

Human Rights and International Humanitarian Law Secretariat: Denmark, Sweden, Switzerland, and the Netherlands

Overview

- Denmark, Sweden, Switzerland, and the Netherlands jointly fund Israeli and Palestinian NGOs through [The Human Rights and International Humanitarian Law Secretariat](#) (the “Secretariat”). This funding mechanism has a projected budget of [\\$17.6 million over four years](#), including \$13 million for NGOs. The funds are managed by the Institute of Law at Birzeit University (IoL-BZU) and a European multidisciplinary consulting company, NIRAS.
- In March 2014, the Secretariat [announced](#) \$10.5 million in funding, over three years, for 24 Israeli and Palestinian NGOs, including groups that engage in legal warfare against Israeli officials and companies that do business with Israel, promote BDS (boycott, divestment, and sanctions) campaigns, and exploit the false “apartheid” analogy to demonize Israel.
- In 2008-2013, the governmental donor consortium, in partnership with NGO Development Center (NDC) of Ramallah, granted approximately \$16 million to Israeli and Palestinian NGOs for “Human Rights and Good Governance.” (See NGO Monitor’s reports on the previous counterproductive funding via NDC and lack of due diligence [here](#) and [here](#).)
- The Secretariat’s claim to have undertaken “[a thorough, transparent review process](#)” of potential core-funding grant recipients is not supported by the results.
- The evidence shows that despite the new managing partners and the official shift in focus to “both human rights and international humanitarian law” support for political and legal warfare against Israel is continuing.
- The Secretariat provides “core-funding grants” to select prequalified organizations. “Core funding” grants, with limited restrictions, support the general budgets of organizations and their full agendas.
- For instance, the NGO known as BADIL has been awarded a “core-grant” from the Secretariat. BADIL [promotes “resistance” and “martyr” rhetoric](#), and promotes anti-peace initiatives and a “one-state” framework. The organization also promotes BDS (boycott, divestment and sanctions) campaigns and has engaged in blatant antisemitic activities.
- In February 2014, IoL-BZU published a 15-page report, “[Advocating for Palestinian Rights in conformity with International Law: Guidelines](#)” (English and Arabic). This document is a strategic manual for exploiting legal terms and rhetoric to demonize and isolate Israel internationally (“lawfare”), as well as to emphasize that Israel regardless of its borders is among “racist regimes which are absolutely prohibited in their entirety.” This report was [posted prominently](#) on the Human Rights Secretariat Facebook page.
- At the conference on which the report is based, Secretariat Manager Mustafa Mari, of IoL-BZU, [chaired a session](#) where [participants discussed](#) Israel’s “colonial policy that dated back at least to the 1930s” and the “need for new legal frameworks which make the occupation illegal, criminalize Israeli practices, and support unification of Palestine and Palestinians.” Mari [previously worked](#) at Al Haq, a leader in legal warfare against Israel and a Secretariat funding recipient.

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- Mervat Rishmawi, UK-based consultant who has worked consistently with the Secretariat, authored an evaluation of the previous NDC-based funding. This report called for a greater focus on international law and “[Developing the strategy for the Human Rights and International Humanitarian Law Secretariat in Palestine](#).” Like Mari, Rishmawi has a conflict of interest, having also [worked with](#) Al Haq and Birzeit University (in addition to [numerous other anti-Israel NGOs](#)).

New Danish, Swedish, Swiss, and Dutch Funding for Radical Anti-Peace NGOs

- [Detailed NGO Monitor research](#) shows that Secretariat grantees under the old NDC framework are active in BDS (boycott, divestment, and sanctions), legal attacks, and other forms of political warfare against Israel, and use the false rhetoric of “apartheid” and “war crimes” to demonize Israel. The activities previously promoted by this program are entirely inconsistent with peace efforts supporting a two-state solution of the conflict, and deny the legitimacy of Israel as the nation-state of the Jewish people.
- In March 2014, the Secretariat [announced](#) \$10.5 million in pooled funding, over three years, for 24 Israeli and Palestinian NGOs, including many groups that engage in legal warfare against Israeli officials and companies that do business with Israel, promote BDS (boycott, divestment, and sanctions) campaigns, advance a “1948 agenda,” and exploit the false “apartheid” analogy to demonize Israel. For example:
- **BADIL** was founded to promote a Palestinian “right of return” and is a [leader](#) in international [BDS campaigns](#). In 2010 it signed a document [explicitly rejecting](#) the Roadmap for Peace and the Arab Peace Initiative, in sharp contradiction to the goals and policies of its government sponsors. BADIL also holds annual “right of return contests” in which it has published [antisemitic cartoons](#) on its website, as well as imagery promoting a one-state agenda and denying Israel’s right to exist. After the antisemitic cartoons were publicly revealed by NGO Monitor, Switzerland froze Secretariat funding for this NGO. There is no public documentation that an in-depth investigation was conducted regarding the explicitly antisemitic imagery or that controls were established to prevent a further occurrence. Indeed much of the offensive imagery remains on BADIL’s website.
- **Palestinian Center for Human Rights (PCHR)** is among the leaders of “lawfare” campaigns, particularly through efforts to have legal cases brought against Israeli officials in England, the Netherlands, Switzerland, Spain, and New Zealand. The group has also filed for punitive damages in the U.S. against companies doing business with Israel. In 2010, PCHR published “[The Principle and Practice of Universal Jurisdiction: PCHR’s Work in the occupied Palestinian territory](#),” advancing false allegations of Israel’s “war crimes,” and “[culture of pervasive impunity](#).” PCHR’s campaign has also focused on pursuing charges against Israel at the International Criminal Court.
- **Al Haq** is also a leader in the anti-Israel “[lawfare](#)” and [BDS](#) (boycotts, divestments and sanctions) campaigns. The organization regularly files lawsuits and submits [politically motivated reports](#) to the UN Human Rights Council and other international bodies. For instance, in a report entitled: “[Legitimising the illegitimate](#)” the organization

[proposed](#) sabotaging the Israeli court system by “flooding the [Israeli Supreme] Court with petitions in the hope of obstructing its functioning and resources.” The [Israeli Supreme Court has identified](#) Al Haq’s general director Shawan Jabarin as “among the senior activists of the Popular Front terrorist organization.” The PFLP is a designated terrorist organization by the EU, but there is no record indicating that due diligence was conducted by donor countries to ensure that Secretariat funding is not diverted in violation of domestic and international terror financing laws.

- **Addameer** appears to have close connections to the Popular Front for the Liberation of Palestine (PFLP), a terrorist organization, recognized as such as by the European Union. Addameer’s ties with PFLP potentially violate both international and domestic law.
 - Addameer’s chairperson and co-founder, [Abdullatif Ghaith](#), was banned by Israel from travelling internationally because of his alleged membership in the PFLP.
 - [Khalida Jarrar](#), Addameer’s vice-chairperson, is reportedly a [senior](#) PFLP official.
 - [Suha Al Bargouti](#), Addameer’s treasurer, is the wife of alleged PFLP member Ahmed Qatamesh.
 - [Sumoud Sa-adat](#), an Addameer staffer, is the daughter of PFLP founder Ahmad Sa-adat.
 - [Yousef Habash](#), an Addameer Board member, is allegedly the nephew of PFLP founder George Habbash.
 - Ayman Nasser, an Addameer research staff-member, was [arrested](#) on October 15, 2012 for alleged links to the PFLP.

A Platform for Legal Attacks?

- The Secretariat has a new focus on international humanitarian law. In this context, the partnership with the Institute of Law Birzeit University (IoL-BZU) is troubling. The extreme and offensive rhetoric advanced by the Institute suggest that it does not possess the capacity to administer the Secretariat or to carry out the objective of engaging in “policy dialogue.”
- In February 2014, IoL-BZU published a 15-page report, “[Advocating for Palestinian Rights in conformity with International Law: Guidelines](#)” (English and Arabic). This document advances a 1948 agenda and is a strategic manual for exploiting legal terms and rhetoric to demonize and isolate Israel internationally (“lawfare”), as well as to emphasize that Israel is among “racist regimes which are absolutely prohibited in their entirety.” This report was [posted prominently](#) on the Human Rights Secretariat Facebook page.
- According to the report, the accusation of “occupation” is insufficient for political purposes because “occupation *per se* is lawful, and an occupation regime may remain lawful even if certain policies and practices of the occupying power are illegal or constitute war crimes” and because it “**suggest[s] that Israeli violations of Palestinian rights under international law are limited to the OPT.**”
- Instead, activists are encouraged to allege Israeli “colonialism, apartheid and ethnic cleansing,” dating to 1948 and earlier, in an attempt to undermine the existence of Israel regardless of its borders. This [language](#) was also chosen to attract political allies (specifically Africans and Latin Americans) and to bolster campaigns for ICJ and ICC cases against Israel.

- States are urged to use universal jurisdiction to prosecute Israeli officials for alleged “war crimes,” and “**Private entities, including business companies,**” are told that they “are legally, including criminally, liable (via their representatives, CEOs)” for alleged violations committed by Israel. This claim is a blatant distortion of international law. There is no international legal prohibition whatsoever on private businesses operating within occupied territory, nor is there any recognition of a claim for aiding and abetting liability for corporations.
- The Secretariat website hosts a [portal](#), which provides research reports of local NGOs and is “meant to contribute to establishing a sustainable platform for policy dialogue and development.” As of March 10, 2014, the portal only displays four papers, all reflecting major distortions of international law to allege Israeli violations, and all by political advocacy NGOs such as Al Haq, PCHR, and PCATI, and Adalah. This one-sided advocacy demonstrates that there is no capacity to carry out the Secretariat objective to engage in “policy dialogue.” It further reflects continuing reliance on an extremely narrow and fringe group of NGOs. The failure to engage with a wider range of actors ensures that the work carried out by the Secretariat will be ineffective and will only serve to inflame the conflict.

Analyzing Changes in the Secretariat

- As seen in [NGO Monitor research reports](#), the relationship between the governments and the previous management under NDC was unclear. Publicly available documents provided apparently contradictory information on the extent of NDC’s involvement in management and funding decision making.
- The new Secretariat has increased transparency about these processes by emphasizing that only representatives of the donors (the four governments) will comprise the [Steering Committee](#), which is responsible for decision making and program evaluations. In contrast, NIRAS and IoL-BZU will be “present at all Steering Committee meeting but will not have voting or decision rights.”
- Additionally, a [2012 impact assessment](#) of the Secretariat related that “NGOs generally felt that the Secretariat did not contribute to introducing them or linking them with other organizations or experts nationally and internationally,” and that it did not “enable partners to carry out dialogue in a collective manner with the donors on the policies of their governments and that of the EU.”
- In the new cycle of funding, [the donor consortium has added](#) “capacity building and policy dialogue” as primary objectives of the program. According to a [technical evaluation of the program](#), NIRAS (unlike NDC) “has a very strong international presence and influence, and is able to facilitate international networking,” and IoL-BZU maintains supposed expertise in international legal research and advocacy. However, as noted above, this is likely to add to the negative impact resulting from the Secretariat’s new framework.

Correspondence between NGO Monitor and the “Secretariat” Donor Consortium

NGO Monitor provided representatives of the Netherlands, Sweden, Denmark and Switzerland with a draft version of the report for comment. As of April 22, 2014 only the Swedish Consul General in Jerusalem provided a response. See the correspondence below.

NGO Monitor letter to representatives of the Netherlands, Sweden, Denmark and Switzerland:

April 3, 2014

Dear Mr. Axel Wernhoff,

NGO Monitor (www.ngo-monitor.org), in keeping with its mandate of examining government funding for political advocacy NGOs, has prepared a fact sheet on the Human Rights and International Humanitarian Law Secretariat. The government of Sweden is a principal contributor to this Secretariat.

The attached report analyzes the Secretariat’s new managing partner, Institute of Law at Birzeit University, two officials who have been involved in shaping the new program, and three prequalified organizations that have been selected to receive core funding from the Secretariat. We are also attaching a separate fact sheet on the Palestinian NGO “BADIL,” one of these groups.

NGO Monitor’s research concludes that, given the management of the Secretariat, the respective governments’ objectives of promoting peace and a two-state solution to the conflict cannot possibly be achieved. In particular we note:

- The partnership with Institute of Law at Birzeit University, which exploits legal rhetoric and false legal claims to demonize Israel and advance political warfare against Israel.
- Funding for 24 Israeli and Palestinian NGOs, including many groups that engage in legal warfare against Israeli officials and companies that do business with Israel, and that promote BDS (boycott divestment and sanctions) campaigns.
- Some of the grantees have suspected ties to the “Popular Front for the Liberation of Palestine” (PFLP) terrorist organization. Funding to these organizations potentially violates both international and domestic law.

We will be publishing our report on the Secretariat shortly, and request your comments on the research presented by **April 17, 2014**. We would also welcome the opportunity to discuss these central issues in person.

Sincerely,

Jody Sieradzki

Response from the Swedish Consul General in Jerusalem:

April 15, 2014

Dear Ms Sieradzki,

Thank you for your email about the Human Rights and International Law Secretariat.

We have read your report, which to a large extent corresponds with criticism raised by NGO Monitor in relation to the previous human rights secretariat supported by the same donors. The criticism is general in its approach and lacks a concrete link to actual Swedish contributions. This makes it difficult for us to engage in a constructive dialogue. Nevertheless, in connection with your prior reports, we did engage in a dialogue with NGO Monitor, trying to provide information in relation to points raised by you and also explaining principles guiding Swedish development aid to which we strictly adhere. Furthermore, and unfortunately, we did not at the time see this information being taken into account by NGO Monitor.

For information about Swedish development aid and our support to the secretariat, I refer you to www.openaid.se and the secretariat's website; www.rightssecretariat.ps respectively.

Regards

Axel Wernhoff

Consul General of Sweden in Jerusalem