

**"Ethical Norms in a Political World; NGOs, Human Rights and the Arab
Israeli Conflict"**

June 14, 2006. Menachem Begin Heritage Center, Jerusalem

Summary of proceedings:

Introduction

Prof. Gerald Steinberg, Editor of NGO Monitor, opened the conference with a description of the Durban Strategy: the political campaign to undermine and isolate Israel from the international community through demonization, selective use of human rights terminology and boycotts and divestment campaigns. He explained how NGOs have led this process since the 2001 UN Conference against Racism and Xenophobia at Durban; and described the major political impact that they have as a result of their massive funding, much of which is used for public relations campaigns.

Prof. Steinberg posed several questions that he hoped the panelists would address, under the broader heading of "Who watches the watchers?" These include, How do these organizations chose their agendas? How do they set their priorities? How do NGOs gain their status, and what is the basis for their role in the UN? Are NGO reports credible? Who funds NGOs? How do we develop a code of conduct for NGOs that will build accountability and transparency?"

Prof. Steinberg's power point presentation is available at
http://www.ngo-monitor.org/images/NGO_Monitor_conference.ppt

Panel I: NGOs, Human Rights and Political Power

Dr. Avi Bell, from the Bar Ilan University Law School, discussed how NGOs use legal terminology in ways that are tendentious, inaccurate, and which create a misimpression of certainty when facts are in dispute. He examined three Amnesty International (AI) documents which use legal language such as "war crimes" and "disproportionate use of force" to describe IDF actions when civilians are killed. Dr. Bell then showed that the Geneva Convention of 1949 does not exclude collateral damage if it is proportionate to the anticipated military result, and that AI statements ignored this legal basis in its condemnations of Israeli responses to terror. He also charged that AI employs a double standard, failing to use the word "terrorism"

because of its uncertain definition within international law, while freely using the term “occupied territory” although its definition under international law is equally unclear. **Dr. Bell’s presentation is available at www.ngo-monitor.org**

Hillel Neuer, Executive Director of [UN Watch](http://www.unwatch.org), spoke about the “credibility deficit of the UN Human Rights Commission.” He accused the international community’s treatment of Arab countries of being “one part condescension and two parts appeasement.” Mr. Neuer charged the UN of having an institutional bias against Israel, with several divisions within the UN devoted solely toward Palestinian rights, engaging in a “relentless propaganda war against the Jewish state.” According to Mr. Neuer, “the UN has become ground zero for the delegitimization of Israel.” NGOs are both influenced by the UN bias against Israel and contribute to the bias. For example highly problematic NGO reports often become UN findings through the unpaid sharing of research, a process which gives the NGO greater credibility. He concluded by stating that “UN reform will never succeed unless the world body rids itself of the pathological need to demonize the Jewish state.”

Orli Gil, the head of the NGO Unit of the Israeli Ministry of Foreign Affairs, discussed the government’s approach to dealing with national and international NGOs. She took the position that NGOs will never support government policies, but that government support of NGOs and increased dialogue can change the tone of NGO reports. She stated that the Israeli government has nothing to lose by cooperating with international NGOs. Gil also took pride in government support for national NGOs that are critical of Israeli policies, seeing this as a symbol of the strength of Israeli democracy and civil society.

Benjamin Pogrund, Director of Yakar’s Center for Foreign Concern, added a note of caution to the proceedings by warning that those who want to monitor NGOs must be particularly careful not to have sloppy research or to use inflammatory rhetoric. He advocated an approach similar to Gil’s, by quietly working behind the scenes to engage NGOs with critical agendas.

12.00-13.30 NGOs and the Media – Is there a halo effect?

The dynamics of this panel were wide-spread. **Danny Rubenstein**, *Ha’aretz*, did not consider NGOs to be antagonists of Israel. “As a journalist,” he said, “and as an Israeli . . . I am a member of five or six of the NGOs you have on this list.” His responses stressed his belief that all organizations are driven by a personal agenda: “ ‘Halo effect.’ I assume, is also a kind of agenda. You become an angel and no one can criticize you.” He went on, “I consider my agenda a good agenda, a right agenda . . . a Jewish agenda.”

Ambassador Gideon Meir of the Ministry of Foreign Affairs responded to this concept. “I have an agenda . . . to represent the State of Israel and the ultimate truth of the State of Israel.” Some NGOs, according to Meir, do not share his desire for truth. He referred to the allegations of the Jenin ‘massacre’ in 2002, particularly

those fostered by UNWRA, an NGO with a strong presence in refugee camps. “We had to fight back in order to tell the world the truth,” he said, mentioning that Human Rights Watch had been the only NGO that said Israel had not committed a massacre in Jenin.

Colonel Shlomi Am Shalom, deputy IDF spokesperson, claimed that the “IDF really respects the work of NGOs, and the IDF shares the same values and goals as NGOs.” Rather, he said, “our main concern is [normally] with the media.”

Dan Diker, political correspondent and analyst, explained his journalistic approach to conflicting reports from the IDF and other media sources or NGOs: “My assumption, when I speak to the army, is that they’re not lying.” However, his focus was the “much deeper issue here: [the] fundamental change in NGOs’ approach to the conflict.” Concepts, such as UN resolution 242 which states, according to Diker, that “Israel has rights to be in the Western territories and Gaza,” have been forgotten. “The concept that Israel has some rights in the conflict has disappeared . . . Israel is the legal occupier of territories from which it was attacked in 1967.” In connection to the world’s dismissal of Israel’s rights as part of the Israeli-Palestinian conflict, Diker mentioned the Durban conference of 2001. “I think that the Durban conference was essentially a declaration [against Israel] . . . what was supposed to be the ultimate meeting of NGOs became the ultimate hate-fest of Israel.” In responding to the discussion concerning “agendas,” Diker said, “we have to be careful as journalists not to be dragged into any agenda.”

Simon Wilson of the BBC began with, “I’ve met very few people who have halos.” He went on to say that the BBC does not depend on NGOs as a major source of information or perspective: “NGOs actually play a very small part in how [BBC] reports about this conflict.” According to Wilson, some are useful, while others are better to dismiss. “An NGO I’ve found very useful is MEMRI,” which monitors anti-Israel and anti-Jewish sentiments in the media of the Arab world. “As a responsible foreign journalist,” Wilson said, “NGOs are only one source.”

Meir added, in regards to the media’s approach to reporting on the conflict. “The strange thing is that the media only deals with the human rights of the Palestinians. What about the human rights of the Israelis? All you hear about in the media is Gaza, Gaza, Gaza. Why doesn’t anyone report on Sderot?”

Diker added, “I think the real violations of human rights are toward Palestinians by Palestinians . . . we all know what’s going on in the West Bank. It’s run by warlords.”

Meir had an explanation for the absence of such aspects of the conflict in the media’s reporting. “The media is intimidated by the Palestinians.”

14.30-16.00 Government Funding for NGOs and the “ Hamas Dilemma”

Dr. Olli Ruohomaki, from the Representative Office of Finland, spoke from, in his words, the perspective of an “outsider”. Although he has worked in many conflict zones, he stated that he had never encountered a more complex and entrenched political conflict than Israel/Palestine. He “strongly condemns all forms of terror”

and said that it is “definitely not foreign policy to fund NGOs that demonize Israel.” However, he did acknowledge the political nature of foreign aid. “All aid becomes part of a political dynamic and political results, to think otherwise is naïve. But the first rule is to do no harm.” He stated that it is better for outside agents to act to strengthen security for both sides rather than to do nothing. But he also warned that NGOs and foreign aid cannot take the place of government agencies.

Dr. Gershon Baskin, Co-CEO of the Israeli/Palestine Center for Research and Information (IPCRI), advocated the end of restrictions on foreign aid which impeded NGOs from speaking to Hamas. He related how he spent three hours speaking to a Hamas member in Cairo about Israel’s right to exist, and that the Hamas member left the conversation less sure of his position. Dr. Baskin believes that there is a “value for NGOs to engage Hamas.” He also spoke about the value and good works done by NGOs that are highly critical of Israel, and the right of foreign governments to decide to support those NGOs. He warned that people cannot “allow a neo-conservative agenda to intimidate international donors.”

Daniel Seideman, the consulting legal advisor to Ir Amim, wondered whether an Israeli policy to break the back of Hamas was worth the “huge humanitarian meltdown” that would follow. “The alternative to the present situation is Somalia.” He believes that NGOs can play a crucial role in humanitarian assistance, but cannot be used in place of active and stable government agencies. According to Mr. Seideman, although there should not be direct government funding to Hamas, there is a need to build up Palestinian society in a way that circumvents support of Hamas and does not violate core principles.

John Bell, from the Search for Common Ground in the Middle East, addressed certain problems that the election of Hamas has presented to local NGOs. It has created funding problems for the NGOs due to government restrictions on aid being used to assist terrorist groups. It has also raised questions regarding whom the NGOs are allowed to contact within the Palestinian Authority, and casts doubt on the usefulness of their previous Fatah contacts. Finally, Hamas’s victory has made it much more difficult for NGOs to do cross-state humanitarian assistance, such as bringing Israeli and Palestinian officials together to discuss bird flu solutions. He decried “realm of the absurd” blanket policies that prohibit any contact with PA officials, and believes that “finer surgery” of policies is needed.

Saul Singer, editorial page editor of Jerusalem Post, characterized the current Hamas dilemma as “a rolling crisis, a necessary and overdue crisis,” with two elements: the crisis of Fatah and Hamas supporters engaging in violence and creeping toward civil war, and the crisis of international funding for the PA and NGOs. Mr. Singer characterized the Fatah/Hamas clash as one between the approach of terror, and the approach of negotiations and acceptance of Israel’s right to exist. According to Mr. Singer, funding cannot continue until the Fatah/Hamas clash is resolved. The international community wants to avoid a humanitarian crisis while maintaining its

core principles, which include the prohibition against assisting terrorist organizations. Mr. Singer hopes that the funding crisis will force the Palestinians to have a real internal debate that is a necessary prerequisite to peace. “The best we can do as governments, NGOs, people who care about peace, is to force this debate to take place.”

16.15-17.45 NGOs, Human Rights, and International Law

Professor Michla Pomerance of Hebrew University opened this fourth panel. “I have had the dubious pleasure,” she said, “of following UN law.” She spoke of “the appeasement of evil forces,” which she suggested to be UN practice far too often. “Pacifist tendencies,” she explained, “can be noxious in effect.” UN law, she said, is “not really international law, it’s not UN charter law.” She added, “condemnation of terror in the UN has almost always been accompanied by an explanation as to the root of terrorism,” which results in what Pomerance called an “ ‘oh-I-see’ [reaction]” and the “inverting of aggressor and victim.”

Daniel Meron of the Ministry of Foreign Affairs, agreed that there is biased treatment of Israel by the UN. Israel, as part of the UN, he claimed, “is discriminated [against] and isolated.” However, he was quick to point out that “not all UN resolutions are bad. Last year, the UN adopted a very important resolution about remembrance of the Holocaust.” Meron acknowledged Israel's exclusion from a specific grouping in the UN Commission of Human Rights. “The time that is administered to Israel within the UN,” he said, “it’s disproportional . . . the UN didn’t manage last year to pass a resolution condemning the terrible, terrible things happening in Sudan.” Meron presented the audience with some statistics as to the dispersion of funds by the UN: last year, according to Meron, the Division for Palestinian Rights received \$5 million, while the African Development Institute received \$1.1 million. “They promote the Palestinian narrative.”

Dr. Michael Erlich of Bar-Ilan University suggested that it is entirely possible for Israel to challenge the UN’s behavior when it is believed to be questionable. “It would not be difficult for Israel to challenge the credibility of Amnesty International . . . the data is there and any failure of the IDF [to pursue it] is a case of pure negligence.” Erlich did acknowledge the fact that “people around the world trust Amnesty International,” and that “people change views rather slowly.” Israel should “not agree to whatever an organization recommends. However, it should consider it seriously.” Later, Erlich added that “NGOs mostly act where states don’t.”

Harel Ben-Ari’s presentation will be available on the website soon.

18.00 Natan Sharansky

Natan Sharansky, M.K., was the keynote speaker of the conference. Drawing on his own background as a human rights activist and "Prisoner of Zion", Sharansky compared today's human rights NGOs to those that were active during the Cold War. Today, "the banner of human rights is used against democracy," with human rights abusers in dictatorial regimes using the language of human rights to demonize Israel. Sharansky stated that NGOs were so successful in documenting human rights abuses in the USSR because they used had "broad moral clarity and [a] broad single standard." Sharansky emphasized the importance of having moral clarity that recognizes the inherent differences between democracies and authoritarian regimes and the importance of holding them to the same standards, even if access to the facts varies. "The moment we agree that there is not one moral standard, we are helping [authoritarian regimes] to use the banner of human rights to fight against freedom of their own people." He added that this point has become increasingly important due to the disproportionate number of allegations of human rights violations by NGOs among democracies and dictatorships: "How can it be that there are so many violations [of human rights] in the free countries and so few violations in the dictatorships?"