

Funding Palestinian NGOs: A Trojan Horse Against Liberation?

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The Palestinian NGOs (PNGOs) have played a significant role in developing various aspects of Palestine's national welfare. After 1948, another duty was added on to the PNGOs, which is resisting Israeli occupation both directly and indirectly. In that process, PNGOs could not finance themselves because of the economic damages of the Israeli occupation. As a result, PNGOs relied on foreign support, from Arab organizations and non-Arab organizations. In particular, the United States Agency for International Development (USAID) and European Union (EU) were the biggest funders for the PNGOs. In fact, USAID and EU are still the primary funders for the Palestinian Authority (PA), that emerged from signing of the Oslo Accords in 1993. The author argues that conditional funding prevents PNGOs from supporting the exercise of the right of self-determination. Moreover, it marginalizes the PNGOs from the political sphere. Both these are effected by inserting anti-terrorism clauses by the funders in the funding contracts.

Introduction

The role of the Palestinian NGOs (PNGOs) in developing Palestine's national welfare has significantly gone up subsequent to the Israel occupation in 1948. However, PNGOs could not finance themselves and hence they relied on foreign support. United States Agency for International Development (USAID) and European Union (EU) are still the main funders of the PNGOs. Indeed they are the main funders even for the Palestinian Authority that emerged from signing of the Oslo Accords between the Palestine Liberation Organization (PLO) and Israeli Occupation Authority (IOA) in 1993.

Because of the Israeli violations, PNGOs started to show resistance against the IOA. Consequently, IOA influenced the funders of these PNGOs to impose conditions over their funding in order to prevent such resistance.

No studies have been undertaken to study the impact of conditional funding on the operations of PNGOs. Such studies will help us to decide whether this funding is really benefiting the Palestinians or it is just a Trojan horse to facilitate the Israeli occupation of the Palestinian territories. This study attempts to examine the impact of the conditional funding.

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NGOs in the Palestinian Context

Reasons for Their Existence

NGOs played a significant role in Palestine even before the Oslo Accords. These accords established the PA. Mainly, the role of these accords was to help the civil society in developing the socioeconomic aspects of it, and to fill the gap caused by the absence of governmental institutions before the emergence of the PA.¹

Even after the establishment of the PA, the role of the NGOs continued. They exclusively assisted the PA in the areas of the Palestinian occupied territories that had been given to it, which are the West Bank (WB) and Gaza Strip (GS). Their role was to assist the new government and public officers to fulfil the needs of the people, especially their survival against the brutal occupying actions of the IOA.²

After signing the Oslo Accords, the international community recognized the PA as a legitimate representative of the Palestinian people. That legitimacy helped two types of organizations to legally provide direct assistance to the PA: the first type was the Inter-Governmental Organizations (IGOs), like the USAID³; second, the international NGOs like the organizations attached to the United Nations (UN) and the EU.⁴

In the early years after the establishment of the PA, the funds were the biggest concern for the international community for two reasons: first, the PA needed to cover the salaries of the government employees and public officials hired since its establishment; and second, the PA suffered from economic crises and lack of experience in managing governmental functions. As a result, the main goal of funding was to provide the PA with the assistance it needed to cope with the new Palestinian situation.⁵

While funding the PA, international organizations kept the peace settlement as a strategic goal in their minds. The funds were provided to achieve peace between the PA and the IOA, through collaboration between the two. As a result, most of the funds were directed to reduce the human suffering of the Palestinians, and to prevent any attempts of political or militant violence against the new settlers of the lands, the Israelis.⁶ Consequently, the funds were conditional upon the PA's

¹ MA'AN Development Center (2011), "Matrix of Control: The Impact of Conditional Funding on Palestinian NGOs", Position Paper, August, p. 2.

² Walid Slaem (2012), "Civil Society in Palestine: Approaches, Historical Context and the Role of the NGOs", *The Palestine-Israel Journal*, Vol. 18, No. 2, p. 14.

³ MA'AN Development Center (2011), *op. cit.*, p. 4.

⁴ Joseph DeVoir and Alaa Tartir (2009), "Tracking External Donor Funding to Palestinian Non-Governmental Organizations in the West Bank and Gaza 1999-2008", Palestine Economic Policy Research Institute (MAS), p. 24.

⁵ Anne Le More (2005), "Killing with Kindness: Funding the Demise of a Palestinian State", *International Affairs*, Vol. 81, No. 5, p. 982.

⁶ DeVoir and Tartir (2009), *op. cit.*, p. 23.

performance with respect to security matters. The funds were significantly related to the Palestinian-Israeli peaceful relationship.⁷ However, the funds were largely provided for the PA because Israel has its own national economy with international support from the Jewish global community.⁸

The fact that the PA monopolizes the legitimacy of ruling the Palestinian people helped the Palestinian government to collect huge funds for the development of Palestinian welfare. However, the corruption and misconduct of the PA was obvious to economic and political observers internationally and domestically.⁹ In addition, the funders changed their ambitious expectations from the PA, especially after the Intifada, which caused significant damage to the PA and Palestinians in general.¹⁰ As a result, the funders started to put more restriction and conditions in funding the PA. That attitude was enhanced by the change in the Palestinian presidency in 2004, because the new Palestinian President Mahmoud Abbas was more open to international assistance, and relied more on foreign support.¹¹

The PNGOs' Employees

Before signing the Oslo Accords in 1993, the culture of voluntary work was widespread amongst the Palestinians. It was adopted specifically among the Palestinian youth, and it was implemented broadly in the national committees and societies. The spread of this culture was supported by the belief that this voluntary work is a form of combat and resistance against the Israeli occupation. In fact, the volunteers came from across various fields. For example, students, housewives, and other individuals were participating in the work.¹²

However, the situation changed significantly after the second intifada, because of the international pressure over the PA. The international funders wanted more peaceful and explicitly non-violent methods to deal with the Palestinian struggle. The supporters of the PA requested it for shifting its ideology towards more acceptance and adoption of the idea of peaceful relationship with the occupants. They sought stopping resistance and 'violence' from the Palestinian side.¹³

The idea of 'non-violence' imposed significant termination on the voluntary work culture in Palestine, because Palestinians felt that this work was not involved in resisting the Israeli occupation.¹⁴ Peaceful negotiations and relationships had become

⁷ Denis J Sullivan (1996), "NGOs in Palestine: Agents of Development and Foundation of Civil Society", *Journal of Palestine Studies*, Vol. 25, No. 3, Spring, p. 19.

⁸ Yash Tandon (2011), *Demystifying Aid*, Rosa Luxemburg Foundation in Palestine, February, p. 14.

⁹ Sawsan Ramahi (2013), "Corruption in the Palestinian Authority", *Middle East Monitor*, December, p. 27.

¹⁰ Norwegian Agency for Development Cooperation (2009), "Review of Norwegian Support to Palestine Through Norwegian NGOs", March, p. 18.

¹¹ Sullivan (1996), *op. cit.*, p. 35.

¹² Diana Ayman Rashed Haj-Hamad (2012), "The Impact of the Cultural Globalisation on the Citizens of the West Bank", Master of Planning and Political Development Thesis, Al-Najah National University, p. 36.

¹³ Slaem (2012), *op. cit.*, p. 12.

¹⁴ Haj-Hamad (2012), *op. cit.*, p. 149.

the norm. As a result, many Palestinians stopped participating in such activities. Consequently, PNGOs were required to find alternatives by paying all the workers to implement the PNGO projects.¹⁵

The economic situation was hard in mid-2003, 60% of the population was living under the poverty line, and 35% of the population was unemployed.¹⁶ As a result, the vast majority of the PNGOs employees consisted of two types; 'Yuppies' and economic survivors.¹⁷

Yuppie is an acronym for the words youth, urban, and professional. It is used to describe young employees living in cities and working in professional jobs, particularly those who are living in luxury with notable consumption levels. This kind of employees emerged in Palestine as a result of globalization and westernization in employment culture following the rapid interaction between PNGOs and foreign supporters.¹⁸

Yuppies formed 71% of the PNGOs employees, and many of them had limited interaction with politics between the Palestinians and the IOA. Because of their life style, they saw earning money and developing their skills as the only interest of life. The idea of resistance and fighting against the occupiers was not part of their consideration.¹⁹

Economic survivors formed 25% of the PNGOs employees, the term economic survivors means employees who have no other source to earn their living except working unconditionally with PNGOs. This type of employees were completely obedient toward the conditions and commands of the employers. The employers in turn were obedient to their funders. Consequently, no economic survivor could neither break the rules nor think about resisting Israeli occupation, because they knew that they will lose their jobs if they did so.²⁰

Domestic Difficulties Encountering PNGOs

When the EU and the USAID decided to support the establishment of the PA, it concentrated on funding the establishment of well-governed and self-sufficient government, by hiring experts and qualified persons in government jobs. However, that failed, because the PA had to deal with the personnel of the former civil-administration from the Israeli era. At that point, the PA used the funds in public hiring as a double-edged sword.²¹

¹⁵ Norwegian Agency for Development Cooperation (2009), *op. cit.*, p. 16.

¹⁶ More (2005), *op. cit.*, p. 984.

¹⁷ Karin A Gerster and Helga Baumgarten (2011), *Palestinian NGOs: And Their Cultural, Economic and Political Impact in Palestinian Society*, Rosa Luxemburg Foundation in Palestine, December 30, p. 12.

¹⁸ *Ibid.*

¹⁹ Yusuf Ibrahim (2005), "Palestinian NGOs: A Geographical Study", The Islamic University in Gaza, May, p. 64.

²⁰ *Ibid.*, p. 69.

²¹ Ramahi (2013), *op. cit.*, p. 11.

On the one hand, public hiring was used to enhance the stability of the PA by guaranteeing the loyalty of these new employees. On the other hand, it was used to compensate and co-opt the emerging opposition like the Islamic parties.²² These parties considered that the PA was not a legitimate representative of the Palestinian people, because the PA moved away from the armed struggle as a strategy for liberating Palestine toward peaceful negotiations' strategy.²³

However, the Israeli parties continuously sought to shape the Palestinian regime as strictly isolated and dependent entity, regardless of the different ideological backgrounds of the parties. This behavior caused significant constraints over the operations of the national and foreign NGOs, because any mission to empower that regime and widen its powers was discouraged. This caused complete marginalization of all the projects aiming to support the self-sufficiency of the PA. For example, projects to build a self-reliant economy in the PA territories, or reducing the economic connection between the PA and the IOA were firmly prevented.²⁴

Moreover, the partition of the Palestinian occupied territories into A, B and C according to the Oslo Accords caused a serious fragmentation in the functions of the PA, because it only had sovereignty over A areas. Additionally, even critical security matters were excluded from that sovereignty.²⁵ This fact caused widespread discontent in the international community, who thought that all these funds would help to build a Palestinian State that is ready to accept the two-state solution with the IOA, which meant two sovereign states living peacefully side by side. In fact, the PA itself was in a critical need for monetary support, because it did not have an economic system to fulfil the necessities of the Palestinian people.²⁶

The international community considered the stability in the relations between PA and IOA as an essential prerequisite for continuing monetary support. However, the delay in bilateral negotiations' had stalled taking up of development projects, because many of these projects were based on the outcome of those negotiations. In addition, the international community realized that all development projects should be locally accepted, so there is no chance for external-sourced development without an appropriate social sphere.²⁷

²² Nadera Shalhoub-Kevorkian and Nadim N Rouhana (2014), "The Politics of Suffering: A Comparative Perspective on Colonialism, Nationalism and Religious Claims", *The Fletcher School of Law and Diplomacy*, April 11, p. 27.

²³ More (2005), *op. cit.*, p. 985.

²⁴ Tandon (2011), *op. cit.*, p. 36.

²⁵ Yousef Shandi (2010), "Israel's Claim of the "Legitimate Right of Self- Defence" Regarding the Gaza Strip in Light of International Law a Palestinian Lawyer's Position", *Journal of East Asia & International Law*, Vol. 3, No. 2, p. 3.

²⁶ See Stephen Humphreys (2010), "Market", in *Theatre of the Rule of Law: Transnational Legal Intervention in Theory and Practice*, Cambridge University Press, p. 2.

²⁷ MA'AN Development Center (2011), *op. cit.*, p. 19.

Because of the delay in negotiations, the PNGOs suffered a cut back in monetary support from foreign institutions, because many of those NGOs' activities seemed useless and helpless from the supporters' perspective.²⁸ At that point, PNGOs faced the danger of fund cutting for projects inconsistent with the strategic goal of the funders. As a result, PNGOs started to change their operations to fit with the priorities of those funders. These priorities were mainly democracy and governance, which affected the PA move towards more peaceful and stable relations with the IOA.²⁹

The Nature of International Funding

Palestinians' Interests

After signing the Oslo Accords, the international funders aimed for significant assistance for the Palestinian people. The strategic aim of those funders was the maintenance of the peace process between the PA and IOA. Accordingly, all projects were required to fulfil that strategic aim in order to be funded by them. In particular, three objectives were underlined by those funders: Implementing the Oslo Accords; developing socioeconomic aspects of the Palestinians; and constructing Palestinian governmental institutions.³⁰

First, the Oslo Accords were the guidelines for the peaceful settlement between the conflicting parties. It contained economy, sovereignty, water, refugees, citizenship and many other aspects. So implementing it as a whole would achieve the largest portion of the expected solution in the area, and that made its implementation the first objective of funding the PA.³¹

Secondly, the funders assumed that improving the living conditions and constructing infrastructure facilities in the Palestinian territories would alleviate the suffering of the Palestinians. Accordingly, there intention to continue with the peace process will proceed. They saw supporting PA stability as an invaluable benefit for the Palestinians themselves, which will make them hopeful toward continuing the peace process.³²

Thirdly, the strategic aim of the funders required them to enhance the independence of the PA, because any peaceful settlement must be done with a legitimate representative of the Palestinian people in order to be accepted. Such legitimacy is fulfilled when there is an independent partner on the Palestinian side. The governmental institutions were the fundamental elements representing the independent Palestinian state.³³

²⁸ More (2005), *op. cit.*, p. 996.

²⁹ Eliezer D Jaffe (2002), "The State, Volunteers and Non-Profit Organizations: The Nature of the Relationship", March 4, p. 7.

³⁰ Mohammad Awad (2013), "International Funding to Palestinian NGOs and Its Impact on Social Capital in the West Bank", *The Public Sector Innovation Journal*, Vol. 18, No. 1, p. 26.

³¹ Comment (2006), "Palestinian Non-Governmental Organizations' Network (PNGO), Statement on Foreign funding to the Palestinian Authority", *Journal of Palestine Studies* Vol. 35, No. 4, p. 34.

³² Jaffe (2002), *op. cit.*, p. 22.

³³ Awad (2013), *op. cit.*, p. 37.

The USAID, one of the main international funders of the PA, announced very similar objectives for its mission in Palestine. Its objectives were supporting economic growth, infrastructure building, humanitarian assistance, education, and governance. The noteworthy point here is that USAID and other international funders shared the same view that these objectives would establish optimistic expectations for both sides toward the two-state solution.³⁴ However, the World Bank, as a funder, stated that political risks and implementation risks is highly predictable in the process of achieving those objectives.³⁵ The World Bank wanted to draw the attention of the funders to the fact that political issues should take priority in designing funding policies to the PA.³⁶

The aim of that statement was to caution funders about considering the Palestinian problems as only temporary ones. Such consideration will make the funders believe that they can solve the Palestinian issue only by monetary support.³⁷ It wanted to warn them of the political and ethnic roots of the Palestinian-Israeli conflict, which are indeed the fundamental problems that should be prioritized.³⁸

In fact, the Israeli factions' ideologies and the practice of the Israeli government undermined the two-state solution. In contrast, the PA was interested in that solution because it felt that it was the best available at that point of time.³⁹ The international funders saw the outcome of the negotiations between the conflicting parties as disappointing and faraway from what they expected. They realized that continuing the assistance without changing the methods will make no change on the ground.⁴⁰ As a result, all attention was shifted to good governance and democratic reform as objectives for funding the PA.⁴¹ In addition, the adoption of the international funding as the main source of support by the new Palestinian Prime Minister Salam Fayyad dramatically increased obedience to the conditions of those supporters.⁴²

Sources of Funding

The dependence of the PA on external funding was and still is obvious to all supporters. Its inability to pay the salaries of its employees and public officials is still

³⁴ More (2005), *op. cit.*, p. 982.

³⁵ Danis J Sullivan (2001), *The World Bank and the Palestinian NGO Project: From Service Delivery to Sustainable Development*, PASSIA, p. 32.

³⁶ *Ibid.*

³⁷ MA'AN Development Center (2011), *op. cit.*, p. 4.

³⁸ Comment (2006), *op. cit.*, p. 31.

³⁹ The World Bank (2004), "Stagnation or Revival? Israeli Disengagement and Palestinian Economic Prospects", December, p. 18.

⁴⁰ See Ronald J Daniels and Michael Trebilcock (2005), "The Political Economy of Rule of Law Reform in Developing Countries", *Michigan Journal of International Law*, Vol. 26, p. 23.

⁴¹ More (2005), *op. cit.*, p. 993.

⁴² Samer Abdelnour, Alaa Tartir and Rami Zurayk (2012), "Farming Palestine for Freedom", *The Palestinian Policy Network (Al-Shabaka)*, p. 4.

a problem. The situation of the PNGOs is not separate from the situation of the PA itself, so the PNGOs suffered significant lack in financial support which obliged them to accept all conditions of funding from foreign organizations.⁴³

In fact, the IOA hugely benefitted from external funding of the PA, because all of these funds reduced the international obligations of IOA under the Geneva Convention, which included assuring a reasonable welfare for occupied inhabitants. IOA is aware of the fact that the Palestinian problem will remain forever, because international law itself gives specific rights for the Palestinian nation, particularly the right of existence and self-determination.⁴⁴ These facts motivated the IOA itself and its international supporters to enhance external funding for the PA excluding PNGOs, as long as these funds support the peace settlement between both entities.⁴⁵

Statistics show that 78% of the incomes of PNGOs are generated from foreign funders. This fact shows to what limit the conditions of the funders are irresistible and no PNGO can evade it, because 22% of funds from non-foreign supporters are not able to keep these PNGOs standing and functioning in a reasonable way. Indeed, the Palestinian society as a whole, and particularly those who work with these NGOs became connected to these conditions too.⁴⁶

In the period between 1993 and 2005, PA had received more than \$7 bn. The EU was the major funder of the PA, followed by the USAID.⁴⁷ In the initial years, both funders were of the view that all projects should assist in the long-term for building self-sufficient entity in the Palestinian territories. However, they changed their views toward emergency in light of the problems that occurred during the peace process.⁴⁸

Between 1994 and 2004, \$160 mn were distributed by the USAID through the contractors in the Palestinian territories. The contractors varied from international NGOs and IGOs to PNGOs and national initiatives. These funds were provided for helping the PA in improving its justice and security sectors. Accordingly, they were directly delivered as budgetary assistance to the PA.⁴⁹

Currently, USAID supports the PA with an average of \$500 mn per annum.⁵⁰ This support forms one sixth of all the financial support for Palestinians. However, the USAID decided to give the vast majority of these funds to the INGOs and IGOs to implement

⁴³ *Ibid.*

⁴⁴ Itay Epshtain (2012), "The Judaization of Palestine: 2011 Displacement Trends", The Israeli Committee Against House Demolitions, January, p. 31.

⁴⁵ Comment (2006), *op. cit.*, p. 27.

⁴⁶ International Monetary Fund (2013), "Experts' Report Regarding the Economic Situation of the West Bank and Gaza Strip", June, p. 21.

⁴⁷ Jim Zanotti (2013), "U.S. Foreign Aid to the Palestinians", United States Congressional Research Service, September 30, p. 25.

⁴⁸ *Ibid.*

⁴⁹ The World Bank (2004), *op. cit.*, p. 4.

⁵⁰ Palestinian Central Bureau of Statistics (2012), "The Annual Statistic Book of Northern Provinces of the West Bank", April, p. 22.

their projects, instead of PNGOs. This differentiation was caused due to the belief that these foreign contractors have fewer connections with the hostile Palestinian groups, which could benefit from the help provided unintentionally by the PNGOs.⁵¹

Nevertheless, the international funding is expected to decrease in the coming years because of the obstacles and problems in the negotiations between the PA and IOA, and the US government's disagreement with the policies of the current president of Palestine Mahmoud Abbas.⁵² Mahmoud Abbas is using the international institutions, the UN and the Arabic Nations League, for instance, to exercise limited pressure over the IOA, and expose its violations of international law in the Palestinian territories. This trend would likely cause the US to impose more restrictions on the PA, and reducing the funds would be the most effective way.⁵³

Conditional Funding Strategy

The PNGOs was not the only actor in the reformation process after signing the Oslo Accords. Many governmental institutions, IGOs and INGOs were participating in that process. Statistics shows that PNGOs received only 12% of the foreign funds in 1999. This percentage was low, not because of constraints imposed on PNGOs, but because the funders sought supporting governmental institutions directly to satisfy the urgent needs of the new PA. The funders believed that the PA is the main player in the peace process, and it is the decision-maker in the field.⁵⁴

From 2002 to 2008, the percentage dropped to 5%, because of the emergence of conditional funding, which was adopted by both the USAID and the EU. Conditional funding means inserting conditional provisions to funding contracts in order to guarantee the implementation of their agendas instead of the agendas of the PNGOs.⁵⁵ From the funders' perspective, the PNGOs' agendas were largely inconsistent with their main strategy, which was achieving a peace settlement between the PA and the IOA. The funders listed good governance and democratization as themes for every funding contract.⁵⁶

Conditional funding affected the participation of the PNGOs in the development process in two ways: first, they realized that USAID conditions were completely based on the policies of the US government, which was opposed by the Palestinian society; and secondly, they feared being detested by other PNGOs that had considerable public influence in the Palestinian society.⁵⁷

⁵¹ MA'AN Development Center (2011), *op. cit.*, p. 19.

⁵² More (2005), *op. cit.*, p. 982.

⁵³ Daniels and Trebilcock (2005), *op. cit.*, p. 37.

⁵⁴ MA'AN Development Center (2011), *op. cit.*, p. 19.

⁵⁵ International Monetary Fund (2013), *op. cit.*, p. 60.

⁵⁶ *Ibid.*, p. 61.

⁵⁷ Epshtain (2012), *op. cit.*, p. 5.

The main reason for the emergence of conditional funding was the awareness of some adverse political impact of funding on the one hand,⁵⁸ and the change in the funders' understanding with respect to the Palestinian State, on the other.⁵⁹

Starting with the first reason, the funders became aware that funding the reconstruction of the destroyed Palestinian houses, or funding the construction of roads linking Palestinian villages will adversely affect the peace process. This awareness was correct, because such reconstructions will show the reality of the IOA violations. For example, reconstructing Palestinian houses will show IOA as a brutal occupying force that violates international law. Moreover, constructing roads between villages will facilitate the transportation of the Israeli military forces between villages.⁶⁰

The previous example contradicts with the aim of the international community, which is reducing the Palestinian suffering due to the occupation. Furthermore, connecting Palestinian villages will provide an infrastructure that encourages the growth of the illegal settlement in the Palestinian territories. As a result, governmental improvement has become the only aim for the funders, in order to enhance the peaceful relationship between the PA and the IOA.⁶¹

Moving to the second reason, the IOA and their supporters adopted a new view regarding the Palestinian State. That view was based on the ideology of the former Prime Minister Ariel Sharon. He saw the prospective Palestinian State as sub-sovereign state with isolated territories, similar to the Bantustans in South Africa.⁶² As a result, the funding started to be excluded from areas that could support the complete independence of the Palestinian State, such as developing self-sufficient economy or rising social awareness of the need for liberation.⁶³

The Factual Outcome of PNGOs

Requiring an Anti-Terrorist Certificate

After September 11, 2001, the US policy changed significantly. Anti-terrorism became the norm in international relations, especially between the US and other countries.⁶⁴ On September 23, 2001, President Bush prohibited any kind of support to organizations or individuals designated as terrorist. As a result, the USAID required

⁵⁸ More (2005), *op. cit.*, p. 994.

⁵⁹ François Grünewald (2008), "Palestine: European Commission and U.S. Strategies to Work with Local Capacities: A Case Study", Group URD Association, p. 12, France.

⁶⁰ Palestinian Central Bureau of Statistics (2012), *op. cit.*, p. 37.

⁶¹ Grünewald (2008), *op. cit.*, p. 27.

⁶² See Stephen Humphreys (2010), "State", in *Theatre of the Rule of Law: Transnational Legal Intervention in Theory and Practice*, Cambridge University Press, p. 32.

⁶³ Comment (2006), "UN Agencies and NGOs, Humanitarian "Situation Analysis" of the West Bank and Gaza", *Journal of Palestine Studies*, Vol. 35, No. 4, p. 18.

⁶⁴ Abdul Rashid Moten (2010), "Understanding Terrorism: Contested Concept, Conflicting Perspectives and Shattering Consequences", *Intellectual Discourse*, Vol. 18, No. 1, p. 27.

all contractors in 2002 to sign the Anti-Terrorist Certificate (ATC), to certify that those contractors will not give any type of support to the 'terrorists'.⁶⁵ Moreover, the ATC obligated all the signatories to check the organizations' names with the terrorist list in the US Department of Treasury's Office of Foreign Assets Control.⁶⁶ As a result, all the collaboration between the EU and the USAID has been under the scope of this certificate, contractors with the EU also were required to sign that certificate.⁶⁷

The ATC specifically pointed at the USAID and other supporters' role in the Palestinian territories.⁶⁸ It included a clause that obligated 'all USAID contracts and awards to include a provision requiring [c]ontractors and [r]ecipients to ensure compliance with Executive Orders and laws prohibiting transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism.'⁶⁹

Consequently, the biggest funders prohibited any support to 'terrorist' activities in the Palestinian territories. Thus, the pivotal point in this context became the definition of terrorism, which drew the lines of prohibited projects for any Palestinian or foreign NGO operating in Palestine.⁷⁰

The Federal criminal code of the US, which governs the USAID activities,⁷¹ defines terrorist activities as:

Activities that involve violent ... or life-threatening acts ... that are in violation of the criminal laws of the [US] or of any [s]tate and ... appear to be intended to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by mass destruction, assassination, or kidnapping.⁷²

Additionally, the EU gives a very similar definition. It defines terrorist activities as:

Serious misdeeds against persons and property that given their nature or context, may seriously damage a country or an international organization where committed with the aim of: seriously intimidating a population; or unduly compelling a government or international organization to perform or abstain from performing any act; or seriously destabilizing or destroying

⁶⁵ Bureau of Near Eastern Affairs in U.S. Department of State (2010), "The U.S.-Middle East Partnership Initiative in the West Bank and Gaza", pp. 3-6.

⁶⁶ Moten (2010), *op. cit.*, p. 6.

⁶⁷ S Merz (2012), "Missionaries of the New Era: Neoliberalism and NGOs in Palestine", *Race & Class*, Vol. 54, No. 1, p. 50.

⁶⁸ MA'AN Development Center (2011), *op. cit.*, p. 3.

⁶⁹ *Ibid.*, p. 8.

⁷⁰ Birzeit University Institute of Law (2013), "Law and Politics: Options and Strategies of International Law for the Palestinian People", May 9, p. 19.

⁷¹ More (2005), *op. cit.*, p. 995.

⁷² *Ibid.*

the fundamental political, constitutional, economic or social structures of a country or an international organization.⁷³

On examination of both definitions, we notice how broad and flexible they are. At the same time, we can derive an important common element. There is no reliable definition for the key words used to define terrorist activities like 'intimidate', 'violent', and 'seriously destabilizing'. The absence of such definitions gave these countries broad discretion to impose the restrictions they wanted, in order to guarantee the application of their agendas. As a result, ATC became an instrument to apply political and economic pressure over the PA in all projects' implementation plans by the ambiguous provisions these funders could use.⁷⁴

As a result of inserting the ATC, the USAID switched vast majority of its funds toward IGOs and international NGOs instead of PNGOs, because there is less opportunity to deliver these funds to PNGOs which are supportive of Palestinian activists against occupation.⁷⁵ The USAID felt more secure giving the funds to foreign contractors operating in the Palestinian territories rather than providing PNGOs with these funds, because PNGOs could support 'disliked' groups in Palestine, Palestinian former prisoners or martyrs' families for instance.⁷⁶

Consequently, the PNGOs were marginalized from participating in the reconstruction of the Palestinian State, because the focus shifted to foreign NGOs and contractors. Moreover, corruption increased in the PNGOs who had other sources of funding because they monopolized the development resources in their area of specialization. In addition, the ATC imposed significant modifications on the agendas of NGOs operating in Palestine, because the definition of terrorism gave PNGOs a very narrow scope for suggesting projects that could not be considered as 'terrorist activities'. As a result, conditional funding fragmented the PNGOs' vision for developing the Palestinian society, and it gave full control to the USAID and EU to decide the priorities as they deem fit with their policies, not with the PNGOs factual needs.⁷⁷

Marginalizing PNGOs

Constructing the PA as a self-rule entity was the main aspect of the Oslo Accords.⁷⁸ In fact, the implementation of these accords was supported by an enthusiastic hope to achieve peace settlement between the two states, but with different features of statehood for the Palestinian State.⁷⁹

⁷³ Council Framework Decision of 13 June 2002 on Combating Terrorism, *Official Journal of the European Communities*, 2002, pp 3-5.

⁷⁴ Bureau of Near Eastern Affairs - U.S. Department of State (2010), *op. cit.*, p. 32.

⁷⁵ Merz (2012), *op. cit.*

⁷⁶ Gianfrancesco Costantini *et al.* (2011), "Mapping Study of Civil Society Organisations in the Occupied Palestinian Territory", European Union Representative Office the West Bank and Gaza, May, p. 34.

⁷⁷ MA'AN Development Center (2011), *op. cit.*, p. 20.

⁷⁸ More (2005), *op. cit.*, p. 986.

⁷⁹ G Robinson (1997), "The Politics of Legal Reform in Palestine", *Journal of Palestine Studies*, Vol. 27, No. 1, p. 28.

Funders wanted to prevent any emergence of radical movements that could negatively affect the peace process.⁸⁰ However, the second Intifada in 2000 caused counterproductive effects which varied from huge economic destruction to social depression, and Islamic resistance movements became more active against the occupiers. Consequently, funders doubled their support to provide more support to keep the PA standing and holding its obligation to diminish all Palestinian actions that could affect the peace process.⁸¹

At the time of the Intifada, both Palestinian and foreign international NGOs gained their legitimacy to operate in Palestine from Palestinian people. The Palestinians saw these NGOs as pain relievers and financial supporters to build alternate housing, finding a new source of living, providing micro-finance help for traditional projects and many other missions. However, the situation significantly changed after the emergence of conditional funding. The PNGOs now had new standards to work on while implementing their projects.⁸²

PNGOs became unable to fulfil the people needs, because many of their missions fell under the scope of the definition of terrorist activities.⁸³ For example, the US list of terrorist Palestinian organizations contained, inter alia, Al-Aqsa Martyrs' Brigades, Hamas, Popular Front for the Liberation of Palestine, Palestinian Liberation Front, and Islamic Jihad Group.⁸⁴ All of these are Palestinian political parties, and their supporters and members form 65% of the Palestinian people.⁸⁵

Consequently, 65% of the Palestinians were prohibited from gaining any funds according to the ATC. This fact terminated the public acceptance as a source for legitimizing the role of the PNGOs. They realized that any PNGO that would sign the ATC will be a counterproductive member in their society.⁸⁶

As a result, the PNGOs suffered significantly from financial crisis and consequently they were marginalized. IGOs, besides foreign NGOs took its place, and all foreign agendas and priorities had become the only game in town, with no role for PNGOs.⁸⁷

Therefore, the IGO and foreign NGOs controlled the majority of the funds provided for the Palestinians. Yet, they implemented them in conformity with their funders, not in conformity with the PA priorities in case of contradiction between both.⁸⁸

⁸⁰ *Ibid.*, p. 19.

⁸¹ The International Finance Corporation (IFC) (2007), "Microfinance Market Survey in the West Bank and the Gaza Strip", May, p. 22.

⁸² More (2005), *op. cit.*, p. 991.

⁸³ Birzeit University Institute of Law (2013), "Advocating for Palestinian Rights in Conformity with International Law", May 9, p. 40.

⁸⁴ MA'AN Development Center (2011), *op. cit.*, p. 13.

⁸⁵ *Ibid.*, p. 13.

⁸⁶ Costantini *et al.* (2011), *op. cit.*, p. 37.

⁸⁷ Shalhoub-Kevorkian and Rouhana (2014), *op. cit.*, p. 19.

⁸⁸ The International Finance Corporation (IFC) (2007), *op. cit.*, p. 29.

Distorting the Right to Resistance

The UN affirmed the right to self-determination after World War II, and it gave this right two significant definitions: first, it defined it as the right for each state to choose its political and economic systems; and second, it defined it as the right for the people themselves to choose the structure of their association, whether forming an independent state or having a specific entity into another state.⁸⁹ In both definitions, the common element was the respect of the choice of the political leadership and the people.⁹⁰

It is noteworthy that the right to self-determination is fundamentally linked to the right of resistance, because occupying states would not be affected by ineffective actions.⁹¹ Such ineffective actions, like non-violent resistance, would exercise no pressure over the political will of the occupying state to change their attitude toward ending the occupation.⁹²

In the Palestinian context, the Palestinian right of self-determination has been emphasized on many occasions.⁹³ The UN General Assembly reaffirmed 'the legitimacy of the people's struggle for liberation from colonial and foreign domination and alien subjugation by all available means, including armed struggle. ... all [g]overnments which do not recognize the right to self-determination and independence of ... the Palestinian people' are convicted.⁹⁴ Moreover, the General Assembly expressed 'its grave concern that the people of Palestine have been prevented by the IOA from enjoying its inalienable rights and from exercising its right to self-determination.'⁹⁵ Furthermore, the EU overtly affirmed the Palestinian right to self-determination, and called for the two-state solution.⁹⁶

Since the Israeli occupation in 1948, the Palestinians struggled for their right to self-determination.⁹⁷ However, the PA has a lot of contradictions about methods of resistance with other Palestinian movements, especially the Islamic ones like the Hamas and Islamic Jihad Group.⁹⁸ The PA adopted the negotiations and non-violent

⁸⁹ *Charter of the United Nations*, Article 55.

⁹⁰ Patricia Carley (1996), "Self-Determination: Sovereignty, Territorial Integrity, and the Right to Secession", *United States Institute of Peace*, March, p. 19.

⁹¹ Brijesh Mehrish (2010), "The Right of Self-Determination: Legal and Human Rights Dimension of the Palestinian-Israeli Conflict", *IUP Journal of International Relations*, Vol. 4, No. 4, p. 14.

⁹² Shandi (2010), *op. cit.*, p. 22.

⁹³ United Nations General Assembly No. 2621 (October 12, 1970), p. 3.

⁹⁴ United Nations General Assembly No. 3070 (December 14, 1960), p. 4.

⁹⁵ The UN General Assembly Resolution 3089 (December 7, 1973), p. 6.

⁹⁶ Matthew Saul (2011), "The Normative Status of Self-Determination in International Law: A Formula for Uncertainty in the Scope and Content of the Right?", *Human Rights Law Review*, Vol. 11, No. 4, p. 11.

⁹⁷ Carley (1996), *op. cit.*, p. 13.

⁹⁸ Tomis Kapitan (2011), "Violence and Self-Determination in the Israeli-Palestinian Conflict", *Peace & Change*, Vol. 36, No. 4, p. 31.

methods to get their entitlement according to the Oslo Accords, but the Islamic and Left movements saw the armed resistance as the most effective method to gain liberation from Israeli occupation.⁹⁹ The PNGOs played a significant role supporting both sides but without direct interference in the armed resistance. In fact, they helped the Palestinian families and vulnerable groups to get over the impact of Israeli occupation, whether economically or by other means.¹⁰⁰

The ATC definition of terrorism overlaps significantly with the right to self-determination.¹⁰¹ As it appears in the nature of right to self-determination, it opposes the occupying authorities' approval using military force. There is no requirement of using weapons in a way that does not threaten the occupier's government, or in a way that does not impose coercion on the decision-makers policies of the occupying state. The absence of these requirements is justified and required, because of the impossibility of achieving liberation and self-determination with these requirements. No occupying state will voluntarily give the occupied people their rights.¹⁰²

By comparing these legitimate actions of resistance to the definitions of terrorism adopted by USAID and EU, these actions are considered terrorist actions. For example, shooting at Israeli soldiers is a terrorist action because it will cause coercion and intimidating the Israeli government.¹⁰³ Moreover, throwing bombs at the Israeli vehicles is a terrorist action too, because it destroys the Israeli government property which will compel the government to 'protect' its possessions. As a result, all effective resistance actions were considered terrorist action in the ATC.¹⁰⁴ Moreover, the language of these definitions gave a huge space to interpret it the way the USAID and EU wanted, because the words are broad, ambiguous, and could be expanded easily to contain other actions considering their flexibility.¹⁰⁵

Consequently, all NGOs operating in Palestine were prohibited from supporting any kind of these actions. In other words, they had been excluded from facilitation or participating in achieving the Palestinians right to self-determination and legitimate resistance.¹⁰⁶

⁹⁹ Jonathan D Halevi (2009), "The Hamas Regime in the Gaza Strip: An Iranian Satellite that Threatens Regional Stability", The Woodrow Wilson International Center for Scholars, p. 23, USA.

¹⁰⁰ See generally Michael C Walt (1999), "The Implementation of the Right to Selfdetermination as a Contribution to Conflict Prevention", The UNESCO Centre of Catalonia, November, p. 24, Spain.

¹⁰¹ Saul (2011), *op. cit.*, p. 36.

¹⁰² Kenneth Watkin (2005), "Warriors Without Rights? Combatants, Unprivileged Belligerents, and the Struggle Over Legitimacy", Program on Humanitarian Policy and Conflict Research, Harvard University, p. 19.

¹⁰³ *Ibid.*; and Kapitan (2011), *op. cit.*, p. 33.

¹⁰⁴ See Mehrish (2010), *op. cit.*, p. 11.

¹⁰⁵ United Nations Security Council No. 1566, (October 8, 2004), pp. 1-3.; and MA'AN Development Center (2011), *op. cit.*, p. 10.

¹⁰⁶ MA'AN Development Center (2011), *op. cit.*, p. 13.

Obstacles Confronting the PA

The IOA's Policy

By funding the PA, the IOA gained huge benefits. First, it did not need to discharge its obligations, mainly assuring reasonable welfare for the occupied Palestinians. These funds had done the mission for the IOA, and second, by linking the Palestinian economic system to the Israeli one, the WB and GS became markets for the Israeli products. Moreover, many projects funded by international supporters used Israeli materials to perform their mission. Data shows that 45% of the funds provided for Palestinians returned back to the Israeli economy.¹⁰⁷

As a result, IOA wanted to make the following division, it wanted the funding to continue for the PA, and at the same time to stop it for the PNGOs. The cause of this division was the compatibility between the outcomes of the PA operations in the Palestinian territories and the IOA's interests. IOA gave the donors the required justification to continue funding the PA and excluding PNGOs.¹⁰⁸ That justification was the need for the PA to continue the peace process with it. In fact, IOA would never stop infringing the international principles regarding the settlement in the Palestinian territories. IOA holds the Zionist view of 'Greater Israel', which means consistent expansion till the Nile River in the east and the Euphrates River in the west.¹⁰⁹ Additionally, the Labor Party in Israel wanted that expansion for political and economic reasons.¹¹⁰

In addition, the issue of exiled Palestinians in the diaspora had been almost abandoned. There is no mention of the Palestinian refugees in any negotiations or normal conversations between the PA and the IOA.¹¹¹ Moreover, the expansion caused deep fragmentation in the Palestinian territories, especially in the WB. The territories under the sovereignty of the PA became inaccessible due to security barriers and Israeli settlements' security lines.¹¹²

Consequently, conditional funding provides more support to the Israeli stance, that of two-state solution, which makes creation of independent Palestinian State impossible.¹¹³ The only chance for a Palestinian State is a state that fits with Sharon's

¹⁰⁷ More (2005), *op. cit.*, p. 996.

¹⁰⁸ Danielo Songco, Khalil Nijem and Majed El-Farra (2006), "Proposed Strategy for the Development of the Palestinian Ngo Sector", The Palestinian NGO Development Centre (NDC), November, p. 16.

¹⁰⁹ More (2005), *op. cit.*, p. 987.

¹¹⁰ Rooney (2014), "Prison Israel-Palestine: Literalities of Criminalization and Imaginative Resistance", *Journal of Postcolonial Writing*, Vol. 50, No. 2, p. 20.

¹¹¹ S Azzouni (2010), "Palestine: Palestinian Authority and Israeli-Occupied Territories", in S Kelly and J Breslin (Eds.), *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*, p. 37, Freedom House.

¹¹² More (2005), *op. cit.*, p. 995.

¹¹³ Danielo Songco, Khalil Nijem and Nael Younis (2013), "A Strategic Framework to Strengthen the Palestinian Ngo Sector 2013-2017", The Palestinian NGO Development Center (NDC), p. 33.

proposal, sub-sovereign entity. Conditional funding actually supports this type of state by focusing only on governance and democratization.¹¹⁴

The PA has very limited options to face the Israeli expansion policy. From the aspect of conditional funding, the PA cannot survive without the funds, so it is impossible to reject them. The sole option is through international advocacy and mobilization, which can be achieved by: first, building partnership with human rights organizations, to expose the Israeli violations of international law. For example, exposing the devastation of more than 11,000 houses in the 'Cast Lead' operation in GS by the Israeli forces, which affected more than 107,000 individuals and destroyed factories resulting in huge unemployed workforce.¹¹⁵

Second, the PA along with PNGOs can rely on international resolutions to show that Israel occupation is an organized terrorism.¹¹⁶ Many investigations have been done in the Palestinian areas where Israeli military actions have taken place. For example, Goldstone report in GS recorded severe Israeli violations of international law.¹¹⁷ This exposure would reduce the current trend of marginalizing individuals affected due to those actions, because of the fear of considering supporting them as terrorist support. These individuals can be legitimately helped if they can prove their status as victims of Israeli terrorism.¹¹⁸

The Funders' Policy

The funders have not carried out sufficient study to know how much of these funds support the peace settlement.¹¹⁹ Rather, the funders kept providing emergency relief without discussing the political and ideological roots of the conflict.¹²⁰ So, the funders did not make any adjustment to their objectives.¹²¹

They acted in a way that indicated their holding of the same hope, which is two-state solution. They avoided all possible options to stop the IOA from violating international law. For example, when Goldstone report investigated and exposed the Israeli violations in the Israeli war against GS, the funders made no charges against the IOA crimes, and they did not require any certificates to assure that their funds will not be used in similar militant actions.¹²²

¹¹⁴ A Jaradah (2013), "Palestinian Jurisdiction: The Reality... and Prospects for the Prosecution of International Criminals", Al-Dameer Association for Human Rights, p. 25, Palestine.

¹¹⁵ *Ibid.*, p. 11.

¹¹⁶ The Palestinian Center for the Independence of the Judiciary and the Legal Profession "MUSAWA", *Justice and Law*, April 2007, p. 20.

¹¹⁷ MA'AN Development Center (2011), *op. cit.*, p. 13.

¹¹⁸ *Ibid.*, p. 14.

¹¹⁹ The Palestinian Center for the Independence of the Judiciary and the Legal Profession "MUSAWA", *Justice and Law*, January 2012, p. 100.

¹²⁰ Rooney (2014), *op. cit.*, p. 22.

¹²¹ Songco *et al.* (2013), *op. cit.*, p. 13.

¹²² See Faranak Miraftab (2004), "Public-Private Partnerships: The Trojan Horse of Neoliberal Development?", *Journal of Planning Education and Research*, Vol. 24, p. 33.

The collaboration between the PA and the funders was not sufficient to fulfil the aims of funding without controlling Israeli action.¹²³ As a result, the damages of the Israeli operations overcome the benefits of funding the PA.¹²⁴ In 2004, the World Bank affirmed that 'the last four years exemplify how little donor assistance can achieve in the absence of a positive policy environment, while donor disbursements doubled to almost \$1 bn per annum, real personal incomes fell by almost 40% in the same period.'¹²⁵

Continuing to support the PA without changing the IOA conflict policies resulted in significant damages to the Palestinians. First, the PA became an authoritarian regime which marginalized and suppressed the Islamic and other movements, because these were resisting the Israeli occupation with actions that are inconsistent with the obligations of the PA itself. The PA has a duty according to the Oslo Accords to guarantee the security of the Israeli individuals near areas under the sovereignty of the PA.¹²⁶

Secondly, the PA stopped asking for the right of return of Palestinians, and for Palestinian sovereignty over territories occupied in 1967.¹²⁷ The funds were conditionally limited for governance and democratization for people living in the Palestinian territories.¹²⁸ Moreover, any call for such rights will be considered as a violation of the Oslo Accords that obliged the PA to recognize Israel as a State, and that contradicts with that recognition.¹²⁹

According to international law, states are the highest entities in international responsibility hierarchy.¹³⁰ In theory, what the PA can do to face the obstacle of limited assistance policy is enhancing its partnership with the funders. Such action would help to put the responsibility over Israel for its violations in the Palestinian territories. In fact, the PA is unable to enhance that partnership, because funders realize that PA cannot live without their support. Accordingly, the PA has no tools to exercise effective pressure on the funders, and it would accept anything just to stay alive.¹³¹

¹²³ More (2005), *op. cit.*, p. 997.

¹²⁴ The Palestinian Center for the Independence of the Judiciary and the Legal Profession "MUSAWA", *Justice and Law*, October 2010, p. 22.

¹²⁵ More (2005), *op. cit.*, p. 989.

¹²⁶ N J Brown (2002), "Reform Management in the Palestinian Authority", The United States Institute of Peace, December, p. 36.

¹²⁷ Songco *et al.* (2006), *op. cit.*, p. 21.

¹²⁸ The Palestinian Center for the Independence of the Judiciary and the Legal Profession "MUSAWA", *Justice and Law*, January 2009, p. 16.

¹²⁹ 'Israel's Violations of the International Covenant on Economic, Social and Cultural Rights with Regard to the Human Rights to Water and Sanitation in the Occupied Palestinian Territory' (The Emergency Water, Sanitation and Hygiene group (EWASH), September 2011), p. 17, Palestine.

¹³⁰ Sundhya Pahuja (2011), "Development and the Rule of (International) Law", in *Decolonising International Law: Development, Economic Growth and the Politics of Universality*, Cambridge University Press, p. 25.

¹³¹ The Palestinian Center for the Independence of the Judiciary and the Legal Profession "MUSAWA", *Justice and Law*, April 2007, p. 12.

The International Community's Policy

The international community disregarded the Palestinian political entitlements of the Oslo Accords' objectives, mainly effective building of viable Palestinian State.¹³² The reason for that was the contradiction between what the IOA sought for the future and what it got from those accords. The IOA alleged that they recognized the PA political rights at that moment. The PA wanted the Palestinian territories occupied in 1967, and factually the IOA wanted to keep growing. As a result, the international community decided to limit its focus on issues that both parties agreed upon, which is good governance and democratization assistance for the PA.¹³³

Institutions that could help the PA to become an independent state were excluded from funded projects' lists. For example, self-sustaining and economic support had no room in the priorities list of the international community.¹³⁴ The funders excluded funding projects that are inconsistent with their priorities, even if they were acceptable to the Palestinians in general. Take Hamas' victory in 2006 election in the Palestinian territories for instance, USAID and its contractors from the EU considered Hamas as a terrorist organization.¹³⁵ As a result, all the funds stopped once it won the elections.¹³⁶ This example shows that democratization process was conditional too. If the USAID and EU factually support the democratization process and good governance in the Palestinian territories; then they would accept peoples' choice.¹³⁷

Recently, the PA adopted the rule of law doctrine as its main source of legitimate governance in front of the international community, because this is the only doctrine that it can apply according to the funding conditions.¹³⁸ As a result, accountability and transparency has become priorities for the PA, instead of resolving Palestinian crises that were caused due to the continuous Israeli occupation, like refugees and domestic camps.¹³⁹

The conditional funding continued because of adopting the rule of law doctrine by the PA. This doctrine gave the funders the justification they need to continue conditional funding. The funders claimed that they only want to support the main priorities of the PA itself, which are transparency, accountability, and related

¹³² The Palestinian Center for the Independence of the Judiciary and the Legal Profession "MUSAWA", *Eye on Justice*, August 2013, p. 28.

¹³³ More (2005), *op. cit.*, p. 993.

¹³⁴ 'Israel's Violations of the International Covenant on Economic, Social and Cultural Rights with Regard to the Human Rights to Water and Sanitation in the Occupied Palestinian Territory' (The Emergency Water, Sanitation and Hygiene group (EWASH), September 2011), p. 13, Palestine.

¹³⁵ Halevi (2009), *op. cit.*, p. 21.

¹³⁶ *Ibid.*

¹³⁷ See Kenneth Anderson (2000), "The Ottawa Convention Banning Landmines, the Role of International Non-Governmental Organizations and the Idea of International Civil Society", *European Journal of International Law*, Vol. 11, No. 1, p. 20.

¹³⁸ MA'AN Development Center (2011), *op. cit.*, p. 19.

¹³⁹ Pahuja (2011), *op. cit.*, p. 32.

principles. The funders had the excuse they need to exclude 'violent' actions from financial support. That excuse was the secession between 'violent' actions and the application of the rule of law doctrine.¹⁴⁰

The IOA policies are related to international community's policies itself. If the international community changes its policy, the IOA will change its policies. Accordingly, the PA can assemble international support against Israeli expansion policy. Once this policy is changed; the international community will be more flexible to start supporting the political and economic independence of the prospective Palestinian State.¹⁴¹

All propoganda should concentrate on establishing measures to assess and observe the Israeli actions.¹⁴² Once assessed, the PA can expose these Israeli violations and gain international support to face them. The aim should be to identify the Israeli violations and expose them in front of international organizations, particularly the UN. The UN had issued resolutions affirming the right of return and self-determination to the Palestinians.¹⁴³ The PA can rely on these resolutions by linking them with the rule of law doctrine. This time the PA should call for applying that doctrine internationally by the IOA and the UN through requiring the IOA to fulfil its obligation under international law.¹⁴⁴

Conclusion

The aim of the study was to identify the factual outcomes of the conditional funding for the PNGOs and to describe the impact of these outcomes on the Palestinian rights vis-à-vis the Israeli occupation.

The author found that conditional funding, particularly inserting the ATC in funding contracts, has resulted in marginalizing the PNGOs in the political sphere. Additionally, it prevented the PNGOs from exercising Palestinians right to self-determination and resistance against the Israeli occupation.

Therefore, the author suggests mobilizing the international community would help the PA to reduce the negative effects of this conditional funding. The international resolutions related to the Palestinian issue could help the PA to call for assistance to exercise the rights of the Palestinians under international law.

Further studies can be carried out to know the methods of mobilizing such support, and the hurdles in achieving that aim, and suggesting the best ways to overcome them. ▣

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¹⁴⁰ See Miraftab (2004), *op. cit.*, p. 22.

¹⁴¹ See Anderson (2000), *op. cit.*

¹⁴² More (2005), *op. cit.*, p. 998.

¹⁴³ Comment (2006), *op. cit.*, p. 19.

¹⁴⁴ *Ibid.*

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