



## **Interview: Israel's international funding bills dangerous for civil society**

*Two draft laws to restrict civic space in Israel are currently before its Parliament. CIVICUS spoke to a human rights defender, who asked to remain anonymous, on what the new bills mean and the dangers inherent in them for civil society organisations (CSOs)*

### **1. Can you tell us about the newly proposed legislation to restrict international funding for CSOs in Israel?**

There are currently two private law proposals tabled before the Israeli Parliament (Knesset). Israeli CSOs also expect to face a governmental bill to suppress their activities which is alarming. Though the governmental bill has not been presented yet, a few sources have claimed that the official bill will be based on the United States' [Foreign Agents Registration Act](#) (FARA).

On the private bills, the first one - called the Foreign Agents Bill – was submitted on 23 June 2015 by MK Yinon Magal, representative of the "Jewish Home" coalition party. The timing for the submission of the proposed law was selected carefully; it was submitted just a day after the publication of the United Nations (UN) report on the 2014 conflict in Gaza and was presented as the "answer" to the UN report and to the Israeli CSOs behind it. Below are the core points of the Foreign Agents Bill.

- **Identify and register any organisation that receives more than US\$50 000 from a foreign political entity as a foreign agent.** A "foreign political entity" is defined as a state and/ or organisations that receive more than 50% of their revenues from governmental sources;
- **Taxation amounting to 37% for any donation from a foreign political entity** [currently foreign governments do not pay taxes in Israel for their donations];
- **Prohibition of any contact with CSOs who receive foreign governmental funding.** Government ministries and the Israeli Defense Forces are to avoid cooperation with CSOs who are considered "foreign agents". Cooperation will include, among other things the transfer of budgets, national service regulations, the organisation of conferences and symposiums, or joint publications;
- **Duty to disclose.** A "foreign agent" will indicate on every document, web page, sign, or publication it issues, the words "foreign agent";
- **An obligatory quarterly report.** The report, which will be submitted by the different CSOs, will detail: the identity of the foreign political entity to which a commitment was

made, details of the assistance it has received from the entity; the language of the “foreign commitment”; a description of the “foreign activity” which the local CSO has performed or intends to perform.

On the same day, which was June 23, Minister Uri Ariel gave instructions to cancel national service for members of Israeli CSOs that are cited in the UN report on the 2014 conflict in Gaza.

A week before, on 16 June, MK Bezalel Smotrich, also from the “Jewish Home” party, submitted a different CSO bill titled Obligation to Disclose Support by a Foreign Political Entity. The bill essentially makes it mandatory for any local representative of an organisation funded by a foreign political entity to wear an identification tag which specifies the details of the supporting foreign entity. According to the bill, anyone supported by a foreign political entity, who acts to promote a bill or a subsidiary legislation through their work, participates in a discussion at any of the Knesset committees or lobbies, or addresses a public servant or an elected official, will be considered a “supported representative.” Each time a “supported representative” will approach a public servant or an elected official, in writing or in spoken communication, the type of support received will have to be “indicated conspicuously.”

## ***2. What will be the impact of these draft laws on civil society if they are passed?***

The bills presented are a part of a divide and rule strategy, which aims to harm and restrict dissent in the country, specifically targeting human rights and peace-building organisations. In the eyes of Israeli politicians, the “threat” is a group of human rights organisations who pose civil opposition to Israel’s ongoing control over the Palestinian people and the Palestinian territories. Though the terminology of the two newly proposed bills does not explicitly address human rights groups or organisations associated with Israel’s “pro-peace camp”, they will be the ones effectively affected if the bills become law.

In fact, since no settler or “pro-occupation” organisations receive foreign government funding, it is clear that the bills’ intention is to primarily target CSOs that criticise Israel’s policies in the West Bank and the Gaza strip. In addition to human rights and peace organisations, this legislation, if approved, has the potential to harm humanitarian organisations that work to protect and provide for the Palestinian minority and for migrants and refugees. Some organisations active in the field of environmental protection are also expected to be negatively affected.

The ability to seek, receive and use resources is essential to the existence and effective operations of any association. Access to resources is important not only to the existence of CSOs, but also to the enjoyment of other human rights and freedoms for those benefitting from their work. In the case of Israel, the restrictive bills have the potential to negatively impact countless thousands of beneficiaries, both Israelis and Palestinians.

Restriction on funds is just one aspect of the story. The other aspect of the bills, which have been achieved regardless of whether they will become laws, is the stigmatisation and the undermining of the public status of Israel's most prominent human rights organisations. As a result of long going smear campaigns led by prominent politicians, the ability of Israel's vibrant civil society to work toward positive change has significantly decreased. Additionally, the unavoidable chilling effect of such ongoing attacks is self-censorship by various civil society actors arising from such legal threats.

### **3. How would you describe the overall environment for civil society in Israel?**

The overall environment of civil society in Israel is characterised by a different approach towards different organisations. On one hand, Israel provides a fairly safe and enabling environment for many religious groups, humanitarian charities and educational organisations among others. On the other hand, organisations that are more critical towards specific policies of the state and those who are involved with advocacy, social justice and human rights issues (especially those dealing with Palestinian-Israeli issues) receive a more aggressive and hostile attitude from the authorities.

Publicly and frequently, leading Israeli politicians make serious allegations against human rights organisations, including spreading lies, pinning responsibility for anti-Israel reports, deliberately discrediting Israel's image in the world, collaboration with terror supporters or with anti-Semitic bodies and the promotion of foreign political agendas. Israeli politicians invoke the notion of 'protection of State sovereignty' against external interference to restrict foreign funding, which is depicted as a new form foreign intervention and use it to portray human rights activists as enemies of the state.

For example, Minister of Justice Ayelet Shaked referred recently to Israeli human rights organisations cited on the UN 2014 Gaza conflict report on her Facebook page:

*"[...]Make no mistake. Israel's haters do not necessarily speak foreign languages, dress differently or fight for terrorist organizations. Some of them manifest their hate through polite discussions from the podium of various parliaments, with arrogance and full confidence in light of the enormous financial support they receive from foreign countries. This is contaminated and corrupted money whose purpose is to subsidize self-hatred and ugly actions. A fifth column, no less."*

The hostile attitude of ministers and parliamentarians towards civil society organisations has widely penetrated the Israeli public discourse. These recent legislative attempts should be interpreted as part of an ongoing smear campaign that attributes evil intentions and allegations of betrayal to human rights organisations.

### **4. What can be done to create a more conducive environment for human rights advocacy in Israel?**

It is first important to understand the wider context of the attempts to restrict Israeli CSOs and recognise that the political motivation behind these attempts is aimed at silencing dissent and to de-legitimise specific groups who advocate for human rights of the Palestinian residents of the occupied territories.

The international community should address not only legislation but also the hostile attitudes towards CSOs and the motivations behind them. It should be made clear that civil society is an essential component for the promotion of human rights, democracy and the rule of law. Therefore, Israel should be compelled to act according to shared democratic values and maintain a safe and enabling environment in which CSOs can operate free from hindrance and insecurity. It is important to highlight that in order for human rights organizations to be able to carry out their activities, it is indispensable that they are able to discharge their functions without any impediment.

If freedom of association is formally recognised and protected, but individuals and organisations are denied the means and resources to pursue their legitimate objectives, then the right cannot be considered to be effectively protected. Israel should be called on to refrain from restricting the means of financing and allow CSOs to seek, receive and use foreign funding as part of its international obligations. Israel should be expected to treat all sectors of society in an equitable manner.

Finally, from a global perspective, for an OECD member-state such as Israel, promoting laws to restrict vibrant civil society organisations represents a disturbing step towards the institutionalisation of civil society restrictions also in democratic countries. The international response to Israel's taking on the trend of limiting civil society's space must be firm. Aid-providing governments must shape their response based on a full consideration of the wider effects that their stance will have on the global trend of shrinking civil society space.