



annd

Arab NGO Network for Development
شبكة المنظمات العربية غير الحكومية للتنمية

Civic Space Monitor

National Reports on Civic Space 2022



Palestine

National Report on
Civic Space



Palestine

National Report on Civic Space



November 2022

Prepared by: **Bakr Al-Turkmani**
Mahmoud Hamada

Table of Contents

Introduction	4
Palestinian civil society evolution	5
First: The political, economic and social reality	6
Normalization and its impact on Palestinian rights	6
The legal framework and general requirements of Palestinian civil society	7
Challenges facing civil society in Palestine	8
Challenges and constraints imposed by the Israeli occupation authorities	8
1) Funding constraints, monitoring, project constraints, and defamation campaigns:	8
2) Constraints on freedom of assembly and association and freedom of expression, and defamation campaigns:	9
3) Restrictions on movement:	9
4) Israeli violations of freedom of expression and opinion and the digital sphere:	10
Challenges and constraints imposed by the Palestinian Authority	10
Second: Civil society status analysis	11
Freedom of opinion, expression, and peaceful assembly and association	11
Right to access information and the general budget	12
Restrictions on associations	13
The work of civil society organizations and their relation with the Government	14
Third: Conclusion and future outlooks	15
Recommendations and lessons learned	16
References	17

Introduction

Palestinian society is governed by a wide range of laws that hark back to different periods, including Ottoman law, British mandate laws, Jordanian law in the West Bank, Egyptian law in the Gaza Strip, the Palestine Liberation Organization (PLO)'s revolutionary law of 1979, and laws that were put in place by the Legislative Council after the establishment of the Palestinian Authority in 1994. In addition to these, there are presidential decrees, legislative decisions issued by the Palestinian Authority in Ramallah, and laws passed by the Legislative Council in the Gaza Strip through the "Change & Reform Bloc". Despite the adoption of the Palestinian constitution and the issuance of numerous legislations, the majority of these laws are still in force and continue to be imposed on the Palestinian population in the West Bank and Gaza Strip. It is worth noting that the Israeli occupation still forces its laws on all territories occupied in 1948, as well as areas under the jurisdiction of the Palestinian Authority according to the Oslo Accords. This domination is made evident by the implementation of a "closure system"¹, raids, arrests, land seizures, and other abuses that have a widespread impact on the Palestinian community. The latest instance of these violations was the invasion and shutting down of seven Palestinian human rights organizations, labeled as "terrorist organizations".

Apart from the laws mentioned earlier and since their occupation of the Gaza Strip and West Bank, including East Jerusalem, in 1967, the Israeli occupation authorities have issued military decrees and taken over the legislative, executive and judicial powers in the occupied territories. Furthermore, they have annulled any existing laws in these areas that clash with the orders issued by the occupying regime. Since that year, around 2500 military orders have been issued in the West Bank and Gaza Strip, in addition to several unpublished orders (Birzeit University, 2006).² These military orders remain in effect to this day.

As for Palestinian refugees living abroad, they must abide by the laws of the countries they have settled or taken refuge in. Depending on the regulations of these host nations, Palestinian refugees are entitled to different levels of privileges. The Palestinian diaspora communities act as a social incubator for Palestinians, their social movements, and righteous battle to regain their rights, foremost of which is the right of return.

Although nearly three decades have passed since the interim Oslo Accords, the Palestinian people continue to live in the grip of Israeli occupation. Palestinian towns and villages are fair game to the occupying army and isolated by checkpoints, and Palestinian citizens are subject to killing, arrests, and forced displacement. Due to the challenges facing the Palestinian National Authority and Israel's stubbornness in adhering to signed agreements, the Palestinian Authority has become devoid of effective sovereignty on the ground. "Israel works to diminish its powers and areas of influence, seeking to weaken it by all means and does not trust it despite the political flexibility and security coordination displayed by the Authority's leadership" (Abrash, 2022).

In 2021, the security infrastructure became fragmented and lost cohesion, which has had implications for Palestinian human rights and access to public services and social protection. In addition to the Palestinian security forces, there are the National Security Forces, which include the Presidential Guard and are considered paramilitary forces.

Since 2006, the rule of law and the judiciary have been absent. The PNA security forces are divided into several factions headed by leaders who are not allied, and sometimes even political rivals. The security establishment operates under the umbrella of the Ministry of Interior and includes: the National Security Forces, the Palestinian Civil Police, Intelligence, Preventive Security, Military Intelligence, Presidential Guard, Civil Defense, and Customs Police. The attack on protesters and

excessive use of force were prevalent behaviors during the years 2021 and 2022, as security forces used batons and gas against the demonstrators, and many were injured. It was revealed that special security forces, including the National Guard, and individuals who did not wear official security uniforms, participated in the violence against the protesters. One of the most significant violations committed by security forces was the murder of Nizar Banat, known for his criticism of corruption, after being subjected to physical violence. Banat's political assassination sparked protests across the West Bank, in line with the right to peaceful assembly under international and national law.

Palestinian civil society evolution

Palestinian civil society has passed through five stages starting from the British mandate of Palestine and the confrontation with the Zionist movement from 1922 to 1948, through the stage of the Israeli occupation of Palestine and the displacement of its people from 1948 to 1967, followed by the complete Israeli occupation of Palestine in 1967, until the establishment of Palestinian self-rule and the Oslo Accords in 1994, marking the beginning of the fourth stage of Palestinian civil society, characterized by organization and lawmaking, such as the Charitable Associations and Community Organizations Law No. (1) of 2000 and the Trade Unions Law of 2004. The fifth and current stage has been marked by the Palestinian political division since 2007.

The stages that the Palestinian society went through have shaped and diversified its orientations and interventions on all economic, social, developmental, and cultural levels, as it faced deliberate policies to restrict its role and combat it. The latest of these was the shutting down of seven Palestinian civil society organizations by the Israeli occupation in Palestine, under the pretext that they support terrorism, which it failed to prove to an international community that fears holding the occupation accountable for

its crimes. The Palestinian Authority tends towards restricting the work of non-profit civil companies by introducing constraints through the issuance of new regulations and legislation, in the absence of a legislative council due to internal division.

The Palestinian civil society organizations differ from their counterparts in Arab countries and around the world, as they operate on a land that was once under British mandate and is now subject to Israeli occupation, which pursues racist policies against the Palestinian people. This has created a difficult humanitarian situation affecting all segments of society, whether under occupation or in the diaspora, manifested in threats to personal and social security, a lack of access to education, healthcare, and productive employment, and denial of national and human rights in general.

First: The political, economic and social reality

For more than 73 years, the Palestinian people have suffered from social and economic instability due to the Israeli occupation and political instability. They are deprived of their social, economic, political and cultural rights, which are enshrined in the Universal Declaration of Human Rights, the Declaration on the Right to Development, and other international declarations, agreements, and resolutions.

The Israeli occupation continues to enforce policies and measures that violate international law and negatively impact the lives of Palestinians in Gaza and the West Bank, including East Jerusalem, especially in Area (C)³ and the communities adjacent to the Apartheid Wall. Besides restricting freedom of movement, monitoring imports and exports, not transferring tax revenues, expanding Israeli settlements and seizing land, the Israeli occupation is responsible for the destruction of Palestinian natural resources. All of these factors have led to a deterioration of the economic and political situation.

Economically speaking, and according to the United Nations Conference on Trade and Development (UNCTAD⁴) report of 2022, 36% of the Palestinian population live below the poverty line, with the percentage rising to 60% in the Gaza Strip. The food insecurity level has also increased from 9% to 23% in the West Bank and from 50% to 53% in the Gaza Strip. According to reports from the Palestinian Central Bureau of Statistics, the poverty rate reached 29.3% in 2017. The poverty rate in the Gaza Strip was four times higher than that of the West Bank, which was 13.9%⁽⁵⁾, reaching 53% in Gaza. The unemployment rate among the labor force participants (aged 15 years and over) reached 31.5% in 2021, with significant disparities between the West Bank and Gaza Strip. The rate was 16% in the West Bank compared to 47% in Gaza Strip. On the other hand, the unemployment rate among

youth graduates reached 74% in the Gaza Strip compared to 36% in the West Bank.

The split between Fatah and Hamas, the two largest Palestinian political parties, has severely impacted occupied Palestine, effectively dividing the West Bank and Gaza Strip; there are now two distinct authorities, each with its own set of legislative frameworks, conflicting decrees, orders, and regulatory bodies, all of which have somewhat different requirements, reflecting the inefficiency of the Palestinian political regime as a whole.

Starting from December 9, 2007 and continuing until May 25, 2022, the Palestinian Authority in the West Bank has issued 340 presidential decrees, all in an attempt to strengthen its hold on the executive, legislative and judicial powers by eliminating the role of the Legislative Council. On the other side, Hamas has been keeping busy in the Legislative Council of Gaza and issued 160 new laws since 2008. This situation has had a negative impact on the functioning of Palestinian civil society organizations, forcing them to focus on monitoring legislative processes and blocking the numerous decrees and policies that have impeded public liberties, good governance, and civic space.

Normalization and its impact on Palestinian rights

The Israeli authorities' latest treaties normalizing relations with certain Arab nations had a clear impact on the Palestinian people and their cause. As a result, Israeli forces intensified their violation of Palestinian rights, to the point of carrying out summary executions, as well as suppressing individual liberties and the freedom of opinion and speech. Regarding the Palestinian cause as a whole, the consequences were particularly visible in the relocation of some countries' embassies to Jerusalem, the rise in frequency and severity of assaults on Al-Aqsa Mosque, along with home demolitions and coerced expulsions, not to mention settler violence under the aegis of occupation forces.

Arguably, the most perilous aspect of normalization is the shift in societal attitudes towards the colonial entity, leading to its acceptance as a legitimate State; which, in turn, provides it with immunity to continue infringing upon human rights, while negating the political, cultural and ethical aspects of the Palestinian people's justified struggle to terminate this occupation. Normalization could serve as a pretext for the United States to put forth even more unjust peace proposals to the Palestinians. The US government regards normalization as the ultimate approval of Israel by Arab regimes, at the expense of the Palestinian cause, particularly considering the current administration's hostile approach toward Palestinians. The Arab governments' normalization strategy will create opportunities for US policymakers to implement solutions that cater exclusively to Israelis.⁶

The legal framework and general requirements of Palestinian civil society

Civil society organizations (Charitable Associations and Community Organizations operating in Palestine) have to follow several laws and regulations that govern their activities. These include the Charitable Associations Law No. 1 of 2000 and its amendments, Council of Ministers Regulation No. 3 of 2010 and its amendments for non-profit companies, Decree Law No. 6 of 2008 for amending the Companies Law No. 12 of 1964, and Decree No. (6) of 2011 issued by President Mahmoud Abbas to amend the Charitable Associations and Community Organizations Law No. (1) of 2000 (Al-Muqtafi 2011)⁷. The latest amendment allows dissolved association funds to be transferred to the general treasury of the Palestinian National Authority. This amendment goes against the original law, which granted associations the freedom to determine their actions based on their own by-laws.

The variable in 2022 is the issuance of a draft Anti-Money Laundering and Terrorist Financing Regulation for the organization of the non-profit

organizations sector No. (20). It is evident that the majority of the provisions comprised in the aforementioned regulation constitute clear and widespread violations of the legal foundations upon which it is based (namely: the Basic Law, the Charitable Associations and Community Organizations Law No. (1) of 2000, and the Endowments and Islamic Affairs Law No. (26) of 1966), by modifying the said laws through a regulation of the Council of Ministers. Furthermore, any modification to the Non-Profit Companies Regulations of 2010 and the Endowments and Islamic Affairs Regulations of 1966 indicated in the legal references shall be conducted through amended regulations that conform to the Constitution and the provisions of the law, and not through a regulation that serves to strip those legislations of their essence and exceed the bounds of the powers they mention (Al-Haq Organization - Defending Human Rights 2022)⁸. The provisions of this law are not only in breach of the international standards, particularly Article (22) of the International Covenant on Civil and Political Rights and the restrictions contained therein, but they also contravene international directions, as expressed by the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms in the context of counter-terrorism, and the independent expert on the safeguarding of human rights and fundamental freedoms in the context of counter-terrorism.

It should be noted that the prevailing Palestinian legislative framework adequately meets the criteria set forth in the anti-money laundering recommendations issued by the Financial Action Task Force (FATF) and enforced by the supervisory entities outlined in the Charitable Associations and Community Organizations Law that is consistent with international agreements, the non-profit organizations Law No. (20) of 2015 and its amendments with respect to combating money laundering and terrorist financing, as well as Anti-Corruption Law No. (1) of 2005. The aforementioned law recognizes the offenses specified in the Anti-Money Laundering and Terrorist Financing Law as corrupt activities, with a view to implementing this

legislation, and recognizes charitable associations and non-profit companies as entities that are subject to this law and the authority of the Palestinian Anti-Corruption Commission. It is worth mentioning that charitable associations and community organizations are subjected to diverse forms of regulation, comprising self-regulation, oversight by donors, oversight by the Ministry of Interior in conformity with the Associations Law governing registration, oversight by the competent ministry of financial and administrative reports, oversight by the State Audit & Administrative Control Bureau, which encompasses financial and administrative supervision and compliance control, as well as oversight by the Anti-Corruption Commission. As such, there exists no necessity for a law that is at variance with the Basic Law (the Constitution), Palestinian statutes, and international agreements and standards.⁹

Challenges facing civil society in Palestine

Challenges and constraints imposed by the Israeli occupation authorities

1. Funding constraints, monitoring, project constraints, and defamation campaigns:

Civil society organizations (CSOs) working in the Occupied Palestinian Territory (OPT) face a major obstacle when it comes to accessing funding. A recent study conducted by the Palestinian NGO Network, entitled "A Scoping Study on Operating Conditions of Civil Society in the Occupied Palestinian Territory", revealed that 56% of respondents, including all key informants, identified funding as a significant challenge. The study highlights the impact of counter-terrorism legislation enacted by the Israeli government, which officially renders donors reluctant or unable to fund civil society activities in the OPT (PNGO 2022).¹⁰

Between November and December 2021, a number of Palestinian banks operating in the Gaza Strip suspended and froze dozens of bank accounts belonging to civil associations and Palestinian civil society organizations, due to the failure of the organizations' boards of directors to receive accreditation from the Ministry of Interior in Ramallah. Over 80 organizations were impacted by this move, which hindered their financial transactions and left them in an awkward position vis-à-vis their partners and donors, particularly with respect to financial transfers.

The funding challenges are:

1. Difficulties in project funding in Gaza: Donors are cautious when providing (humanitarian and development-related) funding for projects to be

implemented in the Gaza Strip. Some donors prohibit any type of cooperation with the de facto authority in the Gaza Strip, while the latter requires their consent to interventions.

2. Difficulties in project funding in Area C: Donors are less willing to fund projects in Area C due to Israeli threats of demolition or confiscation during implementation.
3. Donor priorities: Many CSOs reported a shortfall in development project funding, especially given the amount of funding recently allocated for the fight against the COVID-19 pandemic.
4. Banking constraints and challenges: Banking constraints are related to both financing and government oversight challenges. CSOs face many challenges in depositing and withdrawing funds. Banks often question these organizations and their employees about the nature of the organization's work, especially those operating in the Gaza Strip.

Israeli defamation campaigns have also rendered many donors reluctant to fund specific organizations or types of projects in the OPT.

It is also impossible to ignore Israeli incursions into towns and villages in the West Bank, as well as the ongoing attacks on the Gaza Strip, the latest of which occurred on August 5, 2022, resulting in the killing of 49 civilians, the injury of 383, and the destruction of numerous residential units, civilian facilities and public utilities (Palestinian Ministry of Health¹¹, 2022).

2. Constraints on freedom of assembly and association and freedom of expression, and defamation campaigns:

The Israeli constraints have gone beyond the level of threat to CSOs to extend to practical measures. On August 18, 2022, the Israeli occupation raided seven CSOs operating within Palestinian territories, and issued military orders to close them down, under the guise of counterterrorism, without providing any supporting evidence. The closure followed a continuous threat by the occupation to close these organizations and its failure to persuade the European Union and funders to stop funding them. Some employees of these organizations were even arrested, and their directors were threatened with detention (Palestinian Center for Human Rights-PCHR 2022)¹².

3. Restrictions on movement:

The Israeli occupation authorities began to impose additional constraints on the entry of foreigners and Palestinians holding foreign passports who wish to work, volunteer, or show solidarity with the Palestinian people, and those whose work requires long-term stays, including the staff of the Office of the High Commissioner for Human Rights (OHCHR), while they were previously granted multiple entry visas for periods of several years and allowed to leave and return from any border crossing. This constitutes an infringement on the Palestinian freedom of movement and right to humanitarian and development aid and to host doctors and experts. This is also a violation of the International Humanitarian Law, the Universal Declaration of Human Rights, and the sovereign right of the Palestinian people to host experts, artists, athletes, students, tourist delegations, and volunteers (Independent Commission for Human Rights (ICHR)¹³ 2022). In August 2022, the occupation authorities issued new instructions on the mechanisms for applying for permits and entry of foreigners to the

Palestinian Authority areas, which took effect on October 20, 2022. Human rights organizations have warned against this measure and declared that the most profound impact might be that the new rule will deprive thousands of Palestinian families of the right to live together without interruption and to live a normal family life. Indeed, Israeli laws and policies constitute a flagrant violation of the right of Palestinians to family life and run contrary to the Oslo Accords, which gave exclusive power to the Palestinian Authority to approve requests by foreign spouses for residency status in the OPT¹⁴. The measure also limits the freedom of access of foreign researchers and experts to the West Bank and Gaza Strip. It is worth noting that cash insurances for permits can reach up to \$20,000¹⁵.

4. Israeli violations of freedom of expression and opinion and the digital sphere:

The Palestinian Center for Development and Media Freedoms (MADA) detected 277 direct violations by the Israeli occupation against journalists and press institutions. These violations ranged from detaining journalists to preventing press coverage or targeting Palestinian press institutions either by closure or military shelling. The Center also detected 111 violations against social media by restricting Palestinian content. The most prominent of these violations was committed on 11/5/2022, when the Israeli occupation forces opened fire on journalists while they were covering the Israeli storming of the Jenin camp. This resulted in the martyrdom of Al Jazeera reporter Shireen Abu Akleh (51 years old) and the injury of Al Jazeera journalist Ali Al-Samoudi¹⁶.

Challenges and constraints imposed by the Palestinian Authority

Constraints on freedom of assembly and association and freedom of expression:

Constraints on Palestinian CSOs have continued to be imposed by both Palestinian factions, through the continued issuance of laws and regulations related to the work of civil institutions, as well as the continued handling of the civil institutions file as a security matter through the Ministry of Interior. This includes intervening in the internal affairs of institutions by not registering or slowing down the accreditation of boards of directors, and other measures taken by Palestinian banks and the Monetary Authority to close the accounts of associations whose boards of directors' accreditations are delayed by the Ministry of Interior, even if they are registered by court order. This also includes interventions related to the memberships of institutions and their representatives on a political basis, as well as actions taken by the Palestinian Authority regarding the suspension of disbursement procedures for Palestinian non-profit companies after the approval of the Council of Ministers, which is delayed for more than three months.

All these constraints have affected the CSOs' work, role, and objectives and impacted the nature of their projects, which has often prompted them to assume responsibilities that are typically the government's duty, such as reconstruction and providing relief assistance to citizens, instead of focusing on their intended role of supervision, development, and cultural activities.

The Palestinian political divide since 2007, the absence of legislative and presidential elections and of the actual legislative and supervisory role of the legislative institution over the work of the executive authorities, the excessive issuance of laws and decisions by both factions, the non-disclosure

of the general budget and the size of revenues and expenditures, and the lack of a unified national plan based on partnership, have all led to the scattering of interventions carried out by the Palestinian civil society.

On September 25, 2022, the Non-Profit Companies Law No. (20) of 2022 was published in the Palestinian Official Gazette - Issue No. (194). After a review of this law by the CSOs, it was found that it violates the amended Basic Law and the State of Palestine's obligations under the International Human Rights Law, under the pretext of combating terrorism and money laundering. In response, the CSOs prepared an explanatory memorandum on the legal violations by this law and handed it to the Prime Minister, declaring their full rejection of the mentioned law and calling for its cancellation¹⁷.

In the Gaza Strip, freedom of expression and assembly continues to be restricted by canceling or banning cultural and artistic events, in accordance with an undeclared internal decision of the security services in the Gaza Strip, in addition to constraints imposed on musical groups and institutes, through prior licensing requirements for any concerts, even if organized by CSOs. The investigative process requires owners of halls, hotels and restaurants to prepare a list of activities and entities conducting the events and hand it over to both the Tourism Police and the General Investigations Department for prior approval. There are additional requirements for information when the number of participants exceeds fifty people.

Second: Civil society status analysis

Freedom of opinion, expression, and peaceful assembly and association

The executive branch of the Palestinian Authority is tightening the screws on the freedom of opinion, expression, and peaceful assembly and association, by either issuing regulations and decisions under a law, or imposing its hegemony on the ground, tracking its critics on social media and closing their accounts, or curtailing/preventing peaceful assemblies, in violation of the 1988 Palestinian Declaration of Independence and the constitutional principles established in the Amended Basic Law of 2003.

On a legislative level, the Palestinian Council of Ministers adopted draft resolution No. (--) of 2022 on media licensing. With a loose wording, this draft law granted the tripartite committee consisting of the Ministry of Information, the Ministry of Telecom and Information Technology, and the Ministry of Interior wide roles and discretionary powers that are in conflict with the principle of media freedom and subsequently limit the role of the judiciary. During the drafting, none of the bodies representing stakeholders and human rights foundations were consulted or engaged.

The draft also contradicts the provisions of Article (27) of the Basic Law that established the freedom of audio-visual and print media outlets, the freedom of printing, publishing, distribution and broadcasting, and the freedom of their employees, and prohibited media censorship so no warning, suspension, confiscation, cancellation, or restrictions could be forced on the media except by law and in accordance with a judicial order. Pursuant to the same article, the funding sources of newspapers and media outlets can only be controlled in accordance with

the law enacted by the people's representatives and not with a regulation issued by the government which, as stated in Article (4) of the draft resolution, entrusts financial control to the Ministry of Interior that is vested with very wide powers in this regard, in violation of many of the provisions of applicable Palestinian laws such as the Company Law and the Banking Law¹⁸.

The state of emergency persisted under Presidential Decree No. (1) of 2020 declaring a state of emergency in Palestine under the pretext of the pandemic.

In violation of the laws and the Constitution, President Mahmoud Abbas issued, in late October 2022, a presidential decree dissolving the Doctors' Syndicate and appointing a new Syndicate council, which sparked protests and strikes and led to the suspension of healthcare services for citizens. The Doctors' Syndicate confirmed that it considers holding several protests against the President in order for the illegal decree to be rescinded, especially that the last Syndicate Council was elected only a few months ago. Civil society organizations urgently issued a position paper (Al-Haq 2022)¹⁹ in which they discussed the gravity of the measures taken against the civil society components, as the decree-law related to the Doctors' Syndicate was issued during the encroachment by the government and the executive authority upon civil and trade union work in Palestine. Following the sit-ins and civil disobedience of the Syndicate, the Palestinian Authority approved all amendments requested by the Syndicate to be made to the decree-law establishing the "Palestinian Doctors' Syndicate", which triggered a wave of protests against what the current Syndicate (whose work is regulated by the Jordan Medical Association Act of 1954) considered

an attack on its council, elected less than five months ago, since it requires the substitution of an appointed Constituent Council chaired by Nizam Najib for the elected one chaired by Shawki Sabha²⁰.

Right to access information and the general budget

There is still a lack of legislation that would guarantee the right of access to information, including accountability where such information is not made available. In fact, many restrictions are imposed on the exercise of this right by Palestinians, and journalists are most affected by the lack of policies and procedures, sometimes acquiring information through illegal means, or based on rumors. Although laws and decisions are excessively issued by both Palestinian factions, the draft law on the right of access to information is still locked in the drawers despite repeated calls by civil society organizations to release it.

Article 19 of the Palestinian Basic Law stipulates that freedom of opinion may not be undermined, and that every person shall have the right to freedom of thought and the right to share it orally, in writing, or in any form of art or expression, provided that it does not conflict with the provisions of the law. Article 27 also stipulates that the establishment of newspapers and all media means is a right for all, guaranteed by this Basic Law. However, their financing resources shall be subject to the scrutiny of the law. The same article also provides that freedom of audio, visual and written media, as well as freedom to print, publish, distribute, transmit, together with the freedom of individuals working in this field, are guaranteed by this Basic Law and related laws. Censorship in the media shall be prohibited. No warning, suspension, confiscation, cancellation, or restrictions shall be forced on the media except by law, and in accordance with a judicial order.

Recently, however, restrictions on the freedom of information, publishing, and press have increased.

Cybercrime laws have been issued, dozens of journalists and social media activists have been arrested, and many websites have been blocked under the pretext of law.

The principles of transparency and access to information are not observed when it comes to both factions' financial management, as the general budget and the citizen's budget have not been published, in addition to the lack of cooperation with the civil society team to support budget transparency in providing budget-related information, and the failure to publish the terms of reference for the preparation of the general budget.

The Palestinian Basic Law and the General Budget Law provisions have not been respected regarding the legal basis on which new fees are imposed and tax and fee exemptions are granted, although these exemptions may only be granted in accordance with Articles 7 and 8 of the General Budget Law No. 7 of 1998²¹, which is a flagrant violation of the provisions of the law and undermines the plans of ministries and official institutions.

Although the general budget was issued in Gaza, since it is a law approved by the Legislative Council, the "Change and Reform Bloc", this was done in disregard of statutory and constitutional rules; the budget statement or any relevant documents, including the detailed budget and approved items, were not published, and the Ministry failed to issue a detailed financial report for the first semester of the year.

It is also noteworthy that the failure to publish the State Audit and Administrative Control Bureau (SAACB) report on the Government's performance raises another challenge concerning the assessment of its public fund management performance as well as questions about how transparent the general budget in Gaza is.

Restrictions on associations

Based on their assigned role, human rights organizations and institutions follow up on the issue concerning the right to form associations and document violations that affect their action and restrict their activities.

The Ministry of Interior in the Gaza Strip, both as civil servants and security officials, has been continuously intervening in the activities of many NGOs operating in different sectors, mainly by attending the associations' general assembly meetings and annual audit procedures, thus encroaching upon the role of the competent Ministry. Interventions also included summoning by the police (General Investigations), the General Directorate of Public Affairs, and NGOs affiliated with the Ministry of Interior, of many civil society researchers and research service providers (studies, questionnaires, statistical data and information) to investigate and inquire about such studies, research, and outcomes, as well as the research methods and tools that were used, in an attempt to pressure and influence them so that they modify the outcomes, recommendations, and outputs of studies and research samples, intimidate them and restrict their access to relevant information and data²².

These interventions and follow-ups constitute a violation of the freedom to engage in social, cultural, professional, and scientific activity guaranteed by Article (26/2) of the Palestinian Basic Law and Article (1) of the Law on Charitable Associations and Civil Society Organizations No. 1 of 2000²³, and restrict the associations' exercise of their activities and achievement of their goals. Such violation has hindered the role of associations in providing studies and research samples that help the local community and decision-makers to correct their directives and policies. It has also hindered their role in identifying gaps and shortcomings in the issues being researched as well as contributing to solutions that would enable the development of official and community programs based on the local community's needs. In ICHR's view, such restriction would lead to and create a general

state of deterrence and fear, which directly affects human rights and fundamental freedoms that are guaranteed and safeguarded by national and international legislation.

It also came to ICHR's attention that the Palestinian Police's General Investigations Service has collected data about associations and civil society organizations through a survey especially intended for this purpose, containing personal and detailed information about the organization, which constitutes a divergence from its role and from the tasks entrusted to it by law.

For ICHR, the Service is overstepping its competence, as such information is available at the Ministry of Labor, the General Directorate of Public Affairs, and the NGOs affiliated with the Ministry of Interior. Moreover, this proactive measure and the entity taking it might suggest that other measures would follow²⁴.

In addition to the constraints hindering the registration of associations by the Ministry of Interior in Ramallah, and their representatives being subjected to security and safety conditions, some associations were even requested to replace members of their board of directors whose political background is opposed to the parties in power.

The work of civil society organizations and their relation with the Government

Civil society organizations are considered mediators between the Government and the people on the international and local levels, as they have had an effective role in shouldering part of the burdens throughout the Israeli occupation, i.e., before and after the establishment of the Palestinian Authority. Their role is to provide complementary services, including in marginalized and remote areas which the government entities cannot serve due to the occupation. They also provide aid to economically

vulnerable segments.

Despite the constraints and accusations and the lack of funding, the civil society organizations are continuously countering the attacks they face both internally and externally. In the Palestinian case, where institutions and the government are resisting the Israeli occupation in all available legal ways, these organizations press for the respect for the law and human rights, and strive to accomplish their social mission, i.e., maintaining civil peace and supervising the authorities. Thus, civil society has made several recommendations to government entities to enhance participation and transparency.

One key role of CSOs is to oversee the successive governments' performance and monitor expenditures and budgets to ensure they meet the objectives for which they were set. Because of the division and the absence of a Legislative Council, the supervisory role of the civil society organizations became evident in order to protect democracy and freedoms and limit the Executive Authority's intrusion into public life. At the national level, civil society organizations play a key role in raising awareness about personal and civil rights and women's rights, combating violence against women, promoting legislation that protects citizens' interests, urging the state to provide protection, and influencing development and financing legislation, policies, and plans so as to enhance the citizen's resilience and serve the people's interests.

Third: Conclusion and future outlooks

Palestinian civil society organizations are evidently facing critical internal and external threats. The external threats come from the Israeli occupation and the international community that continue their attempts to criminalize these organizations, cut off their sources of funding, and use all sorts of intimidation to stop their work, while the international community and the United Nations turn a blind eye to these crimes and attacks. Internally, the ruling authorities in the West Bank and Gaza Strip are still trying to impose their control and contain the entire civil activity ecosystem. They seem not yet to have realized the role of these institutions in covering up the different governments' failures in providing services to citizens in all fields.

Amidst the continued violations of the right to form associations and ensure their independent action, as well as regulations and decisions limiting the freedom and independence of civil society actors, and Israeli demonization and incitement campaigns and assaults against the Palestinian civil society organizations, which led to less funding or conditional funding and persistence of restrictions and control over the activities of civil and non-profit organizations;

As laws and decrees continue to be issued by both factions in Palestine, laws and procedures on the control of non-profit organizations and anti-terrorism and money-laundering laws are expanded; not to mention the obligation of associations to operate under the unified e-system program, which increases the associations' burden due to costly, unfair, complicated, and lengthy procedures, and costs them time, effort, and money, thus delaying external grants;

And since the long-time Palestinian internal divide prevents the Palestinian civil society from moving forward with its mission and developing mechanisms that enable it to play its role in overseeing the

government's performance and defending the rights guaranteed by international and local laws;

Civil society organizations must first focus their efforts on ending the divide at all costs in order to unify national laws and references, and thus promote accountability and adopt official policies for the institutionalization of the civil action under mechanisms recognized in international conventions and treaties on civil and political rights that guarantee the right and freedom to form associations.

Recommendations and lessons learned

Civil society organizations should continue to build alliances among themselves, and particularly among syndicates, professional and labor unions, and non-profit organizations, in order to effectively end the divide and call for expediting Palestinian elections following a proper election process.

Mobilize local and national support so that the Palestinian civil organizations can pursue their activities by activating the social responsibility of the private sector and its large companies, such as banks and telecommunication companies, shifting to new financing mechanisms that are devised through regional and Arab cooperation, and leveraging regional and international experiences in financing.

Lift the control of the executive authorities on civil society organizations, move away from containment attempts, promote freedoms, and eliminate all restrictions imposed on them by standardizing procedures, identifying the competent authority, facilitating licensing, and canceling the security screening.

Government authorities must stop issuing laws, legislation, and procedures that negatively affect the right of assembly, the right to form institutions, and other rights guaranteed by the Palestinian Basic Law.

Adopt the principle of effective partnership with civil institutions, and rebuild a relationship of trust with them, to contribute to the building and development of institutions and Palestinian society as a whole.

Continue to reject any conditional funding by donors, as settling for conditional funding and making concessions in this regard will intensify the Zionist attack against Palestinian civil society institutions.

The government must allow greater space for freedom of assembly and expression, access

to information and resources, and freedom of association for civil society organizations, and issue legislations that clearly provide for free access to resources and information.

Civil society organizations should cooperate with the government in awareness campaigns to promote respect for the law by organizations, preserve public money, adhere to regulations and instructions on expenditure and adopt good governance concepts.

References

- PNGO. 2022. Scoping Study on Operating Conditions of Civil Society in the Occupied Palestinian Territory. Ramallah, March. https://www.pngo.net/wp-content/uploads/2022/05/ICSCentre_Scoping-Study-on-Operating-Conditions-of-Civil-Society-in-the-Occupied-Palestinian-Territory.pdf.
- UNCTAD. 2022. Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the Occupied Palestinian Territory. Prod. United Nations Conference on Trade and Development. UNCTAD, August 8. <https://unctad.org/system/files/official-document/tdbex72d2>.
- Palestinian Center for Human Rights (PCHR) 2022. PCHR condemns and demands the International Community to Intervene Promptly after Israeli Occupation Forces Have Shut Down 7 CSOs in Ramallah. Gaza. Accessed on September 18, 2022. <https://cutt.us/AYFcX>.
- Al-Muqtafi 2011. "Al-Muqtafi". The Institute of Law, Birzeit University 2011. "Decree-Law No. (6) of 2011 regarding the amendment of the charities and NGOs Law No. (1) of 2000". Ramallah, 27 4. Accessed on September 12, 2022. <http://muqtafi.birzeit.edu/pg/getleg.asp?id=16268>.
- The Independent Commission for Human Rights (ICHR). 2022. ICHR Calls on the International Community to Reciprocate the Treatment of Israelis in Response to Restricting the Entry of Foreigners, and Impose Sanctions on the Occupying State. Ramallah, September 5. Accessed in 2022. <https://www.ichr.ps/statements/6617.html>.
- Dr. Ibrahim Abrash. 2022. The Palestinian Authority: State or chaos. October 3. Accessed October 20, 2022. <https://cutt.us/TZiH9>.
- Rabih Rafii. 2022. "Arab-Israeli normalization and its impact on the rights of the Palestinian people". Journal of Law and Political Science 95-105. <https://www.asjp.cerist.dz/en/downArticle/518/8/1/186734>.
- The Institute of Law, Birzeit University. 2006. "Legal status in Palestine". September 25. <http://lawcenter.birzeit.edu/lawcenter/ar/homepage/2013-08-31-07-08-03>.
- Al-Haq Organization. 2022. A position paper issued by civil society organizations regarding the decree-law to establish the Palestinian Doctors' Syndicate in 2022 after the dissolution of the judiciary, the Doctors Syndicate and civil society organizations. Ramallah, October 29. Accessed on October 29, 2022. <https://www.alhaq.org/ar/advocacy/20729.html>.
- Al-Haq Organization - Defending Human Rights. 2022. Al-Haq Organization's Comments on the draft regulation on Non-profit organizations and legal arrangements. Ramallah, July 2. Accessed on August 22, 2022. <https://www.alhaq.org/ar/advocacy/20249.html>.
- Palestinian Ministry of Health. 2022. Infographic of Israeli Aggression on the Gaza Strip. Gaza, August 24. Accessed on September 15, 2022. <https://www.moh.gov.ps/portal/infographic-of-the-israeli-aggression-on-the-gaza-strip/>.

Endnotes

- 1 The Israeli occupation's "closure system" that targets Palestinians comprises checkpoints, barricades, roads exclusively reserved for settlers, the "apartheid wall", and the blockade of the Gaza Strip and its isolation from the West Bank.
- 2 The Institute of Law, Birzeit University 2006. "Legal Situation in Palestine". Accessed on September 2022 ,25. <http://lawcenter.birzeit.edu/lawcenter/ar/homepage/03-08-07-31-08-2013>
- 3 The Oslo Accord established the administrative division of the Palestinian West Bank into areas A, B, and C. Area A: Full Palestinian civil and security control; Area B: Full Palestinian civilian control and joint Israeli-Palestinian security control; and Area C: Full Israeli control in terms of security, planning and construction, representing %61 of the West Bank's total area.
- 4 Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the Occupied Palestinian Territory. UNCTAD. September 2022. E-reference accessed on October 2022 ,25. https://unctad.org/system/files/official-document/tdbex72d2_en.pdf
- 5 Palestinian Central Bureau of Statistics (PCBS), 2020. Multidimensional Poverty Report, 2017. Main Results. Ramallah - Palestine. <https://mppn.org/wp-content/uploads/06/2020/book-2524Palestine48-28-.pdf>
- 6 Al-Hashimi AbdulQuddous. 2017. Hazards of Arab normalized ties with the Zionist adversary. Al Jazeera Network, blogs. Accessed on December 2022 ,1. <https://cutt.us/og38z>
- 7 Al-Muqtafi The Institute of Law, Birzeit University 2011."Decree-Law No. (6) of 2011 regarding the amendment of the Charitable Associations and Community Organizations Law No. (1) of 2000". Accessed on September 2022 ,12. <http://muqtafi.birzeit.edu/pg/getleg.asp?id=16268>
- 8 Al-Haq Organization - Defending Human Rights 2022. Al-Haq Organization's Comments on "the Bylaw on Non-profit Companies and the legal arrangements". Accessed on August 2022 ,22. <https://www.alhaq.org/ar/advocacy/20249.html>
- 9 A memorandum forwarded by Palestinian civil society organizations to the Palestinian Prime Minister on June 2022 ,28, requesting the suspension and revocation of the aforementioned law.
- 10 https://www.pngo.net/wp-content/uploads/05/2022/ICSCentre_Scoping-Study-on-Operating-Conditions-of-Civil-Society-in-the-Occupied-Palestinian-Territory.pdf
- 11 Palestinian Ministry of Health. 2022. Infographic of Israeli Aggression on the Gaza Strip. Accessed on September 2022 ,15. <https://www.moh.gov.ps/portal/infographic-of-the-israeli-aggression-on-the-gaza-strip/>
- 12 Palestinian Center for Human Rights (PCHR) 2022. "PCHR condemns and demands the international community to intervene promptly after Israeli occupation shuts down 7 CSOs in Ramallah". Accessed on September 2022 ,18. <https://cutt.us/AYFcX>
- 13 The Independent Commission for Human Rights (ICHR). 2022. "ICHR calls on the international community to reciprocate the treatment of Israelis in response to restricting the entry of foreigners, and impose sanctions on the occupying State. Accessed on September 2022 ,5. <https://www.ichr.ps/statements/6617.html>
- 14 Al-Ayyam Newspaper. Israel intends to impose new restrictions on the entry and residence of foreigners in the West Bank. 2022/8/21. https://www.al-ayyam.ps/ar_page.php?id=1579a9fdy360294909Y1579a9fd
- 15 More information on <https://www.gov.il/en/departments/policies/judeaentry2022>
- 16 Palestinian Center for Development and Media Freedoms (MADA). 2022. "Monthly Report - May 2022: Widespread violations of media freedoms during May, the most serious of which was the killing of Shireen Abu Akleh." Accessed on July 2022 ,22. <https://www.madacenter.org/article/1777/>
- 17 A petition submitted to the Prime Minister and signed by more than 150 organizations, led by the Palestinian NGO z and the Palestinian Human Rights Organizations Council, October 2022. <https://pngoportal.sharepoint.com/:b/s/ThePalestinianNGOsNetwork/ETMli1KckUxFrxl8tmvYblUBBDmAFIaCwbht58kRwIQ!Vg?e=7nilYK>
- 18 The Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH). 2022. "Position paper by civil society organizations regarding the media licensing system." Accessed on September 2022 ,11. <http://www.miftah.org/arabic/Display.cfm?DocId=15595&CategoryId=7>
- 19 Position paper issued by civil society organizations regarding the decree-law to establish the Palestinian Doctors' Syndicate in 2022 after the dissolution of the judiciary, the Doctors Syndicate and civil society organizations. Al-Haq Organization. <https://www.alhaq.org/ar/advocacy/20729.html>
- 20 Al Araby Al Jadeed Newspaper. The Palestinian Authority approves the amendments of the Doctors' Syndicate. October ,31 2022. <https://cutt.us/6dYFf>
- 21 Al-Muqtafi – Legal and Judicial System. Birzeit University. 1988. "Law of the Organization of the General Budget and Public Finances No. 7 of 1998." Accessed on September 2022 ,8. <http://muqtafi.birzeit.edu/pg/getleg.asp?id=12668>
- 22 Interview conducted with Mr. Amjad Shawa, Director of the Palestinian NGO Network, on September 2022 ,4.
- 23 Encyclopedia of Palestinian Laws and Court Rulings (Maqam). 2000. "Law on Charitable Associations and Civil Society Organizations No. 1 of 2000." Accessed on September 2022 ,25. <https://maqam.najah.edu/legislation/88/>
- 24 Interview conducted with Mr. Jamil Sarhan, Director of the Independent Commission for Human Rights, in August 2022.