

OPINION - Gerald Steinberg: The real danger to Israel's civic society, Ha'aretz, Israel

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In Russia, Venezuela, Egypt and other repressive societies, the activities of foreign-funded, non-governmental organizations promoting democracy are subject to police harassment and legal restraints. The Israeli environment for NGOs is the polar opposite, with thousands of these organizations, from across the political spectrum, operating freely. Taking advantage of this situation, a number of political-advocacy NGOs are leading campaigns that use the rhetoric of human rights, international law and humanitarian aid to delegitimize Israel and label its leaders as "war criminals." This has led to growing criticism of these organizations and of their main funders - primarily European governments and the New Israel Fund.

In response, these groups have launched a campaign, claiming that the criticism constitutes an assault on democracy. A flood of opinion articles have portrayed criticism of NGOs as a right-wing, McCarthyite assault. Their aim is to delegitimize debate on these organizations.

The NIF released a statement darkly warning that "right-wing members of the Knesset have pushed legislation that would limit the rights of many progressive NGOs in Israel, categorizing them as 'political' in the manner of Russia, China and Iran."

A recent opinion piece by Ishai Menuchin in Haaretz English Edition ("An assault on democracy," July 16) is a prime example of this campaign. He claims "the Knesset now has a disturbingly small minority of representatives (about 10 percent) commonly identified with human rights and social justice." He provided no details, but was presumably referring to the 4 percent from the ex-communist Hadash party, for which he has been a candidate, and a few sympathizers. To Menuchin's way of thinking, 90 percent of Israel's elected representatives are opponents of human rights. Menuchin, who heads the Public Committee Against Torture in Israel, thus attempts to place anyone who disagrees with his extreme positions beyond the pale. Ironically, his purported "defense of Israeli democracy" delegitimizes the very system it claims to defend.

Menuchin also insists that "every supporter of human rights, every believer in democratic values" should support a "call for appropriate international action" if those suspected of war crimes are not brought to justice in Israel. Through this "lawfare" tactic, NGOs such as the Palestinian Center for Human Rights and Al-Haq - with the help of Israeli NGOs such as Adalah and Yesh Gvul - seek to have Israeli officials tried in foreign courts for "war crimes" and "crimes against humanity." Anyone who disagrees, argues Menuchin, cannot be a true supporter of human rights or democratic values.

The lawfare campaign is based on the claim that the Israeli judicial system has failed to apply international legal requirements in response to alleged Israel Defense Forces violations. In this effort, NGO officials have joined the Arab League and the Palestinian Authority in pressing the

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International Criminal Court to open cases against Israelis. But there are no criteria to substantiate their claims, and no comparisons with countries fighting with similar tactics in Afghanistan or Iraq. Instead, the NGOs simply quote UN reports - such as the one prepared by Judge Goldstone regarding last year's Gaza campaign - which, in turn, quote the NGOs. This is a circular argument based on political, not legal, criteria.

Another element of the "democracy under attack" argument focuses on Knesset draft bills that would allegedly "damage in an extremely severe manner the basic principles" of democracy and human rights, according to the Association for Civil Rights in Israel. Similarly, Menuchin and NIF chair Naomi Chazan attack the December 2009 Knesset conference that examined foreign government funding for Israeli political NGOs. In their version, the conference, and proposed legislation on transparency that followed, reflect a dangerous right-wing conspiracy.

This multi-front counter-attack reflects anti-democratic tendencies among these NGOs. Regarding the Knesset conference in December, the leaders of five powerful Israeli NGOs - the NIF, Adalah, B'Tselem, Gisha and ACRI - were invited by legislators to present their views. All refused to participate in this democratic exchange.

NGO condemnation focuses proposed legislation modeled on the American Foreign Agents Registration Act, calling for transparency on funding from the European Union and other governments. The current text, agreed upon by Labor and Likud MKs, would close loopholes in existing laws that are exploited by NGOs.

The NGO campaign to block transparency extends beyond Israel's borders. Eleven groups signed a letter to the European Parliament, urging it to "oppose the bill and other attempts to limit European governmental funding of Israeli and Palestinian HR defenders, using all means at its disposal." As in the case of lawfare, Israeli NGOs want outsiders, with no accountability to the Israeli electorate, to help them impose their preferred policies.

Similarly, NGO lobbying led to the June 23 session in the European Parliament Subcommittee for Human Rights on "the situation of NGOs in Israel." Three EU-funded NGOs - Menuchin's PCATI, Mossawa and a French NGO - as well as NGO Monitor, were invited to participate. The other NGOs strongly objected to the presentation of NGO Monitor's research. Apparently free speech extends only to those with the "correct ideology."

Democratic values are threatened most when they are invoked to stifle the very debate that embodies the essence of these values. And this is the real danger to Israeli civic society.

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