



Scoping Study on Operating Conditions of Civil Society in the Occupied Palestinian Territory

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EXECUTIVE SUMMARY

Civil society organisations working in the occupied Palestinian territory (oPt) encounter many challenges and restrictions to providing vulnerable populations with services and programmes.

ABC Consulting has been contracted by the International Civil Society Centre to analyse operating conditions of both local civil society organisations (CSOs) and international civil society organisations (ICSOs). This study sought to capture up-to-date qualitative and quantitative data illustrating the extent and impact of the restrictions faced by ICSOs, Palestinian CSOs, UN Agencies and Israeli CSOs operating in the oPt.

A mixed-method approach was used to collect both quantitative data through a survey and qualitative data through key informant interviews. A total of 84 organisations filled out the survey and 18 organisations were interviewed as key informants.

The study found that accessing funding was a main constraint for CSOs working in the oPt in general, and especially for Palestinian CSOs. Fifty-six per cent of survey respondents and all key informants said funding is a significant challenge. The counter terrorist legislation published officially by the government of Israel makes donors unable or unwilling to fund civil society activities in the oPt. Strict donor requirements, conditional funding and counter terrorism clauses in donor contracts are barriers to CSOs accessing much of the funding available. Banks can also respond to these policies by aggressively 'de-risking' and can refuse to transfer funds or require additional documentation about funded projects.

In the Gaza Strip surveillance and restriction of CSO operations by the de-facto government is another significant challenge mainly for ICSOs. All key informants from ICSOs raised this issue, explaining that additional time and resources are needed to work within the restrictions.

The threat of smear campaigns led by Israeli state and non-state actors is also a key concern for CSOs operating in the oPt. Organisations facing these damaging attacks spend considerable time and resources combating allegations and protecting their reputation.

CSOs face other obstacles such as damage to their facilities, confiscation of equipment or files, attacks and harassment of staff members in the field, and detention or arrest of staff members. Of survey respondents, 22.6 per cent reported experiencing such actions, which although not as common and widespread as the challenges mentioned above, still have a significant negative impact on organisations that experience them.

All CSOs – Palestinian, Israeli and international face the above-mentioned challenges to a larger extent than UN Agencies. Different types of CSOs face different challenges, making it difficult to coordinate advocacy and unify messaging which, in turn, perpetuates the challenges and affects CSOs' ability to serve their target populations. Approximately two thirds of respondent organisations reported that these challenges and barriers negatively impact their ability to reach and provide support to communities in need.



Photo credit: Première Urgence Internationale (PUI)

INTRODUCTION

Rationale

The capacity for civil society organisations to operate independently, safely and effectively in the occupied Palestinian territory (oPt) has been a challenge throughout the Israeli occupation which has now lasted more than half a century. In recent years however, attacks on CSOs working on humanitarian, development and, especially, human rights programming in the oPt have come under even more sustained and targeted attack, mirroring deteriorating CSO operating conditions and shrinking civic space and freedoms globally.¹ The myriad challenges and restrictions international civil society organisations (ICSOs) and local civil society organisations (CSOs) in the oPt now face have negatively affected the effectiveness and sustainability of interventions and have reduced the access of the most vulnerable populations to services and programmes. Building on previous work in the field,² this study aims to capture further, up-to-date research and evidence of how the current environment impacts CSOs' ability to deliver their mandates. The data generated may be used to inform policy and advocacy efforts and to identify possible solidarity mechanisms to support CSOs.

Background

The Palestinian community has a long history of civil activism and organising efforts. Contrary to many countries around the world, most Palestinian CSOs emerged outside of a nation-state system because they were established before the creation of the Palestinian Authority (PA). As such, most CSOs focused their work on service provision, in the absence of governmental agencies that would have provided such services under different circumstances.

Following the signing of the Oslo Accords and the establishment of the PA in the 1990s, Palestinians in the part of the West Bank designated as "Area A"³ saw increased investment in infrastructure for basic service delivery. But, for the vast

1. See for example [CIVICUS Monitor](#).

2. For more details, see literature review in Annex 3.

3. The West Bank is divided into three areas: A (full Palestinian control), B (Palestinian civil control and Israeli security control) and C (full Israeli control), which is approximately 60 per cent of the area of the West Bank. As such, Palestinians living in Area C are extremely vulnerable, often quite isolated from services and support and marginalised by the myriad of Israeli policies that prevent Palestinian development of Area C.

majority not in Area A of the West Bank, where the occupying authority is not meeting its legal obligations to support people in the territory it controls, the needs are most acute and national and international civil society projects continue to be a lifeline for hundreds of thousands of Palestinians. Palestinian civil society is, therefore, vibrant, active, and large.

ICSOs and UN Agencies also have a long history of work in the oPt and play a significant role in the civil society landscape. According to the 2015 Palestinian Civil Society Mapping Report, ICSOs and UN Agencies can provide important funding channels, partnership and capacity strengthening for local CSOs as well as provide protection from challenges related to the political environment in the oPt.⁴

Palestinian national CSOs in the oPt are governed by the PA's Law of Charitable Associations and Community Organisations' established in the year 2000. As of 2015, the Ministry of Interior reported 2,793 registered associations and organisations, according to the EU-sponsored mapping study of civil society in the oPt.⁵ This number has now surpassed 3,000 according to the International Center for Not-for-Profit Law (ICNL).⁶ The Palestinian NGO Network (PNGO) is a coordination framework for the civil society sector in the oPt with more than 140 Palestinian CSO members.

Many ICSOs also operate in the West Bank, East Jerusalem and the Gaza Strip. There are approximately 200 ICSOs operating in the oPt.⁷ The Association of International Development Agencies (AIDA), a membership body and coordination forum of ICSOs working in the oPt, has more than 80 ICSO members. There are also 22 UN Agencies operating in the oPt providing development programming, coordination support and humanitarian assistance.⁸

4. Costantini, Gianfrancesco; Salameh Estephan and Issa, Maher (2015): [Mapping Study of Civil Society in Palestine – Update 2015](#). Civil Society Facility South.

5. Ibid.

6. [ICNL \(2021\): Civic Freedom Monitor – Palestine](#). Last updated: 9 November 2021.

7. Costantini, Gianfrancesco; Salameh, Estephan and Issa, Maher (2015): [Mapping Study of Civil Society in Palestine – Update 2015](#). Civil Society Facility South.

8. The Office of the United Nations Special Coordinator for the Middle East Peace Process (2022): [United Nations Country Team in Palestine](#).

Methodology

To support the scoping study, an Advisory Group comprised of PNGO and AIDA secretariat leads and a few ICSOs working in the oPt was established. The purpose of the Advisory Group was to guide the research and provide valuable input into the design and feedback on analysis, ultimately ensuring that the research is firmly and credibly embedded in the work of actors in the oPt. Additionally, two experts from SOAS University of London have been consulted on methodology and research ethics and provided further helpful guidance on the study.

A mixed-method approach was used involving both quantitative data gathered through a survey and qualitative data gathered through key informant interviews (KIIs). Data was collected between September and December 2021 sequentially. Qualitative data was collected after collection and initial analysis of quantitative data to answer any questions emerging from the survey data and to get more in-depth and descriptive information on topics of importance documented in the survey data. Due to COVID-19 pandemic restrictions and precautions most data collection for the survey was conducted remotely through an online platform and by telephone for KIIs while a small number of interviews were conducted in person taking health and safety procedures into account.

Stratified systemic randomised sampling was undertaken for the survey and purposive sampling was used for KIIs. A population of 245 organisations was considered by combining lists of PNGO and AIDA members in addition to UN Agencies and Israeli CSOs working in the oPt as representative of the distribution of CSOs in the oPt. See Annex 1 for full details on the sampling and methodology.

A total of 84 organisations filled out the survey which results in a 47.2 per cent response rate and a confidence interval of 8.69 considering the randomly selected sample of 178 organisations. 71.4 per cent (n=60) of respondent organisations are Palestinian CSOs, 20.2 per cent (n=17) are ICSOs, 3.6 per cent (n=3) are UN Agencies, and 4.8 per cent (n=4) are Israeli CSOs working in the oPt. Although this distribution is close to the distribution by type of organisation in the sample frame, Palestinian CSOs are slightly overrepresented and ICSOs and UN Agencies are slightly underrepresented. This was mitigated by conducting more KIIs with ICSOs. A total of 18 KIIs were undertaken (nine with ICSOs, seven with Palestinian CSOs, one with an Israeli CSO, and one with a UN Agency).



Photo credit: Suhaib Jarrar / Oxfam

Findings

Barriers and Challenges

1. Funding
2. Barriers and Challenges Imposed by Israeli State and Non-State Actors
3. Barriers and Challenges Imposed by Palestinian Authorities
4. Importing Goods
5. Parallel Structures

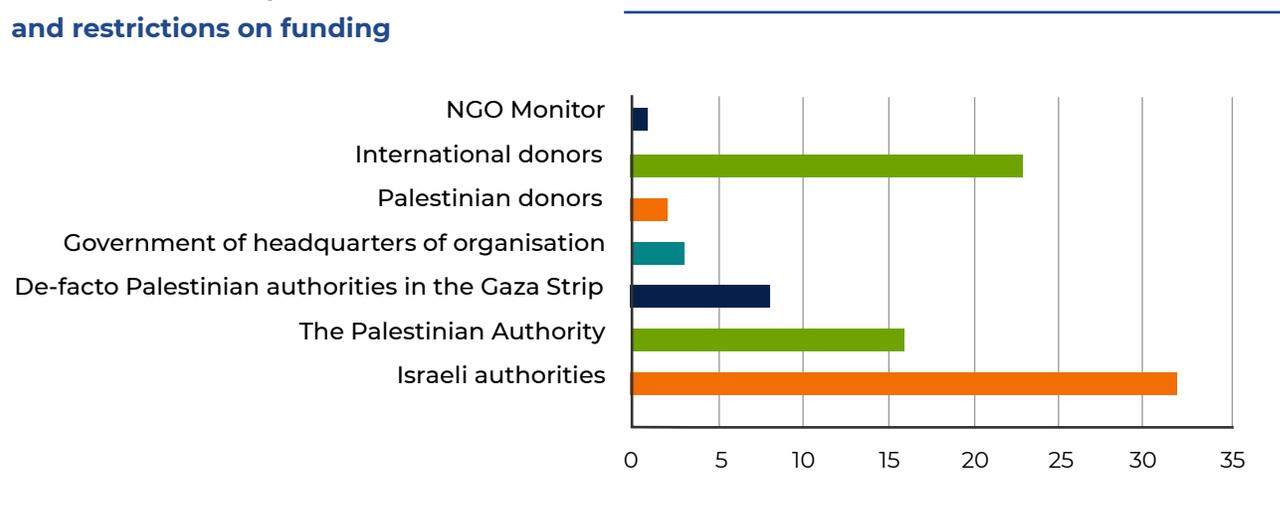
BARRIERS AND CHALLENGES

1. Funding

Funding restrictions, donor requirements and a lack of funding were main challenges for civil society organisations working in the oPt. Fifty-six per cent (n=47) of respondent organisations reported their financial resources constrained due to influence or restrictions from an external actor. Palestinian CSOs reported having funding restrictions in larger proportions (78.8 per cent, n=41) than other types of organisations (26.7 per cent of ICSOs (n=4), one UN Agency, and one Israeli CSO reported having funding constraints).

The Israeli authorities and international donors were the external actors indicated by the largest numbers of survey respondent organisations as the drivers for these constraints and restrictions. See the distribution below (note that respondents were able to choose more than one actor, so frequencies are represented rather than percentages).

External actors responsible for constraints and restrictions on funding



All key informants also indicated funding as a constraint to civil society work in the oPt. Again, Palestinian CSOs reported funding as their main constraint, while other types of organisations did not indicate it as the primary concern.

“Funding in such a politically charged context is subject to political trends and thus unstable.”

– ICSO representative

Key informants provided more explanation of the challenging funding landscape in the oPt:

► **Difficulties of funding projects in Gaza:** Donors are cautious when providing funding (both humanitarian and development funding) for projects to be implemented in the Gaza Strip. They have higher reporting and justification requirements which take extra time and resources. Some donors forbid any cooperation with the de-facto authority in the Gaza Strip, while the de-facto authority in the Gaza Strip simultaneously requires their approval for interventions.

► **Difficulties of funding projects in Area C of the West Bank:** Donors are less willing to fund projects in Area C because of the risk of demolition or confiscation of equipment during implementation.

► **Smear campaigns:** Israeli smear campaigns either by state or non-state actors make many donors reluctant to fund specific organisations or specific types of projects in the oPt.

► **Donor priorities:** Key informants reported a shortage in funding development projects, especially considering the amount of funding recently allocated to combating the COVID-19 pandemic. Funding is also channelled to humanitarian assistance rather than development work. A Palestinian CSO explains: *“The funding agenda is not commensurate with the real national needs and the required change processes, and many of the funding agendas are linked to relief and not development projects, which makes the funding revolve in a vicious circle that does not achieve the sustainable development objectives.”* This reflects a global reduction in assistance exacerbated by the development setbacks chronically faced in the oPt.

► **Instability of funding:** An ICSO explains: *“Funding in such a politically charged context is subject to political trends and thus unstable; for example, the Trump administration put a freeze on all United States funding to Palestine, which has since been lifted in the Biden administration.”*

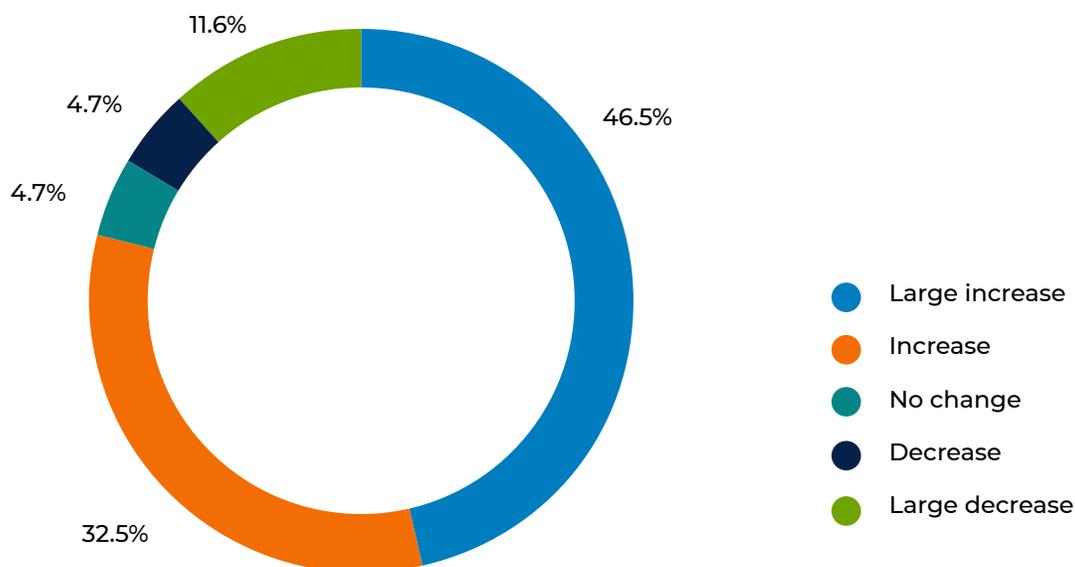
► **Restrictive clauses in donor grant contracts:** The complex political landscape in the oPt and the political relationships and alliances the Israeli government has with donor states mean donor compliance regimes are significantly more complicated and burdensome in the oPt than in other countries. Restrictive clauses to donor contracts place the entire responsibility on implementing partners to comply with unreasonable anti-terrorism/aid diversion measures that are not reflective of the reality of the situation on the ground. In referring to the importance of taking a principled and pragmatic approach to vetting partners, alongside a commitment not to discriminate on the basis of politicised allegations, one ICSO stated: *“It is our policy not to vet our partners, suppliers or beneficiaries [against alleged links to ‘terrorism’]. Because of this, we sometimes face difficulties in getting funding for our programmes.”* Restrictive clauses and broad interpretations of them can restrict aid and programming and leave gaps in addressing the needs of vulnerable populations. All respondent organisations treat the risk of aid diversion very seriously and many described internal controls in place to mitigate for this risk.

► **Banking restrictions and challenges:** Banking restrictions were found to be a sub-topic related to both funding challenges and governmental surveillance (discussed in subsequent sections) in qualitative data analysis. Civil society organisations (both Palestinian CSOs and ICSOs) have faced many challenges related to depositing and accessing funds. Organisations and staff members are often questioned by their bank about the nature of the organisation’s work, especially those operational in the Gaza Strip. Wording of contracts or project titles have also caused issues with banks. One Palestinian CSO recalled: *“A bank transfer from a donor to our account was returned by our bank because of the wording in the grant agreement. We were not able to fix the issue, even though we complained to the PA Monetary Authority.”* Another interviewee from a Palestinian CSO explained that: *“Sometimes the bank asks our organisation to change the name of the project or programme to be less controversial (for example, projects supporting Palestinian prisoners).”* An ICSO informant said their bank accounts were frozen: *“A smear campaign [and ensuing legal action against us] has caused our bank in the West Bank to ask us to close our accounts with them and our funds in our Israeli bank account were frozen.”*

In the survey, **79 per cent (n=34) of organisations that have faced restrictions on funding reported that there has been an increase in these restrictions and constraints in the past three years** (46.5 per cent, n=20 indicated a ‘large increase’ while 32.5 per cent, n=14 indicated an ‘increase’).

Palestinian CSOs reported an increase in such restrictions in larger proportions than other types of organisations. Key informants also indicated that despite the previous freeze on funding from the United States having been lifted, it is expected that the challenges and restrictions described above will continue to increase.

Change in funding restrictions on CSOs in the oPt over the past three years (n=34)



2. Barriers and Challenges Imposed by Israeli State and Non-State Actors

Several practices of Israeli state and non-state actors were reported as constraints and challenges to civil society by research participants, including restrictions on movement linked to complex and lengthy visa and permit requirements, surveillance, constricted implementation and smear campaigns.

“The Israeli government remains the most powerful external actor restricting our ability to support Palestinians across the oPt.”

– ICSO representative

Restrictions on Movement

Israeli laws related to visas and permits for Palestinians and internationals working in the oPt are complex and procedures for obtaining them are ambiguous and frequently change. Most Palestinians holding an Israeli-issued West Bank identification number need a permit to enter Jerusalem and the Gaza Strip. Palestinians holding an Israeli-issued Gaza Strip identification number need a permit to enter the West Bank and Jerusalem. Palestinian Jerusalemites and Palestinians that are Israeli citizens can travel to the West Bank without a permit but need a permit to enter the Gaza Strip. The process to apply for permits is complicated and the results are not guaranteed. Permits are often denied for different, vague reasons. Some are approved after the date the travel or appointment took place. International citizens need an Israeli-issued visa to enter the West Bank and East Jerusalem, and an additional permit to enter the Gaza Strip.

33.3 per cent (n=28) of respondent organisations reported applying for permits and/or visas for their staff in the oPt, while 8.3 per cent (n=7) wanted or needed to apply for permits/visas for their work but did not attempt to because of known complications.

The remainder do not need or want to apply for permits/visas or declined to answer this question. Almost all respondent ICSOs (91.7 per cent, n=11), all UN Agencies (n=3) and Israeli CSOs (n=2) apply for permits and/or visas for their staff, while only 37.5 per cent (n=12) of Palestinian CSOs do so. Six of the seven organisations who wanted to apply but did not because of known complications are Palestinian CSOs and one of the seven is an ICSO.

Challenges related to restrictions on movement and delays on, or refusals of, permits and visas was also a main theme that emerged from the qualitative data, especially for ICSOs. All organisations that specified which entity requires permits and/or visas (n=24) reported that the Israeli authorities require the visas/permits. Fourteen organisations provided details on the percentage of visa/permit applications that were denied, of which six had one third or fewer denied. The other eight had 80 per cent or more permits/visas denied (six of the eight are Palestinian CSOs, one is Israeli CSO and one is an ICSO).

The constantly changing procedures and requirements for visa and permit applications is another barrier. In the absence of well-published changes to protocols, applications can be refused because of incompleteness or lack of appropriate documentation. In general, challenges associated with applying for permits/visas from the Israeli government take the form of additional time and resources for ICSSOs and UN Agencies, while denials and the resulting feelings of futility of applying even when needed are felt most acutely by Palestinian CSOs.

“The bureaucratic impediments placed by Israeli authorities on movement and humanitarian access present a significant burden, diverting scarce resources.”

– ICSSO representative

Sixty per cent (n=15) of organisations that apply for permits/visas indicated that over the past three years there has been an increase in time required for applying while 36 per cent (n=9) reported no change and one organisation reported a decrease in time needed. Some key informants noted that the COVID-19 pandemic drastically compounded these challenges. This is now easing but still requires more time and resources than the pre-pandemic situation. For example, AIDA reports that of the 137 permit applications for movement of staff in and out of the Gaza Strip by their members in 2021 only 40 per cent were approved. A Palestinian CSO estimated that generally the average acceptance rate of permits for their organisation’s staff to travel between jurisdictions (West Bank, East Jerusalem, Gaza Strip) is only 30 per cent. These restrictions on movement affect all types of staff members (Palestinians in Gaza and the West Bank, Jerusalem ID holders and internationals) in travel to, from and within the oPt.

In terms of time and resources allocated to this issue, an ICSSO reported that the process of applying for permits usually takes approximately 6-8 weeks, which has been lengthened after the onset of the pandemic. Another key informant reported that visas for international staff can also take up to two months and are only granted to fully vaccinated individuals that have updated vaccination information in the Israeli system. One ICSSO stated that since the beginning of the pandemic, one staff member is essentially working full time on access issues and permit applications.

Key informants explain that the consequences of these access-related challenges are extra time and resources needed; a lack of willingness or ability to invest these resources for such an uncertain outcome; difficulty in attracting experienced staff members; and delays in implementation of organisations' work.

Surveillance, Restrictions on Implementation and Smear Campaigns

Although not included in the survey, surveillance of CSOs and their work by the Government of Israel and by Israeli settlers, restrictions on implementation, and defamation were main themes emerging from the qualitative data.

Key informants reported different types of surveillance from monitoring of funding sources and affiliation of members of boards of directors, to on-the-ground surveillance of their work in Area C, often with the use of drones. Jerusalemite Palestinian organisations are especially targeted as they are registered with Israeli authorities. This surveillance often has severe consequences in the form of restrictions on implementation of organisations' work.

Most key informants reported a number of tactics used by Israeli actors that restrict and prevent the delivery of humanitarian assistance and other civil society work mainly in Area C. Israeli laws preventing or severely limiting construction in Area C fuel many of these restrictions such as confiscation of construction equipment by the Israeli Defense Forces (IDF), prevention of staff and workers from accessing target areas and demolition of donor-funded infrastructure. Settler attacks on target populations and organisation staff members are another challenge stemming from an unequal application of rule of law that often allows Israeli settlers to act with impunity to disrupt and stop delivery of assistance.

Targeting building contractors and workers causes them to raise their prices for construction work in Area C, placing more burdens on the resources of the organisation. An ICSO explained that when equipment is confiscated, fees must be paid for keeping the equipment in the IDF's storage and legal aid must be procured to get the equipment returned. Organisations have dealt with these issues by implementing infrastructure projects in Area C on the weekends or at night to implement without being monitored. However, this adds significant time to the project because work cannot be implemented as quickly as usual.

A Palestinian CSO explained that the risk of implementing infrastructure projects in Area C is higher for Palestinian CSOs than ICSOs or UN Agencies in terms of harassment by the IDF or Israeli settlers or even temporary detention. An ICSO

confirmed this when they stated that their Palestinian employees are more likely to be intimidated or harassed by the IDF during their field work in Area C.

In 2021:

▶ 496 incidents of Israeli settler attacks against Palestinians resulting in 4 fatalities and 171 injuries.

▶ 902 Palestinian structures demolished resulting in 1203 Palestinians displaced.

Recorded by UN OCHA

There has been an increase in demolition orders in 2021 as well as settler attacks since the beginning of the COVID-19 pandemic. In 2021 the UN Office for the Coordination of Humanitarian Affairs (UN OCHA) recorded 496 incidents of settler attacks against Palestinians resulting in four fatalities and 171 injuries. In Area C, UN OCHA recorded 902 structures demolished resulting in 1203 Palestinians displaced.⁹

Half of key informants reported significant impact on their operational ability due to unsubstantiated allegations made against them without any evidence. They

explained that much of defamation-type actions are done by Israeli right-wing non-governmental organisations and groups. An Israeli CSO reported that there is a local Israeli television channel dedicated to publishing defamatory information about pro-Palestinian groups and organisations. A Palestinian CSO stated: *“These groups attempt to ruin the reputations of the organisations amongst the international and donor communities.”* Websites and social media are also used as tools to defame Palestinian and pro-Palestinian civil society organisations.

Defamation campaigns force CSOs operating in the oPt to constantly defend themselves and protect their reputation to the public, which takes time and resources that could be better spent serving the people they are mandated to support.

9. UN Office for the Coordination of Humanitarian Affairs (2022): [Protection of Civilians Report | 21 December 2021 - 10 January 2022](#).

On 19 October 2021:

The Israeli Minister of Defense announced the designation of six Palestinian CSOs (Addameer; Al-Haq; Defense for Children – Palestine; the Union of Agricultural Work Committees; Bisan Center for Research and Development; and the Union of Palestinian Women Committees) in the oPt as ‘terrorist organisations’ under the Israeli Anti-Terrorism Law of 2016. A number of survey respondents and key informants expressed concern that in addition to the negative effect on the six organisations and their ability to continue serving their target groups, there may be a chilling effect on wider Palestinian civil society as a result of this decision. Donors and international partners may become more hesitant to support Palestinian CSOs. Reporting requirements may become even more complex and time-consuming. The implication is that supporting Palestinian communities, particularly if focused on promoting human rights, makes organisations vulnerable to similar designation.

In addition to the coordinated smear campaigns there are also unsubstantiated legal actions being taken against local and international CSOs. The result of this defamation can have far more severe consequences than tarnishing of the organisation’s reputation.

Donors may become hesitant or refuse to fund programmes implemented by the defamed organisation. Threats or actual freezing of funds can be implemented by banks. Staff may be detained and questioned, raids of offices and seizure of equipment and files can occur and Israeli tax authorities may impose more stringent audits. An ICSO explains that they faced challenges in regard to tax audits by the Israeli authority in the year after they had faced a smear campaign. These conditions force CSOs operating in the oPt to constantly defend themselves against baseless accusations for which there is no evidence, or the evidence is not presented due to alleged security reasons. The evidentiary burden is placed upon the targeted CSOs to prove innocence, which is contrary to rule of law standards and processes globally. These efforts take time and resources that could be better spent serving the people they are mandated to support.

Attacks against Civil Society Organisations

Attacks against CSOs can take the form of breaking into offices, damaging equipment and facilities, confiscating files and computers, attacks on staff members and volunteers, and detention or arrest of staff members and volunteers. These issues are described in this section.

Damage and Targeting of Offices

Of survey respondent organisations, 22.6 per cent (n=19) reported that the organisation has been targeted, damaged or harassed by an external actor in the past year. Israeli organisations, UN Agencies and Palestinian organisations reported experiencing such incidents more than ICSOs. All of these respondent organisations reported that the Israeli authorities were responsible for the incidents of forced entry and confiscation of equipment and files. Three of these organisations also indicated that individuals and non-state actors were responsible, and one organisation reported experiencing targeting by both the de-facto authorities in the Gaza Strip and the Israeli authorities. An ICSO interviewee reported an incident of forced entry into their offices by an unknown party, and another key informant from a Palestinian CSO recalled six examples of Palestinian CSOs that had been broken into and had materials, work files and equipment taken.

19 respondent organisations have been targeted, damaged or harassed in the past year.

12 respondent organisations' staff members or volunteers have been arrested or detained by the Israeli authorities in the past year.

Detention and Arrest

Of survey respondent organisations, 14.3 per cent (n=12) reported that their staff members or volunteers had been arrested or detained by the Israeli authorities. Among these 12 organisations a total of 24 staff members or volunteers were reported arrested or detained by the Israeli authorities for more than 100 weeks in total. Ten of the organisations that have faced these challenges are Palestinian CSOs, one is an ICSO and one is an Israeli CSO working in the oPt. According to a Palestinian CSO, 150 staff members from various Palestinian CSOs were arrested in 2021 alone.

3. Barriers and Challenges Imposed by Palestinian Authorities

In addition to the challenges described above, CSOs face numerous constraints from Palestinian authorities (the PA and the de-facto authorities in Gaza).

Monitoring and Interference in Operations by the de-facto Authorities in the Gaza Strip

Monitoring and interference in operations of CSOs by the de-facto authorities in the Gaza Strip was a main theme that emerged from the qualitative data (although not included in the survey). Thirteen of the 18 key informants noted that their organisation faces continuous suspicions from the de-facto government in the Gaza Strip. A key informant explained that this suspicion is because ICSOs are seen by the de-facto authorities in the Gaza Strip as potential intelligence and security threats. It is also a manifestation of the Palestinian political split between the Gaza Strip and the West Bank. Attempts to screen target groups, essentially attempting to control beneficiary lists, were reported. Intervening in needs assessments by dictating where and with whom the assessments should be conducted were also mentioned. Regularly visiting organisations and doing spot-checks on their documents, forcing entry into organisations and confiscating their equipment and work files were raised. Delaying registration of organisations and approval of their projects, preventing access to certain areas without the consent of the de-facto authority and pressuring organisations to pay taxes that were already paid in the West Bank were additionally mentioned.

A Gaza-based Palestinian CSO faces harassment by the de-facto authority as well as by other unnamed groups because its mandate is to expose human rights violations of responsible authorities in the Gaza Strip. Two ICSOs reported that the de-facto authority had forced entry into their offices, confiscated files and laptops and interrogated some employees.

One ICSO explains that ICSOs are more susceptible to this suspicion and surveillance by the de-facto authority than either Palestinian CSOs who are better able to navigate the environment and have more local political capital, or UN Agencies who also have more political capital as well as a stronger, more unified stance on cooperation and what kind of information and documents they can provide when requested.

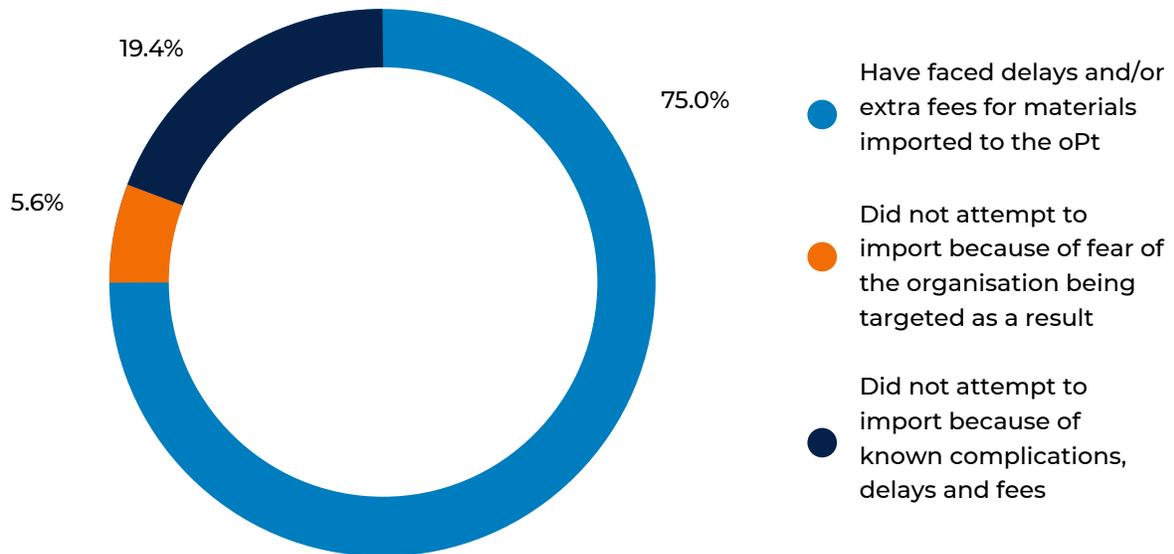
Procedures of the Palestinian Authority in the West Bank

Procedures and monitoring done by the PA in the West Bank were mentioned by half of key informants. The NGO law and recent amendments that limited space for civil society and independence of CSOs, the absence of a legislative council to interact with, and lengthy procedures for registrations of organisations are issues raised by key informants. One organisation reported that the PA screens the political affiliations of the organisation's Palestinian staff and members of the board. Palestinian CSOs described that the PA may delay registration or the annual audit if the organisation cooperates with Hamas or operates in the Gaza Strip. Palestinian CSOs are more susceptible to these constraints and challenges than ICOSOs or UN Agencies, which do not generally face problems with the PA.

4. Importing Goods

Another challenge for CSOs in the oPt is the import and delivery of goods needed for their programmes and delivery of humanitarian assistance. Of respondent organisations, 42.9 per cent indicated that they need to import materials for their programmes in the oPt. All of these organisations have faced barriers to importing goods or have been deterred from doing so. Seventy-five per cent of these organisations (n=27) have faced delays and/or extra fees for materials imported to the oPt for their programmes in the past year (similar proportion of Palestinian CSOs and ICOSOs have faced these issues); 5.6 per cent (n=2) did not attempt to import because of fear of the organisation being investigated as a result, and 19.4 per cent (n=7) did not attempt to because of known complications, fees and possible delays (the vast majority of organisations that do not import despite the need to are Palestinian CSOs, while one is a UN Agency).

Import challenges or avoidance for CSOs that need to import goods/materials for their programmes (n=36)



For those who reported having import delays and/or extra fees, more information about these issues was provided. Of organisations that reported on the destination of the delays or fees, 54.5 per cent (n=12) were importing to the Gaza Strip; 31.8 per cent (n=7) were importing to the West Bank (including East Jerusalem); 13.6 per cent (n=3) were importing to both the Gaza Strip and the West Bank. Respondents reported delays of two weeks to up to six months.

The external entity responsible for the delays and/or fees was mainly the Israeli authorities, with 65 per cent (n=13) of those that responded to this question indicating that the Israeli authorities were the sole party responsible for the delays/fees; 30 per cent (n=7) indicating that both the Israeli authorities as well as Palestinian, Egyptian, Jordanian or international authorities were responsible, and only one organisation reported that only the Palestinian authorities were responsible.

Of organisations that responded to this question, 68.2 per cent (n=15) indicated an increase in import delays and/or fees in the past three years (31.8 per cent chose 'large increase' and 36.4 per cent chose 'increase'), while 22.7 per cent (n=5) have not experienced a change, and 9.1 per cent (n=2) found there to be a decrease. A minority of organisations that participated in a KII (5 of 18) mentioned importing as a challenge their organisation faces. All of them stated that importing goods and materials into the Gaza Strip is the challenge, not into the West Bank. Similarly, the survey respondents who reported an increase in difficulties in importing were those importing into the Gaza Strip or a combination of the West Bank and the Gaza Strip in higher proportions than organisations only importing into the West Bank.

The effects of these challenges in importing goods can manifest in an extra drain on organisations' time, human and monetary resources. This can directly affect target groups as essential aid and materials for their programmes do not reach them in a timely manner. A UN Agency explains how this affects programming in the Gaza Strip specifically: *"Such barriers not only require more of the organisation's resources and time but can also delay programmes and humanitarian assistance from reaching Palestinians in Gaza."*

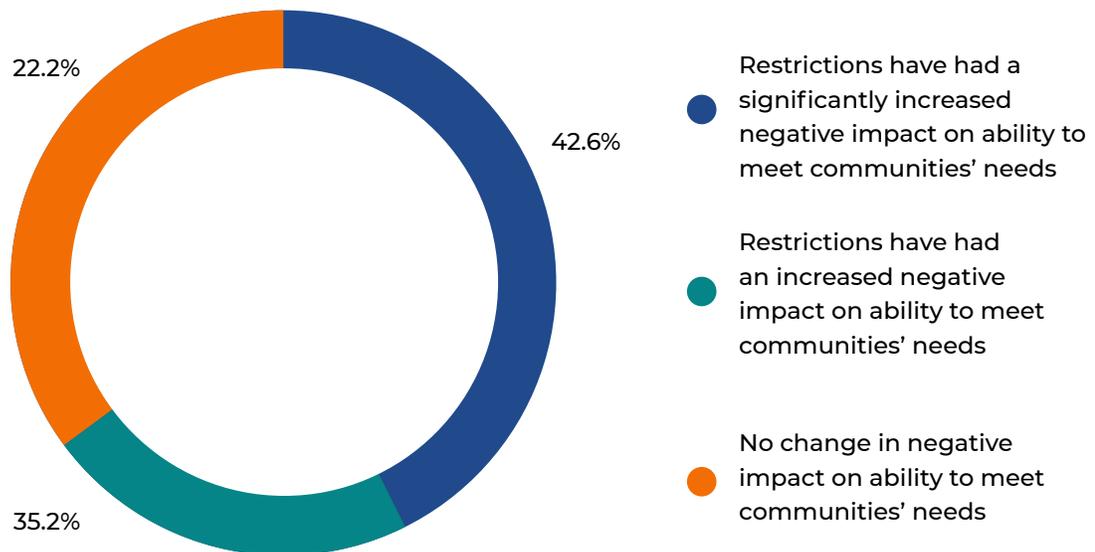
5. Parallel Structures

As a result of the movement restrictions and visa and permit issues described in previous sections, duplication of staff positions and/or facilities is often necessary. Of respondent organisations, 13.1 per cent (n=11) reported having to duplicate structures (e.g. offices or staff positions) in different locations due to access restrictions. Respondents reported that they have parallel offices or staff positions in the West Bank, East Jerusalem and the Gaza Strip and one organisation noted that due to visa delays, staff members work abroad. Fairly equal proportions of organisations have parallel structures across type of organisation except Israeli organisations, none of which have parallel structures: 25.8 per cent (n=8) of Palestinian CSOs, two ICsOs, and one UN Agency have had to set up parallel structures. In addition to the extra costs associated with the barriers discussed above, having duplicate offices or staff positions also adds an unnecessary financial burden on the organisations, further constraining funds available for programming and reaching populations in need of assistance.

IMPACT ON LOCAL COMMUNITIES

Although CSOs operating in the oPt have multiple mitigation measures in place to reduce the impact of the compounded constraints presented in this report, target populations are bound to be affected by this operating environment. Of respondent organisations, **64.3 per cent, (n=54) reported that the restrictions have a negative impact on their ability to meet needs of target communities.** Of these, 42.6 per cent (n=23) reported a significant increase on these restrictions affecting their ability to meet communities' needs; 22.2 per cent (n=12) responded that the restrictions had had an increased impact, and 35.2 per cent (n=19) reported there had been no change in the impact over the past three years.

Change in impact of restrictions on organisation's ability to meet communities' needs in the past three years (n=54)



Key informants stated that their organisations have risk mitigation measures in place and are innovative and flexible in ensuring that their work continues, despite the myriad challenges they face. However, five key informants from ICSOs did confirm that in current conditions they are not able to reach as many people in adequate time frames as possible due to the challenges described above. Others noted that programmes and interventions need significant modification to be implemented in this context, which means that the needs of the Palestinian target groups are not being completely addressed.

Several organisations provided details as to the specific negative impact these challenges have on their target groups. Two organisations reported having to completely close an office (one in the West Bank and one in the Gaza Strip) because of funding and banking restrictions thus putting an end to their programmes and support for target groups in those areas. An ICSSO reported its inability to serve half of their target population of children because of donor stipulations about anti-terrorism and aid diversion that has prevented them from working in public schools in Gaza. The numbers of target people unable to be reached varied from one organisation to another depending on their scope of work and size.



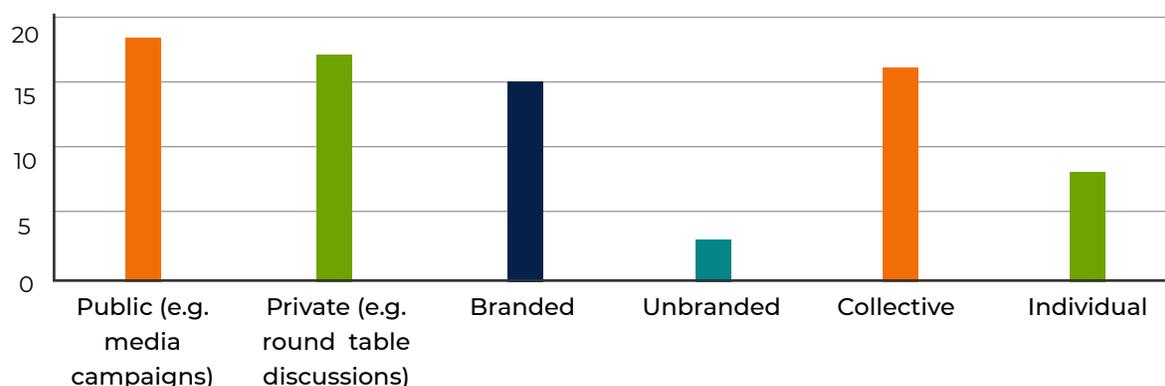
Photo credit: Suhaib Jarrar / Oxfam

ADVOCACY

Advocacy can be used to combat the above-mentioned barriers and challenges. CSOs were asked to provide information about their level of advocacy related to the issues presented above. Around one third of respondent organisations (31 per cent, n=26) regularly conduct advocacy activities, 28.6 per cent (n=24) sometimes conduct advocacy, 22.6 per cent (n=19) never do so, and 17.9 per cent (n=15) declined to provide an answer.

Of the 43 organisations that do not regularly conduct advocacy activities, 12 of them (27.9 per cent) reported that it is not in their mandate, 14 (32.6 per cent) indicated that they do not have the resources or capacity, eight (18.6 per cent) feel that it is too risky, and two (4.7 per cent) stated that it is not a top priority for them.

Types of advocacy undertaken by CSOs



CONCLUSIONS

The operating conditions of civil society in the oPt are characterised by many barriers and challenges. Although all CSOs face challenges in this context, the difficulties manifest and are experienced at different magnitudes by Palestinian CSOs, ICSOs, UN Agencies and Israeli CSOs working in the oPt. The Israeli occupation of the oPt is the main barrier for civil society action and implementation.

Funding was found to be a main constraint for CSOs working in the oPt in general, and especially for Palestinian CSOs. Fifty-six per cent of survey respondents and all key informants reported funding to be a main constraint. So-called 'counter terrorist' policies and 'terrorist lists' published officially by the government of Israel or unofficially by non-state actors can make donors unable or unwilling to fund civil society activities in the oPt. Banks can also be overly risk averse in response to these policies and can refuse to transfer funds or require additional documentation about funded projects.

Surveillance and restricting CSO operations by the de-facto authority in Gaza is another significant challenge reported by all key informants from ICSOs. This challenge results in additional time and resources needed by organisations, restrictions on programming, and strained working relationships.

Defamation by Israeli state and non-state actors is also a key concern mainly for Israeli and Palestinian CSOs and to a lesser extent for ICSOs. Organisations that face smear campaigns against them spend considerable time and resources combating allegations and attempting to restore their reputation.

Attacks against organisations in the form of damaging facilities, confiscation of equipment or files, attacks and harassment of staff members in the field, and detention or arrest of staff members is an issue that is not as wide-spread as the challenges mentioned above, but has a significant negative impact on organisations that experience this and their ability to function.

Palestinian and Israeli CSOs as well as ICSOs face the above-mentioned challenges to a larger extent than UN Agencies. Different types of CSOs face different challenges, making it difficult to coordinate advocacy and unify messaging which, in turn, perpetuates the challenges and affects CSOs' ability to serve their target populations. Approximately **two thirds of respondent organisations reported that these challenges and barriers negatively impact their ability to reach and provide support to local target communities in need.**



Photo credit: Suhaib Jarrar / Oxfam

Recommendations

For Governments

For Donors

For Civil Society Actors

RECOMMENDATIONS

The following recommendations have been developed based on direct input from participant CSOs and have evolved from the analysis of the challenges and barriers presented in this report. The recommendations should serve as guidelines for future advocacy and solidarity, which should be honed and tailored by civil society actors in a participatory manner.

For Governments

The government of Israel mainly, and secondarily the de-facto authority in the Gaza Strip and the Palestinian Authority, must stop actions and policies severely restricting Palestinian civil society operations and placing unnecessary burdens on Palestinian and Israeli CSOs as well as ICSOs. Rule of law and due process should be upheld, respect for humanitarian principles should be shown and obligations to the populations in their jurisdiction met. Foreign governments can use diplomatic pathways and forums to address these issues and put pressure on these state actors, especially the government of Israel.

For Donors

Solidarity can be shown through more funding for programmes of CSOs without restrictions related to so-called 'anti-terrorism' policies. Donors should give more control to CSOs over resources and decision-making by providing core funding, showing flexibility to changing circumstances and needs, and by not requiring vetting of target populations in relation to 'anti-terrorism' policies. This is in line with the Grand Bargain commitments to localisation and support of civil society and safeguarding delivery of humanitarian assistance. Funding should focus on development as well as humanitarian assistance with the Sustainable Development Goals and the needs of local populations at the forefront of development programming. Donors should also consider having safeguarding measures in place to ensure the timely delivery of assistance whilst mitigating for any aid diversion.

For Civil Society Actors

Considering the resounding call for unity from respondents, it is recommended that a coalition is built between ICSOs and local CSOs with the mission of combating these barriers to civil society work in the oPt and collectively challenging

existing restrictions. AIDA and PNGO would be well-placed to head this coalition, although a high level of ownership among the member base must also be sought for it to be effective. UN Agencies should also be enlisted as a strong advocate and umbrella protection.

First steps for the coalition would be to undertake a trust-building and envisioning process to ensure a strong framework is built, despite differences in experiences between ICSOs, local CSOs and UN Agencies. Common challenges (donor and banking restrictions and stipulations; and defamation by Israeli state and non-state actors) should be addressed first to further solidify the common vision and mutual trust. The vision developed should have a long-term goal associated with it that is not only reactionary to current trends and barriers.

Once established, the coalition can implement campaigns around shared challenges and conduct both public and private advocacy, branded by the coalition. The coalition can develop statements to be publicised in the oPt and in the countries of ICSOs' headquarters. The international community abroad can be provided with materials to undertake their own awareness raising on the myriad challenges faced by civil society in the oPt and the many facets of the Israeli occupation and be pressured to hold Israel and the Palestinian leadership accountable for maintaining free space in which CSOs can operate. The coalition could also consider conducting advocacy around specific challenges or barriers, such as smear campaigns. In addition to advocacy, experts could be recruited to provide political or legal support for organisations that encounter smear campaigns or allocations by the Israeli government.

Also, as a top priority, the coalition should develop a common stance on donor 'anti-terrorism' policies and restrictions and circulate it among the donor community. Private advocacy may also prove effective with the banking system if government officials such as the PA Ministry of National Economy are involved as key stakeholders.

Logistically, an interactive database could be developed where CSOs can document challenges and constraints in real time to provide up-to-date data for advocacy purposes.

In developing a coalition, it is important to consider CSOs' capacity and willingness to address the constraints on the civil society operating environment in the oPt when considerable time and resources are already taken up with programming and dealing with the many barriers currently in place. Again, trust building and long-term envisioning of a fully functional and vibrant Palestinian civil society will be necessary to motivate CSOs to fully participate in this work.

ABOUT

The scoping study was commissioned by the International Civil Society Centre within the framework of its Solidarity Action Network. It was conducted and written by Waddah Abdulsalam and Lisa Masri from the ABC Consulting.

International Civil Society Centre was founded in 2007 to support international civil society organisations (ICSOs) to maximise their impact for a sustainable and more equitable world. The Centre's mission is to strengthen the impact and resilience of these organisations to support people to change their world for the better. It is owned by 15 of the largest ICSOs working across environmental, human rights, social justice and humanitarian issues.

Solidarity Action Network (SANE) - hosted by the Centre - aims to strengthen resilience of and solidarity among civil society actors when faced with civic space restrictions or changing operating conditions. In particular, it connects humanitarian and development ICSOs and brings them into discussions on civic space challenges and opportunities.

ABC Consulting is a Palestinian based consulting company working for sustainable dimensions of social and economic development in Palestine and the neighbouring countries. It provides policy support, organisational development, qualitative and quantitative research, project management and training services.

The study was conducted with funds from the Swedish International Development Cooperation Agency (Sida). Responsibility for the content rests entirely with the International Civil Society Centre. Sida does not necessarily share the expressed views and interpretations.

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Annexes

Annex 1: Methodology

Annex 2: Data Collection Tools

Annex 3: Literature Review

ANNEX 1: Methodology

A mixed-method approach was used to collect data for the scoping study, including an online survey and key informant interviews. Data collection was conducted asynchronously with the quantitative survey data collected first and the qualitative data collected in the second step based on the initial analysis of the survey data.

Sampling

The survey was sent to the sampled organisations by email. The representatives of the sampled organisations filled out the survey independently and submitted it online. Follow up emails and phone calls were made to promote participation in the survey and to ensure an adequate response rate.

The sample frame for the online survey was developed by compiling lists of civil society organisations (CSOs), international civil society organisations (ICSOs) and UN Agencies working in the occupied Palestinian territory (oPt). The eligibility criteria were the following:

- ▶ The organisation must be registered as a non-governmental, non-profit entity in the oPt or in its country of origin.
- ▶ The organisation must have continuously conducted its work in the oPt for at least the previous three years (i.e. from 2018 until the present day).

Any organisation not falling into these categories was deemed ineligible for participation in either the survey or the key informant interviews (KIIs). The sample frame was developed from lists of AIDA members, UN Agencies working in the oPt, PNGO members, and Israeli organisations working in the oPt. Considering a population size of 245 organisations and a confidence level of 95 per cent and confidence interval of five, an appropriate sample size was set at 150 organisations. Accounting for non-response, a sample size of 178 organisations was adopted. Stratification was done on two levels:

1. Type of organisation (Palestinian CSO, ICSO, UN Agency or Israeli CSO).
2. Main target area (all combinations of the following: West Bank not including Area C, West Bank with Area C, East Jerusalem, Gaza Strip).

The organisations were placed in randomised order and systemic sampling was undertaken whereby every kth organisation on the list was selected to be included in the sample.

The breakdown of number of surveys per strata is included below:

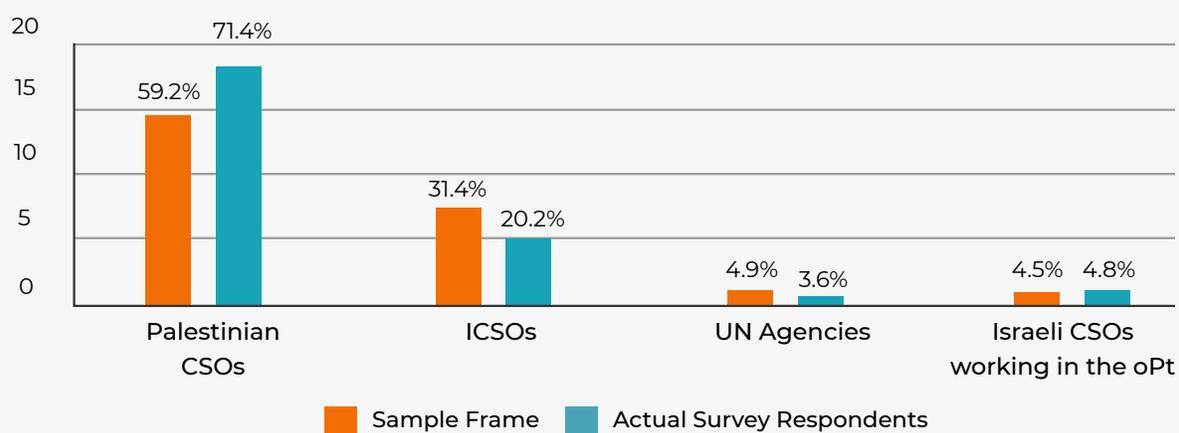
Strata 1 – Jurisdiction	Number (per cent of total)	Number of surveys	Strata 2 – Geographic target WB = West Bank / GS = Gaza Strip / EJ = East Jerusalem	
			Number (per cent)	Number of surveys
ICSOs	77 (31.4%)	56	WB only – 6 (7.8%) GS only – 4 (5.2%) WB + GS – 18 (23.4%) WB + EJ – 10 (13%) WB + GS + EJ – 39 (51.6%)	WB only – 4 GS only – 3 WB + GS – 13 WB + EJ – 7 WB + GS + EJ – 29
UN Agencies	12 (4.9%)	9	WB + GS – 9 (75%) WB + GS + EJ – 3 (25%)	WB + GS – 7 WB + GS + EJ – 2
Palestinian CSOs	145 (59.2%)	105	WB only – 37 (25.5%) GS only – 71 (49%) WB + GS – 19 (13.1%) WB + EJ – 14 (9.7%) WB + GS + EJ – 4 (2.8%)	WB only – 27 GS only – 51 WB + GS – 14 WB + EJ – 10 WB + GS + EJ – 3
Israeli CSOs	11 (4.5%)	8	WB only – 3 (27.3%) GS only – 1 (9.1%) WB + GS – 3 (27.3%) WB + EJ – 2 (18.2%) WB + GS + EJ – 2 (18.2%)	WB only – 2 GS only – 1 WB + GS – 2 WB + EJ – 2 WB + GS + EJ – 1
TOTAL	245 (100%)	178	WB only – 33 GS only – 55 WB + GS – 36 WB + EJ – 19 WB + GS + EJ – 35	

Sampling for the key informant interviews was undertaken purposively. Organisations with a diversity of experiences related to the study were asked to participate and organisations having filled out the questionnaire were offered the option of participating in a KII as well.

Response

A total of 84 organisations filled out the survey, which results in a 47.2 per cent response rate. 71.4 per cent (n=60) of respondent organisations are Palestinian CSOs, 20.2 per cent (n=17) are ICSOs, 3.6 per cent (n=3) are UN Agencies, and 4.8 per cent (n=4) are Israeli CSOs working in the oPt. Although this distribution is close to the distribution by type of organisation in the sample frame, Palestinian CSOs are slightly over-represented and ICSOs and UN Agencies are slightly under-represented. The chart below depicts this comparison.

Comparison of sample frame versus actual respondents by type of organisation



Eighteen KIIs were undertaken with representatives of the different types of organisations. KIIs were conducted mainly by phone with a limited number done face-to-face. Nine KIIs were conducted with ICSOs, seven with Palestinian CSOs, one with an Israeli CSO, and one with a UN Agency.

The following are limitations of the study:

- ▶ The COVID-19 pandemic restrictions and precautions have restricted field visits during data collection and only virtual tools were used. This limited the control of the researchers over ensuring eligibility of survey respondents and accurate understanding of questions.

- ▶ The online nature of the survey allowed for it to be filled out at a time and place of convenience for the respondents. Despite allowing adequate time and following up with reminder emails and calls, the participation in the survey was only 47.2 per cent (84 out of 178 invited organisations). In order to mitigate this issue, more qualitative data was collected, also to ensure representativeness of data by type of organisation (ICSOs, Palestinian CSOs, UN Agencies, Israeli CSOs).
- ▶ The self-reporting aspect can also limit the quality of data. However, survey data has been triangulated with KII data and the desk study.

Research Ethics

Avoidance of Harm

All data collection activities were considered low risk because of the anonymity of participation. Since a number of questions ask the participants to provide organisational information and further questions were related to government barriers, restrictions and negative actions, it was of utmost importance that anonymity was ensured and the participants were fully aware of the protocol in place to ensure this.

The benefit of participation was the sense of contributing to efforts to better understand barriers and challenges faced by civil society operating in the oPt. The research team understood and was fully committed to the principal of 'do no harm'. As such, all government-issued precaution measures related to the spread of COVID-19 were strictly adhered to by all members of the research team. The study was designed to be undertaken with no need for person-to-person contact.

Informed Consent

All participants were informed of the objectives of the research and the intended use of the results through informed consent forms (written or oral). Consent to participate was taken from all participants of data collection activities and they were given the option to withdraw their consent and participation at any moment without consequence. The participants were also reassured that their choice to participate was voluntary and their decision would not affect their position or relationship with any party involved in the study.

Privacy and Confidentiality

The participants in all data collection activities were informed that all statements and input would be kept anonymous (in the case of the survey) or confidential (in the case of the KIIs). To protect confidentiality, names, positions or identifiers were not used in relation to any statement made by interviewees unless permission was explicitly given.

Payment and Compensation

The participants in all data collection activities did not receive monetary or in-kind compensation for their participation.

ANNEX 2: Data Collection Tools

Online Survey

Section 1: Organisational Information

1. What type of organisation do you represent?

a. Palestinian CSO

b. International CSO

c. UN Agency

d. Israeli CSO

e. Other, specify:

2. Which authority/ies is/are your organisation registered with? (Please specify which government body, e.g. the Ministry of Interior of the Palestinian Authority).
[open text box]

3. What field(s) does your organisation work in? [check all that apply]

a. Health

i. Protection

b. Education

j. Environment

c. Gender equality

k. Agriculture

d. Culture

l. Infrastructure

e. Advocacy

m. Economy

f. Human rights

n. Food/Nutrition

g. Humanitarian assistance

o. Governance

h. Housing

p. Other, please specify:

4. Does your organisation programme mostly in areas of development, peace building or humanitarian assistance? [check all that apply]

a. Development

b. Humanitarian assistance

c. Peace

d. Other, please specify:

5. What year was your organisation established or began working in the oPt?

6. How many of the following staff/volunteers in the oPt do you have?

Full time staff: _____

Part-time or project-based staff: _____

Volunteers: _____

7. In what area/s does your organisation have regular programmes?
[check all that apply]

a. Jenin

b. Tulkarem

c. Nablus

d. Tubas

e. Qalqiliya

f. Salfeet

g. Ramallah/Al-Bireh

h. Jericho

i. Bethlehem

j. Hebron

k. Jerusalem

l. North Gaza

m. Gaza City

n. Deir Al-Balah/Middle Area

o. Khan Yunis

p. Rafah

q. Area C (West Bank)

r. Seam Zone (West Bank)

s. H2 (West Bank)

t. East Jerusalem
(inside Israeli jurisdiction)

u. Access Restricted Area (Gaza Strip)

v. Refugee Camps

w. Other, please specify:

Section 2: Barriers Placed by External Actors

Instructions: In this section you will be presented with a number of barriers/issues that your organisation may have experienced. You will be asked about the frequency of this barrier/issue; which external actor created this barrier; and the impact it had on your organisation.

8. Have you faced delays and/or extra fees for materials imported to the oPt for your programmes in the past year?

i. Yes (continue)

ii. No 

If no, which of the following is true of your organisation? Check all that apply

1. Wanted or needed to import materials for the organisation's work, but did not attempt because of known complications, fees, and possible delays.
2. Wanted or needed to import materials for the organisation's work but did not because of fear of the organisation being investigated as a result.
3. Did not want or need to import materials for the organisation's work.

Move to Q10

b. What was the import destination for these delays and/or extra fees?

i. Gaza Strip

ii. West Bank (including East Jerusalem)

iii. Both the West Bank and the Gaza Strip

iv. Other, please specify:

c. If delayed, please provide the total number of weeks of delays you have experienced in the past year based on your records: ____ (if no delay, write 0)

d. If your organisation has paid extra fees on imports, please report the amount of extra fees paid in the past year based on your records: _____ NIS / JD / Euro / USD (circle one).

e. Which external actor/s are responsible for the delays and/or imposing the extra fees in the past year? [check all that apply]

i. The Israeli government

ii. The Palestinian Authority

iii. De-facto authorities in the Gaza Strip

iv. Jordanian government

v. Egyptian government

vi. Government of headquarters of my organisation (if outside the oPt)

vii. Non-state actors (citizens, NGOs, associations, etc.), please specify:

viii. Other, specify:

f. In the past three years, how would you describe the change, if any, in the amount of delays and/or extra fees on importing materials?

i. Large increase

ii. Increase

iii. No change

iv. Decrease

v. Large decrease

9. What is the amount of personnel time spent on logistics (i.e. movement of goods) in working days per month during the past year according to your records? _____

10. Does your organisation apply for permits (for example for a Palestinian in the West Bank to enter Jerusalem) and/or visas (for example for an Israeli visa for a foreign national to enter Israel and the West Bank)?

i. Yes (continue)

ii. No  (Skip to next question)

If no, which of the following is true of your organisation? Check all that apply

1. Wanted or needed to apply for permits/visas for the organisation's work but did not attempt because of known complications or the high probability that they will not be granted to our organisation.
2. Wanted or needed to apply for permits/visas for the organisation's work but did not because of fear of the organisation/and individual being investigated as a result.
3. Did not want or need to apply for permits/visas for the organisation's work.

b. How many working days per month were spent on average by your organisation's staff on this in the past year? _____

c. Which external actor is requiring the permits/visas in the past year?
[check all that apply]

i. The Israeli government

ii. The Palestinian Authority

iii. The de-facto authorities in the Gaza Strip

iv. Government of headquarters of my organisation (if outside the oPt)

d. Have you had visas and/or permits denied in the past year of your organisation's staff, volunteers, or participants in your programmes? (Write 0 if not applicable)

Number of visa denials: ____ out of approximate total applied for: ____

Number of permit denials: ____ out of approximate total applied for: ____

e. How would you describe the change, if any, in the past three years in the amount of time required in applying for permits and/or visas?

i. Increase in time, specify amount of increase in working days:

ii. No change

iii. Decrease in time, specify amount of decrease in working days:

11. Have you had to set up parallel structures (e.g. offices, staff positions) in different locations due to any form of access restrictions?

a. Yes, describe the duplication and in which locations: _____

b. No

12. Has your organisation been targeted/ damaged / harassed in any way by an external actor in the past year? [e.g. offices been raided, staff been harassed]

i. Yes (continue)

ii. No (Skip to next question)

b. Please describe the incident(s): _____

c. Please report the amount of damage in a monetary value, according to your records: _____ NIS / JD / Euro / USD (circle one)

d. Which external actor is responsible for this/these incident(s)? [check all that apply]

i. The Israeli government

ii. The Palestinian Authority

iii. The de-facto government in the Gaza Strip

iv. Individuals or non-affiliated groups, please specify:

v. Members of a political party or brigade, please specify:

vi. NGOs or associations, please specify:

vii. Other, please specify:

13. Has anyone of your staff members been arrested or detained in the past year?

i. Yes (continue)

ii. No (Skip to next question)

b. Number of staff members arrested/detained in the past year: _____

c. Number of total weeks detained of all staff members in the past year: _____

d. Which external actor is responsible for this/these incident(s)? [check all that apply]

i. The Israeli government

ii. The Palestinian Authority

iii. The de-facto government in the Gaza Strip

iv. Other, please specify:

14. Has your organisation been constrained in its funding/finances in the past three years due to influence or restrictions from an external actor?

i. Yes (continue)

ii. No (Skip to next question)

b. Please report the amount of funding not acquired because of these restrictions in the past three years according to your records: _____ NIS / JD / Euro / USD (circle one).

c. How would you describe the change, if any, in the level of restrictions on funding from external actors in the past three years?

i. Large increase

ii. Increase

iii. No change

iv. Decrease

v. Large decrease

d. Which external actor is responsible for the restrictions on funding? [check all that apply]

i. The Israeli government

ii. The Palestinian Authority

iii. The de-facto authorities in the Gaza Strip

iv. Government of headquarters of my organisation (if outside the oPt)

v. Palestinian donors

vi. International donors

vii. Other, please specify:

15. Based on your answer above, can you specify the department that was responsible for restrictions on funding? [open text box]

16. Have you ever changed the focus of your programmes or beneficiary group because of stipulations from donors?

i. Yes, please explain: _____

ii. No

17. Has the number of people reached by your programmes changed due to any of the restrictions mentioned above or others not mentioned?

i. Significant decrease

ii. Some decrease

iii. No change (skip to next question)

iv. Some increase

v. Significant increase

vi. Do not know (skip to the next question)

vii. Cannot estimate (skip to next question)

b. Please report the numbers of people that could have not been reached in the past year in each target area (e.g. 150 people in Gaza, 200 people in Area C, etc.) due to these restrictions, according to your records: _____

18. Does your organisation conduct advocacy activities related to the above-mentioned issues and barriers?

i. Regularly; what type of advocacy do you conduct (check all that apply) – public (e.g. media campaigns), private (e.g. round table discussions), branded (with your name and other organisations' names affiliated), unbranded (anonymous), collective, individual

ii. Sometimes

iii. Never

b. (If answered ii. or iii.) What is the reason your organisation does not conduct regular advocacy activities? [select all that apply]

i. It's not in our mandate

ii. We don't have the resources or capacity

iii. It's too risky

iv. It's not a top priority for us

v. Other, specify:

c. Would your organisation be willing, in the future, to participate in public advocacy (e.g. media campaigns) or private (e.g. roundtable discussions or letters to decision-makers)?

i. Public

ii. Private

iii. Both

iv. Neither

d. Would your organisation be willing, in the future, to participate in branded (i.e. your organisation's name is affiliated) or unbranded (i.e. anonymous) advocacy?

i. Branded

ii. Unbranded

iii. Both

iv. Neither

e. Would your organisation be willing, in the future, to participate in individual (i.e. your organisation alone) or collective (many organisations together) advocacy?

i. Individual

ii. Collective

iii. Both

iv. Neither

Section 3: Description and Recommendations

19. Do you have any further comments in regard to actions by external actors that have negatively affected your organisation's work in the oPt?

20. Do you have any recommendations for advocacy or other methods of combating these barriers and issues related to civil society's work in the oPt?

21. What kind of solidarity and support is needed from other civil society actors (either international, UN or local)?



22. Are you willing and able to participate in a telephone interview on this subject? It will be approximately 30 minutes in length.
 - a. Yes (separate link provided to write contact information in)
 - b. No

Key Informant Interview Guide

1. Describe briefly how long your organisation has been working in the oPt and what your mandate is.
2. What is your role in the organisation?
3. What type of barriers does your organisation experience in its work in the oPt from external actors (those outside the organisation)? Please describe in detail, including which external actor is responsible, what the extent of the challenges are and how your organisation deals with this.
4. To your knowledge, do other organisations working in the oPt face similar challenges? Is there a difference in this regard between Palestinian organisations, ICSSOs, UN Agencies and Israeli organisations working in the oPt? What factors affect how many barriers an organisation faces and how much their programmes are affected by these barriers?
5. Are there any trends in regard to the barriers you mentioned that you/your organisation has seen in the past three years? Are there certain time periods or events that affect how intensive these barriers are (either more intense or less)? (for example, times of increased violent conflict, election times)

6. Has your organisation ever been attacked or broken in to? Have any of your staff ever been arrested, detained or attacked? Please describe the events and how your organisation dealt with this and what the effect was on your organisation and its programmes.
7. To your knowledge, have other organisations working in the oPt faced similar issues (from Q6 above)? Is there a difference in this regard between Palestinian organisations, ICSOs, UN Agencies and Israeli organisations working in the oPt? What factors affect how often this happens or how severe the event(s) is?
8. Do you experience any funding restrictions? If yes, what kind of restrictions?
9. What are the effects of these funding restrictions?
10. Please explain (using as much concrete information as possible) how you feel all these restrictions have impacted on your ability to carry out work according to your organisational mandate and funded projects.
11. What support and solidarity mechanisms are needed to combat the issues you have mentioned thus far? What international solidarity actions are needed?
12. What advocacy is needed to combat the issues you have mentioned thus far?
13. Are there any other comments or recommendations you would like to make related to civil society in the oPt and related barriers/challenges?
14. Has the recent Israeli designation of six Palestinian CSOs as 'terrorist organisations' affected your operations?

ANNEX 3:

Literature Review

The literature review was conducted to inform the study and build on previous research and work in the field. The focus was on reviewing reports discussing the challenges civil society organisations face in the oPt, especially in relation to movement restrictions, funding, programming and recruitment as well as competition between ICSSOs and local CSOs. The following reports and materials were reviewed:

Source	Summary / highlights
<p><u>Civic Freedom Monitor – Palestine</u></p> <p>2021</p> <p>ICNL</p>	<p>Israel’s growing restrictions on Palestinian access to East Jerusalem since 1990 have severely undermined the capacities of Palestinian NGOs working in East Jerusalem to support the Palestinian population and protect their rights and presence in the city.</p> <p>Many other challenges have been documented and reported, including the closure of bank accounts at Israeli banks, defamation campaigns by Israeli lobby groups, office raids, as well as confiscation and destruction of equipment and materials. As a result of those measures and policies, a large number of Palestinian NGOs were forced to close down their Jerusalem offices permanently or temporarily. The remaining Palestinian NGOs working in East Jerusalem are isolated and face a continuous threat of closure by Israeli authorities.</p>
<p><u>People Power Under Attack: Middle East & North Africa</u></p> <p>2021</p> <p>CIVICUS</p>	<p>In the oPt, the Israeli police embarked on a retaliatory campaign against prominent activists protesting against evictions in East Jerusalem and arrested them in their homes.</p> <p>Activists were censored on social media platforms, including Facebook, Instagram, Twitter and YouTube, with CSO groups accusing social media giants of ‘closely cooperating’ with the Israeli regime and its allies to censor Palestinian speech. In May 2021 alone, over 770 digital violations of content created by pro-Palestine users were recorded.</p>

Source	Summary / highlights
<p data-bbox="228 260 443 684"><u>Position paper by civil society organisations regarding the amendment of Charitable Associations and Civil Society Organisations Law</u></p> <p data-bbox="228 722 289 747">2021</p> <p data-bbox="228 789 428 898"><i>Al Mezan Center for Human Rights</i></p>	<p data-bbox="488 260 805 285"><i>Finances and funding:</i></p> <ul data-bbox="537 327 1393 1031" style="list-style-type: none"> <li data-bbox="537 327 1393 590">• As indicated by the study, there are many attempts by the occupation to intimidate, threaten and undercut partner funding organisations, with the goal of halting funding to Palestinian institutions and hampering their abilities to defend Palestinian human rights in the face of Israel's systematic war crimes, which fall within the jurisdiction of the International Criminal Court (ICC). <li data-bbox="537 604 1393 1031">• The amendment of the Charitable Associations and Civil Society Organisations Law, made in February 2021, stipulates that employee salaries and running costs of any association or commission cannot exceed 25 per cent of the overall annual budget. This means that the executive authority is now in control of CSO budgets and their provisions, how they are distributed, their ceiling within the overall budget and the amount of expenses. This will result in civic work becoming more like contracting and commercial projects, opening the door to placing Palestinian civic work under the guardianship of Israeli and international institutions working in the oPt. <p data-bbox="488 1066 691 1092"><i>Programming:</i></p> <p data-bbox="488 1134 1393 1560">In addition, the new regulations oblige associations and CSOs to present to the relevant ministries an “annual action plan and estimated budget for the new fiscal year in line with the ministry’s plan.” This means that CSOs will be working towards ministry goals and strategies rather than in accordance with their own vision, mission, goals, or programmes. In other words, the CSOs will be dealt with as government departments under ministries and must take orders from them, even though these ministries do not have any published plan and have never discussed with CSOs any plan in this regard. This undermines the professionalism, independence, and freedom of any civic activities.</p> <p data-bbox="488 1596 605 1621"><i>Attacks:</i></p> <p data-bbox="488 1663 1393 1772">The study indicated that many attacks are being waged by Israeli and Zionist institutions through various means, including death threats and attempts to undermine the reputation of CSO employees.</p>

Source	Summary / highlights
<p data-bbox="228 296 391 405">Mapping Palestinian politics</p> <p data-bbox="228 443 289 468">2021</p> <p data-bbox="228 506 305 531">ECFR</p>	<p data-bbox="488 296 695 321">Programming:</p> <p data-bbox="488 359 1393 548">Despite well-rooted civil society organisations with a strong human rights component, growing authoritarian trends by Palestinian authorities in the West Bank and Gaza – coupled with regular arrests and crackdowns by Israeli forces – increasingly limit the space for civil society participation.</p> <p data-bbox="488 585 1393 774">This space has been further constrained by the 2017 Law on Electronic Crimes which has been used to shut down online criticism against the PA. This followed Abbas’ decision in December 2014 to launch an investigation into the legal status and funding of 2,800 NGOs registered in PA controlled areas.</p>
<p data-bbox="228 884 444 993">Civil Society Index and Monitor</p> <p data-bbox="228 1031 297 1056">2020</p> <p data-bbox="228 1094 337 1119">CIVICUS</p>	<p data-bbox="488 884 1393 1073">Based on CIVICUS Civil Society rating of 2020, Palestine’s civil society was rated as ‘repressed’ while most of the countries in the MENA region were rated as ‘closed’ (on a scale of best to worst: open, narrowed, obstructed, repressed, and closed). Israel was rated as ‘obstructed’.</p>
<p data-bbox="228 1178 402 1245">Civil Society Index</p> <p data-bbox="228 1283 297 1308">2020</p> <p data-bbox="228 1346 315 1371">PNGO</p>	<p data-bbox="488 1178 1393 1682">Palestinian CSOs have positive values and work to promote them, including tolerance, cooperation, solidarity, cohesion, entrepreneurship, democracy and equality. However, “[t]he general work environment of the Palestinian civil society is surrounded by a colonial reality that affects the development work environment in general and overlaps with the local environment represented by the complicated legislative and political environment of the Palestinian Authorities as well as its policy and legislative approach that this authority adopts towards civil society.” The report cites a reduction in funding for Palestinian CSOs since 2007 and discusses the myriad of international restrictions imposed on the funding, the Israeli blockade of the Gaza Strip, a shift in donor policies and agendas as well as political affiliation.</p> <p data-bbox="488 1719 639 1745">(hard copy)</p>

Source	Summary / highlights
<p data-bbox="217 243 435 548"><u>Palestinian NGOs' Changed Work Dynamics: Before, During, and beyond the Oslo Process</u></p> <p data-bbox="217 585 285 611">2020</p> <p data-bbox="217 653 423 762"><i>Michael Schulz and Lina Suleiman</i></p>	<p data-bbox="475 243 797 275"><i>Finances and funding:</i></p> <p data-bbox="475 306 1393 611">Since the establishment of the PA, there has been a continuous clash between the PA government and CSOs. According to interviews conducted in previous studies, some people called the PA a “big NGO,” implying that they view the Palestinian NGO sector as their competitor for money and social control. Further, the PA tries to take over the funds the donors give to the Palestinian NGO sector. At the same time, the PA has no real monitoring of its own funding and activities, no checks and balances, and no transparency.</p>
<p data-bbox="217 804 431 1108"><u>Joint European Roadmap for Engagement with Civil Society in Palestine 2018-2020</u></p> <p data-bbox="217 1146 279 1171">2019</p> <p data-bbox="217 1213 431 1518"><i>Approved by: Office of the EU Representative and the EU Member States together with Norway and Switzerland</i></p>	<p data-bbox="475 804 797 835"><i>Finances and funding:</i></p> <ul data-bbox="524 867 1385 1852" style="list-style-type: none"> <li data-bbox="524 867 1385 976">• In 2015, a decree by the Palestinian Council of Ministers prevented CSOs registered as not-for-profit from accessing grants or funding without prior approval by the Cabinet. <li data-bbox="524 987 1385 1333">• The study indicated that an increasing number of small local organisations tend to self-define themselves as CSOs to access donor funding, and most of the CSOs are highly dependent on foreign funding. This dependency limits the financial sustainability of the organisations and their ability to define long-term strategic planning. The high number of CSOs and this high dependency on external funding has made the Palestinian CSO sector competitive, sometimes producing rivalry rather than cooperation between CSOs. <li data-bbox="524 1344 1385 1495">• It was also noted by the study that ICSOs are blamed for having a greater capacity in project formulation and in administrative management, resulting in unfair competition in the accessing of international funding opportunities. <li data-bbox="524 1505 1385 1852">• In addition, within the West Bank, the PA requests ICSOs to pay income tax in Ramallah for Gaza-based staff. ICSOs have been threatened with the closure of their bank accounts if the taxes are not paid. ICSOs fear that paying the tax to the PA without agreement with the de facto authorities in Gaza on this issue would put their operational capacity in Gaza at risk. ICSOs are largely unable to pay taxes directly to the de facto authorities in Gaza due to the anti-terror legislation of their donor states or their own countries of origin.

Source	Summary / highlights
	<p>Movement:</p> <ul style="list-style-type: none"> • In Area C, Israeli control also poses challenges to the organisations, which are often constrained by movement restrictions or reporting requests on projects and activities. • In East Jerusalem, Palestinian organisations are compelled to abide by the “Israeli Law of Association” as well, meaning Palestinian CSOs in the city must register with and report to two authorities (one Israeli, one Palestinian) to comply with legal requirements. • In Gaza, organisations have been subject to special requirements imposed by the de-facto authority which serve to restrict their activities, for example by requesting them to obtain permits for organising public activities or events, or by pressuring them for more detailed information on their organisation, under threat of a forcibly imposed dissolution. <p>Programming:</p> <p>The study proved that there is limited coordination between ICSOs and local CSOs, with certain sectoral exceptions, for example in human rights and education.</p> <p>Recruitment:</p> <ul style="list-style-type: none"> • It was indicated by the study that there is a competition in the recruitment of human resources, as ICSOs can offer better wages than those of local organisations. • Since late 2016, ICSOs already registered in Israel have faced similar difficulties in securing the renewal of work permits for international staff, with potentially serious consequences for their capacity to operate and fulfil their mandates. The international staff of ICSOs is further affected by the Israeli control of movement within Palestine. <p>Legal Framework:</p> <p>The different legal frameworks regulating the Palestinian civil society sector (both in the West Bank and the Gaza Strip) pose challenges to the organisations’ ability to operate in an effective and sustainable way. In addition, there is increased harassment and intimidation against them, including the strategic use of defamation. Public accusations of corruption against CSOs have also increased.</p>

Source	Summary / highlights
<p data-bbox="228 254 435 562"><u>Protection of Space for Civil Society and Human Rights Defenders – The Case of Israel and Palestine</u></p> <p data-bbox="228 600 289 630">2018</p> <p data-bbox="228 667 386 697"><i>Act Alliance</i></p>	<p data-bbox="488 254 805 283"><i>Finances and funding:</i></p> <p data-bbox="488 321 1393 510">The study provided many examples about the attempts made by the Israeli ministers to approach foreign governments and call on them to stop their financial support for specific Palestinian and Israeli human rights and anti-occupation organisations in order to defame and stigmatize human rights CSOs.</p> <p data-bbox="488 548 646 577"><i>Movement:</i></p> <p data-bbox="488 615 1393 919">There are many restrictions that limit freedom of movement and assembly, and they constitute daily barriers to the CSOs' work. For example, CSOs based in East Jerusalem are reliant on Israeli permits for West Bank staff, which can be arbitrarily cancelled. CSO staff experience different kinds of harassment at checkpoints. In Areas B and C Israeli Military Order 101 (issued in 1967) effectively prohibits free association and assembly, in a clear violation of the basic tenets of international human rights law.</p> <p data-bbox="488 957 695 987"><i>Programming:</i></p> <p data-bbox="488 1024 1393 1213">Many civil society actors, according to the study, identify a concerning increase in the use of harassment and intimidation by the PA and its supporters, including the strategic use of defamation against opponents. The PA has also increased its public accusations of corruption against the CSOs.</p>
<p data-bbox="228 1320 444 1467"><u>Mapping Study of Civil Society in Palestine – Update 2015</u></p> <p data-bbox="228 1505 289 1535">2015</p> <p data-bbox="228 1572 428 1761"><i>Gianfrancesco Constantini, Estephan Salameh and Maher Issa</i></p>	<p data-bbox="488 1320 805 1350"><i>Finances and funding:</i></p> <p data-bbox="488 1388 1393 1608">The study indicated that even if all organisations define themselves as “NGOs” and compete equally for funding, almost 60 per cent of these organisations are defined more as “community-based organisations” (CBOs) or as self-help groups set up by a group of individuals who aspire to solve local problems and improve the situation of their local communities.</p> <p data-bbox="488 1646 646 1675"><i>Movement:</i></p> <p data-bbox="488 1713 1393 1818">The division among the Palestinian territories (the West Bank, divided into Areas A, B and C and separated from East Jerusalem, and the Gaza Strip) affects the formation and activities of any CSOs or NGOs,</p>

Source	Summary / highlights
	<p>creates various needs and demands, and contributes to the emergence of different identities and conflicts. This reality hinders CSOs' ability to play a role in the maintenance of Palestinian unity, to provide adequate humanitarian assistance, and to create linkages between people and public authorities.</p> <p>Programming:</p> <p>The dynamics related to the Israeli occupation influence the capacity and possibility for the CSOs and the NGOs to run the kind of programmes or projects or activities they want to implement. The unclear identity of CSOs themselves and their ambiguous relationship with public authorities hinder the possibility of CSOs to engage in any programmes/projects related to policy and governance mechanisms. Furthermore, the cooperation processes through which CSOs engage with other actors, such as international NGOs (INGOs) and international organisations (IOs), are often challenged by the emergence of competition dynamics between the local and international actors, as well as by the tendency — often by INGOs — to engage directly in project implementation. Most importantly, the lack of a strategic and common vision of the roles that CSOs can assume is a key weakness of Palestinian CSOs.</p> <p>Legal framework:</p> <p>The study proved that the existing legal frameworks are not fully supportive of freedom of organisations and are not valorising the action of CSOs, but they are also a causal factor for a variety of processes related to internal governance of organisations, their relationships with constituencies and their capacity and orientation to cooperate. A review of current regulations is consequently needed to formulate new regulations, taking into account the different forms of CSOs and the variety of roles they play.</p>

Source	Summary / highlights
<p data-bbox="228 233 443 464"><u>A Strategic Framework to Strengthen the Palestinian NGO Sector 2013-2017</u></p> <p data-bbox="228 499 415 674">2013 NGO Development Center</p>	<p data-bbox="488 233 1263 264">Competition between INGOs and the Palestinian NGOs:</p> <p data-bbox="488 300 1390 411">The increased involvement of INGOs in setting priorities and implementing programmes threatens to marginalise Palestinian NGOs in development work and confuses their priorities.</p> <p data-bbox="488 447 805 478">Finances and funding:</p> <p data-bbox="488 514 1390 625">The short-term, project-based nature of funding NGOs is creating job insecurity and is making it difficult for NGOs to maintain their professional staff.</p> <p data-bbox="488 661 1057 693">Declining social interest in volunteerism:</p> <p data-bbox="488 728 1390 911">The decline in social interest of the Palestinian population is diminishing the culture of volunteerism that has fuelled the growth of NGO work. At the same time, the educational system is not providing students with the appropriate orientation, values, and skills for development work.</p>
<p data-bbox="228 1012 443 1283"><u>Restricting Aid: The Challenges of Delivering Assistance in the Occupied Palestinian Territory</u></p> <p data-bbox="228 1318 302 1409">2011 AIDA</p>	<p data-bbox="488 1012 813 1043">Movement restrictions:</p> <p data-bbox="488 1079 1398 1262">Access and movement restrictions for INGOs are significant, widespread, costly, and difficult to overcome. As a result of these restrictions, vulnerable communities are not being reached, the quality of programming is compromised, and the long-term impact of humanitarian and development interventions is reduced.</p> <p data-bbox="488 1297 1390 1608">Restrictions include denial of access permits, denial of project permits and refusal of work visas for those operating in Gaza or in Area C of the West Bank. The complexities of obtaining the requisite documentation to freely move national and international staff between Jerusalem, the West Bank and Gaza severely hampers the ability of INGOs to deliver projects, effectively manage and monitor projects, hire appropriate personnel, share best practices, train staff or coordinate with other organisations.</p>



Scoping Study on Operating Conditions of Civil Society in the Occupied Palestinian Territory



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