Assessing The Effects of Aid Donor Conditions On Human Rights in Palestine

What are the opportunities for achieving a more rights-based aid system?

By

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Declaration

The work I have submitted is my own effort. I certify that all the material in the Dissertation which is not my own work, has been identified and acknowledged. No materials are included for which a degree has been previously conferred upon me.

Signed: Harriet Gibson   Date: 31st October 2015

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Abstract

In The Occupied Palestinian Territories (OPT) the extreme dependency on aid which pours in in vast quantities renders a critical discussion of the aid model in this region, with respect to upholding human rights, essential. Firstly, this study seeks to look at the impact of international donor aid, specifically the donor conditions imposed with aid, on the human rights of aid recipients in the OPT. Further, it discusses the notions of 'good' and 'bad' aid and concludes that the lack of 'good' aid is due to a failure of effective accountability mechanisms. International aid donors are not being held accountable for their actions or their complicity in Israeli violations of Palestinian rights. Secondly, this study will explore how the human rights framework could be used to strengthen accountability mechanisms and achieve a more rights-based aid system.

This research constitutes an in-depth ethnographic study employing key informant interviews carried out during field work and building on participant observation that began two years ago. The approaches followed are that of critical activist research and critical social science. The study concludes with some recommendations for further research, policy and practice in for humanitarian and development practitioners and aid donors.

"No nation on Earth, no society with a certain measure of stability, has been developed to order, on the lines of a programme imported from abroad."

Fyodor Dostoyevsky

Contents

Acronyms

BDS   Boycott, Divestment and Sanctions

CBO   Community Based Organisation

HRBA   Human Rights-Based Approach

HRO   Human Rights Organisation

ICESCR International Convention on Economic, Social and Cultural Rights

INGO   International Non-Governmental Organisation

EU   European Union

NGO   Non-Governmental Organisation

ODI   Overseas Development Institute

OPT   Occupied Palestinian Territories

OWB   Occupied West Bank

PA   Palestinian Authority Government

PNGO Palestinian Non-Governmental Organisation Network

MDG   Millennium Development Goal

SDG   Sustainable Development Goal

UN   The United Nations

UNDRIP United Nations Declaration on the Rights of Indigenous Peoples

USAID US Agency for International Development

1 CHAPTER ONE - Introduction

The intersection between human rights, development policy and humanitarian principles is a complex and much discussed topic. The 1993 Vienna World Conference on Human Rights, the 2000 Millennium Summit, and the 2005 World Summit all recognise that development and human rights are interdependent and mutually reinforcing (Piron with O'Neil 2005:ii). A 'rights-based approach to development' and 'rights-based humanitarianism' are terms frequently seen in the literature which crosses these fields, especially during the last fifteen years. How their agendas can converge has been a most salient topic (and is still not without its controversies and unanswered questions). The Overseas Development Institute (ODI) and Leuven Centre for Global Governance Studies, for example, have published some informative reports on the compatibility and challenges of this convergence and integration (2004, 2013). However, though there is considerable literature on how to incorporate human rights in development and humanitarian assistance, this dissertation will begin by focussing on the effect of development or humanitarian policy *on* human rights i.e. an assessment that looks at influence going in the other direction.

Aid, for example, is a huge part of both development and humanitarian work and an example of where these fields and human rights can intersect. How aid is dispersed and indeed, the very structure of the aid system, has an effect on the human rights of recipients. For example, are aid recipients able to fully participate in the decision making process of policies which affect them? If not, this undermines their right to participation. Furthermore, the language of human rights does not only talk about rights holders but also duty bearers – those responsible for the respect, protection and fulfilment of human rights. James Darcey expands on this notion of duty bearers in his report for the Humanitarian Policy Group explaining that a rights-based humanitarian approach "construes the humanitarian problem in a different way [to traditional humanitarianism]: 'somebody is responsible for this suffering'" (2004:10). Thus, the aid model also ought to be accountable to this notion of duty bearers.

This statement can mean several things. Firstly, that those who cause humanitarian suffering (which can include human rights violations) and thus create a necessity for aid ought to be held accountable by the international community and/or states in which said suffering occurs. Secondly, aid donors ought to be accountable for the effects of their policies and projects; especially those that might be undermining the human rights of aid recipients. In order to achieve this there are several accountability mechanisms which are set out under International

Humanitarian Law and in various Humanitarian Standards and Frameworks[1] which are (or ought to be) employed in order to hold duty bearers accountable.

Piron opens another article for the ODI entitled 'The role of human rights in donor accountability' by stating that "the aid industry is characterised by a serious deficit of effective accountability mechanisms" (2005:1).

Accountability can be defined as:

"...*the process through which an organisation actively creates, and formally structures, balanced relationships with its diverse stakeholders, empowering these to hold it to account over its decisions, activities and impacts, with a view to continuously improving the organisation's delivery against its mission.*" (Hammer & Lloyd 2012:30)

This dissertation is a specific case study on the aid model and effects of current policy and practice of the development and humanitarian sector in the Occupied Palestinian Territories (OPT). In oPt the extreme dependency on aid which has been poured in in vast quantities (see Le More 2008, Palestinian Human Development Report 2004 and The Portland Trust 2011) renders a critical discussion of the aid model in this region, with respect to upholding human rights, essential. Though this discussion needs to be engaged with all over the world and accountability in aid processes is not an issue which needs to be scrutinised only in Palestine, it is particularly complex here due to the existence of an extra actor in terms of authority and therefore responsibility: the Israeli occupation.

1.1 Research Aims and Relevance for the Human Rights Discipline

This study will scrutinise the impact of donor aid, specifically the donor conditions imposed with aid, on the human rights of aid recipients in the OPT. This scrutiny will take place on two levels: firstly, at the level of exploring the impact on aid recipients such as local NGOs and civil society. How are these organisations disempowered and prevented from doing the job they need to do? Secondly, it will investigate and analyse the effect of donor aid on the Palestinian people as a whole; specifically looking at how their human rights are being undermined.

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[1] Such as the INGO Accountability Charter, The Core Humanitarian Standards and The Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief.

Further, it will discuss the problems with the aid model in the OPT through the analytical framework of accountability. Various accountability mechanisms exist for holding aid donors to account for any negative effect of their decisions on aid recipients. This dissertation will explore whether these are being utilised effectively in the OPT and if not, will give some examples of how Palestinian civil society is attempting to claim their rights and create alternative accountability mechanisms.

Finally, an assessment of how far the human rights framework can be successfully used as a normative framework to strengthen accountability mechanisms or deliver 'good aid' in the OPT will be undertaken. In a complex political situation such as the OPT where there is no sovereign state (in a conventional sense) and where democracy is weak the claims that this normative framework can ensure that 'good programming practices are non-negotiable, consistent and legitimate' may not be true in reality (Prion & O'Neil 2005:v).

1.2 The Research Questions

This study will carry out the above aims by asking the following questions:

- Which human rights are undermined in the OPT due to aid donor conditions and the current aid model?
- What specific conditions, which cause this undermining of rights in the OPT, do aid donors impose on aid recipients (i.e. local NGOs and civil society)?
- How are aid donors held accountable for the effects of these conditions?

2 CHAPTER TWO - Literature Review

2.1 Conceptual Clarifications and Context

Firstly, it is important to discuss what exactly is meant by aid conditionality and donor conditions for the purpose of this research. Aid conditionality in general is defined as the "tying of aid to policy reforms within recipient countries" (Montinola 2007:2). Donors, both bilateral and multilateral, often use aid as a lever to encourage policy reform, i.e. conditions are attached to the aid they give (Morrissey 2004:154). The effectiveness and impact of this type of aid has been researched and it is clear there are mixed results. Montinola, for example, points to studies which show that aid reduces incentives for reform (Heckelman and Knack 2005; Remmer 2004) and to others which show that it has no significant impact on policy (Burnside and Dollar 4 2000; Easterly 2005). From these various studies Montinola concludes that aid's impact on policy is not consistent across different types of government but differs depending on the aid recipient's regime type. She argues that a recipient government's willingness to comply with policy conditions depends on the extent to which aid strengthens their political survival; and this chance, she argues, increases with the recipient country's level of democracy (2004:6-7).

Most of these observations relate to aid conditionality being used in order to promote economic reform in developing countries and this is the most common way of perceiving the term. This is not, however, the focus taken for the purpose of this dissertation. For reasons which will now be explained the focus of this research is on the conditions imposed with aid given to NGOs and civil society in Palestine; not with aid given to the government.

The Palestinian Authority Government (PA) *is* undeniably heavily dependent on foreign aid. The PA receives a huge amount of international aid each year from various international donors. Aid increased by almost 500% between the late 1990s and early 2000s, exceeding $3billion in 2009. This meant that on a per capita basis the Palestinian population received one of the highest levels of aid in the world (The Portland Trust 2011:1). Most significantly, given that the Palestinian economy had a GDP of only $6.2bn in 2009, aid effectively represented just less than half of the economy (Portland Trust 2011:1). Almost half of all aid in 2009 came from the top two donors: the European Union (EU) and the United States. The EU alone has provided an average of €500 million a year to the PA (Le More 2008:88) and is the biggest multilateral donor of financial assistance to the Palestinians (EEAS, Political and Economic Relations n.d.).

Though the amounts of Global Humanitarian Assistance and other Official Development Assistance to Palestine have fallen since 2012, these figures demonstrate how integral aid has been to the Palestinian economy and how dependency on this assistance has been built. The reason for this reduction in aid has been partly due to the global financial crisis, partly due to the occurrence of other severe humanitarian disasters (such as the conflicts in Syria and Yemen which also require assistance), and partly due to a lack of political will to fund development projects in the OPT. This final point will be elaborated on during the analysis of the research data. Despite this fall in assistance levels in 2014 an estimated 36% of the GDP of the OPT still came from international aid (Lester Murad 2014:1).

Despite this large amount of humanitarian and development assistance to the government it is NGOs that are providing the bulk of the services in Palestine and they are taking the majority of the responsibility for providing for the people. The majority of Palestinians do not expect much of their government and see it as weak and illegitimate. Indeed, according to the Palestinian Centre for Policy and Survey Research's Public Opinion Poll No. 57 two thirds of the Palestinian population believe President Mahmoud Abbas should resign (September 2015).

In part, this is due to the fact that is it highly debateable as to how far the current Palestinian government is a democratic entity. For example, President Mahmoud Abbas has been in power for 10 years. The term of an elected president is 4 years… there have not been elections in the west Bank since 2005. The PA is weak and works in 'survival mode' most of the time. It was intended to be a temporary, interim structure following the signing of the Oslo Accords in 1993 but has remained in essentially the same format for over 20 years.

With such a weak and unreliable government and a situation in which most service provision is facilitated by NGOs rather than the PA, it becomes extremely important to look at the conditions which donors impose on these NGOs; rather than the usual focus of conditions imposed on the recipient government. That is why Palestinian NGOs and civil society are the focus of this study.

NGOs are prolific across the OPT. A report by USAID in 2008 stated there are as many as 1200 NGOs in the Occupied West Bank (OWB) alone; i.e. not including Gaza or NGOs which work with Palestinians living inside Israel (Center for the Study of the Presidency:4). Though this seemingly flourishing array of non-governmental organisations (NGOs),

international non-governmental organisations (INGOs), and human rights organisations (HROs) exists in the OWB and despite this consistent flow of aid to the OPT, it has been documented (Keating, Lasensky, Landy, Allen) that donor aid and the "chequebook diplomacy[2]" that accompanies it is not achieving the goals (poverty reduction, increased development, fewer human rights violations) that one would expect.

A report, published by Bisan Center for Research and Development in 2011, observes that "the international aid system was established in the service of the political interests of the donors, rather than in the service of the rights and needs of the recipients (6)". Furthermore, the 2004 Palestinian Human Development Report (PDHR) noted that the NGO community has an "unhealthy level of dependence on foreign donors for development and service project funding" (2). It states the NGO community is not self-reliant, has little political independence and neglects sustainability, coordination and cooperation. Civil society also does not critique its own activities as often as it should. These factors all "contribute to mediocre performance levels across the board within this sector" (Ibid 2004:2).

2.2 Research Need

It is widely acknowledged then, and has been for a long time, that the aid model to Palestine needs to change. However this is not something which seems to be happening quickly. The question of *how* this change can be realised needs more attention. Lester Murad rightly points out that Palestinians have a right to control their own aid and international human rights law can be used to empower efforts to do so (2014:170). This dissertation seeks to explore this notion further.

Additionally, there is plenty of high level, policy and theoretical discussion surrounding the topic of donor aid in the OPT but much less recent research on impact at the local level; especially regarding human rights. Existing analysis focusses on economic theories and critiques of the capitalist and neoliberal tendencies currently common in the West Bank (for example Adam Hanieh's book *Lineages of Revolt*, 2013). Where there *is* more local level research, such as the 2005 book *Aid, Diplomacy and Facts on the Ground: The Case of Palestine,* it is clearly established that the donor policy of 'chequebook diplomacy' does not work. The negative effects of this chequebook diplomacy on development, the economy and state building are discussed. However, except for Nader Said's chapter on human security,

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[2] Chequebook diplomacy describes when international policy openly uses economic aid and investment between countries to carry diplomatic favour.

there is little discussion of the effect of donor policies and the aid process on human rights. Moreover, the contributors to this book do not expand on their conclusions to examine what is the impact of this agreed failure of the aid process post-Oslo[3] (especially from a human rights perspective). Nor do they elaborate on what a new course of action might look like; i.e. why are donors not being held accountable for the negative effects of their policies? These are gaps which I believe need to be filled.

On a more global scale, following the passing of the deadline for the achievement of the Millennium Development Goals (MDGs), which was 2015, and with focus now resting on the post-2015 development agenda one of the key questions is what role development aid will play in this agenda (Glennie & Hurley 2014). More countries than ever before are in a position to fund their own development and the UNDP-ODI report on the subject questions how relevant the current development aid model is for today's realities (Glennie & Hurley 2014:6). Strengthening accountability, especially to the people targeted by aid, is a major focus of the post-2015 development planning discourse (Lester Murad 2014:164).

Simultaneously, humanitarian assistance is another prominent topic at present. The World Humanitarian Summit is due to be held in May 2016 and regional consultations are ongoing as these words are written. Several of the main issues discussed so far throughout these consultations relate to aid and donor practices. For example it has been observed that:

- *"Funding needs to be more flexible and longer-term, especially in constantly evolving conflict situations. NGOs should be able to plan their response based on need, not donor priorities."*
- *"Aid actors need to recognize the capacity and agency of affected people, instead of just seeing them as voiceless victims."* (Redvers 2015)

These main issues were well summed up by Mike Noyles, former head of Action Aid, when he reflected on the discussions saying:

"There was plenty of consensus around giving local organisations a stronger role, about stopping them being crushed by the system, and about 'doing things differently', but what wasn't clearly articulated is what does 'doing differently' really mean?" (Ibid)

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[3] The Oslo Accords marked the first time that the State of Israel and the Palestine Liberation Organization (PLO) formally recognized one another, and publicly committed to negotiate a solution to their decades-long conflict based on territorial compromise (Al Jazeera 2013).

On a micro scale, returning specifically to the situation in Palestine, this same observation is true of discussions on the aid model there. Increasingly, there is much criticism to be found around the subjects of western donor aid, human rights and NGOs in Palestine (Keating, More, Lowe, Landy) but very few practical recommendations for overcoming the current challenges and moving forward. It is unanimously acknowledged that the model needs to change, but clear articulation on *how* is less forthcoming.

3 CHAPTER THREE - Theoretical Context and Methodology

This section outlines the theory and methodology which have shaped this study and gives justification and explanation for the methods chosen.

3.1 Theoretical Approach

The epistemological and ontological positions for this research are constructionist and critical realist. The research will follow a very similar position to that of Stammers who frames his work on human rights in the context of social constructionism and power (1999:981). Though Stammers recognises his theoretical basis is close to that of structuralist explanations of human rights his (and this researcher's) particular interpretation recognise human agency and do not "reduce the role of social actors to nothing other than bearers of structural determinations" (Ibid). This research is founded on the view that human rights are socially constructed and that "ideas and practices in respect of human rights are created, re-created, and instantiated by human actors in particular socio-historical settings and conditions" (Ibid).

I will also follow the approach of critical activist research and, though I will advocate for the upholding and strengthening of human rights and the use of human rights in the frameworks of accountability and conditionality, I will at the same time critique this use and acknowledge the fact that human rights are not always, de facto, a good thing. It follows that if human rights are a social construct and human agency plays a role in interpretation then they may be interpreted and used in different ways i.e. as David Landy explains, "human rights discourse may uphold as well as challenge power, paradoxically in the same situations at the same time" (Landy 2013:424).

As Speed points out that such tensions are inherent in anthropological research on human rights and activist research, rather than attempting to avoid them, draws them to the fore making them a productive part of the process (2006:66). Activist research also allows for the merging of cultural critique and political action to produce knowledge which is "empirically grounded, theoretically valuable, and ethically viable" (Ibid). In my critique of the data and use of the human rights framework as a normative tool in relation to this topic, I am also drawing on the approach of critical social science (CSS). Neuman states that in the CSS view, the purpose of research is not only to study the social world but to change it (2011:108). CSS empowers people by uncovering conditions, exposes myths and hypocrisy and investigates conditions to stimulate grassroots action (Neuman 2011:109). One of the longer term aims of this research is to provide some conclusions which can help affect some change regarding the

aid system to Palestine. In addition, through investigating examples of how civil society in Palestine is attempting to hold donors to account the stimulation of grassroots action will be briefly considered.

Finally, in this paper it will be recognised that though power may be constructed so as to constitute domination the possibility of agency – and thus, effective resistance – is not negated *a priori* (Stammers 1999:983). I hope to be able to support this statement with empirical evidence (which Stammers admits is lacking in his paper) gathered during field work and relate this notion to concrete possibilities for holding aid donors accountable and at the same time combating the Israeli occupation in the OPT; rather than the current status quo of upholding it. This study is therefore going to employ ethnography (during field work) and build on participant observation as the main methodologies to be followed.

3.2 Research Methodology

3.2.1 Research Design

This research is an in depth, qualitative, ethnographic study based mainly on primary data collected through participant observation and interviews. Qualitative research methods were employed in the study as the approach to data collection necessitated a flexible and iterative approach. Primary data was also essential due to the fact that one of the aims of the research was to discover new practical opportunities and initiatives for change and little literature about this currently exists.

A qualitative approach has been chosen for this research as I am particularly interested in getting beyond 'what' questions and tackling the 'why' and then 'how (can we change things)' questions, with the aim of forming some realistic recommendations. Qualitative methodology is about understanding whys; why things are the way they are in the social world and why people act the way they do. (Tuli 2010:97) More importantly, in qualitative research people are treated as research participants, not objects. This can be an empowering process where participants are writers of their own history (Casey 1993 in Tuli 2010:101). Considering that this study highlights the lack of participation of many Palestinians in the aid process it would be highly hypocritical if the research process itself also denied such participation.

The methodology for this research project also draws extensively on the principles of grounded theory. It does not, however, use pure grounded theory due to restrictions in time

and scope (which prevent full saturation being reached) and due to the fact that this research is not beginning from a viewpoint fully devoid of any other theory. Despite these time constraints however, it is still most appropriate to follow grounded theory techniques (at least to a certain extent) for the analysis of data and to inform methods due to the nature of the research.

This is a social science research project. This discipline of research, as Scudderby points out, is concerned with how "human invention continually generates new ways of interaction and organisation". We can best understand these new modes of interacting and organising by using a methodology which pays attention to issues of interpretation and process and that does not bind one too closely to long-standing assumptions". That is precisely what grounded theory is (2006:641). This research seeks to uncover new opportunities for challenging donor conditions and current problems in the aid system in ways which, perhaps, challenge long-standing assumptions.

Research was carried out through key informant interviews which allowed for a deeper discussion with participants who are hopefully in a position to tackle the afore-mentioned 'how' questions. When employing grounded theory, research is an interpretive process, not a logico-deductive one and thus, assumption is not so firmly held. The researcher is considered to be an active element of the research process, and the act of research has a creative component that cannot be delegated to an algorithm (Scudderby 2006:637). I have been very aware of my own role in this research process and discuss this further in the Ethics section.

Though I selected four key informants prior to arriving in Palestine I wanted to be able to draw on the principles of grounded theory and investigate new, important issues or questions as they arose (from my initial informants) and conversely drop areas of research that were unproductive. My initial key informants provided identified and provided contacts for subsequent informants and, it was also extremely useful to re-interview them later on during field work as I began to "discover theory from data" (Glaser & Strauss, 1967: 1).

3.2.2 Selection

The method of grounded theory described by Glaser and Strauss (1967) is built upon two key concepts: "constant comparison," in which data are collected and analysed simultaneously, and "theoretical sampling," in which decisions about which data should be collected next are determined by the theory that is being constructed (Scudderby 2006:634).

Initial purposive sampling followed by theoretical sampling was most appropriate for this research. Purposive sampling was necessary initially as informants needed to be selected based on their access to knowledge and their ability to provide relevant, reliable information and willingness to speak freely. Purposive sampling involves selecting informants based on an important characteristic under study and this selection is often aided by local leaders or others within the community within which research is taking place (John Hopkins University n.d.:7).

In this study, initial informants were identified based on experiences, networks and contacts established during my participant observation two years earlier. I identified four initial key informants prior to arriving in Palestine to conduct field work. These were an advocacy officer for an INGO (who requested to remain anonymous); a previous colleague from the INGO CARE International; Alia Rizq, a friend who has worked for many years in various Palestinian NGOs and Mahmoud Nawajaa, my previous colleague at Stop the Wall, a grassroots people's campaign. I was already known to all of these informants and I had their contact details prior to arriving for fieldwork. These connections were established during my time working in the OPT in 2013. I knew these informants would have the knowledge base, connections and experience not only to provide relevant data but also to open up more avenues and contacts for subsequent informants; which they did.

Theoretical sampling is responsive to data and is not established before research begins (Corbin&Strauss 2008:144). As is explained in the grounded theory methodology described by Glaser and Strauss (1967) during theoretical sampling decisions about which data should be collected next are determined by the theory that is being constructed. Data collection and analysis go hand in hand and sampling is cumulative. This allows for discovery. I wanted to keep my methodology as open and flexible as possible. This was not only because I was not one hundred percent sure at the beginning where exactly and from whom my most valuable data would come; but also because I wanted to be open to hearing new interpretations of the situation and alternative ideas for action (new in reference to both existing literature and indeed what my own experiences and preconceptions might lead me to expect).

For example, both the Advocacy officer and Alia suggested Dr Nora Lester Murad as a subsequent informant and provided me with her contact details. After a phone call and a brief explanation of my work she agreed to be interviewed. Dr Lester Murad was suggested to me not only because she is a prominent member of civil society in Palestine but also a social-

justice activist specialising in issues covering aid and development and has been involved in developing a new theory of change for the aid system in Palestine. The main focus of this theory of change is making international aid more accountable to Palestinians.

Alia and Lester Murad, during both their interviews, mentioned a Palestinian NGO called Dalia Association. Dalia Association is a community foundation established in 2007 by a diverse group of members of the Palestinian community. Dalia's mission is to "to mobilize and properly utilize resources necessary to empower a vibrant, independent and accountable civil society [in Palestine]." I consulted the Dalia website, chose the member of staff whose background I believed was most relevant to my research topic, and contacted them by email to see if they would agree to an interview.

Mahmoud Nawajaa had, since my previous visit to the OPT, accepted a new job as National Coordinator of the Boycott, Divestment and Sanctions (BDS) Movement. During his interview he talked about the Palestinian Non-Governmental Organisation Network (PNGO) (conveniently in the same building as the BDS Office) and gave me the phone number for the Director in order to arrange an interview. PNGO is a membership and umbrella organisation for Palestinian NGOs and provides support services to these NGOs. It also plays a coordinating role. PNGO was an extremely informative informant due to the fact they had a general overview of the situation of many Palestinian NGOs, rather than only being able to give me specific examples from one organisation. They also work closely with the EU and so had good information about direct contact with one of the biggest donors.

In this study, all informants worked in the OWB and had dealings with and were able to provide first-hand information on the NGO sector, aid donors and foreign aid. However, as key informant diversity is important (UCLACentre n.d.:3) and because the concepts derived from my data showed variation, the informants for this study came from a range of societal positions and backgrounds. Respondents interviewed came from Palestinian civil society and grassroots organisations, Palestinian and local NGOs and INGOs. Therefore, the informants held differing stances regarding the research topic, depending on the perspective from which they were engaging with it. In total, nine informants were interviewed.

3.2.3 Data Collection Methods

Participant Observation

Participant observation has been described as "both the most natural and the most challenging of qualitative data collection methods" (Participant Observation 2011:75). Participant observation involves being embedded in the action and there are three key elements to the method:

- Getting to the location of whatever you wish to study i.e. being in situ
- Building rapport with participants
- Spending enough time interacting with participants to get the needed data

The research for this project has built on foundations of participant observation which I undertook two years previously when I lived and worked in the OWB for six months. During this time I worked for both an INGO and a grassroots people's campaign and thus gained an insight into two very different aspects of the NGO scene in Palestine. Though this experience was by no means exhaustive I would not have attempted this study, with a time frame of only three months field work in Ramallah, without it. Given the sensitive and politically linked nature of the topic and the reservations and resentment often felt towards foreigners (to be discussed under ethical considerations) it can be difficult to gain trust and get access to certain key informants. Thus, my previous participant observation (alongside the fact that I lived and integrated fairly well into the community) was essential.

In addition to this, Corbin and Strauss note that, especially for the novice researcher, it can be easy to get carried away in the field where many interesting things are going on. It therefore helps if the researcher is using concepts derived from previous observation as a guide during data collection and analysis (2008:150). This is another reason why drawing on my participant observation was a useful method during this study. It was my time spent conducting participant observation that allowed me to develop an awareness of what some of the most salient issues affecting the NGO sector in Palestine are. Some of this awareness was from a different perspective to what I learnt during the literature review because it came from the grassroots community. I used this knowledge to help to narrow the focus of my research questions and make sure this would be a practically useful research project; not just an academic one. It also gave me the ability to make a logical guess about what some of the

findings might be. This helped me to ask more relevant and insightful questions during interviews.

Interviews

For the purpose of this research it was necessary to ask some probing questions and discuss sensitive topics. In order to obtain in-depth and candid answers to these questions and due to the time restraint on field-work it was sensible to interview a limited number of well-connected and informed 'experts'; thus, key informant interviews were utilised for data collection. Key informant interviews were chosen over focus groups or questionnaires as neither of these methods would have allowed such depth of answers and group dynamics could have prevented honest discussion of sensitive topics.

Key informant interviews are qualitative in-depth interviews with people who know what is going on in the community who can "provide insight to the nature of problems and give recommendations for solutions" (UCLA Centre n.d.:1). This type of interview is also useful when "the primary purpose of study is to generate suggestions and recommendations" (Kumar 1989:2). The aim of the latter part of this study is to do just that.

Key informant interviews typically involve a small sample and cover a diverse range of people. Often the interviewer also interviews the same informants several times. In the case of this study, 9 informants were interviewed and 5 of these were interviewed two or three times following theoretical sampling and further analysis. This provided an opportunity for new findings to be discussed, clarifications to be made, comparisons with other interviews to be discussed, and for issues to generally be explored in greater depth.

I intended that all interviews would be carried out face-to-face as body language and visual aids can be important aspects of communication and, as well as helping to make the participant feel more comfortable, can also give the researcher more information in addition to what is being said. During this research all interviews except one were carried out on a face-to-face basis and the one that was not took place via skype due to travel restrictions.

Regarding communication, language was also an important factor to consider during the data collection stage of this research. Though I speak and understand Arabic to a relatively good level, due to the complexity of some discussions I planned to use an interpreter if informants did not speak fluent English. Using an interpreter can lead to certain problems such as: affecting power dynamics, influencing the informant to speak less candidly, and lending a

certain bias to translations. However, on balance, I decided it would be more important to use an interpreter and make sure I did not miss out on any information.

Furthermore, I felt that I know enough people in the field who I trust, who cover a wide range of backgrounds and who are familiar with conversing and switching between Arabic and English to be able to choose a suitable interpreter for any profile of informant. In the end however, all informants spoke English and interviews were conducted in English so an interpreter was not required for this study.

Interview Guide

"Key informant interviewing proceeds much like a dialogue between informant and interviewer" (John Hopkins University n.d.:7). Though a very basic interview guide was used for this research interviews were open-ended and the guide was merely a reminder of topics to be discussed or of points raised in other interviews that I then wanted to discuss with another informant. Qualitative researchers often see fluidity and flexibility as enhancing validity as one is not confined to a rigid, restricted questionnaire (Mason 2004:190). This researcher takes the same view.

Due to that fact this research draws on principles of grounded theory and employed theoretical sampling it was natural that questions were very open at the beginning of the research process and became more specific over time. What is more, this allowed interviews to be as natural as possible in order to build a rapport with the informant and allowed flexibility for new information to be raised and discussed. Interviews of this style and nature are essential when dealing with sensitive topics in a highly complex situation; as was often the case during this research.

The main points used to provide a very foundational structure for interviews were:

1. Discussion around examples of aid donor conditions affecting the human rights of aid recipients (positive or negative impact). If human rights are undermined – which ones.
2. Follow up question – specify what the donor conditions were.
3. Discussion around where the accountability is in the aid process. If there are problems with accountability mechanisms what are they and why are there issues.
4. What mechanisms have you seen to be/do you think could be effective in holding aid donors to account?

3.2.4 Ethical Issues

"The qualitative researcher's perspective is perhaps a paradoxical one: it is to be acutely tuned-in to the experiences and meaning systems of others - to indwell – and at the same time to be aware of how one's own biases and preconceptions may be influencing what one is trying to understand." (Maykut & Morehouse 1994:123)

The specific setting of each research project of course has an impact on the manner and levels of sensitivity with which research needs to be approached. Rabe notes regarding her research in South Africa that, in her case, these sensitivities have to do with power relations and with how social research was practiced in the past (2003:150). In the context of her research that includes awareness of a colonial past, followed by an apartheid system where inequality was based on race. Within such a setting, she notes, "we are obliged to undertake research in an ethical and responsible manner" (Rabe 2003:150). There are some similarities with the context of Rabe's study and that of this research study in the OPT.

Much research has been carried out and a vast amount has been written about the Israeli-Palestinian conflict and the surrounding issues related to it. There is also a very high volume of internationals living and/or working in the OPT; in Ramallah especially. This has at times (and here I must be very clear that not everyone in the OPT shares this view nor dislikes foreigners themselves) created a hostility towards foreigners or what they represent/the work that they do (which can be viewed on a scale of post-colonialism to meddling to well-meaning but misplaced interference).

What is important to note is that awareness of the contextual situation and self-awareness of how one is perceived is imperative when carrying out research in such a research site. The insider-outsider debate is thus, as ever, extremely relevant. As Corbin Dwyer and Buckle point out "the personhood of the researcher, including her or his membership status in relation to those participating in the research, is an essential and ever-present aspect of the investigation" (2009:55).

Regarding self-awareness and bias, Rose states that "there is no neutrality; there is only greater or less awareness of one's biases. And if you do not appreciate the force of what you're leaving out, you are not fully in command of what you're doing" (1985:77). This is extremely relevant for this paper. I am very aware that due to the high complexity and interlinking nature of this topic, alongside the limited word count in which I have to discuss

the issues, certain topics must be arbitrarily left out or will not be tackled in depth as they should be. Furthermore, very few commentators and researchers on the Israeli-Palestinian conflict are neutral on the subject. I am no exception. My sympathies lie clearly with the Palestinians.

I am what one could classify as an 'active member researcher'. Adler and Adler identify three 'membership roles' of qualitative researchers engaged in observational methods: peripheral members, active members and complete member researchers (A&A 1987 in Corbin Dwyer & Buckle 2009:55). Active member researchers "become involved with the central activities of the group without fully committing themselves to the members values and goals" (Ibid). I am not a complete member researcher as the participants from my research are not all from the same 'group' and not all my interviewees had the exact same goals or stance (some were closer to donors others civil society activists). Furthermore, though I am working in Palestine and share many of my participant's goals I am still not a Palestinian or a 'fully affiliated member of the group'.

A challenge that many outsider researchers face is that of acceptance. If one is a member of the group this "automatically provides a level of trust and openness" among the participants (Corbin Dwyer & Buckle 2009:58). Personally, I experience and need to be aware of the problems of both insider and outsider research. For example, I am an outsider by race and nationality but I have become very passionate and vested in this research topic and part of the world and it now affects my own life and work. Thus, on the one had I have less access problems and am more readily accepted. On the other hand, the usual advantage of being an outsider, i.e. being more objective and looking at things "with 'new' eyes and noticing things insiders may take for granted" (Rabe 2003:157) might sometimes not always apply.

According to Rabe, there are three contexts for understanding the terms insiders and outsiders when discussed in relation to research. These are power, knowledge and self-understanding. The first is that of power. Though perhaps to say that "the researcher is the one with power; the researched is the one without power" (2003:150) is overly simplistic, there is certainly an inequality of power. It is the researcher who writes the paper or book, even if those being studied had an opportunity to comment (2003:151). One must remember to be aware and sensitive to these inequalities in power and, most importantly, that being sensitive to such inequality does not remove it (2003:151).

On the other hand, the informants in a study are often highly aware of what information and research will help them or hinder them in their aims, e.g. accessing funds, so this may shape some of their responses. In Foucault's view "power does not reside with individuals but in the positions that they occupy" (Gaventa &Cornwall 2006:122). Several of my informants are the Directors or leading members of the organisations or networks which they represent. Though, on one hand, this means they are in a powerful position in terms of overall access to knowledge and information about their organisation, on the other hand they also hold a high level of responsibility and could feel the need to exaggerate the situation in order to ensure the best outcome for their staff/organisation.

Trust is key to this idea of acceptance and as Hynes points out establishing trust is crucial to the success of qualitative methods and mistrust is something the researcher must be able to handle (Hynes 2003:1). Trust will be established along the journey from outsider to insider and my journey in this regard started in 2011. "A journey that requires constant awareness and reflection by the outsider in order to maximise the value of the insights obtained" (Rabe 2003:158). I have strived to maintain this awareness and reflection throughout the research.

3.2.5 Safety

Robben and Nordstrom point out in the Introduction to Fieldwork Under Fire, that anthropology where violence is present "involves a number of responsibilities above and beyond those associated with more traditional ethnography" (1995:4). This involves responsibilities to the fieldworker's safety, safety of informants and to the theories that facilitate and shape attitudes toward the reality of violence (Ibid).

The safety of my informants was of course a primary concern conducting research on a potentially sensitive topic in Palestine. To ensure this was taken seriously I made sure I explained to all informants exactly what this research project was for and exactly how their comments during interview would be used. Their full consent was obtained before recording any data and I assured them that any audio recorded was for my own personal use alone and would be destroyed upon successful completion of this dissertation. Informants were given the option of remaining anonymous as well if they did not want their names used. However, only two out of nine informants requested this.

In terms of my own safety the OWB is often quite tense and volatile and there is the chance that these tensions can escalate into violence and conflict. I speak about the OWB only here

because it was not possible and never my intention to go to Gaza for this research. However, much of what is reported in the media is distorted compared to the realities of living in the OWB and outbreaks of violence are often confined to relatively small areas. For example, if there is an outbreak of violence at Qalandia checkpoint or in Nabi Saleh village (areas where clashes are common) someone living in Ramallah can be completely unaffected by this. Ramallah is in many ways a 'bubble' inside the OWB and is by far the safest and most common place for foreigners to live. This is where I decided to live while conducting my field work (and it is where I lived in both 2011 and 2013). It is also where most of the initial key informants I have identified are living and thus minimised the need for travel.

Prior to going to Palestine I signed up to the UK FCO Travel Updates and while in the field I monitored the security situation very carefully. I have contacts, both Palestinians and internationals working for INGOs, who could advise me on the latest events and advice regarding the security situation (for example they could forward me the official UN Security Updates) and I made sure I took all precautions that I could.

An excerpt by Ted Swedenburg aptly sums up some of the choices and motivations for undertaking 'dangerous' fieldwork:

"Many researchers, I assume have a similar complex mix of attachments, investments, relations, experiences, emotions, or understandings that connect them to the trouble spots in which they work. Such links usually cannot be defined as 'academic', and we have therefore not been encouraged to speak about them. The usual assumption is that the 'field' is 'virgin territory' for the researcher, and therefore ethnographic accounts are full of fables of 'first contact'. But others of us may have prior contacts with people in the areas where we work, ties that are crucial to understanding our motivations and capacities for undertaking 'dangerous' fieldwork. To speak of such ties is not merely a self-conceit." (Robben & Nordstrom 1995:29)

3.2.6 Scope and Limitations of Research

This research was limited by the fact that there is a relatively short amount of time available for field work; namely three months due to visa restrictions and timeframe of the Master's degree. Therefore, as has been previously mentioned, this study does not employ pure grounded theory as saturation cannot possibly be reached, but rather draws on its principles. I have attempted to combat this limitation as far as possible by choosing to conduct field work

in a region I already know and in which I have relevant contacts, thus I can 'hit the ground running' and do not need to spend weeks upon arrival networking and identifying informants.

Another potential limitation was the security situation. This was mitigated by reducing the need to travel as far as possible. I lived in an area where most of my informants were close by. Also, due to the fact I could not travel to Gaza much of the data is 'West Bank biased' and any data referring to Gaza was obtained 'second hand' i.e. from others who have been there or have done work which focused on this part of the OPT.

Finally, due to the nature of my own connections and networks in the OPT and the fact that my research is quite critical of aid donors to Palestine, it was hard to gain access to interview donors themselves. My own networks cover grassroots and Palestinian NGOs (as I have worked with them in the past) and some INGO contacts, but no donors.

Once again, I tried to combat this as far as possible by choosing a field site I already knew well. Also, I set up my methodology so as to allow my initial informants (who are better connected and more knowledgeable than me) to point me towards more informants so that I hopefully make contact with the most relevant and informative people for the purpose of this study.

3.2.7 Validity and Reliability

For qualitative researchers the "concept of evidence itself is problematic" (Mason 2004:38). With qualitative research, such as my own, it is very difficult to discuss the standardisation of research instruments due to the fact that my methods involved unstructured interviews and participant observation. This type of standardisation technique is used in quantitative research as a form of measurement to prove reliability but it is not so appropriate in qualitative studies such as this one.

This however, does not mean that I have not attempted to show that my interpretations and analysis of data are valid. I have attempted to clearly trace the narrative and process of how I reached my interpretations and conclusions. This has enabled me to demonstrate how all the different sections of my data are woven together and how I have related interpretations of dialogue from interviews, for example, back to my original research questions. Each observation I make is justified and corroborated by drawing on data from other aspects of the research; i.e. literature is used to back up quotes from interview participants.

Due to the fact that my literature review contains papers written by Dr Lester Murad and she was also one of my key informants I have been aware of the risk of relying too heavily on one source or on 'respondent validation' (Mason 2004:192). In order to mitigate this, where I use or quote her arguments I have taken care to look for support from other informant interviews and sources to corroborate the arguments made.

I am also aware that though I cannot argue that this sample is representative of the whole population in the OPT (and this is not the aim of qualitative research) I have no reason to assume that my sample and therefore analysis are atypical. I have constantly compared themes and arguments arising from data gathered during my interviews with wider literature on the subject in order to make cross-contextual generalities and thus draw conclusions and explain how context and explanation are linked. I.e. as Mason advocates, I have compared characteristics from my own sample to characteristics of the wider population (2004:197).

3.2.8 Strategies for Qualitative Data Analysis

The analysis of this research began with identifying common themes which recurred throughout the literature reviewed, the in-depth interviews conducted and through my own participant observation. No particular software or specific coding techniques were employed as qualitative research does not always necessitate this.

The frameworks used to analyse data gathered from my ethnographic field work were those of accountability and conditionality; i.e. how are human rights undermined due to failures in the implementation of these framework or, conversely, how the situation could be improved through a stronger emphasis on human rights inclusion or a human rights-based approach to these frameworks. This research essentially analyses at where and how the frameworks of accountability and conditionality are failing in the OPT. The general premise and theory of these two frameworks and how they ought to work has been laid out during the literature review carried out in Chapter 2.

While identifying these themes constant comparisons were made throughout data analysis. Are my informants saying the same thing? I tested emerging ideas and conceptual structures against my ongoing observations. As Scudderby states: "a key component of the constant comparative method is such critical evaluation of emerging constructs against ongoing observations (2006:636). Bias and emotions can also hold great influence during research in

conflict situations where opinions can be polarised. Though one can never entirely rely on this I believe the fact that the OPT is an area I am very familiar with helped me to identify instances of bias or notice when information was produced from emotion rather than fact.

4 CHPATER FOUR - Analysis

4.1 Introduction to Analysis

During my work in the NGO sector in the OWB in 2013 I observed that the usual reaction to any mention of the words 'donor conditions' or 'aid conditionality' elicited a negative reaction among Palestinians and Palestinian NGOs. This is mirrored in an Al Shabaka article written by Nora Lester Murad in 2014 where she argues that

"...violations of Palestinian rights in Gaza – and throughout the Occupied Palestinian Territory (OPT) – would not be possible without international aid policies that, at least since the 1980s, have actively supported Israel and offered Palestinians development projects in exchange for rights" (1).

The first question which arises on reading this statement is "which rights are Palestinians exchanging for development projects?" This question is essentially an alternative formation of the initial research question of this study which asked "which specific human rights abuses are undermined in the OPT due to aid donor conditions?"

The theories of accountability and aid conditionality (when used to elicit a positive effect, such as in order to uphold human rights in development policy) which were discussed in Chapter 1, ought to be able to prevent this undermining of rights and substitution of rights for projects from happening. However, in the OPT there are three main areas in which these theories of accountability and conditionality in the aid process are failing. Specifically they are failing to uphold the right of self-determination, the right to participation and the right to sustainable development.

The first part of this Analysis chapter will analyse each of these three rights in detail and evidence will be given to back up the claim that they are not being fully realised in the OPT. This chapter will then analyse which specific donor conditions contribute to this undermining of rights and are therefore considered unacceptable by Palestinian civil society. How the frameworks of accountability and conditionality can be strengthened in order to be more effective in the OPT will be discussed in Part II of the Analysis.

4.2 Part I - Which human rights are undermined due to aid donor conditions?

4.2.1 The right to self-determination

The right to self-determination is enshrined in Article 1 of the UN Charter as well as in Article 1 of the ICCPR and the ICESCR. The UN General Assembly describes it as a universal and permanent right and the World Conference on Human Rights has stated that it should be regarded as an integral part of international human rights legislation. Furthermore, it is a key requisite for the fulfilment of other human rights and not just an independent right by itself (Henriksen 2009:9).

In its broadest sense the right to self-determination is an expression of "a basic tenet that all people have the same dignity, rights and freedoms" (Henriksen 2009:7). Some have also argued that the right to self-determination is an expression of international customary law or *jus cogens* because it is so entrenched in the international human rights regime.

The claim of self-determination is commonly evoked by and associated with indigenous peoples as it is often linked to a process of decolonisation. In Asia and Africa, self-determination was linked with establishing a separate nation state. However, it is now recognised that this right is not solely limited to a colonial situation in the traditional sense. In the situation of Israel and Palestine, which is not a colonial situation in the 'traditional sense' but a situation of occupation, the issue of self-determination for the Palestinian people is an important and complex one. During the interviews carried out for this research most of the interviewees referred to self-determination specifically as one of the rights being infringed by the current aid model.

In Chapter One of this dissertation it was stated that the aid recipients to be focused on were Palestinian NGOs and civil society. It should be made clear that through this discussion on self-determination I am not claiming that NGOs have self-determination. As is clear from the above definition, self-determination belongs to a people and a people is defined as: those "that have an economic community, territorial affiliation, common history, traditions, ethnic identity, language and culture" (The Kirby definition in Henriksen 2009:10).

As was explained in the context section of this paper the NGOs in Palestine are providing services which the PA government does not. My data has shown that these NGOs are being prevented from carrying out their mission and their work effectively due to the conditions imposed upon them and the failures in the framework of accountability in Palestine. Many of

them are not free and many of them are not empowered. This lack of autonomy among NGOs and civil society contributes to the denial of the right to self-determination of the Palestinian people.

Dr Lester Murad elaborated that concerning the aid process specifically, as with the right in general, the right to self-determination is very much linked to being able to make choices and decisions. As the situation stands with the current aid model to Palestine,

"*Palestinians cannot control the solution. They are only allowed to determine the problem or the needs* [and sometimes even in this they are not consulted]. *Others* [donors, INGOs etc.] *decide the intervention for them"* (Interview 31.03.15).

This argument is further supported in a paper written by Dalia Association, published in 2008, entitled "Does International Aid Violate Palestinians' Rights?"[4] Dalia's own research also concluded that the Palestinian's right to self-determination is denied through the international aid system.

Dalia Association, the first Palestinian "community foundation" was established in 2007 after founders conducted more than 150 interviews with Palestinian civil society activists, development professionals, and philanthropy experts. We found that governmental donors' well-funded agendas are suffocating indigenous leadership, local initiative, and self-reliance. Palestinian civil society has lost credibility and impact through its dependence on international aid. Many Palestinian NGOs have become accountable to donors and alienated from the grassroots. Volunteerism, once vibrant, has given way to passivity as millions of people have come to rely on food aid, free shelter, and handouts. In other words, our research found that the international aid system disempowers Palestinians and denies their right to self-determination in the development process.ii (Dalia Association 2008)

The issue of the denial of the right to self-determination, discussed in the context above, is directly related to a simultaneous denial of the right to participation. I will give evidence for this and explore the denial of this right to participation under the next sub-heading.

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[4] This can be accessed on their website under the Reforming Aid tab

4.2.2 Right to participation

When asked about the issue of participation, Dr Lester Murad very bluntly responded that the current aid system is "implementing on people". There is very little effective consultation and meaningful dialogue between donors or implementing partners and the recipient community, including Palestinian NGOs (Interview 31.03.15).

This same sentiment was repeated throughout other initial interviews. I therefore raised this question with the Director of the Palestinian Non-Governmental Organisation Network (PNGO). Regarding participation, the Director informed me with some frustration, that PNGO is invited to donor planning meetings but that this is purely for show. They are never invited at the implementation level and have no real voice or influence over the donor decisions (Interview 28.04.15).

A Leuven Centre Working Paper on Integrating Human Rights in Development Policy states that "A HRBA [to development] broadens the concept of participation and demands 'active, free and meaningful participation'". The authors also highlight that participation is thus an *objective* as well as a means of development (D'Hollander et al. 2013:39).

The importance of effective participation of civil society in development is also part of the agenda of the Sustainable Development Goals (SDGs). Third World Network and The Centre for Economic and Social Rights reaffirm in their policy briefing that "transparency, participation, accountability and effective remedy for harm are fundamental human rights principles" (2015:4). These principles oblige parties who are responsible for potential human rights infringements to openly engage with affected communities and take corrective measures when their behaviour risks harming human rights (Ibid).

If the Director of PNGO, the main coordination and membership body for Palestinian NGOs and therefore a high profile organisation which ought to wield some power and influence in the sector, does not enjoy 'active, free and meaningful' participation in donor planning and decision then it is unlikely that other individual Palestinian NGOs will have greater success.

This lack of participation was clearly a main concern of Dalia Association also. Dalia explained that their two main, current programmes are the Women Supporting Women Programme and the Village Decides Programme. These both focus on peer review and support, on encouraging community based organisations (CBOs) to work together, and they both use a voting process where the community vote themselves to decide who gets the grant

and how it is divided. In other words, the community do not only participate, they have full autonomy to decide how the money is used and to whom it is given. The way Dalia operates is somewhat different from many NGOs in Palestine and their focus is on philanthropy and mobilising resources from among Palestinians; rather than relying on international aid. However, I was told it has been tough to try and encourage people to give without being able to tell them in advance exactly what their money will be used for.

Dalia has received money from UN Women and The Global Fund but many contributions have come from Palestinian CBOs themselves, from the Palestinian private sector, from other women's funds around the world and from other local contributions. In Dalia programmes the community decide what the money should be used for, in order to foster ownership of the projects (and thus real commitment) and ensure real participation. This requires explanation to those who are giving, whether in kind or in cash, that Dalia cannot inform them specifically what the end result of the money will be or how long it will take to have an impact (answers which aid donors usually require and which causes a problem for tracking of indicators).

If one is expected to give without knowing exactly what the money will be used for this requires trust. "You must trust that these people will know the best way to spend the money in their own communities" (Dalia Interview 29.03.15). Building trust was listed as one of the challenges which Dalia Association had faced during their work. They noted that building trust in villages was easier than in towns for example. People in the villages all know each other but trying to persuade people to give in Ramallah was difficult. Businesses here were happy to give supplies but not money.

4.2.3 Right to sustainable development

In the Post-2015 development agenda the aim is to shift the world onto a sustainable path (UNDP n.d) and one of the most notable inputs has been that of the Sustainable Development Goals (SDGs) which are replacing the MDGs. This emphasis on a sustainable approach is of the utmost importance and believed to be the key for achieving what the MDGs could not.

The aim of sustainable development is to balance our economic, environmental and social needs, allowing prosperity for now and future generations. Sustainable development consists of a long-term, integrated approach to developing and achieving a healthy community by

jointly addressing economic, environmental, and social issues, whilst avoiding the over consumption of key natural resources (Mondal n.d.).

The third right which my data indicated was undermined by aid donor conditions in the OPT is this right to sustainable development. Like the right to self-determination it is being denied on two levels; at the level of civil society and local organisations themselves (because they are so dependent on aid from outside) and at the level of the Palestinian people.

As was mentioned in the literature review, the Palestinian Human Development Report (PDHR) noted that the NGO community has an "unhealthy level of dependence on foreign donors for development and service project funding" (2004:2). It states the NGO community is not self-reliant, has little political independence and *neglects sustainability*, coordination and cooperation. Civil society also does not critique its own activities as often as it should. This report was published over 10 years ago and according to data gathered during this research the assessment of the NGO community made in 2004 is still accurate in 2015. For several reasons the realisation of sustainable development in the OPT, under the current aid system, still poses a challenge.

Firstly, there is a lack of political will to fund development in Palestine and a tendency towards funding relief projects only. The advocacy officer from an INGO noted that this is especially the case in Gaza. This officer explained that even at the highest levels, i.e. at EU meetings in Brussels at which this officer was present, diplomats and other decision makers do not want to fund development (the EU is one of the biggest donors to Palestine). Many view it as a waste of effort and resources in Palestine as it will "just get knocked down again". I.e. there will be another Gaza war or it will be destroyed by settlers or Israeli bulldozers (Interview 24.04.15). Therefore, there is more will to fund humanitarian or relief projects. Dr Lester Murad also spoke on this subject. She was keen to emphasise in our interview that this type of humanitarian relief is reactionary and can undermine Palestinian rights. It does this through creating dependency and does not empower Palestinians to 'help themselves'. She rightly points out that there are givers in Palestine, not only receivers (Interview 31.03.15).

The advocacy officer gave an illustrative example of this tension between relief and development assistance. In Gaza for example, since the destruction caused during Operation

Protective Edge[5] last year, a great deal of reconstruction work needs to be done. To give one small example of the extent of the damage, over 160,000 homes were affected (this includes minor and major damage as well as total destruction). The recovery and reconstruction cost for housing and shelter is estimated at $1.182billion (AIDA 2015:7). This officer explained that although providing shelter usually falls under relief assistance due to the situation in Gaza the need for shelter essentially equates to the need for a town. This is because if the large areas which were destroyed during the Operation are going to be rebuilt, and new houses provided, this requires the whole infrastructure in these areas to be rebuilt i.e. the building of a town. Houses need effective sewage networks and so on. This would then classify as development assistance – exactly what there is a lack of political will to invest in.

One can argue that under IHL providing shelter is achieved by providing a tent (or in the case of Gaza a caravan). Rule 131 regarding treatment of displaced persons states that civilians should receive "satisfactory conditions of shelter, hygiene, health, safety and nutrition" (ICRC n.d.). However, how long is this type of living arrangement acceptable? Donors claim the caravans in Gaza are a temporary solution. However, it is now more than one year since the end of Operation Protective Edge and families in Gaza are still living in the caravans. How long is temporary…? The right to sustainable development is clearly being denied here; on both levels previously mentioned. NGOs that have the will and capacity to carry out the necessary development in Gaza are not able to due to the political situation and lack of political will to fund this work. They are turning instead to relief work or they will not receive funding to survive. The Palestinian people are also enduring temporary fix after temporary fix. The prospect of real, sustainable development in Gaza is a long way away.

The Humanitarian Policy Group report in 2004 acknowledges that there is a shared perception post-Bosnia and post-Rwanda that relief can create a 'smokescreen for political inaction' (Darcey 2004:4). The above are examples of this in Palestine. Traditional notions of humanitarianism are needs based. Rights-based humanitarianism is more ambitious. This rights-based approach accepts that political engagement is both a proper and necessary part of humanitarian action (Darcey 2004:10). Is the aid system to Palestine currently a rights-based one? The examples given and analysis so far indicate it is not.

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[5] Operation Protective Edge is the codename used by Israel for the 51 day military operation which took place during the summer of 2014 (AIDA 2015)

Part II of this Analysis Chapter will explore why the aid system to Palestine is not rights-based through analysing where the theory of effective accountability is failing. The notions of 'good' aid and 'bad' aid will also be discussed.

4.2.4 Conclusion

Section 4.2 has shown that three main human rights abuses are undermined due to donor conditions in the OPT: the right to self-determination , the right to participation and the right to sustainable development.

There is a lack of political will at the highest levels to fund development projects (even if this is only acknowledged behind closed doors). In addition, Palestinian civil society and NGOs are often not able to meaningfully participate in donor policy and planning regarding development and humanitarian projects. If they are 'consulted' it is often just for show. In this way the Palestinians are denied a say in determining the solution to their needs and their right to self-determination is undermined.

4.3 What unacceptable conditions do aid donors impose?

This next chapter will discusses the findings concerning which specific conditions imposed by aid donors cause the most problems and are unacceptable to aid recipients. This chapter will also refer to Appendix A, an unpublished study by Dalia Association which I was given permission to use during the course of my interviews.

In 2011 Dalia Association carried out focus group discussions across the OWB, Gaza and in the '48 Territories[6] with many different members of civil society and various Palestinian NGOS and CBOs[7]. The findings from these workshops were used to write an 'Appeal by Palestinian Civil Society to the International Community to Respect Our Right to Self-Determination in Development'(Dalia 2011). Following the Appeal a smaller group of Palestinian civil society and development professionals and aid critics came together to develop an Aid Report Card System. These professionals used data from the previous FGDs and their own experiences to determine a list of what aid donor conditions Palestinian NGOs found 'unacceptable', 'acceptable (in degrees)' or 'good aid practice'. The idea was to produce Aid Report Cards using the information gathered under these headings to evaluate aid donors. However, the idea was abandoned as those driving the study decided that the

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[6] This term is preferred by those who carried out the study and therefore I use it. Others would say Israel.
[7] A comprehensive list of all participants can be found under Annex B p.25-27 of the report.

responsibility should not lie with local NGOs themselves to evaluate donors. Donors should work to improve their own practices.

Here is a detailed explanation from one of the professionals themselves as to why the idea was abandoned:

Dalia Association soon abandoned the report card and, more fundamentally, the concept of aid reform. We felt that investing our resources to help aid actors meet their own stated objectives took us away from our community work and made international organizations the beneficiaries of local resources. On a global level, it seemed that the aid reform movement had already been hijacked: led by donor governments that only engage civil society when convenient. Civil society is tiring itself just to get a seat at the policy table and, once there, its voice is constrained. Our experience led us to see that aid reform, like aid itself, is an industry. Aid resources are diverted from "development" to "aid reform," perpetuating the aid reform agenda when the objective should be to make it obsolete. (Lester Murad 2014:167-168)

Though this report was never published and the idea behind it abandoned the information regarding which specific donor conditions are unacceptable to Palestinian civil society *is* useful. Several of the unacceptable conditions or practices listed related to politics or the law. For example, participants in the study stated they do not find it acceptable for donors to "impose anti-terrorism certification" or "implement projects that contradict local values and culture" or "set priorities of programmes themselves or allow INGOs to do so without credible local research/input" (Dalia 2012).

Anecdotes given by informants during research for this dissertation support the data presented in this unpublished report. For example, USAID (a prominent aid donor in the OWB) has become so notorious for including anti-terrorism clauses in its tenders, and even down through contracts with its sub-contractors, that many NGOs in the OWB refuse to take USAID funding. In fact, PNGO makes this boycott of USAID funding a requirement for all its member NGOs. If an NGO is found to have taken money from USAID they will lose their membership.

However, despite this form of boycott attempt to protest against USAID policy I was told it does not always have that much impact on the ground. According to Alia Rizq, USAID has

simply developed the habit of contacting small community groups directly, suggesting that they group together to form a new NGO or CBO (one that has not signed up to PNGOs standards) and thus continues to fund projects (Interview 26.02.15). This is an interesting illustration to bear in mind during the later sections discussing holding donors to account for their decisions.

4.3.1 Donor complicity

There were also several issues placed in the 'unacceptable' category of the Aid Report Card that implied donor complicity in other violations, rather than a problem with the donor conditions themselves. For example, it is stated in the report as unacceptable for donors to "fake neutrality and avoid politics" or "disregard international law" (Dalia 2012).

Omar Barghouti (an independent Palestinian commentator, human rights activist and a founding member of the Boycott, Divestment and Sanctions (BDS) campaign) demands to know why donors can't, aside from "fixing damaged pipes", attempt to hold Israel to account – especially regarding the "human and environmental catastrophe" it has induced in Gaza (2001:7).

This is further supported in literature such as the Al Shabaka article referred to earlier in the discussion around the meaning of aid conditionality. In this article Lester Murad highlights several main ways in which donors are complicit in Israel's violations of Palestinian rights. For example:

- *"a donor framework of Israeli "exceptionalism", a policy of non-confrontation and absence of accountability has become the norm" (2014:1)*
- *Donor categorisation of the situation of Palestinians living under occupation as an 'emergency' year after year leads to short-term interventions and focus on symptoms rather than causes (2014:2)*
- *Helps Israel evade its Fourth Geneva Convention obligations i.e. aid to the OPT relieves Israel, as the Occupying Power, of its obligations to protect Palestinian civilians and ensure their basic needs are met (Article 60) (ibid)*
- *Gives effect to the illegal blockade on Gaza (2014:1)*

The second point about repeated donor categorisation of the situation as an 'emergency' supports the ideas discussed in this paper's earlier section on the denial of the right to sustainable development. The observations made in Al Shabaka support the statements from

my interviews that there is a lack of political will to support development projects in Palestine and most aid comes in the form of relief.

4.3.2 Conclusion

Section 4.3 has shown that clearly there are a lot of conditions which civil society and local recipients of aid in Palestine find completely unacceptable. The situation is complicated however, not all 'bad' donor conditions are directly imposed – such as the anti-terrorism clause. Some of the grievances which aid recipients have are with what donors *do not* do. For example, failure to confront Israel or hold this occupying power to account for rights violations committed.

The first phase of my research analysis indicates that not only is international aid to the Palestinians is denying them of several rights and that donors are imposing conditions or failing to act in ways that are detrimental to civil society; but that it is acknowledged and known that this occurs. Dalia's paper on how international aid violates Palestinian rights was written in 2008, Al Shabaka is publishing articles on this same issue in 2014. Why are we still facing the same problems eight years later? How can this cycle and 'status quo' be broken or changed? To return again to Mike Noyles comment during the World Humanitarian Summit consultations he acknowledges that there is plenty of consensus about the need to 'do things differently' but little clear articulation on *how* one can do things differently (Redvers 2015).

Both the literature on the subject of humanitarian and development and my informants talked about the theory of accountability.

4.4 Analysis Part II – Holding donors to account

Part II of this chapter will discuss how aid donors to the OPT can be held accountable for the effects of the conditions that they impose upon aid recipients. The notions of 'bad' aid and 'good' aid will be explored and examples of accountability mechanisms in the OPT that might help to demand 'good' aid will be investigated. Finally, the chapter will conclude with an assessment of how the human rights framework might be used to strengthen accountability mechanisms related to the aid system in the OPT.

4.4.1 Where is 'good aid' and why are accountability mechanisms ineffective?

One method to explain the way in which Palestinians currently view the provision of aid is through using the image of a sliding scale; at one end is 'bad aid' at the other end is 'no aid'. It is widely perceived among Palestinian civil society that the options are either to accept 'bad aid' which is undermining rights or, to forgo aid completely. During almost all the interviews conducted for this research, informants raised the idea of 'good' aid; explaining it is something they desire but that is currently rarely available. Part I of this analysis outlined what bad aid looks like according to Palestinian civil society and thus what needs to change in order to achieve the standards for good aid. Good aid does not undermine their rights to self-determination, participation and sustainable development and does not impose conditions which undermine these rights or ignore the violations committed by Israel which undermine Palestinian rights.

Where is the gap for good aid? What could fill this gap to facilitate provision of good aid? For example, why is there a gap between International Humanitarian Law and Humanitarian Standards and the implementation of good humanitarian practice? A pictorial representation to further explain these 'gap' questions might be useful:

'Bad' aid		No aid

Where does 'good' aid fit in?

IHL / Standards		Good humanitarian practice (i.e. provision of 'good aid')

Is the gap between these accountability?
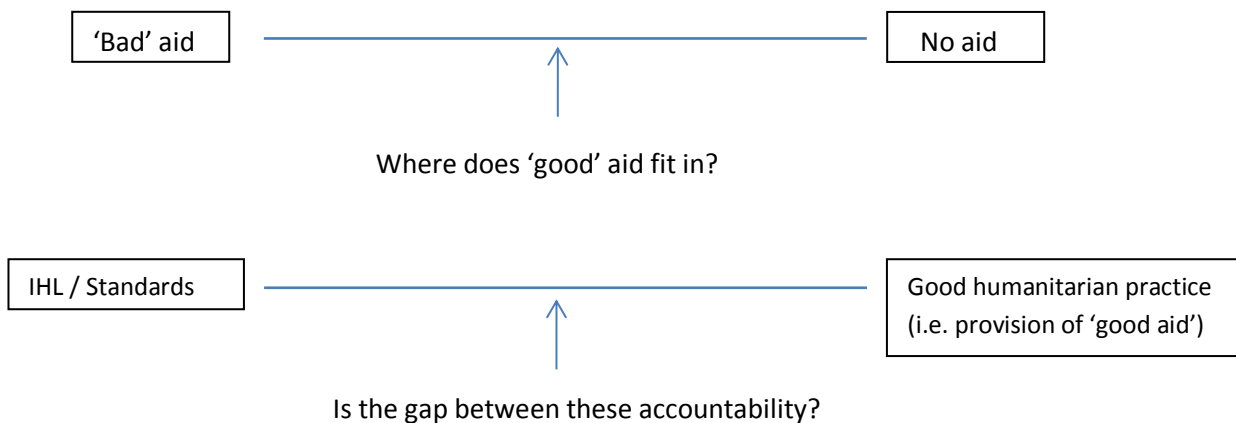
My conclusion, based on the data from my informants and from relevant literature, is that this gap between law/standards and implementation, i.e. between theory and practice, is indeed a lack of effective accountability. This statement applies generally but here it will be discussed specifically in the context of Palestine. In the OPT it is extremely difficult for aid recipients such as Palestinian NGOs, CBOs or even individual members of the community who are

affected by humanitarian and development projects to effectively hold aid donors to account. This is because accountability mechanisms in are often lacking or weak.

As was explained during the introduction to this dissertation, the aid industry is characterised by a serious deficit of effective accountability mechanisms (Piron 2005:1). This statement was made in an ODI report written in 2005. Strengthening accountability and accountability mechanisms, especially to the people targeted by aid, is a major focus of the post-2015 development planning discourse (UNHROHC&CESR 2013). Clearly, in the intervening ten years the problem of a 'serious deficit' in effective accountability mechanisms has not been resolved. The aid system to Palestine is no exception to this statement.

There are several contributing factors which cause this.

- Lack of awareness among civil society of their own rights
- Over-dependency of NGOs on international aid
  - I.e. local NGOs are less likely to make demands if they are desperate for funding.
- Lack of clarity regarding who is responsible for what (to be discussed in more detail under section 4.3.3)
- The political situation i.e. the Israeli occupation.
  - Donors promote humanitarian projects but political commitment is weak. Humanitarian assistance is occurring without a meaningful political framework (Chris Gunness, UNRWA Spokesperson, Aid but No State Documentary 2015).

4.4.2 Examples of accountability mechanisms in the OPT

There are several examples of relatively new accountability mechanisms in the OWB which were investigated during this research. An in-depth discussion of these mechanisms will provide evidence for my conclusion that the four contributing factors listed above have contributed to weak accountability in the OPT.

The first example to explore is the fact there has been an increase in training regarding the concept of accountability in the OPT. This year, 2015, has seen the implementation of a project called 'Sanad' (which means 'Support' in English). The aim is to train project coordinators in ways to improve social accountability directed at public services. It is aimed at six districts, each with a coordinator who is responsible for a team of ten people. The

project partners are the Palestinian Medical Relief Society and AMAN (The Coalition for Accountability and Integrity). A member of staff from the INGO CARE International who had attended this training on social accountability in the OWB was kind enough to talk about the details of the training and the project.

One of the mechanisms advocated in training was the use of community evaluation cards aimed at evaluating service providers (mainly ministries such as the Ministry of Health). These social evaluation cards are not just about rating or evaluating the service identified but also include in the process the arrangement of a meeting between the service taker and service provider. This facilitates active participation in the discussion from the service taker and the aim is that they discuss and cooperate in order to reach an agreement. This evaluation card idea is similar to Dalia's Aid Report Card idea which they abandoned. It is interesting that one example is encouraging the community to monitor the service providers/donors and another felt that this is relieving donors of a responsibility they ought to carry out themselves.

The staff member from CARE also informed me how these ideas were received when he then passed them on to the community and service takers. Generally in the OPT there is a low awareness of rights throughout rural communities. When targeted communities were informed about the evaluation cards and their right to hold service providers accountable it was the first time these communities had heard about something like this. They were extremely excited about the training saying 'min zaman bidna!' which means 'for a long time we've wanted something like this!' (Interview 28.04.15).

This direct link between the community and the service provider is extremely important in the OPT because sometimes local NGOs will not advocate effectively on behalf of the community. Local NGOs are often employed by donors to implement projects and are thus the point of contact if a member of the community where the project is taking place wishes to give feedback. However, due to the rigidity of the framework in which many NGOs are forced to work (meeting aid donor conditions) and due to their heavy dependency on foreign aid many local NGO staff simply do not care about the long-term needs of the community in which they work; but are motivated by a desire to maintain their salaries. They will thus tailor project proposals to fit donor tenders and calls for proposals in order to secure the funding; whether or not the project they must then carry out is really benefitting the community in the most effective way.

I saw this time and time again during my participant observation in the OWB in 2013. It is summed up well by Alia Rizq who has worked for many different local NGOs across the OWB, most recently WTAC (the Women's Affairs Technical Committee).

"Local NGOs in Palestine are not united or working under any long-term plan. They are just fighting for donor money – it's all competition. If a new project is advertised with a large budget they will drop what they are doing, any current projects they are working on, and submit a proposal for the new one. It's all about writing proposals to get the money." (Interview 26.02.15)

A second example is that of a new Palestinian initiative called Aid Watch Palestine (AWP). This initiative aims to make international aid more accountable to Palestinians, to advance the Palestinian cause and focus on long-term solutions. The initiative will launch officially in October 2015. AWP aims to increase direct access between recipients of aid and implementers and donors. This requires that community members are both aware of their right to have a say and participate in decisions regarding the aid process and that the mechanisms for them to do so are clear and accessible. It also aims to translate the theories and frameworks of accountability into practical steps and translate this notion of accountability into day to day life in Palestine. I learned that one of the intentions of this initiative is to conduct research on the complaints processes of aid donors working in Gaza as they believe strengthening these complaints and response mechanisms (CRMs) could be an effective way to empower Palestinians to hold these aid actors to account.

A final example of another type of accountability mechanism being used in the OWB is being spearheaded by the Land Defence Coalition[8] which is building a national movement across the OWB. Jamal Jumaa', one of the leaders of this coalition, explains that the coalition aims to pressure on donors in three ways:

- Through popular mobilisation – i.e. being able to amass a large amount of people to demonstrate outside a Ministry or donor office if it were deemed necessary
- Through international outreach
- Through strategic analysis department for monitoring and documentation

This final example is concentrated on targeting the political situation in the OPT and holding donors to account for their complicity in Israeli rights violations. However, when this third

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[8] For information on the Land Defence Coalition see here: http://www.stopthewall.org/land-defense-coalition-introduction

method was discussed in interviews with other informants they made the relevant point that there are already human rights monitoring organisations such as Al Haq, DCI, and Addameer which already carry out this sort of monitoring and documentation function.

4.4.3 How can human rights-based approaches strengthen accountability mechanisms?

The effect of the current aid system in Palestine on the human rights of aid recipients has been discussed during this paper. However, the ways in which human rights can be used to make the aid system more accountable also merits a deeper discussion. Despite the above examples of accountability mechanisms which might prove more effective, accountability mechanisms in the development and humanitarian sector in Palestine are clearly still falling short. Could a more rights-based aid system be achieved?

This next section will focus on how human rights and more specifically human rights-based approaches can make a contribution to mainstream accountability mechanisms. "Accountability is a cornerstone of the human rights framework" (UNHROHC&CESR 2013:ix) and according to a report by the UN Human Rights Office "accountability mechanisms (in the post-2015 agenda) should take more account of human rights standards" (Ibid:xii).

It is not only academics who want more evidence of human rights standards in development and humanitarian policy. The Director of PNGO, contrary to usual perceptions in the OPT about aid conditionality, stated that she wants to see more conditions imposed by donors. She explained that these would be positive conditions e.g. to "require a HRBA in the proposal and to require that increasing rights awareness be part of the projects" (Interview 28.04.15).

Much of the literature on human rights and accountability in development converges around three elements:

- **Responsibility**: Human rights standards make it possible to delineate the respective responsibilities of different actors in the development process. The UN report entitled 'Who will be accountable?' advises that states should align MDG frameworks with human rights standards in a way which takes account of their existing international treaty obligations. If human development commitments are framed in terms of the human rights duties which underpin them, accountability for the goals becomes a matter of legal obligation and not just one of charity or discretion

(UNHROHC&CESR 2013:ix). This report is mainly focusing on the responsibilities of states but this responsibility also applies to other duty bearers such as aid donors. This issue of who is accountable for what definitely requires clarification in the OPT as actors at virtually all levels can 'pass the buck'. In other words aid donors can say 'it's the responsibility of the implementers' (e.g. partner NGOs) who work on the ground to facilitate and provide effective accountability mechanisms. Implementers can say 'we take our directions from the donors; it's the donors who are responsible' and both NGOs and large donors can blame the political situation and the Israeli occupation for their inaction and challenges in achieving a 'good' aid system.

To conclude this point, Lester Murad argues that due to the fact that international actors collectively hold such as large amount of power through economic and political relationships with Palestine and Israel these actors have crossed the threshold from being third state actors to being parties to the situation. Thus, she argues, Palestinians have a right to hold them not only accountable to aid industry standards but also to international human rights obligations (2014:166).

- **Answerability**: This is linked to increased participation. Putting human rights at the heart of the process of setting new development goals fosters active participation of those most affected by poverty and deprivation; thus increasing the responsiveness of those who answer to them (UNHROHC&CESR 2013:x). Meaningful participation generates incentives for those who exercise authority to answer and take account of the people whom their decisions effect. It also empowers these groups and, with their active engagement, effective policy making and delivery of services can be strengthened as it will be more relevant and holistic.

- **Enforcement:** The MDGs were hampered by the ad hoc and voluntary nature of their monitoring and reporting mechanisms and were difficult to enforce (Ibid:x). However, human rights provide an additional means for promoting accountability and "where failure to fulfil development commitments constitutes a violation of human rights standards, those affected should be enabled to bring their claim before national and international human rights mechanisms" (Ibid). This does not simply mean that sanctions could be imposed on those responsible for violations. It also refers to

creating an environment of effective accountability which promotes systemic and institutional progress and creates conditions where rights can be more fully enjoyed (Ibid:xi).

However, there is still a certain amount of ongoing debate as to the extent to which aid agencies can be legally obligated under the human rights framework. Despite this, Lester Murad argues in her Shabaka article "that regardless of the limitations of applicable law, international aid actors are fundamentally responsible to those they seek to assist and must be held accountable for the harm they cause or enable" (2014:1).

In addition, not everyone involved in humanitarian work chooses to use the language of rights. The ICRC for example, refers to International Humanitarian Law. Faith-based organisations such as World Vision or Islamic Relief appeal to tenets of faith and the texts of their holy books (Darcey 2004:6). There are often very good reasons for this and talking about human rights in the OPT is a relevant example of where evoking the language of human rights is not always easy.

There is a cynicism and disregard for human rights throughout the OWB with many Palestinians viewing the human rights framework as a form of liberal interventionism. In a context where the role of NGOs is highly politicised "human rights discourse has been delegitimised because it is seen to be merely the tool of those who want to turn local problems into money for projects" (Mutua 2009 in Allen 2013). This politicisation of NGOs and the existing power structures in the OWB, within the sensitive and additionally complex context of working under the Israeli occupation, has shaped the work that these organisations do. They have become complicit in rights violations carried out by Israel. As David Landy explains "human rights discourse may uphold as well as challenge power, paradoxically in the same situations at the same time" (Landy 2013:424). This statement certainly applies to the situation of Israel and Palestine.

5 CHAPTER FIVE - Conclusions and Recommendations

5.1 Summary of main findings

The main aim of this research was to elucidate which human rights of aid recipients in Palestine (civil society and the Palestinian people) are undermined due to aid donor conditions. Research has shown that three main human rights violations occur: Palestinians are deprived of their right to self-determination, to participation and to sustainable development. The current aid model to Palestine is thus not rights based. The humanitarian approach should guarantee basic human rights but, in the OPT it is also undermining them.

The problem is not only that international aid donors impose conditions on recipients which have a direct negative effect, but they are also complicit in Israeli human rights violations i.e. they "fake neutrality and avoid politics" or "disregard international law" (Dalia 2012). A donor framework of 'Israeli exceptionalism' has become the norm (Lester Murad 2014:1). In addition, donors continue to categorise the situation of Palestinians living under occupation (ongoing now for almost 70 years) as an 'emergency'. This leads to a focus on symptoms rather than causes (ibid 2014:2) and relief is being allowed to create a 'smokescreen for political inaction'(Darcey 2004:4). The delayed and still awaited reconstruction of the Gaza Strip is a poignant example of this.

There is also a perception among Palestinian civil society that their only choice is to accept this 'bad' aid or have no aid at all. This study used the framework of accountability to explore and account for this lack of 'good' aid to Palestine. It is known that there is a great deficit of effective accountability mechanisms in humanitarian practice (Piron 2005:1) and the OPT is no exception. It is particularly difficult to hold donors to account here due to:

- Lack of awareness among civil society of their own rights
- Over-dependency of NGOs on international aid
- Lack of clarity regarding who is responsible for what
- The political situation i.e. the Israeli occupation

The aid system is certainly still needs-based and not rights-based in Palestine. The human rights framework, in theory, is a good way to promote this change and facilitate the provision of 'good' or at least 'better' aid. For example, a more rights-based approach will strengthen and clarify the concepts of responsibility, answerability and enforcement.

However, the normative framework of human rights does face some challenges if it is to be utilised in Palestine. There remains much cynicism around the idea of human rights with many Palestinians viewing the human rights framework as a form of liberal interventionism.

The gap between an accountability mechanisms' intention and its effective use is arguably trust. Examples of people-led accountability mechanisms driven by civil society are present in the OPT. Most are relatively new however and it remains to be seen how they will grow and what level of success they will enjoy. These examples are attempting to evoke the language of human rights and aim to bring about a more rights-based aid system in the OPT.

In conclusion, the Palestinian people need to secure their human rights to participation, sustainable development and self-determination under international law far more than they need donor aid. The discussed examples of accountability mechanisms show they are a well-educated and creative people. Donor aid is important for providing a short-term lifeline but should not be given in exchange for rights. It is imperative that aid donors are held accountable both for the negative effects of the conditions they impose and for their complicity in rights violations by Israel. This would decrease the Palestinian dependence on aid, help to strengthen opportunities for achieving a viable state and enable them to better resist the Israeli occupation.

5.2 Recommendations

For Research:

1. Further research on the use of CRMs and complaints processes of aid actors (especially in Gaza) should be carried out.

Aid Watch Palestine (AWP) stated that this is one of their aims. This research ought to be undertaken and its results made public. The initial sample could be the main aid actors working on reconstruction of the Gaza Strip (where needs are currently greatest). Then further research on a larger sample size could be carried out if useful. Publishing this research would help to raise awareness among aid recipients of their rights and would also open up space for and prompt dialogue among aid donors, NGOs, and Palestinian civil society.

For Practice:

2. Someone with the capacity (AWP perhaps when it is more established in partnership with humanitarian coordinating bodies in the OPT such as AIDA) should facilitate workshops

and round table discussions inviting actors from all levels of the aid process (donors, implementing partners, local NGOs, Palestinian civil society and the Palestinian public) to participate.

This would create space for dialogue and meaningful participation from all parties in addressing the challenges facing the current aid system in the OPT and how it could become more rights-based. If research is carried out on the complaints processes of aid actors, this could be used as a starting point for discussions.

3. Implement a coordinated system of training and awareness-raising of rights throughout the OPT.

The afore-mentioned examples of accountability mechanisms in the OPT clearly have some merit and might indeed prove effective. However, in order for such accountability mechanisms to work the people need to know their rights. Thus, as well as implementation and strengthening of the accountability mechanisms mentioned above, there also needs to be simultaneously a coordinated system of training and awareness-raising throughout the OPT. Though Sanad is one such example of training it is not OPT wide and, according to one coordinator who attended, this training is not a well-coordinated concept sector-wide (Interview 28.04.15).

For Policy:

4. If donors want Palestinians to receive better services they should listen to the grievances of the Palestinian community and act to end the Israeli occupation. They should stop avoiding politics; even if this means their own work is restricted.

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Appendix A

بطاقة المساعدات

Notes:

1-Not sure if these categories are ideal (e.g., acceptable, gray, good practice or political/legal, efficiency, etc.)

2-Need to be sure recommendations are aimed at all parties, not just internationals

3-Need to fill in gray areas, perhaps with degrees

Unacceptable غير مقبول	**Acceptable (in degrees)** المنطقة الرمادية	**Good Aid Practice** الجيد
Political/Legal		
Humanitarian aid that isn't accompanied by active political support المساعدات الانسانية التي لا ترافقها دعم سياسي فعال	Income generation projects that enable continuity مشاريع مدرة للدخل وقابلة للاستمرارية	Is framed in context of occupation with explicit goal to challenge it مؤطر في سياق الاحتلال بهدف واضح لتحديه
Anti-terrorism certification وثيقة ضد الارهاب	Make contract available before proposal due so applicants know ان يكون العقد متوفر قبل المقترح حتى يكون المتقدمون على اطلاع	Local compliance with boycott استجابة محلية للمقاطعة
Normalization efforts or cooperation with settlements جهود التطبيع والتعاون مع المستوطنات		Explicitly respect Palestinian non-violent efforts including BDS احترام واضح لجهود الفلسطينيين السلمية بما يتضمن حملة المقاطعة الدولية BDS

Purchase of Israeli products with aid funds شراء المنتجات الاسرائيلية من تمويل المساعدات	Purchase of international (non-Israeli) products when price is lowest شراء المنتجات الدولية الغير اسرائيلية عندما يكون السعر اقل	Purchase of Palestinian products شراء المنتجات الفسطينية
Disregard for international law تجاهل القانون الدولي		Compliance with international law التوافق مع القانون الدولي
Funding that releases Israeli of its responsibility under Geneva Conventions التمويل الذي يعفي اسرائيل من مسؤولياتها المحددة باتفاقية جينيف		
Faking "neutrality" and avoiding politics الحياد المزيف وتجنب السياسة		Bold defense of Palestinian rights, including right to resist مدافعة جريئة عن حقوق الفلسطينيين بما يتضمن الحق في المقاومة
Giving money but not offering protection for Palestinians or their resources منح اموال مع عدم محاولة حماية الفلسطينيين ومواردهم		Active protection for Palestinians and Palestinian resources حماية نشطة للفلسطينيين ومصادرهم
Funding that addresses economic issues outside of political context التمويل الموجه في النواحي الاقتصادية مفصولة عن سياقها السياسي		Conceptualize development as a way of realizing rights تصور التنمية كطريقة لتحقيق الحقوق
		Give priority to Palestinians in 1948 areas الاهتمام بالفلسطينيين بأراضي ال 1948
International project managers should not live in West Jerusalem المدراء الدوليين للمشاريع لا يجب إن يسكنوا في القدس الغربية		
Efficiency الفعالية		
Overpriced and unneeded experts from abroad الخبراء من الخارج الغير ضروريين والمكلفين	Use of international experts when their expertise isn't available locally and when they are reasonably priced (and shouldn't be calculated in budget); Tax international consultants استخدام الخبراء الدوليين عندما لا يتوفر نظير لخبرتهم محليا	Use of locals استخدام المحليين

		وعندما تكون تكلفتهم معقولة (ولا يجب ان تتم حساب تكلفتهم ضمن الميزانية) .. ضريبة المستشارين الدوليين
		Gives access to own resources اعطاء حق الوصول الى مصادرهم
		If equipment then be able to use it (electricity, capacity, spare parts) اذا معدات اذن التمكن من استخدامها (كهرباء وقدرة والمكان)
High amounts of donor funds used for admin expenses outside Palestine مبالغ كبيرة من التمويل تستخدم لمصاريف ادارية خارج فلسطين		Most donor funds should be used for program work, and if for admin, for local expenses يجب ان يستعمل معظم تمويل الممولين لعمل البرنامج وإذا للأمور الادارية تكون للمصاريف المحلية
Local Ownership الملكية المحلية		
Token consultation with community members to justify projects; reliance on PA plans to justify projects الاستشارات مع اعضاء محددين ومختارين من المجتمع لتبرير المشاريع. والاعتماد على خطط السلطة في المشاريع		Community members not only consulted but in decision-making roles throughout process including resource allocation اعضاء المجتمع لا يجب ان يستشارو فقط بل يجب ان يتم اشراكهم في صنع القرار خلال العملية بما يتضمن توزيع المصادر
Only externals, internationals judge projects ان يحكم على المشاريع خبراء فقط من الخارج		Monitoring done by Palestinians; privileged role for beneficiaries الرقابة من قبل الفلسطينيين تعطي دور ايجابي للمستفيدين
Pay locals to attend training الدفع للناس المحليين لحضور تدريب		
Donors or INGOs set priorities for programs ان يحدد الممولين الاولويات للبرنامج	Donors and NGOs set priorities based on credible local research/input يحدد الممولين الاولويات بناء على مدخلات وأبحاث المجتمع المحلي	Locals set priorities for programs in meaningful way يحدد السكان المحليين للبرامج بطريقة ذات معنى
Projects that contradict local culture and values المشاريع التي تتعارض مع ثقافة وقيم المجتمع المحلي		

Relevance (focus, needs) الملائمة		
Research for the sake of research البحث لغاية البحث فقط		Reference existing local research as basis for interventions اتخاذ مرجعية الابحاث المحلية القائمة كأساس للتدخل
		Collect baseline data جمع بيانات اساسية
Non-productive projects; projects that consume; welfare projects المشاريع الغير منتجه والمشاريع الاستهلاكية ومشاريع الرعاية الاجتماعية		Focused on production التركيز على الانتاج
Capacity building workshops that don't provide what people need to utilize new skills ورشات عمل بناء قدرة التي لا تؤهل الناس لاستخدام مهارات جديدة		Demand-driven capacity building with help with running costs and marketing challenges بناء قدرات مبني على الحاجة والطلب بمساعدة بالتكاليف التشغيلية وتحديات التسويق
Don't fund private sector عدم تمويل القطاع الخاص		
		Promotes appropriate cooperation among civil society groups الترويج للتعاون المناسب بين مجموعات المجتمع المدني
Application, Selection التمويل والاختيار		
Complex proposals in English مقترحات معقدة وباللغة الانجليزية		Simple, Arabic proposals مقترحات بسيطة وباللغة العربية
Make locals function in English or other foreign language ان تجعل السكان المحليين يتعاملوا باللغة الانجليزية او لغة اجنبية اخرى		Have Arabic capacity inside international organization إن يوجد طاقم من العرب ضمن لمؤسسات الدولية
Unresponsive, unhelpful application processes		Respond to all proposals, in a timely way, and

عملية غير مساعدة للتقدم بطلبات		giving reasons الرد على المقترحات بفترة زمنية محددة واعطاء اسباب
Local NGOs should not select beneficiaries based on family or political relations لا يجب إن تختار المؤسسات الاهلية المحلية المستفيدين المستفيدين بناء على العائلة او الانتماءات السياسية		Beneficiary/participant selection criteria should be locally developed, transparent, and fair يجب ان تكون معايير اختيار المشاركين او المستفيدين المجتمع من المحلي وان تكون شفافة وعادلة
Job opportunities should not be offered selectively based on personal relationships فرص العمل لا يجب ان تعطى بناء على علاقات شخصية		All job opportunities should be advertised locally and not pre-determined يجب إن تكون جميع فرص التوظيف معلن عنها محليا وليس محددة مسبقا
Sustainability (financial, institutional, policy)		
Don't allow any admin costs لا تسمح بأي تكاليف ادارية		Unrestricted funding including running costs تمويل غير محدد بما يتضمن التكاليف التشغيلية
Create new, duplicating initiatives and structures عمل مبادرات جديدة مكررة		Strengthen specialization of local civil society تقوية التخصص في المجتمع المدني
Don't promote dependency لا تروج للاعتماد	Use of local resources whenever possible استخدام المصادر المحلية عندما يكون ممكن	Fund in ways that leverage local, other resources تمويل بطريقة تطور المحليين ومواردهم
		Tax donors ضريبة الجهات المانحة
Location الموقع		
Policy or practice of not working in Area سياسة عدم العمل في المنطقة "ج"		Area C, without requesting permits المنطقة "ج" تتطلب تصاريح
		Targeting inequality in Jerusalem and 1948

		استهداف الغير مساواة في القدس وأراضي ال 1948
Transparency النزاهة		
		Transparent about their position in relation to Israeli/Palestinian conflict واضحين وشفافين في موقفهم من الصراع الاسرائيلي الفلسطيني
		Publicize what you are funding (who and how much and for what) الاعلان عن التمويل (لمن وكيف ولماذا)

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