



GUEST COLUMN: Hagai El-Ad

'Open, Vibrant, and Pluralistic'

WRITING ABOUT "FOREIGN FUNDING BILLS" – one proposed by the Likud's Ofir Akunis and the other by Israel Beitenu's Fania Kirshenbaum, both of which seek to block most foreign governments' funding to Israeli human rights groups – I wonder if all this doesn't seem far too familiar to the readers of *The Jerusalem Report*. Didn't we walk around this exact same block not that many months ago?

Yes, indeed we did. Then it was called the "Elkin Law," after the Likud party whip, Zeev Elkin. This time, it's Akunis and Kirshenbaum.

Different MKs, same agenda. Here we go again.

But before we do go again, let me say this: there was a time in this country, not that long ago, when human rights activists wrote about human rights, not about their international funding. And this proves that these bills at least partially serve their intended purpose even if they do not become law. Like the "illegal" outposts serving to draw attention away from the "legal" settlements, these bills are not only part of a strategy of silencing, they are also part of a strategy of distraction. And so, in the end, when we discuss Akunis's and Kirshenbaum's legislative agenda, they succeed in diverting us from the core issues, because they do not want to discuss them.

These core issues are the policies that we, the human rights activists, aim to change and the governmental actions that we expose and criticize. And we will continue doing so, striving for social justice, full equality for all citizens, civil liberties, democracy, and an end of the occupation.

Having said that, allow me to serve the distraction for a paragraph or two. The supporters of this legislation – and that includes not only backbenchers, but also the majority of the government's Ministerial Committee on Legislation and the prime minister (although he later announced the freezing of these specific bills) – present themselves as concerned with regard to potential "foreign intervention" in domestic issues. That position may have been credible, if it had been deployed across the board, with regard to all forms of foreign funding in Israel – private, foundation, governmental. Including for example the private foreign funders of the prime minister's primary campaigns.

Yes, there's plenty of foreign funding in Israel. There's the kind that comes from governments and is transparent, and there's the kind that comes from private individuals and foundations and is often opaque. Shouldn't the self-appointed defenders of the state from those sinister foreigners be going after the latter, rather than the former?

A year ago, the "Elkin Law" presented itself as being about transparency. Now, the new bills present themselves as being about foreign intervention. But they are all nothing more than crude, biased legislation that tries to go after a certain kind of funding – the kind of funding that happens to support opinions and speech that they would rather silence. Thus, these bills are not an attempt to counter foreign intervention legislation; rather, they represent domestic intervention



against Israelis' freedoms of association and speech.

Let me be clear: the Association for Civil Rights in Israel is opposed to giving any government here such powers. No government, left or right, should legislate against these constitutional rights.

Unfortunately, these bills mesh well with a government-backed effort to portray human rights activists as enemies of the state. And that effort is part of a broader strategy, intended to obscure the lines between "delegitimization of the state" and almost any form of criticism of specific government policies.

A recent "Washington Post" editorial provided the government with the following free advice: "The government would be better off responding to rather than suppressing the criticism." That same editorial also reminded us that there is "nothing nefarious about public organizations in a democratic country receiving support from other democracies. The NGO funders are not enemies of Israel, and the groups themselves are not trying to subvert the state – only to correct what they see as its flaws."

There was a time in this country when these statements made common sense. Israel's official 2008 National Report, submitted to the UN as part of the Universal Periodic Review, proudly declares: "Israel has an open, vibrant, and pluralistic civil society, actively engaged in raising priorities and challenging the government's conduct."

What a difference three years make.

After considerable pressure, the prime minister seems to have backed off, for now, from further advancing this legislation. Frozen, these bills can be defrosted at the prime minister's political convenience. Like a chess game, this government has set in motion many pawns: some go after the independence and authority of the High Court; others curb freedom of speech, attack the rights of Arab citizens, or seek to undermine non-governmental organizations. In a single week, three bills targeting the High Court and these two bills targeting civil society were deployed. Out of this barrage, as the political cloud clears, we see that the government has advanced some, has frozen others, and is going full speed ahead with two of the bills that target the High Court.

What this government views as mere pawns in its political game are actually the foundations of Israeli democracy. And it is that very democracy that ends up on the losing side, defeated by its own government.

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