

## NGO wars: Is restrictive legislation unavoidable?

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As a citizen in a democracy, I am uncomfortable with restrictive legislation as a matter of principle.

Laws that give politicians, bureaucrats and even parliamentary committees the power to apply penalties selectively and ideologically are bad laws, and courts generally strike them down.

Based on this general approach, I have previously opposed various proposals to penalize Israeli political NGOs that receive millions of shekels from foreign governments for use in promoting boycotts and false allegations of war crimes. My hope was that the public debate and exposure of the facts – in Israel, among the European governments and parliaments that provide the money, and in the media both here and abroad – would lead to changes in policy. Surely, the unique practice of singling out Israel for boycotts and legal warfare through flooding fringe Israeli and other non-governmental organizations with money would be stopped once this became public. And without money, the campaigns would be marginalized.

Democracy and Zionism are strong enough to survive the extreme views of a few zealots without public relations managers.

But I am beginning to sense that I was wrong about European governments and their commitment to democracy, including in Israel.

More and more information has been published in recent years on funding for groups like Breaking the Silence. In a few cases, this has led to changes – the UK Embassy closed the tap. But others joined, including the French Consulate in Jerusalem (imagine Germany giving a similar group funds to expose French “war crimes” against terrorists).

In the past few months, the European Union secretly added a million shekels to the BtS budget – a slap in the face to Israeli democracy. None of the European politicians who have been recruited by the Israeli NGOs to oppose proposed legislation even mention these facts.

And their comparisons of the Israeli case to anti-NGO legislation in Russia and other closed societies are absurd.

As a result, I am seriously considering the proposal by Justice Minister Ayelet Shaked that would require Breaking the Silence, and other NGOs that engage in this form of political warfare with foreign government funds, to register as foreign agents. Unlike other proposals, this one does not involve selective taxes or other penalties. It is a form of transparency, and shares elements with America’s Foreign Agents Registration Act. And unlike private funding for NGOs, which is generally transparent to comply with regulations in the donors’ home countries, foreign government funds to NGOs are secret and violate national sovereignty. Israel cannot legislate rules for Europe, but it can regulate Israeli NGOs, and reassert the core principle that only Israeli citizens can decide our future.

But before supporting this approach, the Israeli government and Knesset should make one more effort at educating these

governments to reconsider these mistaken policies that exploit the language of human rights for discrimination and the language of peace to fuel conflict. Of course, powerful NGO officials, who shout the most about democracy, will again try to block criticism and public debate about themselves and their power.

Until recently, all criticism of NGOs was prevented by the “halo effect” granted to groups that claim to promote moral values, but the Israeli debate is finally taking place. Sometimes it is crude and offensive, as in recent videos and shouting matches using labels such as “traitor” and “back stabber” or “fascist” and “McCarthyite.” Nevertheless, the Israeli public and elected officials have become better informed.

Can the same process take place in Europe? Will journalists or members of parliament from the European Union, France, Switzerland, Holland, Denmark and Sweden ask why their governments give the 10 fringe activists of Breaking the Silence massive budgets to travel the world attacking the IDF? Is anyone checking to see what, other than contributing to hate and anti-Semitic attacks, is being accomplished? Can the guidelines proposed by NGO Monitor serve as a basis for joint a Israeli-EU mechanism to ensure that funds are provided transparently, responsibly and based on due diligence? I realize that odds of success are small, but the efforts should continue.

If successful, legislation such as proposed by the justice minister and by others in different formats is unavoidable to respond to this deadly war of demonization. I still hope that this does not become necessary.