

“THE HAND THAT GAVE US FLOUR
NOW GIVES US BOMBS:”

The Limited Effectiveness of U.S. Aid
in
Israel-Palestine’s “New Legal Space”

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Introducing Israel-Palestine's "New Legal Space"

- **MORE THAN 9 OVERLAPPING LEGAL SYSTEMS:**
 - The Palestinian Authority's Court System (West Bank)
 - Hamas's Court System (Gaza)
 - Israeli Court Systems
 - The Israeli High Court & Extraterritorial Jurisdiction
 - Rabbinic Courts
 - Sharia Courts
 - Israeli Military Court (West Bank)
 - Bedouin Justice Systems
 - Hamas' Military Courts
- **UNPROTECTED POPULATIONS**
 - Refugees and Internally Displaced Persons
- **BORDERS AND JURISDICTIONS**
 - Areas A, B, and C of the West Bank
 - Jerusalem
 - Israel
 - Gaza
- **LEGAL CODES**
 - Jordanian
 - Ottoman
 - British
 - Egyptian
 - Palestinian
 - Israeli
 - Rabbinic
 - Sharia

Research Methodology: Four-Pronged Impact Assessment Tool

- **Functional Impact**
 - Example Metric: the extent to which aid programs achieved their preset project goals and targets
- **Political Impact**
 - Example Metric: The extent to which aid programs achieved buy-in from domestic political actors
- **Societal Impact**
 - Example Metric; The effects of an operation on human, gender, and minority rights;
- **Unintended Consequences**
 - Positive vs. Negative

Case Study of U.S. Aid



Threats to Validity and Limitations

- Primary Source Documents:
 - Inconsistencies amongst project reports
- Case Study:
 - Not generalizable

Findings:

The Limited Effectiveness of U.S. Aid

- Positive functional effects on segments of justice system(s)
- Aid efficacy is *limited by* the;
 - **Instability of the political climate**
 - **U.S.'s strategic relationship with Israel**
 - Fragmentation of the justice system(s)
 - Interferences between aid programs when operationalized

The Instability of the Political Climate

- **Functional Impact**
 - Cessations of aid programs

- **Political Impact**
 - U.S. Funding Freeze in January 2006
 - No-contact orders

The U.S.'s Strategic Relationship with Israel

- U.S. Department of Defense Aid to Israel:
 - \$3.1bn annual “blank check”
 - Israel’s Qualitative Military Edge
- Weapons purchases and the destruction of the justice sector in Gaza

Estimated Damage to the Justice and Security Sectors in Gaza during the 2014 Operation “Protective Edge” due to Direct Targeting

Infrastructure and Office Equipment Damage	\$9,120,000 USD
Number of justice sector personnel working at destroyed facilities	2500 persons
Number of Citizens Barred from Receiving Justice Sector Services per day	295 persons
Number of Pretrial Detention Facilities Destroyed (1 facility/1 detainee)	2310 facilities
Number of students barred from receiving education at the police academy	600 students
Capacity of the destroyed prison	700 prisoners

Conclusion: Policy Recommendations

- Pre-Independence vs. Post-Independence Statebuilding
- Placing Conditions on the U.S.'s aid to Israel
- Justice sector reform projects and the “New Legal Space”

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gives us bombs”*

Functional Impact

- **Metrics:**
 - the extent to which aid programs achieved their preset project goals and targets;
 - the numerical and operational scope of project results;
 - the effect of the political climate on the functional and technical feasibility of projects and aid packages.
- **Results:**
 - Positive yet limited functional Impact

Political Impact

- **Metrics**
 - The extent to which aid programs achieved buy-in from domestic political actors;
 - The extent to which aid programs generated “ownership” amongst civilians;
 - The sustainability of efforts due to turnover of political leadership and/or political instability
- **Results:**
 - Minimal/Limited Positive Political Impact

Societal Impact

- Metrics
 - “The effects of an operation on human, gender, and minority rights;”
 - The project’s ability to “enhance human security for vulnerable populations and for individual citizens.” (Penksa and Ginsberg 2012, 117).
- Results:
 - Negative Societal Impact
 - Limited Societal Impact

Unintended Consequences

- Metrics
 - Unanticipated Positive Impact
 - Unanticipated Negative Impact
- Results: Negative Unintended Consequences
 - Dependency on US. Aid
 - Fungible Funding: Untraceable Payments to the PA
 - Fungible Funding: Impunity within the Israeli Military Courts
 - Weapons Purchases and the Destruction of Justice Sector Facilities in Gaza