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TRANSCRIPT OF "FILE ON 4" – "A *DEADLY DILEMMA*"

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REPORTER:	Tim Whewell
PRODUCER:	Paul Grant
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“FILE ON 4”

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ACTUALITY IN GAZA

WHEWELL: Here in the tightly packed streets of one of Gaza’s refugee camps, I’m surrounded by people who have no running water, no proper sewage system, no steady source of income. Four out of five Gazans depend on some form of humanitarian assistance, but aid agencies often can’t deliver it because the territory has been ruled for the past seven years by a group regarded by many western governments as terrorists. Tonight I’m investigating how legislation intended to prevent support for terrorism is producing a chill factor in many charities. The most needy in many parts of the world – here, in Syria, in Somalia and other places – can’t always be helped because aid workers fear prosecution for engaging with the enemy.

WOMAN: Our humanitarian response has been slowed down. In some places it’s stopped altogether and ultimately people will die.

SIGNATURE TUNE

ACTUALITY IN DISPENSARY

WHEWELL: It's a chaotic scene here – there's a real scrum to try to get to the front of the queue. Most of these people, I'm told, have arrived just in the last few days.

It's one of the most miserable places on earth – Kilis, the ramshackle Turkish town just over the border from rebel-held northern Syria. Every day, more refugees arrive to join the million already in Turkey. Some are fleeing the regime's barrel-bombing of Aleppo. Others are running from fighting between different rebel groups.

ACTUALITY AT BUS STATION

WHEWELL: Some of the families have got blankets to sit on, some are simply sitting on the bare ground. It's taken them, in most cases, about six hours to get here from Aleppo. They've come on foot, by bus, by taxi, they've walked illegally over the border and most of them have got no idea where they're going next.

ACTUALITY OF TRUCKS

WHEWELL: At the border, convoys of trucks head in the opposite direction - loaded with food, medicine and other supplies for some of the nine million people who need aid inside Syria. Ahead of them is a constantly-changing battlefield peppered with road-blocks, where they must negotiate access with many different armed groups. Human Care Syria is one of the small specialised charities that exist to meet that challenge.

EXTRACT FROM HUMAN CARE PROMOTIONAL VIDEO

PRESENTER: We are one of the very few organisations who are able to travel to the besieged towns and villages, access to whom is dangerous for most aid agencies. We work

WHEWELL: But now there are places even they are afraid to go. Not because of bombs or bullets or blindfolds – though dozens of aid workers have been killed or kidnapped. What they fear is prosecution back home in Britain if they negotiate with the wrong people.

KUWAIDER: Working in certain areas is no-go because there are certain groups that have established themselves and it gives us concerns as a UK registered charity whether we should or should not work there, and that's for fear of our work from the UK being question-marked.

WHEWELL: Marwa Kuwaider is Human Care's Programme Development Manager. The London-based charity delivered £1 million of aid to Syria last year. This year, it hopes to double that. But the aid won't go to some areas of greatest need, because they're controlled by ISIS, the al-Qaeda off-shoot that's taken over much of northern Syria and now parts of Iraq. ISIS has just been listed by Britain as a banned terrorist organisation. And that's left Marwa with a problem.

KUWAIDER: We have purchased some water filters from the UK. We've crossed them into Syria, where they are now in our warehouse, however we are trying to get them to the north-east, to Deir-ez-Zor. The afflicted population there are suffering from unclean water, however we've not been able to get them to Deir-ez-Zor because of the issues of access and the issues of the proscribed groups that are surrounding that city, so we've had to keep them in our warehouse until we can find a safe accessible route which doesn't entail us engaging with proscribed organisations.

WHEWELL: It's a crime under UK law to provide funds that could be used for terrorist purposes, whether knowingly or unknowingly. A charity, or any individual working for it, could be held liable for any act of neglect that led to terrorists acquiring assets.

KUWAIDER: As a small organisation like ourselves, it could do a lot of damage, because any links or even discussions may be down the line be kind of attributed to Human Care Syria, so we avoid contact where possible with these organisations. We don't work in those areas until the ground changes or until we find a safe route where we can get our aid to the beneficiaries that we have identified that need those filters without having our arms twisted.

WHEWELL: And you think your arms would be twisted?

KUWAIDER: They could be diverted, they could be taken. We just don't want that risk for ourselves, because it would damage our work in other areas perhaps as well. The result is you don't get the aid to those areas where they need it most. You get issues like typhoid spreading, and we've already seen the growing typhoid in that particular area as a result of the unclean water that people are drinking.

WHEWELL: Navigating the law is as complex as navigating a war zone. There's now a huge body of international and national anti-terrorism legislation that's not written with charities in mind, but which affects them in many ways. Most of it is framed so broadly that even QCs specialising in the subject say they're confused by the implications.

MACDONALD: We have to comply to the legislation of all of our donors, so it's not one piece of legislation.

WHEWELL: Ingrid Macdonald is Head of Advocacy at the Norwegian Refugee Council. That's one of the very few aid agencies prepared to talk openly about a problem that worries them all.

MACDONALD: We have the US legislation, we have the UK legislation, we have the Norwegian, we have the Swedish, we have all these different requirements. So, for example, the Denmark and the US have a requirement that you don't even need to have intent, so you don't even need to know that you may be aiding a terrorist, even inadvertently, not even intending to do it, for you to fall foul of their law and to basically be held liable in terms of material support. Material support is something that is interpreted differently and applied differently by different governments. And so, for example, the US definition of material support prohibits everything except medicine. You can have a box of Panadol, but if you have a person who tells someone how to take that Panadol, that is considered to be violating material support. Then you go and you look at all of the different definitions of countries, all different, so if you are doing an activity like a water and sanitation project, and so you put a well in a place and someone drinks from that well who happens to be a designated terrorist, does that mean that they're getting material support because they drank from your well, even though the majority, 99.999% of that water is drunk by the civilian population? Just because that terrorist drank from that water, does that mean it is a material support?

WHEWELL: A similar dilemma is even affecting medical workers, even though international humanitarian law says that it shouldn't.

ACTUALITY WITH DOCTOR

GABBAR: Going to start the needle injection now.

PATIENT: I'm not feeling anything.

GABBAR: Fantastic, good. I just want you to relax and keep still, okay?

WHEWELL: In between treating his British patients in Leicester, Dr Omar Gabbar frets over the future of another hospital far away in Aleppo.

GABBAR: I do some major spine surgery here, but nothing worries me and scares me as much as thinking of what's happening right now in Syria, especially Aleppo, where I come from.

EXTRACT FROM PANORAMA

REPORTER: Casualties just keep on coming in. The truth is, they can't even barely begin to cope inside here. There are few beds, which is why people are laid out on the floor ...

WHEWELL: Atareb Hospital, featured in a recent BBC Panorama report, is run by Dr Gabbar's charity, Hand-in-Hand for Syria.

EXTRACT FROM PANORAMA

WOMAN: How are we doing with the painkillers? Has he had any painkillers? Painkiller? Morphine? Okay, that's better than nothing

WHEWELL: Its hundred doctors and nurses risk their lives amid the fighting to treat victims of barrel-bombs, as well as routine medical cases.

GABBAR: Chaos is the best word I can say to you. You just can't imagine what it's like to see patients on the floor and everybody is screaming for help. You've got families walking through, bringing their injured son or their injured wife or husband or brother, they want urgent aid right now for their loved one - and you have only got one pair of hands.

WHEWELL: But now Atareb hospital is under threat. Government donors don't usually give money directly to small, fairly new charities like Hand-in-Hand. They prefer to funnel it via well-established agencies. But Hand-in-Hand's mainstream partner is withdrawing from the arrangement. If a new partner can't be found, the hospital will have to close.

GABBAR: Unfortunately it's trying to convince a charity to take the risk of working inside a hostile environment with 'Hand-in-Hand' being the aid-delivering agency. There is something called a money trail and this is where international NGOs are starting to get a bit worried. If you are giving salaries to doctors and if one of those doctors is at some stage labelled as a terrorist or something like that, this is something that can have an effect on them and that's one thing they're worried about.

WHEWELL: And that's not the only concern. File on 4 understands that Hand-in-Hand's partner was also worried about the number of combatants being treated at Atareb.

GABBAR: Maybe behind closed doors that's what they think, but as a humanitarian and in international law, we should not discriminate against anyone who is in medical need, on medical care, so internationally no one can declare that. And just because, say for example an ISIS or Al-Qaeda backed injured person, we should not withhold treatment. By international law we cannot do that.

WHEWELL: And you worry that Hand-in-Hand could get into legal difficulties?

GABBAR: It worries me, and that's always the thing that's in the back of my mind – that one day someone will turn around and say, 'You've treated X or Y,' but at the end of the day, when people come through with clothes ripped off and wounds, they don't have an ID.

WHEWELL: But a controlling armed group could start to take advantage of a facility like a hospital for its own purposes, couldn't it?

GABBAR: That is a risk, but it should not be an excuse to stop supporting medical facilities, because if you deprive a whole area on the excuse that I'm worried about 10% of their services is going to this group, you're depriving 90% innocent people who do not deserve this. They didn't ask for ISIS to come into this area.

WHEWELL: As the area under ISIS control expands, that prospect is now seriously worrying the world's top aid official, Baroness Amos, the UN Under-Secretary-General for humanitarian affairs:

AMOS: A couple of charities that are able to operate in those areas are now extremely fearful that the fact that they are having to engage with ISIS, that that will have an impact on their funding, not just for Syria, but for other places as well, so quite often a decision will be taken by those charities to stop operating. Because the legislation very often says 'any contact with individuals from these groups', if you're a medical charity and you treat someone who is wounded, again although international humanitarian law makes it very clear that combatants have a right to be treated, we will see less delivery of aid on the ground. Organisations are really worried that they will actually be hauled up in front of courts, that individuals have the potential to face an issue of committing a crime which has a knock-on effect to the organisation as a whole and their credibility.

WHEWELL: And what does that potentially mean on the ground?

AMOS: Well, in Syria, we estimate that over nine million people are in need of aid. Many of those people are in areas of active combat, where you have a lot of these armed groups operating. We have got reports of people being on, you know, the brink of running out of food, people certainly have run out of medical supplies in many of these areas.

AMOS cont: So if you have the few organisations that are able to operate there pulling out because of the worries that they have, ultimately people will die.

WHEWELL: The danger's not just in Syria, but wherever designated terror groups are active – in Pakistan, Afghanistan, Colombia, Nigeria, the Philippines. Some charities - household names you could find on any high street – now class the danger of breaching anti-terrorism laws as one of their main corporate risk factors. And it's making some increasingly risk-averse.

PANTULIANO: Many organisations, because of the lack of clarity, this is what is defined as the 'chilling effect'. Because of the lack of clarity, they applied a lot of self-censorship and they ended up interpreting the legislation even more restrictively that they actually should have been.

WHEWELL: Sarah Pantuliano of the Overseas Development Institute worked for years in the aid sector. Now she's written a report about what happened four years ago in Somalia, when the chilling effect of counter-terrorism laws on charities came into sharp focus. Somalia suffered a famine that's now estimated to have killed more than a quarter of a million people. But as in some parts of Syria now, the needy could only be reached with the consent of a terrorist group controlling the area – in that case, al-Shabaab, the al-Qaeda linked Islamist force. And al-Shabaab demanded that agencies pay a fee to operate in their territory.

PANTULIANO: The figure that has emerged from a number of different pieces of work, not just ours, is \$10,000 would be the maximum fee to be able to operate in al-Shabaab territory. Even for those agencies who paid, there would be, you know, a minor amount of the amount of aid that was distributed to people that were dying. Now not all the agencies paid. Some did, many didn't.

WHEWELL: When you say some paid, did the ones who paid include well known, mainstream charities?

PANTULIANO: Some, yes. Possibly not UK well known big names. But again, very well established, recognised did not pay, some left the area, some managed to operate without paying the fee. It was very different, the way in which different organisations operated.

WHEWELL: In the two years after the US listed al-Shabaab as a terror group in 2008, aid to Somalia fell by 88%. Washington suspended funds of more than \$50 million. Later – faced with the scale of the suffering – it relented. Charities were given licences to work in al-Shabaab areas. But that was after thousands had already died. Now Mike Parkinson, policy adviser at Oxfam, wants governments to consider whether to allow payment for access in cases of emergency.

PARKINSON: We want to deliver aid to people who need it, when they need it. We want to be able to deliver it safely and securely. If in order to achieve that, that might require some incidental arrangement, payments or arrangements, then that's something that we need to agree, we as the policy makers, as to under what circumstances that might be allowable. But certainly there is the potential for discussion with the policymakers as to where that line might be.

WHEWELL: So there have been occasions when you've been asked for payment?

PARKINSON: There have been instances where we've been asked for payments and that has led to us reviewing whether the programme should go ahead. We've had concerns over selection of communities and beneficiaries, about sort of whether we can access the communities that we believe we want to reach, so I think there were sorts of conditions that a group on the ground might try to impose on us would certainly lead us to consider whether this was a programme that was still viable and valid.

WHEWELL: And you had to suspend in those cases?

PARKINSON: Yes.

WHEWELL: Can you say where those were?

PARKINSON: I won't, if you don't mind.

WHEWELL: But what does the UN's Valerie Amos think about the possibility of paying for access?

AMOS: Absolutely not. We have seen examples of this where organisations designated as terrorists have tried to impose taxes on humanitarian organisations, you know, have tried to extract fees, have tried to suggest that, you know, the aid should be handed over to them. None of that is acceptable.

WHEWELL: So no deals, even if the cost of not doing a deal, the cost of not making a small payment would be abandoning a large group of people who need help?

AMOS: We cannot start undermining our own humanitarian principles by paying for access. This is a complete non-starter. So you negotiate the access, but you can't be paying for it.

WHEWELL: The question is: what's an acceptable level of engagement between charities and proscribed groups? And what if the proscribed group has been democratically elected and operates as a government? That's the situation in Gaza, the most legally challenging place on earth for foreign charities to work.

ACTUALITY AT CAMP

SHAWA: We are on the entrance of the ... refugee camp, which is one of the most crowded refugee camps in Gaza Strip.

WHEWELL: It's the most densely populated place in the world, isn't it?

SHAWA: That's right. The refugees' community are a long, long time are depending on the aid. We have unemployment which is rising, and at the same time the poverty is unbelievable.

WHEWELL: Amjad Shawa runs the main umbrella group for charities in Gaza.

So we've got out of the car here at a fairly narrow alley, crowded with people because it's early evening, everyone's sitting on their doorsteps. We're going through a wooden door now and this is a completely bare house on the inside. There are holes where the windows should be, no glass. People actually live here, yes? They're actually living inside this?

SHAWA: Yes.

WHEWELL: There's also quite a strong smell of urine. Is there a proper toilet here?

SHAWA: You can see it, toilet without a door. There is no water, the sewages cannot work, so there is no water so what they can do?

WHEWELL: So this is what counts as a kitchen. It's absolutely filthy. There's just a tap coming out of the wall, no sink of any kind, and we're just turning it now and you can Well nothing at all happens, nothing whatsoever coming out. And there's only water once a week, literally, yeah?

SHAWA: The good weeks, we have twice a week, and sometimes this water from the wires is mixed with sewage and mixed with ... you couldn't wash your hands. It's not treated. I have not any kind of food items and this is my fridge, you can open it.

WHEWELL: So he's got a fridge, an absolutely filthy fridge, and it's well genuinely He's saying 'mafouche' - nothing, nothing at all in it, and it's genuinely empty apart from one small watermelon and five or six bottles of drinking water, that's all that's in it.

Thousands of families live like that. Gaza's blockaded by both its neighbours – Israel and Egypt. It's a tiny sliver of land that can't even begin to feed itself. Almost half the workforce is unemployed. But since 2007, when the militant Islamist group Hamas took control here, much of the aid that used to flow has been cut.

ACTUALITY AT HOSPITAL

WHEWELL: This is the al-Wafa hospital, the physiotherapy ward, and we're looking out across the rooftops here of Gaza City towards the Israeli border fence, and there's one man who's an outpatient who is pedalling away furiously on a very old looking exercise bike. Then there are two beds over here. A series of doctors, men and women, or trainee doctors in white coats, the women in headscarves, bending over a patient now, and

WHEWELL: El-Wafa is Gaza's main hospital for the disabled. But the equipment's so old it's hard to get patients' limbs working again. Even more seriously, it's hard to prevent them losing limbs that might be saved if infected wounds could be properly treated.

ALASHI: This is a Versajet machine that cleans the wound through a jet of water. That machine operate through that handle, that handle is disposable. The whole ward use it once only and they throw it away. We cannot afford to buy another one for \$650 and so we have to reuse it more than ten times until it becomes useless at that time, and then that machine becomes useless to us.

WHEWELL: So there are some patients who are not being treated with chronic wounds?

ALASHI: Yes.

WHEWELL: This is for chronic wounds?

ALASHI: Yes, some patients, we're unable to treat them because the lack of having another handle like this, so we have to send them back home. They will suffer, they will lose part of their body, they will lose their feet or their hands or the part that is infected.

WHEWELL: They will lose their feet because this machine isn't working properly?

ALASHI: It's not working properly at all. There's a lot of people who had amputation here because of the infection that we are unable to treat.

WHEWELL: In his office, the director shows me the list of donors who've pulled out.

ALASHI: We lost from the US USAID, we lost from United Kingdom's Government, that used to support us. Canadian companies, they stopped, Australian companies, Muslim Aid in Austria, Mercy Corps – that's in the United States. All

ALASHI cont: these companies are somehow affiliated to their local governments. They have to follow their international law where it restricts any funding coming to Gaza. I would say 40% of our income was lost because of grants and programmes funded from outside. We used to treat about five to six thousand patients a year, but now we treat about fourteen hundred to two thousand patients a year. For the last three years we've been giving our employees half of their salaries just to keep us afloat.

WHEWELL: El-Wafa says that it isn't controlled by Hamas because it's a private hospital. But USAID – the American Government's agency – requires all board members to be vetted for possible links to Hamas or other proscribed groups.

ALASHI: Somehow our name was labelled on their list, that they say El-Wafa is part of the government. We are not part of any government, we are independent. They built up lots of restrictions that we are unable to fulfil. Who is that person on the board of director, where he come from and maybe one day he was affiliated with Hamas, that does not mean that this organisation affiliated with Hamas.

WHEWELL: The donors asked you to provide all the details of members of the board of management and you refused?

ALASHI: No, we did provide them, but they ask the history of every one. We can't provide the history, background history of every board members. If you have any question, please call them.

WHEWELL: Are some board members in Hamas?

ALASHI: No.

WHEWELL: None?

ALASHI: No.

WHEWELL: No board members have been members of Hamas?

ALASHI: No, no.

WHEWELL: The need for charities to vet staff, partners, suppliers and beneficiaries takes up an ever-increasing amount of their time and resources. Mike Parkinson of Oxfam says that the sector's being unfairly singled out for suspicion.

PARKINSON: Certainly I think that there is a disproportionate focus on NGOs, and because there is this perception that we are peculiarly vulnerable to abuse by terrorist groups, that means that whether we're looking to transfer money through banks, get insurance for shipping, or whatever else, all of these service providers then get very nervous about providing those services to us. I think that we need a much more constructive dialogue with governments so that they understand more about how we deal with these matters and how we manage risk and how we are absolutely committed to ensuring that no aid is diverted away from the purpose for which it's given.

WHEWELL: The UK Charity Commission says that the number of proven cases where charities have supported terrorist activity, whether directly, indirectly, deliberately or unwittingly, is very small compared to the size of the sector. But in one example from the US, founders of what was the country's largest Islamic charity, the Holy Land Foundation, were given jail sentences of up to 65 years in 2009 for channelling \$12 million to Hamas. Now a report just published by the Financial Action Task Force – the inter-governmental body looking at how to stop terrorist funding – cites more than a hundred cases around the world where charities have been used for terrorist purposes. Most involved diversion of funds. It says that non-profit organisations are particularly vulnerable to abuse, and the ones most at risk are those that operate in close proximity to an active terrorist threat. Justine Walker, of the British Bankers' Association, says that's why her members are now very wary of servicing charities that operate in those areas.

WALKER: From the banks' point of view, the problem that they face is that if the money does end up in wrong hands, that they potentially could be held liable for having facilitated that payment, so for any failing on the charities' part, the bank will potentially be held liable for that. So the bank not only carries its own business risk, it's also carrying its customer risk. Charities need to understand who they are partnering with and what the risks of those partners are. In the space of terrorist financing, just screening names of designated individuals or entities isn't enough. I mean, it is important, but the likelihood is, by the time somebody is designated, they're not going to be operating in their own name; somebody else is going to channel funds on their behalf.

WHEWELL: What she fears is de-risking – the prospect that banks will simply refuse to fund charities working in places like Syria, Gaza, Afghanistan or Somalia. And that wouldn't just be bad for charities. It would be bad for the stability of the whole world financial system, because it would stymie development in countries that need to be pulled out of poverty and chaos.

WALKER: We are incredibly concerned that banks are being put in a situation that we are not going to be able to facilitate money into some of the most fragile and needy areas of the world. There really needs to be an urgent understanding of where banks are de-risking, what are the drivers of that de-risking. That is not good for both humanitarian work but for social development and for emerging economies. This shouldn't mean that banks are not able to process any payments into those countries, but at the moment, because there is such regulatory uncertainty, banks just really don't know whether, if they process that payment and it does go wrong in the future, people will come in and they'll look at a payment retrospectively, three years after it's been made, and they'll say to the bank, 'You should have known that was going to go to the wrong people.'

WHEWELL: File on 4's learnt that the British Bankers' Association is now so worried it's preparing a report for this autumn's G20 summit of the world's major economies, urging governments to get together with banks and charities to discuss how risk can be shared. But Mike Parkinson of Oxfam says the threat of de-risking just shows how far charities are now being squeezed.

PARKINSON: Currently, I think it is going the wrong way. There's still an over-emphasis on just extending the amount of due diligence you do rather than constructive dialogue around how to assess risk better, and the fact that some governments, the US Government in particular, are looking at enhanced due diligence, which requires recipients of their funds and US agencies in some countries to obtain information about partners, staff, which they are then required to hand over to USAID for them to vet. That jeopardises our status as impartial agencies in these areas, so that's one area where there has been a lot of pushback from the sector.

ACTUALITY OF GIRL SINGING

WHEWELL: Back in Gaza, I'm listening to something beautiful and rare. Something made possible only by another, local charity that's being squeezed by vetting demands. It's the sound of 17 year old high school student, Karima Toman, playing the traditional Arab instrument, the oud. We're in one of the youth centres, where a Palestinian organisation called Tamer runs after-school activities. Without such places, in Hamas-controlled Gaza, there'd be nowhere for a girl like Karima to play in public.

TOMAN: Here I can play to young children who will grow up loving music because, especially being a girl in this community like Gaza, you don't get the opportunity to play anywhere, and some people, in fact most of the people in our community don't like the fact that a girl is playing oud and is singing. So as a girl and as a 17 year old lady, it gives me the area to be able to express and give and show my talent, show what I love and share with other people. Tamer is like our only breath.

WHEWELL: Place to breathe?

TOMAN: Yes.

ACTUALITY WITH CHILDREN

WHEWELL: Now some of Tamer's centres, crowded with children, are threatened with closure as foreign funds dry up. The charity lost its USAID money because, along with many other Palestinian organisations, it refused to sign the agency's standard document promising not to support terrorism. Tamer's director, Mohammed Abu Sliman, argues that that would have committed it to an American Government view of the situation in the Middle East. But it doesn't mean that he supports Hamas.

SLIMAN: We and Hamas, we are not on the same track at all. We are working against Hamas mentality, against Islamic mentality. Hamas tried to close us.

WHEWELL: So it's kind of ironic then that you don't get the funding, because you're actually trying to make society more independent?

SLIMAN: More independent, more strong, more knowledge.

WHEWELL: The piece of paper that USAID requires people to sign, it simply says, it requires you to state that you will not provide any support to terrorism. Why is that so difficult to sign?

SLIMAN: It's not difficult to sign, it's a principle. We will never sign. We are basically against the conditional fund from the beginning. This is our main principle. Agreements does nothing, everybody can sign the paper, but the real agreement is what we provide to the community and giving them the opportunity to know about Gandhi, the peaceful resistance. This is against terrorism, not signing a paper. To give a child a space to play music, not carrying the gun. This is against terrorism.

WHEWELL: You might think conditions for funding would be eased now that there's a new Palestinian unity government and officially Hamas no longer runs ministries in Gaza. But no one expects a sudden new flow of cash. Washington's waiting to see if and how the situation changes on the ground. Everyone knows that Hamas supporters will still be in many positions of power and influence in Gaza. The UN's Valerie Amos says aid agencies must be allowed to deal with the organisation.

AMOS: They have to be able to talk to Hamas. These are the de facto authorities in Gaza. You have to be able to identify using all the data, so data that Hamas have, data that we have, so that we're able to identify exactly where the need is. So we need to be able to talk to an organisation like Hamas to do the planning, the programming, to make sure we have the access and that we're able to do the delivery.

WHEWELL: The legal restrictions charities face across the world are now being investigated by the UK's independent reviewer of terrorism legislation, David Anderson. He's planning a report on the problem later this year. Meanwhile a group of US congressmen have put forward a bill to exempt charities from some counter-terrorist rules when the need demands it. But the bill has little chance of becoming law. And the need – the desperate need, according to Valerie Amos - is now.

AMOS: We fully understand and appreciate that governments have a responsibility to fight terrorism. What we are saying is that the consequences of the way the legislation is applied through policy, when you look at humanitarian work, is

