

# MARKING THE NAKBA

FROM BETRAYALS AND WARNINGS TO FUTURE VISIONS

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*A selection of Al-Shabaka analysis that reviews the past 100 years, dissects the present, and looks ahead to a better future.*



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*Please note that URLs have been provided as endnotes rather than as hyperlinks in the pieces reproduced in this booklet to make it suitable for printing. For the original publications with hyperlinks included, please go to [al-shabaka.org](http://al-shabaka.org).*

# INTRODUCTION

Some years ago, I saw Hanan Ashrawi after a long time apart. During the course of our conversation I said how important it was that she was still living in Palestine. By contrast, I had lived in four different countries by that time (now seven). Hanan replied: “I never left. I knew that once you move, you keep on moving.”

In the 70 years since the Nakba (Catastrophe), millions of Palestinians have been forced to move, and to keep on moving not once but many times. Most were dispossessed and displaced in the harshest conditions of war, terror, and fear, with little more than the clothes they wore, losing family members on the way or leaving them behind.

While the Israeli-Arab war of 1948 marks the year of the Palestinian Nakba, this was not a one-time event. The forcible dispossession of Palestinians began in 1947 and reached its peak with the creation of Israel on May 15, 1948, continuing thereafter as Israel gradually sealed off the border and blocked the refugees’ return despite its pledge to the United Nations. The Nakba continued through three major Arab-Israeli wars in 1956, 1967, and 1973 and the Israeli invasion of Lebanon in 1982.

The Nakba has also continued through Israel’s frequent incursions into and assaults on Gaza, the West Bank, and Lebanon, as well as its interference in civil wars in Jordan, Lebanon, and Syria. One could add the US invasion of Iraq in 2003 – a war that violated the UN Charter – given the strong Israeli support of that project, as well as other great power geopolitical schemes in the Middle East. These wars and crises resulted in great destruction in Palestine, Iraq, Lebanon, and Syria, and the dispossession of millions of Arabs. The Palestinian condition has been described as the «most protracted and largest» refugee problem in the world.

Beyond these major events, the Nakba continues every day through the relentless dispossession of Palestinians, home by home and village by village on both sides of the Green Line – within Israel as well as within the Occupied Palestinian Territory (OPT). Witness the plans for villages such as Al-Walaja and others surrounded by Israel’s Separation Wall in the OPT or the uprooting, as recently as 2018, of the Bedouin in Umm Al-Hiran within present-day Israel.

The brutal, decades-long fallout of the Nakba has its roots in the original Zionist project to build a Jewish state in Palestine shaped at the first Zionist Congress in Basel in 1897 and given an imperial imprimatur by Britain in 1917. There was more than one strand of

Zionism in the early days but the one that prevailed was the settler colonial model that has had as its goal the displacement of the majority of the indigenous people, as is clear from a plethora of Zionist statements and texts. This goal was accomplished in the 78% of mandate Palestine that became Israel in 1948 and is being carried out today in the OPT.

To mark the Nakba, Al-Shabaka has drawn together a selection of pieces from its archives that offer reflections on the past and present but also look ahead with suggestions for ways forward. As a think tank founded to expand the space for policy analysis by Palestinians in order to ensure that these perspectives are taken into account by the policy community, civil society, and the media, Al-Shabaka has since 2010 sought to bring thinking and well-grounded analysis to the table.

This booklet is divided into four sections, each of which includes a short introduction and selected pieces. A list of additional reading is provided on p. 88. The first section, “In the Beginning Was Betrayal,” reviews the roots of the conflict and includes discussion on alternative trajectories history might have taken. This is followed in “The Path to the present Day” by analysis of the continuing impact on Palestinian lives, particularly since 1967. In “Warning Signs Along the Road,” Al-Shabaka analysts discuss the mistakes made in the Palestinian movement for self-determination. The final section, “Future Visions and Strategies,” examines the goals of the Palestinian struggle and ways to move ahead.

There is much more analysis on Al-Shabaka’s website that can inform the present time and help build for the future, and readers are encouraged to browse through the sections on politics, economic issues, refugees, and civil society.

If the cycle of war and violence is to be broken, it is important that our work to fulfill the inalienable rights of the Palestinian people does not create new wrongs. Implementing justice without prejudice to the rights of others and upholding one’s identity without diminishing or destroying that of others willing to live in peace and justice are not signs of weakness but of strength. Despite repeated attempts to crush the Palestinian people over the past century, it is remarkable how many still hold this view.

**Nadia Hijab**

President, Al-Shabaka: The Palestinian Policy Network



## CHAPTER ONE

# IN THE BEGINNING WAS BETRAYAL

Britain's betrayal of the Palestinian people through the Balfour Declaration in 1917 – and of the rest of the Arab national movement through the Sykes-Picot Agreement with France in 1916 – has been well studied. The 100th anniversary of the declaration in 2017 was marked by protests, literature, and cultural events, as well as official and popular Palestinian demands for an apology from Britain.

The refusal of imperial powers to, at a minimum, apologize for the violation of the individual and national rights of their “subjects” and the rape of their homelands has contributed to a culture of impunity that has continued through the 20th century. That culture of impunity greatly contributed to Israel's repeated violations of international law over the past 70 years despite international condemnation of its refusal to recognize the rights of Palestinian refugees since 1948, compounded by its occupation of Palestinian and other Arab lands in 1967, an occupation that marked its 50th anniversary in 2017. This section includes four pieces that reflect on how historical events have - or could have - shaped the present.

### **Don't Historicize the Balfour Declaration: The Past is Still the Palestinians' Present**

**Yara Hawari** reflects on Britain's imperial legacy and discusses the nature of an apology that would be meaningful today.

### **After Balfour: 100 Years of History and the Roads Not Taken**

In this unique exercise **Zena Agha, Jamil Hilal, Rashid Khalidi, Najwa Al-Qattan, Mouin Rabbani, and Jaber Suleiman** each choose a different point of history from the past 100 years and reflect on whether Palestinians could have influenced the course of events in a different direction. They also draw lessons that should be applied in the Palestinian quest for self-determination, freedom, justice, and equality.

### **Tracking the Trends of the Palestinian Cause Since 1967**

**Nadia Hijab** and **Mouin Rabbani** take stock of the Palestinian cause from the eve of the 1967 war to 2017. They note that while the Palestinian people are today at one of the weakest points in their history, major obstacles remain in the face of Israel's attempts to snuff out Palestinian self-determination.

# DON'T HISTORICIZE THE BALFOUR DECLARATION: THE PAST IS STILL THE PALESTINIANS' PRESENT

BY YARA HAWARI

JULY 2017

## Overview

The political turmoil in the United Kingdom following Prime Minister Theresa May's re-election with a reduced, precarious majority and the implications for the UK's negotiations to leave the European Union have overshadowed Britain's other foreign policy concerns. Among other repercussions, it casts doubt on the way in which the UK will mark the centennial of the Balfour Declaration later this year. As is well known, the fateful letter, signed by Foreign Secretary Arthur Balfour on November 2, 1917, promised British support of a Jewish homeland in Palestine, completely disregarding the sovereign rights of the Palestinian people who lived there.

Prior to the elections May had described<sup>1</sup> the declaration as "one of the most important letters in history" during a speech to a Conservative Friends of Israel meeting, and said it was "an anniversary we will be marking with pride." May's comments suggested that the British Embassy in Tel Aviv would host a large celebration to honor the occasion. In addition, President Reuven Rivlin invited the royal family for an official state visit to coincide with the anniversary. Though the Queen is unlikely to travel, Prince Charles may attend.<sup>2</sup>

**"Despite claims of a  
commitment to peace,  
Britain has shown that it is  
Israel's ally."**

Now it is an open question as to whether May – or indeed the Conservative Party – can stay in power. This provides the Palestinians with an opportune moment to regroup in their efforts, hitherto unsuccessful, to use the

Balfour centennial to begin to address Britain's century of ill-treatment toward the Palestinians.<sup>3</sup>

This commentary traces Britain's treatment of Palestine and the Palestinians since the time of Balfour's letter, demonstrating a largely consistent pro-Israel stance over the decades. It then considers the consequences that Brexit and the recent elections may have for the Palestinian cause, and concludes with recommendations regarding the kind of apology Palestinians should demand of Britain in light of these past and current events.

## One Hundred Years of Bias

Theresa May's fawning to the Conservative Friends of Israel came as no surprise. Britain's involvement in Israel and Palestine has consisted of an almost unwavering support for the Zionist project since its colonial inception. Despite claims of a commitment to peace, Britain has shown that it is Israel's ally first and foremost. This can be seen in its continued arms trade with Israel, despite resultant complicity in Israeli war crimes. Britain has also failed to sanction Israel for its continued settlement building in the West Bank, which has doubled since the Oslo Accords, with over half a million settlers in areas that would constitute a Palestinian state. Moreover, the British government continues to demonize the Boycott, Divestment, and Sanctions movement (BDS), the global nonviolent grassroots campaign for Palestinian rights.<sup>4</sup>

A century ago, Christian Zionist ideology, which sought to facilitate the return of Jews to the Holy Land to fulfil a biblical prophesy, guided Britain's political elite. This cadre included the prime minister, Lloyd George, who led the coalition government. Just over a month after the Balfour Declaration, General Edmund Allenby took Jerusalem from the Ottoman forces, marking the beginning of British colonial rule in Palestine. Though this rule ended at the establishment of the State of

Israel in May 1948 and the forcible displacement of and denial of return to the majority of the Palestinian population, British interference in Palestine would continue thanks to Britain's unwavering commitment to Zionism.

**“Calls from activists demanding that the UK cease its arms trade with Israel have come to naught.”**

Zionism found support in the British Labour Party, which was sympathetic to a movement it saw as a socialist Jewish liberation project. It is thus unsurprising that the party publicly supported the Balfour Declaration. However, after the 1967 occupation of the West Bank, Gaza Strip, and Golan Heights, more critical voices began to emerge. This coincided with international recognition of the Palestinian Liberation Organization (PLO) and Israel's shift to the right.

Under Tony Blair's rebranded “New Labour,” the party renewed its support for Israel. In fact, Israel's most ardent supporter in recent British politics is Blair, who from the very beginning of his political career in the early 1980s, was a member<sup>5</sup> of the pro-Israel lobby group Labour Friends of Israel (LFI). During his premiership he visited Israel several times, and counted Lord Michael Levy, a staunch Zionist<sup>6</sup> among his closest advisors and biggest fundraisers.

Under Blair's successor, Gordon Brown, human rights activists brought attention to Britain's relations and particularly its military trade with Israel during Israel's 2008-2009 Cast Lead offensive in Gaza. A 2014 parliamentary report<sup>7</sup> confirmed that the Israeli army used weapons from the UK in its attacks, which killed over 1,400 Palestinians, most of them civilians.<sup>8</sup> Yet calls from activists demanding that the UK cease its arms trade with Israel have come to naught, and relations between Britain and Israel continue unabated.

The current Labour leader, Jeremy Corbyn, has a different stance on Palestine. He has been hounded

for his decades of support for the Palestinian cause, particularly for his affiliation with the Palestine Solidarity Campaign. Critics dubbed him a Hamas supporter and an anti-Semite. After his election, the party endured an anti-Semitism scandal that saw the suspension of several party members, including the Jewish activist Jackie Walker, who in a Facebook post referred to the African slave trade as a holocaust.<sup>9</sup> Corbyn subsequently launched an inquiry<sup>10</sup> headed by the barrister and human rights advocate Shami Chakrabarti. The inquiry published its report in June of 2016 and confirmed that despite these claims, Labour is not overrun by anti-Semitism. Many saw the scandal as part of an ongoing attempt<sup>11</sup> by pro-Israel and pro-Blair figures to weaken and undermine Corbyn. Overall, it demonstrates how serious it is for a leading British political figure to take a pro-Palestine stance. The Conservative Party particularly encouraged the attacks on Corbyn.

### **British Foreign Policy on Palestine: What's Next?**

In the wake of May's failed attempt to expand her majority, it is now unclear what form Brexit will take. But if Britain leaves the European Union as planned in 2019, some argue that Palestinians may benefit. Ilan Pappé, for example, suggests that Brexit could be<sup>12</sup> an “opportune moment to advance Palestinian freedom” in that Israel would lose its advocate in the EU. As such, EU countries could put forward more initiatives to back Palestinian rights without being blocked by a staunchly pro-Israel Britain. Two months before the Brexit referendum, Prime Minister David Cameron used this argument to support his anti-Brexit stance<sup>13</sup> while addressing a Jewish charity: “When Europe is discussing its attitude toward Israel, do you want Britain – Israel's greatest friend – in there opposing boycotts, opposing the campaign for divestment and sanctions, or do you want us outside the room, powerless to affect the discussion that takes place?”

**“When the past infiltrates the present, the demand to forget is impossible.”**

By promising to fight against BDS within the EU, Cameron catered to pro-Israel groups whose fears of Palestinian activism increased in 2015 after the European Commission issued its interpretive notice that products made in Israeli settlements bound for the EU be labeled as such. The UK's stance against BDS stands in contrast to European countries<sup>14</sup> such as Sweden, Ireland, and Holland, which have affirmed BDS as a legal example of free political expression.

**"A discourse that the Balfour Declaration has not fulfilled its obligations to Palestinians is problematic."**

While an EU without Britain might be able to operate more freely in its support for Palestinians (Israel can still count on strong support from central and Eastern European countries to block initiatives for a just peace), the inverse is also true: Israel's "greatest friend" would have fewer checks on it from European countries that support Palestinian rights. This could allow Britain to impose draconian restrictions on those in the country who support the Palestinian cause, particularly those affiliated with BDS.

### **The Kind of Apology Palestinians Need and Deserve**

The Balfour Declaration has shaped the Palestinian experience. The signing over of Palestine to a European settler colonial enterprise and the disregard for the rights of the indigenous people is the essence of the Palestinian condition. This disregard continues today, manifested in the charade of the "peace process," which allows Israel to continue its expropriation of Palestinian land and expansion of a Jewish state while simultaneously professing its pursuit of "peace."

British officials have a common refrain when they discuss Balfour and the 1948 Nakba: They often state that Palestinians should stop talking about the past and instead focus on the future. This call for the dismissal of past events as bygone is a tactic often invoked by

those in positions of power in peace process discourses around the world, particularly in contexts of colonialism and settler colonialism. However, when the past infiltrates the present, as is the case for every Palestinian, whether in Ramallah, Haifa, the Bourj Al Barajneh refugee camp in Lebanon, or the wider diaspora, the demand to forget is impossible.

Palestinians rightly desire a British apology for the letter that helped birth this ongoing oppression. However, initiatives in pursuit of this goal must be wary of several pitfalls. First, using a discourse, as some Palestinians do, that stresses that the Balfour Declaration has not fulfilled its obligations to the Palestinian people is problematic, as it suggests that the document holds legitimacy. The declaration was a colonial document that gave legitimacy to a settler colonial project and as such, Palestinians should not use it to further their struggle or to claim their human rights.

Second, while an apology is important, it must not come as an empty, symbolic gesture, as has happened in many other colonial contexts. Indeed, scholars have written about the limitations of settler state apologies, arguing that in most cases these apologies neutralize the historical narrative while simultaneously ignoring the ongoing oppressive relationship between the state and the indigenous people.<sup>3</sup> An apology must therefore come with the recognition that the past is not in the past, that the settler colonial project is ongoing, and that Britain continues to be complicit in the suffering of the Palestinians through its diplomatic and trade relations with Israel.

As such, any apology campaign must also demand British policy changes that would sanction Israel and hold it to account for its international human rights violations. In this way, the Balfour Declaration would not be historicized as a thing of the past, but would be revealed as a document whose legacy continues to have drastic and devastating consequences for the Palestinian people. Until the British government reconsiders its largely default position and makes a commitment to real policy change, it will continue to propagate the destructive and repressive decision it made a century ago.

## ENDNOTES

affect-europes-approach-to-israel-by-staying-in-eu#.V21ILz0hjsM.facebook

1. See: <http://www.conservativehome.com/parliament/2016/12/mays-speech-to-the-conservative-friends-of-israel-full-text.html>
2. See: <https://www.thetimes.co.uk/article/royal-family-to-mark-balfour-centenary-with-official-visit-to-israel-7ns8cglcb>
3. These efforts include a plan to sue the British government for the declaration announced by Palestinian Authority Foreign Minister Riad Malki at an Arab League summit last year, and a petition demanding an apology for the letter, to which the government responded by largely re-stating its position.
4. The Palestine Solidarity Campaign won a major legal victory against one such attempt to demonize BDS in court on June 22, 2017.
5. See: <https://electronicintifada.net/content/tony-blair-true-friend-israel/7038>
6. Ibid 5
7. See: <https://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm090421/wmstext/90421m0001.htm#090421109000043>
8. See: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf>
9. See: <http://www.bbc.com/news/uk-england-kent-36203911>
10. See: <http://www.labour.org.uk/page/-/party-documents/ChakrabartiInquiry.pdf>
11. See: <https://electronicintifada.net/blogs/asa-winstanley/labours-israel-lobby-plans-relaunch-campaign-against-corbyn>
12. See: <https://electronicintifada.net/content/why-brexiteers-may-be-palestines-gain/17366>
13. See: <http://www.jta.org/2016/06/21/news-opinion/world/david-cameron-britain-can-only-affect-europes-approach-to-israel-by-staying-in-eu#.V21ILz0hjsM.facebook>
14. See: <https://bdsmovement.net/news/irish-and-dutch-governments-join-sweden-speaking-out-right-call-bds>



# AFTER BALFOUR: 100 YEARS OF HISTORY AND THE ROADS NOT TAKEN

WITH ZENA AGHA, JAMIL HILAL, RASHID KHALIDI, NAJWA AL-QATTAN, MOUIN RABBANI,  
AND JABER SULEIMAN

## Overview

A worldwide wave of analysis and activism is marking the 100th anniversary of the Balfour Declaration on November 2, 2017. The Declaration gave an imperial imprimatur to the Zionist movement's resolution at its first conference in Basel in 1897 to "establish a home for the Jewish people in Palestine secured under public law" and launched never-ending war and violence and the dispossession, dispersal, and occupation of the Palestinian people.

Could history have taken a different trajectory? Were there points during the past century at which the Palestinians could have influenced the course of events in a different direction? We turned to the historians and analysts in Al-Shabaka's policy network and asked them to identify and reflect on a turning point at which things might have gone differently had the Palestinian people decided on another course of action, and to draw lessons that should be applied in this quest for self-determination, freedom, justice, and equality.

The roundtable begins with Rashid Khalidi and his pithy reflection on the Palestinian leaders' perennial misunderstanding of global power dynamics, using the 1939 White Paper to illustrate this fatal weakness. Zena Agha zeroes in on the 1936 Peel Commission – the first time partition was mentioned as a solution – and questions whether partition is indeed inevitable, even today, as the Commission averred.

Jamil Hilal tackles the Partition Plan itself – UN Resolution 181 of 1947 – noting the rationale of the minority of Palestinians that argued for accepting it to buy time to recover the strength of the national movement after it was crushed by the British and the Zionists. In drawing the lessons from Balfour, the Partition Plan, and Oslo, Hilal asks: When we ask what lessons we, as Palestinians, can draw from history, the

question is always: Who is going to draw the lessons, and how can they be made to act on them?

How pivotal was the great catastrophe of the Holocaust in leading to the creation of Israel? Najwa al-Qattan argues that though there is certainly a historical connection, there is no causal relationship, and she thus urges a critical reading of history to map the future. Mouin Rabbani contests the accounts that Anwar Sadat's 1977 visit to Jerusalem was a promising initiative that went sour, pointing out that when the Egyptian leader took the Arab military option against Israel off the table he deprived the PLO and the Arab states of a credible diplomatic option. Jaber Suleiman compares the fate of the 1987 Intifada against Israeli occupation to that of the Palestinian Revolt of 1936 against the British occupation and draws several lessons, in particular the importance of linking tactics to a clear strategic national vision that guides the Palestinian struggle at every stage. The roundtable was facilitated by Nadia Hijab.

## Rashid Khalidi: The White Paper and a Systemic Misunderstanding of Power

Could the 1939 White Paper have been a turning point in Palestinian history?<sup>1</sup> If anything, it would have been a minor one. Had the Palestinian leadership accepted the White Paper, they could have repositioned themselves vis-à-vis the colonial power. That might have improved their position at the end of the 1936-1939 revolt and aligned them with Britain when the Zionists turned against it.

However, Britain was a waning power. The United States and the Soviets were in the wings and burst on to the scene soon afterward. In 1941 the Nazis attacked the USSR and Japan attacked Pearl Harbor, and the world changed, so whatever the Palestinians might have done with Britain would likely have had little effect. In a sense, the great Palestinian revolt came too late. The Egyptians

had rebelled in 1919, the Iraqis in 1920, and the Syrians in 1925. By the 1930s, especially once the Nazis came to power, the Zionist project was fully embedded in Palestine.

What that period does throw into sharp relief, however, is the chronic problem of the Palestinian leadership, which was, without exception, poorly served by a minimal understanding of the world balance of forces. Palestinians were competing with a colonial movement that was based in Europe and the US and made up of Europeans whose native languages were European and who were connected to influential people in both Europe and the US.

**“The Palestinian national leadership is so far from having a US strategy, it’s pitiful.”**

To compete with a movement like that, Palestinian leaders would have had to have people with connections in the system who were fluent in the languages and who understood both international and domestic politics. The Palestinians did not have that during the British Mandate – just read their memoirs. Some did have inklings but they were unequal to the competition before and after the Balfour Declaration and before and after the White Paper. And not much has changed in the last 100 years, especially as regards the US. The PLO had a good understanding of the Third World and how it operated, a good understanding of the Soviet Union, and some understanding of Western Europe, which is why it scored diplomatic victories in the 1970s. But it had the dimmest understanding of US politics, and it still does.

The younger Palestinian generation that has grown up in the US and in Europe is far better positioned. It has the connections and understanding of how these societies function, which is not the case for Palestinian leaders, or indeed for their own parents’ generation. As this generation gains in wealth and influence as lawyers, doctors, media professionals, and financial managers, they will have no inhibitions about using their power and influence to promote justice for Palestinians.

If there is one lesson from history to draw from this brief discussion, it is that you don’t go to the top. You don’t speak to Lord Balfour or talk to Secretary Tillerson. It is the structures of power you have to understand – Balfour was part of a government, of a political party, of a class, of a system, and so is Tillerson. You have to understand those structures, as well as the media, and have a strategy to deal with them. The idea that you can go to the top is an illusion that Palestinians and Arabs generally have had because of the way the systems ruled by Arab kings and dictators work. The national leadership is so far from having a strategy to deal with the US, it’s pitiful. By contrast, Palestinian civil society is doing a fantastic job, both that based in the diaspora and in Palestine: They are the ones who have an understanding of how the world works.

### **Zena Agha: Partition was Not a Pillar of Policy**

The long and baleful history of Palestine’s colonial conquest offers many mistakes and missed opportunities. In the context of the centenary of the Balfour Declaration, the Peel Commission – a report produced by the same imperial power as the 1917 Declaration – is a pivotal, if overlooked, moment in the history of the Palestinian quest for self-determination.

Conducted under the auspices of Lord Peel, the Commission was the result of the British mission to Palestine in 1936. Its stated aims<sup>2</sup> were “to ascertain the underlying causes of the disturbances” in Palestine following the six-month Arab general strike and “to enquire into the manner in which the Mandate for Palestine is being implemented in relation to the obligations of the Mandatory toward the Arabs and the Jews respectively.”

According to the report issued in July 1937, the conflict between Arabs and Jews was irreconcilable and, as a consequence, the Commission recommended the termination of the British Mandate and the partition of Palestine into two states: one Arab, the other Jewish. Partition was presumed to be the only way to “resolve” the two sides’ antithetical national ambitions and extricate Britain from its predicament.

Despite the commitments outlined in the Balfour Declaration, the Sykes-Picot Agreement, and the McMahon-Hussein Correspondence, the recommendation of partition formally acknowledged

the incompatibility of Britain's obligations to the two communities. The Peel Commission was the first recognition that the British mandate's premise was untenable, almost 20 years after it was established. It was also the first time that partition had been mentioned as a "solution" to the conflict Britain had created.

Both parties rejected the Commission's recommendation. Zionist leaders were dissatisfied with the size of the allocated territory, despite supporting partition as an outcome. From the Palestinian perspective, partition was a violation of the rights of the Arab inhabitants of Palestine. The Commission's report sparked the spontaneous Arab revolt from 1936 until its violent quashing by the British in 1939.

**"Partition was by no means inevitable nor reasonable."**

It is difficult to say what form an alternative course might have taken. After all, the Arab revolt (and the failure of the Anglo-Arab-Jewish conference in London in February 1939) led to the issuing of the White Paper of 1939, which stated<sup>3</sup>: "His Majesty's Government therefore now declare unequivocally that it is not part of their policy that Palestine should become a Jewish State." By any measure, this was a victory for the Palestinian community. It was what came after, namely the Second World War and the horrors of the Holocaust, that drastically tipped the scales in favor of a Jewish state in Palestine.

The Peel Commission and its aftermath offer a timely reminder that the partition of Palestine was never a pillar of the British Mandate. Rather, partition was suggested as a desperate measure to extricate Britain, as a colonial power, from the Palestine quagmire. That partition then became the established orthodoxy for the newly formed United Nations, and almost every negotiation since, was by no means inevitable nor reasonable. As we look to draw lessons for the future, it is perhaps worth dislodging the by now well-established myth that partitioning historic Palestine is the only means of securing peace, whatever form that peace may take.

## **Jamil Hilal: The Partition Plan and the Fork in the Road**

To understand the roads not taken when UN Resolution 181 (also known as the Partition Plan) passed in 1947, one must revisit the Balfour Declaration of 1917 and its outcomes. The Declaration reflected Britain's interests in the region, namely the use of Palestine as a safeguard of its control over the Suez Canal and as a buffer against French ambitions over southern Syria. British concerns were thus both economic (access to the Canal and access to and control of oil and gas) as well as political (control over Palestine as acquired from the League of Nations). This control is why Britain committed to establishing a "Jewish home" in Palestine, rather than a Jewish state.

Settler colonialism by European Jews against the wishes of the indigenous Palestinian Arabs implemented the Declaration. This British-instigated European colonization of Palestine started well before the dreadful atrocities committed by the Nazi regime in Hitler's Germany. There was much Palestinian resistance to this double colonization of Palestine, of which the best known is the great rebellion of 1936-39. The leadership of the Palestinian national movement that fought Zionist colonization was split in its view of British rule over Palestine. Some leaders thought that Britain could be won over, while others considered it the main enemy. This split over the role of the imperial power versus the direct enemy is also in evidence today.

The measures the British and the Zionist forces took to crush the 1936-39 rebellion left the national movement exhausted, the leadership scattered, and the Palestinian economy in ruins. Thereafter there was no clear strategy, apart from demanding independence, a situation that also has similarities to today.

The Palestinian response to the UN Partition Plan reflected the exhaustion of the national movement. There was no unified strategy and no discussions to solicit the people's views on the best course of action, both tactical and strategic. Only a small section of the national movement was ready to accept the Plan. The majority rejected it, but did not put forward a clear alternative. The minority that argued for Palestinian acceptance believed it could be used to foil the Zionist project of occupying as much of the land as possible with the minimum of its indigenous population

This group believed that acceptance would give the Palestinians space and time to build up their strength and their capacities, establish a state, and develop relations with the region and the world. Others argued that such a move would not thwart the Zionist plan.

## “The Palestinian response to the Partition Plan reflected the exhaustion of the national movement.”

The rejection of the Partition Plan was naturally understandable. For Palestinians it meant giving up more than half their homeland to a European colonial settler movement that invaded and colonized their country by force and with protection of the British Empire. It violated their right to self-determination and independence and their call for a democratic state that would guarantee the rights of all its citizens regardless of religion, ethnicity, and race. Furthermore, the British-Zionist project was not just against the Palestinians: The whole Arab region was pulled in.

The Zionist movement seized upon the rejection of the Plan as a refusal of a peaceful settlement and a justification for waging war against the Palestinians when they were unprepared, disorganized, and leaderless.

Alternatives to the Partition Plan were thus not fully developed and discussed. The arguments put forward by those who favored accepting the plan were not sufficiently debated, and no attempts were made to articulate a new strategy to confront the Zionist movement. Such a trajectory might have impacted Israel and led later to the reunification of Palestine on a democratic basis. Those ideas were at least something to discuss.

Ironically, some of the arguments from that era were echoed in 1974 in advocating the transitional program, also known as the 10-point program, which aimed to establish a state on any part of Palestine that was liberated. The program, which was approved by the Palestinian National Council (PNC), facilitated the entry

of the Palestine Liberation Organization in the United Nations General Assembly as a non-voting member.

In 1998, the PNC approved the two-state solution at a time when the first Intifada had mobilized a great deal of global support for the Palestinian cause. However, the Oslo Accords of 1993 and beyond represented a much more detrimental partition of Palestine than even the original Partition Plan and culminated in the present period, in which the balance of power between Israel and the Palestinians locally, regionally, and internationally is heavily in favor of Israel.

Given the fact that the Oslo Accords have not resulted in an independent Palestinian state, we must ask: Should Palestinians persist with the two-state project while waiting for a change in the balance of power, or should they adopt a new strategy that calls for building a unified democratic state in historic Palestine – the slogan that enlightened elements of the Palestinian national movement raised before the Nakba, and again in the late 1960s? This time, however, the question must be tackled with a clear vision and strategy and through deliberation by Palestinian communities in historic Palestine and in the diaspora.

Yet discussion is not enough. When we ask what lessons we, as Palestinians, can draw from history, my question is always: Who is going to draw the lessons? And will those who have the power have the will to act with those lessons in mind? Intellectuals often think their analysis will somehow reach the political class that is in a position to take action. But without action by pressure groups, social movements, political parties, trades unions, and other forms of power, little will be achieved.

### **Najwa al-Qattan: Reading History Through the Lens of Reality**

The emergence of the state of Israel in 1948 was the consequence of several historical developments stretching back to the nineteenth century. Although the Holocaust played a role in the birth of Israel, it was more akin to a midwife than to a parent. Nevertheless, there is the perception, both in the West and among Palestinians, that the two are causally related. This perception is not simply due to a logical fallacy according to which *post hoc ergo propter hoc*, or B followed A, therefore A caused B. In fact, it is precisely the six short years that separate the two events that should give

us pause. Here I argue against a direct causal relationship between the two, while also suggesting reasons for why they are twinned in the popular imagination. I conclude with the lessons that may be drawn from a more critical kind of history.

## “The Holocaust was more akin to a midwife than to a parent in the birth of Israel.”

When David Ben Gurion announced the birth of Israel in May 1948, he was hardly conjuring a state out of whole cloth. Rather, he was capping 50 years’ worth of Zionist effort. Israel was the consequence of both long- and short-term historical developments: Racial or modern anti-Semitism in Europe in the nineteenth century; the emergence of the Zionist movement as both a response to modern anti-Semitism and to nationalist movements in Russia and Western Europe; the success of early Zionism in combining socialism with nationalism in order to settle “a land without people” by “a people without land;” the British Mandate for Palestine under whose protective framework – as enshrined in the Balfour Declaration – successive waves of European Jewish immigrants built pre-state social, economic, political, and military institutions.

Among the approximately 600,000 European Jews who had immigrated to Palestine by 1948, Holocaust survivors numbered 120,000. The population of Israel grew rapidly in the first few years of its life as new immigrants arrived. New waves of Holocaust survivors numbered 300,000, but there were also over 475,000 Jews from the Middle East and elsewhere. Considering the Zionist idea that the Jewish state was to provide a refuge from European anti-Semitism and a national home for the Jewish people, this was a moral and political blow to Zionism. The idea was that if you build it, they will come, but millions did not, even after the manmade human catastrophe of the Holocaust, which devoured six million Jews.

This is not to deny an historical connection between the two events. The first connection between the Holocaust and the creation of the state of Israel relates

to timing. Although Zionist state builders were, by the early decades of the twentieth century, unanimous on the ultimate objective of establishing a Jewish state in Palestine, they disagreed on the optimal time (as well as the extent of the territory). Along these lines, the Holocaust certainly led the Zionist leadership to stress the urgency of the state, such as during the Biltmore Program in 1942, as did Britain’s announcement of its plans to withdraw from Palestine in 1947. Still, this does not mean that one caused the other; the plans and activities relating to state building were well advanced by that time.

The second connection is the stuff of political propaganda: the linkage between the Holocaust and Israel is often used to denounce criticism of Israel as anti-Semitic and to erase from the narrative the statelessness and diaspora of the Palestinian people. Two years ago, Israel Prime Minister Benjamin Netanyahu went so far as to make the spurious claim<sup>4</sup> that it was the Palestinians who suggested the idea of the Final Solution to Hitler.

Whether under occupation or scattered in their own Israeli-made diaspora, Palestinians sometimes imagine that had the Holocaust not happened, then Israel would not have either. Rather than reimagine the past, we are better served by learning from it in order to shape a peaceful and humane future. First, the secret to building a Palestinian state (no matter what form it takes) is the density and health of its people, its institutions, and its civil society, as well as the determination of its political leadership and civil society to challenge Israel’s occupation and denial of Palestinian rights. Second, although the Holocaust did not directly cause the state of Israel to emerge, we should wish it away for the only reason that matters: The moral one.

### **Mouin Rabbani: The Reverberations of Sadat’s Separate Peace**

The Palestinian people seem to have a difficult relationship with years ending in the number seven. The First Zionist Congress convened in the Swiss city of Basel in 1897; 1917 saw Arthur Balfour issue his ignominious declaration committing Great Britain to the transformation of Palestine into a Jewish National Home; the Peel Commission, recommending that London adopt partition as official policy, published its report in 1937; UN General Assembly Resolution 181

recommending the partition of Palestine was adopted on November 29, 1947; and the resulting statelet of Israel occupied the remainder of Palestine and additional Arab territories in 1967. A half century later, in 2017, it seems more or less permanently ensconced in them. The prominent exception to this pattern of loss and tragedy is 1987, the year in which the *Intifada*, the popular uprising in the Occupied Palestinian Territory, erupted to once again give Palestinians everywhere hope of national liberation.

**“That Israel has yet to name a settlement after Sadat is one of the region’s great mysteries.”**

Often missing from this roll call is 1977, the year in which Egyptian leader Anwar Sadat launched his initiative to make a separate peace with Israel. Sadat’s self-proclaimed “pilgrimage” to Menachem Begin’s embrace is routinely presented as the auspicious beginning of an Arab-Israeli peace process that subsequently went sour. One doesn’t need the benefit of hindsight to understand that it was not, and could never have been, anything of the sort.

Sadat had spent much of the 1970s, and the years after the 1973 October War in particular, reconfiguring Egypt. Formerly the Arab world’s center of gravity that sought and achieved global prominence, it was under Sadat’s leadership that Egypt was gradually reduced to a US-Saudi client state. The accompanying socioeconomic reforms – the *infatib* policy – opened Egypt’s doors to every crooked capitalist and crony willing to pay the price of admission. Such changes also produced, in early 1977, an explosion of popular unrest, unprecedented since the 1952 coup, which came within inches of putting an end to Sadat’s rule. His flight to Tel Aviv later that year was a direct outcome of these developments. Yet the air of inevitability with which his initiative has since been invested – presented as a logical and necessary consequence of the 1974-75 Sinai Disengagement Agreements in the wake of the October 1973 Arab-Israeli War – is tantamount to reading history backward. It took friend and foe alike by utter surprise for good reason.

In one fell swoop, the idiosyncratic and increasingly erratic Egyptian leader took the Arab military option against Israel off the table. In doing so he also deprived the PLO and the Arab states of a credible diplomatic option.

The immediate consequence was the devastating 1982 Israeli invasion of Lebanon and eviction of the Palestinian national movement from Lebanon. A decade later, the 1993 Oslo agreement was nothing if not an elaboration of the autonomy plan incorporated into the 1979 Israeli-Egyptian peace treaty. That Israel has yet to name a settlement after Anwar Sadat is one of the region’s great mysteries.

Had Egypt – as it nearly did – resisted the temptation of a separate peace with Israel in the late 1970s, the Middle East today would be a very different and almost certainly much better place. The Palestinians and Arab states would have retained a credible diplomatic option, and been in a position to apply meaningful military pressure if Israel had refused to reciprocate.

### **Jaber Suleiman: Re-learning the Lessons of the First Intifada**

The first Intifada of 1987 was a brilliant model of Palestinian struggle against the Israeli occupation. It engaged all segments of the Palestinian people and was characterized by unity, organization, and creativity. It also successfully revived the Palestinian cause on the international stage after the Palestine Liberation Organization (PLO) was driven out of Beirut in 1982, losing its base.

**“The Palestinian leadership should be inspired by the fighting spirit of the Palestinian people.”**

Since then, every time the Palestinians rise up against the Israeli occupation we wonder: Will there be a new intifada - a third Intifada, give that the Intifada in the year 2000 was the second? Some analysts are quick

to use the term “intifada” to refer to any promising popular action, such as the 2015 youth movement and, most recently, the Jerusalem “wave of anger,” which continues intermittently in 2017. This underscores the pivotal position of the first Intifada, which lasted three years. Indeed, it is comparable only to the great Palestinian revolt of 1936-1939. Both the Intifada and the revolt faced the same tragic fate, albeit under different historical circumstances.

The Palestinian leadership of the 1930s responded to Arab leaders’ appeal to halt the revolt to hear out the “good intentions of our ally Britain,” which had pledged to fulfil Arab demands. In 1988, the PLO decided at the 19th session of the National Council to extract political capital from the first Intifada to achieve freedom and independence. It believed it had brought the struggle home and that the Intifada had provided the impetus needed to implement the interim political program it had adopted in 1974, which involved the establishment of a Palestinian entity on any part of Palestine that had been liberated. The upshot was a deformity of a state as a result of the Oslo Accords.

Given that the circumstances of the 1936 revolt were not conducive to the realization of the Palestinian right of self-determination, why was the first Intifada unable to draw on this rich experience in order to avoid its tragic fate? Instead, the first Intifada suffered the same fate because it was invested in the Oslo process too hastily, and the Palestinian people continue to reap its bitter outcome. This includes the division, fragmentation, and weakening of their national movement after it held a distinguished place among the world’s national liberation movements in the 1970s.

This question becomes even more pressing on the centennial of the Balfour Declaration, as the wretched Oslo peace process has arrived at a dead end after more than two decades of futile negotiations. The facts on the ground created by Israeli settlements – and Israel’s refusal to withdraw from the land occupied in 1967 – have rendered the two-state solution impossible. Today, it is urgent to question how the lessons of the first Intifada and its outcomes should be applied to a just resolution of the Arab-Israeli conflict.

- History reveals the importance of possessing a clear strategic vision for the Palestinian national struggle and ensuring that tactical moves feed into strategic

ones, and vice versa, during all stages of the struggle and in light of changes on the ground and in global alliances. This ensures that, whatever the stage of struggle, political expediency is not prioritized over end goals.

- It is vital to uphold the legal underpinnings of the conflict, based on the principles of justice enshrined in the United Nations Charter, which supersede international law under Article I of the Charter. This ensures that the legal ground for Palestinian rights is not manipulated, and that those rights remain the reference point for all negotiations. This was not the case in Oslo.
- The Palestinian leadership – current or future – should be inspired by the fighting spirit that the people have demonstrated over a century of resisting the Zionist project. The leadership should learn from these historical experiences to boost its faith in the revolutionary potential of the Palestinian people, and prevent narrow and shortsighted political exploitation of solid achievements in the struggle that harm Palestinian national rights.

## ENDNOTES

1. The British Government adopted the White Paper in 1939, and it was policy until the end of the British Mandate in 1948. The White Paper rejected partition and declared that the Jewish national home should be within an independent Palestine with limits on immigration.
2. See: <http://www.jewishvirtuallibrary.org/text-of-the-peel-commission-report>
3. Ibid 2
4. Ibid 2

# TRACKING THE TRENDS OF THE PALESTINIAN CAUSE SINCE 1967

BY NADIA HIJAB AND MOUIN RABBANI  
JUNE 2017

The Palestinian cause today has in some respects reverted to where it stood before the 1967 War. It is worth retracing this trajectory to understand how we reached the current situation, and derive insights on where to go from here.

## Looking Back

On the eve of June 5, 1967, the Palestinians were dispersed among Israel, the Jordanian-ruled West Bank (including East Jerusalem), the Gaza Strip administered by Egypt, and refugee communities in Jordan, Syria, Lebanon, and beyond. Their aspirations for salvation and self-determination were pinned to Arab leaders' pledges to "liberate Palestine" – which then referred to those parts of Mandate Palestine that became Israel in 1948 – and in particular to the charismatic Egyptian leader Gamal Abdel-Nasser.

The Six-Day War, which resulted in Israel's occupation of the Palestinian West Bank, East Jerusalem, the Gaza Strip, the Syrian Golan Heights, and the Egyptian Sinai Peninsula, brought dramatic changes to the geography of the conflict. It also produced a sea change in the Palestinian body politic. In a sharp break with previous decades, Palestinians became the masters of their own destiny rather than spectators to regional and international decisions affecting their lives and determining their fate.

The Palestine Liberation Organization (PLO), which had been established in 1964 under the aegis of the Arab League at its first summit meeting, was overtaken in 1968-69 by the Palestinian guerrilla groups that had been forming underground since the 1950s, with Fatah (the Palestinian National Liberation Movement) at their head. The Arab defeat in 1967 created a vacuum in which Palestinians were able to re-establish custodianship over the question of Palestine, transform the dispersed parts of the Palestinian population into a unified people and

political actor, and place the Palestinian cause at the heart of the Arab-Israeli conflict.

This, perhaps the PLO's most important achievement, has sustained the spirit of the Palestinian quest for self-determination despite the myriad wounds inflicted by Israel and some Arab states – and despite the self-inflicted wounds. The setbacks the PLO suffered were many, even as it succeeded in putting the Palestinian question high on the international agenda. It is worth reviewing the PLO's successes and defeats in order to understand how the Palestinian national movement reached the place it is in today.

**"The PLO proved incapable of capitalizing on the success of the First Intifada."**

The first PLO victory also laid the seeds of a defeat. The 1968 battle of Karameh in the Jordan Valley, in which the guerrillas and the Jordanian Army pushed back a far superior Israeli expeditionary force, gained many Palestinian and Arab adherents to the movement, whether refugees, guerrillas, or businessmen from across the political spectrum. At the same time, the implicit threat to the Hashemite monarchy was clear, and Palestinian relations with Jordan worsened until the PLO was expelled from Jordan during Black September in 1970. This effectively meant that the PLO no longer had a credible military option against Israel, assuming it ever had. Although the Palestinians would maintain an extensive military presence in Lebanon until 1982, it was a poor substitute for the longest Arab frontier with historic Palestine.



During the 1973 October War, Egypt and Syria achieved partial victories against Israel but also suffered severe setbacks, demonstrating that the Arab states also had only limited military options against Israel. At the same time, the Palestinian national movement reached its international peak with the late Palestinian leader Yasser Arafat's speech to the UN General Assembly in 1974, with the PLO by now recognized as the sole legitimate representative of the Palestinian people. That year the PLO also began laying the groundwork for a two-state settlement when its parliament, the Palestine National Council, adopted a 10-point plan to establish a "national authority" on any part of Palestine that was liberated.

## "The 1967 War transformed Israel from a regional state into a regional power."

The process was of necessity painfully slow as it brought the majority of Palestinians to the recognition that an eventual Palestinian state would no longer be established on the totality of the former British Mandate. As of 1974 the acceptance of the reality of Israel as a state and the establishment of a Palestinian state on the West Bank, including East Jerusalem, and the Gaza Strip was to gradually become the goal of the Palestinian national movement.

The late Egyptian President Anwar Sadat's visit to Jerusalem in 1977, which culminated in the 1979 Camp David Accords and Israel's withdrawal from the Sinai Peninsula, completed in April 1982, set the stage for Israel's invasion of Lebanon that same year. Israel's main goal was to drive the PLO out of the country and consolidate permanent occupation of the Occupied Palestinian Territory (OPT). With the most powerful Arab state removed from the conflict, the ability of the PLO to achieve a two-state settlement was severely circumscribed, and the Arab-Israeli conflict gradually metamorphosed into an Israeli-Palestinian one vastly more advantageous to Israel.

As the PLO tried to regroup in Tunisia and other Arab countries, one of the biggest challenges to Israel emerged within the OPT with the eruption of the First

Intifada in December 1987, largely led by a home-grown leadership. This resurrected the option of successfully confronting Israel on the basis of nonviolent mass mobilization on a scale not seen since the late 1930s.

Nevertheless, the PLO proved incapable of capitalizing on the local and global success of the First Intifada. Ultimately, the exiled PLO leadership placed its own interests, chiefly its ambition for Western and particularly American endorsement, above the national rights of the Palestinian people as expressed in the 1988 Declaration of Independence adopted in Algiers.

These contradictions became unambiguous in 1992-93, when the Palestinian leadership had to make a choice between supporting the negotiating position of the Palestinian delegation in Washington, which insisted on a comprehensive moratorium on Israeli settlement activity as a precondition for transitional self-government arrangements, and covert negotiations with Israel that gave it much less but restored it to international relevance in the wake of the 1990-91 Kuwait conflict. Pursuant to the 1993 Oslo Accords, the PLO recognized Israel and its "right to exist in peace and security" in the context of a document that failed to mention occupation, self-determination, statehood, or the right of return. Unsurprisingly the decades since have seen an exponential acceleration of Israeli settler-colonialism and the effective destruction of the autonomy arrangements specified in various Israeli-Palestinian agreements.

### Looking Forward

In some respects the situation today has come full circle since 1967. The broadly unified Palestinian national movement that predominated from the 1960s to the 1990s has disintegrated, perhaps terminally so. It is today split between Fatah and Hamas, with the latter, along with Islamic Jihad, as yet excluded from the PLO, while splits within Fatah and the PLO are rife. The Palestinians in Gaza are suffering horrendously under a decade of Israeli blockade that is getting worse on account of PA and Israeli pressure on Hamas. The Palestinians in refugee camps in Syria and Lebanon are suffering greatly from the civil strife in Syria and the earlier fragmentation of Iraq, as well as from conflicts between different groups in the camps.

As for Israel, 1967 transformed it from a regional state into a regional power. It is eager to normalize relations with Saudi Arabia and the Arab Gulf states, using Iran as the bogeyman to nurture that relationship. In turn, it wants to use that alliance to impose a deal on the Palestinians that would effectively perpetuate Israeli domination, achieving a final peace treaty whereby it would keep security control throughout the OPT, maintain its settlements, and continue to colonize.

But there continue to be obstacles in Israel's path to legitimizing the occupation, which keep the door open for a Palestinian movement and strategy to secure rights and justice. It is no small feat that, during a period comprising half a century, not one state has formally endorsed Israel's occupation of Palestinian – or Syrian – territory. While European governments, for example, feared that doing so would endanger their relationships with others in region, they are also among the most committed to upholding a rules-based international order; the memories of the First and Second World Wars have not been forgotten. They thus cannot recognize Israel's occupation even though they have failed to challenge Israel in the same way they have confronted the Russian occupation of Crimea.

**“Israel is pushing back against BDS by conflating criticism of Israel with anti-Semitism.”**

Moreover, the election of Donald Trump as US president soon after the United Kingdom voted to leave the European Union last year is hastening the European Union's determination to consolidate its economic and political power and reduce its dependence on the US for protection. This offers an opportunity for the Palestinians to bolster modest EU measures such as prohibiting research funding to Israeli settlement enterprises and labeling settlement products, and to push for differentiation between Israel and its colonial enterprise, drawing on the language of UN Security Council Resolution 2334 of December 2016.

Israel is also facing resistance in unexpected places. As the Palestinian national movement has weakened,

the global Palestine solidarity movement, including the Palestinian-led Boycott, Divestment, and Sanctions Movement (BDS) launched in 2005, has grown rapidly, particularly in the wake of Israel's repeated assaults on the Gaza Strip. This is in contrast to the situation in the 1970s and 80s, when Western publics tended to be broadly supportive of Israel. Israel is ferociously pushing back against this movement by conflating criticism of Israel with anti-Semitism, and by pushing legislation in the US and Europe to ban boycott initiatives. As yet, however, it has not succeeded in shutting down the debate or in preventing churches and student groups across the US from supporting activities in solidarity with the Palestinian people.

**“It is impossible to pretend that Israel subscribes to either universal or ‘Western’ values.”**

Israel's pushback is also weakened as a result of a third trend that is entirely of its own making. The fact that it has been able to violate international law unchallenged in its occupation of the Palestinian territories, as well as with its own Palestinian citizens, is leading to overreach. Even Trump's determination to “do a deal” that would certainly give Israel vast tracts of Palestinian land and permanent security control is likely to hit up against the increasingly powerful right-wing movement, which rejects on principle any concession to the Palestinians.

Indeed, the growing raft of what can only be described as racist laws is exposing not just its present acts but also those of the pre- and early post-1948 era. For example, to name just a few, the citizenship and family law, renewed annually since 2003, denies Palestinian citizens of Israel the right to marry Palestinians from the OPT as well as several other countries; the continued destruction of Palestinian villages within Israel as well as the West Bank; and the law to retroactively legalize the theft of private Palestinian land in the West Bank. All this makes it impossible to pretend that Israel subscribes to either universal or “Western” values, such as the rule of law and equality.

A good indicator of the impact of this exposure is the fast-growing number of non-Israeli Jews that are becoming increasingly estranged from Israel, including such organizations as Jewish Voice for Peace. When they speak up, pro forma accusations of anti-Semitism are easily deflected, and they empower others to take similar positions.

Another area where Israel has overreached has been in making support for it a partisan issue. As the Republican Party ensures there is no daylight between itself and Israel, opinion in the Democratic Party's rank-and-file shifts steadily in support of Palestinian rights, and Democratic representatives are slowly becoming emboldened to speak up.

These longer-term trends that work against Israel's violations of international norms cannot by themselves secure Palestinian rights. The shift from Arab custodianship over the question of Palestine to Palestinian custodianship ultimately resulted in the disaster of Oslo. What is needed is a formula to combine Palestinian mobilization at home and abroad with an Arab strategy to achieve self-determination. And, although efforts to reform the PLO into an effective national representative have failed to date, there are ways to apply pressure on parts of the PLO that still function – for example, in countries where some segments of Palestinian diplomatic representation are still effective – with a view to reviving the national agenda and strategy.

The Palestinians today are without doubt in the most unenviable position they have experienced since 1948. Yet if they mobilize the resources at their disposal – first and foremost their own people and the growing reservoir of global support for their rights and freedom – they can yet formulate and successfully implement a strategy to secure their place in the sun.



## CHAPTER TWO

# THE REFUGEES' LONG PATH TO 2018

The forcible displacement of Palestinians has been the cornerstone of Israel's drive to create a Jewish state, leading not only to millions of refugees and exiles but also to internal refugees within Israel dating from the Nakba. Refugeehood is imbued with physical insecurity and loss, as well as the risk of repeated dispossession and displacement, as many Palestinians have been forced to keep moving.

In addition to the refugees who were driven by or fled from Israel to what is now the OPT, many Palestinians have been displaced by Israel's colonization of the West Bank and East Jerusalem. These struggles are covered in the pieces below, which also touch on the political challenges Palestinians have faced in striving for their rights using other countries as a base, as well as being forced to take sides in conflicts such as in Lebanon and Syria. This section includes three pieces that discuss the ways in which refugees continue to be created, and the trials they face

### **Decades of Displacing Palestinians: How Israel Does It**

By 2011, Israel was estimated to have forcibly displaced some 66% of the Palestinian population. **Munir Nuseibah** identifies six methods Israel uses on both sides of the Green Line and zeroes in on two: personal status engineering and urban planning. He calls for a holistic approach to address the systematic nature of forced displacement.

### **Unwelcome Guests: Palestinian Refugees in Lebanon**

The precarious nature of refugee existence, already dire in the immediate aftermath of becoming a refugee, is compounded by the prolongation of this status. **Dalal Yassine** discusses the denial of basic Palestinian refugee rights for 70 years, and urges greater coordination between Palestinian and Lebanese civil society organizations to change the country's laws.

### **From Our Facebook Balconies, the Dark Heart of Yarmuk**

The tragedy of the Syrian civil war created millions of refugees and internally displaced persons, including some 270,000 Palestinians from Syria. **Ahmad Diab** discusses the siege of Al-Yarmuk from a Syrian-Palestinian perspective, describing the camp as a new symbol of Palestinian suffering and mapping the effects of the conflict on the entire Syrian Palestinian community.

# DECADES OF DISPLACING PALESTINIANS: HOW ISRAEL DOES IT

BY MUNIR NUSEIBAH

JUNE 2013

## Overview

Most discussion of Palestinian dispossession – including by Palestinians themselves – focuses on the 1948 Nakba and the forced exile of more than 700,000 Palestinians by Zionist forces intent on creating an Israeli state in mandate Palestine. However, the various measures that Israel has used to forcibly displace Palestinians since 1948 have received far less attention even though it is estimated that it has forcibly displaced 66% of the whole Palestinian population<sup>1</sup> as part of its deliberate, longstanding plan to create and maintain a Jewish majority.

Al-Shabaka Policy Advisor Munir Nuseibah has identified six of the methods Israel uses to displace Palestinians, and discusses two – displacement by personal status engineering as well as by urban planning. He argues that the traditional human rights approach to the conflict is not enough. Rather, he calls on human rights advocates and organizations to apply the more recently developed transitional justice approach to deal with the mass human rights violations carried out as a matter of policy, as this is the only way toward meaningful redress and just peace.

## The Missing Context for Claiming Rights

As shown in archival research conducted by the Israeli new historians, senior leaders of the Zionist movement have long advocated the “transfer” of Palestinians in order to secure a Jewish majority in an area of land where Jews were the minority. The founders of the State of Israel and their heirs translated these calls into policy and practice using a variety of methods that continue to the present day.<sup>2</sup> Yet Israel’s motives and the systematic nature of population transfer have not been addressed. For example, the 1993 Declaration of Principles between Israel and the Palestine Liberation Organization, which makes reference to “refugees” as one of the issues for permanent status negotiations,

makes no mention of thousands of other displaced victims eligible for redress. (Needless to say, the rights of the refugees have not been addressed nor have any remedies been offered.)

It is common, in the rights-based approach literature to focus on war refugees separately from other waves of displacement. In the Palestinian context, however, it is vital to situate war refugees within the macro-picture of the conflict. As Raef Zreik notes, “the Palestinians have lost not only their rights and their land, but also the context that enables them to demand these rights in a way that makes sense.”<sup>3</sup> The Palestinian refugees of 1947-48 and 1967 cannot “just” be seen as war refugees. They are victims of a racist policy of population transfer implemented under the cover of war and other sets of victims have been created in line with the same macro-policy.

The application of a transitional justice framework to the Palestinian-Israeli context can address the missing context Zreik identifies. The transitional justice framework has now been used in other conflicts but it has been not sufficiently studied in the case of Palestine, even though it offers a way to comprehensively redress the victims of gross human rights violations, as will be discussed in the final section of this policy brief.

## Israel’s Six Methods of Forcible Displacement

Israel has utilized its legal system and institutions from the day it was established to this day in order to inflict forced displacement within the Occupied Palestinian Territory (OPT) as well as within Israel. Its methods can be divided into at least six general categories and have led to permanent displacement of Palestinians from both sides of the Green Line.

1. The use of violence during times of war as

happened during the wars of 1948, 1956 and 1967, which created one of the most complicated refugee problems in the world as well as a significant number of internally displaced persons.

2. Engineering of personal statuses in Israel and the OPT in a way that excludes habitual residents, or persons who should be entitled to residency rights, from the right to live in their homes.
3. Discriminatory urban and country planning that encourages Jewish expansion and suppresses Palestinian construction in certain areas such as Jerusalem, the Jordan Valley and the Negev desert. As a result, homes and even whole villages are demolished as “illegal constructions.”
4. Dispossessing Palestinians of their property under discriminatory laws and regulations that result in the forced eviction of families from their places of residence.
5. Deportations under security justifications and emergency law. This method was extensively used in the OPT at the start of the occupation and is still being used from time to time.
6. Creating unbearable circumstances in certain areas that eventually drive the civilian population to leave their homes and move to other areas. Examples of this pattern include Sheikh Sa’ad village<sup>4</sup> in Jerusalem and Al-Nu’mān village<sup>5</sup> in the West Bank where both communities were suffocated by the construction of the Separation Wall.

All six methods of displacement have contributed to the forcible removal of the Palestinian civilian population either internally within the borders of Palestine/Israel or across international borders. It is estimated that by the end of 2011 Israel had forcibly displaced around 66% of the whole Palestinian population. Two of the methods Israel has used – personal status engineering and urban planning – are examined in more detail below.

## **Displacement by Personal Status Engineering**

In the aftermath of the 1948 war Israel used personal status definitions to make the demographic changes needed to turn the Jewish minority in the areas it had

conquered during the war into a majority. It introduced discriminatory citizenship laws in a way that would exclude all the refugees from acquiring its citizenship. Two laws regulated Israeli citizenship: the Law of Return of 1950 and the Citizenship Law of 1952. Together, the two statutes gave all Jews around the world the privileged status of Jewish “nationals” of Israel with the right to immigrate to Israel and become full citizens, while according “citizenship” to Palestinians who had remained in Israel.<sup>6</sup> The laws excluded all Palestinian refugees although they had been residing in the area that became Israel for centuries before the establishment of the state.<sup>7</sup> Israel’s 1954 Prevention of Infiltration (Offences and Jurisdiction) Law also served to criminalize any attempted return of a refugee to his/her home.

In the aftermath of the 1967 war, Israel introduced similar measures through the military-legal system by which it managed the occupation. Shortly after the war, during which around one third of the population was displaced,<sup>8</sup> Israel took a census<sup>9</sup> in the OPT. It then introduced a new system of Palestinian residency<sup>10</sup> that excluded anyone who was not part of this census regardless of his or her links to the OPT. Israel then enacted a number of “prevention of infiltration” military orders that criminalized any unauthorized return in a way that was almost identical to the above-mentioned 1954 law, thus cementing the displacement of the 1967 refugees.

The policy of defining new rules for residency and then criminalizing any Palestinian who attempted to return to his/her home was not the end of Israel’s personal status engineering. Following its occupation of the West Bank and Gaza, Israel annexed East Jerusalem and introduced three different types of residency status for the Gaza Strip, the West Bank and East Jerusalem. The inhabitants of the OPT who were counted in the census received Israeli-issued identification cards (ID cards) with three different colors: Red for the Gaza Strip, orange for the West Bank and blue for East Jerusalem. The inhabitants of East Jerusalem were given an Israeli permanent residency status and were ruled under Israeli domestic law and legal jurisdiction, while the rest of the inhabitants were considered residents of their territories and were ruled under an Israeli military regime.

Both legal systems included ways to revoke the residency status. In the West Bank and Gaza, exit permits with an

expiry date were given to those who travelled abroad. If the traveler failed to return before the expiry of the permit, his/her status would be assigned as “ceased residency”<sup>11</sup> and they would not be allowed to return. This policy of residency revocation stopped in the West Bank and Gaza Strip after the beginning of the peace process.

In East Jerusalem, the residency revocation policy was similar in its effect to the one in the West Bank and Gaza, although it functioned according to Israeli domestic legal jurisdiction, not military law. Jerusalemites also needed exit permits when they travelled abroad and they lost their residency status if they failed to return before the expiry of the permit. However, unlike the residents of the West bank and Gaza, the peace process did not provide any protection for Jerusalem residents. On the contrary, Israel evolved the legal framework in a way that facilitated an accelerating rate of residency revocations.

Prior to the peace process, Israel used to revoke the residency status of Jerusalemites when they were considered to have “left Israel and settled in a country outside Israel.”<sup>12</sup> The Entry into Israel Regulations defined a settlement outside Israel for the purposes of revocation as: living abroad for 7 years, receiving a residency status in a foreign country, or receiving a citizenship in that country by naturalization. Residence in the West Bank and Gaza was not considered a settlement outside Israel.

Once the peace process started, however, Israel suddenly changed the revocation rules without introducing any official legal amendments and without warning the public. Suddenly, it started using a new criterion to interpret one’s residence outside Israel known as the “center of life.” According to this new policy, if it were shown that the Jerusalemite’s “center of life” was outside Israel, then he/she would be liable to have his/her residency revoked. Even worse, residence in the West Bank or Gaza Strip was considered to be residence abroad, putting the residency of thousands of Palestinians who had established their homes in the suburbs of Jerusalem in danger. According to figures provided by the Israeli Ministry of Interior, the residencies of 14,152 Palestinians had been revoked<sup>13</sup> between 1967 and 2011, more than 11,000 after the beginning of the peace process. These figures greatly understate the Palestinian loss of residency rights.

For example, they only include partial data for 1967 – 1990 as noted by the Israeli Interior Ministry itself.<sup>14</sup> Moreover, the harsh “center of life” policy has and is being rigorously applied.

In addition to revocation of residency, Israel has also introduced limits on child registration. These limits apply not just to residents of East Jerusalem, the West Bank and Gaza; they also apply to the Palestinian citizens of Israel. Regarding its own citizens, Israel prevents the automatic granting of citizenship to children of Israeli citizens born abroad. Although this applies to Jewish and non-Jewish citizens alike, a Jewish child can always acquire his citizenship by virtue of “return”, whereas a non- Jewish infant does not enjoy this right.

The conditions ruling registration of Jerusalem children are more complicated and restrictive. Since the Palestinian inhabitants of Jerusalem are not citizens of Israel, they cannot automatically pass their residency on to their children. Between 1967 and 1994, the Israeli Ministry of Interior refused to register the children of female residents on the basis that children should take their father’s status. Currently, if both parents are residents, the Ministry of Interior registers the child, but this is not granted as a right. In fact, Israel has steadily increased the restrictions on giving children permanent residency status in cases where only one parent is a resident and where the child was born abroad, thus effectively reducing the number of Jerusalemite children registered. In 2002, Israel started to handle the applications to register Jerusalemite children born abroad as family unification cases, which was also the case in the West Bank and Gaza.

At the same time, the Israeli government decided to stop processing family unification applications by Palestinian citizens of Israel as well as by Palestinian Jerusalemites to be joined by their Palestinian spouses from the West Bank or Gaza Strip. Israel also made it more difficult to register a child who was born in Israel if only one of his parents was a resident, a policy that further affected Jerusalemites. A Palestinian non-governmental organization estimated in 2003 that these restrictions had resulted in more than 10,000 unregistered children in East Jerusalem, but there is no other source of data regarding the outcome of this under-reported tool for the forced displacement of Palestinians. It should be noted that similar restrictions were introduced to the

registration of children in the West Bank and Gaza even after the Palestinian Authority was established in 1994.

## Displacement by Urban Planning

Urban planning is another method that Israel has used consistently on both sides of the Green Line from the establishment of the state to the present day to displace Palestinians and replace them with Jewish colonists. In the Negev desert, for example, the majority of the civilian population was displaced during the 1948 war and as a result of forced displacements during the 1950s. Yet Israel is still targeting the residents of this area and town planning is currently the method of choice. The Israeli government has refused to recognize dozens of Palestinian Bedouin villages and towns, some of which were in existence before 1948, while others had been established as a result of Israel's previous displacement policies. It is determined to implement a plan that would result in the destruction of some 35 Bedouin villages<sup>15</sup> and to forcibly displace the Bedouin into concentrated spaces, "developing" the area for Jewish expansion.

It is worth noting that the Bedouin are also among the Palestinian population groups displaced in the OPT to make way for Jewish colonization that is illegal under international law. The Bedouin have been continuously displaced from around Jerusalem, for example, in order to expand the Ma'ale Adumim settlement which holds some 40,000 Jewish colonists. The Israeli Government plans to further expand the settlement in the direction of Jerusalem. This will displace the Jahhalin Bedouin who had already been previously displaced from Tal 'Arad in the Negev.

Much has been written about Israel's colonization of the West Bank and East Jerusalem, which uses urban planning methods similar to the ones described above, but is worth noting the particularly important role urban planning plays in displacing Palestinians in illegally annexed East Jerusalem. Since the beginning of the 1967 occupation, Israel has confiscated 35% of the Palestinian lands in East Jerusalem and allocated them to Jewish colonization. Israel has also used zoning policies to declare 22% of Palestinian land as "green areas" on which Palestinians were not allowed to build. Currently, only 13% of the total area<sup>16</sup> of East Jerusalem is zoned for Palestinian construction, and most of it is already built and inhabited. Israel considers any construction without a permit "illegal" and frequently demolishes

such constructions, causing forced displacement of the inhabitants.

## A Systematic Policy of Forced Displacement from the Start

As seen in the above discussion and in the examples given of methods of displacement, Israel's discriminatory policy of forced displacement of Palestinians has been systematic and continuous, and is grounded in the very ethos of the establishment of the state. The significance of this understanding will come into play when a genuine peace process is launched. In the Palestinian context, there is no justification to focus on war refugees and to ignore the victims of the various methods of displacement, all of which feed into a deliberate overarching policy to forcibly replace the indigenous inhabitants by colonizers from among Israel's existing Jewish population or recent Jewish immigrants.

A genuine peace process will make it necessary to move beyond the traditional human rights framework and to apply a transitional justice one to the Israeli-Palestinian conflict. The transitional justice framework offers a holistic approach not just to provide measures of redress but also to enable the identification of the human rights violations that must be redressed. For example, in Timor-Leste, the Truth Commission had a comprehensive mandate that required it to investigate the "context, causes, antecedents, motives and perspectives which led to the violations" as well as "whether they were part of a systematic pattern or abuse" and "whether they were the result of deliberate planning, policy or authorisation on the part of the state, political groups, militia groups, liberation movements or other groups or individuals."<sup>17</sup>

Without such a comprehensive understanding of the violations, it would be impossible to meaningfully redress the victims of human rights violations and to stop the crimes. In addition to the myriad other problems associated with it, the Oslo "peace process" totally ignored many of the methods and waves of deportation and transfer of civilians; indeed, forced displacement actually increased after the peace process started.

Human rights organizations, academics, and practitioners should redraw the picture as they identify



the elements that should be tackled in a transitional phase to peace and justice in the Israeli-Palestinian conflict. The comprehensive examination of the human rights violations is essential not only to understand them per se but also to prescribe the appropriate remedies, including the legal and institutional reforms that are essential to meaningful redress, as is clear from examples given above. The mistakes of Oslo must not be repeated: No peace can ever be established while discriminatory laws and institutions are engaged in producing an ever greater number of victims.

in the census of 1952; (3) was an “inhabitant of Israel;” and (4) was physically present in Israel or entered it “legally” between the time of the establishment of the state until the enactment of the law. This effectively excluded the hundreds of thousands of Palestinians who were forced to become refugees.

## ENDNOTES

1. See: <http://www.badil.org/en/press-releases/142-2012/3638-press-eng-53>
2. As Nur Masalha wrote, “the notion of transfer was born almost at the same time as political Zionism itself, with Herzl’s hope to ‘spirit the penniless population across the border.’” *Expulsion of the Palestinians: The Concept of “Transfer” in Zionist Political Thought 1882-1948* (Washington: Institute for Palestine Studies, 1992), 207.
3. “Palestine, Apartheid and the Rights Discourse,” *Journal of Palestine Studies* 34, no. 1 (October 1, 2004): 78.
4. See: [http://www.btselem.org/publications/summaries/200402\\_sheikh\\_saed](http://www.btselem.org/publications/summaries/200402_sheikh_saed)
5. See: <http://www.alhaq.org/publications/publications-index/item/al-nu-man-village-a-case-study-of-indirect-forcible-transfer>
6. Israel granted citizenship to most of those who remained on its territory after the war. However, it granted different categories of citizenship based on one’s “nationality,” including Jewish, Arab, Armenian, Druze, To this day, the Israeli legal system determines some rights based on one’s “nationality.”
7. One could acquire citizenship by residence if he/she: (1) had been a Palestinian citizen before the establishment of the state of Israel; (2) was counted
8. See: <http://www.badil.org/en/press-releases/142-2012/3638-press-eng-53>
9. See: <http://www.hrw.org/wp-content/uploads/2014/05/reports/iopt0212webwcover.pdf>
10. See: <http://www.hrw.org/wp-content/uploads/2014/05/reports/iopt0212webwcover.pdf>
11. See: <http://www.hamoked.org/document.aspx?did=updates1175>
12. Entry into Israel Regulations (1974), Article 11
13. See: [http://www.btselem.org/jerusalem/revocation\\_statistics](http://www.btselem.org/jerusalem/revocation_statistics)
14. For a comprehensive account of Israel’s draconian policies toward Palestinian residency rights see <http://www.civiccoalition-jerusalem.org/human-rights-resources/publications/reports/israeli-laws-and-policies-denying-palestinians-right-fre>
15. See: <http://adalah.org/eng/?mod=articles&ID=1589>
16. See: [http://civiccoalition-jerusalem.org/system/files/urban\\_planning\\_in\\_jerusalem\\_final.pdf](http://civiccoalition-jerusalem.org/system/files/urban_planning_in_jerusalem_final.pdf)
17. Commission for Reception, Truth and Reconciliation in East Timor, Part 2: *Mandate of the Commission, Chega! Final Report of the Reception, Truth and Reconciliation in East Timor*, 2005, 2.

# UNWELCOME GUESTS: PALESTINIAN REFUGEES IN LEBANON

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## Overview

Before the 1982 Israeli invasion, Lebanon was the center of the Palestinian national movement. Today, however, the country's Palestinian refugee community is considered among the most marginalized in the Palestinian Diaspora. Last month, the Lebanese parliament addressed the issue of the refugees' rights but the draft bill was referred back to committee. In response, several prominent Lebanese politicians, including Prime Minister Saad al-Hariri, warned about the implications of denying Palestinian refugees their human rights, and the Palestinian community and their Lebanese allies held large demonstrations across the country on June 27. Al-Shabaka policy advisor Dalal Yassine examines the legal status of Palestinian refugees in Lebanon and argues that the country's institutional racism not only deprives Palestinian refugees of their human rights but also serves to undermine the right of return. She also discusses "The Right to Work" campaign and contends that it is an example of coordination between Palestinian and Lebanese civil society organizations that solidarity groups in the Palestinian Diaspora should emulate in order to overcome Lebanese political intransigence.

## Lebanese-Palestinian Relations

The creation of the Palestinian refugee population was a direct consequence of the establishment of the state of Israel in 1948. From 1947-1950, in what Palestinians call the Nakba, or the catastrophe, Zionist militias (and later the Israeli army) expelled or instigated the flight of over 750,000 Palestinians from their homes. Roughly 100,000 Palestinian refugees sought shelter in Lebanon as a result of the Nakba and their presence was deemed a threat to the country's tenuous sectarian political system.<sup>1</sup> Over 60 years later, the government of Lebanon still does not provide publicly available statistics for Palestinian refugees in the country. In its January 2010 statistics report, the United Nations Relief and Works Agency

for Palestinian Refugees (UNRWA) stated that there were currently 425,640 Palestinian refugees living in Lebanon. Of these, 53% reside in 12 official refugee camps, while the remainder lives in Lebanese cities and villages as well as in unofficial refugee camps or "Palestinian gatherings."<sup>2</sup> However, UNRWA's statistics are incomplete as they do not include unregistered Palestinian refugees who came to Lebanon between 1952 and 1956 or those who entered the country after 1970 and are considered "undocumented" Palestinians.<sup>3</sup>

Lebanese-Palestinian relations have fluctuated over the years. Lebanon's early embrace of the refugees was quickly overshadowed by security concerns: The camps were viewed as security zones that could explode at any moment. The *Deuxieme Bureau* (military intelligence) and Lebanese police established a presence within the camps to control the refugees and monitor political activities. In 1959, the Ministry of the Interior established a Directorate to administer Palestinian refugee affairs and coordinate with UNRWA on the provision of aid and assistance to Palestinian refugees, issuing travel documents, and facilitating requests to reunite divided families.<sup>4</sup> In reality, the Directorate's goal was to ensure the public interest of the Lebanese state, in particular to oversee the services that required the payment of fees which benefited the Lebanese government.<sup>5</sup> Within the refugee camps, the Directorate's role was related to political and security issues, while the needs and requirements of the Palestinian refugees, whether economic, social, cultural or political, were neglected.

The situation changed with the rise of the Palestinian resistance movement in the 1960s and the conclusion of the 1969 Cairo Agreement between the Palestinian Liberation Organization (PLO) and Lebanon, which regulated the Palestinian civil and military presence in the country. After the 1982 Israeli invasion of Lebanon, the PLO withdrew from most of the country and its office was closed. Lebanon unilaterally nullified the Cairo Agreement in 1987 but did not identify any

other framework to regulate relations between the two sides. As a result, a series of policies, laws and practices isolated and marginalized Palestinian refugees.

In 2005, Lebanon sought to improve relations with Palestinians within its borders and transcend past differences. The Lebanese-Palestinian Dialogue Committee (LPDC) was formed with a mandate to address matters related to the social and economic well-being and security of Palestinian refugees in Lebanon and to formalize relations between Lebanon and Palestine.<sup>6</sup> This included establishing official diplomatic relations with the Palestinian Authority (PA) and reopening the PLO office on May 15, 2006, as well as initiating dialogue with the different Palestinian political factions.

However, the LPDC did not realize its other basic goal, namely addressing the humanitarian situation of the Palestinian refugees. As an excuse, the LPDC often cited the lack of a single Palestinian representative authority to dialogue with regarding the humanitarian issues. Yet despite their internal political differences, Palestinian factions agree that the humanitarian situation of Palestinian refugees in Lebanon must be improved.<sup>7</sup> Thus, while the LPDC succeeded in rebuilding ties between Lebanese and Palestinian officials, relations between the two communities inside Lebanon are still marked by a lack of trust.

## **Legal and Institutional Barriers**

Lebanon considers the Palestinians in its territory to be refugees under the care of UNRWA and other humanitarian organizations. However, this does not nullify the responsibility of the Lebanese state, which has ratified international and regional human rights declarations, charters and conventions.<sup>8</sup> Effectively the state has disavowed most legal and humanitarian commitments to the Palestinians residing in its territory. Lebanese laws and regulations do not provide any legal description or definition of refugees in general or Palestinian refugees in particular. In practice, Palestinians have been treated as refugees at times, and, at others, as foreigners and as persons who do not hold the nationality of a recognized state.<sup>9</sup>

Lebanon's laws and ministerial decrees have erected a series of legal and institutional barriers that deprive Palestinian refugees of the right to work, to social security, and to join Lebanese trade unions. For example,

Palestinian refugees are subject to the legal regulations governing foreign workers, including the principle of reciprocity and the requirement to obtain a work permit.<sup>10</sup> As there is no state of Palestine with official diplomatic relations and reciprocity agreements with Lebanon, this immediately creates an obstacle that prevents Palestinian refugees from obtaining work permits, especially within professional associations. This regulation exists and is enforced in Lebanon despite the fact that Article 7 of the 1951 Convention relating to the Status of Refugees exempts refugees from the principle of reciprocity and allows them to work without a permit three years after they establish residence in the country of asylum.

Palestinian students are denied enrollment in public educational facilities since Lebanese law requires that students be Lebanese citizens.<sup>11</sup> Although Palestinian refugees may obtain educational degrees from private schools and universities in any field, they are forbidden from practicing in over 20 different professions. This includes medicine, law, engineering, and pharmacy. In addition, they cannot work in professions that require affiliation to a particular syndicate because the bylaws of such organizations require that their members hold Lebanese citizenship or provide for reciprocity.<sup>12</sup>

After the 1989 Taif Agreement, which ended the Lebanese civil war, Lebanon did not address the refugees' human rights, excluding them from the national reconciliation process and the General Amnesty Law.<sup>13</sup> As a result, the difficult living conditions inside and outside the refugee camps continued. Lebanon argued that any improvements in the refugees' status or provisions for their human rights would encourage resettlement and make the Palestinians abandon their right to return to their homes in historic Palestine. Indeed, the lack of official Western interest in supporting the Palestinian right of return roused fears among Lebanese political factions that foreign powers would eventually impose the resettlement of Palestinian refugees within the country.<sup>14</sup> Statements by some Israeli, American, Canadian and even Palestinian politicians exacerbated those fears and gave Lebanese political actors an excuse to resort to the issue of resettlement in order to oppose any move to improve the situation of the Palestinian refugees.<sup>15</sup> Underlying this political discourse is a thinly veiled attempt to protect the power and privileges enshrined in Lebanon's sectarian constitution, particularly among certain segments of the

country's Christian population.

For example, in 1994 some Lebanese political factions objected to a project to build a Palestinian refugee camp in al-Qurea for those displaced from the camps destroyed during the Lebanese civil war, which they saw as a prelude to Palestinian resettlement.<sup>16</sup> The linkage between fears of resettlement and denial of basic Palestinian rights continued to mark official Lebanese treatment of the community. For instance, in 2001, the Lebanese Parliament passed the Ownership Law, which limits the ownership of real estate – including residential apartments, land and commercial properties – to persons holding the nationality of a country recognized by Lebanon. The law also prohibits property ownership by any individual whose legal status violates the constitutional provisions rejecting resettlement of refugees.<sup>17</sup> In practice, this law also abrogates the Palestinians' right to inherit property as descendants are not able to complete the registration procedures. As a result, the state confiscates the property.

Following Israel's 1982 invasion and the PLO withdrawal from Lebanon, movement to and from Palestinian refugee camps, particularly those in the south, have been subject to strict security measures. The Lebanese Army maintains checkpoints at the entrances to most of the southern camps. In addition, the army strictly monitors – and restricts – building and renovation materials brought into the southern camps, especially in the Tyre region. In May 2010, Lebanese security forces also banned building materials from Beirut's Bourj al-Barajneh refugee camp based on orders from the Lebanese Ministry of Defense.<sup>18</sup>

Earlier this year, the Minister of the Interior and Municipalities requested the Directorate General of Internal Security Forces to investigate unlicensed centers and offices for humanitarian and social organizations in the destroyed Nahr al-Bared refugee camp, and required 23 associations to apply for licenses or risk legal sanction.<sup>19</sup> The threat was issued even though the associations cannot obtain licenses under the Associations Law.<sup>20</sup>

In early 2009, the Lebanese Parliament's Committee on Women and Children proposed a draft law to amend Article 15 of the Lebanese Nationality Law of 1925. Article 15 entitles every child born to a Lebanese father to obtain Lebanese nationality. The proposed

amendment would have allowed children born to Lebanese mothers to obtain nationality. However, the Committee's proposed bill excluded children born to a Palestinian father and a Lebanese mother from the right to nationality, ostensibly to prevent resettlement of refugees. It also excluded children born to fathers from countries that do not grant Lebanese children reciprocity. These exclusions are a flagrant violation of Article 7 of Lebanon's Constitution, which states that all Lebanese are equal before the law and equally enjoy civil and political rights without any distinction. They also violate the 1965 International Convention on the Elimination of all Forms of Racism, to which Lebanon is a signatory. It also violates the 1951 Convention relating to the Status of Refugees, which stipulates that the treatment of refugees in asylum countries must be better than the treatment of foreigners, although it should be noted that Lebanon is not a signatory to this agreement.

Thus, over six decades after the Nakba, Lebanon still denies Palestinian refugees many civil, economic, and social rights under the pretext of rejecting resettlement and protecting the refugees' right of return. Indeed, local and international human rights organizations and non-governmental organizations (NGOs) describe the conditions of Palestinian refugees in Lebanon as the most tragic of the different Palestinian refugee populations and affirm that their legal status is devoid of any regulatory protection framework.<sup>21</sup>

## **Civil Society Shows the Way**

Over the past ten years, Palestinian civil society has played a vital role in advocating for the human rights of Palestinian refugees. Lebanese civil society groups have joined this effort to raise awareness of the plight of the refugees and the problems and restrictions they face on a daily basis. Palestinian and Lebanese civil society groups have embarked on a series of campaigns designed to mobilize public opinion to achieve Palestinian rights. This includes a campaign to advocate for undocumented individuals (or "non-ID's"), the "194" campaign initiated by Palestinian and Lebanese youth to protect the right of return, and the "Right to Work" campaign.

Launched in 2005, the Right to Work campaign is arguably the most effective campaign to date and enjoys the broadest base of support. Through active lobbying

and advocacy, the campaign gained the support of over 80 Lebanese and Palestinian non-governmental organizations, trade unions, and key political figures and activists. Relying on allies in the Lebanese media, the campaign was able to generate attention across the political spectrum and bring its case to the Lebanese Parliament. However, a recent setback in the Parliament reveals that the struggle for Palestinian human rights is still far from over.

During the Lebanese Parliament's June 15, 2010 legislative session, the Progressive Socialist Party (PSP) led by Waleed Jumblatt raised the subject of Palestinian civil rights. The PSP introduced four draft laws that called for allowing Palestinians born on Lebanese soil to work, to benefit from pension plans, to receive end-of-service gratuity and medical care for work-related injuries, to own one residential apartment and to own property through inheritance.<sup>22</sup>

The Parliament split across sectarian lines and opposition and loyalist Christian Parliamentarians united to block the proposed legislation. Speaker of the Parliament Nabih Berri referred the draft laws back to the Administration and Justice Committee for study. In response to the vote, Prime Minister Saad al-Hariri issued a stark warning stating that there would come a day when people would come to "lift the siege of the camps in Beirut" as they are currently sailing to lift the siege on Gaza.<sup>23</sup> This was echoed by international human rights organizations with Human Rights Watch, for example, calling on Lebanon to "seize the opportunity to end discrimination of Palestinians."<sup>24</sup>

Lebanon's laws prevent the emergence of a vibrant Palestinian community within its borders. The pauperization, ghettoization, and social marginalization of the Palestinian community has led to the dispersal and fragmentation of Palestinians to other countries and undercut rather than upheld their right of return.<sup>25</sup> Moreover, Lebanon's approach to the Palestinian struggle for self-determination is based on a false dichotomy between "brave" Palestinians resisting occupation and the "reviled" Palestinian refugees in exile. This attitude and associated policies only serve to aid the fragmentation of the Palestinian people and create an artificial distinction between Palestine (the "holy cause") and the Palestinians (a "burden" and "security issue"). Thereby ensuring that neither Palestine nor the Palestinians is free.

## A Call to Action

The inability of the Lebanese Parliament to uphold its responsibilities under international law demonstrates the need for an international effort to secure Palestinian rights and is a call to action for Palestinian solidarity activists worldwide. Palestinian solidarity movements in the diaspora should coordinate with Lebanese and Palestinian civil society organizations to challenge and overcome the legal obstacles and restrictions in Lebanon. This type of collaboration would involve working with international organizations, Palestinian activists and their allies to hold the Lebanese state accountable for its responsibilities as a member state of the United Nations and the League of Arab States and as a signatory to the major international law and human rights conventions. In the context of any global struggle against racism, Lebanon cannot and must not be considered an exceptional case, continuing to allege that institutional racism is necessary to protect the right of return for Palestinian refugees, when in fact its policies actively weaken this right.

Nor does the focus on Lebanon's institutional racism detract from or negate Israel's responsibility for the creation of the Palestinian refugee population, its continued refusal to live up to its responsibilities under international law including the right of refugees to return to their homes and compensation, its policies of discrimination against its own Palestinian citizens, and its system of apartheid in the Occupied Palestinian Territories. Palestinian solidarity activists must recognize that the achievement of Palestinian human rights in Lebanon is not mutually exclusive from or at the expense of achieving Palestinian human and political rights in Israel-Palestine. Indeed, they are inextricably linked.

Lebanon can no longer justify isolating Palestinian refugees in camps, refusing to integrate them into society. Palestinians in Lebanon are not merely a "security issue" or a source of financial gain for the government, they have basic human rights enshrined in international law which Lebanon has a duty to uphold. Lebanon must pass legislation that safeguards the rights of Palestinians to work, social security, property ownership and inheritance, education, and freedom of movement and association. The exercise of these rights does not contradict the right of return and is not a prelude to resettlement. Rather, legal protection through

the provision of basic services is essential to breaking the cycle of poverty and dependence and to strengthen the Palestinian refugees' capacity to work toward their right of return. Moreover, it contributes to building and to strengthening trust between the two sides.

In 1948, Lebanon contributed to the drafting of the Universal Declaration of Human Rights.<sup>26</sup> Over six decades later, the Hariri government's ministerial statement commits the government to "continue to provide human and social rights to Palestinians residing on Lebanese soil."<sup>27</sup> It is past time to put those words into action.

## ENDNOTES

1. Lebanon's confessional system of politics is enshrined in the country's constitution. The president of the Lebanese republic must be Christian, the Prime Minister a Sunni Muslim, and the Speaker of the Parliament a Shia Muslim. In 1949, the Palestinian refugees in Lebanon represented roughly 10% of the country's total population. As the majority of Palestinian refugees are Sunni Muslims, Christian politicians have long feared that their permanent resettlement would upset Lebanon's uneasy sectarian balance. This has been especially true of the Maronite Christian political parties. For a discussion of the causes of the Palestinian refugee population see Ilan Pappé, *The Ethnic Cleansing of Palestine*, (Oxford: Oneworld, 2006).
2. UNRWA was established by UNGA 4/302 of December 8, 1949 and commenced operations on May 1, 1950 with its regional headquarters in Beirut. The Agency's role does not abrogate the responsibility of the international community to pressure Israel to implement Resolution 194 passed by the United Nations General Assembly on December 11, 1948, and which stipulates the return of refugees to their homes *and* compensation for damages to their persons and property.
3. Palestinians continued to seek refuge in Lebanon after the Nakba until the late 1980s. Refugees who fled their villages and cities in northern Palestine passed through more than one host and non-host country, and some even moved between more than one camp inside and outside Lebanon. The move to take refuge in Lebanon was also the result of inter-Arab conflicts, most notably the Jordanian civil war ("Black September") in September 1970. In addition, some Palestinians moved to Lebanon in order to join the ranks of the national resistance movement. For UNRWA's statistics see <http://www.unrwa.org/userfiles/20100628261.pdf>
4. Legislative Decree No. 42, issued on March 31, 1959. The name of this directorate was changed to the "General Directorate of Political Affairs and Refugees" by Cabinet Decree No. 4082, issued on October 4, 2000 by the Lebanese cabinet.
5. Article 1 of the Decree No. 3909, issued on April 26, 1960.
6. The LPDC was created by government decree on October 23, 2005. Although the Committee is still active and has a new chairman, Lebanese-Palestinian relations are also handled by Wael Abu Faour, Minister of State and Member of Parliament from the Democratic Socialist Party.
7. The factions include the Alliance of Palestinian Forces, which opposes the Oslo Agreements, and the PLO's Factions Committee.
8. Most notable are the 1948 Universal Declaration of Human Rights; the 1966 International Covenant on Economic, Social and Cultural Rights; the 1966 International Covenant on Civil and Political Rights; and the 1965 Casablanca Protocol on the Treatment of Palestinians in Arab Countries, September 11, 1965.
9. Dalal Yassine and Souheil el-Natour, "The Legal Status of Palestinian Refugees in Lebanon and the Demands of Adjustment," (Human Development Center and the International Development Research Centre, 2007).
10. Article 59 of the Labor Law of Lebanon.
11. Articles 3 and 102 of Decision No. 820, September 5, 1968. It should be noted that Lebanese law allows for admission of foreign-born students in the event

- of vacancies in the school system. However, there are rarely vacancies.
12. In 2005, then Minister of Labor Trad Hamaidi, issued memorandum 67/1 which declared that Palestinian refugees were an exception to the law which restricts certain professions to Lebanese citizens. In practice, this required that Palestinian refugees, like non-Lebanese citizens, acquire a permit to work in the country. These permits, whose fees vary based on the particular profession and position. Although Palestinian workers do not get benefits from the Lebanese state, a percentage of the work permit fee is allocated for social security.
  13. Article 1 of the Taif Constitution stipulates: “The land of Lebanon is united and belongs to all the Lebanese. Every Lebanese is entitled to live in and enjoy any part of the country under the supremacy of the law. The people may not be categorized on the basis of any affiliation whatsoever and there shall be no fragmentation, no partition, and no repatriation [of Palestinians in Lebanon].”
  14. For examples of this trend, see Sobhi Munzer Yaghi, “An obsession that dominates Lebanese thought, in spite of their consensus to reject it: resettlement [of Palestinian refugees in Lebanon] a real and effective plan or simply a scarecrow, a bargaining chip and blackmail?” *An-Nabbar*, September 19, 2008 and “11 MPs from the majority propose a constitutional amendment requiring consensus for any [future] amendment in order to ensure rejection of resettlement of refugees,” *An-Nabbar*, November 13, 2008.
  15. On July 13, 2005, Palestinian Authority President Mahmoud Abbas said he did not “object to Arab countries granting nationality to Palestinians living in their territories.” This statement sparked a clash in the Arab League between Lebanese and Palestinian delegates on July 18. The Lebanese delegate emphasized his government’s refusal to grant nationality to Palestinians residing in Lebanon, while the Palestinian delegate maintained that denying Palestinians the nationality of other Arab countries had been a recommendation in the 1950s but was subsequently over-turned.
  16. *As-Safir*, September, 14, 1994. The camp was to be built with funding from the Canadian government and in agreement with the Ministry of the Displaced, UNRWA, and the Palestinian political factions.
  17. Law No. 296, Passed by the Lebanese Parliament April 3, 2001.
  18. Qassim Qassim, “Construction is Prohibited in Bourj Al-Barajneh Camp.” *Al-Akhabbar*, May 29, 2010.
  19. Decree of Minister of the Interior and Municipalities Ziad Baroud, No. 4286. February 15, 2010. In 2007, the Lebanese army besieged and destroyed the Nahr al-Bared refugee camp in northern Lebanon while fighting the militant group Fatah al-Islam, a non-Palestinian organization with fighters from around the region. Roughly 27,000 Palestinian refugees fled the camp during the three-month siege, which was marked by indiscriminate aerial bombing and tank and artillery shelling. According to UNRWA, almost 95% of the buildings and infrastructure of the camp was either completely destroyed or damaged beyond repair. Three years later, the rapid reconstruction that the Lebanese government promised the camp residents has yet to materialize. In addition, the siege remains in effect and entry to the camp is subject prior approval by the military intelligence services. See <http://www.unrwa.org/etemplate.php?id=144>.
  20. Ottoman Law on Associations 1909. The Associations Law requires that any association legally registered in the country be composed of Lebanese citizens. As a result, Palestinian organizations and associations in Lebanon are formed with the assistance of Lebanese individuals, although they are actually run by Palestinians. However, several NGOs operate inside the Palestinian refugee camps without formal registration.
  21. See “Amnesty International Report, 2010: The State of the World’s Human Rights.” In its country report on Lebanon, Amnesty International stated that Palestinian refugees “faced discriminatory laws and regulations, denying them the right to inherit property, work in around 20 professions and other basic rights,” 205. <http://thereport.amnesty.org/>

22. The PSP has previously proposed creating a ministry for Palestinian refugee affairs but it was rescinded after it was attacked by some political parties. Jumblatt explained that the PSP “proposed that the subject of Palestinian refugees be linked to a Ministry of Palestinian Refugee Affairs, but when the Party saw a flock of wolves descending on it, as some considered the Palestinian issue sectarian, it rescinded this request, because it does not want to enter the valley of wolves.” Jihad Bazi, “A Big Dream if it Happens,” *As-Safir*, January 14, 2010.
23. Elie al-Ferzli, “Rights of Palestinians Divide the Alliance,” *As-Safir*, June 16, 2010.
24. “Lebanon: Seize the Opportunity to End Discrimination Against Palestinians,” Human Rights Watch, June 18, 2010.
25. Aziza Khalidi, “Economic Participation of Palestinian Refugees in Lebanon,” Najdeh Association, 2008.
26. Charles Malik, Lebanon’s representative to the UN, helped draft the Universal Declaration of Human Rights.
27. See paragraph 11 of the ministerial statement, December 8, 2009.



# FROM OUR FACEBOOK BALCONIES, THE DARK HEART OF AL-YARMUK

BY AHMAD DIAB  
JUNE 2014

If Joseph Conrad was right when he said that we live as we dream, alone, then an inverse of that statement might carry some truth as well. Unlike life and dreams, death and nightmares can be communal, as Syrian Palestinians have discovered.<sup>1</sup> The fortunate among them can now look from their Facebook balconies into the heart of darkness that they barely escaped. If they look long enough, they might just catch a glimpse of the horror of those stuck behind. The fragmentation<sup>2</sup> of the Palestinian people has meant that their suffering, while ultimately collective, remains unique to the context in which it is experienced.

“I used to dream of having a homeland and now I dream of the camp  
I used to dream of having a bigger house, and now I dream of a cheap room to rent.  
I used to dream of taking a relaxing vacation, and now I wish I could simply be reunited with my children and family.  
I used to have my own business, and now I pointlessly look for a job.  
I used to dream of the future, and now I yearn for one day of the past.  
I used to dream of having a stable life, and now I dream of having a stable death as there are not enough graves for us.  
I used to dream, now I am dreamless [ . . . ]”  
– Mohammed Zeidan Abu Jihad<sup>3</sup>

Before it was a Palestinian refugee camp, Al-Yarmuk was long known as the battle that consolidated Syria under Arab rule after the landmark defeat of the Byzantine Empire in 636 CE. From now on, however, it will be remembered as a site of disintegration where one of the longest and tightest sieges in the course of the Syrian uprising-turned civil war is taking place – a siege that has so far seen some 160,000 of its Palestinian residents flee and the remaining 17,000-20,000 face starvation or death from illness or injury. Al-Yarmuk now stands between Tel al-Za'tar – the Palestinian refugee camp in Beirut besieged and then assaulted by Syrian-backed,

right-wing Lebanese militias in 1976 – and the next barrel bomb attack on Palestinian communities in Syria. The harrowing state of siege, preventing food and medical supplies from getting in and people from getting out, prompted the spokesperson for UNRWA, the United Nations agency for Palestinian refugees, an otherwise ardently apolitical institution, to wax revolutionary<sup>4</sup>: “The lexicon of man’s inhumanity to man has a new word: it’s Yarmuk. It’s a place where UN-assisted communities are facing starvation [...] where the elderly, the sick, the dying, infants are being forced to eat animal feed in the capital city of a UN member state in the 21st century as a matter of political choice.”

Indeed, since the first week of July 2013, Al-Yarmuk residents have not had access<sup>5</sup> to the basic necessities of life. Anyone who attempts to break the siege is usually gunned down. Those who are wounded are left to die because they are not allowed to exit the camp to receive critical medical treatment. Conservative estimates reveal that at least 194 civilians have lost their lives, 128 of whom, babies and the elderly among them, have starved to death under catastrophic conditions. Many residents have been arrested, tortured, and subjected to forced disappearance by Syrian military forces and other pro-government groups, like the Popular Front for the Liberation of Palestine-General Command (PFLP-GC). Reduced to scavenging in desperation to stay alive, Al-Yarmuk residents have turned to boiling grass and eating cat and dog meat as a final resort while awaiting the increasingly Oslo-esque elusive settlement between representatives of the Syrian government and opposition forces.

Local Palestinian activists blame<sup>6</sup> the Syrian regime and its Palestinian allies, represented mainly by the PFLP-GC, for the siege and many of the atrocities committed since the beginning of the uprising. Two tragedies in particular marked the beginning of the end of Al-Yarmuk’s united position of neutrality vis-à-vis the Syrian government and the uprising in general: Popular marches, in the summer of 2011, to the Occupied Golan

Heights at the “border” of Israel on the occasions of Al-Nakba, or “The Cataclysm,” in which some 750,000 Palestinians were forcibly displaced from their homeland upon the creation of Israel in 1948, and Al-Naksa, or “The Setback,” the second mass displacement of Palestinians from their homeland, which accompanied the 1967 Arab-Israeli war.<sup>7</sup>

In both cases, the regime, at that time desperate to gain traction in the growing uprising against it, encouraged the demonstrations and facilitated access to the border by removing checkpoints and even providing transportation to the border on Naksa Day. Yet, at their time of greatest need, when the Israeli military unleashed lethal firepower against the unarmed protestors, killing 26 of them, the Syrian authorities and the Palestinian factions that promoted the demonstrations were nowhere to be found.

Activists also hold the regime responsible for the aerial bombardment and systematic destruction of large areas of their camp, which resulted in a number of civilian deaths in December of 2012. Neither do they absolve certain Free Syrian Army (FSA) factions, who forcibly entered the camp following the bombardment and proceeded to seize private homes and hospitals and abuse the residents. From day one, FSA fighters showed almost complete disregard for the authority structures of Al-Yarmuk, and, in particular, showed no deference for its carefully calculated position.

Anger was also directed at the Palestine Liberation Organization (PLO)/Palestinian Authority (PA) for not doing enough to support the residents of Al-Yarmuk, who faced daily shelling and rapidly diminishing food and medical supplies, all signs of the impending siege. These feelings were exacerbated by the news that the PLO/PA’s efforts to negotiate a settlement between government and opposition forces reportedly<sup>8</sup> displayed more concern over the fate of Assad than besieged Palestinians, thus outweighing<sup>9</sup> its efforts to lift the siege or assuage the suffering of those Syrian Palestinians unable to obtain travel visas to countries where the PA has diplomatic representation.

## **The Syrian Rites of Return to Politics**

When a Syrian gave Palestinians the name for the most traumatic cataclysm in their modern history – Al-Nakba

– it was an act of rational empathetic contemplation. Today, the Syrian *nakba* has dictated the painful acknowledgement of several conceptual causalities that can be added to the colossal human loss. During the long Ba’ath years, when Syria “championed” the Palestinian cause, Palestinian Syrians were never allowed to be fully Palestinian – nor fully Syrian. While the state made efforts early on to integrate most Palestinians into Syrian society by offering them many of the same rights as Syrian nationals, except citizenship and the right to vote, this much-touted policy overlooked two facts: first, many other Palestinians who entered Syria after the first wave, which occurred between 1948 and 1956, remained largely right-less; and second, the totalitarian nature and structure of the society into which the rest of the Palestinians were integrated.

Only those Palestinians who fled to Syria in or before 1956 and their descendants were integrated<sup>10</sup> into Syria’s legal and socioeconomic frameworks. But a significant number of Palestinians fled to Syria after 1956 as a result of further conflict. The Syrian state habitually ignores this group in analyses that seek to promote its integration narrative. Those who fled to Syria during the 1967 war with Israel, from Jordan after the 1970-1971 events of Black September, from Lebanon after the 1982 Israeli invasion, and from Iraq between 2006-2008 all lack<sup>11</sup> most of the basic rights that are extended to other Syrian Palestinians, such as the right to remain as permanent residents and the right to work without being required to obtain residence and work permits respectively. The last group – Palestinians from Iraq – was denied entry into Syria and remained in the Al-Hol desert refugee camp close to the Syrian-Iraqi border for years before countries as far as Brazil offered to resettle them. It is noteworthy that all these policies were adopted during the Ba’ath years, unlike the earlier, more generous ones implemented in 1956.

Indeed, Palestinians who fled to Syria in or before 1956 were more fully integrated than those who came later, but this group was integrated into a totalitarian system that prevented by force any meaningful right to free political expression for the entire population. It managed to keep self-determination at bay through the combination of a ruthless security apparatus and economic policies securing minimum living standards for the ruled population – an economic and security policy not entirely dissimilar to the PA’s in the West Bank and Gaza.

Full integration, therefore, has equaled full cooptation and – as in most other Arab countries with Palestinian refugee populations – the systemic subversion of the emergence of strong institutional expressions of a distinct Palestinian national identity, no different, in fact, to the regime’s treatment of its own Syrian nationals. As a result, Syrian Palestinians were not free to express belonging to either Syria or Palestine beyond the regime-sanctioned mimetic rehearsals of pan-Arab sloganeerism. The Syrian model is often compared with Lebanon’s inhumane treatment of its Palestinian population. But what such comparisons fail to account for is the level of political and institutional autonomy available to Palestinians in Lebanon<sup>12</sup> that result, costly and unintended as it might be, from an inverse policy of ostracization and persecution.

One of the accomplishments of the Syrian uprising, however, is that it has extended the right to return to politics for all those in Syria, including Palestinians. Shared suffering at the hand of violence has led to the realization of both Palestinian and Syrian ideals and identities away from the rhetoric of the regime. The scenes of a fellow demonstrator dying, the news of a close friend perishing in the siege, the blood-stained cloth of a neighbor who is being treated in a makeshift field clinic, all constitute ritualistic returns to communal political engagement.

The siege of Al-Yarmuk has unearthed trans-generational memories of the first Palestinian Nakba, kept alive by the obduracy of second- and third-generation refugees now witnessing, without narration or mediation, their camps – their neighborhoods – disappear like those of their grandparents. Concurrently, the urgent need to help neighbors and protect their city centers has instilled a new sense of attachment to Syria as a site of lived memories previously nearing extinction. Thus, a new paradox has been introduced: at precisely the moment that many Syrian Palestinians felt most attached and committed to the uprising as Syrians, their commitment was harshly and abruptly trampled on by the FSA factions operating in the regions around and later inside the camp.

## **The Meaning of a New Nakba for the Already Dispossessed**

The options available to Syrian Palestinians who are being made refugees yet again hover between the

tragic and the absurd. Two propositions<sup>13</sup> sum up the unbearable paradox of being twice displaced. As the siege and resulting mass displacement continue, former Yarmuk residents have started a unique call demanding the right to return to and from the camp – a return to the safe familiarity of the protracted camp, from the fragile makeshift shelters that they found outside the camp, and a return *from* the protracted camp to the cities and villages in the Galilee from where they hail.

The latter return – the only just solution<sup>14</sup> for Palestinian refugees everywhere – has been made even more urgent given that more than half of the 500,000 Syrian Palestinians have been displaced, many for multiple times. Furthermore, the places to which they flee within Syria are becoming more and more dangerous. Even the relatively stable places that have so far been saved from the brunt of the bombardment are increasingly becoming unsafe while being pushed to take unequivocally pro-regime stands.

Outside of Syria too, relative safety comes at extraordinary human cost. Almost all of the countries that are currently accepting refugees fleeing the Syrian conflict welcome Syrian nationals as the “good” refugees and close their borders to Syrian Palestinians who are treated as the perennial “bad” refugees. The Lebanese government previously permitted entry to nearly 53,000 Palestinians displaced from Syria who now reside in already over-crowded and under-serviced camps of fellow Palestinians, is now turning them away at the border, while deporting<sup>15</sup> others. Jordan, meanwhile, has been denying entry to Syrian Palestinians since early 2013. Those who managed to enter before that time, numbering almost 14,000, have been given a status different to that of other refugees fleeing the conflict in Syria. While the vast majority live with host families or in rental properties, according to UNRWA, a few hundred have been corralled into Palestinian-only camps,<sup>16</sup> like Cyber City, where they are reportedly prevented from leaving. All live in extremely poor conditions. Syrian Palestinians have also fled<sup>17</sup> to Egypt, Libya, Gaza, Turkey, and as far as Southeast Asia.

The ebb and flow of the horrors at home in Syria and Arab governments’ neglect and maltreatment of Palestinian refugees abroad has pushed many to the last frontier, both in a figurative and literal sense. Even before the recent fall of Homs, obituaries of the Syrian uprising started to appear in Arab dailies, while a more

sober analysis<sup>18</sup> paints a melancholy picture of the fate of the current conflict. Amidst the fragmentation and lack of coherence of the opposition forces inside and outside of Syria, the regime is likely to consolidate its power over significant parts of the country and de facto jettison the rest. Under such a scenario, most Palestinians in Syria would end up in regime-held areas. Forced to choose between a Yarmuk-style starvation and siege and a fragmented, weakening, and negligent opposition, ordinary Palestinians are already caving in to the regime as reflected in pro-government marches and the dissemination of propaganda. While survivalist at its core, this is a major setback for the revolutionary potential that was seen earlier in the uprising with Syrian Palestinian martyr Ahmad Kousa, one of many Palestinian community organizers and activists who sided with the Syrian uprising and coordinated with Syrian activists from Al-Yarmuk.

### Existence as Crisis

Like their parents in Beirut 1982 and grandparents in Jaffa in 1948, Palestinians today find themselves literally being pushed<sup>19</sup> into the sea. Ultimately as a result of Israel's denial of the right of return for Syrian Palestinians – the majority of whom hail from Galilean towns and cities just several hours away – as well as the PLO/PA's powerlessness to offer any meaningful help, Palestinians are forced to undertake long perilous journeys on rickety boats through the Mediterranean in search of a country that will take them. Yet, while many survive, others, who are drowning without a trace, are even less fortunate than celebrated Palestinian author Ghassan Kanafani's fictional men who perished on similar journeys half a century ago but whose bodies remained, on a heap of rubbish, as signposts of the communal fate that lay ahead.

Somewhere in a Nordic camp, a fortunate survivor is learning the layout of a new keyboard and a new city grid, starting over, alone, once again. In the boredom of waiting for residence papers, she may realize that being born in one refugee camp does not breed familiarity with another. Likewise, seniority in “refugeedom” does not yield more sympathy. Perhaps she will find that the ambiguity that long defined the relationship between Syrian Palestinians and the camp has finally been resolved: More than a prolonged shelter for an identity in danger of disappearance or cooption, the camp, or *al-mukhayyam*, for Syrian Palestinians is the new Safad,

Al-Jish, Tiberias, and Al-Shajara. In coming to terms with its impermanence, the memories of *al-mukhayyam* for the second- and third-generation refugees are what the memories of Palestine were for the first. They are not a reminder of a previous place or a past life as much as they forge a fragmentary incoherent community amongst those who lost it all, yet somehow still manage to start anew anywhere they are allowed entry. Rather than enduring existential crises, Palestinians learn to deal with existence as crisis. History suggests that this is the stuff of nation building.

### ENDNOTES

1. See: <http://al-shabaka.org/price-statelessness-palestinian-refugees-syria>
2. See: <http://al-shabaka.org/policy-brief/refugee-issues/decades-displacing-palestinians-how-israel-does-it>
3. See: <https://www.facebook.com/mziedan1/posts/10151941428825846>
4. See: <https://audioboo.fm/boos/2083702-starving-syrian-children-eating-boiled-grass-to-survive#t=8m22s>
5. See: <http://www.amnesty.org/en/library/asset/MDE24/008/2014/en/c18cfe4d-1254-42f2-90df-e0fce7c762fc/mde240082014en.pdf>
6. See: <http://www.palestine-studies.org/files/Yarmouk%20Refugee%20Camp/BitariFinal.pdf>
7. The author has chosen to use the term “cataclysm” instead of the more common term “catastrophe” to describe Al-Nakba, signifying one event that was unique in the history of the Palestinian people and from which collective Palestinian suffering stems.
8. See: <http://www.al-akhbar.com/node/201281>
9. See: <http://ow.ly/xiBM30jeZLB>

10. See: <http://al-shabaka.org/palestinians-road-damascus>
11. See: [http://reliefweb.int/sites/reliefweb.int/files/resources/palestinians\\_from\\_syria\\_march\\_2014.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/palestinians_from_syria_march_2014.pdf)
12. See: <http://al-shabaka.org/policy-brief/refugee-issues/trapped-denial-rights-illusion-statehood-case-palestinian-refugees-leban>
13. See: <https://www.facebook.com/yarmok.news/photos/pb.475987315810466.-2207520000.1399752152./613043215438208/?type=3&theater>
14. See: <http://al-shabaka.org/roundtable/refugee-issues/political-agency-palestinian-return>
15. See: <http://www.hrw.org/news/2014/05/05/lebanon-palestinians-barred-sent-syria>
16. See: <http://www.al-monitor.com/pulse/politics/2012/08/palestinian-refugees-from-syria-flummox-jordanian-humanitarian-response.html>
17. See: <http://www.unrwa.org/syria-crisis>
18. See: <http://carnegie-mec.org/2014/04/08/melancholy-perspective-on-syria/h7fc>
19. See: <http://www.bbc.com/news/world-europe-24499890>



### CHAPTER THREE

# WARNING SIGNS ALONG THE ROAD

The Palestine Liberation Organization (PLO) faced major obstacles as it led the Palestinian struggle for rights, beginning with the need to force the world to recognize the Palestinians as a people with the right to self-determination. It then had to impose recognition of its claim to represent the entire Palestinian people, which in 1948 had been divided between Palestinian citizens of Israel, Jordanian rule of the West Bank, and Egyptian administration of Gaza, and refugees and exiles in the countries bordering Israel and far afield. The PLO achieved these aims despite many setbacks, including its expulsion from Jordan in 1970 and from Beirut in 1982.

However, the organization was unable to develop sufficient sources of power to advance its goals. It began to lose its way, particularly after its exile from Lebanon and even more dangerously during and after the negotiation of the ill-fated Oslo Accords, which were intended to achieve the two-state solution that it had accepted as a compromise in 1988. The PLO's failures have left the Palestinians without effective representation and at the mercy of Israel and other countries. This section includes four pieces that discuss the obstacles faced, mistakes made, and price paid in the struggle for self-determination.

## The Myth of American Pressure

The PLO believed that once it achieved recognition by the United States, it would be well on the road to statehood. However, this was not on the cards. As **Osamah Khalil** demonstrates through his review and analysis of different eras, the behavior of US administrations fits into a broad historical pattern of public American pressure on Israel and private concessions.

## How Sovereign a State?

The Oslo negotiations placed the occupied people on a par with the occupying power, making it very difficult to achieve a sovereign Palestinian state. **Camille Mansour** lays out this near-impossible task in his analysis of Israeli and Palestinian positions relating to key issues of sovereignty, such as armaments, alliances, crossings, borders, and Israeli military posts, and shows how far apart the two sides were even in best case scenarios.

## **Under Siege: Remembering Leningrad, Surviving Gaza**

From the start of the Oslo negotiations Israel began to tighten control on the Gaza Strip. The nearly two million Palestinians of Gaza came under full siege by Israel, supported by Egypt, in 2006, with the victory of Hamas in parliamentary elections. Since then, Gaza has been the target of three massive Israeli assaults, and the siege has shredded the population's ability to maintain any semblance of normal life and development. **Ayah Abubasheer** and **Esther Rappaport** evocatively communicate the horror of what has and is being done to Gaza.

## **Which Jerusalem: Israel's Little-Known Master Plans**

Israel also began to separate East Jerusalem from the West Bank during the Oslo negotiations. It began to develop Jerusalem in line with its scheme of making it a majority Jewish city with a minimal Palestinian presence and to transform it into a high-tech tourist destination. **Nur Arafah's** analysis of Israel's three master plans for the city – two of which are little-known – offers important insights into these plans and ways in which Palestinians can rebut them.

# THE MYTH OF AMERICAN PRESSURE

BY OSAMAH KHALIL  
OCTOBER 2010

## Overview

Recent reports that the Obama administration offered Israel a series of incentives to continue its limited ten-month moratorium on settlement building have sparked an outcry among Palestinians and their supporters. Although the concessions for halting the construction of new settlements for only 60 days are unprecedented, Washington's inability to maintain consistent pressure on Israel fits into a much broader historical pattern. The conventional wisdom is that when Washington has exerted pressure on Israeli governments they have eventually succumbed to American demands. However, a closer reading of the historical record and declassified American archival documents reveals a more complex dynamic between the two allies.

In this policy brief, Al-Shabaka analyst Osamah Khalil examines four major crises in the "special relationship" between the U.S. and Israel: the 1949 Lausanne Conference; the 1956 Suez Crisis; the October 1973 War; and the 1991 Madrid Peace Conference. He demonstrates that while Israel has on occasion publicly acceded to American demands, privately it has received concessions and agreements that rewarded its intransigence and improved its negotiating position at the expense of Palestinian rights. Khalil argues that American pressure was negligible when compared to the policy options available to the different presidential administrations. Finally, he offers recommendations for Palestinians and their supporters.

## The Lausanne Conference

The pattern of public American pressure and private concessions to Israel was established early on. In April 1949, the Lausanne Conference was convened in order to translate the separate armistice agreements between Israel and Egypt, Lebanon, Syria, and Transjordan signed after the 1948 Palestine War into a final peace. Among the key issues to be negotiated was the fate of over 750,000 Palestinian refugees who were either expelled by or fled from Zionist militias during the war.

In accordance with UN General Assembly Resolution 194, Washington advocated for a substantial repatriation of Palestinian refugees to their homes. Israel, however, was reluctant to consider repatriating more than a token number of refugees.

Israel's intransigence at Lausanne led to a sharp exchange of letters between President Truman and Israeli Prime Minister David Ben-Gurion. Truman was incensed by a report that American attempts to negotiate an agreement were being rebuffed by Tel Aviv and that Israeli officials had informed American representatives that they intended to "bring about a change in the position" of the administration "through means available to them in the United States."<sup>1</sup> Truman's letter warned that should Israel continue to reject America's "friendly advice," Washington would "regretfully be forced to conclude that a revision of its attitude toward Israel has become unavoidable."<sup>2</sup>

Although the Israelis appeared to reject Truman's claims, their position at Lausanne softened over the next two months, including an offer to repatriate 100,000 refugees.<sup>3</sup> However, the number was still deemed insufficient by the Arab states and by Secretary of State Dean Acheson. Acheson called for the Israelis to repatriate a "substantial number" of refugees -- roughly 250,000 -- with the remainder to be resettled in the neighboring Arab states where they had sought shelter and to receive some compensation.<sup>4</sup>

A State Department memorandum drafted after the Israeli reply to Truman recommended four actions for the administration to pursue, including: blocking the release of the remainder of a \$100 million Export-Import loan, removing the tax-exempt status that U.S.-based Jewish groups enjoyed to raise funds for Israel, refusing Israeli requests for technical assistance and expertise, and not supporting the Israeli position in international organizations.<sup>5</sup> Of these recommendations, the Truman administration opted to delay, but not block, the release of the remainder of the loan. In addition, the State Department decided not to use Israel's



application for membership to the United Nations — a key Israeli goal — as an opportunity to pressure Tel Aviv at Lausanne. Rather, Washington believed that Israel's admission to the UN would compel concessions by the Arab states in the negotiations.<sup>6</sup>

By late August the loan issue escalated. Responding to an inquiry by the Israeli government, the Export-Import Bank replied that it had approved the loan and the delay was due to the State Department. Eliahu Elath, Israel's ambassador to the U.S., responded angrily to the news, and informed an American delegation at a luncheon in Washington that such actions “could only be interpreted as attempted duress.” Elath added that “such tactics would not succeed. In fact, they could be expected to have the opposite result.”<sup>7</sup>

Acheson discussed the situation with President Truman the day after the luncheon. By early September, \$2.35 million of the \$49 million was released to Israel.<sup>8</sup> This amateurish attempt at diplomatic pressure was the last one the Truman administration would undertake with Israel. It would also establish a consistent pattern of American behavior toward Israel: although Washington had an array of policy options available, the Truman administration and its successors lacked the political will to employ them effectively and consistently.

### **Suez 1956: A Successful Example?**

The most prominent example of the successful application of American pressure on Israel was during the 1956 Suez War. Using Egyptian President Gamal Abdel Nasser's nationalization of the Suez Canal as a pretext, France, Britain, and Israel jointly planned and invaded Egypt in late October. In a rare moment of Cold War superpower agreement, Washington and Moscow demanded that the invasion end and the tripartite forces withdraw. Indeed, the Dwight D. Eisenhower administration considered a series of actions to pressure Israel that were similar to those presented to President Truman. While Israel agreed to withdraw under American and Soviet pressure, far from damaging U.S.-Israeli relations, the Suez crisis led to closer cooperation.<sup>9</sup>

Of particular importance was the understanding reached between the U.S. and Israel over the Straits of Tiran, the narrow waterway which connects the Gulf of Aqaba and the Red Sea. Secretary of State John Foster Dulles

concurred with Israel's position that it had the right to send ships through the Straits and an attempt by Egypt to renew the blockade would be an act of war, giving Israel the right of self-defense under the UN Charter. The long-term implications of this agreement would be profound. As tensions increased in the spring of 1967, Nasser's decision to close the Straits would be cited by Israel as the rationale for its surprise attack on Egypt in June 1967.<sup>10</sup> During the Suez crisis, Lyndon Johnson was Majority Leader of the U.S. Senate and he opposed the Eisenhower administration's pressure on Israel to withdraw from the Sinai without a peace agreement.<sup>11</sup> Eleven years later as President, Johnson was unwilling to repeat what he viewed as Eisenhower's mistake.<sup>12</sup>

In the wake of the Suez War, Nasser's influence grew dramatically not just in the region but across the “Third World.” However, Eisenhower and Secretary of State John Foster Dulles were convinced that Egypt had become an unwitting pawn of the Soviet Union and were unmoved by Nasser's claims of a policy of “positive neutrality” in the Cold War. Although publicly aimed at preventing the influence of “International Communism” in the “general area of the Middle East,” what became known as the Eisenhower Doctrine had a much more specific target: containing Nasser. While Ben-Gurion's hopes for a formal military alliance with the U.S. were never realized during the Eisenhower administration, due largely to American plans for a regional defense pact that was hindered by the Arab-Israeli conflict, the U.S. and Israel found common cause in diminishing Nasser. As Washington sought support throughout the region for the Eisenhower Doctrine, Israel began to develop its “periphery pact,” developing alliances with non-Arab countries, including Turkey, Iran, and Ethiopia.<sup>13</sup>

### **The Kissinger Era**

Unlike the Suez crisis, the October 1973 War led to a tense superpower showdown. The initial Egyptian and Syrian attack managed to surprise the Israeli military causing heavy casualties, however, Israel counterattacked and eventually took the offensive. When the Egyptian Third Army was almost encircled, Moscow threatened to intervene unless a cease-fire was declared. While the combination of American pressure and Soviet threats finally forced Israel to halt its advance, Washington interceded largely because of the possibility of a superpower confrontation.

Although the cease-fire revealed how effectively American pressure on Israel could be applied when larger American interests were at risk, the U.S.-led negotiations conducted over the next two years demonstrated the implications of such actions on Palestinian rights. Secretary of State Henry Kissinger focused his efforts on Egypt, relying on “step-by-step” shuttle diplomacy rather than a comprehensive negotiation involving all parties, and was reluctant to expand the negotiations to include the Syrians or the Palestine Liberation Organization (PLO).<sup>14</sup> This was more than just a tactical approach. Washington perceived Egypt to be the most prominent Soviet ally in the region, and Kissinger hoped to drive a wedge between Moscow and Cairo. He found a willing partner in Egyptian President Anwar Sadat, who also sought to break with the Soviet Union and end hostilities with Israel.<sup>15</sup>

The negotiations were augmented by significant shipments of U.S. military aid to Israel. Kissinger argued that the aid was designed to make Israel feel more secure and willing to make concessions, especially as Moscow was rearming Syria and Egypt. Yet in negotiating the second Sinai disengagement, Israel’s position hardened. Although Kissinger emphasized the benefits of removing the most prominent and populous of the Arab states bordering Israel from the Arab-Israeli conflict and the Soviet orbit, Israeli Prime Minister Yitzhak Rabin was unmoved. By March 1975, Kissinger was frustrated by Israeli intransigence and returned to Washington, leading President Gerald Ford to call for a “reassessment” of U.S. policy in the region.<sup>16</sup>

Washington’s reassessment lasted roughly three months. Although existing arms contracts were honored, new shipments to Israel were halted during this period and Kissinger met with leading foreign policy specialists to discuss a new comprehensive approach to achieving peace. However, the Israeli government countered with its own pressure. In May, seventy-six U.S. senators signed a letter to Ford, calling on him to be “responsive” to Israel’s request for \$2.59 billion in military and economic aid. Ford would later write that although the senators claimed the letter was “spontaneous,” that “there was no doubt in my mind that it was inspired by Israel.”<sup>17</sup> In his memoirs, Rabin would concede that the letter was the result of an Israeli public relations campaign.<sup>18</sup> Without domestic

political support, Ford and Kissinger abandoned the reassessment and resumed negotiations.<sup>19</sup>

The Sinai II agreement was signed in September, but only after significant concessions by Washington. This included \$2 billion in aid to Israel and abandoning any attempts for substantial negotiations on the Syrian or Jordanian fronts. In other words, Israel’s occupation of the West Bank and Golan Heights were further entrenched not to win an Israeli withdrawal from the Sinai Peninsula, but merely in order to establish a buffer zone between Israeli and Egyptian forces. In addition, Israel won a commitment from Washington to prevent future Soviet intervention in the region as well as placement of American civilian monitors in the Sinai. Most damaging to Palestinian interests was the secret memorandum of understanding Kissinger signed with Israel related to the PLO. Although the PLO was recognized by the UN and the Arab League as the “sole legitimate representative of the Palestinian people,” Washington agreed not to “recognize or negotiate with” the PLO as long as it refused to recognize Israel’s right to exist and rejected UN Security Council (UNSC) Resolutions 242 and 338.<sup>20</sup> Kissinger’s success helped set the stage for the 1978 Camp David Accords negotiated by President Jimmy Carter.<sup>21</sup>

## **Madrid 1991**

From the perspective of Washington, the end of the Cold War and the success of the U.S.-led coalition in expelling Iraqi forces from Kuwait appeared to offer an opportunity to finally resolve the Arab-Israeli conflict. In the spring of 1991, Secretary of State James Baker began galvanizing support for an international peace conference. However, Israeli Prime Minister Yitzhak Shamir was reluctant to participate in the conference, and even more resistant to the “land for peace” formula. At the same time, Israel requested \$10 billion in loan guarantees to assist with the settlement of Jewish immigrants from the Soviet Union. In an attempt to pressure the Shamir government, President George H.W. Bush requested that Congress delay approval of the loan guarantees for 120-days. However, when Congressional leaders rebuffed the request, Bush held an unprecedented news conference in September where he denounced the influence of the Israel lobby on Capitol Hill.<sup>22</sup> The gambit appeared to work, as Israel agreed to attend the conference as well as to the presence of a joint Palestinian-Jordanian delegation.<sup>23</sup>

Held at the end of October in Madrid, Spain, the conference marked the first time Israelis and Palestinians would engage in direct negotiations. However, with the U.S. unwilling to serve as more than a facilitator of the meetings, the negotiations bogged down and eventually became victim to the Israeli and American political calendars. Shamir's Likud party was voted from power in June 1992 and the loan guarantees were eventually approved by Congress in October. A month later, Bush lost his bid for reelection.<sup>24</sup>

Ultimately, the Madrid process would be undone not only by American inattention and Israeli intransigence but also by the PLO, which chose to sign a secret agreement negotiated in Oslo, Norway unbeknownst to the Palestinian negotiating team in Washington. Instead of demanding an end to the occupation and an independent state, PLO Chairman Yasser Arafat settled for an interim agreement that initially guaranteed limited autonomy for the Gaza Strip and the West Bank city of Jericho.<sup>25</sup> Final status talks were to be concluded within five years, during which Israel was to maintain overall sovereignty for the OPT.<sup>26</sup>

Although it is often cited as another example of successful American pressure on Israel, in reality the Bush administration obtained few concessions from Shamir's government and even fewer tangible results. While the loan guarantees were delayed, they were eventually approved and the Bush administration's attempts to freeze settlement construction were unsuccessful. Nor did Shamir's attendance at the conference constitute his acceptance of the "land for peace" formula, as he admitted in an interview with the Israeli paper *Ma'ariv* after the June 1992 election. Shamir explained that, "I would have carried on autonomy talks for ten years and meanwhile we would have reached a half million people in Judea and Samaria [i.e., the West Bank]."<sup>27</sup> Indeed, Shamir's strategy has been adopted by successive Israeli governments.

## Lessons Learned and Recommendations

What lessons can Palestinians and their supporters draw by examining these crisis moments in U.S.-Israeli relations? Perhaps most important is to differentiate between the perception that pressure is being applied by Washington and the reality. In each of the historical cases, both the U.S. and Israel had an interest in overstating the political pressure brought to bear. For

Washington, the audience was typically the Arab states who looked to the United States as the only power capable of securing concessions from Israel. On occasion, as with Bush's 1991 press conference, the discussion of the Israel lobby was also for domestic consumption. Meanwhile, Israel's attempts to exaggerate American pressure have been aimed not just at its own domestic audience and the competition between the major political parties, but toward its American supporters as well.

While the influence of the Israel lobby in these crisis moments particularly on Congress cannot be dismissed, it should not be overstated either. In each case, the different Presidential administrations had an array of policy options available to them, but they were unwilling or unable to muster the political will to adopt more aggressive approaches. This behavior was often driven by the desire of American policymakers for the most politically expedient solution, dictated largely by the political calendar and intensified media attention, rather than a long-term resolution. As a result, Israel benefited from the reticence of the different administrations and their pre-existing biases toward supporting the Israeli position.<sup>28</sup> Moreover, Israel used Washington's desire to achieve its strategic goals regionally and internationally in order to obtain concessions at the expense of the weakest party in the conflict -- the Palestinians.

American pressure on Israel has been successful when larger American interests have been at risk. For example, during the 1956 and 1973 Wars in the midst of the Cold War competition with the Soviet Union, Washington had very immediate and definite interests at stake which required it to press its demands in earnest. Moreover, Israel also had an interest in preventing the intervention of Soviet forces into the region, which made it more receptive to American pressure. Without a superpower competitor, the threat to American interests from Israeli actions might be substantial, but from the perspective of Washington they were not unmanageable or insurmountable. In other words, when the Palestinians and their supporters among the Arab states were angered by American policies or actions in support of Israel, once they agreed to a process mediated by the U.S. they had nowhere else to go -- and Washington knew it. This was particularly true of the regimes that relied on American military and economic aid to secure their rule, who found that the price for their participation in the peace process was an increasing

number of concessions demanded by Washington in order to placate Israel.

Kissinger's influence on today's policymakers cannot be underestimated. His reliance on piecemeal, interim negotiations accompanied by high-level shuttle diplomacy has become the standard for successive administrations. Indeed, the apparent lesson learned is that the U.S. State Department must *appear* to be actively engaged, even when the results of such public activity are negligible. This has been repeatedly demonstrated in the attempts over the past decade to revive the Oslo Peace Process, in which merely the *appearance of process* is now considered more important than the actual process or achieving peace.

While Washington was able to extract some concessions from Israel over the years, these were eclipsed by Arafat's decision to accept the deeply flawed Oslo Accords. Although the PLO was weak as an organization in 1993, the Palestinian cause was arguably at its height in international sympathy and support due to the first intifada and the diplomatic efforts surrounding the PLO's acceptance of the two-state solution and 1988 Declaration of Independence. Rather than attempting to galvanize popular support among its Palestinian base and internationally around its goals, Arafat and the Tunis-based leadership opted for its own short-term and ultimately self-defeating solution. In short, the Palestinian leadership saved itself and the Israeli occupation at the expense of its own people inside and outside of Palestine.

The historical pattern described in this brief has also been observed with the Obama administration. Both the administration and the Netanyahu government have advanced the perception that President Obama has put unprecedented pressure on the Israelis to halt the construction of settlements in the OPT. Yet over the past year it has become evident that like its predecessors, the Obama administration has sought to reward Israeli intransigence and violations of Palestinian rights by increasing and expanding its support for Israel, rather than curtailing it. This included additional funding for the "Iron Dome" project, Washington's shielding of Israel at the UN after the assault on the Freedom Flotilla, and supporting Israel's admission into the Organization for Economic Cooperation and Development (OECD).<sup>29</sup> Moreover, the recently reported concessions for a mere 60-day extension of the

settlement "freeze," including maintaining Israeli control over the Jordan River Valley, once again demonstrates Israel's ability to secure private concessions at a time of supposedly heightened American pressure.<sup>30</sup>

What then constitutes real pressure? As the Truman and Eisenhower administrations determined, the U.S. has a number of ways to pressure Israel, or any other state, which is reliant on it for military, political, and economic support. This includes blocking or suspending the delivery of economic and military aid, removing the tax-exempt status from U.S. based donations for groups that donate to Israel, denying requests for technical or military assistance and expertise, and withholding support for Israel in international and regional organizations. To date, Washington has rarely considered these options. Rather, it has chosen to reward Israel's intransigence with increasing amounts of aid, in the vain hope that if Israel feels secure it will be willing to make concessions.

At a minimum, Palestinians and their supporters should advocate for the U.S. to deny tax deductible status to organizations that fund and support Israeli settlements in the OPT. They should also continue to insist that Washington hold Israel accountable to U.S. and international law, including continued settlement activity and construction of the wall in the West Bank and East Jerusalem, the use of American weapons on Palestinian civilians, the repeated violations of Palestinian human rights, as well as to live up to its commitments as a member of the UN and the OECD, and as a signatory to numerous international treaties. The real pressure that Palestinians must look to and rely on is not from Washington toward Israel, but from the Palestinian people to the world community by continuously asserting that only by realizing their rights can a just and lasting peace be achieved.

## ENDNOTES

1. *Foreign Relations of the United States* (hereafter FRUS), *The Near East, South Asia, and Africa, 1949* (Washington, D.C.: Government Printing Office, 1977): 1061. <http://digioll.library.wisc.edu/cgi-bin/FRUS/FRUSidx?type=goto&id=FRUS>.

2. *FRUS, 1949*, 1072-1074. <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUSidx?type=turn&entity=FRUS.FRUS1949v06.p1089&id=FRUS.FRUS1949v06&isize=M>
3. *FRUS, 1949*, 1125. The Israeli response further angered Truman, who told Undersecretary of State James E. Webb that he had informed “Jewish leaders who had called him” that “unless they were prepared to play the game properly and conform to the rules they were probably going to lose one of their best friends.” <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUSidx?type=turn&entity=FRUS.FRUS1949v06.p1125&id=FRUS.FRUS1949v06&isize=M>
4. *FRUS, 1949*, 1013-1015, 1207 <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUSidx?type=turn&entity=FRUS.FRUS1949v06.p1029&id=FRUS.FRUS1949v06&isize=M>.
5. *FRUS, 1949*, 1110.
6. Admission to the UN was a top diplomatic priority for Israel in 1949. In meetings with Truman and State Department officials, the Israelis stressed their desire to be conciliatory at Lausanne on the question of refugees but noted that UN Membership was needed to secure the precarious position of the fledgling state. *See FRUS, 1949*, 943-948 <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUSidx?type=goto&id=FRUS>.
7. *FRUS, 1949*, 1328-1331. <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUSidx?type=goto&id=FRUS>.
8. In response to complaints by the American representative at the Lausanne conference, who had not been notified of the decision to release the funds, Acheson offered a tepid defense of the State Department’s actions and an empty threat that future reviews of loan allocations could occur and that Israel should not “construe such action as either direct or indirect political pressure.” *FRUS, 1949*, 1375, 1388-1389. <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUSidx?type=goto&id=FRUS>.
9. Avi Shlaim, *The Iron Wall: Israel and the Arab World* (Boston: W.W. Norton, 2001): 181.
10. Shlaim has a fuller discussion of these events and the negotiations between the U.S. and Israel, 178-185.
11. *FRUS, Arab-Israeli dispute, 1955-1957*, 139-140. Johnson dispatched a letter to Dulles stating that he was “disturbed” by reports that the UN was considering sanctions against Israel but not the Soviet Union. He called for “a determined effort” by the UN and U.S. to “go to the root causes of the troubles in the Middle East,” which included cross-border raids by Palestinians from Gaza. Johnson stated that “it is not utterly unreasonable for Israel to request guarantees by the United Nations that these attacks against her will not once more be prevalent, once she has withdrawn her troops from” Gaza and the Sinai. <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUSidx?type=turn&entity=FRUS.FRUS195557v17.p0171&id=FRUS.FRUS195557v17&isize=M&q1=february%2011>.
12. William Quandt, *Peace Process: American Diplomacy and the Arab-Israeli conflict since 1967*, Third Edition (Washington, Berkeley: Brookings Institute and the University of California Press, 2005): 44-52. Quandt discusses the influence of the Suez War on Johnson’s perceptions of the Arab-Israeli conflict.
13. For an analysis of the Eisenhower Doctrine, see Salim Yaqub, *Containing Arab Nationalism: The Eisenhower Doctrine and the Middle East*, (Chapel Hill: University of North Carolina Press, 2004).
14. As National Security Adviser during President Richard Nixon’s first term, Kissinger largely ignored the Arab-Israeli conflict. Already Nixon’s most trusted advisor on foreign affairs, in the second term, serving as both Secretary of State and National Security Adviser, Kissinger’s power and influence was enhanced further by the Watergate crisis, which distracted the President.
15. Quandt, 133; Shlaim, 313. In the build-up to the war, one of the signs missed (or ignored) by the United States and Israel was the expulsion of 15,000 Soviet advisers from Egypt in July 1972. Thus, relations between Moscow and Cairo were already strained before the war and Sadat was even more receptive to American overtures in its aftermath.

16. Quandt, 159-163. Among Rabin's demands was that Sadat sign a separate peace and declare an end to the state of belligerency between Egypt and Israel.
17. Gerald R. Ford, *A Time to Heal: The Autobiography of Gerald R. Ford* (New York: Harper and Collins, 1979): 287. In discussing his decision for a "reassessment," Ford wrote that it "jolted the American Jewish community and Israel's many friends in Congress. The Israeli lobby, made up of patriotic Americans, is strong, vocal and wealthy, but many of its members have a single focus. I knew I would come under intense pressure soon to change our policy, but I was determined to hold firm." (247).
18. Yitzhak Rabin, *The Rabin Memoirs* (Boston: Little, Brown and Company, 1979): 261-263. Rabin stated that the reassessment was "an innocent-sounding term that heralded one of the worst periods in American-Israeli relations." While Rabin's assessment of the situation may have been dubious, other Israeli officials have sought to emphasize this historical example for their own purposes. For example, in March, the Israeli newspaper *Yedioth Ahronoth* reported that Israeli Ambassador Michael Oren claimed in a call with other Israeli diplomats that because of tensions between the Obama administration and the government of Israeli Prime Minister Benjamin Netanyahu "Israel's ties with the United States are in their worst crisis since 1975 ... a crisis of historic proportions." "Israeli envoy sees 'historic crisis' with U.S.: Report," *Reuters*, March 15, 2010 <http://www.reuters.com/article/idUSTRE62E11O20100315>.
19. Quandt, 163-166.
20. Quandt, 166-169. UNSC Resolutions 242 and 338 were passed in response to the June 1967 and October 1973 Wars respectively. The "land for peace" formula embodied in the resolutions has served as the framework for a peaceful settlement of the Arab-Israeli conflict for the past 37 years. Resolution 242 called for Israel's withdrawal from the occupied territories in exchange for peace with neighboring Arab states. Because the resolution did not mention Palestinian self-determination or the rights of the Palestinian refugees it was rejected by the PLO, but was adopted Arab states as the basis for a peace agreement. UNSC Resolution 338 called for an end to hostilities and the resumption of negotiations based on Resolution 242.
21. There is insufficient space to discuss the Camp David negotiations and agreement but it is worth noting that the benefits to Israel and the implications for Palestinian rights of the Accords far outweighed Israeli Prime Minister Menachem Begin's concessions under pressure by the Carter administration to finalize an agreement.
22. In his comments on the loan issue, Bush stated that "we're up against very strong and effective, sometimes, groups that go up to the Hill working the other side of the question. We've got one lonely little guy down here doing it," "Excerpts from President Bush's News Session on Israeli Loan Guarantees," *New York Times*, September 13, 1991.
23. Quandt, 303-310.
24. Quandt, 310-317. The Madrid process was already floundering before Bush lost the 1992 election. It was eventually put on hold after Israel expelled over 400 Palestinians from the Occupied Palestinian Territories (OPT) into southern Lebanon in December. During the 1992 election, Democratic Party candidate Governor Bill Clinton criticized Bush's stance on the loan guarantees. In its first nine months in office, the administration of President Bill Clinton was focused largely on domestic issues and was less willing to publicly pressure Rabin's Labor government.
25. See my article "Pax Americana: The United States, the Palestinians, and the Peace Process, 1948-2008" *New Centennial Review* 8 (2008), for a discussion of the PLO's willingness to negotiate on the issue of representation.
26. The Oslo Accords and their implications on Palestinian rights and aspirations will be discussed in a future policy brief, but it should be noted that the pattern observed in this brief of public U.S. pressure resulting in private concessions to Israel continued during the Oslo process.
27. An English translation of this quote was reported by David Hoffman, "Shamir Plan was to Stall Autonomy," *Washington Post*, June 27, 1992. In an

interview seven years later with the *Middle East Quarterly*, Shamir claimed he was misquoted by *Ma'ariv*. Yet the interview revealed how limited his conception was of what would constitute a “comprehensive agreement” and what autonomy, if any, there would be for the Palestinians. See Daniel Pipes, “Yitzhak Shamir: A Lifetime of Activism,” *Middle East Quarterly*, June 1999. <http://www.danielpipes.org/6331/yitzhak-shamir-a-lifetime-of-activism>.

28. It should be noted that a fuller discussion of the influence of the Israel lobby on U.S. decision making is outside the scope of this brief and additional research is required in order to discuss the cultural, political, economic, and strategic factors that influence American policy toward the Arab-Israeli conflict.
29. In July, U.S. Assistant Secretary of State Andrew Shapiro announced that the Obama administration was expanding the amount of security aid Israel will receive in 2010 to \$2.775 billion, “the largest such request in U.S. history.” Shapiro explained that that administration hoped its “expanded commitment to Israel’s security will advance the process by helping the Israeli people seize this opportunity and take the tough decisions necessary for a comprehensive peace.” Natasha Mozgovaya, “U.S. official: More U.S. aid will help Israel make ‘tough’ decisions,” *Ha’aretz*, July 16, 2010 <http://www.haaretz.com/news/diplomacy-defense/u-s-official-more-u-s-aid-will-help-israel-make-tough-decisions-1.302374>.
30. Mark Landler, Helene Cooper, Ethan Bronner, “U.S. Presses Israelis on Renewal of Freeze,” *New York Times* October 1, 2010. [http://www.nytimes.com/2010/10/01/world/middleeast/01mideast.html?\\_r=1&scp=5&sq=obama%20settlements%20jordan%20valley&st=cse](http://www.nytimes.com/2010/10/01/world/middleeast/01mideast.html?_r=1&scp=5&sq=obama%20settlements%20jordan%20valley&st=cse).
31. FRUS1949v06&isize=M&submit=Go+to+page&p.

# HOW SOVEREIGN A STATE?

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## Summary Overview

Since the 1980s the Palestine Liberation Organization has aimed for a sovereign state in the West Bank and Gaza with East Jerusalem as its capital. Drawing on past Palestinian negotiating experience and the situation on the ground, this Policy Brief identifies some of the areas relating to sovereignty (e.g. armaments, alliances, crossings, borders, Israeli military posts in the West Bank) that Israel and the PLO would have to negotiate in the event that serious talks aimed at reaching a peace treaty are held. It develops a scenario that (1) compares a “moderate” Israeli position to a Palestinian stance guided by the objective of achieving a sovereign Palestinian state and (2) discusses whether the positions of the two sides are bridgeable. The aim of the exercise is to warn against pitfalls and to recommend positions and approaches, even with the knowledge that serious negotiations may not begin soon. The analysis reveals how unlikely it is that a truly sovereign Palestinian state can come about as a result of negotiations in the present circumstances.

## Negotiations and Sovereignty

Sovereignty can be defined as a government’s exclusive control over a territory and a people, including a monopoly over the use of force. Yet in the real world, every state is bound by constraints originating in other states. Even a superpower such as the United States is subject to external – albeit minimal – constraints. States sometimes negotiate these constraints within the framework of a treaty under which they may accept what they consider to be reasonable restrictions on their sovereignty. In the realm of security, the nuclear non-proliferation treaty is a good example of agreed limitations by non-nuclear countries.

### 1. Armaments

*Scenario positions*

- Israeli position: a demilitarized Palestinian state
- Palestinian position: self-defense capabilities

The Palestinian side anticipated from the start that some restrictions would be placed on sovereignty that could be considered reasonable, for example restrictions on certain types of armaments, on an air force or submarines. Arguably, the Palestinians could accept such restrictions.<sup>1</sup> However, the state would need certain types of armaments for self-defense and for border and coastline control. In addition, if it is established through negotiations and an official peace treaty, the State of Palestine would be bound by an obligation to maintain law and order within its territory (i.e., to prevent the formation of non-governmental armed groups and the violation of its own borders and those of its neighbors). Yet if Israel’s concept is to prevent the possession by the Palestinian security services of any weapon capable of reaching its coastal urban centers and airport, then no agreement would be possible on the matter.

### 2. Alliances

*Scenario positions*

- Israeli position: prohibition against the Palestinian State joining any alliance
- Palestinian position: no reference to alliances in the treaty

Restrictions on the military aspects of sovereignty would also cover the question of alliances. Would a Palestinian state be free to conclude defensive military alliances with countries having normal relations with Israel such as Egypt, or countries that do not, such as Syria or Iran? In either case, such a position would be extremely difficult to defend in negotiations. However, given that the main security risk that a Palestinian state would face after a peace treaty would originate from Israel itself (e.g. hot pursuit, the closing of the passage



between Gaza and the West Bank), the Palestinians would be well advised, in exchange for forfeiting their right to enter into military alliances, to make signing a peace treaty conditional upon obtaining an international guarantee of the territorial integrity of their State in the form of a Security Council Resolution under Chapter 7 of the Charter, a resolution that would also be solemnly endorsed by Israel, Egypt and Jordan. This guarantee could be accompanied by the deployment of international observers along the line between Israel and the Palestinian State.

### 3. Borders and Crossings Between Israel and the Palestinian State

#### *Scenario positions*

- Israeli position: right of Israeli army and police to “hot pursuit” into Palestinian territory
- Palestinian position: right of Palestinians to freely visit Israeli territory

Like all states, a Palestinian state must have control of its borders and crossings. The Palestinians have an additional interest, namely to be able to freely visit Palestinian towns and villages in Israel and also other locations of Palestinian memory (destroyed villages, cemeteries, religious sites). I am making this point independently of the Palestinian right of return (an issue outside the scope of this Policy Brief). I am simply referring instead to the attachment of any Palestinian (for instance, a Palestinian whose roots belong to a village or a town in the West Bank) to his/her historical homeland. For their part, the Israelis will argue for their right to “hot pursuit” inside the Palestinian territory against would-be violators of Israel’s sovereignty or security. The Palestinians must be aware that the principle of sovereignty is a two-way street: it creates rights, but also constraints. They should vehemently refuse the Israeli demand (hot pursuit) under the justification of the inviolability of their territory, but they will be faced by Israel’s reciprocal position concerning its right to strictly control its border against the Palestinians’ wish to cross freely to Israeli territory.

### 4. Gaza – West Bank Link

#### *Scenario positions*

- Israeli position: link under Israeli sovereignty
- Palestinian position: physical link under Palestinian sovereignty

The passage through Israeli territory linking the West Bank and Gaza should be a “physical” link and could take the form of a highway, a railway, a bridge, or a tunnel, or a combination thereof. It is essential for the Palestinian state to have sovereignty over this link and the argument that this would cut the Israeli territory in two in the circumstances is absurd. If the link constitutes a compensation for an Israeli acquisition of a corresponding piece of land in the West Bank, then a fair *quid pro quo* would require Palestinian sovereignty over the link in parallel to Israeli sovereignty of the portion of the West Bank that it will acquire. However, practical matters to be resolved before any agreement remain: nature of the physical link, measure of the fair *quid pro quo* in terms of surface-area, mechanisms of Palestinian exclusive control, handling of accidents and so on. Whatever these arrangements, international guarantees against Israeli interference or closure of the link must be an absolutely essential component of any peace treaty.

### 5. Crossings with the Outside World

#### *Scenario positions*

- Israeli position: Israeli and/or third-party control of people and cargo at Palestinian land, sea and air terminals
- Palestinian position: exclusive Palestinian control

Like all states, a Palestinian state must have control of its crossings with the outside world. Israel is likely to demand stringent forms of control at crossings under the pretext that unauthorized weapons, goods or people might flow into the Palestinian state. Israel’s ideal model is the Israeli-Palestinian agreement of November 2005 on crossings between Gaza and Egypt, reached a few months after the Israeli military redeployed around the strip. The agreement provided for Israeli scrutiny of passenger travel documents of passengers (exclusively Gaza Palestinians) via an electronic network with no physical presence at the Rafah crossing. European monitors acted as Israeli proxies to check luggage at Rafah terminal. The agreement also provided that goods

be searched by Israel at Kerem Shalom (Karam Abu Salem) before being shipped to Gaza. It is expected that in any future negotiations on Palestinian statehood, the Israelis would probably attach greater importance to seaports and airports than to land crossings (with Jordan and Egypt). Any acceptance of Israel's position regarding border arrangements would be a major infringement on Palestinian sovereignty, although Palestinian negotiators could conceivably accept some third-party presence in terminals for two or three years, on the condition that the Israeli side is not permitted to interfere in the implementation of the arrangements.

However, if this formula is agreed upon, the Palestinians must keep in mind the Oslo experience, which demonstrates that interim agreements can become permanent arrangements. Firm, irrevocable timetables have to be provided for in the treaty, but the problem is that no treaty can ever be clear on all matters and the Palestinians must guard against international observers siding with the post-treaty interpretations of the stronger party. Let me open a parenthesis here. The Palestinian experience with international intervention is negative, even tragic: for example, the Sabra-Shatila massacres in September 1982 after the PLO withdrawal from Lebanon despite Philip Habib's U.S. promises to protect the refugee camps after the PLO withdrawal; and the U.S. permissiveness towards Israel's violation of the Oslo agreements (including settlement expansion). Should problems arise during the implementation period, they must be resolved by a binding recourse to arbitration if one of the two sides requests it.

## 6. Borders with Jordan

### *Scenario positions*

- Israeli position: Israeli observation posts along and dominating the Jordan valley
- Palestinian position: no Israeli presence in the West Bank

As to the border between the West Bank and Jordan, which is about 100 kilometers long, Israel will insist on having observation posts along the Jordan valley and on hilltops dominating it.<sup>2</sup> The Israelis would insist that these posts will not only guard against smuggling and infiltration, but will also constitute a high-tech early warning system against any land or airborne military

threat originating from the East. The implications of such demands are very grave indeed. From a political point of view, this would be a major infringement on the sovereignty of the Palestinian state and would even mean that the latter is, against its will, a partner to a military alliance with Israel against countries that do not threaten the Palestinian state. From a practical point of view, an observation presence on hilltops would give birth, before or after the peace treaty, to other demands such as securing roads (connecting Israeli territory to the posts) exclusive for the Israeli military which would in turn require checkpoints to control the roads, and so on.

It is imperative that Palestinian negotiators are aware of the short and long term implications of concessions that are made. For example, in the Oslo agreements, the Palestinians accepted that existing settlements remain under Israeli jurisdiction during the transitional period. This allowed Israel, later on, to close a number of Gaza and West Bank roads that connected Israel to the settlements to Palestinian traffic, to expropriate lands in order to build by-pass roads, and finally to expand settlements along the latter. In the tense balance between Israeli so-called security and Palestinian sovereignty, any Palestinian concession in a peace treaty could have far-reaching effects during the implementation stage. The only concession that Palestinian negotiators could make would be to accept international observers on locations along the border for the same period specified above for the crossings. Obviously, this implies that their tasks are limited to participating in the control of smuggling and infiltration. As to the strategic threats that Israel fears, its airborne and land warning systems North and South of the West Bank should be sufficient.

## 7. Territorial Waters

### *Scenario positions*

- Israeli position: Israeli interference on territorial waters
- Palestinian position: inviolability of territorial waters and exclusive Palestinian control

Israeli negotiators would articulate their right to inspect suspicious ships approaching Gaza whether on the high sea or on the Palestinian territorial waters. Palestinian negotiators should strictly demand that the peace treaty provide for the respect of international law governing

maritime navigation on the high sea. Concerning territorial waters, they should not agree to the principle of external interference, but should commit the Palestinian authorities to inspect approaching ships when it deems it necessary and when notified of the suspicion by any party.

## 8. Airspace

### *Scenario positions*

- Israeli position: total Israeli control of Palestinian airspace
- Palestinian position: no Israeli military sorties in Palestinian airspace; arrangements according to international civil aviation agreements

There is no reason why Palestinian negotiators should agree to Israeli sorties in Palestinian airspace. Civilian air traffic should be accepted on a mutual basis and should include the possibility of air transportation between Gaza and the West Bank.

## 9. Territory

### *Scenario positions*

- Israeli position: Israeli use, in case of emergency, of Palestinian land roads or airspace to conduct military activities against countries in the region
- Palestinian position: absolute inviolability of Palestinian territory and airspace

This is self-explanatory.

## Conclusions and Recommendations

It is clear from the various issues addressed here that a moderate Israeli vision of a Palestinian state would make the latter a satellite state or a protectorate at best as far as sovereignty is concerned. It remains to be seen whether in the present circumstances a peace treaty satisfactory to Palestinian sovereignty requirements could be attained. This becomes even more doubtful if we consider other issues of the negotiations agenda, whether they are related to sovereignty or not: the question of Jerusalem, crossing between the two parts of Jerusalem, dismantlement of settlements, exchange

of territories between the two states, economic sovereignty, the refugees' right of return, Israel's insistence on being recognized as a Jewish state, etc.

In any case, this policy brief recommends that negotiators:

- Stick as closely as possible to international law and the usual implications of state sovereignty,
- Be aware that the principle of mutuality will face Palestinian sovereignty to Israeli sovereignty over the lands it controls and will consequently, require Palestinian tangible, ideological and moral sacrifices;
- Negotiate as detailed a treaty as possible, and not leave loopholes that would permit the stronger party to (mis)interpret the treaty during the implementation stage;
- Avoid contenting themselves with the provision of acceptable principles, and then agreeing to substantive derogations that annul the principles in practice (as was the case in the Oslo agreements as well as in the so-called 2003 "Geneva Accord: Draft Permanent Status Agreement");
- Refuse to agree to temporary arrangements unless unconditional timetables and deadlines are provided for in the treaty;
- Carefully involve selected third parties other than the U.S., because any third party (not only the U.S.) tends to side with the stronger party during implementation;
- Make sure that Egypt and Jordan are among the selected third parties;
- Obtain a provision in the peace treaty that any difference of interpretation during the implementation stage be submitted to arbitration by request of either party.

## ENDNOTES

1. See Walid Khalidi, "Thinking the Unthinkable: A Sovereign Palestinian State" *Foreign Affairs*, vol. 56, no. 4, July 1978.
2. This discussion does not apply to the border between the Gaza Strip and Egypt since it measures only 12 km long and since the issue has been resolved de facto by the withdrawal of Israeli troops from along the border in August 2005.

# UNDER SIEGE: REMEMBERING LENINGRAD, SURVIVING GAZA

BY AYAH ABUBASHEER AND ESTHER RAPPAPORT  
APRIL 2010

*In the state of siege,  
Time becomes space transfixed in its eternity,  
In the state of siege,  
Space becomes time that has missed its yesterday and its  
tomorrow.*

- Mahmoud Darwish, *Under Siege*

## Overview

How does one communicate what life is like under siege? Much has been written to describe the besieged Gaza Strip yet Al-Shabaka Policy Member Ayah Bashir and Guest Author Esther Rappaport bring new insights and perspectives in this Roundtable. Ayah Bashir lives under the siege of Gaza at the present time; Esther Rappaport's family lived under the siege of Leningrad during World War II. Ayah and Esther came to know each other through social media during the Summer 2014 attack on Gaza and first thought of writing this piece during this war. In their reflections and analysis of the two sieges they ably communicate the stark reality of life under siege. The reflections of each of the two authors are given in their own voice. They also provide some additional factual information and background, and this part of their discussion, conversation, and argument is presented in the voice of a "narrator".

**Ayah Bashir and Esther Rappaport:** We are in agreement that this text is not a normalization project. It is based on our mutual belief and political message that the siege as well as the illegal Israeli occupation of 1967 must come to an end and that Palestinian refugees must be able to return to their towns and villages. We strive to achieve Palestinians' rights as enshrined in international law and we aim for equal rights for both Palestinians and Israelis.

## What Is a Siege? Leningrad and Gaza

**Esther Rappaport:** My mother's birth city, Leningrad,

was under German siege for 2.5 years during World War II. Early in the siege, a fire broke out in the emergency food supply storage facilities, leaving the city essentially without food. Throughout the siege, the Soviet government tried to smuggle food supplies into the city via Lake Ladoga and by airplanes but because of unceasing German bombardment and shelling very few of those supplies were safely delivered. The population was subjected to extreme starvation, which killed around one million people. Some resorted to eating pets and dead bodies, others scraped wallpaper off the walls to consume the potato starch glue that had some nutrients.

Midway through the siege, a narrow pathway was opened up, making it possible to evacuate the most vulnerable population groups out of the city. This pathway, leading through the frozen Lake Ladoga, became known as The Road of Life but was also often referred to as The Road of Death, because it was so dangerous. My grandfather, who was then about 40, died of a minor illness in besieged Leningrad, as a result of the lack of food and medical supplies, and was buried in a mass grave. After his death, my mother, grandmother and uncles were evacuated from the city via the Road of Life/Death with the kindergarten that my grandmother worked for.

**Ayah Bashir:** Few outsiders realize what the siege is like. The Gaza Strip, the place where I have lived all my life, has been under a brutal ongoing siege since 2007. After Hamas seized control of Gaza in 2006, Israel, aided by Egypt, sealed off the passages, i.e. the six crossings with Israel and the Rafah crossing with Egypt, and tightly controlled the exit and entry of people and all goods including humanitarian and medical supplies.

Our deprivation of our basic rights under the siege has not only been physical but also mental and psychological. For example, when I was in high school in 2006, I had big dreams of academic life at the university. I did my best to get a very high Grade Point

Average (GPA) so that I could fulfill my dream of studying at Birzeit University in the West Bank. My GPA was 98.6%. However, like many other students I was unable to leave Gaza and had to accept this fact. Doing my BA studies in Gaza, I suffered from the shortage of both electricity and books. The university's library was limited to the literary writings of Charles Dickens and Shakespeare and held no contemporary literature or texts on women's studies, the field in which I am very interested. Books are among the many thousands of items whose entrance into Gaza is severely restricted. I finished my BA in English Literature without being able to buy a single novel or book. We constantly depended on photocopying and online resources. Due to Israel's siege and occupation the educational system in Gaza takes us back to the Middle Ages.

**Narrator:** Under international humanitarian law (IHL), a siege is not prohibited per se in armed conflicts. However, combatants must respect other provisions of IHL as well as of international human rights law, such as not starving the enemy civilian population and not imposing collective punishment. The siege of Gaza has been widely defined as collective punishment, which is prohibited under Article 50 of the Hague Regulations of 1907 and Article 33 of the fourth Geneva Convention). The ICRC confirmed in 2010 that the closure constitutes collective punishment and violates Israel's international law obligations.

**Ayah Bashir:** The position of international law is of course controversial for me personally in the sense that a siege is not prohibited outright. However, international law clearly identifies the Gaza Strip as being occupied and subject to an illegal siege where collective punishment and war crimes are continuously perpetuated by Israel. Hence, it is clearly a problem for me that so many people, organizations, donors and decision makers tend to treat Gaza as if it is a humanitarian issue. Gaza's problem is political: the root causes of the "conflict" rather than the specific humanitarian challenges have to be tackled and international law must be applied if the world wants to see any sustainable positive change in the life of the Palestinians. It is politics that has been impeding the enforcement of law with regard to Palestine/Israel since 1948.

**Esther Rappaport:** Although I am very concerned about Gaza and consume all the information I can get,

it is difficult to form a clear sense of what daily life is like there under the siege. The information that comes through is limited and often inaccurate (for example, we know which aid items are theoretically allowed in but have no way of knowing what actually gets delivered). Unlike the West Bank, which I visit regularly and can learn first-hand about the harsh realities on the ground, I cannot visit Gaza. Although many journalists report from Gaza, they tend to focus on political issues while aid organizations typically only report on the most urgent humanitarian concerns. I think this lack of information is part of the siege: Gaza is cut off from the world in such a way that it is hard to know what is happening there.

**Ayah Bashir:** It was so clear from our exchanges that Esther reads a lot about Gaza and is very well aware of the facts, politics and information here. However, she was often very surprised to hear what I had to say about the suffering of the people in Gaza. The truth is that although information is available, it does not reflect the detailed reality that people are living in Gaza. Even for people here it is sometimes incomprehensible and unimaginable.

For example, as part of my work with an international non-governmental organization (NGO), I went to Khuza'a before the latest attack to interview a beneficiary who was identified as a success story: She had been able to plant a wonderful garden with a variety of trees as well as vines. After the attack, I went again to see her. Everything was destroyed! I was expecting to see the remnants of the trees, but to my great astonishment I couldn't even find burned trunks: It was as if this land had never had trees on it! I was thinking that if I had not seen it by my own eyes I would never have believed or imagined that there had been life here.

**Narrator:** Under a siege, life is reduced to existence or survival. Economic development and trade are kept to a minimum and residents are forced to rely on humanitarian aid. Culture stagnates as few have the resources or mental space for anything beyond the mundane. The future becomes unimaginable and hope is hard to maintain.

In Leningrad, the siege was part of a world war. The powerful Soviet army was fighting against the German army, and the residents believed that at some point the war would end and the siege would fall. Gaza doesn't

have an army but only guerilla groups and the siege does not take place during a declared state of war. It is, rather, the chronic state of events and part of the deadly systematic routine of oppression that the occupying power is forcing on the Palestinian population. Eighty percent of Gazans are refugees from other locations in historical Palestine (the part that is now Israel). They are entitled by international law to their right of return to their places of origin yet they are unable to realize this right. The siege has gone on for seven years and there is no end in sight.

## Yes, It Is Similar to the Holocaust

**Esther Rappaport:** I think being under a siege is similar to being in a Jewish ghetto during the Holocaust. You cannot come in or out very easily, living conditions are extremely hard, your life is not worth much and you can be killed or starve at any point. Both the international Jewish community and Germany have in fact recognized the similarity between a siege and the Holocaust: In 2009, the Jewish survivors of the Leningrad siege were recognized by Germany as Holocaust survivors and received financial compensation after a lengthy struggle led by the Claims Conference, a Jewish organization that fights to obtain compensations from Germany for Holocaust survivors. I am not sure why only Jews from among the residents of Leningrad received the recognition and the compensation, even though the conditions were identical for Jews and non-Jews in the besieged city; I believe this is due to the fact that no one fought on behalf of the non-Jewish survivors the way the Claims Conference fought for the Jews.

Perhaps being in Gaza during an Israeli military operation is even worse than being in a ghetto, and more like being in a concentration camp, since any Gaza civilian, no matter what age she or he is, what their political affiliations are or where they are situated, can be killed or maimed any second and there is literally nowhere to flee for safety.

I am aware that many Jews experience it as offensive and hurtful when the Palestinian suffering is compared to the Holocaust. As a psychologist who regularly treats post-trauma victims, I understand these reactions and do not wish to hurt anyone's feelings. Nonetheless, I think that the objective similarities between some aspects of the Holocaust survivors' experiences and some aspects of the besieged Gaza population's experiences are

profound and cannot be ignored.

Because both my parents have been recognized as Holocaust survivors, I feel entitled enough to the Holocaust heritage to make this claim.

**Ayah Bashir:** Reading about Leningrad, I wholeheartedly felt that I could relate to the experience of horror. It has been always so perplexing for me to understand how the same descendants of Jewish people who historically have suffered remarkably as a nation are capable of dehumanizing us. The Nazis tried to starve Leningrad as Hitler's strategic decision was to bypass Leningrad and strangle the city into submission, instead of attacking it directly. Israel, I feel, is doing both: Killing Palestinian civilians in frequent massacres as well as slowly and collectively making our life unbearable by denying our most basic needs, such as the need for water supply and electricity. I remember my aunt saying, during a "humanitarian truce" in the latest aggression on Gaza, "Why are they calling it a truce as if we - the ones still living - were not also dying during this period? We are dying, but slowly, without medicine, adequate food, electricity and cooking gas."

Gaza is now in near-absolute darkness with most households receiving only up to four hours of power per day<sup>1</sup> as Israel's direct and repeated bombings have badly damaged the only power plant in Gaza and the electricity infrastructure. I clearly remember the nights when the only source of light was coming from artillery flares illuminating the sky. At that time, it was a great privilege to have your phone charged so that you could check up on a friend or a relative. I recall the long painful moments when we were disconnected not only from the world, but also from each other. Not only could I not go out to hug my closest friend who fled her house in Al-Shejaiya because of the continuous bombings - I could not even call her as I did not have the electricity to charge my phone. It was also rare to have enough water to wash. Leningrad was also cut off from both water and electricity in the winter of 1941-42.

**Esther Rappaport:** Hundreds of thousands of Leningraders were killed or died of cold or starvation as the daily bread ration was 125 grammes (4.4 ounces) per person in December 1941. In Gaza, most people are not literally starving but the Israeli government thinks it has the right to control the residents' intake of food, deciding precisely how much food they deserve to

receive, of what kind and how frequently. Immediately after imposing the siege on Gaza, a senior Israeli official described<sup>2</sup> Israel's planned response. "It's like a meeting with a dietician. We have to make them much thinner, but not enough to die." Since then, the Israeli Health Ministry has been calculating the Gazans' daily caloric needs – a form of control that I find disgusting.

**Ayah Bashir:** Israel ruled that Gazans needed a daily average of 2,279 calories — requiring 170 trucks a day. That was the theory. The reality is that what has been allowed in is much less than half of these minimum requirements.

## How Economies Function – Or Not – Under Siege

**Narrator:** In Leningrad, non-war-related industry and trade were kept to a minimum at the time of the siege. Some residents went to work and others did not; on some occasions, stores continued to carry merchandise not required for survival even including luxury items, but both industry and trade were far below the pre-war levels. For food supplies, the military and the civilian population alike depended on the rations issued by the government.

Although Israel's official reason for the siege of Gaza is security-related in order to prevent or counter the Hamas rocket fire into Israeli territory - Israeli official statements suggest that one of the purposes of the siege is to prevent the development of the Palestinian economy.

The Israeli government has been quoted as stating,<sup>3</sup> "A country has the right to decide that it chooses not to engage in economic relations or to give economic assistance to the other party to the conflict, or that it wishes to operate using 'economic warfare'."

In Gaza, unlike in Leningrad, there is no attempt to literally physically starve the population. Rather, the population is being starved metaphorically: reduced to a minimalist existence and kept dependent with no end in sight, with no hope of sustainability, autonomy or growth.

In practice, the Gazan economy has been made inoperable by the siege. Exports are not allowed, except for limited and intermittent exports of agricultural

products that have to be carried out under strict Israeli control. The three military operations in seven years have left Gaza in ruins<sup>4</sup> and a large portion of its population exists in a state of perpetual humanitarian crisis, depending on aid and with no prospects of economic sustainability.

**Ayah Bashir:** For example, in Deir al-Balah where I live in the central Gaza Strip the Al-Awda Factory was entirely destroyed in the recent attack. This factory had manufactured sweets, biscuits and ice cream since 1977. It employed over 400 workers in three shifts, 24 hours a day. Now the factory is gone and all the workers are unemployed.

**Narrator:** According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 178,000 Palestinians are directly affected by the restrictions on access to the land and sea in Gaza. Restrictions on the land cover 62.6 km<sup>2</sup>, which represents 35% of Gaza's agricultural land and 17% of the entire territory.<sup>5</sup> The Internal Displacement Monitoring Centre has estimated<sup>6</sup> an annual loss of 75,000 tonnes of agriculture output (some \$50 million). At the same time, Israel continues to benefit<sup>7</sup> from both Gaza and the West Bank as major captive markets for its products by preventing possible alternatives to Israeli merchandise.

**Ayah Bashir:** Before the Summer 2014 attack, a large percentage of the population had access to food and water through a vouchers assistance scheme. After the massacre and the intolerable humanitarian devastation as people lost their homes and possessions, many have had to obtain even their clothes through vouchers issued by NGOs.

The Israeli and Egyptian blockade of Gaza has led to skyrocketing unemployment resulting in despair, depression, drug addiction, and recently fatal attempts at migration as people have drowned while attempting to flee Gaza by sea. Prolonging and tightening the existing siege on Gaza is not about destroying Hamas, disabling tunnels, or stopping rocket fire into Israel. It has always been about Israel's control over our lives, land, and borders. And it has been about killing more of us.

Significantly, this strategy is not new. We have endured a long history of massacres, decades of systemic ethnic cleansing, 47 years of military occupation, and apartheid



policies and forced displacement since 1948. All this continues to this day. However, the latest massacre, genocide, holocaust - call it what you may - of Gaza in 2014, is the most ferocious one I have ever witnessed with my own eyes. The deliberate targeting and ruthless slaughter of defenseless civilians, the majority of whom are refugees, the massacre of entire neighborhoods as in Al-Shejaiya, Khuza'a, and Rafah, and the obliteration of houses: All are deeply shocking.

What is happening in Gaza is multigenerational trauma. Years of war and aggression have affected everything - human beings, houses, infrastructure, land, trees, animals, livelihoods, hospitals, medical supplies, schools, mosques, factories, water resources and even Gaza's only power plant. All of this was already in bad condition before the summer of 2014 as a direct result of the seven-year-long siege<sup>8</sup> imposed by Israel and enforced by Egypt.

## **Resistance, Escape and the Political Climate**

**Narrator:** When Leningrad was under siege, the powerful and well-organized Soviet army fought on behalf of the besieged civilian population. The civilian population, including children, was also mobilized by the city and state governments to assist in the resistance efforts, e.g., by producing ammunition and erecting anti-tank barriers.

With respect to Gaza, claims are often made that the militias use the civilian population as human shields, e.g., by firing rockets out of civilian areas. These claims are then used as justifications for attacks against civilians. But based on the example of Leningrad, the situation of siege itself makes it difficult to make sharp distinctions between the military and the civilian population: The civilian population as a whole, collectively subjected to extreme hardship by the siege, will ardently mobilize to support the resistance efforts in any way it can. The besieged population's support for those fighting to end the siege on their behalf was near absolute in Leningrad, despite the fact that the government was oppressive. It is substantial in Gaza's case as well, particularly during military operations. Because the siege is intolerable, the population views ending it as the most urgent goal and is willing to ignore, for the time being, the rulers' other deficiencies.

Escape from the besieged Leningrad was hard and so is fleeing besieged Gaza. To be evacuated from Leningrad, one needed to ride over a frozen lake with the risk of sinking if the German army's bombardment broke the ice. (No tunnels could be dug out of Leningrad because the land is frozen most of the year.) To flee Gaza, one needs to be one of the few who are able to prove special circumstances (e.g., those who have received a scholarship to study abroad may be issued a permission to leave via Israel), have the luck to be allowed into Egypt through the Rafah crossing, which is opened sporadically and inconsistently, or travel to Egypt through the tunnels - tunnels that Egypt has since destroyed. Terrifyingly, precisely during those times when Gaza becomes most dangerous - i.e. during Israel's military operations - the exits shut down completely and leaving becomes near-impossible. At other times, Israel's policy of issuing permits is somewhat conflicted: on the one hand, there is a desire to encourage emigration, on the other, an equally strong desire to deny Gazans freedom of movement.

**Ayah Bashir:** I think it is so dehumanizing and humiliating to view us, the Palestinians of Gaza, as miserable. It is true that we suffer enormously and survive catastrophic conditions, but we are also people who resist for our dignity and justice. We all pray that we don't become one of Gaza's numbers. After surviving the 2008-09 onslaught on Gaza, during which I felt so powerless, I joined the Palestinian movement for Boycott, Divestment and Sanctions<sup>9</sup> (BDS) on Israel that gave me a renewed sense of optimism and sense of power. I also survived the ruthless assault on Gaza in 2012. The Israeli horror of 2014 coincided with the 9th anniversary of the BDS call<sup>10</sup> and the 10th anniversary of the International Court of Justice's Advisory Opinion<sup>11</sup> on the illegality of Israel's apartheid wall<sup>12</sup> in the occupied West Bank. Not only does Israel's brutality intensify the growing BDS movement, it also shatters the illusion that the Israel of today has any intention of achieving a just peace.

**Esther Rappaport:** I wish that people in Israel and in the West were more aware of the non-violent resistance to the Occupation and the Siege that so many Palestinians practice. Unfortunately, the only form of resistance coming from Gaza that the world pays any attention to is rocket fire: When that is happening, Gaza is in the news and the world becomes aware of its existence, its plight, and its desire for change. Once,

however, a ceasefire is achieved, the world sighs with relief, as if the problem was now solved, and forgets all about Gaza. It is intolerable that nothing else that the Palestinians of Gaza say or do manages to break the walls of complacency and indifference.

## ENDNOTES

1. See: [http://www.ochaopt.org/documents/ocha\\_opt\\_sitrep\\_19\\_07\\_2014.pdf](http://www.ochaopt.org/documents/ocha_opt_sitrep_19_07_2014.pdf)
2. See: <http://www.haaretz.com/print-edition/news/u-s-backs-israel-on-aid-for-humanitarian-groups-not-hamas-1.180287>
3. See: <http://www.mcclatchydc.com/2010/06/09/95621/israeli-document-gaza-blockade.html>
4. See: <http://al-shabaka.org/policy-brief/politics/honor-victims-avoid-past-mistakes-reconstructing-g>
5. See: [http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.ochaopt.org%2Fdocuments%2Focha\\_opt\\_special\\_focus\\_2010\\_08\\_19\\_english.pdf&h=FAQGuz4S-](http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.ochaopt.org%2Fdocuments%2Focha_opt_special_focus_2010_08_19_english.pdf&h=FAQGuz4S-)
6. See: <http://www.internal-displacement.org/middle-east-and-north-africa/palestine/2014/occupied-palestine-a-policy-of-displacement-and-dispossession-amid-renewed-conflict/>
7. See: <http://al-shabaka.org/policy-brief/politics/donor-complicity-israels-violations>
8. See: <http://electronicintifada.net/tags/gaza-siege>
9. See: <http://electronicintifada.net/tags/bds>
10. See: <http://www.bdsmovement.net/call>
11. See: <http://electronicintifada.net/content/ten-years-after-world-court-ruling-widening-crack-israels-wall/13454>
12. See: <http://electronicintifada.net/tags/israels-wall-west-bank>

# WHICH JERUSALEM? ISRAEL'S LITTLE-KNOWN MASTER PLANS

BY NUR ARAFEH  
MAY 2016

## Overview

It is the year 2050 and Israel has fulfilled its vision for Jerusalem: Visitors will see a largely Jewish high-tech center amid a sea of tourists, with a minimal Palestinian presence. To achieve this vision, Israel is working on three master plans; one is well-known but two remain under the radar.

Edward Said had already warned<sup>1</sup> in 1995 that “only by first projecting an idea of Jerusalem could Israel then proceed to the changes on the ground [which] would then correspond to the images and projections.” Israel’s “idea” of Jerusalem, as elaborated in its master plans, involves maximizing the number of Jews and reducing the number of Palestinians through a gradual process of colonization, displacement and dispossession<sup>2</sup>.

The best known of the three Israeli master plans for the city is the Jerusalem 2020 Master Plan, which has not been deposited for public view even though it was first published in 2004. The least known are the Marom Plan, a government-commissioned plan for the development of Jerusalem, and the “Jerusalem 5800” Plan, also known as Jerusalem 2050, which is the outcome of a private sector initiative and is presented as a “transformational master plan for Jerusalem” (see below).

As Israel plans for 2050, the Palestinian Authority (PA) “idea” of Jerusalem dates back to 2010 when the Strategic Multi-Sector Development Plan for East Jerusalem (SMDP) 2011-2013 was published. And the PA’s current national development plan for 2014-2016 simply refers back to the 2010 plan. In addition, while the Palestinian leadership speaks of East Jerusalem, which Israel occupied and illegally annexed in 1967, as the capital of the State of Palestine and a priority development zone, only 0.44%<sup>3</sup> of the PA’s 2015 budget was to be allocated to the Ministry of Jerusalem Affairs and to the Jerusalem Governorate.

In this policy brief Al-Shabaka Policy Fellow Nur Arafah analyzes all three Israeli master plans for Jerusalem, explaining how they aim to shape the city into a tourism and high-tech center, and the ways in which they use urban planning to reshape the city’s demography. She spotlights the dangerous new laws Israel has reactivated or passed to advance its colonization of the city - the Absentee Property Law and the “third generation law”. She also addresses the role of the PA and the international community as well as of civil society organizations, and identifies achievable measures that can be implemented by those concerned with Jerusalem’s fate.<sup>4</sup>

Before analyzing the ways in which the three plans reinforce each other, it should be noted that Israel’s annexation of East Jerusalem is illegal under international law and is not recognized by the international community. In addition, Israel’s declaration that Jerusalem is its capital, both West and East, has no international legal standing, which is why there is no diplomatic representation in Jerusalem, not even by the United States.

## A Jewish Destination for Tourism, Higher Education and High-Tech

The development of the tourism sector in Jerusalem is at the heart of the three development plans examined in this policy brief. For example, under the 2020 Plan, the Jerusalem Municipality<sup>5</sup> seeks to promote the tourism sector and to especially enhance the cultural aspects of Jerusalem. It is planning a marketing campaign to increase the potential of real estate development, support international and urban tourism, and invest in tourism infrastructure to ensure the sector’s development.

The Marom Plan also aims to develop Jerusalem as a tourist city. In 2014 alone,<sup>6</sup> the Jerusalem Institute of Israeli Studies conducted 14 of its 18 studies for that

- **The “Jerusalem 2020 Master Plan”** was prepared by a national planning committee and first published in August 2004. It is the first comprehensive and detailed spatial plan for both East and West Jerusalem since Israel’s occupation of East Jerusalem in 1967. Although the plan has not been validated yet as it was not deposited for public review, Israeli authorities are implementing its vision. The plan addresses several development areas including urban planning, archeology, tourism, economy, education, transportation, environment, culture, and art. The plan is available online in Hebrew as well as in Arabic at the Civic Coalition for Defending the Palestinians’ Rights in Jerusalem; this policy brief draws on the “Local Outline Plan”<sup>7</sup>- Report N.4.
- **The Marom Plan** is a government-commissioned plan for the development of Jerusalem that will be implemented by the Jerusalem Development Authority.<sup>8</sup> The Authority’s goal is to promote Jerusalem “as an international city, a leader in commerce and the quality of life in the public domain.” It is a major planning body for the Jerusalem Municipality, the land Administration, and other organizations in the fields of housing, employment, etc.

The Jerusalem Institute of Israeli Studies<sup>9</sup> is conducting the consultation, research, and monitoring for the Marom Plan. The Institute is a multidisciplinary research center that plays a leading role in the planning and development policies for Jerusalem in the fields of urban planning, demography, infrastructure, education, housing, industry, labor market, tourism, culture, etc.

- **The “Jerusalem 5800” Master Plan**<sup>10</sup>, also known as “Jerusalem 2050,” is a private initiative founded by Kevin Bermeister, an Australian technology innovator and real estate investor. The plan provides a vision and project proposals for Jerusalem up to the year 2050, serving as a “transformational master plan for Jerusalem” that can be implemented together with other municipal and national government agencies. It is divided into various independent projects, each of which can be implemented on its own. The team for the implementation of the plan is said to include “the best Israeli tourism, transport,

year on the tourism sector and submitted them to the Jerusalem Municipality, the Ministry of Jerusalem and Diaspora Affairs, and the Jerusalem Development Authority. Moreover, as part of the Marom Plan, the Israeli government earmarked around \$42 million<sup>11</sup> to boost Jerusalem as an international tourist destination, while the Ministry of Tourism was expected to allocate some \$21.5 million for the construction of hotels in Jerusalem. The Authority also offers specific incentives<sup>12</sup> to entrepreneurs and companies to establish or enlarge hotels in Jerusalem, and to organize cultural events to attract tourists such as the Jerusalem Opera Festival as well as events for the tourism industry, such as the Jerusalem Convention for International Tourism.

Promoting the tourism sector also lies at the core of the Jerusalem 5800 Master Plan,<sup>13</sup> which envisages Jerusalem as a “Global City, an important tourist, ecological, spiritual, and cultural world hub” that attracts 12 million tourists (10 million foreign and 2 million domestic) and more than 4 million residents.

To make Jerusalem “the Middle East’s anchor tourist attraction and resource,” the Jerusalem 5800 plan aims to increase private investment and construction of hotels; build rooftop gardens and parks; and transform the areas surrounding the old city into hotels while prohibiting the use of vehicles. The plan also envisions the construction of high-quality transportation routes, including a “high-speed national rail line; an extensive network of buses and public transportation; the addition of numerous highways and the expansion of existing roads; and an express ‘super highway’ that transverses the country from north to south.” The plan also proposes the construction of an airport in the Horkania Valley between Jerusalem and the Dead Sea to serve 35 million passengers per year. The airport would be connected through access roads and rail to Jerusalem, Ben Gurion airport and other city centers.

The Jerusalem 5800 plan attempts to present itself as an apolitical plan that promotes “peace through economic prosperity”<sup>14</sup> but it has demographic goals<sup>15</sup> that prove

otherwise. In fact, it envisages that the \$120 billion of total added value from the implementation of the plan, together with the 75,000 - 85,000 additional full time jobs in hotels plus 300,000 additional jobs in related industries would all reduce poverty - and would attract more Jews to Jerusalem, increasing the number of Jews living in Jerusalem and further tilting the Jewish-Palestinian demographic balance in their favor.

However, the tourism sector is not only seen as an engine of economic development to attract Jews into the city. Israel's development of, and domination over, the tourism sector in Jerusalem, is a tool to control the narrative and ensure the projection of Jerusalem in the outside world as a "Jewish city" (see for example the official Ministry of Tourism map of the Old City.<sup>16</sup>) Israel has strict rules over who can serve as tour guides and the narrative and history that the tourists are told. Palestinian tour guides who do not abide by Israel's false branding and who try to give an alternative and critical analysis of the situation can lose their licenses.

These plans to promote the Israeli tourism industry have gone hand in hand with Israeli-imposed restrictions on the development of the Palestinian tourism industry in East Jerusalem. Israeli hurdles include: the isolation of East Jerusalem from the rest of the occupied Palestinian territory (OPT), especially after the construction of the Wall;<sup>17</sup> shortage of land and the resulting high cost; weak physical infrastructure; high taxes; restrictions on the release of permits to build hotels or convert buildings to hotels; and difficult licensing procedures for Palestinian tourist businesses. These obstacles, even as millions of dollars are being poured into the Israeli tourism market, ensure that the Palestinian tourism industry has no hope of competing with Israel's.

The Palestinian tourism sector is further hampered by the lack of a clear Palestinian vision and promotional

strategy, severely impeding its ability to fuel the limited economic development possible under occupation. Moreover, although civil society organizations have stepped in to promote the sector, their efforts have been described as "fragmented and poorly coordinated" in an analysis in *This Week in Palestine*.<sup>18</sup>

Another common goal of the three plans is to attract Jews from all over the world to Jerusalem by developing two advanced industries: Higher education and high tech.

To promote the higher education industry, the 2020 Master Plan aims to build an international university in the city center with English as the main language of instruction. As for the Marom Plan, it seeks to make Jerusalem a "leading academic city" that is attractive to both Jewish and international students, who will be encouraged to settle in Jerusalem once they have finished their studies. In the same vein, the Jerusalem 5800 plan sees an opportunity to create jobs and achieve economic growth through "extended-stay educational tourism."

The development of the higher education industry is intrinsically linked to the development of a high-tech, bio-information, and biotechnology industry. The 2020 Master Plan calls for the establishment of a university for management and technology in the city center of Jerusalem, and for government assistance in Research and Development (R&D) in the fields of high-tech and biotechnology. Similarly, the Marom Plan aims at promoting Jerusalem as a center of R&D in the field of biotechnology.

It is within this context that the Jerusalem Development Authority established the BioJerusalem Center<sup>19</sup> to foster clusters of bio-med companies in Jerusalem as a potential engine of economic development. To attract these companies to Jerusalem, the Authority is offering

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## Israeli Plans to Promote the Tourism Sector

**\$42 million:** To boost Jerusalem as an international tourist destination (Marom Plan).

**\$21.5 million:** For the construction of hotels in Jerusalem.

**12 million tourists:** Goal for annual visitors under the Jerusalem 5800 Master Plan

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very generous benefits including: Tax breaks, grants for hiring new workers in Jerusalem, and special grants to companies involved in R&D or in building physical infrastructure. High-tech and healthcare industries are also expected to be major beneficiaries of the “Jerusalem 5800” Master Plan.

## Evicting Palestinians Using Urban Planning and the “Law”

While Israel works on creating Jerusalem as a business hub that attracts Jews and offers them employment opportunities, the problems faced in East Jerusalem are legion. They include a squeezed Palestinian business and trade sector, a weakened education sector, and a debilitated infrastructure. The result of the suffocation of East Jerusalem’s potential can be seen in the high poverty rates, with 75% of all Palestinians in East Jerusalem – and as many as 84% of children – living below the poverty line<sup>20</sup> in 2015. In addition, there is a growing identity crisis in East Jerusalem, particularly amongst the youth, due to its isolation from the rest of the OPT, the leadership and institutional vacuum, and the loss of hope in the possibility of positive change.

The Wall is one of the most important demographic measures Israel has put in place to ensure a Jewish majority in Jerusalem and enforce Israel’s de-facto political borders of Jerusalem, thus transforming it into the largest city in Israel. The Wall is built in such a way as to enable Israel to annex an additional 160 km<sup>2</sup> of the OPT while physically separating more than 55,000<sup>21</sup> Jerusalemites from the city center. Planning and development in neighborhoods that are now beyond the Wall is extremely poor and governmental and municipal services are virtually absent,<sup>22</sup> despite the fact that the Palestinians who live in these areas continue to pay the Arnona (property) tax.

Urban planning is another major geopolitical and strategic tool Israel has used since 1967 to tighten its grip over Jerusalem and constrain the urban expansion of Palestinians as part of its efforts to Judaize the city. Urban planning is at the heart of the 2020 Master Plan, which views Jerusalem as one urban unit, a metropolitan center, and the capital of Israel. One of the main goals of the plan is to “maintain a solid Jewish majority in the city” by encouraging Jewish settlements in East Jerusalem and by reducing negative migration. Among

other things, the plan aims to build affordable housing units in some existing Jewish neighborhoods as well as by building new neighborhoods. The plan also envisages connecting Israeli settlements in the West Bank, geographically, economically, and socially, to Jerusalem and Tel Aviv.

The 2020 Master Plan recognizes the housing crisis suffered by Palestinians, the inadequate infrastructure in Palestinian neighborhoods, and the dearth of public services provided. It aims to enable the densification and thickening of rural villages and existing urban neighborhoods; restore the Shu’fat refugee camp,<sup>23</sup> which lies within Jerusalem’s Israeli-defined municipal borders; and implement infrastructure projects.

However, while on the surface it appears that the Plan has an equal interest in Palestinian areas, it is actually discriminatory. It does not take into account the Palestinian growth rate in East Jerusalem and the accumulated scarcity of housing.<sup>24</sup> It allocates only 2,300 dunums (2.3 sq. km.) for Palestinian construction compared to 9,500 dunums for Israeli Jews.<sup>25</sup> Moreover, most of the new housing units proposed for Palestinians are located in<sup>26</sup> the northern or southern areas of East Jerusalem, rather than in the Old City, where the housing crisis is the most acute and where the settlement activity is also the most intense.

In addition, (62.4%) of the increase<sup>27</sup> in Israeli Jewish building will happen through expansion and building of new settlements, thus increasing Jewish territorial control. By contrast, more than half (55.7%) of the addition of housing for Palestinians will happen through densification, i.e. building within the existing urbanized areas, including through vertical expansion. Moreover, while Palestinians tend to have higher household densities and build at lower densities per dunum than the average, Israeli Jewish areas have lower household densities but build at larger densities than the average.<sup>28</sup>

Furthermore, the plan’s proposals to address the housing crisis in East Jerusalem will most likely remain ink on paper due to serious barriers to their implementation. In fact, several preconditions must be met before the Israeli authorities issue building permits, including an adequate road system (building permits for six-story buildings is conditional on access to roads that are at least 12 meters wide); parking spaces; sanitation and sewage networks; and public buildings

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## Evicting Palestinians

**2,300 dunums** planned for Palestinian construction vs. **9,500 dunums** for Israeli Jews.  
(Nasrallah, 2015)

**55.7%**<sup>30</sup> of additional housing for Palestinians through building within existing urbanized areas;  
**62.4%** of Israeli Jewish building to happen through expansion of urban areas  
(including settlements).

**\$30,000:** Approximate cost of building permits in Jerusalem. (source: authors interview)

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and institutions. Palestinians have no control over these requirements, which are the responsibility of the municipality; needless to say, this makes it extremely hard for Palestinians to build new houses.<sup>29</sup> The plan also neglects the shortage in classrooms, health facilities, commercial areas, and other public institutions necessary to meet the demand of the growing Palestinian population.

The Palestinian presence in Jerusalem and the development of Palestinian neighborhoods is also severely constrained by the plan's commitment to "a strict enforcement of the laws of planning and building...to impede the phenomenon of illegal building." However, only 7%<sup>31</sup> of building permits in Jerusalem were issued to Palestinians in the past few years. Israel's discrimination in issuing building permits to Palestinians, combined with the high cost of these permits (around \$30,000, according to information shared with the author), has forced many Palestinians to build illegally.

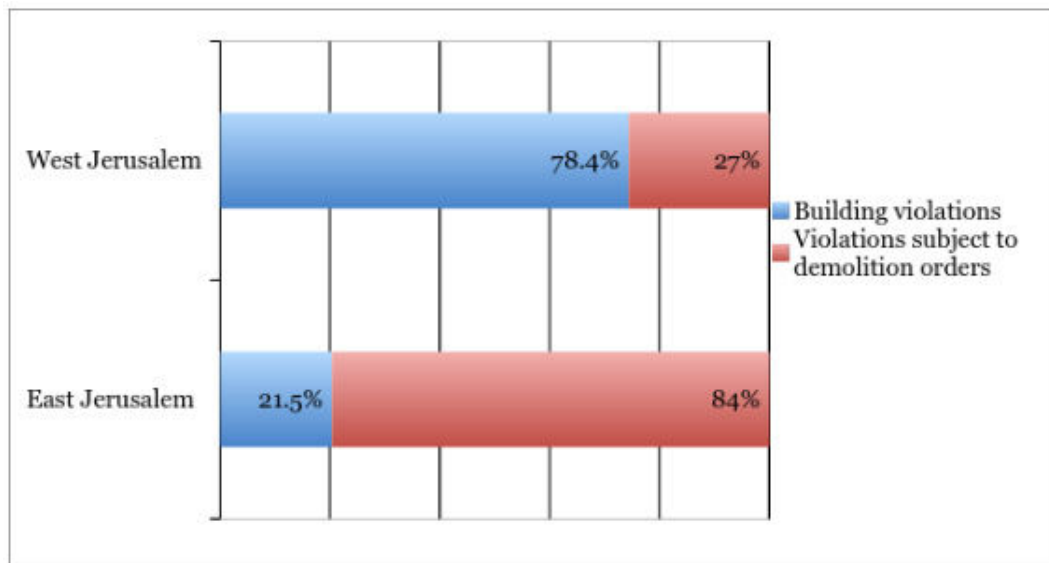
Palestinians also face discrimination when it comes to enforcement of regulations. According to a report by the International Peace and Cooperation Center,<sup>32</sup> 78.4% of building violations took place in West Jerusalem between 2004 and 2008, compared with 21.5% in East Jerusalem. Yet, only 27% of all violations in West Jerusalem were subject to judicial demolition orders, compared with 84% of violations in East Jerusalem.

Furthermore, in addition to the emotional impact and instability caused by the demolition of their home, as well as the lost investment and belongings, Palestinians must also pay "illegal construction" fees to the Israeli

municipality to cover the costs of house demolitions, generating a large income for the Israeli municipality. OCHA estimates<sup>33</sup> that between 2001 and 2006, the municipality collected an annual amount of NIS 25.5 million (around \$6.6 million) for 'illegal construction.'

The 2020 Master Plan is thus a political plan that uses urban planning as a tool to ensure Jewish demographic and territorial control in the city. The plan also supports "spatial segregation of the various population groups in the city" and considers it a "real advantage." It aims to divide Jerusalem into various planning districts based on ethnic affiliation in which no area would combine both Palestinians and Israeli Jews.

It is worth noting that state institutions are not the only ones involved in the Judaization of Jerusalem. Non-governmental organizations (NGOs) and religious organizations also take part in remaking urban space. The right-wing organization Elad, for example, has as its main goal settling Jews in the Palestinian neighborhood of Silwan and running tourist and archeological sites, especially in the Silwan neighborhood – which they call the "City of David" - Elad is seeking to re-create Jerusalem<sup>34</sup> as a Jewish city with a predominantly Jewish history and heritage by erasing the Palestinians' physical presence as well as their history. Elad employed 97 full-time workers in 2014 and, according to Haaretz,<sup>35</sup> received donations of more than \$115 million between 2006 and 2013, making it one of the wealthiest NGOs in Israel. Other organizations involved in changing the demographic composition of Jerusalem include Ateret Cohanim, which seeks to create a Jewish majority in the Old City and in Palestinian neighborhoods in East Jerusalem.



Source: [International Peace and Cooperation Center](#), 2014.

Israel has also been using law as a tactic to evict Palestinians and appropriate their land, so as to ensure its sovereignty and control over Jerusalem. As recently as 15 March 2015, the Israeli Supreme Court activated the Absentee Property law.<sup>36</sup> This law was issued in 1950 with the aim of confiscating the property of Palestinians who were expelled during the 1948 Nakba. It was used as the “legal basis” to transfer the property of displaced Palestinians to the newly established State of Israel. After 1967, Israel applied the law to East Jerusalem, which allowed it to appropriate the property of Jerusalemites whose residence was found to be outside Palestine. The law newly activated in 2015 enables Israel to confiscate the property of East Jerusalem Palestinians currently living in the West Bank, and to consider their property in East Jerusalem as “absentee property.”

Furthermore, while Palestinians cannot claim the properties they lost in 1948 or in 1967 in what is now West Jerusalem, Israel’s Supreme Court has ruled in favor of Israeli settlers’ claims to win “back” homes that UNRWA had given to Palestinians who had fled West Jerusalem and Israel in 1948. In other words, the Supreme Court is being discriminatory since this law applies to Jews looking to return to property they had before 1948 but does not apply to Palestinians.

Another controversial and dangerous law is the third Generation law, which targets properties that were rented before 1968 and that are supposed to be protected by law. According to the new law, the protection period ends with the death of the third

generation of Palestinian tenants after which the property goes back to its original owner, who are mainly Jews who owned the property before 1948. According to Khalil Tufakji,<sup>37</sup> more than 300 Palestinians now face the threat of eviction from their home. In Silwan alone, 80 court orders threaten hundreds of Palestinians with eviction.

## Saving Jerusalem

Since 2001, Israel has closed at least 31 Palestinian institutions, including the Orient House, the former headquarters of the Palestinian Liberation Organization (PLO), and the Chamber of Commerce and Industry. The Governorate of Jerusalem and the Ministry of Jerusalem Affairs are also prohibited from working in Jerusalem, and are forced to operate out of a building in Al-Ram, which lies to the northeast of Jerusalem and is outside the Israeli-imposed municipal boundaries of the city.

Given the leadership and institutional vacuum Israel has created in East Jerusalem, it is especially challenging to find ways to rebut its colonization of the city and dispossession of its Palestinian population. In the course of the research for this policy brief, I had the opportunity to speak to representatives of several organizations, official bodies, and community groups. There was broad agreement that one of the most urgent steps that should be taken is to establish popular committees in each East Jerusalem neighborhood. Such committees could raise East Jerusalem residents’



awareness about their rights as residents and about Israel's plans for the future; encourage voluntary work; monitor and prevent Palestinians from selling their land to Israeli Jews; represent the neighborhood at national forums; and cooperate with each other to reinforce their efforts to defend Palestinian land.

Indeed, once these committees have been established in all neighborhoods, they could form what Jerusalemite organizations believe is also urgently needed: A representative body for Jerusalem at the national level, an inclusive body that would include the Jerusalem Governorate, representatives of civil society organizations and the private sector as well as independents. This body would work as a channel between Palestinians in East Jerusalem and the PA as well as with the rest of the world. Such a representative body could work on three main fronts:

1. The PA/PLO. A representative body for Jerusalem could lobby the PA/PLO to propel Jerusalem to the forefront of the Palestinian government's commitments and ensure that it receives the budget and other support it needs in order to counter Israeli Judaization policies.

2. The Arab and international community. In this sphere, a representative body for Jerusalem should take the lead in advocacy, lobbying and campaigning at the regional and international level, in coordination with the Palestinian Diaspora. For example, Jordan should be lobbied as Custodian of Holy places in Jerusalem to help maintain a secure environment for Palestinians in East Jerusalem. Other Arab countries, in particular Morocco and Saudi Arabia given their special relationships with Jerusalem, should also be mobilized.

More efforts should be made to reach out to countries that have already shown solidarity with Palestinians, such as Sweden, Latin American countries, and the BRICS among others, so that they might use their good offices directly and in collaboration with other countries to hold Israel accountable for its illegal annexation and colonization of East Jerusalem. The fact that East Jerusalem is part of the occupied West Bank is a point that is often neglected in the official discourse and that should be emphasized.

These countries should also use their good offices, working with the PLO/State of Palestine, at the UN at all levels, including the Security Council, the General

Assembly, the Human Rights Council, and the UN's programs and specialized agencies to expose Israeli policies in East Jerusalem, and call on member states to fulfill their legal obligations. In particular, member states should activate Security Council Resolution 478<sup>38</sup> of 1980, which declared "all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character, legal status and demographic composition of Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, are all null and void and have no validity whatsoever."

The European Union (EU) also has an obligation to ensure full compliance with the principle of non-recognition of Israel's sovereignty over East Jerusalem. The EU should translate its rhetoric into effective measures by halting all direct and indirect economic, financial, banking, investment, academic, and business activities in Israeli settlements in East Jerusalem and throughout the rest of the OPT.

The Organisation of Islamic Cooperation (OIC) could play a major role in safeguarding Palestinian rights in East Jerusalem, providing direct support as well as in lobbying the EU and the UN to provide support and to take measures to stop and reverse Israel's violations. Such measures could include the establishment by the UN and/or the EU of a register of Israeli violations of human rights and the damage incurred by Palestinians as a result of Israeli Judaization policies and settlement expansion in East Jerusalem and in the rest of the OPT.

It is also vital to create a funding body or a development bank to overcome the lack of funding, which is one of the major issues faced by Palestinian institutions in East Jerusalem. Such a development bank could have several functions, including: providing credit facilities since most loans are only available at very high interest rates; helping to finance the development of the housing sector; and providing incentives to encourage investment and assist in the revival of the trade sector. The Palestinian private sector and Palestinian banks within and outside Palestine should also embrace their responsibilities and be part of this development bank.

3. Palestinian communities in their homeland as well as in the Diaspora. These communities should help to develop and project a clear vision and operational strategy for Jerusalem. Practical measures should

be identified to counter Israel's Judaization policies; enhance the productive capacity of the Palestinian economy in East Jerusalem and strengthen its links with the economy of the West Bank and Arab world; promote the tourism sector<sup>39</sup> to support the limited economic development possible under occupation; revive the cultural and economic status of the Old City; enhance the educational and health sector; and foster the integration of Palestinians in East Jerusalem into the rest of the OPT.

Furthermore, the existing legal bodies that offer legal assistance to Palestinians in East Jerusalem – e.g. regarding revocation of residency IDs, family unification, land appropriation, house demolitions, and zoning and planning – should coordinate their efforts.

Palestinian civil society, particularly the Boycott, Divestment, and Sanctions (BDS) movement has a vital role to play in targeting Israeli plans for tourism and high tech in Jerusalem, through campaigns to boycott Israeli academic and cultural institutions as well as businesses that are involved in the Judaization of Jerusalem.

The development of a coordinated media strategy is urgently needed to raise Palestinian voices in a challenge to Israel's discursive power and its de-historicized representation of Jerusalem. Academics and policy analysts also have a vital role to play: There is a dearth of research on the socio-economic development of East Jerusalem as well as Israel's master plans for Jerusalem, with very few think tanks working in East Jerusalem. Future research should also move beyond diagnosis of problems to devise creative solutions, using a proactive approach rather than a reactive one. The gap between academics and policy makers needs to be bridged to ensure that all efforts are united towards the objective of achieving self-determination, dignity, freedom, and justice.

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## CHAPTER FOUR

# FUTURE VISIONS AND STRATEGIES

Much of the discourse about the future has been grounded in seeking political solutions and is usually limited to whether a two-state solution is still viable or if Palestinians should now go for a single state with equal rights for all. In reality, after decades of exhausting, unbalanced struggle, Palestinians no longer have the sources of power they need to achieve a just political settlement and by 2018, the regional Arab and international situation had shifted against them.

Nor is there a unified vision of what the Palestinian people are striving for. Instead, most political campaigns center on working against violations of Palestinian rights. A unified vision was lost when the PLO moved away from the ideal of a secular democratic state in all of Palestine that it espoused in the 1960s and 1970s, and began to build a slow and painful consensus around the two-state project that was ultimately adopted by the Palestinian National Council in 1988. Nevertheless, Palestinian thinkers and writers have continued to develop ideas about the vision, goals and strategies of the quest for rights. This section includes four pieces that look to a better future and discuss ways to achieve it.

### Reclaiming Self-Determination

**Ali Abunimah** reviews the evolution of the concept of self-determination, its applicability to the Palestinian people, and its gradual erosion since 1991. He argues not only that self-determination must return to the center of the Palestinian struggle, but also shows how the Palestinian exercise of this right can be compatible with eventual coexistence with Israeli Jews.

## **Defeating Dependency, Creating a Resistance Economy**

Israel's relentless settlement drive as well as donor aid have undercut Palestinian steadfastness (sumud). **Sam Bahour, Alaa Tartir, and Samer Abdelnour** discuss a new economic model built on justice, solidarity, and sustainability and how Palestinians under occupation can move toward an economy that sustains the quest for self-determination.

## **BDS: A Global Movement for Freedom & Justice**

The Palestinian-led Boycott, Divestment and Sanctions (BDS) movement, launched in 2005, is best known for the tactics and strategies it advocates. Less well-known is the way in which the BDS call has set out a Palestinian vision and goals: Self-determination as expressed through freedom from occupation, justice for the Palestinian refugees and exiles through the right of return, and equality for the Palestinian citizens of Israel. **Omar Barghouti** addresses the principles and strategies underpinning the movement, why it has not specified a political outcome, and the “unambiguous invitation” to Israelis of conscience to support it.

## **To Achieve One State, Palestinians Must Also Work for Two**

**Nadia Hijab** argues that either a one- or two-state outcome can achieve Palestinian aspirations and rights, and that, moreover, fulfilling Palestinian rights requires some of the sources of power associated with the state system. She focuses on the sources of power needed and discusses one in detail, that of the Palestinian narrative, and calls for a reframing of that narrative, including the narrative around BDS.

# RECLAIMING SELF-DETERMINATION

BY ALI ABUNIMAH  
MAY 2010

## Overview

Will a Palestinian state, no matter how sovereign, fulfill the Palestinian right to self-determination? In this policy brief, Al-Shabaka Policy Advisor Ali Abunimah reviews the evolution of the concept of self-determination, its applicability to the Palestinian people, and its gradual erosion since 1991. He argues not only that self-determination must return to the center of the Palestinian struggle; he also shows how the Palestinian exercise of this right can be compatible with eventual coexistence with Israeli Jews.

## How the “peace process” eroded self-determination

In his 1974 speech to the United Nations General Assembly, Palestine Liberation Organization Chairman Yasir Arafat addressed “the roots of the Palestine question,” declaring, “Its causes do not stem from any conflict between two religions or two nationalisms. Neither is it a border conflict between neighboring States. It is the cause of a people deprived of its homeland, dispersed and uprooted, and living mostly in exile and in refugee camps.”

How ironic then that the “peace process” has reconceived the Palestine question precisely as little more than a border dispute between Israel and a putative Palestinian state. The “roots” were first reduced to a laconic list of “final status issues”: borders, settlements, Jerusalem and refugees and then gradually buried. Lost has been any commitment to self-determination in principle or in practice.

Although they have rarely been formally discussed, it has long been conventional wisdom in peace process circles that the “final status” issues have already effectively been settled, largely according to Israel’s requirements (we have heard ad nauseam the refrain “everyone knows what a final settlement will look like”). The United States and its hand-picked Palestinian leaders have

accepted that large Israeli “settlement blocs” housing most of the settlers, will remain where they are in the West Bank.

The same formula has been adopted for Jerusalem, as per the so-called Clinton parameters: Israel would get “Jewish neighborhoods” and the Palestinian state would get “Arab neighborhoods.” What this means in practice is that Israel would keep everything it illegally annexed and colonized since 1967, and Palestinians might get some form of self-rule in whatever is left – which is shrinking daily as Israel aggressively escalates its Judaization of eastern Jerusalem. While everything east of the 1967 line is divisible and “disputed,” the same does not apply to the west. Palestinians would not be entitled, for example, to seek the return of their West Jerusalem neighborhoods ethnically cleansed and colonized by Israel in 1948. The “peace process” has actually created an incentive for Israel to accelerate its colonization of eastern Jerusalem because Israel knows that whatever is left uncolonized would become the new maximum ceiling of what the United States and other peace process sponsors would support as Palestinian demands.

Similarly, the refugee question has been virtually “settled” as well. Palestinian Authority-appointed chief negotiator Saeb Erekat revealed in a paper he circulated last December that Fatah leader and acting Palestinian Authority President Mahmoud Abbas had proposed to Israel that no more than 15,000 Palestinian refugees per year for ten years return to their original lands in what is now Israel.<sup>1</sup> According to Erekat, then Israeli Prime Minister Ehud Olmert had countered with an offer of 1,000 refugees per year for a period of five years. In other words, the parties had already agreed to abrogate the fundamental rights of millions of Palestinian refugees, and were haggling only over the difference between 5,000 and 150,000, or less than three percent of the Palestinian refugees registered to receive services from UNRWA (the United Nations Works and Relief Agency for Palestine Refugees in the Near East).

So what is left to negotiate? Camille Mansour's policy brief<sup>2</sup> accurately summarizes the outstanding issues – as seen from within the peace process – the final borders and attributes of sovereignty of the Palestinian state. Mansour doubts that negotiations in present circumstances would lead to a peace treaty in which “Palestinian sovereignty requirements could be attained.”

Let us assume for the sake of argument that Israel were to agree to a Palestinian state in the West Bank including East Jerusalem, and the Gaza Strip that satisfies official Palestinian positions and provides for a state no more or less sovereign than any other. The question that then arises is: Does this sovereign state provide for the self-determination of the Palestinian people? Does it restore and guarantee their fundamental rights? As argued, below, the answer is a clear no. And this underscores the need to distinguish the limited goal of sovereignty from that of self-determination.

Sovereignty is exercised by a state through the fulfillment of commonly agreed functions: effective control of territory, borders and resources, and maintenance of political independence among others. Self-determination is exercised by a people legitimately inhabiting a given territory. Self-determination may result in a sovereign state, but it may not. It is fundamental to understand this difference and to recognize that self-determination remains at the heart of the Palestinian struggle.

## Understanding the principle of self-determination

The principle of self-determination as it is understood today was enunciated by US President Woodrow Wilson toward the end of World War I. In Wilson's words, “the settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship” is to be made “upon the basis of the free acceptance of that settlement by the people immediately concerned and not on the basis of the material interest or advantage of any other nation or people which may desire a different settlement for sake of its own exterior influence or mastery.”<sup>3</sup>

Put simply, territories and people could no longer be shifted around between empires and sovereigns like pieces on a chessboard. Any political arrangements – particularly in territories undergoing decolonization

– had to enjoy the freely given consent of those who would have to live under them. The principle was no sooner enunciated than effectively violated in many cases after World War I, particularly in Palestine. However, it gained ground and was later enshrined in Article 1 of the United Nations Charter and other instruments, assuming particular importance in post-World War II decolonization.

Tomis Kapitan, a professor of Philosophy at Northern Illinois University, who has also previously taught at Birzeit University, provides an excellent summary of the history of the principle and its application. He argues persuasively that as conceived and practiced, the right belongs not to national groups qua national groups, but to the legitimate residents of any region whose status is unsettled (e.g. because it was previously colonized or under no sovereignty) or which is endangered because the current sovereign has persistently failed to protect, or has itself consistently violated the fundamental rights of the legitimate residents. The residents of regions meeting these criteria “have a right to determine their political future either by constituting themselves as an autonomous political unit, or by merging with another state, or by dissolving into smaller states.”<sup>4</sup>

Palestine, as Kapitan observes, “is the only territory placed under a League of Nations Mandate in which the established inhabitants were not granted this privilege.”<sup>5</sup> Instead, Great Britain, the mandatory power, agreed to partition the country over the unified opposition of the overwhelming indigenous Arab majority, and aided and abetted the build up of settler-colonial Zionist forces arriving from other parts of the world and which eventually carried out a violent takeover of much of the country. By endorsing partition with Resolution 181 of 1947, Arafat noted in his 1974 speech, “the [UN] General Assembly partitioned what it had no right to divide – an indivisible homeland” and thus contributed to the denial of the right of self-determination. No form of consultation through referendum or plebiscite or other democratic process was ever contemplated.

Today, Kapitan argues, the legitimate residents of historic Palestine include at least all Palestinians living in any part of the country, and all refugees outside the country. “Because expulsion does not remove one's right of residency, then these Palestinians also retain residency rights in those territories from which they were expelled.”<sup>6</sup> Thus, the Palestinian people collectively

retain “an entitlement to being self-determining in that region [historic Palestine]... not qua Palestinians, but qua legitimate residents. That force was used against them has not erased the fact that they are, and are recognized as being, a legitimate unit entitled to participate in their own self determination.”<sup>77</sup>

The peace process that began with the 1991 Madrid Conference has gradually excluded the majority of Palestinians from having any role in determining the future of their country. In the eyes of peace process sponsors, the “Palestinian people” constitutes at most residents of the West Bank and Gaza Strip, though even Gaza now finds itself as marginalized as the Diaspora. It is this exclusion that has allowed a cause of decolonization and self-determination to be reduced to little more than a “border dispute.”

### **Palestinian self-determination and the rights of Israeli Jews**

How and on what terms could a Palestinian exercise of the right to self-determination throughout historic Palestine be compatible with eventual coexistence between Palestinians and Israeli Jews? The concept that a settler-colonial community is entitled, under specific conditions, to participate in self-determination, not as a distinct national group, but as legitimate residents, accords fully with international law and with precedents in other decolonizing countries including South Africa, Namibia, Northern Ireland and Mozambique.

Omar Barghouti, a leader in the Palestinian campaign for boycott, divestment and sanctions (BDS) on Israel, has argued strongly against recognizing Israeli Jews as forming a national community in Palestine. Barghouti warns that “[r]ecognizing national rights of Jewish settlers in Palestine cannot but imply accepting their right to self-determination.”<sup>78</sup> This would, he argues, contradict “the very letter, spirit and purpose of the universal principle of self-determination primarily as a means for ‘peoples under colonial or alien domination or foreign occupation,’ to realize their rights.” Such recognition, he warns, “may, at one extreme, lead to claims for secession or Jewish ‘national’ sovereignty on part of the land of Palestine.”

There can, Barghouti argues, be no “inherent or acquired Jewish right to self determination in Palestine

that is equivalent, even morally symmetric, to the Palestinian right to self determination” as this would blur “the essential differences between the inalienable rights of the indigenous population and the acquired rights of the colonial-settler population.”

Yet under Kapitan’s formulation, Israeli Jews would be entitled to participate in self-determination not as a distinct national group, but to the extent that they are or become legitimate residents of the region. Barghouti spells out conditions under which colonial settlers can be accepted by the indigenous population as equal citizens living in a society “free from all colonial subjugation and discrimination.” It would require the settler-colonial community, in this case Israeli Jews, to relinquish their colonial character and settler privileges, and accept “unmitigated equality,” including the right of return and reparations for Palestinian refugees.

Inspired by the South African Freedom Charter and the 1998 Belfast Agreement, a group of intellectuals including Palestinians and Israelis set out similar principles in the 2007 One State Declaration:

The historic land of Palestine belongs to all who live in it and to those who were expelled or exiled from it since 1948, regardless of religion, ethnicity, national origin or current citizenship status;

Any system of government must be founded on the principle of equality in civil, political, social and cultural rights for all citizens. Power must be exercised with rigorous impartiality on behalf of all people in the diversity of their identities.<sup>9</sup>

Finally, the notion that Israeli Jews are legitimate residents, provided they shed their colonial character and privileges, derives directly from the traditional conception of Palestinian self-determination. As Arafat put it in his 1974 UN speech, “when we speak of our common hopes for the Palestine of tomorrow we include in our perspective all Jews now living in Palestine who choose to live with us there in peace and without discrimination.”

### **Focusing on self-determination**

Placing self-determination back at the center of the Palestine question compels us to formulate a strategy that addresses the rights of all segments of



the Palestinian community inside and outside historic Palestine, and which ensures their right to participate in the struggle for, and enjoy the fruits of, self-determination.

It requires setting out an agenda that addresses the three historic and current sources of injustice, the “roots” of the conflict. Such an agenda, as stated in the widely-endorsed 2005 Palestinian call for BDS, demands that Israel recognize the Palestinian people’s inalienable right to self-determination and uphold international law by:

- (1) Ending its occupation and colonization of all Arab lands and dismantling the [West Bank separation] Wall;
- (2) Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and,
- (3) Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN Resolution 194.<sup>10</sup>

It is clear that the limited goal of sovereignty that a West Bank-Gaza state would achieve addresses at best only the first point and cannot possibly meet the minimum requirements of Palestinian self-determination.

Therefore, the formula “everyone knows” is the answer – a state on a fraction of Palestine for a fraction of the Palestinian people – would only perpetuate the denial of self-determination for the vast majority of Palestinians no matter how “sovereign” that state.

It is of course possible in principle for all three demands to be met within the context of a two-state solution, but this would still require Israel to forgo its Zionist character and become a state of all its citizens in which Jews enjoy all the same individual rights and rights to community life and cultural expression as everyone else but no more.

The 1998 Belfast Agreement in Northern Ireland is an example of such a “two-state solution.” It maintained two separate jurisdictions on the island of Ireland: Northern Ireland and the Republic of Ireland, but each is bound constitutionally, by treaty and under European law to be a state of all its citizens. Northern Ireland ceased to be, as it long was, “a Protestant state for a Protestant people.” Indeed, the core of the peace process has been to dismantle state institutions, symbols, laws and practices that enshrined second-class

citizenship for Irish nationalist Catholics and to replace them with strong mechanisms to redress the historic imbalance in terms of political and cultural power, access to jobs, housing and other resources.

At the same time, Northern Ireland has no inherent “right to exist” as a separate jurisdiction. If a simple majority of the people who live in it vote for a united Ireland, the Belfast Agreement binds the United Kingdom and Irish governments to give effect to this wish. Protestant unionists – descended from settlers who arrived from England and Scotland in the 17th Century – thus established no right to self-determination as a separate national group even after more than three hundred years.

After 62 years, Israel is no closer to establishing its legitimacy. Neither passage of time, nor declarations cajoled, bullied or bought out of successive leaders of the Palestinian national movement, have settled the questions of Israel’s creation, or its demand to be recognized as a “Jewish state” with the right to discriminate against Palestinians. Palestinian claims for self-determination have not been extinguished, nor have Palestinians generally pursued them with any less vigor.

Indeed, Israeli Prime Minister Benjamin Netanyahu’s demand that Palestinians must accept Israel’s “right to exist as a Jewish state,” is nothing if not an implicit recognition that without the active consent of the Palestinian people, the Zionist project can never enjoy legitimacy or stability. Palestinians have steadfastly resisted granting such recognition because to do so would negate their rights and indeed threaten their very existence.

## Conclusion

There has never been a more opportune moment for Palestinians to put forward their demands for equality and justice in clear, principled and visionary terms fully rooted in international law, numerous precedents and accepted principles. The tenacious resistance on the ground – in all its legitimate forms – and the growing global BDS solidarity movement need to be complemented by a program worthy of such efforts and sacrifices. Our energy should be invested in developing support for such a program rather than worrying about the minutiae of moribund negotiations, which cannot result in the restoration of Palestinian rights.

Once the equality principle at the heart of the Palestinian struggle is recognized, it becomes easier and more logical to conceive of a solution involving a single, democratic state encompassing Israeli Jews and Palestinians as equal citizens, albeit with necessary mechanisms to protect collective cultural rights and other interests, and explicit, vigorous and appropriate mechanisms for decolonization, restitution and correcting entrenched social and economic injustices.

Whether in one or more states, the focus of Palestinian efforts should be on the fulfillment of the rights of all Palestinians and achieving equality rather than perpetual negotiations, which serve to undermine both.

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# DEFEATING DEPENDENCY, CREATING A RESISTANCE ECONOMY

BY ALAA TARTIR, SAM BAHOUR, AND SAMER ABDELNOUR  
FEBRUARY 2012

In an important recent piece - Economic Hallucination<sup>1</sup> - Ramallah-based Al-Shabaka policy advisor Sam Bahour exposed the charade played by both Western donors and the Palestinian Authority (PA) to cover up the occupied territory's inexorable economic meltdown after decades of Israeli military occupation. Arguing that the combined donor-PA approach poses major obstacles to freedom and rights, Bahour concluded: "It's time for a new economic model, one built on economic justice, social welfare, solidarity, and sustainability." What would such an economic model look like and how can Palestinians living under occupation move from today's grim reality to an economy that sustains the quest for self-determination? Al-Shabaka policy advisors Alaa Tartir and Samer Abdelnour join Bahour to debate these questions and explore alternatives.

## **Needed: Tools to Communicate the Socioeconomic Reality**

The Gaza Strip has often been described as a large prison and, indeed, Israel's siege makes it impossible to portray it as anything else. The West Bank, including East Jerusalem, is also a prison: its entire Palestinian population, from the PA president (whose VIP status was recently downgraded by Israel to a two-month travel permission) to day laborers, are forced to rely on Israel for freedom of movement and access. Israel directly or indirectly controls all Palestinian economic resources. Furthermore, 60% of the West Bank, classified as Area C under the Oslo Accords, is completely off limits to Palestinian development. Yet these West Bank realities are masked by talk of economic "growth" of as much as 9% a year, impressive institution building, and a booming stock market. This harmful narrative is both a result of "people-blind" macro-economic measures and political propaganda that effectively normalizes the occupation-PA-donor status quo.<sup>2</sup>

As Jeremy Wildeman put it in an article<sup>3</sup> on the

delusions of a Palestinian economic miracle, "The crippling truth is one of poverty, personal insecurity and protracted economic decline... [only serving] to distract the world from implementing difficult solutions to the real problems." How difficult are those problems? Rashid Khalidi went to the heart of the issue when he asked how<sup>4</sup> "the settlement-industrial complex" would be uprooted – a complex that stretches beyond the 600,000 settlers living in the occupied West Bank and East Jerusalem to encompass the "hundreds of thousands in government and in the private sector whose livelihoods and bureaucratic interests are linked to the maintenance of control over the Palestinians".

It should be noted that even those reports that speak glowingly of Prime Minister Salam Fayyad's institution-building efforts cannot completely escape the truth. Multiple reports by the World Bank, International Monetary Fund, and the European Union, admit that the private sector cannot operate due to the restrictions of the occupation and the shrinking of the Palestinian productive base. One 2010 World Bank report<sup>5</sup> went so far as to say that Israel's "apparatus of control" had "become more sophisticated and effective in its ability to interfere in and affect every aspect of Palestinian life, including job opportunities, work, and earnings... [turning] the West Bank into a fragmented set of social and economic islands or enclaves cut off from one another."

Although neo-liberal economic policies accelerated under Fayyad brought wealth and spending power to small segments of the West Bank, this was doomed to be a temporary phenomenon. That has now been replaced with spiraling costs and deficits that the Government is seeking to address through the same kind of austerity measures – public sector downsizing, higher taxes, and reduced incentives for investments – the same kinds of policies imposed upon many developing countries.

Economist Raja Khalidi questioned the applicability of structural adjustment policies to the Palestinian context in a recent article,<sup>6</sup> noting that longstanding financial problems in the OPT have nothing to do with structural problems that can be “adjusted.” Rather, they are the direct result of the occupation. In addition to the volatility of the tax base and the vulnerability of the level of economic activity to the Israeli closure policy and recurrent military confrontations, Israel has full control over the tax and customs clearance revenue that it collects on behalf of the PA. As a report<sup>7</sup> by the UN Conference on Trade and Development (UNCTAD) revealed, imports produced in a third country and re-exported to the territories as if they were produced in Israel (indirect imports) cause losses of \$480 million USD per year - almost 25% of public revenues, 10% in lost gross domestic product (GDP) and 30,000 jobs per year. The PA’s moves are leading to widespread protests against what has been termed “Fayyadism” and the neo-liberal policies it represents.

Among the challenges for Palestinian economists and analysts are: Which tools and measures might be used or developed to more effectively communicate the reality of the Israeli occupation, from the mundane to the catastrophic in both human and economic terms. For example, is it viable to deduct from rather than add to GDP the costs of construction or consumption related to checkpoints and other forms of mobility restrictions (i.e. jobs to construct roads, extra fuel and transportation services) as well as other costs of the occupation? Similarly, when a student from Gaza cannot study in Birzeit or a person is imprisoned for months or years without charge, what is the negative cost to the Palestinian economy? Such realities do impact Palestinian socioeconomic well-being yet are much more difficult to measure than the cost of expropriated land and resources - which also require measurement in terms of lost socioeconomic, human, and political value. ARIJ, the Applied Research Institute-Jerusalem, estimated<sup>8</sup> that the total measurable cost of the Israeli occupation on the Palestinian economy in 2010 was \$6.897 billion, a staggering 84.9% of the total Palestinian GDP in 2010.

There is a need for new measures to factor in not only the cost of the occupation but also the costs of corruption. National and international institutions like the Bisan Centre<sup>9</sup> for Research and Development, ARIJ,<sup>10</sup> the Center for Development Studies<sup>11</sup> at Birzeit

University, UNCTAD<sup>12</sup> and the Rosa Luxemburg Foundation<sup>13</sup> do important work and can help to further develop accurate tools for quantifying, and analyzing such costs. It is also important to openly disseminate and discuss these costs widely and build consensus around their findings and potential actions.

## **Top Priority: Dealing with Aid Dependency**

The debates about Palestinian dependence on international aid go back to at least the Nakba (the Palestinian catastrophe of dispossession in 1948). Sophia Stamatopoulou-Robbins’ analysis<sup>14</sup> of past aid initiatives suggests that these bore the “tangible signs of expulsion” and spoke of a common exile. The present is more pernicious because the sources of aid are easily erased together with their implications: “The visible is no longer a reliable source of what is there. Direct imports are not direct. Palestinian police uniforms mean Israeli coordination. And a new ‘Palestinian’ road probably means more settlers.”

Much has been written about the problems of the aid industry in the occupied territories. There is a need to move beyond arguments that aid sustains the occupation and to devise political costs that create a real change. Palestinians must encourage the aid industry to stop wasting resources under the false pretenses of assistance and to help create a genuine economic steadfastness to end the occupation. Donors are aware of the issues but have little incentive to align general development policies with the reality of the Palestinian experience. This is partly due to the unwillingness of donor agencies to defy donor country political agendas, and partly to the global reality that aid policy is highly decoupled from genuine socioeconomic improvement. Added to this is the PA’s acquiescence to the status quo. However, it cannot be ignored that donor countries benefit greatly from the current configuration of the aid industry. This is particularly true of USAID and the Japanese International Cooperation Agency (JICA), whose contractors and consultants consume so much of their own aid. In addition, the recent book<sup>15</sup> by Sahar Taghdisi-Rad reports that a great deal of aid to Palestinians contributes to the Israeli economy. In end, little aid reaches Palestinians; that which does signifies an immense political cost when it ignores inalienable rights to freedom, self-determination, and return.

Donors have never taken Palestinian claims seriously, partly because donor investment in the so-called “peace process” has never been seriously challenged. A civil society campaign is urgently needed to expose these operations and make it difficult for donors to do business as usual. Getting a few “bad” donors out of Palestine as a result of social pressure would go beyond simply “reforming” aid and might restore Palestinian steadfastness and resistance in the struggle for human rights.

Another good starting point along this road would be lobbying to revoke the exemptions the late Palestinian leader Yasser Arafat gave to USAID. According to a 2010 report<sup>16</sup> by AMAN, a Palestinian coalition for transparency and accountability, 146 foreign organizations are registered, just 40% of the total number operating in the OPT. This is partly because Arafat exempted from registration all USAID institutions, branches, bodies and companies, according to the report. Furthermore, the Ministry of National Economy grants many USAID branches registration permits as non-profit companies without requiring the submission of any official documents. They do not have to report or submit budgets, and are not subject to the oversight of the Palestinian Companies Controller. USAID is not the only to operate without registration or oversight. Others include Konrad Adenauer Stiftung, Friedrich Ebert Stiftung Ford Foundation, Handicap International, and Diakonia. Indeed, the author of another study on international aid agencies told Al-Shabaka that one NGO refused to disclose information on the basis that “we are registered by the Israeli government and so you don’t have the *right* to ask us to reveal any of our information, particularly when it comes to finances”.

The PA should not only demand accountability from foreign NGOs but also tax their operations. A tax on the consultancies of foreign experts will make them more expensive for donors in relation to local expertise. This is fully in harmony with the Paris Declaration for aid effectiveness, as it would promote the utilization of national capacity. Such incentives might help redirect aid to Palestinian employment.

This problem extends to Palestinian NGOs, which now number some 1,500 active organizations.<sup>17</sup> Many refuse to publicly disclose their general assemblies, boards, staff, funders, audited financial reports, bylaws, and even

their landlords. Some of the biggest and most important Palestinian NGOs refuse to give any information, claiming that the data is too sensitive. The Palestinian case is not dissimilar, though perhaps not as extreme, to Haiti’s “Republic of NGOs”.<sup>18</sup> Forced to pay for their own freedom from colonization, Haitians were once a people able to feed and clothe themselves.

The Palestinian leadership is partly responsible for the present conditions of economic dependency and continues to suffer from the thinking and consequences of an “economic peace” engendered by the Paris Protocol signed with the Israelis in 1994. Such “peace” has promoted economic normalization through joint industrial zones, Israeli-Palestinian business forums, Palestinian investments in Israel and even in settlements, neglect of the agricultural and industrial base, joint management of water resources for the benefit of Israeli settlements and industry, neglect of Palestinian economic activities in Jerusalem, privatization, and encouragement of public and individual debt. All of the above has occurred alongside increasing entrenchment of Israeli’s colonization of Palestine.

It is vital to address the link between politics, capital and aid. Palestinians must aim to move away from the current context toward a paradigm that understands development as means to realizing rights, freedoms, and self-determination.<sup>19</sup> It is also essential to move beyond the technocratic and apolitical understanding of the development process toward recognizing the asymmetry of power and colonial dominance. Many Palestinian writers are touching on different aspects of this dilemma. This body of work needs to be taken a stage further so that it can compete with the existing paradigm and discourse and provide a credible alternative. The status quo only serves to normalize and maintain the Israeli occupation by ignoring the political roots of Palestinian poverty.

## **Learning from Practical Experience at Home and Abroad**

A new Palestinian agenda for a resistance economy can be informed by indigenous, regional, and international experiences. The economic vision must be to reinforce self-sustainability and socioeconomic (as well as cultural) resistance over and above artificial economic growth. Economic growth – as measured, discussed, and

applied has become a leash and muzzle. This is not to suggest that private sector development be hindered; entrepreneurship is important at all levels and scales. But there must be a vision for an economy that sits at the heart of the Palestinian struggle.

The first priority must be self-reliance in terms of basic foods. Small-scale agriculture can – and has – been carried out by Palestinians to feed themselves, e.g. permaculture, rooftop drip gardens, and local biodiversity in terms of crops. Taken to scale, this would gradually reduce and eventually end dependence on food aid. It could also serve to reconnect millions of encamped Palestinians to land-based livelihoods. Much can be learned from Lebanese author Rami Zurayk's work on how Arab agriculture has been undermined by aid and ways to restore indigenous practices<sup>20</sup>. Cuba's experience<sup>21</sup> of achieving food security under politically adverse conditions is also worth studying. Another experience worthy of study is that of the Sahrawis, who managed to organize and administer in exile a highly educated population aligned with their national interests under the most adverse circumstances.<sup>22</sup>

It is also vital to prevent the PA from undermining Palestinian agricultural potential. Marj Ibn Amer valley in Jenin district has historically been a major food basket for Palestinians, but the PA has commenced actions to establish an industrial zone, whose ability to operate will be fully dependent on Israel, on that land. These attempts are being documented,<sup>23</sup> legally challenged and exposed by BISAN among others. PA officials have been known to laugh when someone talks about the agriculture sector. In fact, the real joke are the official declarations about empowering the people in their land when the land is neither preserved nor used for Palestinian interests.

Traditional cultural industries are another area worthy of support. Exporting Palestinians' rich cultural heritage (unlike vulnerable cash-crops such as carnations and strawberries) can help educate people globally about the Palestinian cause and provide opportunities to preserve cultural industries.

A Palestinian development agenda should engage Diaspora Palestinians in the struggle for sustainable self-reliance. Palestinians have the experience of the 5% that used to be deducted from the salaries of those working in the Gulf for the Palestine Liberation

Organization. The challenge now would be to build the trust of the Palestinians in the Diaspora, to ensure that Palestinian funds for a Palestinian development agenda would not be misused or fill the pockets of corrupted leaders, but would instead be actually managed as bonds by a national development bank or through a national development agency along the lines of the Agha Khan Foundation.

There is also a need to think about how Palestinians can institutionalize and eventually create a bureaucracy around a democratic people-driven development agenda. In the development literature there is a trend that prioritizes the indigenous mechanisms, approaches, and governance for development. In fact, the leading institutions of the first Intifada demonstrated effective Palestinian-centered governance provisions. Unfortunately, these were displaced in the wake of the Oslo Accords.

Importantly, a new Palestinian economic vision must embrace dignity in aid. There must be a time limit by which aid from donor nations supporting any aspect of Israeli military activity is respectfully declined. All international NGOs should agree to work on Palestinian development priorities and timeframes (not three-year donor agendas) and tackle the root causes of Palestinian poverty: the Israeli occupation and resulting restrictions and continuing colonization of Palestine. Transparency in purpose and operations, as well as demonstrated results must be ensured. If we Palestinians do not ensure dignity in our development, no one will.

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# BDS: A GLOBAL MOVEMENT FOR FREEDOM AND JUSTICE

BY OMAR BARGHOUTI  
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## Overview

While media attention over the past few months has focused on a brewing third Palestinian intifada in response to the expansion of Israeli settlements in the Occupied West Bank and East Jerusalem, Al-Shabaka policy advisor Omar Barghouti argues that a far more widespread, nonviolent grassroots movement originating in the Occupied Palestinian Territories has been building and spreading around the world. He reviews the formation and evolution of the boycott, divestment, and sanctions (BDS) movement, including its rights-based (as opposed to solutions-based) approach, its collective leadership, its call to Israelis of conscience, and its promotion of context-specific strategies.

## The Trigger for BDS

Not only friends of Palestinian rights recognize the potential of the Palestinian Boycott, Divestment and Sanctions (BDS) campaign; foes do too. In May 2009, at AIPAC's policy conference, Executive Director Howard Kohr warned that BDS was reaching the American mainstream and "laying the predicate for abandonment [of Israel]."<sup>1</sup>

Kohr added, "This is a conscious campaign to shift policy, to transform the way Israel is treated by its friends to a state that deserves not our support, but our contempt; not our protection, but pressure to change its essential nature."

BDS does indeed challenge Israel's "essential nature." Rooted in almost a century of civil resistance to Zionist settler colonialism, the Palestinian Civil Society Campaign for BDS against Israel was launched on 9 July 2005,<sup>2</sup> ushering in a qualitatively new phase of resistance to Israel occupation, dispossession and apartheid against the indigenous people of Palestine.<sup>3</sup>

The global campaign in response to the Palestinian BDS Call, which is guided by its Palestinian leadership, has made significant inroads into the Western mainstream over the past few years. The global BDS Campaign asserts a new, rights-based discourse in dealing with the question of Palestine. By so doing, it decisively exposes the double standard and exceptionalism with which the United States and most of the West have to varying degrees treated Israel ever since its establishment through the carefully planned and methodically executed campaign of forcible displacement and dispossession of the majority of the Palestinian people in the 1948 Nakba.<sup>4</sup> The official western collusion reached its height when Western states collectively ignored the historic advisory opinion issued by the International Court of Justice on 9 July 2004, which affirmed that Israel's colonial Wall and settlements were contrary to international law – at a time when Palestinians were still reeling from Israel's violent take over of cities and refugee camps in the occupied West Bank in 2002. This factor was the direct trigger for the BDS Call a year later.

## Rights-Based Approach

The BDS Call identifies the fundamental rights that correspond to the three main segments of the indigenous people of Palestine. Based on international law and universal principles of human rights, the Call urges various forms of boycott against Israel until it fully complies with its obligations under international law by:

- Ending its occupation and colonization of all Arab lands occupied in June 1967 and dismantling the Wall;
- Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and



- Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN resolution 194.

The BDS Call, signed by over 170 Palestinian organizations, political parties, trade union federations, and mass movements, expresses the collective aspirations of the Palestinian people by asserting that only the fulfillment of the Call's three basic demands would satisfy the *minimal* requirements for the people of Palestine to exercise the inalienable right to self determination.

The BDS Call has laid “the predicate” for transcending the failed official Palestinian policy of reducing Palestinian rights to the attainment of a Bantustan under Israel's overall control.

It presents a popular Palestinian response to the incessant concessions by the so-called leadership over basic rights. Palestinian officials, lacking a democratic mandate and running after the trappings of power, narrow economic interests, and privilege, have through years of a US-Israeli designed and managed “peace process” effectively surrendered the right of return as it is defined by the UN; accepted Israel's occupation and colonization of key parts of the West Bank, including in East Jerusalem; expunged the 1948 Palestinians, citizens of Israel, from the very definition of the Palestinian people, indirectly legitimizing Israeli apartheid; forsaken the moral high ground by accepting a symmetry between the “claims of both sides;” and played along Israel's public relations campaign of portraying its colonial conflict with the Palestinian people as merely one over some disputed land.

By avoiding the prescription of any particular political formula, the BDS Call insists, instead, on the necessity of including the three basic, irreducible rights above in any just and legal solution. It presents a platform that not only unifies Palestinians everywhere in the face of accelerating fragmentation but also appeals to international civil society by evoking the same universal principles of freedom, justice and equal rights that were upheld by the anti-apartheid movement in South Africa and the civil rights movement in the United States, among many others.

In this way, the BDS movement has dragged Israel and its well-financed lobby groups onto a battlefield where

the moral clarity of the Palestinian struggle for self determination, justice, freedom and equality neutralizes -- even outweighs -- Israel's military power and financial prowess. BDS is the classic right over might paradigm, with the international public increasingly recognizing that Israel's criminality and impunity place a moral burden on all people of conscience to act fast, and with effectiveness, political suaveness and nuance.

## Collective Palestinian Leadership and Reference

In 2008, the formation of the Palestinian BDS National Committee, the BNC, created a unified Palestinian *reference* and guiding force for the global BDS movement. The BNC is a broad coalition of leading Palestinian political parties, unions, coalitions and networks representing the three integral parts of the people of Palestine: Palestinian refugees; Palestinians in the occupied West Bank (including Jerusalem) and Gaza Strip; and Palestinian citizens of Israel.<sup>5</sup>

An important component of the BDS Call that is often overlooked is the unambiguous invitation to conscientious Israelis to support the Call, recognizing the important role anti-colonialist, anti-racist – i.e., anti-Zionist -- Israelis can and ought to play in ending Israel's criminal impunity and apartheid.

A fast growing group of principled Jewish-Israeli supporters of BDS fully recognizes this Palestinian reference.<sup>6</sup> Some Zionist “left” voices, on the other hand, have recently presented their own versions of “BDS,” after the movement started having a palpable impact on the western mainstream. In several instances, these voices have ignored or undermined the Palestinian BDS Call and leadership as the reference for the global movement, in an attempt to project themselves as an alternative, Israel-centered reference. Their ultimate objectives are clear: salvaging their lost, unwarranted agency and inflated sense of entitlement to speak on behalf of the Palestinians; forestalling any challenges to Israel's system of apartheid and denial of refugee rights by circumscribing Palestinian rights to the “ending the occupation” in return for dropping “all claims” paradigm; and restraining solidarity initiatives to conform to their selective and ideologically motivated agendas.

As in the struggle against South African apartheid, genuine solidarity movements recognize and follow the lead of the oppressed, who are not passive objects but active, rational subjects that are asserting their aspirations and rights as well as their strategy to realize them.<sup>7</sup>

## Moral Consistency and Context-Specific Strategies

The BDS Call builds on many Palestinian and international initiatives for boycotting Israel and/or divesting from it, particularly since the UN Conference Against Racism in Durban in 2001. Whereas moral consistency and commitment to universal human rights are the overriding principles of the global BDS movement, operationally, BDS is based on three basic principles: context sensitivity, gradualness, and sustainability. Conscientious academics, intellectuals, human rights activists and civil society organizations in any given country, the movement recognizes, know best how to apply BDS most effectively in their particular circumstances, taking into consideration their respective political realities, constraints and potential.

Several BDS recommendations were adopted at a civil society forum held in Bilbao, the Basque Country (Spain), in November 2008, with the participation of tens of Palestinian, European and Israeli progressive organizations endorsing BDS.<sup>8</sup> Some of these recommendations are included in the following BDS campaign priorities, which reflect the collective experiences in the BDS movement since its inception in 2005:

- Promoting a general boycott of all Israeli products and services until Israel fully complies with its obligations under international law;<sup>9</sup>
- Promoting a boycott of all Israeli academic, cultural and tourist institutions that are complicit in maintaining the Israeli occupation and apartheid regime.<sup>10</sup> This demands raising awareness among academics, artists and cultural workers about the role these institutions have played in perpetuating injustice and colonial oppression;
- Implementing ethical investment principles by trade unions, faith-based organizations, local councils and national pension funds, among others, by divesting

from Israel Bonds and from all companies, banks and other financial institutions that profit from or are otherwise complicit in Israel's violations of international law and Palestinian rights. Major Christian Palestinian figures recently issued "A Moment of Truth," a document by the Palestine Kairos group calling on churches around the world "to say a word of truth and to take a position of truth" and explicitly endorsing BDS "as tools of justice, peace and security;"<sup>11</sup>

- Promoting divestment from and/or a *realistic* boycott of products of companies -- whether Israeli or international -- that are implicated in violations of international law and human rights, such as Elbit Systems, BAE, Veolia, Alstom, Eden Springs, Agrexco-Carmel, Ahava, Lev Leviev Diamonds, Motorola, Caterpillar, among others;
- Promoting ethical pilgrimage to the Holy Land by directly benefiting Palestinian hotels, restaurants, coach services, guides, etc., denying Israel, its airlines and its apartheid institutions the lucrative revenues that accrue from such pilgrimage;
- Applying public pressure to ostracize the Jewish National Fund (JNF) and deny it its current legal status in most western countries as a tax exempt, charitable organization;
- Lobbying local councils and regional governments to strictly apply domestic and international laws which urge them to preclude from public contracts companies that are involved in "grave misconduct," especially at the human rights level;
- Applying effective pressure on public officials and political parties to heed Amnesty International's call for an immediate arms embargo on all parties of the "conflict;"<sup>12</sup>
- Calling for an immediate suspension of all free-trade and other preferential trade agreements with Israel due to its violations of international law and Palestinian rights;<sup>13</sup>
- Applying pressure for the immediate and unconditional implementation of the recommendations included in the Goldstone Report, adopted by the UN Human Rights Council and

backed by the UN General Assembly and almost every major international human rights organization, to hold Israel accountable for committing war crimes and crimes against humanity.

In challenging Israel's oppression, the global BDS campaign does not call for Israel to be treated according to higher or lower standards than those that apply to any other state committing similar crimes and violations of international law. Although Israel is by no means the most atrocious offender around the world, it is the only ongoing offender that has constantly been treated as an honorary member of the Western club of "democracies," with the Holocaust cynically -- and quite irrelevantly -- summoned as a smokescreen to cover up this collusion. The virtually unparalleled state of exceptionalism and impunity that Israel enjoys today allows it to pursue its agenda of apartheid, ethnic cleansing and slow-genocide against the indigenous people of Palestine without any regard to international law or concern about possible punitive measures for violating it. As some progressive Jewish intellectuals have stated recently, "Never Again!" must always be understood to mean: never again to *anyone*.<sup>14</sup>

Western civil society carries a unique responsibility to hold Israel accountable to international law due to the incomparable level of complicity of Western governments in sustaining Israel's system of colonial and racial oppression through vast diplomatic, economic, academic, cultural and political support -- all in the name of Western citizens and using their tax money. Deep complicity engenders profound *moral* responsibility. While several Arab regimes -- including parts of the Palestinian Authority -- are also colluding in the implementation of the Israeli-US agenda in the region, their impact is considerably less significant than that of Western states in sustaining Israel's three-tiered system of oppression.<sup>15</sup>

Collusion and moral duty aside, the responsibility to promote and support the BDS campaign against Israel also derives from common interest. While the US and other Western states fund Israel's endless wars and system of apartheid to the tune of billions of dollars every year, millions of children in the West are still left behind in substandard housing, inadequate or non-existent health care, poor education and an establishment that effectively disenfranchises them when they grow up from effectively participating

in the democratic political process. A progressive transformation in US and European Union (EU) priorities from directing these nations' great human and material resources into wars and imperial hegemony on the international scene to investing in universal health care, dignified housing, a school system that is conducive to critical and contextual learning and development, decent jobs, and reversing the fatal damage to the environment, is not only good on its own merits for the peoples of the West; it is also great for the world -- for Iraq, Afghanistan, Pakistan, Latin America, Africa, and, most certainly, Palestine.

The global BDS movement for Palestinian rights presents a progressive, anti racist, sustainable, moral and effective form of civil, non-violent resistance for Palestinian human rights that is also fast becoming one of the key political catalysts and moral anchors for a strengthened, reinvigorated international social movement capable of ending the law of the jungle and upholding in its stead the rule of law, reaffirming the rights of all humans to freedom, equality and dignified living.

Indeed, BDS may well prove to be the most powerful form of popular Palestinian resistance ever.

## ENDNOTES

1. See: <http://www.aipac.org/Publications/SpeechesByAIPACLeadership/HowardKohr.pdf>
2. See: <http://bdsmovement.net/?q=node/52>
3. For an in-depth analysis of Israel's apartheid and colonial system see the strategic position paper published by the BDS National Committee (BNC), titled "United Against Apartheid, Colonialism and Occupation," October 2008: [http://bdsmovement.net/files/English-BNC\\_Position\\_Paper-Durban\\_Review.pdf](http://bdsmovement.net/files/English-BNC_Position_Paper-Durban_Review.pdf)
4. For more on the systematic forcible displacement of the Palestinians see: Ilan Pappé, *The Ethnic Cleansing of Palestine*, Oneworld. (Oxford: 2007).

5. BNC members include: Council of National and Islamic Forces in Palestine, General Union of Palestinian Workers, Palestinian General Federation of Trade Unions, Palestinian NGO Network (PNGO), Palestinian National Council for NGOs, Federation of Independent Trade Unions, Global Palestine Right of Return Coalition, Occupied Palestine and Syrian Golan Heights Initiative, General Union of Palestinian Women, Union of Palestinian Farmers, Grassroots Palestinian Anti-Apartheid Wall Campaign (STW), National Committee for Popular Resistance, Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI), National Committee to Commemorate the Nakba, Civic Coalition for the Defense of Palestinian Rights in Jerusalem (CCDPRJ), Coalition for Jerusalem, Union of Palestinian Charitable Organizations, Palestinian Economic Monitor, Union of Youth Activity Centers-Palestine Refugee Camps.

6. See, for example: <http://boycottisrael.info/> and <http://www.alternativenews.org/>

7. The Cairo Declaration, produced and endorsed by representatives of solidarity groups from more than 40 countries who protested in Egypt as part of the Gaza Freedom March, provides a distinguished example of such principled solidarity: <http://cairodeclaration.org/>

8. See: <http://www.bdsmovement.net/?q=node/213>

9. For arguments against strategically restricting the boycott to “settlement products” see: <http://electronicintifada.net/v2/article9948.shtml>

10. For more on the academic boycott see: [www.PACBI.org](http://www.PACBI.org). Also a recent study published by the Alternative Information Center documents many aspects of the complicity of the Israeli academy in Israel’s oppression of the Palestinian people: <http://alternativenews.org/publications/econoccupation/2223-the-economy-of-the-occupation-23-24-academic-boycott-of-israel.html>

11. See: <http://www.kairospalestine.ps/sites/default/Documents/English.pdf>

12. Regardless of the valid criticism against Amnesty’s morally and legally flawed equation between the occupying power on the one hand and the people under occupation and their resistance movement on the other, this call still includes a ban on arms trade with Israel and

on shipping arms to Israel through any country’s ports and airspace.

13. The EU-Israel Association Agreement and the MERCOSUR-Israel FTA are high priority targets.

14. See, for instance, Naomi Klein’s statements in this regard at a lecture last year in Ramallah covered by Haaretz --Yotam Feldman, Naomi Klein: Oppose the State Not the People, Haaretz, 2 July 2009: <http://www.haaretz.com/hasen/spages/1097058.html>

15. The PA as an entity plays an indispensable role in legitimizing Israel’s claims and in whitewashing its violations of international law and war crimes. Gradually dissolving the PA and the democratic, bottom-up take over and reconstruction of the PLO to reinstitute it as the sole legitimate representative of the Palestinian people everywhere, inclusive of all major national and Islamist political parties, would deny Israel its most valuable asset and help undermine its regime of oppression against the people of Palestine.

# TO ACHIEVE ONE STATE, PALESTINIANS MUST ALSO WORK FOR TWO

BY NADIA HIJAB  
FEBRUARY 2018

In the wake of US President Donald Trump's recognition of Jerusalem<sup>1</sup> as the capital of Israel, reinforced by Vice President Mike Pence's promise to move the US embassy<sup>2</sup> before the end of 2019, there has been a flurry<sup>3</sup> of pieces heralding<sup>4</sup> the imminent shift in a Palestinian strategy toward a one-state solution with equal rights. Both Palestinian negotiators closely involved<sup>5</sup> in the moribund Oslo peace process and Palestinians who have long since despaired of Oslo declared<sup>6</sup> that it is time to transform the struggle. Meanwhile, Israel continued to expand settlements, crack down on protests, and plan annexation of some or all of the West Bank.

Is the two-state solution really doomed, and is it time to move to a struggle for a single state? This commentary will argue that either state outcome can be made to achieve Palestinian aspirations and rights, and that, moreover, fulfilling Palestinian rights requires some of the sources of power associated with the state system. It will also urge that time and energy be spent on clarifying Palestinian goals and understanding why they have not yet been achieved, and then zeroing in on the sources of power needed to achieve them. The final section will discuss one of those sources of power in detail, that of the Palestinian narrative, and will call for a reframing of that narrative, including the narrative around BDS<sup>7</sup> (Boycott, Divestment, and Sanctions).<sup>8</sup>

## **Palestinian Goals in One-State and Two-State Outcomes**

The goal of the Palestinian struggle continues to be expressed in terms of state structures. Yet in terms of achieving Palestinian rights, what would a one-state political outcome achieve that two states would not? It is worth briefly examining each outcome. The vision of a one-state solution, as set out by the Palestine Liberation Organization (PLO) in 1968, has always been more compelling for Palestinians than that of two states. A

single state is closely tied to the right of the refugees to return to their homes and lands.

Through a single state Palestinians would exercise their right to self-determination by returning to and living in the entirety of the land that had been Palestine, alongside the Jews living there, with equal rights for all. While the 1968 PLO charter spoke of the Jews who had resided in Palestine before the Zionist conquest resulted in the creation of Israel, present Palestinian advocates of a one-state solution recognize that it must encompass all its inhabitants.

“Had the two-state solution stayed close to its original framing, it could have fulfilled Palestinian rights.”

As for the two-state solution, it is important to distinguish between the vision expressed in 1988, when the Palestinian National Council (PNC) adopted it, and the truncated, economically and politically crippled travesty of justice set out in the Oslo Accords that began to be signed in 1993. When it was adopted in 1988, the two-state solution was seen as a pragmatic, doable recognition of reality. Palestinians would exercise the right to self-determination through a sovereign state that would secure the rights of its citizens. Such a state would enable Palestine to join the community of nations. Further, the 1988 PNC resolution upheld the UN resolutions regarding the rights of the Palestinian refugees. And the struggle for two states does not mean forsaking the vital struggle for equality of the Palestinian citizens of Israel.

Oslo doomed a rights-based state project from the start. On the Palestinian side, the acceptance of the Accords included an implicit assumption that Palestinian refugee rights would be severely circumscribed, thus sacrificing a core Palestinian right. On the Israeli side, there was never any intention of allowing a sovereign Palestinian state to emerge alongside Israel. Yitzhak Rabin, heralded as the great peacemaker, made it clear soon after the first Oslo agreement that he intended to ensure that Palestinians would have no more than an entity that was “less than a state,”<sup>9</sup> with Israel’s security border located in the Jordan Valley. Those positions carried through the years of negotiations.<sup>10</sup> Israeli positions have greatly hardened since: Most recently, the Likud Central Committee unanimously voted<sup>11</sup> to call on the party’s leaders to annex the West Bank.

“No one will do anything for the Palestinian people unless they are pressured to do so.”

Had the two-state solution stayed close to its original framing, it could have fulfilled Palestinian rights to self-determination and return, just as the one-state would have, if the Palestinians had been able to build enough power to ensure that Israel would respect the right of return and equal rights in one state, and the right of return and sovereignty in two states.

The reality today is that the Palestinian people have no power to achieve either outcome in the foreseeable future and to impose the recognition and implementation of their rights on Israel or on the international community. In fact, the Palestinian leadership, believing that Oslo was leading to a Palestinian state, let the sources of power that it had accumulated in the 1970s and 1980s dissipate, including a vibrant solidarity movement and strong relationships with the countries of the South, the Soviet Union, and China.

PLO President Mahmoud Abbas has not declared the end of the two-state solution and clearly hopes that the Europeans will step in now that he has, perhaps temporarily, washed his hands of the US. However,

asking European states to serve as mediators will not move the Palestinian cause forward. There is nothing to mediate: The Israelis have made their goals clear; the best the Palestinians can hope for is disconnected Bantustans. One worst-case scenario would be for a “deal” that would appear to fulfill some Palestinian rights after which the world would go home, leaving the Palestinians at Israel’s mercy. No one will do anything for the Palestinian people – not the Europeans, or the US, or Israel – unless they are pressured to do so.

In short, Palestinians will need to build considerable power to exercise the pressure needed to achieve a solution that would guarantee their rights. And to do so they will need some of the sources of power that they have acquired through membership in the state system, whether legal, diplomatic, or through participation in international organizations. However, those sources of power must be used far more effectively and strategically than in the superficial way that the PLO has used them. Even the hard-fought membership of UNESCO, which cost that organization dearly, could have been used to establish Palestinian sovereignty on land and sea.<sup>12</sup>

Moreover, imagine the different situation today if the PLO had “activated” the 2004 International Court of Justice ruling on Israel’s illegal wall that snakes through the OPT. Although it was an advisory opinion, its clear call<sup>13</sup> on all states not to “recognize the illegal situation resulting from the construction of the wall” and, more importantly, not to provide any aid or assistance that could maintain that situation, could have been used to push rules-conscious European countries into much more decisively ensuring that their relations with Israel did not support the illegal Israeli settlements.

It is because the PLO did not capitalize on what a member of the Palestinian delegation privately described at the time as this “great win” that Palestinian civil society, exactly a year later, launched the BDS movement, with the clear aim of upholding international law and putting a major source of power behind it.

The road ahead is long. No one is in any rush to help Palestinians fulfill their rights. So there is no rush to decide on the ultimate political outcome: Either could work so long as it fulfills Palestinian rights. This was the smart, strategic approach of the BDS movement’s founders. Given the disarray of the national movement and the lack of consensus around political goals, the

founders focused instead<sup>14</sup> on rights as goals, calling for the realization of self-determination through freedom from occupation, equality for the Palestinian citizens of Israel, and justice for the Palestinian refugees in fulfilling their right of return. This enabled the movement to reach the broadest spectrum of Palestinian society as well as of international solidarity activists – and to build a considerable source of power.

Every source of power available should be analyzed and understood for what it has to offer, its strengths and its pitfalls, and Palestinian civil society should ally with the PLO (or what is left of it) whenever possible to advance Palestinian national interests and to oppose Palestinian political representatives when they place those interests in danger.<sup>15</sup> In the discussion below I will focus on one major source of power, the Palestinian narrative, and ways in which it can be more effectively used to advance Palestinian rights.

### **Getting the Narrative Right on Palestine (and on BDS)**

Part of the Palestinian narrative has to do with the past, and part has to do with the goals of the Palestinian struggle and is more forward-looking. The forward-looking part remains muted and insufficiently effective, while that of the past is fully fleshed out.

The narrative of the past is, for Palestinians, an existential matter: They are determined that the reality of what happened to Palestine and to the Palestinians be seen for the injustice that it was. This is why so much time was spent during the 100th anniversary of the Balfour Declaration last year on demanding an apology from Britain, whose colonial aims enabled the loss of Palestine and the creation of Israel. And this is why so much time will be spent this year, the 70th anniversary of the Nakba (catastrophe), on that narrative of loss.

An apology from Britain might have sufficed but it was never in the cards: Former colonial powers do not want to tarnish their own narratives, as horrible as they were, or to lay themselves open to demands for reparations. But the situation differs in the case of Israel. If there is to be a different, better future between Israel and the people of historic Palestine there needs to be not only recognition of the injustice that the Zionist project visited on the Palestinians, but also an expression of

regret, and reparations. These are necessary to heal the national wound of the Palestinian people and of every Palestinian person.

It may seem quixotic to speak of this demand at a time when Israel appears so powerful and Palestinians so crushed and helpless. And yet recognition, regret, and reparations are also needed to exorcise the ghost that haunts Israelis. There is a deep-seated fear that the narrative underpinning the creation of the Israeli state – that of brave pioneers establishing wonders in a hostile and empty desert – will be exposed for the sham it was, as will all the deliberate cruelty that accompanied it and still does. This would undermine the Zionist project at its core.

**“If there is to be a different, better future, there needs to be Israeli recognition, regret, and reparations.”**

In fact, moving beyond this narrative is far from impossible: It has been achieved by the many Jews who are moving or have moved from the ideology of Zionism to upholding universal human rights. And it is the basis for an alternative future in which Palestinians and Jews live together as equals. That future is already here in some organizations in the United States, such as the fast-growing Jewish Voice for Peace, which includes several Palestinians<sup>16</sup> amongst its membership, as well as Students for Justice in Palestine groups across US campuses, which include Palestinians, Jews, and a mix of other ethnicities and religions.

But the Palestinians badly need a forward-looking narrative that unifies them and that communicates the power of their vision. Israel continues to dominate the narrative in the West, where it has most of its power base, despite inroads made by Palestinian writers and analysts and by numerous organizations and individuals in the Palestine solidarity movement. It is partly the lack of a unified forward-looking and positive vision by Palestinians that enables Israel to do this.

# “Palestinians badly need a forward-looking narrative that communicates the power of their vision.”

Moreover, a forward-looking narrative can provide a vision and direction for the Palestinian movement until the time comes when a decision is made as to whether the political outcome could be one state or two. A unifying narrative is also important because it is unlikely that Palestinian political unity will be achieved in the foreseeable future. Fatah and Hamas are too far apart, and Israel’s physical fragmentation of the Palestinian people has successfully created barriers between them. A unifying narrative would enable all parts of the Palestinian people to work toward the same goals – and to keep up the struggle until those goals are achieved, rather than stopping halfway along the road as happened with Oslo.

That unifying Palestinian narrative already exists: Freedom, Justice, Equality. These are the goals identified by the BDS movement. These are also goals that all Palestinians can aspire to and support, and they speak to the reality of each segment of the Palestinian people, whether those living under occupation, the Palestinian citizens of Israel, or the refugees and exiles. There is a pitfall to be avoided: In calling for equality, every care must be taken to specify that this relates to the Palestinian citizens of Israel and not to equality between Palestinians living under occupation and the settlers living in Israel’s illegal settlements.

However, for these goals to successfully take their place at the forefront of the Palestinian national movement, the discourse around BDS must be reframed. Currently, the focus is on the BDS strategy and not on the goals identified in the BDS call, even though they are featured at the top of its website.<sup>17</sup> By itself the BDS strategy cannot achieve freedom, justice, and equality, as its founders are well aware.<sup>18</sup> Yet because none of the other strategies are as effectively used and advanced as that of BDS, it dominates the scene. Care should be taken to present BDS as one of many strategies that the

Palestinians must use, including legal and diplomatic ones. Culture and the arts also play a key role in the quest for Palestinian rights, and they are thriving.

It is urgent that the goals be placed front and center: They are an uplifting and positive vision that can quickly occupy the high ground. Palestinian politicians, civil society, and the solidarity movement should unify around and call for Freedom, Justice and Equality. And freedom, justice, and equality can be achieved in one state or two.

## ENDNOTES

1. See: <https://www.whitehouse.gov/briefings-statements/statement-president-trump-jerusalem/>
2. See: [https://www.haaretz.com/israel-news/pence-tells-israeli-lawmakers-u-s-embassy-in-jerusalem-will-open-before-end-of-2019-1.5750679?utm\\_campaign=newsletter-breaking-news&utm\\_medium=email&utm\\_source=smartfocus&utm\\_content=%2Fisrael-news%2Fpence-tells-israeli-lawmakers-u-s-embassy-in-jerusalem-will-open-before-end-of-20191.5750679](https://www.haaretz.com/israel-news/pence-tells-israeli-lawmakers-u-s-embassy-in-jerusalem-will-open-before-end-of-2019-1.5750679?utm_campaign=newsletter-breaking-news&utm_medium=email&utm_source=smartfocus&utm_content=%2Fisrael-news%2Fpence-tells-israeli-lawmakers-u-s-embassy-in-jerusalem-will-open-before-end-of-20191.5750679)
3. See: <https://www.nytimes.com/2018/01/05/world/middleeast/israel-palestinians-state.html>
4. See: <http://www.nybooks.com/articles/2018/01/18/homeless-in-gaza/>
5. See: <https://www.newyorker.com/news/news-desk/the-man-in-the-middle-of-trump-palestinian-tensions>
6. See: <https://www.haaretz.com/middle-east-news/palestinians/.premium-two-state-solution-is-over-top-palestinian-diplomat-says-1.5627973>
7. See: <https://bdsmovement.net/>
8. Some of the material in this paper was presented in a talk at the Palestine Solidarity Campaign annual meeting on January 27, 2018. The talk was published by Mondoweiss on January 31, 2018: <http://mondoweiss.net/2018/01/freedom-justice-equality/>
9. See: <http://www.mfa.gov.il/mfa/mfa-archive/1995/>



14. See: <https://al-shabaka.org/commentaries/bds-discussing-difficult-issues-in-a-fast-growing-movement/>

15. Palestinian sources of power and options are the subject for a different piece with input from numerous analysts (I have touched on it briefly here: <https://al-shabaka.org/commentaries/trumps-jerusalem-h-bomb-weighing-options-palestinians/>).

16. See: <https://www.thenation.com/article/jewish-voice-peace-conference-what-solidarity-looks/>

17. See: <https://bdsmovement.net/>

18. See: <https://al-shabaka.org/commentaries/bds-discussing-difficult-issues-in-a-fast-growing-movement/>

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## **ADDITIONAL READING ON HOW THE PAST IMPACTS THE PALESTINIAN PRESENT**

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*Reclaiming the Palestinian Narrative* by Jamil Hilal

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*Beyond the Apartheid Analogy: Time to Reframe Our Palestinian Struggle* by Irene Calis

*Palestinian Political Disintegration, Culture, and National Identity* by Jamil Hilal

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