

Political Leadership in Times of Agony for Palestinian Citizens

Written by George Bisharat

This PDF is auto-generated for reference only. As such, it may contain some conversion errors and/or missing information. For all formal use please refer to the official version on the website, as linked below.

Political Leadership in Times of Agony for Palestinian Citizens

<https://www.e-ir.info/2015/01/25/political-leadership-in-times-of-agony-for-palestinian-citizens/>

GEORGE BISHARAT, JAN 25 2015

Structural Challenges

The efficacy of national leaders must be measured by the extent to which they advance the rights and interests of their peoples. Since the 1948 Nakba ("Catastrophe" in Arabic), when Jewish militias forced or terrorized roughly 750,000 Palestinians into exile and especially since 1967, when Israel occupied the West Bank (including East Jerusalem) and the Gaza Strip, Palestinians have lived under a series of different regimes and today face distinctly different everyday experiences and challenges. Palestinian citizens of Israel (those who did not leave areas under Israel's control in 1948 and their offspring, now number about 1.7 million) encounter institutionalized discrimination in virtually every aspect of daily life, including housing, employment, education, and public discourse. External Palestinian refugees – that is, those who fled across international boundaries in 1948 and have been barred by Israel from returning to their homes – have faced insecurities and abuses at the hands of Arab states, on top of Israel's denial of their right of return. Since 1967, West Bank and Gaza Palestinians have lived under Israeli military administration that has brutalized and impoverished many, and in the West Bank, has divided them into a series of Bantustan-like enclaves surrounded and enclosed by Israeli settlements and their supportive infrastructure.

Leading a people so separated from one another, and subject to multiple and mostly hostile foreign sovereignties, is an immense challenge. Since 1948 Palestinians have never enjoyed a protected political arena in which to conduct an intimate, direct internal dialogue about their future together as a people. Instead, statelessness, travel restrictions, and threats of repression have complicated, and often simply barred, internal political deliberation. The different realities in which Palestinians live have further generated divergent interests among them, including with respect to the ultimate resolution of their conflict with Israel. The two-state solution championed by much of the international community for the past two decades, for example, might free West Bank and Gaza Palestinians from Israeli military control, while permanently enshrining discrimination against Palestinian citizens of Israel and effectively extinguishing the right of Palestinian refugees to return.

In Israel, the Palestinians have faced a powerful adversary, one that has wielded great power and ingenuity in foiling their struggle. Full and virtually unconditional economic, military, and diplomatic backing that Israel has received from the United States has also added to the Palestinians' burdens and thus to the challenges faced by their leaders, too.

Negotiations Infatuation

But even considering the enormity of the challenges the Palestinian people have faced, there is little question that they currently suffer a leadership deficit, at least within the secular nationalist wing of Palestinian politics. Mahmoud Abbas, Chair of the Palestine Liberation Organization and nominal President of the Palestinian Authority (nominal because his legal term expired in 2009 as well as his cohort of senior advisors are widely viewed as, to quote prominent civil society activist Omar Barghouti, "unelected, unrepresentative, unprincipled, and visionless." (Barghouti, 2011).

Abbas was an original proponent of the Oslo peace process and his devotion to that process seems undying. Such

Political Leadership in Times of Agony for Palestinian Citizens

Written by George Bisharat

commitment would be admirable had negotiations occurred between parties of equal power or with terms of reference that ensured some degree of fair dealing. Lacking either, negotiations in the event proved only to provide cover to Israel's relentless colonization of the West Bank. Israeli settlers there now number more than 600,000, including those residing in East Jerusalem. Israel may well have effectively scuttled the two-state solution, despite years of paying lip-service to it. Its leaders are now beginning to be more forthright about their long-standing opposition to true Palestinian sovereignty in any part of the areas that are now under Israeli jurisdiction.

A Turn for the Independent or More of the Same?

The Abbas group's infatuation with negotiations, in the face of mounting evidence of their counter-productivity, was on display even in the recent initiative to pass a United Nations Security Council Resolution that would have established a 2017 end date for Israel's occupation of Palestinian lands. The UNSC resolution, introduced by Jordan on behalf of the Palestinians, by its terms called for the resumption of negotiations.

Palestine's accession to the ICC, meanwhile, is an incremental step toward ending Israel's long run of impunity from international law. More likely, however, it is another example of brandishing the threat of international criminal prosecutions to bring Israel back to the negotiating table on terms more favorable to the Palestinians. Abbas attempted a similar strategy with the Goldstone Report that found Israel had committed war crimes in its 2008-2009 military assault on the Gaza Strip and recommended referral of the case for ICC prosecution, again to no apparent advantage. Both recent Palestinian initiatives, within the UNSC and with the ICC, are therefore, consistent with, and not a departure from, Abbas' apparently limitless appetite for negotiations.

No sane observer seriously questions whether negotiations, ultimately will be the means by which Palestinian rights will be achieved at some point in the future. The question is: does a distant risk of criminal liability against Israeli military and political elites sufficiently shift the balance of power in Palestinians' favor to enable them to now resume negotiations with reasonable hopes for success?

The answer to that question is almost surely: no! While the ICC prosecutor has opened a preliminary examination into whether crimes were committed by either side in last summer's Gaza fighting, this stage alone can take years to unfold, and a prosecution, if warranted, can be slowed by further investigation and respect for complementarity (that is, to first see whether a state adequately investigates itself). Moreover, proceedings can be aborted at any of these stages on a variety of procedural or substantive grounds. As a signatory to the Rome Statute, Palestine has pledged itself to cooperate with the Court, while Israel, not a signatory, faces no such obligation. Hence, prosecutions of Hamas leaders and military commanders for launching indiscriminate rocket attacks on Israel may precede prosecutions of Israelis. Clearly the ICC, in itself, offers no silver bullet, and for the time being, at best, mildly ratchets up the political pressure on Israel by focusing world-wide attention on the illegality of its policies, preeminently on civilian settlement in the West Bank.

Beyond the UNSC and ICC

No doubt the ICC is not the last trick up the Abbas regime's sleeve. Already there is indication that the previously defeated resolution will be brought back to the UNSC soon and possibly repeatedly afterwards. But the one thing that Abbas and his cronies seem unwilling even to consider is mobilizing the entire Palestinian people behind a comprehensive long-term strategy that integrates legal tools such as ICC accession with a range of other non-violent tactics. The first among these should be boycotts, divestment and sanctions (BDS), launched nearly ten years ago by 170 Palestinian civil society organizations, that has gained significant momentum in recent years despite merely tepid endorsement by PLO/PA officials (PA Minister Ziad Abu Ein, who died recently after being struck by an Israeli soldier at a demonstration, being among the rare exceptions). Were the PLO/PA to enthusiastically embrace BDS and partner with Palestinian civil society in negotiating its advancement internationally, perhaps even more rapid progress could be achieved.

Among the factors one can recognize for Palestinian officials' reticence to mobilize Palestinians and, one should add, their considerable numbers of international sympathizers, are the fear of Israeli and United States reprisal, including

Political Leadership in Times of Agony for Palestinian Citizens

Written by George Bisharat

the withdrawal of travel and other elite perquisites and the distrust of genuinely democratic and populist movements coupled with unwillingness to devolve authority. Moreover, Abbas remains committed to a two-state solution that, as previously noted, will likely short change the rights of Palestinian refugees and of Palestinian citizens of Israel. A politically re-engaged Palestinian diaspora would impede Abbas' surrender of the Palestinian refugees' right of return in the negotiations with Israel, something he has repeatedly signaled willingness to do. Perhaps more fundamentally, such a shift would require admitting the failure of the Oslo peace process to advance Palestinian rights and thus Abbas' disastrous strategic misjudgment.

Killing off the Palestinian Authority

It would be terribly ironic if the coup de grace to the Palestinian Authority and its current leaders were administered by the U.S. Congress. Brimming, after mid-term elections, with new members anxious to prove their pro-Israel *bona fides*, both House and Senate law-makers are chomping at the bit to impose sanctions on the Palestinians for their ICC impudence, either via current or should that prove inadequate, new legislation. Israel knows, of course, that the Palestinian Authority, via its security cooperation with Israel and administration of civil affairs for most Palestinians of the Occupied Territories, has relieved it of the heaviest burdens of occupation. It remains to be seen whether Israel will effectively communicate this fact to its self-identified enthusiasts in Congress before it is too late.

In fact, U.S. legislators would do the Palestinians a great favor by cutting the roughly \$400 million in annual aid to the Palestinian Authority, thus diminishing the Palestinian movement's dependency on external actors. This would force any new leadership to earn legitimacy via fidelity to popular Palestinian interests rather than serving, on the one hand, as the local ATM for foreign aid, and on the other hand, as a security subcontractor for Israel.

Civil Society and the Future of the Struggle for Justice

Sadly, the political ills confronting Palestinian society are not confined to the PLO/PA officialdom. A parallel capture of segments of Palestinian civil society has occurred, as anthropologist Lori Allen has documented in her award-winning ethnography of Palestinian human rights organizations, *The Rise and Fall of Human Rights: Cynicism and Politics in Occupied Palestine*. Dependency of Palestinian human rights NGO's on foreign donors has transformed them from monitors of Israeli human rights violations to trainers of PA security forces, part of a performance designed to prove the Palestinians' worthiness of statehood. Many Palestinians speak derisively of an "NGO aristocracy" that populates, along with neoliberal profiteers, the "Ramallah bubble," where cafes and gyms are bustling and the daily miseries of ongoing military occupation in the rest of Palestine are obscured.

Perhaps, in retrospect, one of the most fateful aspects of the Oslo process, and most devastating to the Palestinian national movement, was the return of its leaders to their homeland before negotiating its liberation, thus subjecting themselves to direct Israeli pressure. It is hard to imagine how a national liberation movement – if that is how Palestinians continue to define their struggle – can operate effectively under these circumstances. Only if the Palestinians were to reframe their struggle as one for equal rights within a single sovereign state in Israel/Palestine, would the continuing presence of their leaders within Israeli jurisdiction not be such a debilitating liability. The speed of that reframing will determine the direction that the struggle for justice in Israel/Palestine will take in the coming decade.

References

Barghouti, O., 2011. *Boycott, Divesetment, Sanctions: The Global Struggle for Palestinian Rights*. Chicago: Haymarket Books, p.711.

About the author:

Political Leadership in Times of Agony for Palestinian Citizens

Written by George Bisharat

George Bisharat is Professor of Law at UC Hastings College of the Law and writes frequently on law and politics in the Middle East.