

Reversing defeat through non-violent power

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When the Palestine Liberation Organization (PLO) decided to embark on the two-state political platform in 1974, this constituted tacit recognition of the reality of the state of Israel in Palestine within the Green Line. The PLO's shift was also effectively an admission of defeat for the previous PLO programme that called for a secular, democratic state throughout all of Palestine. Today, advocates of the one-state solution argue that the two-state solution is no longer possible due to the realities Israel has created on the ground in the West Bank and Gaza. In other words, the political programme launched by the PLO in 1974 has effectively been defeated. The growing one-state movement is, thus, the third time Palestinians are reacting to Israel's defeat of Palestinian attempts to obtain their human rights. It is against this background that this paper attempts to address three questions: Why has the two-state political programme not been achieved?; What sources of non-violent power could potentially realize and effect Palestinian human rights?; and What is the single most important strategy of which no Palestinian political programme should ever lose sight?

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Why has the two-state political programme not been achieved?

The PLO's original secular democratic state programme only lasted a few years whereas the two-state solution has been attempted for 35 long years, which prompts the question why it has not – or not yet – succeeded? A common answer is that Israel has never recognized Palestinian human rights at any stage of the Palestinian–Israeli conflict, including the right to self-determination, and that it has been strong enough to impose its agenda. An equally important reason, however, is that the Palestinian leadership has not known how to exploit, nurture and sustain sources of power to advance Palestinian rights and counter Israeli strengths, particularly after 1991. During the 1970s and 1980s, partly as a result of the adoption of the two-state political programme, the PLO and the Palestinian people developed an impressive array of sources of power against overwhelming odds. For example, an important source of power was the staunch support of the non-aligned movement – at one point more countries recognized the PLO than did the state of Israel. Moreover, the PLO had a fairly effective cadre of diplomats. But while Israel exploited the Oslo accords to establish diplomatic and business ties with Third World and Arab countries, the PLO allowed this source of power to dissipate.

Another source of power was latent in the fact that the international NGO solidarity movement had reached impressive proportions by the 1980s. Hundreds of NGO repre-

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sentatives filled the United Nations Palais des Nations for the annual conference on Palestine, representing a powerful movement of support. After the Madrid Conference and the signing of the first Oslo Accord in 1993, the Palestinian leadership made no attempt to sustain these networks or to use the breakthrough in PLO relations with the United States to reach out to new constituencies in the West, educate and engage them. Worse still, little investment was made to sustain Arab solidarity with the Palestinians – especially that of Arab peoples.

An even more serious problem is that, after Oslo, the PLO also sought to control the popular organizations and committees which sustained the first *Intifada* (uprising), and which had taken root over several years. The first *Intifada* was one of the best and most effective means of power the Palestinian people have ever had. Its non-violent nature exposed not only the brutality and racism of the Israeli occupation regime but also the justice of the Palestinian cause, and it galvanized international support. After the Palestinian Authority (PA) was established, that grassroots power was dissipated in favour of centralization and armed groups in what has been a huge loss to the Palestinians.

Perhaps the most serious loss of potential power has been the way that the PLO and the PA have fragmented the Palestinian body politic. With Oslo, the PLO effectively ceased to represent Palestinian exiles and refugees. As for the Palestinian citizens of Israel, they had gradually begun to develop their own political programme after the two-state solution took hold, a process that intensified after 1993. The PLO itself has been allowed to fade away to be replaced by the PA, which represents about one-third of the Palestinian people in small segments of Palestine. In contrast to the PLO, Israel – the much stronger power – has continued throughout to work 24 hours a day, seven days a week to nurture all of its sources of power, not just military but also diplomatic, political, and community and media outreach.

The Palestinian people and not just the PLO must also bear responsibility for the failure of the two-state solution. Few Palestinian intellectuals or popular movements have really challenged the PLO on any of its political positions, or spoken out clearly and forcefully against the path its leadership was taking, and few do so today. Many Palestinians – but not all, as will be discussed below – have stood by and watched their sources of power evaporate. In the meantime, a non-representative Palestinian leadership has entrenched itself on fragments of Palestinian land, and it appears to believe that the Palestinians have no source of power other than the political favour of the US government.

In brief, a two-state political programme has not been achieved largely because the Palestinian leadership has neither understood nor used sources of power effectively. If it had done so, and if the Palestinian people had held the PLO and its leadership more accountable, there might have been a sovereign Palestinian state today. Luckily, many Palestinians believe that other sources of power are available to them and they are organizing to develop these different and viable sources of power.

What sources of non-violent power could secure Palestinian human rights?

Before a discussion of sources of non-violent power directed towards Palestinian human rights, it is important to address why the focus is on non-violent power and how Palestinian rights are defined. This essay focuses on means of non-violent power because, while armed resistance is legal under international law so long as it does not involve indiscriminate attacks on civilians, armed resistance in the case of Palestine is the least effective source of power available to the Palestinian people.

It is true that PLO guerrilla actions in the past and the present actions of armed movements like Hamas, Islamic Jihad, and Al-Aqṣā Martyrs Brigade make it difficult to ignore the Palestinians as the international community might prefer to do. However, the cost of this strategy is too great, and the benefit too small: the use of armed force pits Palestinians against Israel in the arena where it is strongest and the Palestinians are weakest. It also suggests an appearance of two equal sides to the conflict with equal claims, rather than an oppressor and an oppressed. Because the Palestinians are weak, their resort to armed force often violates international law, making it easy for Israel to demonize them. Furthermore, as noted earlier, the non-violent first *Intifada* backed by an international movement of solidarity and an internationally acceptable political programme, positioned Palestinians to take advantage of an opening in international relations under the first Bush Administration. This has, so far, marked the acme of Palestinian power.

This essay seeks to examine sources of power in terms of what will be necessary to achieve Palestinian human rights rather than in terms of whether a one-state or a two-state outcome is best. It should be noted here that this author believes that either outcome could potentially lead to the achievement of Palestinian human rights:

- *A two-state outcome.* If there is a fully sovereign, independent Palestinian state in the West Bank, Gaza, and East Jerusalem, together with recognition of the Palestinian right of return and a just implementation of this right; and if the state of Palestine is one that provides equality to all of its citizens – whether women or men, Christian, Muslim or Jew (but not Jewish settlers imposing their presence by force of arms and illegal colonization); and if this state of Palestine coexists alongside a state of Israel that provides equality to all its citizens, then this outcome would fulfil Palestinian human rights.
- *A one-state outcome.* Similarly, if there is a single state of Palestine/Israel that provides equality to all of its citizens that recognizes and justly implements the Palestinian right of return, then such an outcome would also fulfil Palestinian human rights.

Either outcome – one or two states – would require Palestinians to generate an enormous amount of power to achieve its realization, and either outcome should produce a state (or states) in which all citizens are equal¹ and in which human rights are fully upheld, including the Palestinian right of return. As it happens, most of the same sources of power are needed for either outcome and many of the same challenges would likely confront either outcome.

Before proceeding, it is important to define the set of rights to which Palestinians are entitled. The question which arises, in the absence of a representative national leadership, is who is empowered to define what constitutes Palestinian human rights based on the standards embodied in international law? The answer is that the Palestinian people are empowered to do so, and they have done so. In July 2005, over 170 Palestinian coalitions, unions, associations, groups, and organizations – representing tens of thousands of Palestinians in Israel, under occupation, and in exile – issued a Call for Boycott, Divestment, and Sanctions (BDS) until Palestinian human rights are achieved. They identified a set of four key interrelated goals to achieve Palestinian human rights:

- The inalienable right of self-determination.
- An end to occupation and colonization of all Arab lands and dismantling the wall.
- Recognition of the fundamental rights of the Arab-Palestinian citizens of Israel to full equality.
- Respect, protection and promotion of the rights of Palestinian refugees to return to their homes and properties as stipulated in UN resolution 194.²

The Call for BDS is perhaps the most significant document the Palestinian people have produced since the national movement emerged in the 1960s, for several reasons.

- It establishes a very clear set of goals that cover the aspirations of the entire Palestinian people, whether they are living under occupation, in exile, or in Israel: goals that are grounded in international law and human rights.
- It provides a strategy to achieve these goals – boycott, divestment, and sanctions – a major source of non-violent resistance available to the Palestinian people.
- It is broadly representative of the entire Palestinian people and – because it is endorsed by so many coalitions, unions, and associations from across the political spectrum throughout the occupied territories, in Israel, and in exile – it truly constitutes the Palestinian people speaking with one voice.
- It focuses on the achievement of Palestinian human rights, beginning with the right to self-determination. It does *not* take a position as to whether self-determination should be expressed in a single unitary state or in two states and thus enables participation by the broadest possible number of Palestinians as well as the widest solidarity movement for Palestinian rights in the struggle for self-determination.
- It recognizes that Israel, as a member state of the UN and the international community, must uphold international law. Indeed, the Call goes on to say, ‘We also invite conscientious Israelis to support this Call, for the sake of justice and genuine peace.’

This *clear set of goals constitutes the first and most important source of power* for the Palestinian people and their supporters. Having such a set of explicit goals is especially important given that there is much confusion about the aims of the Palestinian struggle both among Palestinians and their supporters. The debate around outcomes – one state or two states – has obscured the need for, and the existence of, clear goals around which Palestinians and their supporters can rally, irrespective of final outcome.

If the supporters of Palestinian human rights are not clear about the goals of the Palestinian struggle – freedom, equality, return and self-determination – then they will not know how long to struggle for this cause. Worse, they may demobilize if, for example, the US imposes a two-state solution that offers the minimum of sovereignty, independence and human rights which shelves the right of return, and leaves the Palestinian citizens of Israel facing inequality within a ‘Jewish state’.

A second important source of power is *national unity around a vision of struggle*. National unity is about much more than unity between the Hamas and Fatah movements. National unity means that the Palestinian people whether they live in exile, under occupation, or in Israel, should think of themselves *as a people* and plan for the Palestinian future in a way that addresses the rights of the *entire* people. This is happening gradually, and as noted above, the 2005 Call for BDS by Palestinian civil

society addresses the rights of all sectors of the Palestinian people. In Israel, many civil society organizations among the Palestinian citizens of Israel are not only aware that they are part of the Palestinian people but also of their responsibility towards the future of this people as a whole. They work simultaneously for their equal rights as citizens of Israel as well as for the future of the Palestinian people.

Another development worth noting is that the right of return movement is much stronger now than it was around the time of the Oslo Accords. In 1993, this movement would have been too weak to challenge late Palestinian leader Yasser Arafat in the event Israel had been serious about reaching a two-state solution with minimal refugee rights. However, in recent years, Palestinian civil society organizations dealing with the right of return have begun encouraging Palestinian individuals to not only dream about the possibility of return but also to find ways to implement their individual right of return. Right of return demonstrations have brought out tens of thousands of people within the occupied territories and in Israel in a phenomenon that has been noted by the PA. Some of those marching in these demonstrations are Israeli Jews, and, indeed, one of the signs of hope for the future is the growing number of Israeli Jews who believe in equal rights between Jews and Arabs in Israel.

Thus, a clear set of well-defined goals and the vision of a unified struggle by the whole Palestinian people are two sources of power available to the Palestinians. There are other sources of power available to Palestinians: economic, cultural, moral, legal, and political.

Economic power is currently one of the most effective means of non-violent power that the Palestinian people have at their disposal. Something which had been untapped in previous decades, it is now at the heart of an international solidarity movement for BDS that is fast-growing – particularly since the Israeli attacks on Gaza of December 2008 and January 2009. There are many examples of the types of actions that are taking place in the areas of boycott and divestment which can be undertaken by individuals as well as by groups. There is less to report on sanctions, which require action by states and few states have yet to show any desire to impose sanctions on Israel, although a shift in popular discourse and action could lead to a shift in state actions.

Examples of boycotts include direct action by individuals to target European supermarkets carrying goods produced in the illegal Israeli settlements in the occupied Palestinian territories. There are also remarkably successful efforts to target companies that are providing products and services to Israel's illegal occupation, such as Veolia, which has lost actual and potential contracts estimated at some US\$7.5 billion, and Motorola, which sold its bomb fuses department after Human Rights Watch teams provided evidence of their illegal use in attacks on civilian targets in Gaza.³

Some of the boycott efforts above are closely linked to divestment efforts, which have grown again in recent years on university campuses and in churches. Churches such as the Presbyterian and the United Methodists as well as the Quakers are looking into divestment from companies whose work supports the occupation. Students for Justice in Palestine at Hampshire College were recently successful in a drive for the university to divest from a mutual fund that includes six companies that support Israel's occupation. Even when they are unsuccessful, boycott and divestment efforts still provide a good opportunity to educate communities directly and through the media about Israel's policies towards the Palestinians.

Many of the participants involved in the boycott and divestment movement are Jews in Europe, America, Israel, and elsewhere. In the US, for example, the national group Jewish Voice for Peace has been a leader in the effort to stop sales of Caterpillar

bulldozers to Israel. In Israel, the Coalition of Women for Peace has developed a website – <http://whoprofits.org> – that lists over 200 companies directly involved in the occupation, including both US and Israeli corporations. The involvement of Jews is not only an important expression of solidarity that greatly contributes to future peace among countries and communities but it also makes it much harder for Israel to describe the BDS movement as anti-Semitic. Many Jews are also involved in the academic and cultural boycott of figures that work in Israeli academic and cultural institutions that support the Israeli occupation.⁴ This campaign is also picking up very effectively around the world, especially in Europe, and the beginning stages of an academic boycott have reached the US.

It is important to note that part of the reason that boycott and divestment are successful is because they do not question Israel's existence *as a state* but rather challenge its *occupation* where Israel engages in the most egregious and visible violations of international law. The vast majority of countries and peoples in the West will not accept a solution in which Israel's existence is not guaranteed. However, they do respond positively to positions based on human rights and international law including an end to occupation, equal rights, and the right of return. Many groups also understand the importance of using the focus on Israel's occupation as a point of departure in education about all violations of Palestinian rights, including their dispossession and their right of return as well the unequal treatment of the Palestinian citizens of Israel. This is the strategy of, for example, the US Campaign to End the Israeli Occupation, a diverse national coalition of over 280 member groups.

The academic boycott is a key element of the *moral power* and *cultural power* which are becoming increasingly effective sources of power for the Palestinian people. In their education and outreach efforts and in academic and media work, more and more advocates of Palestinian human rights are focusing on the root cause of the conflict: Zionism, and the attempt to create an ethnic exclusivist state on land from which an entire people has been and is continuing to be dispossessed. It is important to remember that 1948 was not only the year of the creation of the state of Israel, it was also the year that the UN adopted the Universal Declaration of Human Rights which articulated standards of human dignity that have been codified in international laws. The Zionist project, by its nature and in its implementation, has violated international conventions and international humanitarian law established over the past century.

In 1975, the UN passed a resolution equating Zionism with racism that was revoked in 1991 after considerable pressure was brought to bear by the US at the behest of Israel. One could argue that it was defeated because not enough education had been done at a popular level about the nature of Zionism. That education is being conducted today and this is a major challenge to Israel's attempt to sustain a Jewish state that legally discriminates against a fifth of its citizens and privileges Jews over non-Jews.

The moral argument is also reinforced by the apartheid nature of Israel's regime in the occupied territories, which in turn provides an opportunity to shed light on the apartheid-like discrimination within Israel itself. This dimension of the moral argument is being furthered by the increasingly common use of the word apartheid: for example, in the title of a book by former president Jimmy Carter, and in campaigns by the US Campaign to End the Israeli Occupation, which in 2008 organized an eleven-city US speaking tour by Diana Buttu and Eddie Makue, the General Secretary of the South African Council of Churches. The moral argument also stands to work

over time by removing the underpinnings of the concept that it is possible to be both Jewish and democratic. This does not mean that the state of Israel will disappear. However, it does place considerable pressure on the state of Israel and/or the future state of Palestine to become states for all their citizens where everyone enjoys equal rights.

Telling the Palestinian story is one of the most effective sources of power, and *cultural power* is blossoming among Palestinian as well as human rights advocates engaged in this issue. Palestinian creativity in film, theatre, art, and other mediums is now reaching the world in a way it never has before through exhibitions, film festivals and mainstream movie houses as well as other venues. To give just two examples, Hany Abu-Asad's *Paradise Now* was nominated for an Oscar and won a Golden Globe among other awards. The award-winning director Annemarie Jacir's *Salt of this Sea* has been screened worldwide. Groups also hold annual Palestine film festivals in US cities like Chicago, Houston, and Boston.

The Palestinian story has also gripped internationally renowned artists. For example, a few years after her murder in March 2003 by an Israeli bulldozer as she non-violently protested the demolition of a Palestinian home, Rachel Corrie's journals were transformed into a play by British actor Alan Rickman and journalist Katherine Vine. The play won awards in Britain and played to full houses. In the US, a controversy erupted that initially prevented the play from being performed, which resulted in excellent media and education opportunities – and, in any case, the play was eventually performed. In addition, in 2009, renowned British playwright Caryl Churchill produced a powerful short play, *Seven Jewish Children*, after the Israeli assault on Gaza, which is being performed – and discussed – everywhere.

As for *legal power* and *political power*, a good deal of work is being done in both these arenas, but these are among the toughest arenas in which to achieve results because they directly challenge the dominant power system, and because the Palestinians are increasingly without a leadership that is willing and able to function at these levels.

Before the further weakening of the Palestinian body politic, there was a very important legal development in the form of the Advisory Opinion of the International Court of Justice, which affirmed the ways in which international law applies to this conflict. It also reaffirmed the existence of a Palestinian people with the right to self-determination. Some use is being made of the Advisory Opinion in education and outreach work but unfortunately it has not been employed effectively by those who claim leadership over the Palestinians.

Legal challenges are being heard in court against Israelis believed to have committed war crimes. For example, in 2009 a court in Spain decided to hear a case against Israelis charged with war crimes for dropping a one-ton bomb in a 2002 targeted assassination against a Hamas leader that also resulted in the killing of 14 civilians. In the wake of the December–January assault on Gaza, there are said to be over 150 legal claims against Israel. Although such challenges are very time-consuming and require significant amounts of capital, the possibility of being tried for war crimes has precluded travel by several Israeli military and political leaders. There are also the beginnings of challenges and claims against countries that could have been complicit in the crimes committed in Gaza, either because they have an obligation under the Geneva conventions to hold countries accountable for war crimes or because, as in the cases of the US or the UK, their weapons were used in Israel's assaults.

Lastly, *political power* is the toughest arena. Some political actions have taken advantage of US lip service to a peace process. For example, the Right to Enter campaign in the West Bank organized public and media protests against Israeli moves to begin cancelling residence and visitor visas and managed to get some 30,000 residencies approved.⁵ But they have not been able to obtain a clear policy from Israel, and now that the media attention has died down Israel has resumed its typical course of action. Unfortunately, the emergence of a counterpart to the Right to Enter Movement that might push the issue in the US has yet to prove possible, even if this happens to be one of the most promising avenues open to keeping Palestinians on the land. Palestinian Americans and other Americans can petition their Congressional representatives, work with Arab American organizations, and petition the State Department on this issue in order to achieve some individual and, possibly, some group successes. Still in light of Israel's relentless strategy of expropriating land and excluding the people, forcing Israel to approve visas and residency permits was a noteworthy victory. Palestinians and their supporters ought to take advantage of the American administration's declared interest in a two-state settlement to push for measures that will freeze and reverse colonization and enable Palestinians to stay on their land, while continuing to struggle for a rights-based solution.

There is also movement on the political front in terms of educational outreach to and lobbying of parliaments in Europe and the US Congress about Palestinian rights. This is contributing to an important change in discourse together with other elements, such as the growing number of American Jews who are challenging the American Israel Public Affairs Committee (AIPAC) approach to the Israeli–Palestinian conflict because they believe it is bad for Israel, as well as American Jews that are working for rights-based solutions. Over time, this may alter discourse in the US Congress.

One of the biggest challenges facing Palestinians on the political front is how to hold the PLO and the PA accountable for its actions and its lack of representation. It is not sufficient to work around the PA. It must be directly challenged and held accountable in order to prevent the imposition of a solution on Palestinians that will end legal claims and demobilize the solidarity movement. Unfortunately, this non-representative leadership now has a powerful military force that has been trained and armed by the Americans, a force that understands, in the words of its US trainer General Keith Dayton, that its primarily role is to maintain internal security and not to challenge Israel. Indeed, during Israel's December–January assault on Gaza, this force effectively clamped down on protests in the West Bank. There is a need to find creative ways to challenge the lack of representation and reinforce the Palestinian national movement.

What is the single most important strategy of which no Palestinian political programme should ever lose sight?

Although there are clear goals and growing sources of power, more attention must be paid to ways to directly counter the core of Israel's political programme. In spite of some minor dissenting voices, Israel's political programme has been simple and relentless from the earliest days of Zionism: securing a land without a people – without a *Palestinian* people to be precise – for Jewish settlement. After Israel was established in 1948 and after its mass expulsion of Palestinians, it worked ceaselessly to control and defeat Palestinian national aspirations without ever losing sight of its

core strategy of taking the land and excluding the people, first within Israel itself and then within Israel as well as within the West Bank and Gaza.

Taking the land

The tactics that Israel uses to divest Palestinians of their land are similar, whether the Palestinians are citizens of Israel or living under occupation in the West Bank and East Jerusalem. They include: home demolitions on grounds of illegal construction (homes are built ‘illegally’ because permits are denied); acquisition of land for state or military purposes; allowing houses to become dilapidated and then declaring them unsafe after which they are taken over by the state; construction of Jewish-only communities, etc.

Excluding the people

It appears that mass expulsion, as carried out in 1947–1948 and again in 1967, is no longer possible today. Instead, a variety of ways are used, many of which are similarly applied to the Palestinian citizens of Israel, to the Palestinians in the occupied territories, and to Palestinian refugees and exiles. They include rejection of the right of return; forbidding families to live together; cancellation of ID cards and residence permits; cancellation of visitors’ visas; and death and disability from incursions, attacks, targeted assassinations, inability to access medical care and, most recently, hunger.

Against this background the core strategy of the Palestinian people – whatever the political programme adopted – must be to keep as much of the land as possible and to keep as many Palestinians on the land as possible: to keep the Palestinian people on the land of Palestine. Otherwise, all political programmes are pointless as the sources of power described above, while important over the long term, do not sustain the Palestinian people on their land. One of the few effective actions in this regard has been that of the Right to Enter group.

In this context, it is important to draw attention to Israeli escalation on one of its fronts against the Palestinians. There have been five major waves in the Israeli effort to eliminate the Palestinians’ physical presence and their national aspirations. The first dealt with Palestinians inside Israel between 1948 and 1966 – that is the period of military rule. The second was against Palestinians in exile, between 1968 and 1982. The third was against Palestinians in the occupied territories, where the war of the cities in 2002 did a lot to destroy Palestinian capabilities, as well as the will, to resist in the West Bank. Since 2006, the fourth front has been directed at targeting the capacity and will to resist of the Palestinians in Gaza. And, finally, the fifth front appears to be a closing of the Zionist circle by returning to the Palestinian citizens of Israel. Israel appears determined to crush their sizeable presence on their land and their increasingly sophisticated forms of resistance to second-class citizenship. Not only is there talk of transfer and loyalty oaths but there are also police actions. In March 2009, for example, the Israeli High Court decided to allow 100 far-right Zionist activists, flanked by 2500 security forces in riot gear to march in the Israeli Arab town of Umm al-Fahm, which is known for its Palestinian nationalism, in an alarming echo of Ariel Sharon’s visit to al-Aqṣā Mosque. After Sharon’s visit, it may be recalled, Israeli police fired on unarmed Palestinian protestors for days in what ignited the second *Intifada* setting the stage for Sharon’s election and the war of the cities to break the backbone of Palestinian resistance.

As Palestinians and their supporters strengthen and develop their different sources of power for human rights, they must keep a very bright spotlight on Israeli moves to dispossess the Palestinian people. The core strategy must be to keep the Palestinian people on the land of Palestine. Human rights cannot be implemented in a vacuum.

Notes

1. The phrase 'all citizens are equal' or 'a state of all its citizens' is a more effective term than secular, which is often misunderstood in the region to mean atheist.
2. The Call's full title is 'Palestinian Civil Society Calls for Boycott, Divestment and Sanctions against Israel Until it Complies with International Law and Universal Principles of Human Rights', 9 July 2005. For the full text and list of signatories, see <http://www.bdsmovement.net/?q=node/52/>.
3. For the global BDS movement, see <http://www.bdsmovement.net/?q=node/126/>, as well as the websites of the Palestine Solidarity Campaign in the UK, the US Campaign to End the Israeli Occupation in the United States, and Australians for Palestine, among many others.
4. See <http://pacbi.org/>.
5. For more information, see <http://www.righttoenter.ps/>.