

The Emergent Palestinian Imaginary

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[Prefatory Note: this text is based on my presentation at the conference listed below, which brought together a wide array of scholars, media people, and persons concerned with the future of Palestine]

Second Annual Conference of Research Centers in the Arab World, Doha, Qatar, 7-9 December 2013, THE PALESTINIAN CAUSE AND THE FUTURE OF THE PALESTINIAN NATIONAL MOVEMENT

A PRELIMINARY REMARK

It is a welcome development that the theme of such a major conference as this one should have as its theme ‘the future of the Palestinian movement,’ so well articulated in the opening address by Azmi Bishara.

It is often overlooked that as early as 1988, and possibly earlier, the unified Palestinian leadership has decisively opted for what I would call a ‘sacrificial’ peace. By sacrificial I mean an acceptance of peace and normalization with Israel that is premised upon the relinquishment of significant Palestinian rights under international law. The contours of this

image of a resolved conflict consist of two principal elements: a Palestinian sovereign state within the 1967 'green line' borders and a just resolution of the refugee problem. This conception of a durable peace is essentially an application of Security Council Resolution 242, 338, and is the foundation of the initiative formally endorsed by the Palestine National Council in 1988.

It is sacrificial in both dimensions of what was declared in advance to be acceptable: a territorial delimitation that was less than half of what the UN partition plan had offered in 1947 by way of GA Resolution 181, which was reasonably rejected by the Palestinian leadership at the time as well as by the neighboring Arab governments on the grounds that it was imposed in defiance of the will of the Palestinian people and offered the Jewish residents of Palestine 55% of the territory even though its land ownership was only 6% of the total (and its population share estimated to be 31-33% of the total). In effect, the Palestinian acceptance of the 1967 borders overlooked the unlawful acquisition by Israel of territory by forcible means in the 1948 War. It also seemed to signal a readiness to negotiate a solution for the dispossessed Palestinians that fell short of the right of return affirmed by the General Assembly in Resolution 194. From an international law or global justice perspective it can be argued that the rights of the Palestinian people were severely violated in 1917 by the Balfour Declaration promising a Jewish homeland in Palestine to the Zionist Movement without the slightest effort to consult the people then living in Palestine and by the British policies throughout the mandatory period. It would seem that the full implementation of the Palestinian right of self-determination would involve a questioning of this colonialist origin of the state of Israel. For political and prudential reasons, and in view of the acceptance of Israel as a member of the United Nations, these legal and moral arguments have not been officially insisted upon in Palestinian diplomacy. Also ignored, are the rights of the Palestinian minority of 20%, now numbering about 1.7 million, living within pre-1967 Israel, that have not received equal treatment, nor had their human dignity respected, especially to the extent that Israel not only grants Jews throughout the world an unlimited *right of return* but also insists on being 'a Jewish state,' what the Jewish leader, Henry Seigman, has labeled 'an ethnocracy,' and no longer entitled to claim to be 'a democratic state.'

The Arab Peace Initiative of 2002 reaffirms this regional acceptance of such a solution, and the Palestinian Authority in recent years has exhibited a willingness to compromise still further in relation to the Israeli settlement blocs and even the prospect of having the capital of Palestine in East Jerusalem. Israel on its side has never clearly signaled a similar readiness to establish peace on a sustainable basis that included an acknowledgement of Palestinian *rights* despite the strong indications that such a solution would produce *security* for the state of Israel, which was always invoked as the primary demand by the governing authorities in Tel Aviv. In effect, over the years, by a series of inter-linked policies, especially the settlement movement,

the separation wall, the annexation and enlargement of the city of Jerusalem, Israel has been unwilling to reach peace on the basis of the 1988 Palestinian offer, and enlarged the concept of security to include its various strategic and national goals. These extravagant security demands that have continuously escalated, and are reinforced by occupation policies in violation of the 4th Geneva Convention that sets forth minimal international humanitarian law, which imposes apartheid structures of administration, illegal interferences with mobility via checkpoints and closures, ethnic cleansing in East Jerusalem, house demolitions, and various devices to subvert Palestinian residence rights.

It is notable and revealing that neither Israel, nor the United States, have never even acknowledged this unilateral expression of willingness on the part of Palestine to accept peace on terms that fall far short of the legal and moral entitlements embedded in international law. What is more, there has no direct or indirect Israeli moves that could qualify as reciprocal gestures. Instead, Israel has persisted with its relentless establishment of ‘facts on the ground’ in violation of international humanitarian law, and has even persuaded the United States, most formally in the 2004 exchange of letters between Ariel Sharon and George W. Bush to accept the core of these facts as establishing a new baseline for devising a formula to fulfill the promise of ‘land for peace.’

Overall, it is best to view this background as constituted by Israel’s

continuous inflation of *security* expectations to be realized by the steady diminution of Palestinian *rights*. In effect, the *nakba* associated with the dispossession and dispersal of Palestinians in 1948 should be regarded as a *process* and not just a catastrophic event. Such a national trauma as has been inflicted on the Palestinian people over such a long interval is unprecedented during this historical era of decolonization and the privileging of the right of self-determination.

THREE PALESTINIAN DISILLUSIONMENTS

For the more than 65 years that Palestinian hopes have languished, there have many efforts to constitute, sustain, and build a national movement with the capacity to achieve liberation and realize fundamental Palestinian rights. The present period is one in which there is a clear effort to find a viable post-Oslo strategy and vision that will help restore Palestinian collective identity, which has been shattered ever since the Oslo framework was adopted in 1993, as reinscribed as the Roadmap of the Quartet in 200? The consensus among Palestinians that the Oslo approach is dead is rejected by governmental actors, above all the United States, which pushed successfully for the resumption of direct negotiations between the Government of Israel and the Palestinian Authority. In contrast, undertaking a reformulation of the Palestinian national movement proceeds from the experience of three disillusionments:

(1) International Law and the Authority of the United Nations

Especially in the early years after the end of the 1948 War, Palestinians put hopes in the authority of international law, and the support that their struggle

seemed to gain at the United Nations, especially in the General Assembly. This support remains important in identifying the contours of a just and sustainable outcome, which needs to reflect a balancing of *rights* rather than a bargaining mechanism as promoted by Oslo and the Quartet that depends on a balancing of *power*, including ‘facts on the ground.’ The disillusionment arises because having international law on the side of Palestinian grievances relating to the occupation, borders, Jerusalem, refugees, water, settlements has yielded no results on the level of *practice*. On the contrary, despite the backing of international law and the organized international society, the position of Palestine in relation to overcoming their grievance has continuously deteriorated, especially with respect to the underlying goal of exercising the inalienable right of self-determination.

(2) Armed Struggle

The Palestinian National Movement, despite its current fragmentation, has for the past seven years or so become generally disillusioned with reliance upon armed struggle as the basis for attaining primary goals of an emancipatory character. Such an abandonment has not involved a principled shift to a politics of nonviolence, and continues to claim the prerogative of relying on force for defensive purposes, as when Israel launches an attack on Gaza or settlers violently attack Palestinians in the West Bank. As Nelson Mandela made so clear in the South African struggle against apartheid, the commitment to nonviolent forms of resistance to an oppressive order allows the oppressed to use whatever instruments they find useful, including violence, although limited by an ethos of respect for civilian innocence. Most of the anti-colonial struggles, legitimated as ‘wars of national liberation,’ relied on violence, but achieved their victories by the effective reliance on soft power means of social mobilization and the unconditional commitment to sustained opposition by popular forces. In effect, this disillusionment is related with an appreciation that recent historical transformations of an emancipatory kind have happened as a result of ‘people power’ rather than through superiority in ‘hard power.’ This historical interpretation of recent trends in relation to conflict has profound tactical and strategic implications for the Palestinian struggle.

(3) Traditional Diplomacy

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The learning experience for those supporters of the Palestinian struggle of the last 20 years is that inter-governmental diplomacy is not a pathway to a just peace, but rather a sinkhole for Palestinian rights. The Oslo/Quartet process has facilitated Israeli expansionist designs, confiscating land, building and expanding settlements, changing the demographics of the occupation, especially in East Jerusalem. Periodic breakdowns of this diplomatic charade helps the Israelis realize their goals at the expense of Palestinian prospects. Time is not neutral under these circumstances, and the long period of gridlock has lowered Palestinian expectations as articulated by its formal representatives in Ramallah. From the outset the process was one-sided and flawed, fragmenting the Palestinian remnant of historic Palestine into areas A, B, and C, relying on the United States as the intermediary despite its undisguised alignment behind Israel, and deeply responsive to inflated Israel security claims while ignoring Palestinian grievances and claims based on international law, not even mentioning the right of self-determination.

Those who insist on special ‘security’ arrangements usually fear losing what is possessed, while those who call for ‘rights’ are normally seeking what is their

entitlement from a position of deprivation and dispossession. From a Palestinian perspective, the framework and process has been biased in Israel’s favor, the substantive promises have been unfulfilled, and despite such disappointments, it is the Palestinians who are given the lion’s share of the blame when the diplomatic negotiations break down periodically.

This disillusionment means that the Palestinian outlook should be by now clearly post-Oslo, that is, what to do given the failure of direct negotiations to produce positive results. This contrasts with the inter-governmental consensus of the United States, Israel, and the Palestinian Authority that insists that such diplomacy is the *only* road to peace despite its record of

failure. This spirit of ‘Oslo is dead, long live Oslo’ is clearly defeatist, and manifests the deficiencies of Palestinian representation via Ramallah.

Israel’s Strategic Posture and Regional Developments

In part, Palestinian disillusionment has been prompted by Israel’s hard power dominance recently reinforced by regional developments. To the extent that such disillusionment is interpreted in a defeatist spirit it ignores Palestinian opportunities to pursue a soft power approach to realize self-determination and other rights so long denied. In effect, interpreting the conflict from a hard power perspective is to indulge in false political consciousness, given recent historical trends, and leads to an unwarranted pessimism about Palestinian prospects. Of course, this is a time to take stock, and reformulate a vision and strategy to guide the Palestinian struggle. As the future is unknowable, such a call for strategic reset is not an occasion for optimism, it is rather a time for the renewal of struggle and for a deepening of solidarity on the part of those of us who seek justice for the Palestinian people. Yet this taking of stock must be as realistic as possible about the elements in the national, regional, and global context that pose challenges to the Palestine National Movement.

Several adverse developments need to be noted. First and foremost, Israel has successfully maintained, perhaps extended, its hard power dominance, including the acquisition of the latest weapons systems (e.g. Iron Dome), and become an arms supplier for many countries around the world ensuring a measure of political spillover. Secondly, Palestinian fragmentation and vulnerability have been accentuated by a series of policies: the split between Fatah and Hamas; the Oslo bisecting of the West Bank; the various divisions between refugees and persons living under occupation; between West Bank and Gaza, between East Jerusalem and West Bank; between those dispossessed in 1948, 1967, and subsequently; between the Palestinian minority within 1967 ‘green line’ and those living either under occupation or in exile. Thirdly, the perpetuation of unconditional support by the U.S. Government, especially Congress, which gives Israel little reason to feel

bound by international law, UN authority, and international morality, and has resulted in impunity in relation to Israeli refusals to abide by international criminal law.

In effect, Israel has been able to rely on its capacity to contain Palestinian resistance by employing a mix of hard power capabilities backed up by a range of soft power instruments of control. Such an Israeli approach has included reliance on state terror to crush Palestinian resistance and a sophisticated *hasbara* campaign of disinformation and propaganda to obscure the structures of violence and oppression that have been constructed to weaken, and if possible destroy, the Palestinian National Movement.

This Israeli approach has been also extended to its relations with the Middle East in general, especially with respect to neighboring countries. Israel has used its hard power dominance and diplomatic skills to encourage fragmentation and to impart a disabling sense of utter vulnerability to any

Leadership in the region that dares challenge or threaten Israel. Iran has been the principal target of this Israeli projection of a tendency to punish disproportionately and violently those that stand in the way or exhibit hostility to the Israeli National Project. Syria is illustrative of the sort of fragmentation that weakens a neighboring country that has been hostile or in a conflictual relationship with Israel. A welcoming of the Egyptian coup that displaced the democratically elected government with an oppressive military leadership is a further disclosure of Israel's conception of its security interests.

Taking these various elements into account, as understand from a realist perspective that deems hard power as the main agent of history, Israel has achieved a strong sense of security, with little incentive to make concessions relating to Palestinian goals, grievances, and rights. It is the inadequacy of such realism to comprehend the failures of hard power superiority to sustain national security that is the foundation of a hopeful future for the Palestinian people. Hope rests on the commitment to struggle for what is right, not the

assurance of victory, which is to embrace an unwarranted optimism about the future.

The Palestinian Shift to Legitimacy War: Acknowledgement and Affirmation

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I believe a crucial shift in Palestinian understanding about how to progress toward their goals has been taking place during the last several years, and is being implemented in a variety of venues around the world. Indeed, I view the tenor of contributions at this conference to reflect this shift in the direction of what I call a 'Legitimacy War' being waged by the Palestinian people so as to secure their fundamental rights. The essence of this war, waged on a global battlefield, is to gain control over the discourse relating to international law, international morality, and human rights as it relates to the Israel/Palestine conflict. The discourse is embedded also in a revised tactical agenda that relies on two main elements: reliance on nonviolent initiatives of a militant character and the social mobilization of a global solidarity movement committed to achieving self-determination for the Palestinian people. Such tactics range widely from hunger strikes in Israeli prisons to efforts to break the blockade on Gaza to pressures brought to bear from various constituencies on corporations and banks to break commercial connections with unlawful Israeli settlements.

In effect, the Legitimacy War being waged is seeking to rely on soft power instrument to exert mounting pressure on the Israeli government, creating incentives to reassess Israeli interests and policy alternatives. Such a reassessment would include an acknowledgement that past over-reliance on hard power superiority has brought about new threats to Israel wellbeing, and even to security as understood in a wider sense as encompassing the ingredients of a peaceful and productive life.

Legitimacy Wars shift the emphasis from *governments* and *governing elites*

to *people* and *civil society* as the principal agents of historical change, and at the same time, in this instance, subordinate hard power forms of resistance to soft power tactics. There is no inherent commitment to nonviolence, but rather a matter of seeking an effective strategy in a particular context. This follows the guidance of Nelson Mandela and others that liberation movements should select their tactics on the basis of their perceived *effectiveness*. Of course, even if it would seem that violence has a part to play, as was certainly the case for the Israeli movement against the British mandate, there is still the legal/ethical questions associated with the selection of appropriate targets and the avoidance of operations directed at civilians, especially women and children. What appears to be the case in relation to Palestine is a definite move toward the adoption of a Legitimacy War conception of how to interpret the Palestinian National Movement at the present time.

It seems important to understand, especially for non-Palestinians, that it is the Palestinians who should retain control over the discourse on their struggle and projection of vision and strategy. It is up to the rest of us, those who side with the Palestinians in the struggle to uphold their rights, that we not encroach on this political space, and appreciate that our role is secondary, to aid and abet, to accept a responsibility to act *in solidarity*. It is this kind of activist solidarity that will move a victorious trend in the Legitimacy War into the behavioral domain wherein change takes place. This important distinction between *resistance* and *solidarity* is a key to a successful embodiment of this shift by the National Palestinian Movement.

In this regard it should be remembered that ever since this encounter originated the Palestinian people have been victimized by outsiders deciding what was in their best interest. If we go back to the Balfour Declaration, the British Mandate, the UN commission that devised the Partition Plan, and the various American formulations of how to resolve the conflict, the Palestinians are the objects not the subjects of the peace process. Beyond this, such paternalism, whether well meaning or not, has contributed to, rather than overcome, or even mitigated, the Palestinian tragedy.

Inter-governmental solidarity is also important for turning success in Legitimacy Wars into appropriate political outcomes. In this regard, it is regrettable that so few governments in the Middle East have exhibited solidarity in concrete and relevant forms in relation to this latest phase of the Palestinian National Movement. It is not in the Palestinian interest to act as

if the Oslo Framework or the Roadmap are any longer credible paths to a sustainable and just peace. The Palestinian people are entitled at this stage to more relevant forms of support in their struggle, and especially the people of Gaza should not be left to languish in an unfolding humanitarian catastrophe while diplomats dither in luxurious venues.

Finally, it is worth noting the historical trends since the end of World War II.

By and large, the militarily superior side has not prevailed. This is true of the major anti-colonial wars. It is also true in the state/society struggles in Eastern Europe and the Soviet Union, and most of all in South Africa where a Legitimacy War strategy was largely responsible for the remarkable outcome that defied all expectations. America military dominance in Vietnam over the course of a decade did not produce victory, but a humiliating political defeat. True in the First Gulf War of 1991, military superiority of coalition forces overwhelmed Saddam Hussein, and produced a political surrender, but that was a conflict in which the defensive response was wrongly rooted in contesting these vastly superior Western and regional forces on a desert battlefield where popular forms of resistance were irrelevant. It is when the people become centrally engaged in a struggle that the political potency of soft power instruments is exhibited. Even when this involvement is centrally present it does not guarantee victory in the political struggle as such cases as Tibet, Chechnya, Kashmir, among many others, illustrate. What the turn toward Legitimacy Wars does achieve is a significant neutralization of hard power advantages in a political struggle involving such fundamental rights as that of self-determination. In this sense, it is most relevant to a reinterpretation of the vision and strategy of the Palestinian National Movement.

This relevance is increasingly acknowledged by Israel itself, which has

shifted its concerns from Palestinian armed resistance to what it calls ‘the Delegitimation Project’ or ‘lawfare,’ terms that are given a negative spin as efforts to destroy Israel by relying on law and such challenges to Israeli legitimacy as mounted by the BDS Campaign. In effect, Israel contends that it is being victimized by an *illegitimate* Legitimacy War, an argument American political leaders have seemed to accept.

There are likely to be many developments in coming years as to the viability and effectiveness of the Palestinian engagement in a Legitimacy War against Israel. As of the end of 2013, it appears to be the one vision capable of restoring collective unity to the Palestinian National Movement, and by doing, bring hope for a brighter Palestinian future.

Conclusion

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A line taken from Mahmoud Darwish’s poem, ‘Mahmoud Darwish Bids Edward Said Farewell,’ (translated by Mona Anis) expresses my central intention:

“There is no tomorrow in yesterday,

so let us advance”