

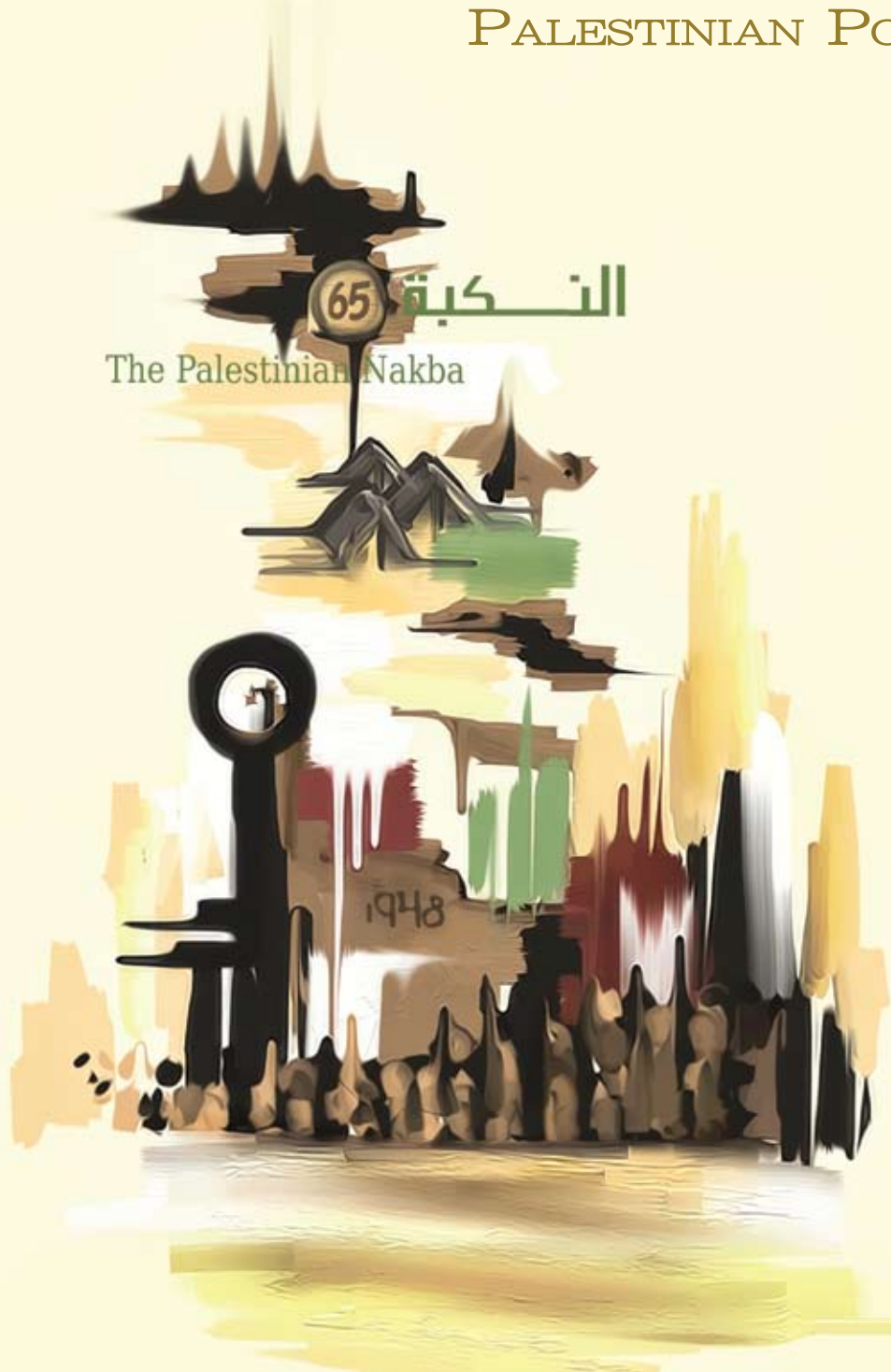
al majdal

Issue No.52 (Spring 2013)



quarterly magazine of
BADIL Resource Center for Palestinian Residency and Refugee Rights

TOWARDS A PROGNOSIS: DIAGNOSING FRAGMENTATION AND PROBLEMS OF REPRESENTATION IN PALESTINIAN POLITICS



BADIL takes a rights-based approach to the Palestinian refugee issue through research, advocacy and support of community participation in the search for durable solutions.

BADIL was established in 1998 to support the development of a popular refugee lobby for Palestinian refugee and internally displaced rights and is registered as a non-profit organization with the Palestinian Authority. BADIL is a Palestinian human rights organization. It holds consultative status with the UN ECOSOC.

Learn more about BADIL at www.badil.org

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Principles of Refugee Participation

by Nidal al-Azza*



When Palestinian political factions and the Palestine Liberation Organization were seeking fighters [to participate in armed resistance against Israel], they suspended refugees' democratic participation and instead requested their contributions in the armed struggle. Today, after the death of tens of thousands of Palestinian fighters, most of them refugees, and after the Palestinian leadership acquired international recognition and a kind of legitimacy, becoming well-known individuals, no political power is after the participation of the refugees, no one wants to listen to their voices, no body, no political party and no national or international organization has set a strategy for reactivating refugee participation.

Khaled DA, 48, a Palestinian refugee residing in Aida refugee camp. He has been imprisoned by Israel since 1990.

While the political participation of citizens in 'stable' societies ensures effective citizenship, for victims in a conflict being involved in decision-making is required as a way of ending their suffering. The necessity for victim participation in a resolution to the Palestinian-Israeli conflict is based on two interrelated principles. First, respect of rights as a matter of law and justice. Second, addressing the root causes of the conflict and, thereby, preventing its recurrence. An additional reason to guarantee refugee participation is that the majority of the Palestinian population is displaced (refugees and internally displaced persons).

A durable solution to the longstanding Palestinian-Israeli conflict will not be achievable without recognizing the rights of the refugees. As a matter of dignity, law and justice, every Palestinian refugee has the right to choose one of the three durable solutions to their condition: return, local integration in country of refuge, or resettlement in a third country. No representative nor national or international institution has the authority to infringe on this fundamental individual right. A lasting and just solution to the conflict will be impossible without ensuring the rights of participation for displaced persons who constitute more than two thirds of Palestinian people worldwide.

Some may argue that the Palestine Liberation Organization, as the sole legitimate representative of Palestinian people to the United Nations, is entitled to represent Palestinian refugees who are a subgroup of the Palestinian people. Based on that, they would conclude that collective national rights should be given priority in the negotiation process over the individual right of return. In such a calculation, a peace settlement is prioritized over the free choice of rights holders.

In principle, such an argument violates international law and falls short of United Nations High Commissioner for Refugees' recommendations and best practices in comparative cases. Most importantly, it ignores the requirement of refugee participation, a component of authentic representation. Based on principles of refugee participation, this issue of al-Majdal surveys the multiple facets and problems of representation for Palestinians today.

To combat physical and political fragmentation, Amjad Alqasis builds on a commentary from al-Majdal preceding issue arguing for a language that reflects unity of the disparate Palestinian community. In it, Alqasis delivers the findings of BADIL's 2012 Survey of Palestinian Youth on Identity and Social Ties. Bisan Mitri and BADIL's Manar Makhoul report on their participation in the 2013 World Social Forum in Tunis, describing the significance of Palestine for international civil society. *The Trojan Cow: Pixelated Intifada* is a photo-essay and interview based on Amer Shomali's art installation in Ramallah. The project tells a cherished Beit Sahour story about the cows of the First Intifada, highlighting Palestinian ingenuity, self-sufficiency, humor and resilience.

Nour Joudah appraises youth perceptions of Palestinian representation and the potential for political change using primary interviews with refugees in camps across the Middle East. In *The Arab Spring and Reviving the Hope of Return*, Zarefa Ali and Amal Zayed document refugees' interpretations of their right of return in the context of a changing Middle East. Thayer Hastings reviews a recurring discourse: the crisis of the Palestine Liberation Organization in two prominent media outlets that focus on Palestine. Lori A. Allen examines the intentions of international commissions against a Palestinian political strategy ineffective at challenging 'facts on the ground'. In *Enfranchising Refugees: PNC Elections in Comparative Context* Terry Rempel articulates the electoral rights of refugee participation and lays the international context for evaluating the groundbreaking potential of Palestinian National Council elections.

This issue of al-Majdal, in other words, overviews the current phase in Palestinian discourse: where the fragmentation and the crisis of representation are being dissected and analyzed. This evolutionary process will potentially yield remedies. Indeed, nascent steps towards remedy have begun. The task ahead is to develop and hone them towards a comprehensive and sustainable vision.

Finally, since Spring 2006 (al-Majdal no. 29), the magazine has featured a round-up of the most important international news of the Boycott, Divestment and Sanctions (BDS) campaign against Israel. Today, the BDS movement has become a household term in the realm of social and political activism. Many campaigns and outlets such as the Electronic Intifada, Palestinian Campaign for the Academic and Cultural Boycott of Israel, US Campaign to End the Israeli Occupation and the Boycott National Committee website have developed excellent coverage and documentation of BDS's development. Beginning with al-Majdal no. 52, BADIL will no longer carry the BDS roundup, but it will continue to highlight the importance and use of the tool. For example, this issue features Rifat Odeh Kassis' rebuttal to BDS-opposition by Reverend Andrew Love. Al-Majdal no. 54 will feature content from the 4th National BDS Conference, which was held in Bethlehem on 8 June 2013.

* Nidal al- Azza is the Coordinator of BADIL's Resource, Research and Legal Unit, and Lecturer of Refugee Rights under International Law at al-Quds University.

Advancing a Language of Unity and Return within a Fragmented Palestinian Geography

by Amjad Alqasis*



Israeli practices and policies combine apartheid, military occupation and colonization. Together, the strategy aims at forcibly displacing the indigenous Palestinian people from the territory of Palestine (also referred to as Mandate or historic Palestine). Not limited to the occupied Palestinian territory, the Israeli regime also targets Palestinians residing on the Israeli side of the 1949 Armistice Line (known as the Green Line) and millions of Palestinian refugees through forced exile.

Palestinian refugees and internally displaced persons are the largest and longest-standing case of displaced persons in the world today and are scattered throughout the Middle East. 66 percent of the 11.2 million Palestinians worldwide, 7.4 million, are displaced. Registered Palestinian refugees are mainly hosted in the occupied Palestinian territory (41 percent), Jordan (40 percent), Syria (10 percent) and Lebanon (9 percent), often a short distance from their homes and places of origin. In addition, less than 50 percent of the Palestinian people live inside the boundaries of Palestine. Approximately 1.4 million Palestinians live in Israel - of whom one quarter or 360,000 are internally displaced - and slightly more than 4 million Palestinians live in the occupied Palestinian territory.¹

Israel's aim to colonize all of Palestine is best described by Yosef Weitz, former director of the Land Department of the Jewish National Fund:

Between ourselves it must be clear that there is no room for both peoples together in this country... There is no other way than to transfer the [Palestinian] Arabs from here to neighboring countries - all of them. Not one village, not one tribe should be left.²

Colonization went hand in hand with erasure of Palestinian existence and history as proclaimed by Moshe Dayan, former Israeli Minister of Defense:

We came here to a country that was populated by [Palestinian] Arabs and we are building here a Hebrew, a Jewish state; instead of the [Palestinian] Arab villages, Jewish villages were established. You even do not know the names of those villages, and I do not blame you because these villages no longer exist. There is not a single Jewish settlement that was not established in the place of a former [Palestinian] Arab Village.³

In Israel's process of colonizing Palestine, the indigenous population has been divided into three main categories: Palestinians living in the occupied Palestinian territory; Palestinians residing on the Israeli side of the 1949 Armistice Line; and the millions living in forced exile. The map of Palestine depicts the classic colonial principle of 'divide and rule' - political and social divisions based on fragmented geography.

The 1948 Nakba was the central fissure that tore apart the social fabric of Palestinian society by cutting off relationships between Palestinians on either side of the Green Line. Israel has maintained this strategy since. Most importantly, Israel erased the term 'Palestinian' and for instance labels the Palestinian citizens of Israel as 'Israeli-Arabs' in order to disconnect them from their own history and ownership of the land, and to reinforce their position as sub citizens within Israeli society. Israel went a step further by compartmentalizing that community into Arab Christians, Arab Muslims, Druze and Bedouins. Fragmentation was applied to the territory occupied in 1967 by categorizing the population according to identity cards that restrict life and movement within the West Bank, East Jerusalem and the Gaza Strip.

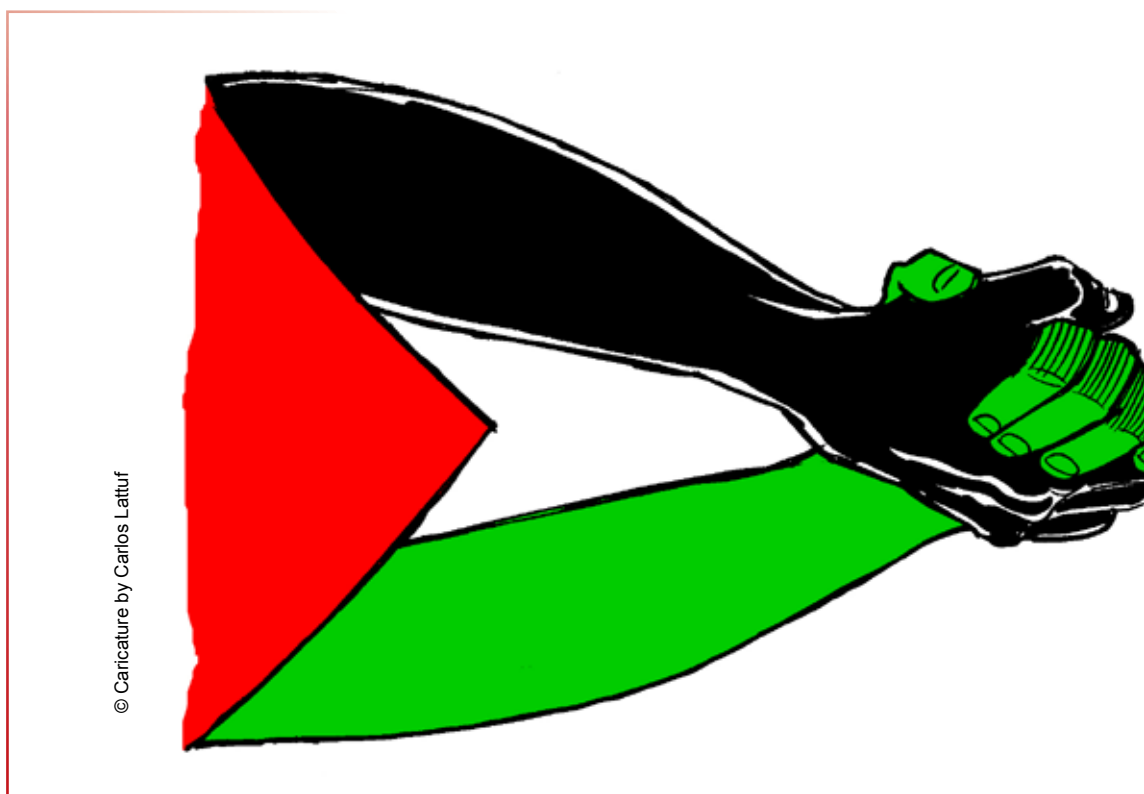
In enforcement of the ongoing displacement since the Nakba, Israel marked Palestinian refugees who attempted to return as infiltrators and deported them at sight.⁴ In whole, Palestinian society was partitioned into categories and sub-categories with corresponding political and legal limitations to each different than to the other.⁵ According to David Ben-Gurion, Israel's first prime minister, the ultimate aim was to weaken and eventually erase Palestinian affiliation or belonging to their heritage and land in order to "Do everything to ensure they [the Palestinian refugees] never do return."⁶ His reasoning was that in time – based on Israel's policies towards the Palestinians, "[t]he old will die and the young will forget."⁷

But Ben-Gurion's vision did not materialize. On the contrary, despite all Israeli efforts to divide and erase Palestinian society, the Palestinian people have not abandoned their rights and continue to steadfastly confront Israel's expulsion policies. BADIL's 2012 Survey of Palestinian Youth focusing on identity and social ties clearly indicates that the third and fourth generation of Palestinian refugees did not "forget" their attachment to Palestine. The Survey was conducted in the seven areas where the majority of Palestinians reside: Israel, the West Bank, the Gaza Strip, East Jerusalem, Jordan, Syria and Lebanon. It was conducted among Palestinian youth aged between 15 and 19 years and examines two main issues: that of self-identification (identity) and the importance of social ties compared among Palestinian communities living in the seven geographical areas.

The Survey's findings demonstrate that the vast majority of the respondents consider themselves as Palestinians. Between 55 to 70 percent of the respondents in Jordan, Syria and Lebanon regard themselves as Palestinians. The significance of this majority can only be understood bearing in mind that these communities were born in forced exile and have never set foot in Palestine - denied by Israel. Even though living under the most direct Israeli colonial and ideological rule for the past 65 years, 45 percent of Palestinian citizens of Israel regard themselves as Palestinians and only 12 percent as 'Israeli-Arabs' as categorized and propagandized by the Israeli state for the past 65 years.⁸

On the question of social ties, the majority of Palestinian respondents from all seven geographical areas expressed the opinion that it is either “important” or “very important” to establish and foster social ties with other Palestinian communities. The research results depict patterns of unified Palestinian identity and fate in spite of Israel’s attempts to irreparably damage the social fabric through geopolitical fragmentation. Furthermore, the Survey demonstrates that Palestinian youth in separated geographies hold similar viewpoints to identity and national community. Importantly, the Survey “affirms that the question of Palestinian national identity is not merely a question of citizenship, travel documents or privileges, but a much wider concept concerning the key principles of liberation, freedom and [self-determination].”⁹

These principles are common to the various Palestinian communities and, thus, should be reflected by the Palestinian leadership and international community when confronting the Palestinian reality of apartheid, military occupation and colonization. A long-lasting and just solution to the conflict can only be found when taking into consideration the Palestinian people as a whole and, most importantly, by emphasizing the millions of Palestinian refugees’ inalienable right of return.



* Amjad Alqasis is a human rights lawyer, legal researcher and the legal advocacy program coordinator of BADIL.

** Endnotes: See online version at: <http://www.BADIL.org/al-majdal>

International Solidarity: A report from the World Social Forum – Tunis 2013

by *Bisan Mitri** (OPGAI) and *Manar Makhoul*** (BADIL)



Large flag of Palestine displayed during the Land Day / Closing March of the 2013 World Social Forum (© MIM / BADIL)

The World Social Forum is an annual meeting “[...] where social movements, networks, NGOs and other civil society organizations opposed to neo-liberalism and a world dominated by capital or by any form of imperialism come together to pursue their thinking, to debate ideas democratically, [to] formulate proposals, share their experiences freely and network for effective action.”¹ Usually the World Social Forum meets at the same time as its ‘great capitalist rival’, the World Economic Forum’s Annual Meeting in Davos, Switzerland. This date is consciously picked to promote alternatives to the World Economic Forum’s answers to world economic problems.

BADIL and the Occupied Palestine and Syrian Golan Heights Advocacy Initiative (OPGAI) are regular participants in the World Social Forum. The gathering is an opportunity for organizations to advocate for the rights of Palestinian refugees – primarily their right to return to their homes and villages. Moreover, it presents an opportunity to expand our relationships and deepen alliances with supporting communities from around the globe.

The 2013 World Social Forum took place between 26 and 30 March at Tunis Al-Manar University, aiming to:

[...] forge common struggles and a collective agenda to fight against capitalism, patriarchy, racism and all forms of discrimination and oppression. [...] Together, the peoples of all the continents are fighting to oppose the domination of capital, hidden behind illusory promises of economic progress and the illusion of political stability.²

The 2013 World Social Forum has been organized at a critical moment for social movements concerned with justice, freedom and solidarity. Its chosen objectives and directions, which take into account the great changes related to the Arab Revolutions and the economic and ecological crises, are but one avenue to better tackle the crucial issues facing the world, promote joint efforts and elaborate on the alternatives. Exceeding 30,000 participants and 4,000 nongovernmental organizations, the 2013 World Social Forum is said to be one of the biggest since its launch in Porto Alegre, Brazil in 2001. Palestinian representation at the Forum was composed of grass root movements, civil society actors, non-governmental organizations, individuals and representatives of the Palestine Liberation Organization (PLO) and the offices of some of the Palestinian political parties.

Massive expression of solidarity with Palestine during the 2013 World Social Forum - Tunis (© MM / BADIL)



Palestine: A central theme in the Forum

The opening and closing days of the 2013 World Social Forum gave special attention to the issue of Palestine. The first day, 26 March, featured the Opening March, which progressed along the main streets of Tunis, the capital city. This March aimed to bring the Palestinian struggle to the centre of attention within the larger focus of this year's Forum - on the revolutions in the Arab World. The issue of Palestine was again given central attention at the Closing March, which took place on 30 March, marking International Solidarity with Palestine's Land Day. Similar to the Opening March, the Closing was marked by wide participation of the attendees, drawing thousands of people to the streets of Tunis.

In addition to dedicating two of the five days to Palestine, the organizers of the Forum allocated a large Palestine Tent, for the three days of Forum assembly. The Palestine Tent was the focal point of activities and displays of the various participating Palestinian organizations. There was a photo exhibition as well as an array of publications and products. The tent was also intended to be a meeting space for networking between organizations.

In addition to the Palestine Tent, various international solidarity organizations offered numerous other Palestine-related events. According to the Forum program there were at least 37 such activities, lectures and so on.

All's good, apart from...

The 2013 World Social Forum did not go without problems. We need to acknowledge and address these issues if we want to prepare better for future Forums. One of the main shortcomings of the Forum this year was a direct result of its success. The massive participation of Arab and Middle Eastern organizations, stretching from the Maghrib (Arab countries in the west of North Africa) to the Mashriq (Arab countries from Egypt to the Persian Gulf), in the wake of Arab revolutions, have clearly put a lot of strain on the organizing committee. Although there was a clear system of zones within the vast Al-Manar University Campus, navigating between tents, classes and lecture-halls was not sufficiently intuitive and most of the times confusing. The lack of details on the provided maps, as well as the absence of clear directional signs, contributed to this issue.

Similar logistical difficulties were present in the Palestine Tent. Due to inadequate coordination, the Palestine Tent was lacking basic resources, such as electricity as well as sound and digital presentation equipment. As a result of this, Palestinian organizations were unable to present their digital materials. The multi-purpose function of the Palestine Tent, for exhibitions and networking, has thus become an obstacle for those who planned to deliver lectures - due to the loud noise from inside and outside the tent. It was only at the last day of assembly that a sound system was brought into the tent.

In addition to the logistical aspects, there were drawbacks in terms of Palestinian representation and participation in the Forum. One of the most important sessions at the Palestinian Tent was one designated for discussing and evaluating the World Social Forum - Free Palestine which took place in Porto Alegre, Brazil in November 2012. The Forum in Brazil was a first of its kind, dedicated to “effective mobilization enriched by the global encounter between popular networks and those committed to promote justice and equality”.³ However, the implementation of this idea was met with controversy, one which the evaluation meeting in the Palestine Tent in Tunis was supposed to address. Nonetheless, those who attended the meeting were disabled from effectively evaluating what occurred in Brazil as they were presented with only superficial information without space for discussion or in-depth analysis.

Moreover, the panel of speakers in the evaluation session presented a document (see copy of the document on page 11) on behalf of all Palestinians without consulting the participating Palestinian organizations, to the dismay of many of us present in the evaluation panel. More importantly, and surprisingly, during the meeting the Palestine Convergence Assembly, a body that is supposed to represent Palestinians in the Forum, announced that its head is Fatah senior member Nabil Shaath. Not only was the process of such an appointment not transparent, such a position goes against the principle of “non-governmental and non-party context” of the Forum.⁴ Moreover, the final statement of the Palestine Convergence Assembly conforms to a very particular political stance, imposing an ideological-political line that allows little space for pluralism.

Moreover, the 9th article of the World Social Forum charter clearly states that no individual representing a political party may participate:

The World Social Forum will always be a forum open to pluralism and to the diversity of activities and ways of engaging of the organizations and movements that decide to participate in it, as well as the diversity of genders, ethnicities, cultures, generations and physical capacities, providing they abide by this Charter of Principles. Neither party representations nor military organizations shall participate in the Forum. Government leaders and members of legislatures who accept the commitments of this Charter may be invited to participate in a personal capacity.⁵

Seen in this light, one would wonder how we the Palestinians had representatives of political parties, the Palestine Liberation Organization, and some of whom embody Palestinian Authority offices as well? Why are Palestinians being treated favorably through such exceptions? And how does it encourage our own corruption and division?

These questions were especially evident with regards to the “State of Palestine” motto and the call to adopt this name in representation of the Palestinian cause in future World Social Forums. Based, as the term is in practice, on only West Bank Area A and the nucleus of the Gaza Strip, imposing such terminology runs the risk of excluding the Palestinian refugees (the majority of Palestinians worldwide), as well as Palestinian citizens of Israel, very much in the same way these groups have been excluded from any decision-making process since the start of the Oslo peace process. Adopting the “State of Palestine” as the frame of representation of Palestinians in future World Social Forums creates more problems, rather than solving existing ones.

Looking towards the future, a meaningful preparation to an event with the size and importance of the World Social Forum should start with proper follow up, review and feedback of the last Forum. Therefore this year’s Forum has to be evaluated accordingly and in particular due to the Palestinian reality of facing Israeli policies of isolation toward the Palestinians. Palestinian organizations and actors have to make the best of opportunities such as the World Social Forum to educate the world about the situation in Palestine and to convince others in supporting the Palestinian struggle for freedom and independence by advocating for specific actions and goals.

OPGAI and BADIL at the World Social Forum

Notwithstanding these problems, this year’s World Social Forum was a healthy boost to Arab civil society, particularly in light of the current political climate in the region. Moreover, this was an opportunity for OPGAI and BADIL to meet and discuss with other organizations from the region and the rest of the world, and learn about the most recent trends and activities. In addition to taking part in, and attending, various events in the Forum, BADIL held a two-hour workshop on “The Palestinian Refugees and Their Right of Return” outlining its holistic approach to the ongoing displacement and the political fragmentations imposed on the Palestinians. The discussion gathered great attention from participants who were interested in ways to raise awareness in their countries regarding BADIL’s rights-based approach.



World Social Forum -2013
 March 26 to 30
 Tunis
 Palestine Convergence Assembly
 March 29, 2013

In Tunis, this Convergence Assembly on Palestine convenes at the World Social Forum (WSF) at a time of intense popular struggle in Palestine against Israeli apartheid, colonization and occupation, and for full implementation of the inalienable rights of the Palestinian people. We appreciate the central place given to Palestine in this world social forum in Tunis.

The convergence assembly on Palestine intends to reaffirm the support to Palestinian popular resistance and our full commitment with the following common objectives :

- Self determination right for the Palestinian people against the colonial occupation and settlements and
- to reaffirm the importance of the vote in UN general assembly for recognition of state of Palestine
- Stop the apartheid and dismantle the wall
- Freedom for political prisoners
- End of Gaza blockade and free Palestine
- The right of return as per Resolution 194 of UNO
- Stop the Judaization of Jerusalem and closures

We denounce any complicity with the state of Israel (States, institutions and corporations) that allow Israel's impunity. In this respect we denounce the USA policy and the misuse of their veto in the Security Council of the UNO.

In order to realize these objectives we support the following actions and campaigns:

- to reinforce and expand the BDS movement worldwide (A special mobilization must commence against G4S, the biggest international security company engaged with Israeli occupation in prisons and check points)
- for the suspension of the EU-Israel association agreement (on the basis of Article 2). There is a precedence in case of Sri Lanka
- to stop arms trade with Israel
- for release of all political prisoners
- to stop inhuman Gaza blockade through actions like the Flotilla and Arch of Gaza
- to bring the Palestine case against Israeli crimes in front of the International Criminal Court
- to demand reestablishment of the UN special committee against apartheid and the dissolution of the Quartet.
- in support of Palestinian refugees in Syria and other countries who risk expulsions
- of Trade Unions in support of Palestinian work and social rights
- Civilians missions to Palestine
- to spread the conclusions of Russell Tribunal on Palestine denouncing Israeli crimes, claiming implementation of the international law

We will work towards building a strong international solidarity movement for Palestine. We will continue to use the social forum process to strengthen solidarity movement with Palestine.

* *Bisan Mitri is Program Officer at Occupied Palestine and Syrian Golan Heights Advocacy Initiative (OPGAI) and a lecturer at Institute for Community Partnership (ICP) - Bethlehem University.*

** *Manar Makhoul is Networking and Advocacy Officer at BADIL Resource Center for Palestinian Residency and Refugee Rights.*

*** *Endnotes: See online version at: <http://www.BADIL.org/al-majdal>*

Trojan Cow: Pixelated Intifada

by Amer Shomali*

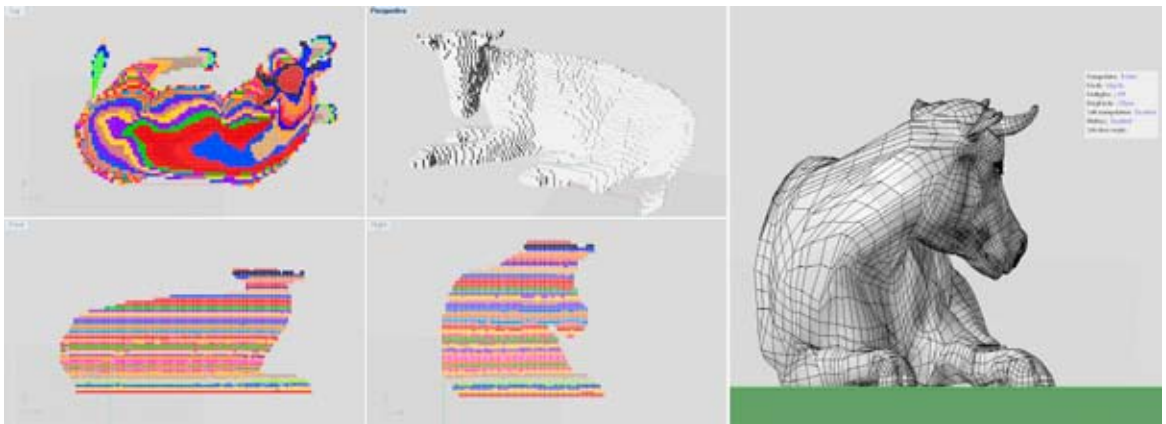
200 kg, 58,000 2-cm wooden cubes.
(Cow Sculpture, 2012).



In 1987, Palestinian activists were developing alternative and autonomous structures that would separate them economically from the Israeli military occupation. In one such experimental project in Beit Sahour, residents hoped to produce dairy products locally, as an alternative to the monopoly of the Israeli company *Tnuva*. The residents of Beit Sahour bought several cows for that purpose. A few days after the start of production, the Israeli army invaded the farm, arrested the activists, and closed it down. The activists decided to smuggle the cows at night and hide them in their houses, backyards, and eventually in caves in the surrounding mountains. The Israeli army went on a massive, four-year hunt for the 18 cows that represented autonomy for the Palestinians and a “threat to national security” for Israel.

In 1991 the Madrid Accords were signed and as a consequence the strife for resistance and autonomy was replaced by a relationship of dependence on the occupying power. The cows were left suspended in midair, grazing on the Paris Protocol and peering at KFC’s grand inauguration.

Pixelated Intifada



Al-Majdal interviewed Amer Shomali on 20 May 2013.

Al-Majdal: Why pixilate a cow?

Amer Shomali: The Beit Sahour cow saga is one of the symbols of the First Intifada. I pixilated the cow as an illustration of the Intifada, to show that it is still incomplete and stuck in time.

The dairy project was abandoned in the wake of institutionalizing the Palestinian National Authority through the Oslo period [1991-1995], in response to the emphasis on so-called state-building that the activists saw as a corrupt deviation from the Intifada. With the onset of the Oslo talks and Agreements, the Palestinian dairy initiative never had the chance to fully take root. As such, I materialized the cow at a midway point. Oslo ‘fully loaded’ institution-building while detracted from local projects like dairy production in Beit Sahour. Interrupted, the cow, like the struggle for liberation, is still loading.

The cow glances over her shoulder in an imitation of the cliché seductive pose found on contemporary magazine covers to Renaissance paintings of women. In imitation of its successful sister Oslo, the cow tries to appear ‘sexy’ and attractive.



Mohammad Nassar (left) and Amer Shomali (right) construct the first layers of Trojan Cow.

AM: What happened to the original cows over the course of the Oslo Process?

AS: Following the initiation of the Oslo Process, the Beit Sahour activists abandoned the project in dismay and in protest against what they saw as the political leadership’s corrupt pursuit of statehood. Of the original 18 cows from 1987, the remaining four were butchered after Oslo I was signed. It was a symbolic slaughter of popular resistance, not by the Palestinian people, but by the Palestinian leadership.

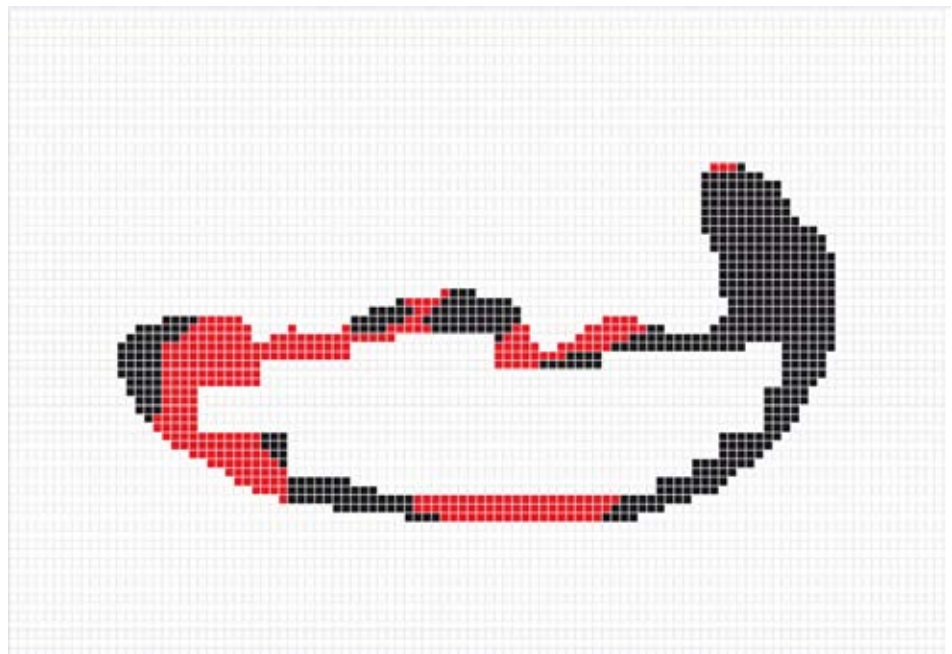
AM: What was the process of rendering a 3-dimensional form of the cow?

AS: I used the Rhinoceros modeling tool for designers. The computer image of the cow displays the form dissected into 52 layers, which the team used as a map to show us where to place the black and white wooden cubes made by a local carpenter. Over the course of 25 days, 20 volunteers assisted in constructing the cow with glue by following the layered map. In order to get the black color on the cubes, we set up a barbecue in the studio and grilled the cubes dark.

AM: Where is the pixilated cow now?

AS: The project was produced for an exhibit in Qalandia International 2012 (<http://www.qalandiyainternational.org/>). The cow now sits in permanent exhibit at the Khalil Sakakini Cultural Center in Ramallah. The small studio I used was provided by the Center and had a large door facing the *Evangelical Lutheran School of Hope* across the street. We usually left the door open and the school children were very curious about the project - bringing their families to check on our progress as well as assist in gluing the layers of cow pixels together. Of the almost two dozen volunteers, I only knew three or four; the rest were school children, families or people who happened to pass by and assisted with the work. I find it important to emphasize their voluntary help as existing evidence of the spontaneous, collaborative and community-based spirit which was so fundamental to the First Intifada.

"I used the Rhinoceros modeling tool for designers... which the team used as a map to show us where to place the black and white wooden cubes," said Shomali. © Amir Shomali.



**Amer Shomali is a Palestinian artist and activist working in animation, illustration, and political cartoons using art to interact with the social and political Palestinian context. He holds a Master's degree in animation from Bournemouth University in the United Kingdom. His work has been exhibited in the Middle East and Europe, and his short film "Dying of the Light" was screened around the world. Shomali is the co-founder of ZAN Studio in Ramallah, Palestine, where he currently resides.*

Shomali is currently working on an animated documentary about the First Intifada experience, centering around the cows' narrative. The trailer to the 90-minute documentary "The Wanted 18" is available at <http://www.youtube.com/watch?v=TJcfJTElmoM>.

Navigating the Void: Palestinian Youth Resistance in the Absence of Political Leadership*

by Nour Joudah**



BADIL's Land Day action: Olive tree planting in al-Khader, March 2013 (© BADIL).

There is a general consensus among Palestinian youth that the Palestinian Authority (PA) is a corrupt body and an impediment to mass mobilization. However, awareness is tempered by the realization of insufficient public support to push for the PA's complete dissolution. Arab World for Research and Development (AWRAD), an independent research center,³ cites in a February 2011 policy paper on "youth-based political vision" that while participants view the PA as "corrupt," "structurally problematic," and even an "economic investment project that benefits a small group of opportunists, instead of the national cause," they also realize that it "feeds millions of Palestinians;" consider its establishment an important achievement; and believe that dissolving it would mean a return to full occupation, to which they argue people are not prepared for.¹ The youth participants I interviewed set their priorities on ending the political division between Fatah and Hamas in 2006, reforming the Palestine Liberation Organization (PLO), and developing a new political strategy – though they make no specific mention of what that should be. Despite being overwhelmingly frustrated with the culture of party politics that surrounds them, they are not so naïve to believe that said culture can be eradicated from Palestinian society. The youth participants proposals for dealing with the impact of factions include conducting workshops and strategy sessions between independent youth and party-based youth groups to find common ground and using media to raise awareness and increase participation.² However, the impact that youth opinions about the PA are having on larger understandings of the current situation among youth are perhaps farther reaching than the AWRAD survey implies.

Dynamic Discussions

Whether debating the wisdom of group decisions to protest in certain villages or the specific language of press releases, youths I interviewed seemed to emphasize the debate as much as the decision taken.

Ahmed: Well if the group voted...[rolls eyes]

Sami: Come on, we're avoiding centralizing the leadership on purpose and don't act as if you disagree.

Ahmed: [grudgingly nods in agreement]

Nabil: We need to grow horizontally, not vertically, even if the process makes me want to pull my hair out sometimes. It's better than us repeating their [PLO's] mistakes.

Sami: Wait, it's not all about them.

Ahmed: No, no. On this, I agree with Nabil. It is definitely about them. Having horizontal decision-making for the sake of it is not a strategy, having it because you're trying to avoid becoming something corrupt and disconnected from resistance *is* strategic.

Sami: It's not like everyone at this table doesn't understand or agree what they've become, but the past isn't the same...

Ahmed: The hell it isn't! You think we ended up with this *sulta*³ here because they were democratic and dedicated to resistance or because they signed a piece of paper to hold on to their own power?

In the blink of an eye, an after work coffee and *arqeela* turned into heated vying perspectives on the PLO. I sat in a posh Ramallah café with three young, male college graduates who minutes into a casual conversation on plans for Friday afternoon became suddenly determined to explicate the trajectory of the Palestinian leadership's past mistakes, in particular the overly centralized leadership, and, more importantly, how they would not allow themselves to repeat them.

Many conversations among politically active Palestinian youth across Palestine tend to turn on this uneasy axis of how to mobilize themselves and the public despite the political leadership. The generation born during the First Intifada or shortly after has witnessed a worsening reality unravel on the ground while simultaneously growing up with stories of martyrdom and heroism of the resistance for which the PLO is still greatly remembered. Their adolescence was largely composed of the experience of the Second Intifada, the breakdown of the 'peace process', an internal political division between Fatah and Hamas, a debilitating Israeli siege on the Gaza Strip for the past seven years, and most recently they have been the foremost spectators of the uprisings in surrounding Arab countries. As they grapple with defining their political roles, Palestinian youth and their diasporic counterparts – even in advocating for different tactics – are emphasizing process over product. In a historic moment that lacks clarity, they envision a path forward paved with ideas and questions that encourage re-imagination of what is possible.

Repeatedly, conversations during interviews, focus groups, and social gatherings would return to the moment of Oslo and the establishment of the PA. The participating youth were not simply critical, they were practically dumbfounded by PA priorities of power holding over collective action and unity. The salaries, the infrastructure projects and the fear of return to 'full occupation' were not their main

conclusions for what was holding society back from calling for the dissolution of the PA (though those reasons contributed). Ultimately, the hesitation came down to two factors – apathy and exhaustion. More importantly, the party responsible for this apathy and exhaustion was the Palestinian leadership.

In Bethlehem's Dheisheh refugee camp I sat with two young men. Yousef shook his head about halfway through a sentence, stopped speaking, and sighed. I waited, wanting to see what was on his mind. Aboud, his neighbor, sat still too. And then Yousef looked at me and spread out his arms, signaling to the Dheisheh Camp around him. "Ok, I'm under occupation. My nation has been fragmented. I can't communicate with other cities and villages, but I dream of a [Palestinian] state while I'm sleeping.... Everything that's happening today, they're just screwing with us, they think we're crazy." "Crazy, how?" I asked him. "The PA normalizes everything. They've got us dealing with everything casually. Even the checkpoint today, if I want to go to Hebron and there's no checkpoint, it'll feel unnatural. There has to be a checkpoint: it's necessary. If there's no checkpoint, it's a *problem*," he said with sarcasm and frustration. Yousef, who had been poised and collected for the first 30 minutes of our talk, was suddenly and visibly frustrated: "I don't believe in organizations or organized work [in an official sense]....Fatah and those who organized, they made us lost. They had us sign Oslo and go to the streets happy that we had an 'Authority,' a state, but after 10, 20 years, we learned what the Oslo project was – Nothing! They [those who negotiated] delivered to the Israelis; they [the Israelis] don't pay for the cost of the occupation like they used to during the First Intifada. Today, the cheapest occupation in history is here."

For Yousef and many others, their perspective on the PA or the impact of its establishment went far beyond a simple recognition of corruption. There was a deep sense of hurt that this Palestinian institution has become partnered with the occupation. Again, their analysis struck deeper than cooperation with the occupation or even passivity towards it, their commentary also identified the active role of the PA to suppress mobilization. The youths' awareness and dialogue illustrated a refusal to accept the influence of the PA on their communities. This refusal, however, is not discussed merely in terms of objection to the current situation, but is coupled with a call to action invoking the desire for rejuvenation of mass mobilization in the community.

Fadwa: There's also a case of anesthetization and defeat that was planted in us by our leadership. 'Take a loan and buy a car; take a loan and buy a house.' Everything is about wanting to travel, to make money to take loans that will help make that happen. I mean, at the minimum, a person is in debt to a bank for 15 years. There are no national values now. Before, when there was a martyr, everyone went out for the funeral, whether they knew him or not.

Other participants: Right; True; Just yesterday there was one and no one did anything.

Fadwa: We have become anesthetized! We are in a state of self-anesthetization, convinced that we can't do anything. If you want to have a protest near Beit El,⁴ you can't. The PA comes and stops you, or at Qalandia⁵ they give arrest orders that people shouldn't be allowed to go, and when people went – [shakes head and shifts mid sentence] – I mean there is a politics working against us to sit and shut up or for them to help us to emigrate, you understand? So, the youth that are aware of these things being planned for them, it's their role just like it's all of our roles now since the recent movements that have occurred, the Arab revolutions that gave hope to the youth that, 'No we can.'

Tarek: We're awake.

- From the Nablus focus group

Other youth who were slightly older and more active during the Second Intifada receded from the calls for mobilization despite leadership and, instead, conditioned their future participation on a collapse of the status quo. A young lawyer from a village near Ramallah insisted that no current political project is worth getting off the ground, questioning sacrifice for liberation without popular back up. He summed it up, stating: “when I see *wlad al-Sulta* [Sons of the Palestinian Authority] marching, Abbas’s sons marching, I’ll hit the streets. But I’m not exposing my chest to bullets for them so they can line their pockets and spin my martyrdom.”

Across the border in Lebanon, two activists in the Shatila refugee camp in Beirut, Daoud and Fatma tell me that the political parties have become nothing more than empty shells of their former glory. Those who receive salaries from different factions in the PLO are paid to ensure public reputation. When Daoud and Fatma realized no one was organizing a protest to stand with Gaza during the November 2012 Israeli attacks, they gathered their respective friends and marched them out of the camp to a solidarity protest they knew was happening nearby. When Daoud was interviewed on television and asked if this was the project of any of the parties, he answered that it was not and that none of the parties had planned anything for Gaza. Within one hour a member from every faction was knocking on his front door demanding to know how he could tell such an embarrassing lie on television. “They care about their reputation, but I told the truth, and I would tell it again. If it wasn’t for a hundred or so *shebab* who marched through the alleys and grabbed friends on their way, there would have been no public show of support in the camp by the PLO offices.”

Moving Forward

Conclusions for observers and even choices of moves forward for active Palestinian youth consist of the difficult task of piecing together reactions and realities mentioned above with a hodge-podge of calls and events valued more for the contribution to the conversation than potential to fill the void of political leadership. Even youth who are emphatic about calls to resurrect the Palestinian National Council and reform the PLO, or who led the charge of outrage at Abbas’ controversial comments this Fall about giving up the right of return to his hometown of Safad, are not expecting miracles from their initiatives. What they are expecting, or working towards and hoping for, is that the process of re-infusing the dialectic of resistance among themselves with enough critiques based in historical awareness will help them both navigate and fill the void that the absence of political leadership has left.

** This article is based on focus groups, participant observation and interviews with Palestinian youth living in the West Bank, the Gaza Strip, Lebanon and the United States. The original study consisted of 25 formal participants. Follow-ups and additions have raised the total participants to 32. Though interviewees from some locales are not quoted in this article, they all served to inform the conclusions made here.*

All interviews were anonymous. The names present in the study are fictional and serve the purpose only of personalizing the stories. The number of formal participants does not include Ahmed, Sami, and Nabil, quoted later in this article. They are activists who contributed in an informal capacity to contextualizing the responses of other participants by providing me with access to the wider community and a growing activist network in the West Bank.

A more detailed explanation of theory, choice of terminology, methodology, and breakdown of ages can be found in the author’s ethnographic unpublished MA thesis “Palestinian Youth Perspectives on Exile Politics: Between Solidarity and Leadership.”

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**** Endnotes: See online version at: <http://www.BADIL.org/al-majdal>*

The Arab Spring and Reviving the Hope of Return*

by Zarefa Ali** and Amal Zayed***



From Nakba action in Maroun al-Ras, Lebanon, 15 May 2011 (© Constanza)

It has been more than two years since a wave of revolts and demonstrations hit a number of Arab countries calling for dignity, freedom and justice. With persistence and determination protestors in Tunisia, Egypt and Libya succeeded in toppling their long ruling dictators, no longer tolerating being misrepresented or oppressed by tyrants. However, the main question we pose in this article is: with the change of political climate in the Middle East, what effect has the Arab Spring had on Palestinian refugees' hope of return?

Some have argued that "Palestinians have largely been on the sidelines of the Arab Spring."¹ Others claim that the Palestinian cause has been missing from the discourse of the Arab revolutions.² Our ethnographic fieldwork carried out between October 2011 and October 2012 in the West Bank indicates that the Arab Spring has had an impact on Palestinians, especially on refugees. Our hypothesis is that the Arab Spring has revived the hope of return, a hope which has, for the past 65 years, been undermined for various reasons.³ Nonetheless, deducing a correlation between the Arab Spring and renewing the hope of return is preliminary since the Arab Spring is still unfolding.

While documenting the stories of cross-generational Palestinian refugees, we noticed an expression of hopelessness that without changes in the region, return to their homeland would be impossible to achieve. One of the reasons for this is the unconditional international support for Israel. Since its creation in

1948, Israel has received the support of the international community and, as a result, was able to breach countless international laws and United Nations resolutions that affirm Palestinian refugees' right of return: such as United Nations General Assembly resolution number 194. Breaches of Palestinian rights are commonly justified through the claiming to 'protect Israel's national security'. Thus, when it comes to the right of return Israel has without a doubt gained "international support that the right of return is impractical, and has made that [impracticality] the agenda of the international community," said Yousef, former advisor to the Palestinian leadership in the negotiations team and a second generation refugee.⁴

Recently though, the international support for Israel has declined. According to the British ambassador to Israel,⁵ this is due to the expansion of Israeli settlements in the West Bank and the Israeli blockade of Gaza. The fact that the UN General Assembly granted Palestine non-member observer state status in the UN also suggests that Israel is beginning to lose the support of the international community. Regardless of those who opposed or supported such a step and regardless of its negative or positive impacts on the Palestinian question, it has given some Palestinians hope that many countries are beginning to change their position.⁶

One of the most fundamental reasons obstructing the implementation of the right of return is the Israeli-Palestinian negotiations and the utter exclusion of refugees in previous, and most likely future, negotiations. According to Yousef "[t]he Israelis have not wanted to talk about refugees and the right of return in the context of negotiations. We've never gotten to final status negotiations except in Annapolis,⁷ which was pointless."⁸ Sami, a third generation refugee, added: "If there's a solution [through negotiations], it wouldn't include, it wouldn't include and I say again: it wouldn't include the return of refugees."⁹

Since the Israeli-Palestinian negotiations have drastically failed in finding a solution for the Palestinian refugee problem, Palestinian refugees took matters into their own hands. For example, during the 63rd anniversary of the Nakba on May 2011, a new form of commemoration took place.¹⁰ Palestinian refugees, those of the third and fourth generations, gathered in Haifa, Egypt, Jordan, on the borders of Lebanon, the Gaza Strip, and in the West Bank near the Qalandia refugee camp and marched towards the Israeli borders.¹¹ This symbolic act of return proves that Palestinian refugees have not forgotten or given up their right of return. Sadly, this historic moment resulted in Israel killing 20 people, mainly Palestinian refugees, on the four borders with Israel.¹² The fact that some Palestinian refugees actually crossed the borders separating them from their homes in Palestine reveals that entering Palestine is not impossible. Nonetheless, Palestinian protesters would not have been able to reach the borders without the approval of the Syrian and Lebanese governments. There were signs of official support in Lebanon where analysts said leaders used the Palestinian cause in order to deflect attention from internal problems and in Syria where President Assad sought to divert the world's attention from his onslaught on the uprisings by allowing confrontations with Israel in the Golan Heights.¹³ These incidents demonstrate what Palestinians have been saying all along that Arab countries play a fundamental role in preventing their return.

The political change in the Arab region has, to some extent, affected the Palestinian discourse of return. In the past, second generation refugees' spoke about the Oslo Accords as a development with a potential for achieving return. Today, third and fourth generation refugees emphasize that implementing return cannot take place with the continuation of the status quo of the Arab regimes. Thus, some Palestinian refugees perceive the Arab Spring as the significant change they have been waiting for in order to implement return. For instance, Lina, a third generation refugee, met with many Palestinian refugees in Ayn al-Hilweh refugee camp in Lebanon and met with some of the young refugees who crossed

the borders in 2011, and noticed that “their hopes for return were high, especially in light of the Arab revolutions where dictators were overthrown and replaced by new regimes.”¹⁴ This idea was confirmed by other refugees such as Abu-Ibrahim, a first generation refugee, who expressed that “the revolutions and the change taking place in the Arab region is promising that return is soon.”¹⁵

Although other Palestinian refugees believe that the outcome of the Arab Spring would not lead to return, they, nevertheless, hold on to the slight hope it has given them. For example, Sana, a third generation refugee said: “Realistically speaking, I don’t think the right of return will be granted. Nevertheless, in light of the Arab Spring and with the radical change of the Arab regimes, I believe it is the only solution left.”¹⁶

The ongoing Israeli colonial policies in the occupied Palestinian territory are the basis for refusing the right of return. The dispossession of the Palestinians by Israel beginning before the 1947-1949 Nakba did not end there. The forceful displacements of Palestinians and house demolitions continue until this moment in area C of the West Bank¹⁷ and in Jerusalem.¹⁸ Moreover, between 1948 and 1956 Israeli forces killed some 5,000 Palestinian refugees who tried to return to their homes.¹⁹ Today, Israel continues to prohibit Palestinian return. One recent example that highlights Israeli determination to ban Palestinian return is through denying Palestinian-Americans entries to the West Bank and refusing to renew the visit visas of thousands of Palestinians who hold foreign passports.²⁰

Despite the expansion of Israeli colonization in East Jerusalem and the West Bank, Palestinians have not given up. Instead, they have employed forms of resistance such as hunger strikes in Israeli prisons or the Palestinian Boycott Divestment and Sanctions campaign, which is rapidly, “gaining momentum and posing a real threat to Israel.”²¹ World-renowned physicist Stephen Hawking has recently joined the BDS movement to support academic boycott of Israel.²²

The impact of the Arab Spring on Palestinian refugees’ right of return cannot be fully assessed at this stage, considering that the Arab revolutions have extended over two years. Although some Palestinians have argued that the effect of the Arab uprisings on Palestinian refugees’ right of return was ephemeral and ended on the 2011 commemoration of the *Nakba* with the death of many Palestinians, according to our empirical research, for many such as Abu-Saleh who is a first generation refugee, “[t]he journey of return has begun.”²³

* This paper is based on MA theses by the authors and oral testimonies from multiple generations of Palestinian refugees. The theses have recently been published by the Forced Migration and Refugee Unit at Birzeit University. Find the theses at: <http://ialiis.birzeit.edu/fmru/userfiles/The-Continuing-Nakba.pdf>, and <http://ialiis.birzeit.edu/fmru/userfiles/Palestinian-Refugee-Narratives-An-inter-generational-Comparison.pdf>.

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****Authors used pseudonyms for all interviewees.

***** Endnotes: See online version at: <http://www.BADIL.org/al-majdal>

A Crisis of Representation: Debating the PLO on al-Shabaka and Jadaliyya

by Thayer Hastings*

As in 1993, the ‘crisis of representation’ continues to draw urgency and attention from the Palestinian public.¹ In the post-Oslo era, the refrain refers to the Fatah-Hamas rift, general elections and the Palestine Liberation Organization (PLO). Over the past year leading English-language websites such as Jadaliyya magazine and al-Shabaka: the Palestinian Policy Network have hosted discussions around the basic value of the PLO and its legislative body, the Palestinian National Council (PNC). This article will survey some of the most recent contributions to this debate aiming to highlight the main ideas wielded for and against elections to the PNC by contemporary Palestinian thinkers. I will review positions put forward in the 1 May 2013 al-Shabaka roundtable: “An Open Debate on Palestinian Representation”² and, to a lesser extent, the Jadaliyya “Roundtable on Palestinian Diaspora and Representation” published on 11 September 2012.³ Additionally, I will reference individual articles addressing this theme published over the past year on the two platforms.⁴ In order to leave the ‘crisis’ behind, deciding on and building a political strategy is the main task before Palestinians.

The first PNC, the ‘parliament in exile’, convened in Jerusalem in 1964. The meeting established the National Charter creating the Basic Law of the PLO, thus forming the basis for the Palestinian people’s political structure. Reconstitution of the PLO in 1968 earned popular legitimacy by housing the Palestinian factions, unions and guerilla forces within it. While the PLO retains the title of “sole legitimate representative of the Palestinian people”, internationally recognized in 1974 along with unofficial observer status at the United Nations,⁵ the PLO is increasingly supplanted by the Palestinian Authority in most practical and meaningful ways.⁶ However, even the PLO’s stunted form retains legitimacy: “the credibility of the PLO continues even at its weakest point to far outweigh that of the PA.”⁷ In spite of its heritage, the sole representative body of the Palestinian people is in a state of disrepair.⁸ Criticisms of the PLO orbit around its non-representation in the current political reality.

Demonstrators calling Palestinians in the diaspora to vote for the Palestinian National Council. Bethlehem, Palestine, March 2013
(© M. Azza).



In the two decades since the erosion of the PLO's primacy (the beginning of the 'Oslo Peace Process'), it has become apparent that the Palestinian Authority has an unclear vision for a liberation strategy (see *Navigating the Void*, page 15).⁹ Furthermore, the Palestinian Authority only administratively 'represents' a fraction of the Palestinian population further reduced to the West Bank since the 2006 fallout with Hamas. The UN status upgrade filed on behalf of the Palestinian Authority (under the guise of the PLO) in late 2012 marks an additional step blurring the representative scope between the Palestinian Authority and the PLO, both in terms of population and primacy.¹⁰ The outcome of this is dramatic – leaving the vast majority of Palestinians worldwide unrepresented.¹¹ As a political non-strategy persists, Palestinian sub-citizens of Israel continue to be marginalized, Palestinians in Jordan risk having their citizenship revoked, Palestinians in Lebanon are refused basic rights in perpetuity, and Palestinians in Syria face the violent threat of secondary displacement.¹²

In light of this and aimed at reclaiming representation, responding to the national call for a registration drive of Palestinians in the *shatat* (exile) is seen as the first step to holding direct elections of the PNC.¹³ The campaign to register Palestinians is a well-known civil society initiative seeking to lay the groundwork for accurate representation of the Palestinian body politic. Proponents of the initiative argue that direct elections to the PNC and the called-for reform is a common enterprise and inspired by the self-organization of Palestinians during the 1970s and 1980s.

Critics of the registration for PNC elections fear that a flaw within the initiative's vision will replicate current undemocratic structures, affirm the status quo (a backfire) and fail to achieve true reform of the PLO. In defense, Karma Nabulsi, former PLO representative and director of the Civitas Project volume entitled "Palestinians Register: Laying Foundations and Setting Directions", wrote in Jadaliyya's roundtable:

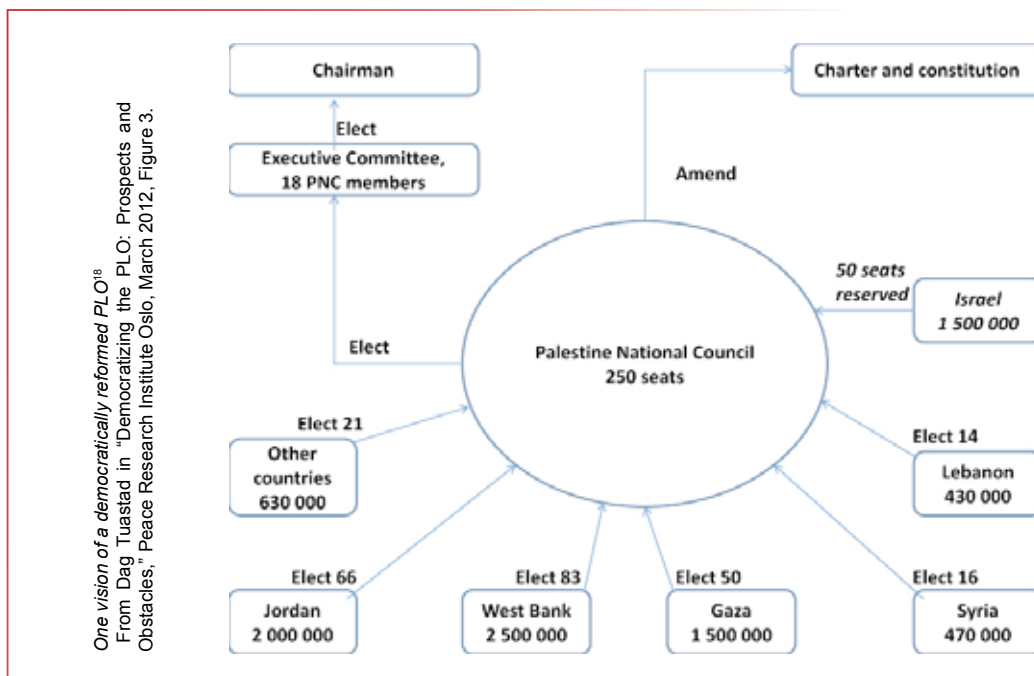
The aim [of organizing democratically and reclaiming our national liberation institutions] is simpler and more profound [than creating either a government or a state]: to determine for ourselves together, collectively, our strategy for liberation and return. And since it is the only principle that puts popular sovereignty at its core, it is therefore the only truly revolutionary one.¹⁴

Within a crisis of representation, the Palestinian people's longstanding demand for unity is increasingly relevant and receiving greater attention from the political class. While the PLO is currently non-representative and dysfunctional, there is also an underlying consensus among commentators on al-Shabaka and Jadaliyya that the PLO can be reconstituted. However, the question that commentators dwell on is *if* Palestinians should be reconstituting the PLO?

Al-Shabaka's roundtable includes eight Palestinian authors, academics and activists who comment further on this question. The impetus for the 1 May 2013 roundtable arose in response to a paper by Osama Khalil, an academic at Syracuse University, in New York, in which he challenges the call for direct elections to the PNC. For Khalil, "[t]he limited effectiveness of the PNC before *and* after Oslo raises questions about the potential for reform of such a body".¹⁵ Issues relating to the authority of the PNC Executive Committee over the budget, as well as domestic and foreign policies, he says, constitute incurable institutional limitations. While the PLO and PNC have been criticized throughout their history for not being representative or representative *enough*, Khalil's argument frames the institution as a tool of the self-serving political cliques rather than the 'sole representative of the Palestinian people'. In his words, "[t]he state of Palestinian politics remains bleak and none of the existing political factions offers a compelling vision for the future. In large part it is because they do not represent the future of the Palestinians but their past." Khalil argues that Palestinians should abandon the PLO along with its illegitimate leadership and an alternative body should be built to achieve truer representation.

Khalil represents a strand in Palestinian political thought that disputes the premise that the PLO can represent Palestinians at all. Instead, proponents of this approach argue that the pseudo-state reality of the Palestinian Authority is an outcome of the PLO’s irredeemable brokenness. One of the arguments against using the PLO holds that since 1968 the PLO has justified Fatah’s at-times illegitimate dominance while marginalizing other ideologies and thereby “enfolded the seeds of failure from the beginning,” as wrote Seif Da’na.¹⁶ Following the argument leads to a scenario where habitual misuse over the course of the PLO’s history disqualifies it as a potential tool for reformation and representation.

Alternatively, others warn that complete dismissal of the PLO without presenting viable alternatives contributes to maintaining the Palestinian Authority and quasi-statehood. Hani Al-Masri, director of the Ramallah think tank *Masarat*, advocates that, “[w]e must follow through on [the potential of the PLO] and exhaust all possible means to bring it to life, while at the same time promoting new movements and forces.” By comparing the current moment to 1968 when political parties gained control of the institution from the traditional Palestinian elite, Al-Masri speculates whether current leaders will be a part of or an impediment to rebuilding the PLO: “In that year, the factions of the Palestinian revolution rebuilt the PLO, which had originally emerged to respond to the needs of the official Arab regimes rather than the needs and priorities of the Palestinian people.”¹⁷



Fajr Harb, a political activist, takes a clear stand for pursuing the PLO when writing: “[R]eform can come by revolutionizing the PLO itself and not by creating yet another body.”¹⁹ Harb describes the Palestinian Authority as technically separate from the PLO, but leeching roles and effectively splitting representation. Moreover he argues that a new body, an alternative to the PLO, would add to the divisiveness of Palestinian representation. Expanding on the background for his position, and in response to Osama Khalil, he writes:

One of Khalil’s main arguments in favor of abandoning the PLO is that PNC members are chosen by quota, and that the political parties making up the PLO are themselves undemocratic and unaccountable. However, the author tends to overlook the huge number of Palestinians belonging

to political parties. How does he envision the members bound within their parties' framework defying their leaders' authority in such a critical matter? Would changing the face and name of the representative organization render individuals more democratic? The problem is not merely the structure and vehicle of representation, but also the peoples' understanding of authority. We need to work on reforming ourselves as individuals that belong to a society based on resistance along with reforming the body that unites us all.

It is hard to imagine achieving the blank slate that Khalil advocates for; Khalil writes that, "[Palestinians] will need to build that movement themselves from scratch." Rather than rejecting options based on their weaknesses it is responsible (and admirable) to draw from the Palestinian community's strengths. In Harb's vision, altering the PLO structure before holding new PNC elections is a constructive approach. He references reform to the PLO Charter as an ideal next step.

The result of this debate is a thorough exploration of arguments detracting from using the PLO. Underlying authors' participation is a common goal of furthering the Palestinian cause and a basic framework that the conflict with Israel is a liberation struggle, not a border conflict. From the spectrum of opinions, it is possible to identify certain patterns of thought. For example, three of the eight participants in the al-Shabaka discussion are explicitly for PNC elections, while one is explicitly against it. Not a single voice within the retinue of opinions on the viability of elections to the PLO presented a view where Palestinians were not in a crisis of representation. Additionally, no commentator challenged the registering of Palestinians in the *shatat* for elections.

As a whole, the roundtable fills in the analysis of PLO and PNC elections providing a firm footing for moving forward. Hopefully, such discussion will enable Palestinians concerned with policy to advance their thinking on the topic of electoral representation and avoid rehashing the debate in the future. Reflecting on the PLO's utility is necessary, but should not undermine progress particularly in the context of a frozen national liberation movement while Palestinians undergo daily disenfranchisements. Without building towards an exit from this period of limited representation, dismissals of the PLO risk propping up an undemocratic Palestinian Authority.

Furthermore, academic-based debate on the topic is purposed with following in the footsteps of the community, particularly its most marginalized, which has affirmed the need for direct elections of the PNC.²⁰ Otherwise, the independent intellectual class risks becoming exclusivist and irrelevant, a position easily manipulated by the powerful elite, who debates on representation aim to hold accountable. Rather, the role of academics, intellectuals and authors is to serve the Palestinian body-politic through commitment to navigating the theoretical pitfalls in this moment of continued colonization, deteriorating conditions in host states like Syria and institutionalization of the neo-liberal and non-representative Palestinian Authority. A Palestinian political strategy requires constructive criticism, creative problem solving and a pooling of human resources to overcome pressing conditions of the ongoing Nakba. Future endeavors have the opportunity to orient their debates with relevancy to the majority of Palestinians – imbedding high-level policy with inclusion. The principle of inclusion is fundamental for leaving the clichéd 'crisis of representation' behind.

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** Endnotes: See online version at: <http://www.BADIL.org/al-majdal>

Solving the “Problem of Palestine”: Arguing through Reason, Law, and Emotion Void of Strategy

by Lori A. Allen*

UNHCR Session, (source: Foreign Policy Journal.com)



Palestine has long been considered a problem. Even when people refer to it as an issue, as in “the Palestinian issue” [*al-qadiyya al-filastiniyya*], it is “the Palestinian problem” that they really mean: how to divide the land, how to keep the people divided, how to stop the violence, what to do with the refugees?

Numerous international investigative commissions have tried to understand and solve those problems. These have included American commissions, British commissions, a citizen initiative investigation into the Sabra and Shatilla massacre in 1982, and international commissions, including the Anglo-American Committee of Enquiry of 1945-1946, the Permanent Mandates Commission of the League of Nations, and numerous investigations by the United Nations, such as the UN Goldstone Commission of 2009.

Each of these commissions has consisted of a group of experts of one kind or another – academics, lawyers, military men – and each was charged by a government or coalition of governments with investigating a specific set of circumstances related to conflict or violence in Palestine.

To all of these visiting investigators Palestinians have been trying to explain the problem from their own perspective. They have tried to explain both why they deserve an independent nation-state and why their

deprivation of statehood is among the root causes of the violence in Palestine. Much effort has gone into framing their arguments palatably – in a language that would be convincing to western governments and publics, international NGOs and the UN.

Many of the commissioners charged with receiving this testimony have given those arguments due consideration. But rarely are the recommendations or Palestinians' demands followed on the political ground. Although many of the reasons for this are outside most Palestinians' control, the blame for the inefficacy of these commission reports does not lie solely with the commissions' sponsoring organisations. Those who might activate these reports, at least as advocacy tools, have not done much either. Neither the Palestine Liberation Organization, the Palestinian Authority, nor civil society has developed a coherent and unified strategy for making these commissions and their reports functional and representative of Palestinians' points of view, whether refugee, Israeli citizen, or rightless subject living under occupation.

The 1919 King-Crane Commission

U.S. President Woodrow Wilson dispatched the first investigative commission, the King-Crane Commission, in 1919, on the eve of the Paris Peace Conference that would divide the post-Ottoman Middle East among European powers. He sent the Commission to Greater Syria (*Bilad al-Sham*, including Palestine) in order to assess “the state of opinion there with regard to these matters [of the post-Ottoman Middle East], and the social, racial, and economic conditions.” This was “in order that President Wilson and the American people may act with full knowledge of the facts in any policy they may be called upon hereafter to adopt concerning the problems of the Near East—whether in the Peace Conference or in the League of Nations.”¹

The majority of the residents of Palestine wanted independence in a non-denominational, united nation of Greater Syria, under the constitutional rule of a monarch. The majority did not want a mandatory state ruling over them, whether British or American. Many Arab commentators refused Article 22 of the League of Nations charter; they refused to be categorized according to western opinion as “peoples not yet able to stand by themselves under the strenuous conditions of the modern world.” The majority was also against the Zionist plan to establish a Jewish homeland in Palestine. But they also made clear the distinction between interloper Zionists and the indigenous Jewish residents of Palestine. They asserted that there was strong agreement on the fact that the Jews among the national citizens would have their rights, the same as others. “What is incumbent upon them is incumbent upon us,” a delegation told the King-Crane investigators.²

Political groups and the central Arab Government organized a large petition campaign. The Commission tallied over 90,000 signatures on the 1,863 petitions that they collected. Emir Feisal, the main Arab leader in Greater Syria at the time declared to the Commission that he was “authorized to represent [the people] by official documents containing over three hundred thousand signatures”³ – long predating Twitter and Facebook! Many of those writing in the newspapers of the day believed that the destiny of Palestine would be determined according to the opinion of people, so it was necessary that an accurate general opinion be presented.

Unfortunately, the final report of the King-Crane Commission, which faithfully communicated the Arabs' demands, did not have much effect on the political outcome. The Paris Peace Conference ignored its recommendations, the Report was not made public until 1922 and contrary to the Arabs' expressed wishes, Syria, Lebanon and Palestine were divided, and the British military occupation under which Palestinians had been living was transformed into a Mandatory government.

Similar points were made in the very different context of the Anglo-American Committee of Enquiry, an investigation carried out in 1945-1946 “to examine the question of European Jewry and to make a further review of the Palestine Problem in light of the examination.”⁴ Albert Hourani, a British scholar of Lebanese background, presented the Palestinian case – again arguing for an independent, democratic, Palestinian state based on majority rule – in eloquent, measured terms:

The Arab people, speaking through its responsible leaders, has again and again emphasized that the only just and practicable solution for the problem of Palestine lies in the constitution of Palestine, with the least possible delay, into a self-governing state, with its Arab majority, but with full rights for the Jewish citizens of Palestine.⁵

Although the commissioners were impressed with Hourani’s presentation, the final report of the Commission ignored his arguments against partition. The Commission ignored Hourani’s insistence that issues “like immigration, should be decided by the ordinary democratic procedure in accordance with the will of the majority,” and instead recommended admission of 100,000 more Jewish immigrants and continuance of the British mandate. Additionally, despite Hourani’s warnings about “the difficulty of whatever frontiers you attempt to draw for a Jewish State, there would still be a very considerable Arab minority in there, and this Arab minority could not be transferred forcibly because you can’t transfer peasants forcibly,” hundreds of thousands of peasants and others were forcibly transferred out of their historic homeland.

The Mitchell and Goldstone Commissions

The Mitchell and Goldstone Commissions illustrate the changing nature of the international community’s ways of understanding and governing the Palestinian problem.

The Mitchell Commission, officially the Sharm El-Sheikh Fact-Finding Committee, released its report on April 30th, 2001, about six months after then US President Clinton called for it at the conclusion of the Middle East Peace Summit at Sharm el-Sheikh. Dispatched just about a month after the second Palestinian intifada began, it was not to be a tribunal but a committee tasked with finding out what happened, how to end the violence and how to prevent its recurrence.

The Goldstone Commission was launched in 2009 by the UN in the wake of Israel’s 23-day assault on the Gaza Strip (the so-called “Operation Cast Lead”). This UN Commission aimed to investigate the implications of the hostilities for the human rights of the population of Gaza, examining the actions of both sides.

Both commissions involved the gathering of, on the one hand, technical and legal evidence, and on the other hand, personal stories of violence and victimhood. In the case of the Mitchell Commission, this involved receiving multiple written submissions explaining the events of the second intifada and their causes – from both the Israeli government and the PLO. Their work also included visits to Israel-Palestine, during which commission staff, and the commissioners themselves, were taken on field trips to hear from political representatives and victims of violence on both sides. These included Palestinian families of those killed by Israeli forces, people whose businesses were destroyed by occupation measures and farmers whose trees had been uprooted by settlers.

The Palestinians rested their case heavily on the Fourth Geneva Convention and underscored Article 49 that prohibits the establishment of settlements in occupied territory. They presented their arguments in an organized, professional way, as in a legal case. The Palestinians organizing the commissions’ field

visits also sought to encourage the commissioners to understand life under occupation as Palestinians were experiencing it, for example by visiting with common Palestinians which elicited sympathetic reactions. In one such visit, a Palestinian farmer described what had happened to his family's olive grove where Israeli settlers chopped down hundreds of their trees. That action by the settler struck a commission staffer as a spiteful act which helped the commission staff realize that the problem was not just one of Israeli forces against terrorist groups. The authentic testimony and emotional impact of non-professional, non-politicians made the most convincing impact, precisely because these regular people suffering from the occupation and settlements were not professional communicators with personal political agendas. The people who had families and had suffered economic deprivation in everyday ways were most persuasive. Not the official spokes-peoples' reasoned discourse about the history of the occupation, nor the requirements of international law presented in the PLO written submissions. Even though the Palestinian lawyers made a good impression with their systematicity, organization, and professionally presented legal arguments – not unlike the organized, orderly presentations to the King-Cane Commission – in the end, what persuaded the Americans most was the evidence gathered in another register: the empathy-inducing interactions with regular people, or the negative emotions of spite and “vindictiveness” displayed by the Israeli settlers.

Justice Richard Goldstone said: “No written words can by themselves convey human stories the way people can do it in their own voice and words.” Similar to the Mitchell Commission, an important dimension of the Goldstone Commission was the airing of public testimony by regular people – referred to as victims – who lived through Operation Cast Lead. This was the first UN fact-finding commission to involve public hearings, and it “heard close to 40 testimonies during the public hearings ... many from victims who had lost members of their families.”⁶ Justice Goldstone, who said they were “fully aware of the pain to victims of coming here and recanting their sufferings” thanked the courageous women and men who had come forward to share their experiences. According to the Mission report, “[t]he aim of holding these public hearings...was to show the human side of the suffering; to give a voice to the victims so that they are not lost among statistics.”

In the report the authors noted that the “Mission received expressions of gratitude from participants, as well as members of the affected communities, for having provided an opportunity to speak publicly of their experiences.”⁷ One of the commissioners insisted that they had tried their best to “portray the [victims'] plight from the stories that [they] heard.” What was important, she said, was that nothing “affect their right to be heard.”⁸ However, victimhood oriented how participants were heard.

As Noura Erekat has noted, “the [Goldstone] Report never had the potential to deliver on its promises of justice and accountability absent significant political will among states.”⁹ So what were those human stories of suffering meant to provide? In opening the first public session, Goldstone stated: “The aim is to allow victims and survivors on all sides to speak for themselves to the international community. In that way we hope that their concerns will be better understood by a worldwide audience.”¹⁰

Perhaps Richard Goldstone had no intention of achieving anything more than Henry King – one of the commissioners in the King-Crane investigation – did at the end of *his* Commission journey to Greater Syria: “I think our trip has been very worthwhile, and that we have gotten results that could not possibly have been gotten without such a commission.” He said: “The people will certainly feel that they have been consulted and cannot help having a somewhat different attitude on that account.”¹¹ King provided people with the *feeling* that they were consulted.

Lacking a Political Strategy

For each and every one of the tens of commissions that has summoned their evidence and political arguments, Palestinians have corralled historical facts, collated statistics, presented photographic proof and offered eye-witness testimony. In these repeated efforts, they have tried to present their political demands for liberation in ways that those with final say over their fate might hear and understand their position. In different ways, they have tried to present these claims as being representative of Palestinians living under occupation.

All of these commissions offered the language of political legitimacy – and legitimization – for Palestinians to appropriate, maneuver within, and present arguments through. In the unified, calm and representative petitions presented to the King-Crane commission, Palestinians conformed to the reigning vision of the world as a League of Nations. They continued to submit petitions to that body via the Permanent Mandates Commission using legalistic arguments that invoked rights granted by the legal system outlined by the League. They manoeuvred through the reasonable, law-abiding and law-demanding language. Palestinians presented arguments in the legal language and sympathetic interactions convened by the Mitchell and Goldstone Commissions, in which emotions of carefully specified types – not melodramatic or apparently manipulative, only the unpractised, seemingly spontaneous testimony of victims – were invited. There is a consistent *modus operandi* in the way that Palestinians have tried to do this through reasoned discourse and by inducing empathy. But there is no consistency in the presentation of those arguments. Often the argument stops when people “feel they have been consulted.” But, they are farther away from having an independent state than ever. Israel’s settlement enterprise, illegal and an obstacle to peace, continues to expand; international law continues to be ignored; Palestinians’ human rights continue to be violated inside and outside Israeli prisons.

The reasoned arguments and impassioned pleas to international commissions will never be enough on their own. Palestinians’ representations of their own arguments, their descriptions of the justice of their cause, the injustice of the occupation and ongoing dispossession must be coordinated and convincing. One of the few efforts to present a unified and sustained argument to western publics and powers was the work of the Arab Office, which lobbied governments, introduced the Palestinian perspective to western media outlets and talked to western publics. The Arab Office shut down in 1949. As Cecil Hourani, one of the Arab Office directors wrote, “[w]e were trying to make friends, not to create enemies, and friendship is a mutual relationship which demands on both sides a will to like and be liked.”¹² Making friends to make one’s argument convincing is politics. It is time for politics to re-enter the struggle.

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*** Endnotes: See online version at: <http://www.BADIL.org/al-majdal>*

Enfranchising Refugees: PNC Elections in Comparative Context

by Terry Rempel*



From PNC Registration Campaign, see Palestiniansregister.org

In early September 1993, weeks before the signing of the Declaration of Principles setting out a political framework for a negotiated solution to the conflict over the future of mandate Palestine - i.e., Israel and the 1967 occupied Palestinian territory - more than 100 Palestinians from various walks of life issued a public statement warning that “decisions on issues that are crucial to the destiny of the Palestinian people [were] no longer [being] made by Palestinian institutions”.¹ For many, the subsequent decision not to bring the Declaration before the Palestine National Council (PNC), the Palestine Liberation Organization’s (PLO) highest policy-making body, for discussion and approval exemplified their concern. The transfer of PLO cadre and resources to build a nascent Palestinian state in the Israeli-occupied West Bank and Gaza Strip and the delegation of PLO responsibilities to a newly-established self-governing Palestinian Authority (PA) there with limited powers and responsibilities further underscored growing concern about the PLO’s ability to represent the rights, interests and aspirations of the Palestinian people as a whole. With more than half of the entire Palestinian people residing outside of the borders of historic Palestine, activists, academics and policymakers alike increasingly began to speak of a “crisis of representation” central to which was the exclusion of the vast majority of Palestinian refugees from decisions affecting their future.

One of the most cogent explanations can be found in the verbatim records and summary findings of an all-party British Commission of Enquiry on Palestinian Refugees that held hearings in camps and communities of exile across the Middle East in the weeks that followed the July 2000 collapse of final status negotiations between Israel and the PLO. Describing representation as the most complex yet least studied and understood element of refugee life, the Commission reiterated refugee concerns about the urgent need to address gaps in representation at all levels - political, legal, collective and individual.² A primary demand of those hoping to rectify the crisis and restore the unity of the Palestinian people has been the call for direct elections to the PLO’s National Council. A campaign undertaken over the last year

aims to make such elections a reality through registration of the majority of prospective Palestinian voters who reside involuntarily or otherwise outside the borders of mandate Palestine.³ The enfranchisement of Palestinian refugees in PNC elections draws attention to an issue which has received relatively little attention in the discussion of refugee rights, namely, the right to take part in the conduct of public affairs whether directly or through freely chosen representatives.

Refugee participation in elections

Recent decades have witnessed growing recognition, in principle and in practice, of the right of refugees to take part in elections in their countries of origin. This is not to say that the issue was unheard of



Nakba commemoration, 15 May 2011, Ramallah (© BADL)

in previous decades. Plebiscites during the inter-war period frequently allowed residents residing abroad to take part conditional upon their return. A number of major decolonization agreements in the 1960s and 1970s beginning with Algeria included specific provisions relating to the participation of refugees displaced in the context of struggles for national liberation and independence. While these agreements also made participation conditional on return, more recent referenda - e.g., Eritrea and East Timor - have also provided for out-of-country voting. Rooted in the law and practice of self-determination, growing recognition of the right of refugees to take part in home country elections can be ascribed to the increasingly determinate character of the right to vote under international law, the expansion of liberal democracy and its centrality to contemporary peacebuilding

missions, the impact of globalization on practices of political participation and the consideration of forced displacement as a human rights issue. It can also be ascribed, however, as the Palestinian case illustrates, to the participatory demands of refugees themselves.

Articulation of the electoral rights of refugees in the UN High Commissioner for Refugees' (UNHCR) *Handbook* on voluntary repatriation and in a General Recommendation on article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination by the UN committee responsible for its oversight in the mid-1990s exemplified emerging understanding of refugee enfranchisement as a protection and human rights issue.⁴ The issue has since been taken up at the regional level in Europe where Organization for Security and Cooperation (OSCE) and Council of Europe (CoE) declarations, codes of good conduct and commitments governing democratic elections address the participation of refugees. More recently, the UN Secretary-General has endorsed a "Preliminary Framework" on "Ending Displacement in the Aftermath of Conflict" which calls among others for "[s]pecial efforts ... to develop policies and legislation that allow displaced persons to fully exercise their rights, including the right to participate in public affairs, elections and peace-building processes, and ensuring that their views are sought and taken into account in ongoing peace processes and the development of policies that affect them".⁵ Inclusive

of elections, the Framework underscores the importance of addressing refugee participation in a range of contexts including the negotiation of solutions to their situation which often precedes the holding of “post-conflict” elections.

Treaties which enshrine political participation as a fundamental human right, however, have yet to address the specific situation of refugees, or more specifically, the situation of citizens who are outside their home countries notwithstanding the fading relevance of residence to the exercise of the right to take part in the conduct of public affairs. Addressing this lacuna, the International Organisation for Migration’s (IOM) “Participatory Election Project”, which sought to identify relevant obligations, standards and best practices, suggested that the voting rights of refugees under international law may be deduced from the over-arching principle of non-discrimination.⁶ Initial case law in Europe further suggested that a distinction with regard to residence should be made between citizens residing abroad voluntarily and those outside their country of citizenship involuntarily though it did not address the specific situation of refugees.⁷ More recent jurisprudence relying on the CoE’s *Code of Good Practice in Electoral Matters*, moreover, appears to support the assertion that exclusion of refugees from home country elections may comprise an arbitrary and therefore prohibited restriction on the exercise of the right to political participation.⁸ A developing area of law, recommendations that the right to political participation of refugees be enshrined in a binding instrument have nevertheless yet to be addressed.

The rationale commonly cited for enfranchising refugees extends beyond widespread recognition of voting as a fundamental human right. Documentation and registration of refugees, campaign activities along with the act of voting itself provide means to renew communication and re-establish connections between refugees and their communities of origin. The inclusion of refugees in home country elections may also contribute to national reconciliation and help to ensure their involvement in national reconstruction and development. Enfranchising refugees can also rectify and guard against demographic gerrymandering by ensuring their participation regardless of their displacement. The legitimacy of an election may also hinge on whether refugees are allowed to take part particularly when they comprise a significant sector of the population at the national or constituency level. Finally, in situations where elections precede the conclusion of a peace agreement, the participation of refugees can also help ensure that official negotiators represent their rights, interests and aspirations.⁹

The participation of refugees in post-conflict elections in Cambodia and Mozambique in the early 1990s arguably influenced UNHCR’s subsequent elaboration of policy. With enfranchisement largely conditional on refugee return, elections in Bosnia and Herzegovina and in Kosovo in the latter half of the decade established new standards governing the electoral participation of refugees through out-of-country voting procedures. In all four cases, peace agreements included explicit provisions relating to the inclusion of refugees in post-conflict elections. The enfranchisement of refugees appears to be addressed more commonly, however, through agreement provisions relating to the timing of return and human rights guarantees from which the electoral rights of refugees may be inferred. In other cases, such as Croatia, refugee enfranchisement has been addressed in the rules and procedures governing elections. In most cases, enfranchisement takes place through the return of refugees prior to the holding of elections with out-of-country voting procedures in cases like Bosnia and Herzegovina, Kosovo and more recently in Afghanistan and Iraq the exception rather than the rule. Practice is nevertheless inconsistent, varies widely across regions and falls well behind the elaboration of principle.¹⁰

This has been attributed in part to the fact that the electoral rights of refugees have yet to be codified in a binding instrument. It is only in the last decade, moreover, that relevant bodies like UNHCR and IOM have begun to elaborate standards and best practices to guide humanitarian and political actors.¹¹ The

participation of refugees in home country elections also raises a host of challenges including reform or repeal of discriminatory legislation; identification, documentation and registration of voters; provision of adequate and timely voter information; establishment of conditions for safe and voluntary return of refugees to facilitate in-country voting; the added complexities and costs of out-of-country voting; and the opposition to or limitations imposed on out-of-country voting by countries of asylum.¹² There is also the broader danger that if not well-designed elections can be a trigger for renewed conflict or a source of new disputes with the potential for new waves of displacement. Thus, while elections continue to be a central pillar in transitions from war to peace, there is also growing recognition of the importance of additional or supplementary mechanisms which enable the participation of a broad range of stakeholders in peacebuilding processes.

Enfranchising Palestinian refugees

A brief comparison with the Palestinian experience underscores the importance of recent calls for direct elections to the PLO's National Council as a starting point for addressing the aforementioned crisis over representation that is now at least two decades old. The idea of holding a referendum to enable Palestinians to determine their own future, for example, has been set aside repeatedly since the early days of the conflict in favor of mechanisms which provide little opportunity for participation. When raised, moreover, the parties have been unable to agree on the inclusion of refugees who comprise the majority of the Palestinian people.¹³ The enfranchisement of refugees who originate from areas inside Israel has yet to be addressed while those who originate from the West Bank, East Jerusalem, and Gaza Strip have been excluded albeit "temporarily" from the Palestinian Authority's legislative and presidential elections.¹⁴ Initially sidelined in favor of a quota system due to the non-cooperation of Arab host states, the subsequent focus on statebuilding along with disagreements over reforms to facilitate the participation of Islamist groups have further militated against direct elections for the PLO's National Council.

The holding of direct elections for the PNC, notwithstanding legal, political, administrative and logistical challenges, nevertheless provides one of the most immediate or realistic and comprehensive mechanism to enable Palestinian refugees to have a say in decisions that affect their lives including their future. Such elections would appear, among others, to provide a mechanism to enhance communication and strengthen connections between refugees and their leadership, facilitate national reconciliation, and help to ensure that negotiators represent the rights, interests and aspirations of refugees. Enfranchising refugees through PNC elections, however, would also appear to break new ground in comparison to refugee situations elsewhere. Conducted in the absence of a state or an agreement ending the conflict with civil society taking a significant role in its organization and refugees comprising the majority of the electorate such elections suggest a need to fundamentally rethink past approaches to resolving the conflict, including the situation of Palestinian refugees, as well as the application and sequencing of conflict resolution methodologies used elsewhere.

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** Endnotes: See online version at: <http://www.BADIL.org/al-majdal>

Nothing Less Than Freedom: A Response to the Destructive Myths of Rev. Andrew Love

by Rifat Odeh Kassis*

Rev. Andrew Love is a United Church of Canada minister who has started a campaign to get rank-and-file members to reject a proposal from the Church's hierarchy to launch an economic boycott against Israel following the call of Kairos Palestine. Rifat Kassis, Kairos Palestine General Coordinator, responded to some of Rev. Love's views expressed in a lecture held by him in Canada for church members.

On February 4, 2013, Andrew Love, a minister in the United Church of Canada (UCC), gave a presentation at the Rideau Park United Church in Ottawa, Canada. Rev. Love argued against recent calls for boycott of the SodaStream company, which has its headquarters next to Ma'ale Adumim, one of the largest illegal Israeli settlements in the occupied Palestinian territory (oPt). His talk developed into a broader critique of the UCC's stance on Israel/Palestine – or, better put, into a defence of the Israeli occupation itself.

This is not the first time that Rev. Love has publicly dismissed international efforts to secure human rights for Palestinians, to ensure Israel's compliance with international law, or to advance peace with justice in our region. In this sense, his opposition to the SodaStream boycott (and his manipulation of the facts) is hardly surprising. But his arguments – for instance, that SodaStream is a driving force for peace and economic support for its Palestinian employees and the Palestinian economy as a whole, that “settlements are a misunderstood concept,” and that, in short, the



occupation itself is a myth upheld by anti-Israel smear campaigns – are so insulting to any conception of justice that we must respond to them.

Rev. Love’s presentation began with an “informational” video, “Building Bridges, Not Walls”, featuring Daniel Birnbaum, SodaStream’s CEO: Birnbaum argues that a boycott of SodaStream is harmful to Palestinians, and the video goes on to portray SodaStream as a wonderful employer for its happy Palestinian workers.¹ According to the video, SodaStream promotes economic improvement for Palestinians; it is ecological, because it makes soda without cans and bottles; its West Bank plant is only one of 20 around the world, so why boycott the company as a whole?; it is one of the largest employers in Palestine; it is “seamless” for Palestinian employees to cross the Apartheid Wall to work; Palestinian businessmen invest more in Israel than in the West Bank; and economic growth rates in the West Bank have risen 7 to 9 percent each year.

Christian Peacemaker Teams visit BADIL, May 2012 (© BADIL)



This vision of reality is cynical at best; at worst, it is criminally misleading. For one thing, neither the video nor Rev. Love bothers to mention a crucial fact: SodaStream is in a settlement, and settlements are illegal. Whether it provides jobs or it doesn’t, whether it reduces plastic consumption or it doesn’t, SodaStream is located on and profiting from illegally occupied land and thus constitutes a flagrant breach of international law. Moreover, the emphasis on SodaStream’s economic benefits for its workers is, under the circumstances of occupation, absurd and offensive. What Palestinians need is freedom, not fancier oppression. It doesn’t matter if our cage is made of iron or gold: it is a cage. In the following paragraphs I will unpack each of the arguments and counter arguments Rev. Love used in his presentation.

Rev. Love’s presentation deceptively states that Palestinians can easily cross the Apartheid Wall on their way to work. But he omits that, by building industrial zones next to illegal settlements, Israel provides streamlined

transport exclusively for employees there, that Palestinian workers cannot unionize, that they risk losing their work permits if they try, and that Palestinian-owned businesses in the oPt are systematically stifled. Rev. Love's rose-tinted glass is not reality: it is condescension before the thousands of Palestinians severed from their families, workplaces, hospitals, schools, and freedom by the Wall, and it masks many lies.

The presentation also argued that the West Bank plant is just one of 20 across the globe, the implication being that SodaStream should not be boycotted as a whole. But if SodaStream produces its products in illegal settlements in the oPt, it should be boycotted, regardless of whether any other products are manufactured elsewhere. Let's say a company somewhere in the world uses illegal child labour. Considering this fact, is it morally right for us to only buy the company's products that aren't produced by children? Or do we take an ethical stance against the company until it stops exploiting them? The former position is merely convenient; only the latter is just.

The assertion that Palestinian businessmen have invested more in Israel than in the oPt does not simply mean, as Rev. Love's presentation smugly claims, that they love Israel and oppose the boycott. Indeed, it more accurately shows the extent to which the occupation has deformed our society. This manifestation of distorted psychological and economic dependency is present in every society: its representatives are what we call the war rich.

As for the claim that economic growth in the oPt is on the rise (praising, by association, SodaStream's contribution to this growth), this grossly misrepresents the devastating way in which Israel has rendered the Palestinian economy dependent on its own. SodaStream is not saving the Palestinian economy, it is contributing to the oppressive apparatus that wants to keep it hobbled. Meanwhile, unemployment is rampant and more than 100,000 Palestinian families live on humanitarian hand-outs. Soda makers will not secure their futures or their dignity.

Rev. Love's presentation went on to attack the report submitted by the UCC's Working Group on Israel/Palestine Policy. To do so, he slammed several "myths" he feels were perpetuated by the report. Once again, his reasoning is arrogant and duplicitous:

The first "myth" is Israel's wrongs and responsibilities. Rev. Love complained that the report asks nothing of Palestinians, holds Israel to a higher standard than other nations, doesn't condemn suicide bombing, and doesn't applaud "our withdrawal from Gaza," especially when "all they do is shoot rockets at us." Here, Rev. Love discards numerous essential facts: Gaza is still occupied according to international law. The disbanding of settlements in Gaza is hardly grounds for congratulation: to do so would be like applauding an assailant for hurting you not quite as severely as he could have. We never condone rocket attacks, rather we condemn violence in all forms. Yet we must also remember that Gaza is the world's largest prison: I once overheard someone say about her own experience of oppression, "I cannot shake your hand if you are stepping on my face."

The second "myth," according to Rev. Love, is that the occupation and the settlements are illegal. Rev. Love complained that the Working Group report doesn't acknowledge the Balfour Declaration, insists that the occupation is legal because Israel needs secure borders, and claims that the Geneva Conventions aren't applicable. On his first point, the Balfour Declaration of 1917 is a piece of written communication that stated Great Britain's intention to facilitate a Jewish "national home" in Palestine. That is to say, it is not a political agreement (unlike the Geneva Conventions, for instance), and it was delivered, for political reasons, by a country that did not own the land; it carries no political weight. Second, unfortunately for Rev. Love, his insistence on the legality of the occupation and the irrelevance of the Geneva Convention

bears substantially less leverage than the numerous international institutions that have declared Israel to be in violation of its legal obligations as an occupying power: to name a few, the Hague Conventions, Article 2(4) of the UN Charter, the Fourth Geneva Convention, UN Security Council Resolution 252, the International Court of Justice Advisory Ruling on the Israeli Apartheid Wall in the oPt, etc.

Also falling under Myth #2 is Rev. Love's delicate description of settlements as "a misunderstood concept," stating, "if anyone could show legal ownership of the land, they wouldn't have built there." Rev. Love fails to grasp that the problem with settlements is not just "buying" the land – but that, rather, Israel literally adjusts its borders as it pleases. Say, for example, that someone from Germany buys a plot of land in Canada, and Germany then claims that the purchased land now lies under German sovereignty. This is not what sovereignty means, and this is not the way to achieve it. He went on to acknowledge that "many of the settlements do need to be withdrawn," but then symbolically threw up his hands – "you can't ask over 350,000 people to move" (there are actually over 550,000) and also claiming that 85% of settlers live near the Green Line and therefore don't count (another convenient border-readjustment, following the example set by Israel itself).

And Rev. Love's third "myth" is that Arab justice trumps Israeli security. Rev. Love condemned the report for failing to address "the threat to Israeli security," dispatching such "facts" as suicide bombings, Palestinian-implemented violence, and Iran's nuclear intentions. In this way, Rev. Love brandishes the same logic used by the Israeli state to justify every house demolition, every eviction, every arbitrary arrest, every residency revocation, every NGO blacklist, every rubber bullet or round of live fire fired at a non-violent demonstration, every blow dealt to Palestinian children in detention, every bomb dropped on a residential area of the Gaza Strip, every shooting at a teenage boy collecting gravel along the fence separating Gaza and Israel (because of every one of Israel's refusals to permit the entry of concrete into Gaza after blowing entire neighbourhoods to bits over four years ago),² and every insult to human rights it commits, whether in the face of a family in line at a checkpoint or before the United Nations: the justification is security, security, security.

The message is, then: if you cry out "threat to Israel's security," you can do anything, and no one can say you are wrong. The twin message is: if you do anything to advocate for Palestinian rights, you are a threat to Israel's security. It is astonishing that this logic still functions and its effects are devastating for Palestinians, for Israelis, and for human decency at large.

Since Rev. Love sought to dispel the reality of an entire occupation and deny the validity of an entire people, it is unsurprising that he also aimed a bit closer to his own roots: the Palestinian Christian community and international Christian support for us. Attacking the legitimacy of the Kairos Palestine document, he claimed that Palestinian Christian leadership did not support the document and that our claims to the contrary have been proved false. To this, I must say that Rev. Love is a dubious voice for the cause of legitimacy: How does he define it? The Kairos Document represents the people's voice and Rev. Love challenges their legitimacy. More than 60 Christian organizations, 13 heads of churches in Jerusalem and more than 3,000 Christian leaders signed and endorsed the document. "The United Church doesn't have courage," Rev. Love declared, expressing his distaste for the UCC's recognition of the Kairos initiative. But it is his own accusations and presumptuousness that reveal his lack of it.

Whether extolling the virtues of SodaStream, condemning the evils of boycott, erasing many decades of systematic oppression, or generally expressing what he thinks is best for Palestinians, one thing is clear: Rev. Love sees the world through a colonial lens, assessing our problems as if he understands them better than the victims do. And as Ben White comments in the Electronic Intifada,³

The rationale behind the boycott, like the BDS campaign in general, is to enable an end to impunity for systematic gross abuses of human rights and international law (in the context of the Palestinian struggle for self-determination and decolonization). In other words, it is grounded in the facts of occupation, colonialism, and the discriminatory exploitation of natural resources.

The claim that boycotts primarily harm those they are intended to help is reminiscent of those who defended Apartheid South Africa (or who urged ‘engagement’ rather than boycott). Justifying the appropriation of our land, rights, and history is one thing. Appropriating the narrative of our oppression to serve one’s own colonialist intentions is quite another, and we will not permit Rev. Love to speak on behalf of what Palestinians need.

I will close with some words by Desmond Tutu, a true supporter of peace with justice and of all human rights. He writes, recalling his advocacy work for divestment during apartheid in South Africa, that “regrettably, the time has come for similar action to force an end to Israel’s long-standing occupation of Palestinian territory and refusal to extend equal rights to Palestinian citizens who suffer from some 35 discriminatory laws.” He adds, later, “Not only is Israel harming Palestinians, but it is harming itself.”⁴

Tutu quotes Rev. Martin Luther King Jr.’s “Letter from a Birmingham Jail,” a perfect rejoinder to the “Building Bridges, Not Walls” video shown by Rev. Love. Rev. King writes that he has been,

“...gravely disappointed with the white moderate...who is more devoted to ‘order’ than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says: ‘I agree with you in the goal you seek, but I cannot agree with your methods of direct action;’ who paternalistically believes he can set the timetable for another man’s freedom. ...”

Rev. Love cannot set the timetable for our freedom. And it is freedom we want. We will not settle for less.

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** Endnotes: See online version at: <http://www.BADIL.org/al-majdal>

March 30th: a day to reaffirm Palestinian resistance to the ongoing land-grab and corresponding displacement

30 March 2013

37 years ago Israeli police and military killed six Palestinian citizens of Israel demonstrating against thousands of confiscated dunums for Jewish-Israeli colonies in the Galilee.

Annual commemoration of March 30th as Land Day reaffirms the unity of the Palestinian people whether in Shatat (exile), in the occupied West Bank and Gaza Strip, or as sub-citizens in the colonizer state of Israel.

Palestinians are unified by their cultural and physical rootedness to their land. In jarring contradiction, Palestinians are categorically denied their individual and collective rights within that homeland. The State of Israel has maintained a policy of forcible transferring Palestinians from their homeland, a continuous process of creating refugees and internally displaced people: what BADIL refers to as the Ongoing Nakba.

Integral to consolidating its control, occupation and colonization, Israel strives to limit the population of Palestinians on both sides of the Green Line by violating international law including human rights. Israel does so with more than 50 discriminatory laws in Israel-proper, the 'matrix of control' composed of permits, checkpoints, demolitions, and denial of access to natural resources in the West Bank, and unrestrained attacks on Gaza as in November 2012.

The 37th anniversary of Land Day is an occasion for renewing the call to confront violent policies of racial-based exclusion. Challenging the concerted effort to segregate and isolate Palestinians requires non-compliance with the permit system and other illegitimate administrative regulations imposed on Palestinians. The challenge also requires developing Palestinian life in threatened areas. To reconstitute Palestinian resistance, we support:

Rejecting the status quo in occupied land through cultivation and use, particularly areas under direct threat;

Reviving volunteerism so as to promote resilience through collective action and reducing dependence on international aid;

Demanding that Palestinian institutions produce structural plans and provide public funding for developing use of Area C in the West Bank and the Buffer Zone in the Gaza Strip;

Encouraging the Palestinian private sector to invest in agricultural and urban projects, including sports and entertainment, in order to strengthen the feasibility of Palestinian life in threatened areas.

65th Commemoration: Ongoing Nakba and Secondary Forcible Displacement

15 May 2013

Of the 11.4 million Palestinians worldwide, 66% are forcibly displaced, (refugees and internally displaced people) and over half live in the Shatat (forced exile). Instead of an event relegated to history, the Nakba continues into its 65th year – the central source for the annual increase of these displacement statistics.

In the past year, for example, Israeli colonization, occupation and apartheid have targeted the indigenous presence of Palestinians particularly in Jerusalem, Area C of the West Bank, the Gaza Strip Buffer Zone and the Naqab. On 6 May 2013, Israel approved the Praver Plan, which threatens to forcibly displace up to 70,000 Palestinian Bedouin in the Naqab. On the same day, Israel issued 11 home demolition orders in Deir Nidham village near Ramallah, which, if carried out, will make 40 Palestinians homeless. On large and small scales, the displacement of the ongoing Nakba repeats the original crime and tragedy producing Palestinian refugees and Internally Displaced Persons annually.

Ongoing forcible displacement targets Palestinians residing on both sides of the Green Line: in the 1967 occupied territory and on the Israeli side of the “1949 Armistice Line”, as well as those living in enforced exile. Nevertheless, the Palestinian people remain steadfast in their struggle to end the systematic violations of their human rights, political and national rights, and to practice their right of return.

In 1948, the UN General Assembly passed Resolution 194. This resolution set a framework for providing Palestinian refugees with special protection and called for the return of Palestinian refugees to their homes from which Israeli forces displaced them, the restitution of their properties and compensation for the costs and injury done to them, rehabilitation and other entitlements of reparations. In 1967, the UN Security Council issued resolution 237 demanding that Israel allow the return of those displaced by the Israeli military occupation of the West Bank, Gaza Strip, Golan Heights and Sinai Peninsula. The international community, however, did not employ existing mechanisms to compel Israel's compliance with international law and standards in a failure to implement either Resolution 194 or 237.

Within this context, the escalation of the confrontation in Syria exposes Palestinian refugees living in exile there to the reality of secondary forcible displacement in addition to imminent and extreme danger to their lives and well being. Currently, conditions for the Palestinian refugee community in Syria include:

- 400,000 of the total 500,000 Palestinian refugees in Syria are in urgent need of assistance. Moreover, Palestinians displaced from Iraq and now residing in Syria still do not have their statuses determined and, as a result, lack the minimal levels of protection to which they are entitled;
- Palestinian refugees fleeing Syria to Jordan have both been detained at the border and denied entry, or simply exist in limbo, facing the perpetual threat of deportation. The Jordanian Interior Minister has explicitly stated that Jordan will not deal with Palestinians who come from Syria as refugees, “[they] will only treat them as guests;”
- Palestinians granted entry into Lebanon are settled into already overcrowded refugee camps. Lebanese authorities invoked discriminatory laws differentiating between Syrian and Palestinian refugees, favoring the former and thus exacerbating hardship endured by the Palestinian refugee population;
- In Egypt, no Palestinian refugee is issued a residency permit. They are simply denied refugee rights by a bureaucracy that either does not recognize them or lacks the flexibility to do so.

The lack of adequate protection is the most glaring feature of the condition of Palestinian refugees. Therefore, we, the undersigned organizations and networks, mark the 65th year of the ongoing Nakba by calling on the international community and the Palestine Liberation Organization to:

- Ensure effective protection of Palestinian refugees, Internally Displaced Persons and those at risk of forced displacement by realizing the responsibility of UNCCP, UNRWA, UN Committee for the Exercise of the Inalienable Rights of the Palestinian People and UNHCR to search for and implement durable solutions in accordance to UNGA resolution 194 and UNSC resolution 237;
- Promote initiatives that hold Israel accountable to international law including calls for criminal investigation and prosecution, reparations for Palestinian victims and rights-based durable solutions for displaced persons;
- Improve response mechanisms in the occupied Palestinian territory, in Israel-proper and for those Palestinians living in forced exile through short-term emergency aid within the framework of filling medium and long-term protection gaps, a central requirement of which, is preventing institutionalized forced displacement;
- Afford assistance to all Palestinian refugee communities living in forced exile and in particular to those currently fleeing Syria;
- Call upon Arab States, the Arab League and Palestinian political parties and organizations to take effective measures to protect Palestinian human rights and to actively promote the Palestinian refugees' rights to return to their homes and places of origin.

Occupied Palestine and Syrian Golan Heights Advocacy Initiative (OPGAI)

BADIL Resource Center for Palestinian Residency and Refugee Rights

Defense for Children International (DCI) / Palestine Section

Addameer - Prisoner Support and Human Rights Association

Alternative Information Center (AIC)

Gaza Strip Refugee Committees

Society of St. Yves – Catholic Center for Human Rights

Aidoun – Syria

Housing and Land Rights Network Habitat International Coalition

Association of Tunisienne et Tunisiens in Switzerland

Arab- Group Tamkeen Switzerland

Right of Return Organization Geneva

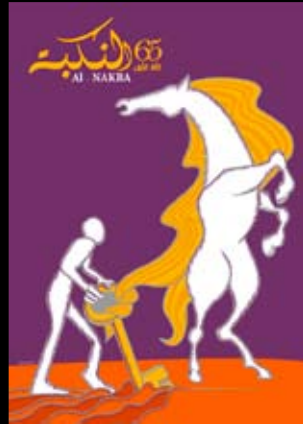
al-Awada Award Posters 2013

The following 18 posters are a selection from the submission to BADIL's 2013 annual al-Awda Award for the best Nakba Commemoration Poster. Participants were encouraged to design their poster art to, "commemorate the Palestinian Nakba by drawing on themes of the 1948 Nakba, the ongoing nature of the Nakba, forced displacement, putting special emphasis on the resistance to ongoing forced displacement, and Palestinians' connection to the land and to the right of return."





Mustafa Bader



Amer al-Shomali



Jihad Gheth



Amani Jlamnah



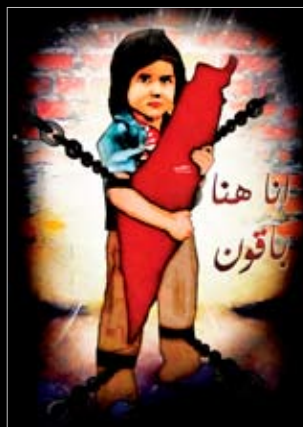
Baha' al-Hseni



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ABOUT THE MEANING OF AL-MAJDAL

al-Majdal is an Aramaic word meaning fortress. The town was known as Majdal Jad during the Canaanite period for the god of luck. Located in the south of Palestine, al-Majdal was a thriving Palestinian city with some 11,496 residents on the eve of the 1948 Nakba. Majdalawis produced a wide variety of crops including oranges, grapes, olives and vegetables. Palestinian residents of the town owned 43,680 dunums of land. The town itself was built on 1,346 dunums.

The town of al-Majdal suffered heavy air and sea attacks during the latter half of the 1948 war in Palestine. Israeli military operations (Operation Yoav, also known as "10 Plagues") aimed to secure control over the south of Palestine and force out the predominant Palestinian population. By November 1948, more than three-quarters of the city's residents had fled to the Gaza Strip. Israel subsequently approved the resettlement of 3,000 Jews in Palestinian refugee homes in the town. In late 1949 Israel began to drive out the remaining Palestinian population using a combination of military force and administrative measures. The process was completed by 1951. Israel continues to employ similar measures in the 1967 occupied West Bank, including eastern Jerusalem, and the Gaza Strip.

Palestinian refugees from al-Majdal now number over 71,000 persons, and Israel has Hebraized the name of their town as "Ashkelon." Like millions of other Palestinian refugees, Majdalawis are not allowed to return to their homes of origin. Israel opposes the return of the refugees due to their ethnic, national and religious origins. al-Majdal, BADIL's quarterly magazine, reports about and promotes initiatives aimed at achieving durable solutions for Palestinian refugees and displaced persons based on international law and relevant resolutions of the United Nations.

BADIL Resource Center publishes Israeli Land Grab and Forced Population Transfer of Palestinians: A Handbook for Vulnerable Individuals and Communities

Forced population transfer is illegal and has constituted an international crime since 1942. The strongest and most recent codification of this crime is in the Rome Statute of the International Criminal Court. The Rome Statute clearly defines the forcible transfer of population and implantation of settlers as war crimes.

In order to forcibly transfer the indigenous Palestinian population, many Israeli laws, policies, and state practices have been developed and utilized. Today, Israel carries out this forcible displacement in the form of a “silent” transfer policy. The policy is silent because Israel applies it while attempting to avoid international attention by regularly displacing small numbers of people, which it presumes would go unnoticed. Israel’s legal and political structures discriminate against Palestinians in many areas including citizenship, residency rights, land ownership, and regional and municipal planning.

The Handbook aims to help stymie this forced population transfer. It focuses on West Bank Area C and East Jerusalem regarding three triggers of displacement: land confiscation, restrictions on use and access of land, and the system of planning, building permits and home demolitions. The Handbook outlines Israeli state practices used to implement displacement by drawing on court decisions, legislation, military orders, and original interviews with affected individuals. They provide a much-needed practical tool for those facing possible displacement. Although these resources are not a substitute for qualified legal advice, BADIL hopes they can assist at-risk Palestinians by helping them delay or counteract Israeli displacement strategies. Apart from the legal analysis, the Handbook includes 70 case-studies on forced population transfer.

