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FORWARD

The Palestinian UN statehood Bid of September 2011 was a new Palestinian official strategy that brought different reactions locally and internationally.

Plenty of questions have been raised around this move. Will it succeed? Was it the time for it? Was the Palestinian leadership ready for the different scenarios? Was this part of a completely different strategy? Was anything missing? Knowing about the clear American VETO position, what was planned to do next?

Many people do support the move, as addressing the UN was always in mind and they waited for that moment believing that negotiation with Israel is hopeless, which was proven right after 18 years of negotiation. Others raised some concerns about the PLO representation and the possible harmful legal outcomes, especially if the PLO status at the UN was changed. Who will represent the Palestinians in Diaspora was one such concerns. Or is it only an attempt to strengthen the Palestinian legal position in the coming rounds of negotiations?

Public discussion were made prior and even after the submission of the Palestinian application to the UN Secretary General and President Abbas' speech before the UN General Assembly. Some people asked about the absence of the input of the popular groups and movements from such a step. For more than a decade many Palestinian groups have been asking for a new political strategy that involves a wide range of local and international activities that leads to addressing the UN. For many of those groups this move created a real opportunity for strengthening the Palestinian diplomatic and international role.

Nevertheless, some feel that there was and still is something missing from the new Palestinian approach. What about including boycott Divestment and Sanction (BDS) Campaign following the successes made? Should we work on enhancing the nonviolent popular resistance, fighting the Israeli impunity, address states accountability and engaging the global solidarity movement? Why not promoting the role of the faith-based communities worldwide using the growing Palestinian and Global Kairos movements that also create a real promising momentum? For having a new strategy there are calls to include all these elements and key pillars so the new strategy become concrete and holistic and finds the influential local and international tools to make the desirable progress and outcomes.

In this edition of the JAI magazine we try to shed light on this issue. There are many articles that are relevant to this new Palestinian strategy, from different perspectives, in addition to other relevant information. We hope that you will enjoy reading them and have an idea about the reactions created around this UN move.

We also look forward to having your feedback that you would like to share. We will for sure take it into consideration.

Yours

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Can Palestine problems be solved by the United Nations?

Frank Barat

A human rights activist and coordinator of the Russell Tribunal on Palestine



Following years of negotiations that had nothing to do with negotiating but were more a way for Israel and its powerful backer the USA, to entrench the status quo and make the situation on the ground unchangeable, Mahmoud Abbas, president of the Palestinian Authority, decided, for once, to take a unilateral (understand a decision without consulting Israel) decision.

He will take the question of Palestine to the United Nations and will ask the security council to recognise Palestine as a State and to accept it as full member of the International Body.

This momentous event took place on 23rd of September in New York.

During his speech in front of the General Assembly, Abbas received a few standing ovations, something that rarely happens on this stage, while the Israeli and US envoys never blinked an eye.

While it is easy to understand Abbas's motivations, mostly based on emotions; Palestinians taking matters into their own hands, putting back Palestine on the international stage, not succumbing to strong pressures, exposing the powerful's double standard; isn't it more important to look at the actions of the UN in the past and stay grounded in reality?

In reality, the United Nations, at least when it comes to the Security Council, is one of the most undemocratic bodies in the world.

5 permanent members (elected by whom?) have the possibility to issue a veto on any decision made by the rest of the world (188 countries). Also, the UN, throughout its history, has always represented the powerful's interest.

Looking into the history of the UN a bit further shows that since its creation, the UN has failed to implement 89 resolutions at the security council and 247 resolutions at the general assembly concerning Israel. The self-proclaimed "Jewish State", being part of the 'gang' of the powerful, is above International Law and does not expect its other powerful friends to ever remind him that the law applies to everyone. It is as simple as this.

This is the stark reality that Mahmoud Abbas seems to want to avoid at all costs.

It is therefore crucial to ask ourselves: "What could really help change the situation for the better in the short term future?"

Mobilising international solidarity and international civil society in the key. The solution will not come with negotiations and talking. A most powerful occupier will never listen and truly negotiate with the people it occupies. What is needed is outside pressure to force the occupier to stop its daily violations of the most basic human rights.

This is already on the way with the emergence of the BDS movement in 2005, and such initiative as the

International Solidarity Movement, the Free Gaza movement, the flotilla, the one state initiative, the Russell Tribunal on Palestine and many others initiatives that will, with time, turn Israel into a rogue State as it happened with South Africa in the early 80/90s.

The 'Arab Spring' also showed us the way. The events that shook Tunisia, Egypt, Yemen, Syria, Libya...are a powerful reminder for the head of States. The main message was: "You are not relevant any longer". People will not wait for your political machinations to act. We will make our own history. Palestine, and its struggle, will also benefit from the impact of the Arab Spring. The movement will grow and this will be done without consulting our so called "leaders". This will be a unilateral move from the people, from the bottom up. A huge wave that no one will be able to stop.

A wave, that will be felt like a tsunami in Israel.

Frank Barat has edited two books "Gaza in Crisis" (Haymarket/Penguin) with Noam Chomsky and Ilan Pappé and "Corporate Complicity in Israel's Occupation" (Pluto Press) with Asa Winstanley.



UN Bid The Pulse of Palestine

Kathinka Aakenes

As an attempt to uncover the opinion of the Palestinian people regarding the UN bid of the P.L.O., an idea was developed at the Joint Advocacy Initiative. A poster was turned into a thermometer, measuring the reaction of the people.

As a Norwegian volunteer I arrived in Palestine at the end of August. In the following months my new place of residence would enter an exciting period of time. The Palestinian Liberation Organization was approaching the United Nations, calling for recognition as an independent state and demanding UN membership.

Being a Norwegian is probably synonymous with having absolute trust in the UN. For this reason I was expecting an enormous enthusiasm towards the UN bid and a great celebration for the coming Palestinian State. But the engagement from the locals was not that high, which creates confusion in the mind of a Nordic idealist. Inspired by a quote of Kahlil Gibran, saying "Perplexity is the beginning of knowledge", I didn't surrender.

Talking to the Palestinian people made me set aside my first theory. The existence of the bid is not limited to Europe and the western world. And even though it takes some minutes before the Palestinian is following my legal formulated questions, I am relieved to discover that the people are informed about the UN approach. But during the conversations, their ordinary energy level decreases. This makes me question; who started this process, and for what reason? And what does it really mean to the Palestinian

people?

My search for answers brought me to the streets. The strategy was simple: when you don't understand, you ask. And I asked everyone I came across. Men and women. Old and young. Rich and poor. And my question was easy. "What does the September initiative mean to you?" Here are the results:

Based on these signatures it is possible to distinguish between two groups; the first group of people is characterized by their negative associations towards the bid, either because of disbelief in change or the lack of ownership of the process. The suspicious once are making comments like: "To sell what's left of Palestine", "impossible" or the infinite sign for the endless conflict; "∞". Those who are negative, due to their lack of ownership, are making statements like the

September initiative means "Nothing!", was a result of a "poor strategy" or feel that the entire project is a "fake hope".

The optimistic group is easily characterized by smiling faces "☺", "I agree" and remarks such as "I love Palestine". The optimists emphasize their support of the bid mainly because of their national sentiment and their pride for the Palestinian identity.

All of the responses considered, the thermometer has uncovered two different perspectives of the UN bid. Along with the subject matter of recognition, it measured the domestic political process. Even though the hearts are pounding for Palestine, the relationship between the politicians and the people on the ground seems to be just above the freezing point.

*Kathinka Aakenes – JAI GoCY
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Palestine's **UN** bid: Realigning the path to Freedom with international law

Dr. Mustafa Barghouti

September has passed. Palestine is at the UN with the support of at least 130 countries that have already recognized the sovereign rights of the Palestinian people to establish their own sovereign state on the 1967 border, with East Jerusalem as its capital.

This marks an historic moment. After twenty years of fruitless negotiations, failed promises and a ceaseless Israeli colonization campaign that has devoured almost half of the occupied West Bank, Palestine is taking the initiative for peace and justice. We want to realign the path to peace with international law. The whole world has a responsibility towards ending the Israeli occupation, apartheid and to achieving Palestinian statehood. Sixty-four years after the UN decided to divide Palestine in two states, the same forum now has an opportunity to correct a historical wrong and consecrate the Palestinian State, whose birth has been unjustly denied until now.

Palestine's existence has been illegally negated and denied by Israel, another UN member. Israel's own admission to the UN in March 1949 was conditioned upon their acceptance of resolution 181 (two states) and resolution 194 (Palestinian refugee rights). Sixty two years later, Palestinian inalienable rights continue to be violated.

Now, it's Palestine time. We learn from Gandhi and Luther King. We encourage civil society all over the world to continue its campaign to make Israel know that they, and their products, will not be welcome anywhere until Palestinian rights are achieved; we encourage the peaceful demonstrations all over our occupied country whereby young Palestinian, Israeli and international activists get together to challenge the Israeli Apartheid; and we also need stronger diplomatic action to achieve our national goals. Under this context, the UN bid is the most courageous Palestinian diplomatic resistance action to challenge the unsustainable status quo.

The hysteric Israeli reaction against the UN bid only shows that Israel was never prepared to confront our smart resistance against its daily illegalities. With the same hostility they repress our people demonstrating in Bil'in and Nabi Saleh, they have tried to stop Palestinian from reaching out to the rest of the world. They know that Palestine, a country under occupation, will gain significant tools that will delegitimize the Israeli occupation all over the world. They also know that their culture of impunity is being challenged by a new regional reality that no longer tolerates oppression and impunity. This new Middle East is blossoming with the strength and brilliance freedom and democracy sows. Across the region, peoples are taking charge of their destiny and writing their own destiny, one free of despotism, humiliation, and exploitation. These



sentiments do not make of Palestine the exception and neither should the world, which supports the cries of freedom across the Middle East.

Does the UN bid mean that the Palestinian struggle would be solved with the recognition of a Palestinian State on the 1967 borders? No. The inalienable rights of the Palestinian people have been safeguarded by decades of hard work within the UN system. International law is clear regarding the Israeli obligation of ending the occupation and honouring Palestinian refugee rights, among others. A stronger Palestine should continue to advocate for the rights of Palestinians around the world, and the PLO will not disappear until a final agreement is reached. It is our right, our commitment and our obligation.

September 2011 should be a strategic turning point for the Palestinian cause. We should make good use of the momentum to change once and for all the rules of the game. It should not be only about gaining recognition at the United Nations but also about the day after. Internally, national reconciliation and Palestinian unity must be a top priority. The call for elections for the Palestinian National Council, parliament and presidency, where all Palestinian will be represented, are goals we must aim to achieve over the coming months.

Externally, we will have to make the world understand that without their political will, the State of Palestine will not be liberated and the rights of the Palestinian people will continue to be violated. Israel must be made to choose between colonization, apartheid and international isolation on one hand, and peace and justice on the other.

September has come and it is irreversible. If the Israelis want to have a solution, they know what they have to do. Israel must accept its responsibilities and adhere to the collective will of the international community. It must realize that in order to guarantee peace and security for its citizens, it must stop acting with belligerence and racism, implement relevant UN resolutions, including those in relation to the ICJ Advisory Ruling on the Wall. For real and lasting peace to reign, Israel must end its occupation and give up its illegal settlement enterprise. For its part, the international community must support Palestine's recognition and its admission to the UN because in so doing, the world would be investing in peace, realigning the path to peace with international law, and bringing Palestine's overdue freedom closer to realization

Mustafa Barghouti is the Secretary General of the Palestinian National Initiative, a Member of Palestinian Legislative Council and the Palestine National Council.



The Moment of Truth

Xavier Abu Eid



The historic speech of President Abbas to the United Nations last September will be remembered for generations. It was a clear call upon the international community to choose between action or complicity. Moreover, he reaffirmed that our right to self determination has been never up to negotiations, calling on the world to recognize the State of Palestine on the 1967 border. Raising his hand with a copy Palestine's application for full UN membership was the peak of a day that I will never forget.

The moving words of our president addressed all issues affecting our people. From the unacceptable Israeli precondition of recognizing Israel as a "Jewish State" (and the catastrophic effects that it would have over 1.5 million Palestinians Christians and Muslims), to the situation of our villagers attacked by settler gangs, Jerusalemites being deprived pushed away of their city, the besieged Gaza Strip and the rights of our refugees, the largest refugee group in the world. It was a clear, frank, and coherent speech with a broader campaign aimed to utilize nonviolent/popular resistance and diplomacy for the liberation of Palestine and the respect of our people's national and human rights.

Could anyone justifiably question our right to pursue our rights through diplomacy or popular nonviolent mobilization? This is a legitimate tool to stop being the last colony; calling for the recognition of our state is exercising our legitimate right to self determination within international recognized borders; at the same time, it is consolidation of the internationally recognized vision of two-states, currently threatened by Israel's unilateral and illegal colonization

policies.

Our goal is not different than what countless UN resolutions have reaffirmed: the end of the Israeli occupation through the establishment of a Palestinian State on the 1967 border. Bilateral recognitions and admission to the UN are not only a significant step towards the achievement of this goal, but an investment in peace from the international community to the future of our region.

The declaration of the state of Palestine has been followed by 130 states recognitions. Despite Israeli attempts to portray countries that have recognized countries as "undeveloped, Islamic or left wing countries," the fact that Brazil, India, Russia, China



and South Africa are among those recognizing Palestine does nothing but reaffirm our right choice. More than two thirds of the world population lives in countries that have recognized the Palestinian State, including nine of the ten most populated countries. It is time for the rest of the world to take a further step towards the achievement of Palestine's national rights through their recognition.

Will the recognition of the State of Palestine end the Israeli occupation per se? no, however it will add significant political pressure on Israel to end their illegal behavior. The mere Israeli allegation that Palestine's recognition on the 1967 border is an attempt to "delegitimize" Israel, shows that Tel Aviv is not ready to accept the possibility of any other sovereign state between the Jordan River and the Mediterranean Sea. What indeed is part of the UN bid is delegitimizing the illegal Israeli occupation.

In the UN, President Abbas said: "It is a moment of truth and my people are waiting to hear the answer of the world. Will it allow Israel to continue its occupation, the only occupation in the world? Will it allow Israel to remain a State above the law and accountability? Will it allow Israel to continue rejecting the resolutions of the Security Council and the General Assembly of the United Nations and the International Court of Justice and the positions of the overwhelming majority of countries in the world?" While we continue working for the achievement of our national rights, we are waiting for a clear answer to President Abbas's questions. The moment of truth has come.

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Palestinian Statehood – Legal implications

Maria Glenna

Lawyer and former volunteer for the JAI



Introduction

The Palestinian bid for membership in the United Nations raises several questions regarding statehood in international law, particularly conditions for and consequences of statehood. At the time of publication, it is still unclear whether the application will have any consequences for the Palestinian statehood and its status in the UN. Taking this uncertainty into account, this article will mainly focus on the criteria and consequences of statehood and the UN membership.

Criteria for statehood and relevance of recognition

According to customary international law, Palestine must fulfil certain legal criteria to be considered a state. The most commonly accepted formulation of the basic criteria for statehood is expressed in the Montevideo Convention¹. As stated in the convention's article 1 a state must have the following qualifications: A permanent population, a defined territory, a government and capacity to enter into relations with other states². Consequently Palestine should be considered a state as long as it satisfies these conditions³.

Some legal scholars have claimed that recognition is a condition for statehood, but the dominant position today is that recognition is not required⁴. Nevertheless, recognition continues to play an important role as proof that an entity fulfils the criteria for statehood⁵. As observed by Oppenheim: "International Law does not say that a State is not in existence as long as it is not recognized, but it takes no notice of it before its recognition"⁶. Consequently the more states and international actors that

recognize Palestine as a state, the stronger the Palestinian claim for statehood will be.

UN membership

Palestine currently holds status as a nonmember observer, but has submitted an application for membership in the UN accordingly to obtain recognition of Palestine as a state. According to the UN Charter Article 4 (1) membership in the UN is open to "all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations."

Admission requires an approval from a majority of the members of the Council⁷ and that none of the permanent members of the Security Council exercises their veto power⁸. Finally the General Assembly has to approve the application by a two-thirds majority⁹.

Alternatively, the Palestinians can apply for status as a non-member observer state in the UN. Observer status is not regulated in the Charter, but the General Assembly has developed a practice of allowing states and other entities to have different forms of observer status.

The admission of observer states follows the ordinary rules for decision making in the Assembly and requires approval from the majority of the member states unless it is considered an "important" issue¹⁰. Important questions require a two-thirds majority, but the question of whether the issue is important is decided by a simple majority vote¹¹.

Palestine will not automatically be considered a state if the bid for UN membership is approved. However, any change to a "state" status will provide a stronger argument for Palestinian statehood because it is considered a state in the UN and because it will be recognized as a state by a large number of other UN member states.

Recently, an international law scholar has claimed that a possible consequence of the Palestinian application for statehood is that the State of Palestine replaces the Palestinian Liberation Organization (PLO) as the representative of the Palestinian people¹². Representation in the UN is usually an internal matter for the states, and state representatives are recognized by the UN through the General Assembly's Credential Committee¹³.

However, the declaration also refers to the PLO as "the sole legitimate representative of the Palestinian people"¹⁴, and whether the declaration brings any change in the representation is not clear. Moreover, a change in the credentials can be rejected by the General Assembly¹⁵, and the PLO is internationally recognized as the sole legitimate representative of the Palestinian people.

Implications of Palestinian statehood

If Palestine is considered a state, it is entitled to all the rights of a state under international law¹⁶. These rights would include state sovereignty, immunity of the state and its officials and ability to enter international treaties¹⁷.

As a state Palestine would also have access to several international courts. As a starting point, international courts only have jurisdiction over state parties. Palestine is not state party to any international courts while Israel is party to the International Court of Justice, but not to the International Criminal Court (ICC)¹⁸.

The Statutes of the International Court of Justice (ICJ) implies that access to ICJ is restricted to the United Nations member states¹⁹, but the Palestinians may be able to file a case before ICJ in accordance with its Statute Article 35 (2) and the Security Council Resolution 9 (1946) which gives states who are not parties to the ICJ Statutes access to ICJ if they file a declaration that accepts the Court's jurisdiction²⁰

The Rome Statute of the ICC article 12 (3) gives access for a "State which is not a Party to this Statute" if the State "accept the exercise of jurisdiction by the court with respect to the crime in question"²¹.

During the armed conflict in Gaza in 2008-2009 the Palestinian National Authority lodged a declaration to the ICC recognizing the jurisdiction of the court for acts committed in the Palestinian territories²². Since then the ICC Prosecutors have been examining inter alia the jurisdiction of the Court²³. If Palestine is a state the ICC would be enabled to prosecute crimes committed in the Palestinian territories, even crimes committed by nationals of states that are not parties to the Rome Statute, such as Israel.

In addition to the legal implications Palestinian statehood would have a number of political consequences. Among others it is suggested that Israel will lose leverage in negotiation as Palestinian statehood places the two parties on a more equal footing²⁴ and that the Palestinians will have a stronger claim to the territories within the 1967 borders²⁵.

³ For example John Quigley argues that Palestine fulfills the criteria. See J.B. QUIGLEY, *The statehood of Palestine: international law in the Middle East conflict* (Cambridge University Press. 2010). page 245-246 and 252.

⁴ JOHN CERONE, *The UN and the Status of Palestine – Disentangling the Legal Issues*, 15 *American Journal of International Law* (2011).

⁵ J. CRAWFORD, *The Creation of States in International Law* (Oxford University Press. 2007). page 27

⁶ L. OPPENHEIM, *International law: a treatise* (Peace, London, Longmans, Green and Co. 8 ed. 1955). page 122.

⁷ UN General Assembly's Rules of Procedure chapter XIV.

⁸ Charter of the United Nations (United Nations ed., 1945). article 27 paragraph 3.

⁹ Id. at.

¹⁰ Id. at. Article 18 (2) and (3).

¹¹ Id. at. Article 18 (2) and (3).

¹² GUY S. GOODWIN-GILL, *A Legal Opinion on The Palestine Liberation Organization, the future State of Palestine, and the question of popular representation*(2011), at <http://www.documentcloud.org/documents/238962-final-pdf-plo-statehood-opinionr-arb.html>.

¹³ Rules of Procedure (United Nations General Assembly ed., 1984). rule 27-29.

¹⁴ H.E. MR. MAHMOUD ABBAS, *Statement* (2011). Assessed at http://gadebate.un.org/sites/default/files/gastatements/66/PS_en.pdf

¹⁵ The General Assembly refused to accept the credentials of the designated representatives of South Africa during Apartheid, see UNITED NATIONS GENERAL ASSEMBLY, Resolution 2636 (XXV)(1970), at <http://www.un.org/depts/dhl/resguide/r25.htm>.

¹⁶ CERONE.

¹⁷ COLIN WARBRICK, *States and recognition in international law*, in *International law* (M.D. Evans ed. 2006). page 242-243.

¹⁸ THE INTERNATIONAL CRIMINAL COURT, *The State Parties to the Rome Statute*, at <http://www.icc-cpi.int/Menus/ASP/states+parties/>.

¹⁹ According to the Statutes of the International Court of Justice (United Nations ed., 1945). Article 35 (1) the court is open to "states parties to the present Statute". As the statutes are an integral part of the UN Charter, the state parties are the members of the UN.

²⁰ UNITED NATIONS SECURITY COUNCIL, Resolution 9(1946), at <http://www.un.org/documents/sc/res/1946/scres46.htm>.

²¹ The Rome Statutes of International Criminal Court (The International Criminal Court ed., 1998). Article 12 (3)

²² Report of the International Criminal Court. (2010).

²³ Id. at.

²⁴ QUIGLEY. page 249

²⁵ MOHAMED ELSHINNAWI, *Palestinian Bid for Statehood Creates Diplomatic Crisis*, *Voices of America* (2011).



¹ D. RAIČ, *Statehood and the law of self-determination* (Kluwer Law International. 2002). page 49

² Convention on the Rights and Duties of States (Montevideo Convention) (Seventh International Conference of American States ed., 1933).

A Rights-Based Approach to the Resolution of the Israeli-Palestinian Conflict

Al-Haq



For several decades, negotiations between Israel and the Palestinian representatives were promoted at all costs, sidelining initiatives for international justice and denying justice to victims, resulting in the perpetuation of Israel's violations of international law and the exacerbation of the situation of the Palestinian people. As an example, the PLO-Israel Interim Agreements 1995 (Oslo Accords) have been misused to perpetuate measures that violate the fundamental rules of international law. These actions have ignored the basic principle that preventing future crimes and promoting human dignity through a rights-based approach are essential preconditions for a durable peace.

With the objective of countering this long-standing condition, on 23rd September 2011, Palestine submitted its application for membership of the United Nations (UN) to the Secretary General of the UN as part of a larger series of initiatives to join international organisations and treaties, gaining access to international accountability avenues, including the International Criminal Court (ICC). The upgrade of the Palestinian representation in the UN system would strengthen the political leverage and international legal personality of the State of Palestine, enhancing its influence over the international community's willingness to pressurise Israel into ending its occupation and continuous violations of international law. The State also has the benefit of accessing more effective legal mechanisms, including those of the international criminal justice system, and engaging with other States, including Israel, on an equal footing to claim its sovereign rights.

As an organisation dedicated to the protection and promotion of human rights in the Occupied Palestinian Territory (OPT), Al-Haq analysed the legal and political implications of the upcoming Palestinian UN initiatives on the protection of the rights of the Palestinian people under international law. By adhering to a strict application of international law and contemporary legal practice, Al-Haq's legal briefs on the UN initiatives seek to bring some clarity to the questions and concerns raised in the public debate and highlight, where appropriate, potential threats to the full exercise of all the Palestinian people's rights.

The initial legal brief ('Al-Haq's Questions and Answers on the Palestinian Initiatives at the United Nations') examined Palestine's statehood status, the options available to the State of Palestine at the UN and the potential benefits and risks of the UN initiatives. It concludes that since the existence of a State is a purely factual and political matter and Palestine has, over the years, been treated as a State by the majority of States and international organisations, the initiatives themselves do not have legal implications for Palestine's statehood status. Therefore, by seeking UN admission, Palestinians do not claim a right to statehood, but rather the rights flowing from an existing statehood status. Neither do the UN initiatives as such consist as an exercise of any right – they are merely a means to promote existing rights claims.

The public debate on Palestine's UN initiatives has raised concerns about potential changes in the mechanism

of representation of the Palestinian people at the international level, and their possible effects on future rights claims, including the right of return, the right to reparations and the right to self-determination. The overarching concern has been that the UN initiatives could jeopardise the effective and collective representation and rights claims of the Palestinian people – including the Diaspora, refugees, Palestinians citizens of Israel and the Palestinians in the OPT. Al-Haq's second legal brief ('Al-Haq's Questions and Answers on Palestine's UN Initiatives and the Representation of the Palestinian People's Rights') examines these issues concluding that although the PLO's representational capacities allow it to represent claims on behalf of all the Palestinian people, the majority of which are refugees – whilst the State might face limitations vis-à-vis other States in bringing individual claims through different international mechanisms on behalf of those who are not its nationals – the State has greater political leverage and possibilities to claim rights through international mechanisms.

As a result, it is of prime importance to safeguard the unique internationally recognised representational role of the PLO in parallel to that of the State of Palestine. With the entrance of the State of Palestine into the UN, it must be ensured that the interests of all the Palestinian people are fully integrated into the State's efforts through its participation in the UN system. The PLO should also continue to function outside of the UN system in parallel to the State, maintaining its current role and capacities, as it is not subject to the limitations of international law and practice on relations between States.

As such, Palestine's UN initiatives should be undertaken in a cautious and responsible manner and include firm measures to ensure the utmost protection of the rights of all the Palestinian people and preserving the role and functions of the PLO. Whilst future undertaking of internal reforms of the Palestinian representative bodies must guarantee the legal protection of all the Palestinian people, and ensure their political participation in accordance with their civil and political human rights.

Remarkably, in the course of the recent initiatives the EU and a number of its member states have reportedly tried to condition Palestine's initiatives on a promise that Palestine would not turn to the ICC. Along with contravening the EU's own position on the ICC, such actions discredit the Court and its authority and threaten to thwart a much-needed monumental opportunity for justice and accountability – sending the dangerous message that Israel is, and should remain above the law. Who, if not states and international organisations, can be expected to defend the normative foundations of the just and peaceful world order, when law-abiding states are not only unwilling to prevent Israel's international crimes, but actively

support Israel's continued impunity?

In light of this, Palestine's UN initiatives are an important occasion to reiterate that adherence to international law is the essential framework for the protection of the rights of the Palestinian people, and the only basis for a just and sustainable resolution of the conflict. Negotiations on final status issues, including borders and refugees, cannot be undertaken before the occupation is brought to an end, with the effective withdrawal of all troops and the cessation of all violations of international law, including the withdrawal of all settlements. International law prohibits the acquisition of territory by force, making negotiations on 'land swaps' in time of occupation, which are being promoted by the Quartet (a diplomatic initiative consisting of the UN, US, EU and Russia) amongst others, strictly prohibited by international law.

The UN bid has also helped reaffirm the significance of the international

community's role in the conflict, in particular that of the EU, and their obligations towards the Palestinian people, which flow from Israel's continuous violations of international law. It is equally the responsibility of the international community towards the Palestinian people, in particular the Palestinian refugees, to ensure that their representation is maintained and facilitated both inside and outside the UN system. Palestine's UN bid, which is meant to facilitate Palestinian victims' access to international justice, should not therefore be derailed by political pressures to return to negotiations, continuing to deny justice to victims and shielding perpetrators of international crimes.

Al-Haq is an independent Palestinian non-governmental human rights organization based in Ramallah, West Bank. Established in 1979 to protect and promote human rights and the rule of law in the Occupied Palestinian Territory (OPT), the organization has special consultative status with the United Nations Economic and Social Council





Palestine's admission to the UN: opportunity or challenge for the Palestinian refugees?

Amjad Mitri

Many commentators and analysts have discussed the opportunities and challenges for the Palestinian cause arising from the "Statehood Bid Initiative". Those analyses vary from arguing that this initiative constitutes an important step towards ending the occupation and colonization of Palestine to nothing good will come out of it. This brief article will rather indicate than determine possible legal consequences for the Palestinian refugees and Internally Displaced Persons (IDPs) which might occur from recognizing Palestine as a state and its admission as a United Nations (UN) member state. In order to highlight the potential risks and prospects for this specific group, one has first to understand the dimension and altitudes of the situation in the occupied Palestinian territory (oPt). The deliberate displacement of Palestinians by Israel from 1948 until the present amounts to a policy and practice of forcible transfer of the Palestinian population -ethnic cleansing-. This process is still ongoing -ongoing Nakba- and has resulted so far in 70% of the Palestinian population worldwide belonging to the group of refugees and/or IDPs. Therefore, when discussing the issue of Palestinian refugees/IDPs one has to bear in mind that the topic does not only circulate around the rights of existing Palestinian refugees/IDPs -most importantly the right of return- but also the prevention of future forcible displacement. Consequently, the "September Initiative" has to be judged accordingly.

Refugee rights (returning)

Palestinian statehood or admission to the UN in itself brings no change to the denial of the right of return by the State of Israel. On the contrary, Israel could argue that Palestinian refugees now have at best only the right to return to the territory of the State of Palestine -1967 Border-, even though the effective return of Palestinian refugees to that State may be still impeded by the occupying power. Nevertheless, this analysis fails to consider that the internationally recognised right of return aims at refugees/IDPs returning to their homes and places of origin and not necessarily to their country of origin. The "Initiative" could furthermore lead to an increase or decrease of political participation or exclusion of Palestinian

refugees who are residing in the diaspora regarding the public affairs of the State of Palestine. In this light, the question of whether citizenship and voting rights are granted to Palestinian refugees in the diaspora is of fundamental importance. Lastly, the question of representation is crucial. Today the Palestinian Liberation Organization represents the Palestinian people as a whole -those inside and outside of the oPt-. Accordingly, will the State of Palestine, which would be confined to the 1967 Borders, able to continue representing all Palestinians or only the ones residing in its territory and/or holders of the potential Palestinian citizenship?



Palestinian refugee camp in Lebanon

Preventing displacement (protection)

A possible recognition and admission to the UN would not change the reality on the ground. The oPt –West Bank including East-Jerusalem and the Gaza Strip- would still be considered occupied territory. This factor would result in a State of Palestine which would be lacking effective governance and control over its territory and population. As a consequence, Israel would continue violating international humanitarian law, international human rights as well as international criminal law by acts such as implementing settlements and settlers into occupied territory, severe restriction of the freedom of movement throughout the oPt through hundreds of military barriers and the “Separation Wall” and its associated regime. Those crimes could be –in the best case scenario- tackled by a future Palestinian UN member State by referring specific cases to the International Criminal Court or the overall situation to the International Court of Justice (ICJ). Claims could be submitted to these two Courts in order to determine whether Israel is guilty of certain international crimes or wrongdoings. Additionally, the State of Palestine would be protected by Art. 2. paragraph 4 of the UN Charter which prohibits “the threat of or use of force against the territorial integrity or political independence of any state.”

Even though, new windows of opportunities would be available to confront Israeli practices and

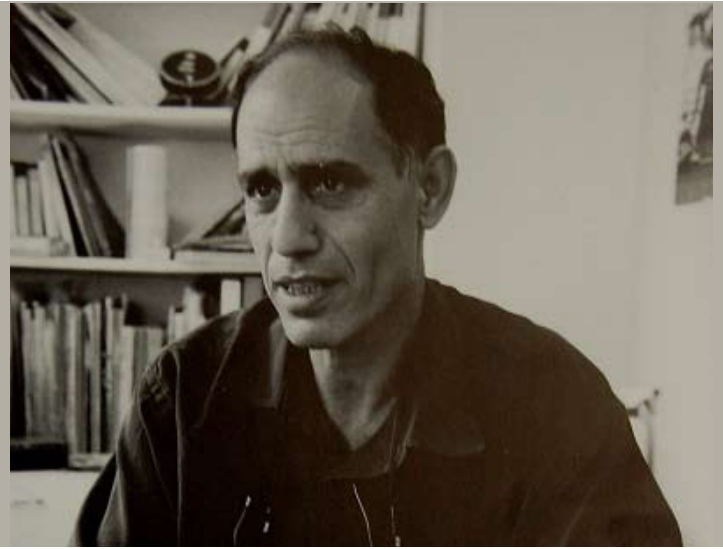
policies against the Palestinian people through the aforementioned legal means; it is important to realize that a certain degree of protection does already exist. So for instance the ICJ ruled that the Israeli “Separation Wall” is illegal and that it must be dismantled and reparation should be paid to the Palestinian victims. Another example is the “Goldstone Report” which stated that Israel might have committed international war crimes and crimes against humanity during its massive assault against the Gaza Strip in 2008/09. However, both events have not triggered sufficient political will to implement the findings/ recommendations and the question remains: whether an admission to the UN would influence the political will of the international community towards ending the Israeli impunity and to hold Israel accountable in accordance with international- law and standard like any other ordinary member of that community?

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Palestinian National Rights are Point of Origin

Nassar Ibrahim



The request for full membership in the United Nations presented on the 23rd September 2011 by Palestinian Authority (PA) President Mahmoud Abbas raised political controversies and legal issues in both the Palestinian and the international arenas. The claim for state recognition could have been the culmination of a real reconciliation process on the ground between Hamas and Fatah, a restructuring of the Palestinian popular movements and a reformation of the relation with the Arab peoples, as well as with the international and Israeli anti-Zionist civil society movement, thus reframing a new position toward future peace initiatives. But it was not.

The first worrying element is that this choice came abruptly and not as a result of an evaluation process of the Palestinian political performance since Oslo until today. In other words, it seemed to be an option chosen due to a crisis, rather than an intentional step toward a new national strategy. An analysis of its political and historical context, indissolubly tied with the Palestinian national struggle and its objectives, is fundamental for this initiative to mean more than a diplomatic maneuver under the ceiling of the so-called

peace process (i.e. the negotiations), which was a dysfunctional process from its beginning in the 1991 Madrid Peace Conference right through to its death in 2011. The Palestinian leadership has to remember that the failure of all the “peace initiatives” - subjected to the unequal relations of power with the Israeli - U.S. alliance, backed by the European Union and the Arab regimes as valid partners in this alliance - can be explained by the simple fact that they tried to jump over the fundamentals of Palestinian national rights and the unity of the Palestinian people, aiming to build a peace under the Israeli occupation criteria.

Approaching this political choice means to go back to the core of the conflict between the objectives of this colonial occupation and the Palestinian aspirations for national liberation. An evaluation – if the unlikely recognition will happen or not - should go beyond narrow approaches and commence from a strategic point of view. Does this choice mean a disengagement from the strategies and references of previous negotiation (the terms dictated by the imbalance of power) and does it represent a return to the UN resolutions and international law as a reference for any future peace process? Despite the



worrying announcement in Abbas's speech, "ready to go back to the table of negotiations", this question and this question only should be the reference for any discussion. If the answer is positive, the claim for state recognition would represent the first step of a new Palestinian strategy: Rebuilding the national Palestinian struggle based on the requirements of national unity and a reconsideration of resistance in all its forms and entitlements, as well as the rebuilding of the Palestine Liberation Organization (PLO) as the sole legitimate representative of the Palestinian people, relying on a national consensus around the Palestinian national rights (the right of return, self-determination and the establishment of an independent sovereign Palestinian state with Jerusalem as its capital and the dismantling of settlements).

The experience of the Palestinian struggle over the past decades shows that guaranteeing a certain harmony between the requirements of the Palestinian national rights on the one hand and the political, social and cultural dynamics on the other has been the only element able to preserve the Palestinian struggle in its strategic framework. In each historical moment these principles have been violated for tactical reasons and the price to be paid by the Palestinians with regard to their rights was enormous. Instead of waiting for the improbable UN-recognition, an internal debate within the Palestinian society must happen, aimed at presenting a review of the leadership's political attitude of the last two decades. The starting point is an internal restructuring of the internal balance of power among the political and social actors - social movements, the leftist parties and the multitude who see the interest in continuing the struggle for liberation with its international interconnections.

The meaning of September depends on two key conditions. First: The restoration of the Palestinian national strategy in accordance with national priorities at all levels. Departing from the fact that the Palestinian people are still living under the stage of national liberation, which implies the interaction of the different forms of resistance and of national unity as a prerequisite. In this context, the task is in the first place to evaluate the political performance after Oslo. Already far before the September initiative was on the horizon, the Palestinian poet Mahmoud Darwish warned us: "(Israel) did not understand the implementation of the false peace but to accomplish what it could not reach through war: regional hegemony and dealing with the Palestinian people under siege as an isolated entity ... Meanwhile the Palestinians depleted all their flexibility to finally pay a higher price for a mediation aimed not more than the recognition of the right to establish an independent state on the twenty percent of the land of our historic homeland deserved and Israel on the other side refuses to withdraw even one meter from the space its legend has to be realized in, and still looks to our historical existence in our country as a foreign occupation of "the eternal Jewish homeland," to be

freed from us and our history" (Al-dustour newspaper, Jordan, 2002).

Second: Fulfil the requirement of rebuilding the Palestinian political bodies (P.L.O., and the Palestinian Authority), according to the over-referenced new national strategy. The first goal of this institutional reorganization is to determine clear boundaries between the tasks of "the Liberation and the (Palestinian) Authority", especially in light of the horrific political and cultural consequences of the mixing process between them. It was exactly this intentional mistake that pushed Fatah and Hamas to their current crisis, dumping first the Fatah movement and later Hamas to make them both serve the PA and not the liberation strategy. Here the contradiction between the national struggle and the PA was born and quickly spun out of control. If the political forces had maintained a safe distance from the PA, the conflict would not have reached the point that threatens the unity of the Palestinian people and their aspirations for freedom and independence. Without denying, of course, the role of the PA at the civil and social levels, in order to meet the social needs of the Palestinian people and promote the practice of democracy in Palestinian society.

This potential process of internal, regional and strategic restructuring is what the Israeli state is afraid of: To lose the achievements it gained cheaply through the Oslo process and face growing internal contradictions which threaten the cohesion of Israeli society. This is so particularly if the September initiative will mean a return to the reference of international law and provide an opportunity for the Palestinian political movements to reorganize themselves out of failure and start moving again on the basis of international law. Secondly, if the growing social and economic distress in Israel, which is directly linked with the costs of its occupation and militarization, will re-emphasize the importance of the joint popular struggle of Palestinians and Israelis as a guiding principle against the policies of exclusion, racism and impoverishment that Israeli society itself is suffering from.

In conclusion, the meaning of the September initiative does not lie in what will happen, as any result of the UN process will in any case be determined by existing power relations. The ultimate value of this choice must be seen in the fact that it provides an opportunity for all (in the best case) to regain some balance through a return to the axioms that should lead the Palestinian political choices, the point of origin of any political decision: Palestinian national and social rights with all their components.

Director of The Alternative Information Center (AIC), an internationally oriented, progressive, joint Palestinian-Israeli activist organization, located in Beit Sahour and Jerusalem.

The Palestinian struggle in the context of the global intifada (uprising)

Dr. Mazin Qumsieh, PhD

Popular resistance activist - Professor at Bethlehem and Al-Quds Universities



Today's rumblings in the Arab world seem an echo of the uprisings seeking independence from the Ottoman Empire, subsequent struggles against British and French rules, and the struggle against colonial Zionism. Individual actors differ but history does seem to repeat itself: Western powers supported the Zionist project for internal reasons, the Zionist project moved relentlessly in its colonization, and the natives had a variety of responses ranging from collaboration to armed resistance. Illusions about fairness of the political landscape are challenged by such things as the Sykes-Picot Agreement of 1916, the Cambon and Balfour Declarations of 1917, the San Remo Conference of 1920, and many others down the line to US "Road-map to Peace" that fails to mention.

The machinations of power politics are challenged in periodic episodes of uprisings. Examples came in the 1920s in Egypt, Iraq, Syria, and Palestine, in the revolts in Palestine under Israeli occupation and resistance to the US occupation of Iraq. Most Arab dictators were put in power by western governments and so revolts against these dictators are also revolts against neocolonial policies.

I was reminded of this as I watched the hypocritical Western celebration of the killing of Gaddafi. On several occasions, the US administration said that revenge should not be practiced yet no western leader said a word about lynchings in Libya including of Gaddafi himself. Gaddafi was captured alive and healthy but was shot anyway. I spent two months in Libya (studying its fauna) and know how bad the regime was and I am certainly happy that his rule ended.

The US hopes Syria would be next and it is simultaneously pressuring Egyptians and Tunisians. Let us not forget that Bashar Assad (and before him his father) and Gaddafi were not bastions of support for Arab causes. After all, both had close Western ties and were more than happy to receive and torture prisoners captured by US forces (a process known as rendering which was never stopped under the Obama' administration). The Syrian regime was also an ally with the US in the destruction of Iraq (including the genocide of over 1 million civilians).

By US/Israeli calculations chess game, human rights are the never considered. Democracy and rights are discussed only if a dictator is out of favour. But I think they underestimate the Arab people. In Libya, they believe that Abdul Jalil will stay in his self-appointed seat and then open the country (like Iraq) for Western oil exploits, for the US military base (closed in 1969), and establish friendly diplomatic ties with Israel (which already met with the so called national transitional council or NTC). The

NTC is talking about elections "maybe in two years" (in other words after they consolidate power and money and can manipulate the system). US lawmakers in Congress (prostituting themselves for their AIPAC masters) are talking about Libya and Iraq paying (financially) for their "liberation" and that they expect these countries to have friendly relation with Israel! But there are already voices within Libya and Iraq who say "enough" BS. I think the Arab spring and Arab people will surprise the (Zionist) US foreign policy makers. Democracy is coming.

Where does this leave us in Palestine? Native Palestinians' nonviolent resistance caused the failure of the Zionist movement to get support from Ottoman rulers in the late 19th century. The Zionist movement then turned to lobby Britain and France beginning in 1904 to achieve the Cambon and Balfour Declarations of 1917. Soon after WWI and the British occupation of Palestine, popular nonviolent resistance resumed. In early 1919, the newly founded Muslim-Christian Society began work to influence the direction of the destructive policies promulgated by Western powers in Palestine. For example they sent a letter to demand from the King-Crane commission that it follows President Wilson stated goal of letting indigenous people determine their own future after so many decades of colonial rule. While the King-Crane commission issued favourable recommendations, these were ignored because the fate of the area was already decided by the Sykes-Picot agreement of 1916, the Balfour Declaration of 1917, and the Paris 'Peace' Conference of 1919. But this Muslim-Christian partnership in rejection of colonialism was to get even stronger in time.

Muslim and Christian Palestinians together protested the appointment of the Zionist Herbert Samuel as the British high commissioner of Palestine in 1921. Together, they protested and marched against the unfair land laws that his administration promulgated to transfer land ownership from natives to European Jews. Together, they participated in the resistance of the late 1920s. Together, they engaged in strikes and paralysed economic life in 1936 demanding freedom and the end to the colonial Zionist activities.

This Christian-Muslim partnership was never directed against Jews. In fact the activists went out of their way to assert that 'Local Jews are nationals who will have what we have and endure what we endure'. On March 11, 1920 many peaceful demonstrations were held in major Palestinian cities concomitant with the foundation of the underground Haganna forces (forerunners of the Israeli army). The uprising of 1920-1921 was the first obvious mass movement for liberation. This was followed by a pattern of uprisings separated by periods of relative

calm (though with continuing resistance in various forms including sumud). The intervening periods between these uprisings usually spanned 8-15 years or more depending on geopolitical circumstances. There were thus uprisings in 1920/1, 1929, 1936, 1955/6, 1971/2, 1982-1984, 1987-1991, 2000-2005.

Lessons can be learned from these series of uprisings. For example, the 1936 uprising was highly successful where popular resistance (later with some limited armed resistance) achieved a remarkable success. This included the longest strike in Palestinian (and perhaps world) history. The uprising was weakened by a number of factors: 1) the massive oppression including destruction of large areas of some Palestinian towns like Jaffa by the occupation authorities (as form of collective punishment), 2) the collaborationists Arab regimes who pushed the Palestinians to "trust" the British authorities, 3) the Palestinian political leadership (mostly self-appointed) who first stood against the uprising, then claimed its leadership, then traded on its expense.

The Oslo process thus harvested low fruits of the 1987-1991 uprising in exchange for ending the resistance and ending International pressure on Israel. Israel was then free to double colonial settlers, introduce massive restrictions of movements, isolate and Judaicize Jerusalem, and fragment what remains of Palestine. But throughout these years, the popular resistance seemed to spread and accelerate.

Small remote villages became famous in the media and among Palestinians and internationals making pilgrimage to join the struggle: Budrus, Masha, Al-Walaja, Ni'lin, Bil'in, Beit Ommar, and dozens more. The globalization of the struggle is entering a new phase with proliferation of Palestine solidarity movements around the world. Our human struggles are connected: from the occupy wall street movement to the toppling of dictators in the Arab world to our resistance in Palestine.

The dangers we face today are compounded by the failings of current leadership (from all factions) to articulate clearly

the national goals and set-out a strategy to achieve them. The ill-fated Oslo process failed because it is like many other things created by decisions

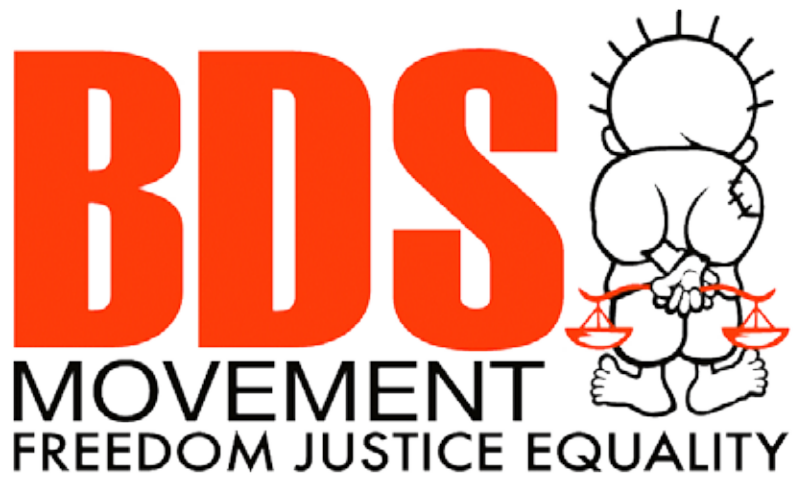
From few individuals without returning to the Palestinian people. The decision by Mr. Abbas and those around him to go the negotiations or not, to go to the UN or not, to go to the International court or not are all slated to fail because they emanate from a small circle of unrepresentative bodies or even individuals. Margenalization of the 11 million Palestinians in the world can never be a recipe for success.

The Zionist project, well-funded, violent, and supported by imperial western powers failed at its stated goals. While its state is militarily and economically strong, it is a failure on moral, ethical, and management style and it is trying to hold back the inevitable progress. But we as Palestinians have yet to succeed in translating this failure to freedom, return, and self-determination. We made steps along the way that are positive including our persistence (sumud), and resistance that delayed the colonization projects and asserted our collective will to be free. In the past 20 years, our struggle has become a global struggle/global intifada that is the key to stability in the Middle East and even globally.

I believe that if the Palestinian people insist on it, we could have new leadership, dismantle the dysfunctioning Palestinian authority", constitute a representative Palestinian National Council, harness the skills and energy of the millions of Palestinians at home and in exile to work towards liberation. We will have the added boost of the Arab spring and the people movements from Sydney to London to Wall Street. This is now becoming a global uprising using tools of popular protest, media, internet, lobbying, BDS, moral persuasion and more is destined to achieve its goals: democracy, justice, and peace. Palestinian refugees will return to their homes and lands and all people in the Arab world will live in freedom and dignity despite all the attempts from the US and Israeli governments to set the clock back. That is certain. The timing strictly depends on our energies.



Grassroot Initiatives



The global movement for a campaign of Boycott, Divestment and Sanctions (BDS) against Israel until it complies with international law and Palestinian rights was initiated by Palestinian civil society in 2005, and is coordinated by the Palestinian BDS National Committee (BNC), established in 2007. BDS is a strategy that allows people of conscience to play an effective role in the Palestinian struggle for justice.

For decades, Israel has denied Palestinians their fundamental rights of freedom, equality, and self-determination through ethnic cleansing, colonization, racial discrimination, and military occupation. Despite abundant condemnation of Israeli policies by the UN, other international bodies, and preeminent human rights organizations, the world community has failed to hold Israel accountable and enforce compliance with basic principles of law. Israel's crimes have continued with impunity.

In view of this continued failure, Palestinian civil society called for a global citizens' response. On July 9 2005, a year after the International Court of Justice's historic advisory opinion on the illegality of Israel's Wall in the Occupied Palestinian Territories (OPT), a clear majority of Palestinian civil society called upon their counterparts and people of conscience all over the world to launch broad boycotts, implement divestment initiatives, and to demand sanctions against Israel, until Palestinian rights are recognized in full compliance with international law.

The campaign for boycotts, divestment and sanctions (BDS) is shaped by a rights-based approach and highlights

the three broad sections of the Palestinian people: the refugees, those under military occupation in the West Bank and Gaza Strip, and Palestinians in Israel. The call urges various forms of boycott against Israel until it meets its obligations under international law.

The Palestinian BDS National Committee's position on "September initiative"

Posted on August 8, 2011 by Palestinian BDS National Committee

In the midst of the debate on Palestinian diplomatic initiatives aimed at securing membership of "Palestine" in the United Nations, many legitimate questions on strategies and tactics have arisen among people of conscience around the world who support freedom, justice and equality for the Palestinian

Invitation from Ameer:

Who: Ameer Awad (13)

Where: Downtown supermarket in Beit Sahour

Mission: Boycott shopping for fighting the occupation

By: Kathinka Aakensas - JAI Norwegian volunteer

Ameer visited the Joint Advocacy Initiative on a cold rainy day at the beginning of November. "Rain is a good thing" he said, "You know the water situation is quite hard because of Israel". But this boy doesn't spend all his energy from his frustration due to the occupation by praising the rain. His strategy involves more than a tribute to the Clerk of the Weather.

Along with the general problems Palestinians experience every day, Ameer's family is confronted with certain challenges due to the Israeli legal system. All his family members have Jerusalem ID, except for his sister who is trapped between the Israeli law and the power of the Palestinian Authority, and lacks personal identification papers. After years of struggle she decided that she neither wanted the ID nor anything else from Israel. This brought the boycott movement to the house of Awad. Today, Ameer is the protagonist of the BDS among the family members. Due to his engagement Ameer seems like a demanding and tough customer, and he will give the store keeper a hard time if he finds that necessary.

In the shopping mall Ameer clarifies how the boycotting works in practice. If you believe that the labelling language



people. As in the struggle against apartheid in South Africa, Palestine solidarity groups and activists are convinced, as we are, that only concerted, effective, and sustained forms of solidarity, especially in the form of boycott, divestment and sanctions (BDS), can hold Israel accountable to its obligations under international law and lead to the realization of comprehensive Palestinian rights.

The Palestinian BDS National Committee (BNC), the largest Palestinian civil society coalition, reiterates and further explicates below the main principles which have informed its position on this matter, as expressed in our statement issued on June 1, 2011.

1. Self Determination

Introduction to BDS Movement

The most fundamental, inalienable right of the people of Palestine is the right to self determination. Ending the occupation is one pillar in exercising that right. The right to self-determination, which in the case of Palestinians is represented by the Palestine Liberation Organization (PLO), is commonly defined as the right of “all peoples ... freely to determine, without external interference, their political status and to pursue their economic, social and cultural development.”[1] It is a right held by all Palestinians, irrespective of their current location, by virtue of international law and the principles of popular sovereignty and democracy. All Palestinians, including the refugees in the shatat (diaspora) and Palestinian citizens of Israel, have a right to participate in and be represented by – in the UN and elsewhere – a democratic PLO that determines the political status and pursues the economic, social and cultural development of the entire Palestinian people.

At a minimum, exercising the right to self determination by all Palestinians entails:

a. Ending Israel’s

occupation and colonization of all Arab lands occupied in 1967;

b. Honouring the right of Palestinian citizens of Israel to full equality by ending the Israeli system of legalized and institutionalized racial discrimination (which conforms to the UN definition of apartheid); and

c. Respecting and enabling the implementation of the UN-sanctioned right of Palestinian refugees to return to their homes and lands from which they were expelled.

2. PLO

Until the Palestinian people exercises its right to self determination, the PLO remains the sole legitimate representative that represents all Palestinians in the UN and in other international, regional and multinational forums. No alternative will be accepted by the great majority of the Palestinian people.

3. Complicity and Accountability

States that have recognized the Palestinian right to statehood are even more obliged to end their complicity in maintaining, covering up or even strengthening Israel’s regime of occupation, colonialism and apartheid against the Palestinian people. States that offer recognition of Palestinian statehood and continue business as usual with Israel are beyond hypocritical; they betray their own basic legal and political obligations to end Israel’s grave and persistent violations of international law and Palestinian rights.

[Excerpts from a June 2011 statement issued by the BDS National Committee (BNC), the largest coalition in Palestinian civil society]

Before and After September: The Struggle for Palestinian Rights Must Intensify

This September will mark the 20th anniversary of the start of the Israeli-Palestinian “peace process” that is widely recognized as a total failure, by any objective standard. This sham of a process has served as a cover for Israel’s intensive colonization of

Join the Boycott

of the product description gives you the answer to its origin,

You will easily be fooled. Some items could be labelled with description in both Arabic and Hebrew. Other traditional products, for instance olives which are deeply manifested in Palestinian culture, could be Israeli produced. **But don’t you panic, the key is simple: On the bar code of every product you’ll find a number. “If the code starts with 729, the product is Israeli. But 544 means Palestinian made article” Ameer explains.** In addition there are some exceptions which complicate the system. Ameer emphasizes the natural mineral water named “Jericho”, which seems Palestinian, but is benefiting Israel by the tax system. For this reason Ameer recommends the alternative “Arwa”.

Ameer may only be 13, but he certainly has plenty of backbone. The future will show whether this young idealist is an up and coming international diplomat representing Palestine as a State in the years to come. The doors to the institutions of the UN might be opening. If the BDS campaign was strengthened by the local community and promoted in the international society, the Palestinian approach to the international society might look different in the future. There wouldn’t be any need asking the UN for recognition if the people was aware of their already existing rights and lived according to them.



Palestinian lands, continued denial of Palestinian basic rights, and gradual ethnic cleansing of Palestinians, while simultaneously giving a false impression of peacemaking. In this context, the BNC welcomes the recognition of a great majority of states around the world that the Palestinian right to statehood and freedom from Israeli occupation are long overdue and should no longer be held hostage to fanatically biased US "diplomacy" in defense of Israeli expansionism. However, recognition of Palestinian statehood is clearly insufficient, on its own, in bringing about a real end to Israel's occupation and colonial rule. Neither will it end Israel's decades-old system of legalized racial discrimination, which fits the UN definition of apartheid, or allow the millions of Palestinian refugees to return to their homes of origin from which they were violently uprooted and exiled.

Diplomatic recognition must result in protection of the inalienable right to self-determination of the entire Palestinian people represented by a democratized and inclusive PLO that represents not just Palestinians under occupation, but also the exiled refugees, the majority of the Palestinian people, as well as the discriminated citizens of Israel. For it to go beyond symbolism, this recognition must be a prelude to effective and sustained sanctions against Israel aimed at bringing about its full compliance with its obligations under international law. As shown in the struggle to end apartheid in South Africa, as well as in the current struggles for freedom and justice in the Arab region, world governments do not turn against a patently illegal and immoral regime of oppression simply on ethical grounds. Economic interests and hegemonic power dynamics are far weightier in their considerations. In fact,

Israeli Prime Minister Benjamin Netanyahu's militant and war-mongering speech before the US Congress, coupled with US President Barack Obama's latest humiliating submission to Israel's will, shows beyond doubt that anyone still holding on to the hope that Washington is able or willing to contribute to building a just peace in our region is delusional.

The key lesson learned from the abolition of apartheid is that, in order for world governments to end their complicity with Israel's grave and persistent violations of human rights and international law, they must be compelled to do so through mass, well organized grassroots pressure, through social movements and other components of civil society. In this context, BDS has proven to be the most potent and promising strategy of international solidarity with the Palestinian people in our struggle for self determination, freedom, justice and equality.

In light of the above, and inspired by the will and the power of the people which have given rise to the Arab spring, the BNC calls upon people of conscience and international solidarity groups to proceed with building a mass BDS movement in the US and elsewhere in the world's most powerful countries before and after September. Only such a mass movement can ensure that whatever diplomatic recognition that transpires at the UN in September on Palestinian statehood will advance the rights of the Palestinian people and raise the price of Israel's occupation, colonialism and apartheid by further isolating it and those complicit in its crimes. A mass solidarity movement that can hold elected officials, especially in the US, accountable to the people, rather than to a Zionist lobby serving Israel's colonial and belligerent agenda that directly conflicts with the interests of the peoples in these countries, is the only hope for a comprehensive and sustainable peace based on justice.





Where are the youth from the UN statehood bid

“With disappointment we go on”

Yazan Al-Zubaidy

1948 Al Nakba, 1967 Al Naksa, 1964 PLO formation, 1987 1st intifada, 1988 the declaration of the Palestinian state, 1994 Palestinian Authority (PA) and the negotiations starts after Oslo agreement, 1999 2nd intifada, 2004 the apartheid wall ... all of these are dates for the world but for Palestinians these are critical dates where Israel did practice all kinds of injustice and discrimination against us, and it will go on and on and on.

This does not go into a detailed history of Palestine and the Palestinians because anyone could access that information.

Back in 1993 when the negotiations started and with every paper signed between the PA and the Israelis, the Palestinians who trusted the PA back then hoped for a better future. People thought, this will bring peace and good living for Palestinians and for the future generations. Now after almost 18 years of negotiations and sacrifices on behalf of the Palestinians, we the future generations came and became adults who could see and evaluate the current situation.

After negotiations, all we got was ... an apartheid wall, many more settlers (in 2011 approximately 600,000 settlers are in the West Bank), an increased number of land confiscations, more settlements, less access to water for Palestinians, more checkpoints, and more Palestinian refugees in refugee camps inside the West Bank and all over the world ... and the Israeli oppressive practises are increasing. And with these all facts when a

question by me was addressed to one of the big Palestinian negotiators "... after all these facts don't you think that the PA now should approach another strategy?" the answer was as all politicians would answer "... Yes you are right, negotiations have failed, and we should negotiate in a different way ..." -June 2011.

This gives us an idea about how people in the PA think, how I am supposed to react? And how are the Palestinian youth supposed to act, to trust the PA, a government going to negotiations without even solving the separation between Gaza and the West Bank?.

From here I think the PA went to the UN to get the Palestinian state 194 and the world to make the world recognize it, even though back in 1988 the late President Mr. Yasser Arafat got the recognition of the PLO which represents Palestinians all over the world, but now in 2011 the Palestinian statehood bid in the UN is representing the Palestinians in the West Bank and Gaza, what about the rest of the Palestinians? What about the control over Palestinian Territories?. Going to the UN will not change the fact that Palestine is under occupation and the PA has no real control over the Palestinian territories.

From here we figure out that the UN bid is only a diplomatic move- which by the way didn't work out- to gain again the public support of the world and it has nothing to do with the Palestinians and our hope of ending the occupation, getting

our independence, living in peace and justice, moreover some of the Palestinians were encouraged to support this move because they thought it might benefit them. Clearly was not the case as we saw that the Security Council in the UN didn't agree on this move and even the USA didn't have to use the veto against the Palestinian state.

On the other hand the UN statehood bid did put Israel in the corner, and made them feel that the Palestinians are gaining the world support if not on the official level, on the public level. What we hope now, after not gaining the Palestinian statehood, that the resolution will go back to the General Assembly and go back and forth with the resolution, and to get the resolution 377 "Uniting for Peace" where they can by getting 3/4 of the votes to vote with the Palestinian state.

In reality nothing has changed and Israel is practising a number of injustices and violations of human rights on the Palestinians, and on the other hand the PA is making only diplomatic moves that are not changing anything on ground.

Until then ... with disappointments from the current situation we go on, but with believing in our rights as Palestinians and acting to get them, we should look for better future and change the current situation.

Yazan Al-Zubaidy is the Youth Program officer at the JAI.



Stand By Your Land

An interview with a farmer conducted by the JAI GoCY Norwegian volunteer Kathinka Aakenes

Name: C.S., born 1938

Land locations: Shafa, between Bethlehem and Hebron

Relevance: farmer who is struggling to keep his land

"Aha! This is my land – and my field is much greener than my neighbor's!" C.S. laughs while Google earth downloads a map of his property which appears on the computer screen. The pride of the Palestinian farmer's belonging is obvious. His historical roots to this land can be illustrated by memories told by generations within the family.

The property has been passed down within the family for generations. When C.S.'s father died in 2004, aged one hundred, he continued his father's business. The farm is located close to the new settlement of Alon Shvut, build on Palestinian land 5 km within the Green Line. This settlement was established in the 70's and today it holds a population of 3500 Israeli settlers.

International society considers the settlement as illegal under international law. The violation is related to the Fourth Geneva convention prohibiting an occupying power to transfer their civilian population into the occupied territory. The Israeli government disputes this, claiming that the convention does not apply to the Palestinian territory. Both the international Court of Justice and the International Committee of the Red Cross have rejected the view of Israel and have declared the settlement illegal.

The Israeli settlement influences the farmer C.S. in various ways. Most importantly 13,000 square meters of the extended family's field was confiscated in 1979 without any offer of compensation. Israel claimed the land grab was necessary due to the expansion of the settlement Alon Shvut to the north-west, and the outpost, a planned settlement, in the north. The Israeli army attempted to confiscate the area owned by C.S., but he fought his way through the Israeli court paying high expenses, and was insultingly offered the second worst alternative: he could keep his land under certain conditions.

First of all, the land is subject to area C,

which means full civil and military control of the Israeli army. The restrictions affect the right to use their property according to their needs. For instance the farmer is prohibited from planting trees, grapes and larger cultivations, except for annual crops. Furthermore, the entire area was declared a natural reserve - which means that deer can graze his crops, but the farmer is powerless to prevent the animals from destroying his property.

The farmer's ability to access his land is another issue. From 2001 to 2004, C.S. was forbidden from using Highway 60, the main road from Jerusalem to Hebron, which is the quickest route to his land. Despite the short distance of 5 kilometers from his home to the field, the landowner had to travel 50 kilometers through two villages, Sahir and Beit Fajar. Today he has the right to use Highway 60, but is allowed access to the land according to the Jewish week schedule. That means that he is deprived of the right to work on Fridays and Saturdays during the Jewish Sabbath despite the fact that the farmer himself is Christian.

C.S. meets with many obstacles in his struggle to run the farm. The politics of Israel complicate the business in terms of restriction of water and electricity, and limited possibilities to maintain the farm. Without building permission, the farmer does not have the right to renovate the inside of the buildings located on his land. For this reason, the family is compelled to watch the buildings become increasingly dilapidated.

Some of the settlers asked C.S. whether he would sell them his land, offering him a price of 100,000 US dollars. In the farmers' view, such a deal is out of the question, but due to his generosity, made them a counter-offer. The settler would get a part of the land - on one condition: the settler had to provide C.S. with building

permission and electricity for the farm. This was how the Palestinian farmer silenced the settlers' nagging, but the constant threats did not come to an end. C.S. experiences attacks from the settlers, including several attempts to build on his land, making unnecessary obstacles for his business and constructing a road across his property.

In C.S.'s view, the harassment of the Palestinian farmers is linked to the entire political strategy to force Palestinians to leave their land, benefiting Israel. Under Israeli law, if he surrenders and stops cultivating because of the difficulties, the state has the right to take possession of the land as soon as three years pass. But C.S. will never leave. This land symbolizes his family's roots and heritage.

While some bring the fight to international institutions, others have to continue the fight on their home ground. In this wider perspective, C.S. contributes to maintain the local businesses that are the basis of an independent country. C.S. is not optimistic regarding the UN bid, and finds it hard to see any quick solutions to the conflict. His choice to continue his life despite the obstacles sends a clear signal that the Palestinian people don't have the need to ask or beg for rights to their land. Would an UN approach including recognition as a state be needed if all the Palestinians were acting like this farmer?

The pressure on Israel comes from many directions, and resilient farmers like C.S. are certainly one of them. He is steadfast, together with other Palestinian farmers who refuse to leave their homes.





Fair Trade for Justice

Linda Martinsen

On the Wall around Bethlehem, we find graffiti trying to explain a world that is more equal and which takes a step towards global responsibility: “We all bleed the same colour”, “When the sun rises, it rises for everyone” and “Love wins”. In the fields next to it grows the olive trees that are a symbol of hope, peace and prosperity. In the heart of the conflict, can we find inspiration for global justice - and if so, what can it be?

AHAVA has a profit of more than \$ 150 million each year. They mostly make this profit in European countries and the US. This leading company in Dead Sea mineral cosmetic-products makes their profit entirely at the expense of the Palestinian people. Their actions are a violation of the fourth Geneva Convention that forbids the exploitation of resources in land held by an occupying country: the minerals are stolen from the Occupied territories, the products are made in illegal settlements and the export is done under illegal trade agreements.

We trust in governments and multilateral organizations to take ethical and responsible decisions on our behalf, letting them take the lead together with the multi-billion dollar companies who have more power than

most of the countries in the world. Is it sensible to let these companies, states and organizations act on our behalf, and can they really make a difference in a skewed power-controlled global society?

In September, Palestine asked for state recognition and applied for a full membership in the UN. Before the process had even started, the outcome was clear: either by not getting recommended by the Security Council or by having one of the permanent members put down a veto, Palestine would not have full membership status in the UN. Even when the majority of countries in the world are for a Palestinian state, and they already voted yes to membership in UNESCO, the most powerful country in the world, the US, still gets the last say.

So if the United States, the organizations and the companies are not willing or do not have the means to change what the world sees as injustices, what then are we left with?

Some of the most powerful forces in the world are not states, but companies making profit from what we buy, and how we act. Because

we as consumers provide their profit and profit turns into power, we can influence how these companies act and what they sell. They have no more power than what we give them. Our hands are not tied by politics or economic gains, and the difference we can make is by choosing fair trade, and boycotting unfair companies. A lot of world decisions are made by the powerful at the expense of the less powerful, and one of the ways to break this pattern is to intervene in the power struggle by stopping the unfair companies and states.

By not buying products that are made in an unfair way, you are also helping to stop the violations against the Palestinian people. Be it AHAVA or some other company, be aware of what you buy and where it is produced. Your money might be upholding a situation that is both unfair and illegal.

*Linda Martinsen – JAI GoCY
Norwegian volunteer 2011 - 2012*



JAI Upcoming Events & Programs 2012



Olive Planting Program 4th - 13th February 2012

As part of the ongoing JAI Keep Hope Alive - Olive Tree Campaign.

Besides olive planting, the program features introductory presentations about the current situation in Palestine and the effects of the Apartheid Wall, tours in the old city of Jerusalem, Hebron, Bethlehem, as well as Ramallah, in addition to cultural events and social gatherings.

<http://www.jai-pal.org/content.php?page=1119>

Journey for Justice 7th - 15th July 2012

Youth leaders, 18 – 25, are invited to join. Enhance your **Global Citizenship**, listen to Palestinian **youth stories / experiences / dreams** and **live their daily life**. See the YMCA and YWCA programs in action, visit various sites and areas in Palestine, have an introduction to the **current situation**, meet organizations representatives, and build **youth coalition** with **joint field activities and trips**.

We believe that young people are the future leaders, who gain more from an experience when they are actively involved. We seek to **equip youth** with **advocacy knowledge and tools** to be able to communicate the Palestinian cause.



Olive Picking Program 13th - 22nd October 2012

People of any age or background, everywhere in the world are invited to join.

This is part of our ongoing Olive Tree Campaign, to help Palestinian farmers harvest their olives which they might be unable to do without international support.

The program features introductory presentations about the current situation in Palestine and various tours in Bethlehem, Jerusalem and Hebron, beside cultural evenings.



Shepherds' Nights Festival 23rd - 25th December 2012

An annual 3-days festival, in Beit Sahour – the town of the Shepherds, that aims at supporting the cultural events in Palestine, marketing Palestine as a tourist destination, Palestinian products are available to purchase instead of supporting the occupation. This sends a message to the world that the Palestinian nation has the right to be an independent state.

Local and international bands, groups and singers sing Christmas hymns, there are traditional performances and dances, as well as children's shows and candlelit processions.

