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The Strategic Crisis of the Palestinians' National Movement and the UN Bid

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To understand the political meaning of the demand for the recognition of a Palestinian state by the UN, as well as the debate inside Palestinian organizations, we must go back to the history of the Palestinians starting in 1967 to the present strategic crisis of the Palestinian liberation movement. It is only in this context that we can understand the battle in the United Nations.

After 1967: Successes and failures

After the Arab defeat in June 1967, we saw a strategic turn in the history of Palestinian people, which had been erased from the political map since 1948. Due to the development of the Fedayeen organizations, their control of the Palestine Liberation Organization (PLO) and armed struggle, there were some important gains in the 1960s and 1970s:

- The PLO succeeded in unifying Palestinians across the world – be it an engineer in Kuwait, a refugee in Ein al-Helweh, or a peasant in Al-Khalil (Hebron) – and in getting them to recognize the PLO as their legitimate representative;
- The PLO, after 1973, also achieved recognition on the Arab level as the sole representative of the Palestinian people;
- The Palestinian problem grew from being just a question of “refugees” (as described in Security Council Resolution 242 of November 1967) into a problem of self-determination at the international level, a political problem. The PLO was admitted as an observer member to the United Nations.

This strategy was based on different pillars:

- Armed struggle as the only means to liberate Palestine; this strategy was formulated at a time in history in which, from Algeria to Vietnam, the idea of “armed struggle” was popular, especially in the third world;
- The idea of liberating the whole of Palestine and creating a Palestinian state, which was not only against the consensus among the international community (a return to the status quo before the 1967 war) but also ran counter to the ideas of “Arab nationalism,” which sought “the liberation of all Palestine,” inside a unified Arab state;
- Developing independence in Palestinian decision-making, even if the PLO had to take into account the policy of the bigger Arab states.

At the end of the 1970s it was clear that armed struggle had failed not only in its aim to “liberate Palestine” but even to create a balance of forces with Israel; in addition, nobody in Israel supported the idea of a unified state. It was also clear that the international community (including the “socialist camp” which supported the PLO) would never accept the idea of a “democratic state” in the whole of Palestine and the destruction of Israel. The fact that Palestinians of the West Bank and Gaza were increasingly supporting the PLO and the idea of a Palestinian state in

the Occupied Territories facilitated a radical shift in the PLO's policy: the acceptance of a two-state solution, and then the Oslo agreements of 1993.

Without entering into details, it is clear that the Oslo strategy has failed. Despite the concessions made by the Palestinian Authority (PA), and despite a new regional climate with the bilateral treaties concluded by Israel with Egypt and then Jordan, Israel was not ready to make an agreement.

We can find many explanations for this, but the main one is the balance of forces, which the Palestinians have not been capable of fundamentally changing, in spite of their successes. There are at least three "external" elements:

- 1) The unshakeable support of the United States for the Israeli government even when the two governments were at odds. President Barack Obama announced in September 2010 that a Palestinian state would be created by 2011 (his predecessor, George W. Bush, had promised it by 2005, and then 2008), yet nothing changed. We have seen how Netanyahu resisted calls to halt settlement building and rejected any return to the June 1967 borders, or even using those borders as a basis for negotiations, as suggested by President Obama. When they met at the White House on 20 May 2011, Netanyahu lectured Obama on history and geopolitics with the arrogance of someone who knows he can't lose. Despite the media coverage about their differences, the Israeli prime minister told his aides: "I went in with certain concerns. I came out encouraged."¹ Obama hailed their excellent relations, the only inviolable principle in the region, but also the major obstacle to the creation of a Palestinian state.
- 2) The apathy of the Arab world, which reduced support for Palestine to mere declarations, and perhaps even encouraged Israel. Egypt clearly helped Israel and the United States to maintain a "peace process" without peace and supported the divisions inside the Palestinian camp, participating in the blockade of Gaza. Saudi Arabia refused to use its economic strength to exert pressure on the United States. Jordan, too, continued its collaboration with Israel. This all took place in spite of the strongly held feelings among Arab public opinion in support of Palestine.
- 3) The uncompromising position of Israel and all its political parties, linked, in my opinion, to the colonial character of the Zionist enterprise. This feeds a feeling of superiority regarding the "indigenous" populations, which drives the dominant Israeli group to refuse to recognize the equality of Palestinians and their right to self-determination. Even the Oslo accords have not dented this arrogance or the idea that "the life of ten Palestinians is worth the safety of one Israeli." Arguing the hostility of its neighbors, taking advantage of the genocide of the Jews in the Second World War, Israel's leaders have created a conception of security based on absolute domination – a conception that draws the country into endless wars, this objective being beyond the reach of any state in the world.

¹ Steven Lee Myers, "Divisions Are Clear as Obama and Netanyahu Discuss Peace", *The New York Times*, May 20, 2011.

It was in this difficult context that the PLO leadership tried to enter negotiations with the United States and Israel after the Madrid Summit of 1991. One of the reasons for this was that, with the creation of the Palestinian Authority, all PLO strategy was then based on the idea of gaining the support of Washington, refusing any real mobilization of the Palestinian people, and limiting the whole of the peace process to maneuvers behind closed doors. Later, the second Intifada became a way, for some Palestinian leaders, to combine negotiations and popular mobilization, but it failed for various reasons that I have no time to develop here. The last years of pseudo negotiations, from Sharm al-Sheikh to Annapolis signaled the failure of the path chosen by the PLO since 1993.

This has created a strategic crisis within both the PLO and other Palestinian organizations, which is at the same time linked to the new situation on the ground – the development of settlements and increase in the number of settlers, both of which create serious doubts about the feasibility of a two-state solution. It is clear that there is no way forward in the negotiations chosen by Fatah because, fundamentally, the various Israeli parties do not want any real compromise. However, there is also no way forward for “armed struggle” and the strategy defended by Hamas and other Palestinian organizations. The idea of two states looks out of touch with realities on the ground and the idea of a one-state solution seems like utopia. Both Fatah and Hamas refuse to recognize this strategic crisis; additionally, neither of them will enter into a discussion on what could be a new strategy, especially after the Arab revolts.

There is yet another dimension to the overall problem, perhaps even more important: a crisis of leadership, which is not just linked to the division between Hamas and Fatah. This crisis stems from the ways these organizations are functioning, and their inability to discuss and engage in real debates about strategy. After the expulsion of the PLO from Lebanon in 1982, the first National Council declared it to be a big victory, but Issam Sartawi made a statement claiming that with one or two more “victories” like this, the Palestinian state would be built on an Oceanic island. After the failure of Oslo and with Arafat’s death, the entire strategy of Fatah and the PLO has collapsed, yet the Palestinian leadership continues to act as if it was still valid.

Another dimension that the Arab revolts have shown is that leaders in the Arab world function from a space far removed from the people. The men in charge in Palestine are not very different to those in charge in the Arab world – an older generation which has confiscated all power, refuses real pluralism, is often corrupt and unable to take any kind of criticism, and has lost contact with the people, not only the refugees outside Palestine but also Palestinians inside, among whom there is great skepticism about any political initiative taken by the PA or Hamas. The fact that the two powers crushed any attempt to develop a solidarity movement with the Egyptian people and then to launch their own Intifada on March 15th is symptomatic.

The upheaval in the region has led to some important changes, which will have consequences for the Palestinians.

Fatah has lost its chief ally, President Hosni Mubarak. Demonstrations in Syria, and their violent repression, have weakened a regime that provides essential support to Hamas and has sheltered its external leaders since their expulsion from Jordan. Sheikh Yusuf al-Qaradawi, one of Sunni Islam's most popular preachers, linked to the Muslim Brotherhood (from which Hamas emerged), strongly condemned Bashar al-Assad's government on March 25th and said the Ba'ath Party could no longer run Syria. Meanwhile, despite pressure from Damascus, Hamas has been careful not to rush to defend the Syrian regime. This has pushed both organizations (Hamas and Fatah) to reconciliation, but the agreement brokered by Egypt has not as yet come to fruition, except for some degree of calm in the attacks by each side on the other. It has also created a situation in which it will be more difficult for Arab leaders not to take their public opinion into account.

The United Nations Bid

It is in this context of crisis, both internal and regional, that we must understand the Palestinian Authority's bid at the United Nations.

One point worth mentioning is that nobody knows what the PLO wants exactly. Will they go before the General Assembly or the Security Council? What will be the wording of their proposal? And what are the implications for Palestinian strategy?

Mahmoud Abbas has said the Palestinian bid to seek recognition of statehood from the UN Security Council is not intended to isolate Israel or confront the US; rather, it is to "realize our dream" of statehood. The Palestinians' goal, Abbas says, is "obtaining recognition of our Palestinian state with full sovereignty on the territories occupied in 1967, and obtaining full membership in the UN" (August 27, 2011). The same day, in Ramallah, he made a declaration that UN recognition will "be the beginning to end the conflict and will establish a situation of peace, justice and coexistence instead of oppression and aggression." On September 2nd, Minister of Foreign Affairs Riyad al-Malki told the Ma'an news agency that the Palestinian Authority has rejected the French prime minister's suggestion that a Palestinian state should take observer status in the UN like the Vatican.²

These contradictory declarations are not only a "diplomatic ploy," but also a reflection of the Palestinian leadership's fear that this bid could trigger a new dynamic and completely change the rules of the game. The PA wants not only to pressure the United States, but also to remain inside

² "Palestine 'will not accept' UN observer Status," Ma'an News Agency, September 2, 2011.

the same negotiating frame, hoping that at some point the negotiations with Israel will resume.³ In any case, it was announced on September 4th, that Mahmoud Abbas will “reveal political strategy ahead of UN deal” in a speech to his people.

For some, the move means a complete change of strategy at the expense of relations with the United States – and we have been seeing moves in the Congress to ban any aid to the PA if they go to the United Nations – and with Israel.

As explained by Graham Usher, many doubt the capacity or even the willingness of the PA to enter into a strategy of mobilization. “The charge exposes the ambiguity at the heart of the PA strategy. For Marwan Barghouti, approaching the UN only makes sense if it is part of a new strategy that restores the Arab-Israeli conflict from a US-led haggle over real estate (which is what it has become under Oslo) to a people’s struggle for the right to self-determination rooted in UN resolutions. He has called “on our people in the homeland and Diaspora to go out in a peaceful, million-man march during the week of voting in the UN in September.”⁴

Hamas, which considers the move as meaningless but has refrained from over-strong criticism (Hamas is divided on this question), claims to be the Palestinian “resistance” and speaks of “armed struggle,” but on the ground it has maintained a ceasefire with Israel which it imposes, sometimes even by force, on other Palestinian factions. In Gaza, it has to deal with Salafist groups (who some believe are linked to al-Qaida) that blame it for not fighting the “Zionist enemy,” and for not making society more Islamic. In this situation, nobody can see Hamas successfully carrying out armed struggle.

There are two possible strategies for the Palestinian organizations:

- Continue with the same strategy, exercising just a little more pressure on the United States and Europe, a strategy that has failed for the last 20 years; this is the path the PLO seems to have chosen; or
- Take into account what has happened in the Arab world – the Arab revolutions – and engage in a new strategy that changes the balance of forces, in order to mobilize their own people; it will be difficult and would mean a change in the leadership.

The images of Palestinians massed at Israel’s borders on May 15th represented a dream for some, and a nightmare for others. On the 63rd anniversary of the declaration of the Jewish State and of the *nakba* (catastrophe) for the many thousands of Palestinians expelled from their homes, demonstrators from Syria, Lebanon, Jordan, and Gaza converged on the Promised Land. They were only a few thousand, but the world wondered what would happen if millions

³ Khaled Elgindy, “Palestine Goes to the UN,” *Foreign Affairs*, September-October 2011.

⁴ Graham Usher, “The UN’s Dry Rub on Palestine Statehood”, *Counterpunch*, August 16, 2011.

marched peacefully to the borders and walls next time. These refugees – neglected by the PLO since the 1993 Oslo accords, even though they inspired the Palestinian awakening of the 1960s – may have decided to take their future into their own hands.

Legal Aspects of the UN Bid

In October 1974, the General Assembly recognized the PLO as the legitimate representative of the Palestinian people and stipulated that it would grant it observer status. After the declaration of independence of 1988, the UN decided to substitute the use of PLO for the name of Palestine.

A seven-page opinion was submitted to the Palestinian side by Guy Goodwin-Gill, a professor of public international law at Oxford University and a member of the team that won the 2004 non-binding judgment by the International Court of Justice that Israel's separation wall was illegal, detailing that the most crucial issues are the potential implications for Palestinians living outside Palestine and all those Palestinians – the majority – who are refugees, all of whom are represented by the PLO. “They constitute more than half of the people of Palestine, and if they are 'disenfranchised' and lose their representation in the UN, it will not only prejudice their entitlement to equal representation ... but also their ability to vocalise their views, to participate in matters of national governance, including the formation and political identity of the State, and to exercise the right of return.”

Karma Nabulsi, a former PLO representative and a professor at Oxford University who has commissioned the study, says: “Without question, no Palestinian will accept losing such core rights for such a limited diplomatic initiative in September. First, we will not have liberated territory upon which to establish a State. But in losing the PLO as the sole legitimate representative at the UN, our people immediately lose their claims as refugees to be part of our official representation, recognized by the world.”⁵

The main thrust of the Goodwin-Gill memorandum is that replacing the PLO at the UN with the State will undermine the political and legal position of PLO and endanger the rights of the Palestinian refugees. Many others legal experts, such as Francis Boyle,⁶ who played a role in writing the declaration of independence in 1988, has criticized this position.

I will not enter into this legal debate and I really don't think it is a major one. The PLO still exists and even if it has neglected the refugees for a long time, it will not disappear with the UN acceptance of a Palestinian state.

⁵ “UN statehood bid 'threatens Palestinian Rights,’” Ma'an News Agency, August 24, 2011.

⁶ Francis Boyle, “The Future State of Palestine,” *Counterpunch*, August 26, 2011.

More importantly, the status of “observer member” (like that of Switzerland before its admission in the UN as full member in 2002) will give the Palestinians further opportunities, especially to be part of the International Criminal Court. It will be a step forward, but only a step, and will not replace the necessity of the Palestinians to review all of their strategy.