

GREAT EXPECTATIONS, BITTER REALITIES

Economic Decline and Human Rights Abuse under the Oslo Process

SUMMARY

CESR's April conferences in DC and NY marked the culmination of three years of research and analysis on the socio-economic conditions in Palestine since the signing of the Oslo Accords. The conferences were designed not only to disseminate this information and engage critical discussion around CESR's findings, but also as a call to action. CESR's research, along with that of other individuals and organizations, documents the escalation of human rights abuse and the deterioration of socioeconomic conditions in Palestine, as well as a fragmentation of the struggle and the territory of the Palestinian people, all under the guise of peace. As one participant at the NY conference said, "It is a mistake to call this agreement a peace agreement. It is just a more sophisticated phase of occupation."

By bringing together policy makers and activists, academics and NGOs, media and UN representatives, the conferences provided a forum for a comprehensive discussion of the situation in Palestine almost 7 years after the signing of Oslo. The timing was critical since Israeli and Palestinian negotiators will soon conduct "final status" talks on intractable issues such as land and water, refugees, and Jerusalem. Yet PM Barak has already insisted that there will be no division of Jerusalem, no return of refugees to present day Israel, no dismantling of major settlement blocs, and economic "separation" (read strangulation) of any future Palestinian state. Given the weakness and complicity of the Palestinian leadership, the future is clear: a politically and economically unviable Palestinian statelet in most of Gaza and fragmented enclaves of the West Bank, subject to Israeli control, dependent on international aid and brutally policed by the ubiquitous Palestinian "security" forces. This reality marked the basis for the discussion at the conferences.

The conferences were structured around three panels. The first panel discussed socioeconomic conditions in Palestine. The second panel presented a human rights and international law critique of the Oslo process and the third panel was dedicated to civil society activism which representatives from the US, Europe, Israel and Palestine sharing their experiences and strategies. In describing the current disastrous situation in Palestine many of the speakers highlighted the role of the various actors to the Oslo Process – namely, Israel, the PNA and the international donors. However, one speaker focused on a fourth actor who she claimed was *the* basic actor in the Oslo Process – the US.

Amongst the calls for action, several proposals were put forward by various speakers. These ranged from speaking clearly about the truth that Oslo will not bring peace, to "reclaiming" the UN, to returning international law and human rights to center stage in order to achieve a just peace, to holding international donors and local NGOs responsible for their policies and activities in Palestine. One speaker suggested that, "A strong counter-message, based on facts and law, is needed to penetrate the hegemonic discourse that Oslo is the only way to peace."

CONFERENCE PROCEEDINGS IN NY

Introduction

Roger Normand

The Center for Economic and Social Rights is a human rights group that focuses on what has been the “neglected” half of the human rights regime. CESR confronts issues of economic exploitation such as poor health and education facilities, by mixing research and activism.

CESR got its start in Iraq, examining the impact of the Gulf War and of sanctions upon civilians and addressing both tragedies in human rights terms. We attempted to cast economic warfare and exploitation as important issues in the human rights regime and to return human rights to its original notion as a form of solidarity and engagement, not as a professionalized endeavor.

The Palestine Project itself began more than 3 years ago and its aim was to address the enormous gap that was clearly visible, even then, between perceptions of what a peace process should be and the reality on the ground which included human rights abuses and economic decline. After a lengthy research phase which was undertaken by Palestinian groups on the ground as well as international researchers we were able to derive our human rights analysis. We are now moving from the research phase to the advocacy phase where we hope to impact public debate around the Oslo Process.

This conference is part of a series of events which was kicked off by a conference in DC last week. The format will include a presentation by a CESR representative, discussion and analysis from the panel and then more general audience participation. We hope to use this session not just for information dissemination but also to try and help overcome the fragmentation and demobilization of solidarity which Oslo has produced.

Panel One: Declining Living Conditions in Palestine

Ghassan Abu-Sitta

In this presentation I will summarize the findings of CESR’s economics and health reports.

In the 26 years preceding the signing of the Oslo Agreement Israeli policy was geared at integrating the Palestinian economy for the following three reasons:

- 1) To politically pacify the Palestinian population;
- 2) To increase dependence of the Palestinian economy on Israel; and
- 3) To suppress any indigenously organized political movement in Palestine.

The aim of Israeli policy was to ensure a supply of cheap (Palestinian) labor to produce Israeli goods which could then be sold at inflated prices.

Israeli policies which led to a state of “de-development” of Palestinian economy:

- 1) Expropriation of land and water;
- 2) Prohibition on land and water use and planning;
- 3) Restrictions on the development of infrastructure services;
- 4) Prohibition on the development of financial and credit institutions;
- 5) Exceedingly low levels of government investment in social and economic infrastructure;
- 6) Restriction on research and training;
- 7) Restrictions on foreign trade;
- 8) Lack of protection from Israeli imports;
- 9) Limitations in regulatory and legal systems.

What were the priorities for the Palestinian economy on the eve of Oslo?

- 1) Ending Israeli domination of the Palestinian economy;
- 2) Reorientation of the overall domestic economic policy to respond to needs of Palestinians rather than Israel’s perceived security and strategic concerns;
- 3) Developing econ relations with regional countries and with the world economy at large; and
- 4) Rationalizing investment through fostering secure and enabling political and institutional environment.

The Oslo Process was sold to the Palestinians in that even though it didn’t address the major issues of refugees, land and Jerusalem, at least it would deliver on improving living conditions in the occupied territories. However, more than six years later, the Palestinian economy has not changed much since occupation. In fact, dependence on the Israeli economy has increased, as has dependence on external sources of income, and the productive base of the Palestinian economy has been reduced.

The Paris Protocol

To understand these outcomes it is important to look both at the failures of the Paris Protocol which was the economic agreement of the Oslo Accords and at the role of each of the main players within the Oslo process.

The main limitation of the Paris Protocol is that it calls for a trade and economic regime which ignores issues of sovereignty and control over land and water and fails to address policies such as continued land expropriation. It also doesn’t address issues of movement within the occupied territories and over international borders and it permits trade priorities to be subordinated to Israeli security concerns. As a result, the Paris Protocol has allowed for the division of Gaza and the West Bank into over 200 economic units with very little economic relationship. It has given Israel control over collecting and transferring import tax which accounts for over one third of the Palestinian economy and it has led to the restriction of trade between Palestine and other Arab markets. The overall outcome has been economic decline and increased integration of the Palestinian economy into the Israeli economy. This outcome is borne out by alarming statistics such

as decline in per capita GNP and GDP, a rise in unemployment, an increase in the number of Palestinians living in poverty, a decrease in agricultural production, an increasing trade imbalance with Israel and a decline in private investment. (See graphs as the end of this report)

Policies of the Major Actors

What are the causes of this economic downturn? I will analyze the role of each of the three major players (the Israeli government, the Palestinian Authority and the international donors) in this decline.

The Israeli policy of closure has dismembered areas of the West Bank and Gaza Strip, prevented movement between these areas, and allowed Israel to maintain control over all internal and external borders. The height of the closure was experienced in 1996 when virtually all movement was brought to a complete halt and now it is restricted through a system of permits. Furthermore, since the signing of Oslo in 1993, Israel has undertaken the largest program of land confiscation since the beginning of the occupation. In 1999 alone, 40,000 dunums of Palestinian land were confiscated. Israel has maintained control over water resources with the result that while per capita water consumption is 280 liters per year in Israel it is only 70 liters per year in Gaza.

The economic policy of the PA has been mainly aimed at co-opting the political elite created by the intifada and coercing the rest of the population. In fact, the PA suffers from a great imbalance between its coercive and non-coercive powers. Other features of the PA regime are authoritarianism, centralization of power, the rise of corruption and monopolies and militarism, which has sapped the largest part of the PA budget. Furthermore, the PA suffers from the lack of a clear legal framework and has blindly followed the free market policy of the World Bank even though it is a fragile "state" which is just emerging from a long occupation.

Donor policy has tried merely to prop up the Oslo process rather than to really develop the economy. Aid is a political exercise with economic consequences. The donors have subsidized closure through short-term employment and are now setting up "closure free trade" in the guise of free trade zones on land outside PA controlled areas. As Peres once said, "if you can't bring the Palestinians to work, take the work to the Palestinians." Furthermore, the donors have funded the PA bureaucracy which now accounts for 25% of employment opportunities in Palestine. Donor aid is leading to the increased indebtedness of the Palestinian economy since most of the aid is in the form of loans. One Palestinian economist has put the total amount of debt at \$10 billion in 15 years time. The Palestinians will be unable to repay these debts in cash and will have to pay back in more political compromise. By servicing this debt, Palestinians are subsidizing their own oppression.

In conclusion, the Palestinians have no control over their own economy, their land is being fragmented into Bantustans and any declaration of state at this juncture would be

completely meaningless. This is why larger and larger sectors of the Israeli establishment have decided that a Palestinian “state” is something they can live with.

The Health Sector

In 1993, after 26 years of occupation, the Palestinian health system was suffering from a lack of water and sewage infrastructure and adequate health systems, a de-skilling of health providers and a ban on data collection for research purposes. However, there were very progressive primary care services run by NGOs and the UN which had led to such improvements as the halving of the infant mortality rate between 1980 and 1990.

Since Oslo the PA has pursued hospital expansion at the expense of developing the primary care system. Although primary care accounts for about 90% of all health usage it receives only 16% of the health budget. The PA Ministry of Health is heavily bureaucratized and corrupt with jobs going to members of Arafat’s Fatah faction.

Israel’s policy of closure has meant that Palestinians can’t reach the hospitals where they used to be treated. Many of the tertiary care centers are in East Jerusalem which is now inaccessible for most Palestinians. There is no integrated health system and services have to be duplicated in each Palestinian canton.

The donors have supported politically visible projects at the expense of training and primary care facilities. This has led to the closing down of almost 150 primary care clinics in the West Bank alone. Some projects have been forced on the Palestinians by donors even though they do not address real needs. Japan insisted on building a new hospital in Jericho even though the current one is never full. In the end, the original hospital had to shut down because there are not enough patients or staff to fill both hospitals.

In Gaza, the famed EU hospital is 10 years overdue and 4 times over-budget due to poor design and management. Furthermore, after the donors had finished building the hospital they realized there were no staff to fill it.

In both economic development and health, the main problem with the donor and PA policies is that they operate within the boundaries set by Israel instead of trying to challenge this flawed framework.

Ruchama Marton

I was thinking that if you take the phrase “the peace of the brave” and substitute “agreement” for “peace” and “rich” for “brave” you have “the agreement of the rich.” In other words, the rich in Israel and the PA made a great agreement and everyone else is paying the price.

I was in Gaza on September 13, 1993 and I asked my taxi driver how he felt about the Oslo Agreement. He said that he was really happy and that for sure he would have a

better life – better movement, better education for his children and better health care. We all believed that something would change and it did, but not for the better. I read all 400 pages of the Oslo Agreement a few weeks later and found only one small paragraph about health. The agreement looked more like a divorce than a marriage. My colleagues and I wrote an 11 point fax addressing health issues that focused on immediate concern for the welfare of the individual patient until adequate medical services are deployed (including freedom of movement for doctors and patients) and on building facilities for medical education to build an independent health system. We simultaneously delivered these 11 points to the PA and Israel. We were naïve to believe that by showing what was missing in Oslo and showing what should be done that something would change.

As a result of Oslo and the need to politically reject “normalization” my Palestinian colleagues in Physicians for Human Rights officially cut their ties with the Israeli branch of the organization. This is understandable but has meant that it is very hard to maintain the professional and personal relationships that had developed and solidarity is dead now. This is one example of NGOs furthering the fragmentation of the PA. The PA really strangled medical NGOs. The real NGOs (not the *governmentally* funded NGOs or “GNGOs”) need to try to understand what the PA is doing and stop fragmenting ourselves.

An anecdote might illustrate some of the problems. We found a way to donate a catscan but couldn't get it from Tel Aviv to Gaza due to the PA. After less than a year, surprisingly enough, a new catscan was bought and imported to Gaza where it sits in private hands and people have to pay to use it. The one we sought to donate is still sitting in Tel Aviv 6 years later. Again, this is an agreement of the rich.

The most important thing to do is to improve medical education and build a real health infrastructure and structure. I have a whole report here of all the activities which we are doing in this area. But again, our efforts are being fragmented. We spend our time doing things like appealing to the high court and protesting the lack of freedom of movement. By fragmenting our much-needed efforts we don't have enough energy to try to build solidarity. And we don't say openly that it is a mistake to call this agreement a peace agreement. It is just a more sophisticated phase of occupation. This is a perspective not widely shared in America and Israel. It is up to us to make it known.

In conclusion, I am old enough to remember the days before 1948. I don't want to idealize that time but I was born in Jerusalem and we really used to live together in a respectable way. I have come to accept the solution of two states for two people because I think it is the only concrete way forward at this time. But I would really like to believe that maybe in my time, maybe later, it will be possible to have another kind of political agreement which will be good for Israelis and Palestinians in one land for everyone.

The fragmentation between the weakened Palestinian NGO's and the few Israeli ones serves the rulers - the Israeli government and the PNA. It is a very sad reality, since it is dismantling the solidarity between us when it is most needed.

Nu'man Kanafani

The CESR report, which was just presented to you by Dr. Abu-Sitta, is a thorough and admirable attempt to criticise the "Oslo Process" on the basis of the recent economic performance in the West Bank and Gaza Strip (WBGS). The report consists of three main sections. Firstly, it studies the text of the contractual framework, the Economic Protocol, between Israel and the PLO. Secondly, it traces the changes in macroeconomic variables, as well as in other socio-economic indicators, in the WBGS in the past 6-7 years, and thirdly, it evaluates the role and responsibility of the three main actors (Israel, the Palestinian Authority and the international donors) in connection with the overall deterioration in the standard of living in the WBGS since 1993.

As one of the discussants of the report, I shall raise some points aiming, hopefully, to enrich the study and to provide a base for our further discussion today. Some of my points are on the fringe of the report as they refer to the overall intellectual spirit of the study. I shall collect my comments under three main headings doing my best to be brief, and thus, bold and direct.

1. The Problematic Relationship Between Economics and Politics.

This conflicting relationship has been present on the Palestinian scene since the beginning of the Zionist project. Some early Zionists claimed that their national project in Palestine was a positive sum game, meaning that by establishing a national home for the Jews, "native" inhabitants would also benefit from an economic prosperity that otherwise would hardly be attainable to them. The Zionist formula, in other words, offered to deprive the Palestinians of their national-based collective rights in return for individual-based economic welfare. A sort of substitution between economic and political rights. We know now, of course, that such a trade-off was neither really on offer nor was possible at all. The creation of a national Jewish homeland was conditioned on what Amartya Sen would call "capability deprivation" of the natives, by stripping the Palestinians of the means which would allow them to improve their economic situation. "Hebrew Labour" was an early sign of such deprivation and the tragic explosion of confiscation of land and property was its final act.

But let us suppose, for the sake of argument, that the above formula was really on offer, that the Palestinians had the chance to trade-off their political collective national rights with relative economic prosperity. Would they have accepted it? This, in fact, is not a purely academic or meaningless question. Not only because what was not at all possible in the past may now be attainable under the current circumstances, but also because Israel's "closure" policy exactly points at that dilemma. In essence, it aims at telling the Palestinians that political radicalism will be paid for by worsening their living standards. Posing this question is also critical because it gives an insight into another important issue, an insight into the other side of the trade-off coin: how much economic prosperity are the Palestinians ready to let go of in return for a political solution which they deem acceptable?

It seems to me that the report (as well as many other publications in favor or against Oslo) implicitly assumes that a "bad" political solution always corresponds with economic misery and hardship to the Palestinian masses. But what if this is not totally true, i.e. that a "correct" political settlement, implying a totally sovereign and independent Palestinian state, would correspond with poor economic performance and inferior welfare?

Israel's economic policy towards the WBGs since 1967 can be perfectly understood within this perspective: to maximize the economic cost of political independence of these areas. It is only logical that this creates a severe dilemma for many individual Palestinians in balancing their sincere political aspirations against serious economic considerations. This is a very tough dilemma and I will claim that its symptoms are discreetly present among important sections of the population.

Two points emerge from the above brief discussion. Firstly, deterioration in economic welfare in the WBGs is not necessarily an indication of a faulty political arrangement, and one should always keep in mind the economic cost of any political solution which one considers "correct and fair." Secondly, the PA mismanagement of the WBGs economy is precisely critical and dangerous because it intensifies the above mentioned dilemma of the individual Palestinian. By mismanaging the economy the PA, unintentionally, undermines the desirability of its own political project. Mismanagement simply increases the potential economic cost and makes the dilemma of the layman even tougher. The longer it takes the PA to establish a credible and sound economic record, the more the economic credibility of the national independent project will suffer.

2) The Reference Points in Economic Comparisons.

The CESR report, like other studies of the Palestinian economy, evaluates the economic performance by comparing macroeconomic indicators at various points of time. Different studies have invariably utilised one or more of the three following reference dates: 1967/68, 1990/91 and 1996/7. The problem is that all of these periods represent rock-bottoms for major economic variables in the WBGs. The first one is the year of the Israeli occupation but also the last year in a long process of economic deprivation of the areas controlled by Jordan and Egypt. The second are the years just prior to the Oslo accords and also the end of the long and exhausting period of the Intifada and the drains of remittances from the Gulf. The last period corresponds with the peak of the Israeli closure, the physical siege, of the WBGs. During all three periods the economic performance of the WBGs was highly distorted but for reasons which were exogenous to the economic system itself. By using one of these three periods as a reference, the comparison of economic indicators becomes highly misleading. Israeli propaganda pamphlets, for example, compare the 1980s with 1967, thereby demonstrating astonishing improvements. Palestinian publications compare the 1980s with 1990, pointing at dramatic slumps, and so on. The current report attempts to demonstrate Oslo's failure based on the poor economic performance using the years of Israeli closure of the WBGs as reference periods. But the closure, as many would argue, is not part of "Oslo." It is, in many ways, a bold violation of the Economic Protocol. It seems to me that refuting "Oslo" on the basis of some dubious comparisons is a weak approach.

Furthermore, one should also be aware of the logical implications of this approach, that "Oslo" would be acceptable had it led to an improvement in macroeconomic indicators.

Any student of the WBS economy is aware of the fact that once the Israeli restrictions on Palestinian employment in Israel are eased, the WBS's major economic indices would immediately and automatically boom. This is actually what has happened recently. UNSCO's Autumn Report (1999) cites that between the first half of 1998 and the first half of 1999 no less than 47,100 new job opportunities were created for the WBS's Palestinians. Some 60% of these were created in the local economy, out of which 2/3 were in the private sector. These are impressive figures by any standard and dramatically offset the trends during the mid-1990s. But, alas, the new trend is notoriously unstable and can be very easily reversed. So, as much as these figures are falling short of being conclusive evidence of sustainable improvement, the deterioration during the closure period is insufficient evidence of continuous long-run stagnation.

The report refers occasionally to the idea of "de-development" as a theoretical framework. This seems much more promising and more realistic than the claim of inevitable, systematic and absolute economic decline. The advantage of this approach (which, by the way, is utterly out of fashion nowadays among economists and other social scientists), is that it does not deny the fact that important structural shifts and economic expansion can take place in the "periphery" to serve and accommodate the changes in the "center."

3) Oslo Process.

There is a great deal of "cursing" the Oslo Process in the report. I will claim here that this is neither a tactical nor a constructive approach. What is the Oslo Process? This is an important question in order to figure out the roots of the current crisis and to identify the bits of the process which may be valuable enough to keep and build upon. Like any other process, the Oslo Process consists of two elements: a base of departure and a trajectory. These two components eventually lead to a specific end result. It is possible to claim that the departing base of the Oslo Process incorporates a grand vision. This vision can, with a little good will, be traced to the Declaration of Principles and can be stated as such: to break through the insolvable and deep-rooted contradiction between two "rights," each of which claims to be historic and inalienable; two rights whereby exercising one only seems possible by negating the other. The new departing base simply states that the two national rights must and can mutually coexist.

Needless to say, it has been very hard for the Palestinians to reach this point, and some of them (not to mention the Israelis) have not yet come this far. Accepting this vision required not only giving up the principle of absolute justice in favour of relative justice, but also to abandon the dreams of personal memories and longing for very concrete physical properties in favour of a citizenship and an abstract idea of a national homeland. This crucial shift took place within the PLO during the early 1970s but, for a variety of reasons, was perhaps not sufficiently debated in the various Palestinian communities in the Diaspora.

Well, if this is the departing base of the Oslo Process, what about its trajectory, i.e. the steps through which the grand vision should be materialised? Here, in my opinion, one finds the Achilles' heel of the Oslo Process. Somehow, the implementation steps were out of step, if not in total contradiction, with the original vision. The trajectory was reduced to small "confidence-building" pulses which confused the locus and ended up in suffocating all confidence and trust. The grand vision was sliced into small portions and the supply of each was subject to endless bargaining, conditionality and retreat on earlier concessions. Significantly, the actual process of implementation in reality meant abandoning the most important insight in the original vision, that the settlement of the conflict should not be based on the current balance of power between the two parties. The vision implicitly called for a compromise on the basis of a futuristic, enlightened and humanistic view of the world. Once this element was lost, and the current balance of power began to dictate the negotiations, these became merely an exercise of power, and thus meaningless and fruitless.

I am trying to argue that the original vision in Oslo may still be neither false, redundant, nor even dead. The problem is rather founded in the particular approach used to realize that vision. The call for abandoning the "Oslo Process" altogether is a call for throwing away the baby with the bath water. Oslo incorporates certain important commitments and historic breakthroughs and it has acquired unique and overwhelming international support.

I am aware that some will argue that the process has in fact ended where Israel wanted it to end right from the beginning of the process. That Israel's aim was to improve its international image and to reduce the cost of administering the daily lives of the Palestinians. That it aimed at maintaining efficient control over land and water and squeezing the Palestinians into isolated Bantustans where they are allowed to manage their own civil affairs provided that they safeguard Israel's security interests. However, I do not subscribe to the idea that Oslo was purposefully designed to bring about this frightful scenario. I find it hard to believe that Israel's policy makers are so short-sighted as to believe that this scenario is viable even in the short run, that 3.5 million souls (estimated to become 7 in 2025) can possibly be squeezed into besieged small areas and deprived of basic human, social and economic rights. This claim would mean that the proponents of such a terrifying scenario have not witnessed what happened in the country which invented the Bantustan model.

Needless to say, arguing in favor of the basic vision of Oslo does not mean that one accepts the monster which materialized on the ground due to a faulty implementation; quite the contrary. Restating the original vision allows one to criticize the approach from within, point out its shortcomings and call for its supplementation. Within this context I believe that the report's reference to the economic, social and cultural rights of the Palestinians is of crucial importance. Supplementing Oslo's vision to safeguard these basic human rights and to secure the three internationally recognised concepts (the minimum core-content, the principle of non-regression and the principle of non-discrimination) would represent a huge leap forward. Once these are integrated into the body of the agreements, basic economic and political rights of the Palestinians can

become basic guidelines for the historic reconciliation rather than an insecure by-product of the settlement.

Panel Two: Abandonment of International Law and Human Rights

Roger Normand

I. Human Rights are Political

Too often the practice of human rights, in a "professional" sense, is seen as an analytical job for lawyers, writing reports, crossing the Ts, very detached from real everyday struggles of human beings. In the name of objectivity and neutrality, human rights becomes an elite discourse, spoken in the halls of power but not the streets and homes where most people live, work and act. This is especially true of Western international human rights discourse.

This can be seen in the removal of human rights from historical context in which political struggles take place. Also in the separation of human rights from other international law issues, especially national questions such as self-determination and sovereignty. And finally in the separation of civil and political rights from ESCR rights, with the tradition of subordinating ESCR although most people are --. And also the separation

This fragmentation of rights and separation from broader notions of politics and justice and is a perversion of the essential purpose of human rights -- solidarity and struggle with fellow human beings rather than professional detachment, engagement rather than neutrality. We should not fragment and compartmentalize the oppression that people face by analyzing human rights separate from history and political struggle.

This understanding of the role of rights is crucial in Oslo context, since the major purpose has been to detach Israeli-Palestinian conflict from its political and even legal context and fragment it in the committees and details of the Oslo agreements, even as the larger issues of justice are trampled. This overhead returns us to the justice issues at the core of the conflict: dispossession on a massive scale, occupation, denial of basic national rights and with them the full range of human rights.

II. Oslo is not Peace

Turning to the Oslo process itself, my first point concerns language, which may seem minor but, as George Orwell understood very well, language is a weapon in the shaping of perception and therefore the defining of action. And the Oslo process is truly a case study in double-speak, almost surreal at times.

For starters, Oslo is not a peace process. It should never be called a peace process. The word "peace" should not be degraded by association with a process designed to oppress people and deny them a basic measure of justice, and moreover, to legitimize that oppression through the rhetoric of peace. Terming this political process "peace" does not

change the real factors of oppression -- Palestinians still experience the real effects of increased human rights abuses and declining living standards. But it does change our views of this situation. Our perceptions are shaped by language, and our actions, or lack thereof, follow these perceptions.

The word "process" after peace is also very important and very deliberate. Previously we talked about just peace, or a peace plan, but now it is a peace process. The word process is designed to maintain and justify the dominant position of the rights abusers while at the same time suppressing the expectations of those denied justice. The message is to be patient, keep waiting, and one day, when the process runs its course, you should arrive at something resembling peace. But don't demand peace today.

III. Summary of Oslo

But for Palestinians, Oslo has nothing to do with peace, unless peace can be equated with the loss of inalienable rights and the acceptance of permanent pauperization. Justice was the first victim of the Oslo process. Arafat and his circle submitted to Israeli (and US) power, and did so as the representative of all Palestinians. The rest of the world acquiesced as well -- Europe is bankrolling the process, the GA and the nonaligned movement is sidelined, the Arab world is divided with most regimes hoping for some economic trickle-down from globalization's newly-crowned regional leader -- Israel. Even the formerly active civil society solidarity movements around the world have been totally marginalized since the DOP, largely out of confusion or demoralization.

In this regard, there is a silver lining. After more than six years, with final status talks looming, the confusion has largely disappeared, and the real meaning, goals and outcomes of the Oslo process are becoming very clear. The Oslo process is really about the victory of illegal power under the guise of peace, the rule of force masquerading as the rule of law. The ultimate irony is that the defeat of international law and justice is being given legal legitimacy and international acceptance through the signing of bilateral agreements between Israel and the PLO.

The method of Oslo is also clear, and can be summarized in a single word -- bantustanization. This translates into the concrete fragmentation of the people, the land, the foundation of Palestinian national and human rights, and also the very struggle for justice that used to be the defining issue of the Israeli-Palestinian conflict. This struggle has been transformed into burning issues such as, can Palestinians drill wells on this 2% of sliver of land or should it be kept as a nature reserve.

IV. Immediate Historical Context of Oslo

This all raises a very obvious question -- how did the PLO and the rest of the world come to accept this Trojan Horse of a peace process, this enforced consent ringed by the armor of coercion, as Antonio Gramsci writes.

For this we must look back in history, since Oslo is a continuation of many trends. Given our time constraints, I will focus only on the Gulf War period leading up to the secret negotiations at Oslo. The PLO in Tunis had been absolutely crippled by two factors: the loss of billions of dollars in subsidies and remittances from the Gulf states due to Palestinian support for Iraq during the Gulf War, and the loss of influence in the occupied territories during the intifada due to the rise of local leadership by Hamas and leftist factions. This hit hard at two pillars of PLO: logistical control of the vast Palestinians network through patronage and cronyism, and leadership control of the movement through representation. So a crippled PLO leadership crawled to Oslo with one overriding objective in mind -- survival. Not of the cause, the movement, the principles of justice and human rights, but their own survival as "leaders" of the Palestinian movement. This is why they were willing to make previously unthinkable compromises on the national question.

On the other hand, the Gulf War strengthened Israel's dominance in the region due to the destruction of Iraq and the open conflict between Arab regimes. Israel also reaped the benefits of not responding to Iraqi scud missile attacks in the form of increased US military support and a new \$10 billion loan package that fueled rapid settlement in the West Bank.

A final factor was the US emerging victorious from the Gulf War with enormous regional influence as the world's only superpower. George Bush summarized the new world order in four words: "What we say goes." Nowhere is this more true than in the Middle East.

V. Oslo Structural Flaws

This brings us to the fundamental flaw at the heart of the Oslo process -- abandoning international and human rights with as the impartial mechanism for resolving the Israeli-Palestinian conflict, and replacing it with direct political negotiations.

As everyone knows, in bilateral negotiations, everything turns on the relative strength of the two parties unless there is a neutral mediation mechanism. In this case, the strongest power in the ME is sitting across from the weakened and desperate leadership of an occupied and dispossessed people. The essence of these "negotiations" is captured Shimon Peres' statement that "we were negotiating with each other."

As a result, the entire framework of international law, and almost 50 years of UN application of law to resolve the conflict, was jettisoned in one fell swoop. No mention of this vast body of law except brief reference to 242/338. No mention of Israeli occupation, Palestinian self-determination, no human rights mechanisms built-in. And this unjust result is covered with the neutral face of Oslo and the peace-loving Scandinavians.

US perceives UN to be biased. Orwellian reversal of reality

In another nod to Orwell, we see that the US is acting as "honest broker." Number one ally of Israel, no diplomatic relations with PLO. In December 1993, two months after DOP, US joined Israel as only countries to vote against 194. 150-2. Albright said at the time that international law on the conflict was obsolete given Oslo process. Alone with Israel in voting against Palestinian self-determination and independence. And recall that the operational honest broker is the CIA, with its known public record of attacking any expression of indigenous democracy and nationalism in the Arab world..

The main justification for abandoning international law in Oslo is the "temporary" nature of the interim agreements. But people living under temporary arrangements are no less entitled to national and human rights than others. Nor will rights violations committed during the interim phase simply disappear once final status negotiations begin. On the contrary, such violations (land confiscation, settlements, closure, etc.) will shape and determine the outcome of these negotiations.

Bottom line, Israel gets peace dividend now, Palestinian rights are postponed. But under the circumstances, should anyone be surprised at the extraordinary bias in the Oslo agreements?

VII. Oslo Implementation Flaws

Without international law or neutral institutions to mediate disputes, Israel, as the dominant force on the ground, has unilaterally dictated the terms of Oslo's implementation. Israel has crippled the Palestinian economy through closure, restricted Palestinian free movement between Gaza, the West Bank and Jerusalem, and confiscated Palestinian land and resources for settlement expansion, all without facing international pressure for these major violations of international law.

1. Israel agreed to transfer to Palestinians full jurisdiction over "all" of the West Bank and Gaza Strip "except" for areas reserved for final status negotiations in 3 FRDs within 18 months of Interim Agreement. But Israel still exercises military occupation and jurisdiction over 83% of the West Bank and 40% of the Gaza Strip.
2. Israel agreed to respect the West Bank and Gaza Strip as "a single territorial unit, whose integrity will be preserved during the interim phase." and permit "no changes in status quo prior to final status." But the two have been cut off from each other through closure, and Palestinian territory is divided into over 200 separate enclaves.
3. Israel agreed to allow free movement of people and goods between the West Bank and Gaza Strip via four "safe passages" identified by name and route. In the event of a security threat one route had to remain open. But general closure was maintained until a few months ago, when the extremely restricted safe passage route opened.

There is a direct association between Israeli violations and an overemphasis on "security" language in the agreements, from Cairo to Sharm El Sheik. Just look at the language. More remarkably, the language is biased. Security for Israelis, but not the entire

Palestinian population dispossessed and humiliated. This has enabled Israel to make the astounding claim, dutifully echoed in US press, that it is the PNA that violates the Oslo agreements through not cracking down on terrorism and the infrastructure of terrorism.

VIII. Oslo Balance Sheet

It doesn't matter whether one thinks that Oslo was doomed from the start by structural flaws or doomed by flawed implementation, or a combination. The outcome is the same.

A brief glance at Oslo's balance sheet after six years reveals the remarkably biased nature of this peace. Israel has gained an unprecedented peace dividend – formal Palestinian recognition, leading to improved diplomatic and economic relations with Arab countries and the rest of the world, leading to sustained economic growth. For years, Israel's violation of Palestinian rights posed an insurmountable obstacle to its goal of full integration into the global economy and the international system. The Oslo process removed this obstacle even though the underlying Israeli violations remain unchanged.

The Palestinian peace dividend comes in the form of bantustanization. From the outset the Oslo process divided the Palestinian people into separate camps, severely undermining the PLO's ability to represent Palestinians as a whole. The Palestinian diaspora, comprising more than two-thirds of the total Palestinian population are completely unrepresented in the Oslo agreements based on the exclusion of refugee issues. Palestinians in Jerusalem, and even refugees in the West Bank and Gaza, are similarly excluded. Meanwhile, the Palestinian National Authority (PNA) has regained effective control over only 17.2% of the West Bank and 60% the Gaza Strip. This territory is carved into over 200 separate enclaves surrounded by Israeli military checkpoints and a new network of 29 Jewish-only highways spanning 280 miles and funded by \$1.2 billion from American taxpayers. Israel continues to confiscate Palestinian land and water to fuel the most rapid settlement expansion since 1967, with the settler population climbing 50% under Oslo to almost 400,000. Palestinians are not only confined and surrounded in isolated enclaves, but also prevented from traveling between the West Bank, Arab Jerusalem and Gaza by Israel's closure policy, an apartheid system of permits and passes put into place just as the Oslo process began in 1993. All of this in the name of peace.

Bottom line: international acceptance of rejecting international law in favor of skewed bilateral has served to disguise Israeli occupation, legitimize the denial of Palestinian self-determination and all derivative human rights, and prejudice the final agreement. Occupied territories now disputed. Israel is generously giving back land. Before Oslo, unilateral Israeli acts that violated Palestinian rights were recognized as illegal by the entire international community, condemned and resisted (even if unsuccessfully). But today similar or worse Israeli actions are shielded from condemnation on the pretext that they are taking place within an interim arrangement established through negotiations and mutual agreement.

IX. CPR Violations

I have discussed flaws of structure and implementation in Oslo process linked to the rejection of national rights. It is crucial to also examine specific human rights violations, and their mechanisms, to understand the organic link that has developed between the policies of Israel, the PNA, and donors under Oslo.

Israel limits freedom of expression and movement -- the human rights components of political self-determination -- through control exercised from "outside" Palestinian population centers. Again, one needs only to look at the current map to understand this control.

Israel also commits the "normal" human rights violations of pre-Oslo: torture, killings, arbitrary detention, lack of due process, political prisoners. But it must be recognized that there has been a decrease in these types of violations by Israel.

Why? Because this is the PNA's job. This is what Rabin meant when he said that the Palestinians could do the job of repression better, without facing pressure for human rights abuses. The list of abuses is well known and documented. The multiple security branches engage in systematic torture, mass arrests, arbitrary detention, and military courts. This is directed against not only "Islamists" meaning anyone with a beard, but against anyone who dares criticize the PNA and the Oslo process -- journalists, human rights activists, petition of 20.

But these violations must be placed in political context. Israel almost ritualistically demands a crackdown on "terrorism" even though it is hard to see how the PNA could be much more abusive without sparking a civil war. The US also supports Palestinian terror, meaning the official police apparatus -- Gore infamously praised the patently illegal system of military courts. More directly, it is an open secret that the CIA exercises operational control over Palestinian security, especially those involved with protecting Arafat. They could stop the torture with a single command.

The donors also play a direct role by allocating 99% of aid to PNA bureaucracy and security and only 1% to legislative and judiciary combined. The money funds repression at the same time that donors are saturating the territories with rule of law workshops. Every NGO knows that the way to get instant funds is to host such a workshop, amidst the lawless governance of the PNA at the national level and the lawless structure of Oslo at the international level.

Given the complicity between Israel, the PNA, and donors in these widespread human rights violations, where can Palestinians turn to enforcement and protection? Their own political parties have been defunded and dismantled, the NGOs are intimidated and bought off, and international solidarity is demobilized and confused. Under these concrete material conditions, it is no surprise that there is so little public organized opposition to Oslo despite widespread public discontent.

X. ESCR Violations

In the area of ESCR, there is a similar structure of shared complicity in violations, only in this case Israel not the PNA plays the starring role.

I won't spend any time on the economic decline, as this was thoroughly reviewed in the morning session. It is obvious that the primary cause of socio-economic hardship is Israel's policy of closure and bantustanization. This is exacerbated by Palestinian corruption and monopolies, at an extremely high level characteristic of ruling elites who don't know how much time they have and therefore grab as much as quickly as possible. Massive aid from donors has partly subsidized the effects of Israeli closure, while strengthening Arafat's grip on the bureaucracy and the people. The one thing that aid has not done is fund independent indigenous development. The resulting economic decline, with increased dependency on Israel and foreign aid, is not just bad economic policy, but human rights violations resulting from deliberate policies by Israel, the PNA and donors.

It is astounding that all three agree that EPZ are the best model for Palestinian development. Similar to the *maquiladoras* at the U.S.-Mexico border, these areas allow Israeli and foreign capital to exploit cheap Palestinian labor while maintaining a strict closure confining Palestinians within their enclaves. But more astounding is that they are correct -- it is the best policy because it is the only policy. UNLESS the basic economic paradigm of Oslo is challenged -- the policies of closure, dependency and de-development -- then Palestinians have no alternative to a nation of cheap wage labor and no local development.

I'd like to turn to Orwell one last time. A NY Times article a few days effusively praised the relaxed new Israeli attitudes towards Palestinians -- accepting coexistence and reducing human rights violations. Of course the High Court ban on torture was cited as prime evidence. Viewed from the evidence above, this is a classic example of a decontextualized human rights analysis, failing to understand the political links so that human rights end up obscuring real oppression and injustice. Israel doesn't need to be the only country in the world to legalize torture anymore, because they have discovered a better way. Subcontract the job to the PNA, whose security forces use the very same techniques as Israeli interrogators.

XI. Conclusions

The Oslo process is at a critical juncture. Israeli and Palestinian negotiators will soon conduct "final status" talks on intractable issues such as land and water, refugees, and Jerusalem. Yet Israeli Prime Minister Barak has already insisted that there will be no division of Jerusalem, no return of refugees to present day Israel, no dismantling of major settlement blocs, and economic "separation" (read strangulation) of any future Palestinian state. Given the weakness and complicity of the Palestinian leadership, the future is clear: a politically and economically unviable Palestinian statelet in most of Gaza and fragmented enclaves of the West Bank, subject to Israeli control, dependent on international aid and brutally policed by Palestinian security forces.

The dominant public discourse continues to insist that Oslo is the only viable framework for resolving the Israeli-Palestinian conflict. Opposition to the Oslo process is equated with opposition to peace, without recognition that a peace process built on a foundation of rights violations and economic exploitation is not sustainable except through increasing levels of repression.

Growing up as a Jewish New Yorker, I often find myself in heated arguments, let's call them dialectical discussions, with family members and friends over some of the core issues I have raised here today. These discussions are with extremely intelligent and relatively open-minded people --many present here today -- yet the same obstacles present themselves. Even those who recognize, at least rationally, the injustice of mass expulsion, dispossession and denial of rights still react by throwing up their hands and saying, what can be done? The Palestinians lost the war, now they have to live with it. We can't just give back the land to native Americans even though it was unjust that European settlers came, committed genocide, and confined native Americans on reservations. It is too late now. Injustice is a fact of life.

This is true without question. But resistance to injustice is also a fact of life, and you rarely find one without the other, like yin and yang. For me, the key exercise is what Edward Said called decolonizing the mind. The real meaning of a human rights mind, if we can call it that, is to look for the universal beyond the lottery of life, the roll of dice that places one by accident of birth on this side or that side of a conflict.

Let me close with something more concrete than a moral appeal. International law and human rights must take center stage in a just peace because the alternative is the continued rule of force by Israel as the stronger party. An imposed solution, even one imposed with the full support of the international community under the guise of peace and negotiations, will only continue rather than break the cycle of violence. Palestinian claims to national and human rights may be temporarily subdued through force, but this form of "peace" will hold up only so long as the present imbalance of power holds up. Unless the conflict is mutually resolved according to universal principles of justice, the Palestinian side will retain legitimate grievances and seek to redress them through counter-force as soon as they have the strength to do so. So the fruits of Oslo will most likely be an increasing spiral of repression and unrest.

XII. Campaign Ideas

I believe there is room for cautious optimism, even in this bleak context. This conference represents the tip of an iceberg of discontent with the Oslo process not just in the US, but around the world, and especially in Palestine. Discontent is widespread yet unorganized as a result of Oslo fragmentation. And as we all know, if discontent is not organized and expressed, not only is it not heard, but it doesn't exist. So the silver lining is, as bad as things are, there is a lot of untapped opportunity for working together, entering into public discourse and having an impact, even if slight, during this crucial period leading up to final status.

What might be broad parameters for the campaign?

1. Principles are important and should not be sacrificed unless there are very significant reasons and benefits, which Oslo certainly lacks.
2. The political situation is so unbalanced that "practicality," meaning what is politically feasible today, is a synonym for surrender. A strong counter-message, based on facts and law, is needed to penetrate the hegemonic discourse that Oslo is the only way to peace. This message could easily build momentum given the broad dissatisfaction.
3. The inevitable signing of a deeply-flawed final status agreement will likely unleash a lot of local anger and activism, putting a lid of finality on a pressure cooker that has been building for a while. It is therefore crucial to express positive human rights message now, so there is something to build on later.

What might be guiding principles?

1. Grounded in international law and human rights to overcome the charge of "politicization" and to provide a common framework of justice
2. Fundamental critique to overcome Oslo fragmentation and tendency to divert attention to details
3. Spotlight shared complicity of all major parties to the Oslo process -- Israel, PNA, US, and donors -- and link opposition efforts in these regions
4. Link policy/rights critique with education, mobilization and grassroots activism

I will leave more specific suggestions to the day's final panel.

Richard Falk

I'm very happy to take part in this program and I commend CESR for producing this report which I think has an extraordinary role to play in awakening some sense of discontent in this country about the failures of the peace process which we've been hearing so much about during the day. And I think it is of great importance to try and understand the role of international law in a peace process. I would like to reinforce Roger's message. In my view, the way to assess whether a political process that is put forward as a peace process is genuine or not is whether there is some kind of discontinuity with respect to basic behavioral patterns; whether there is a before and after.

To realize that the abandonment of human rights and international law on an international level was one of the effects of the Oslo process should have been an early warning signal that there was no intention to move toward a just outcome. What was really occurring here was a legitimation of the pre-Oslo reality under this new kind of language of peace and a peace process. Roger already suggested some of the reasons why this kind of one sided outcome necessarily emerged from a bilateral diplomatic process. And he placed appropriate stress on the relations between a strong state and a weak state and on the fact that the Palestinians were particularly weakened after the Gulf War.

From the Israeli perspective it was opportune to reach this sort of solution that would preserve their position of dominance indefinitely and remove any threats to security that they perceived. It is not surprising that Israel, as a state that has subscribed to political realism throughout its existence, would push its advantages after the Gulf War. What was less expected is that the ideological effort to diffuse international pressure on Israel through this diplomatic initiative should have been so successful. The complicity of the international community in this illusionary shift from a state of war to a peace process has had the effect of gaining for Israel the sort of legitimacy and absence of international pressure that it was seeking. Why has this happened? In addition to the reasons already suggested, here are several others.

- 1) One is the kind of crackpot realism that suggests that under the circumstances a one sided outcome that provides the Palestinians with any state is to be regarded as preferable to the persistence of occupation. As defective as Oslo might appear to be from the perspective of diplomatic parity, it's the best outcome that could be achieved under the circumstances. At least it pushes the Palestinian struggle one step ahead.
- 2) Secondly, through this process one is justified in denying human rights because it is always acceptable to use repressive means if there is a perceived threat of terrorism. It was the terrorist card that helped to reinforce the impression that what was happening post-Oslo was essentially moving the situation toward a more desirable set of goals than could otherwise be achieved.
- 3) Finally, in this question of why there is so much support and so little criticism, there is a combination of ignorance and fatigue that poses the question of why should the international community criticize a political process that is good enough for Arafat? That view is combined with fatigue over this long lasting conflict with no visible end in sight and a manipulated media that portrays conflict in very one-sided way. And a sense that the issues were too complicated and too obscure in any event. All of that leads to reinforcement of the official line that this is indeed a peace process.

It is extremely important to understand that a process that emerges from negotiations pre-figures its outcome. You can't have an unjust process that produces a just outcome. You can't have a relationship of dominance and subordination and expect to emerge with a relationship between 2 sovereign states. You can't have a relationship between the PA and the Palestinian people which is based on disregard for law and abuse of human rights and expect that a democratic state based on humane principles will emerge. For the Palestinian people to achieve genuine self-determination they need to reject not only Israeli continued dominance but also need to reject and transform the degree of Palestinian governance achieved so far.

What I think this suggests is that international law and human rights are absolutely indispensable organically for a peace process to emerge in relation to the Palestinian struggle. Until that kind of fidelity to rights and law is established one should have an extreme ethic of suspicion to any claims that progress is being achieved. So far, what one

can say is that it is extremely important to make as unconditional a critique as possible of what is happening and continuing to happen to at least strip away the veil of illusion.

It is crucial important to understand the symbolic and substantive importance of adhering to international law and human rights. Finally, it is necessary to couple this critique with a sense of an alternative vision of the future. A critique without more is a council for despair. The possibility of mobilizing civil society pressures in Israel, the Palestinian territories and the US seems to be a question of which alternative vision or alternative peace process it depends. This vision won't come from government or business elites. It will come from the civil society activism of the three countries.

Clarisa Bencomo

I want to point out that there hasn't been silence during the whole Oslo period. A lot of us have been on the record since the beginning for pointing out that Oslo lacks any reference to human rights. But maybe we haven't been very effective in getting that message across.

I want to address a couple of points Roger raised where there could be some corrections.

Donors – the criticism of donors for under-funding the legislature and the rule of law is overstated. Many of the problems in the PA with regard to administration of justice aren't simply problems of money but rather problems that reflect political decisions by PA leadership that have produced bad outcomes. More funding to the PLC will not solve its problems. Last year for example the executive branch refused to ratify dozens of bills that the PLC has passed. Increasing the amount of money that the PLC and judiciary receive will not by itself improve their effectiveness.

General Assembly – there were some references to the GA, the role of the GA and the importance of GA resolutions. The GA resolutions are not binding resolutions and I think it is a mistake to put too much focus on GA resolutions as a way to the future. In part because the GA is a very politicized body and if we spend too much time raising the importance of GA resolutions we may find ourselves in situation where we have a final agreement that the GA is willing to sign onto that has none of the human rights guarantees that we so desperately need.

This focus on the GA reflects the desire for a key or mechanism that we can use to combat these violations. We are seeing a great deal of difficulty getting international law standards and humanitarian law standards implemented in this case. Why is that? The effort to convene a conference of the high contracting parties of the IVth Geneva Convention last year is a good example. Instead of producing a strong statement condemning Israel's Geneva Convention violations and a plan for joint enforcement, we got a very weak statement recognized violations but granted the new Barak government an open ended period to correct them --- again, the self-delusion that defers taking action against current violations in the hopes that they will be solved in a future settlement.

The example of advocacy on the Geneva convention brings to me the point that perhaps we have focused too much on humanitarian law and not enough on human rights law. Israel has ratified six of the most important human rights treaties -- CAT, ICCPR, CESR, CRC, CEDAW, and CERD. In several cases the process of review by treaty monitoring bodies has only begun in the last two or three years. We haven't done nearly enough to focus attention on these treaties, and on the treaty monitoring mechanisms they contain. We have already seen some improvements – for example on torture.

We also need more work on Israeli violations inside Israel. If we take ourselves seriously when we talk about the right to return, we cannot ignore the many serious human rights violations faced by Palestinians who are already citizens of Israel. This is a crucial step, not just for the sake of those who face this violations, but because it is yet another way that we can take apart the myth that Israel is an oasis of democracy in the Middle East, another way to refute the claims that Israeli human rights violations are only a temporary reaction to pressing security concerns.

We also need to be more thoughtful in our critiques of human rights violations by the Palestinian Authority. Yes, many violations are linked to US and Israeli pressure for security crackdowns, but that pressure does not begin to explain the full range of PA human rights violations. The individuals who are being sentenced to death in late night state security court sessions are not threats to Israeli security. The journalists and activists detained for criticizing PA corruption are not threats to Israeli security.

Arafat has said that the new Palestinian state will ratify all the international human rights instruments. We need to create a climate where it will be impossible for the PA to delay or avoid ratification.

We also need to renew our focus on individual rights. This is particularly important when we talk about the right to return and the right to compensation and restitution, where we have already seen talks of deals that would allow only portions of the Palestinian refugee population to claim its rights, and then only through the mediation of the Palestinian Authority. The problem is much bigger than this, when you consider the full range of claims to compensation individual Palestinians could make. We've already seen several attempts by Israel to indemnify itself against claims for compensation:

1) The Interim Agreement has a provision requiring Palestinian claims for compensation to be heard before PA courts, and requires the PA to bear the costs of any compensation ordered by an Israeli court.

2) Twice Israel has tried to pass legislation to prevent Palestinians injured by soldiers during the intifada from claiming compensation.

To end on a more optimistic note,

There has been some success in using non-traditional mechanisms to get human rights enforcement:

In Europe, efforts to enforce existing trade agreements with Israel to end the illegal benefits Israel receives from marketing in Europe goods made in the settlements.

UN Human Rights Committee General Comment on Article 12 of the ICCPR (Freedom of movement) has strong language on the right to return

Joel Beinin

The prevailing statement of international law that governs the Palestinian-Israeli conflict is the November 29, 1947 UN partition plan – General Assembly Resolution 181. The principle embodied in that resolution is that between the Jordan River and the Mediterranean Sea there exist two national communities that have equal status. That resolution and that principle already represented a certain victory for Zionism. It was a victory that was achieved with the protection of British imperialism until 1939, with the support of the US in the 1940s and beyond and with a degree of international sympathy for Jews. Because that principle represented a certain victory for Zionism it is quite understandable that many Palestinians rejected it. Labor Zionists, the dominant trend within the Zionist movement, rhetorically accepted it. But in practice, neither Labor Zionists nor the Zionist right wing have really accepted the principle of equality. Ex-prime minister, Yitzak Rabin, said many times that he has no disagreement in principle with Jewish ultra right settlers settling anywhere in Eretz Yisrael (the area between the Jordan River and the Mediterranean). The home of Ehud Barak, Israel's current prime minister, is located on the green line and he says that when he looks out his window onto the West Bank he sees Israel, not Palestine.

The only issue for labor Zionists has been a tactical or strategic question. How much of the land can be settled given the prevailing balance of international forces and given the strategic motives of the Zionist movement. The prevailing currents within Zionism have not actually accepted the principle of equality of status of the two peoples. The Labor Zionist approach to conflict has three elements:

- 1) separation of the two peoples;
- 2) the notion that economic development for Palestinians will lead Palestinian Arabs to abandon political rights; and
- 3) establishing, maintaining and imposing Israeli military supremacy.

Rabin, at the time of the acceptance of the Oslo Accords saw Oslo as embodying all three of these principles. The difference between Rabin and Shimon Peres is that Peres was/is prepared to abandon the principle of separation.

Perhaps even more significantly than Peres' personal commitment to this view is the support of people like the former head of the Israeli Industrial Association and one of the strongest supporters of Oslo. He announced in a press conference in 1993 that it is not important whether there will be a Palestinian state, autonomy or Palestinian-Jordanian state, the economic borders between Israel and the territories must remain open.

That is the overriding logic of the whole process from the point of view of Labor Zionism. There is an internal debate between people like Rabin and Peres between separation or not but they are united on the other two principles.

As a result of that framework there has been a huge influx of economic investment in Israel. All the big Silicon Valley companies have invested in Israel. In 1995-1996 alone \$3 billion of new foreign investment flowed into Israel. The long-term project here is to set up export processing zones at Erez and Karni crossings where Israeli, foreign and Palestinian capital (as a junior partner) will build assembly plants and employ Palestinians as labor power.

The macroeconomic indicators for Palestinians since 1996 have improved. This process of subordinating the Palestinian economy to the economy of Israel is a process which can lead to certain macroeconomic improvement and a certain raise in the standard of living for certain Palestinians but this process has nothing to do with social justice and has contributed to growing inequality.

There are three principles which should govern what we do about this situation:

- 1) We must oppose the ideology of separation which is an inhumane ideology and does not reflect existing social realities; the two peoples are inextricably intertwined and will live together in one form or another.
- 2) We should oppose the view that political rights can and should be abandoned for economic development because this will be a subordinate economic development in any case.
- 3) We should uphold the principle of equality of status of the two peoples.

Joseph Schechla

It's time for us once again to go back to some basics and I would like to do that in my presentation. To characterize what we are talking about in a human rights framework; what are human rights? They are rights which have been enshrined in law that arise out of human need. They are expressions of human dignity and they are the product of popular struggles throughout history. Human rights as enshrined in law represent in the past century the first systematic attempt to address human needs on an international level. International human rights law is a tremendous achievement for human progress. As Professor Falk mentioned, they are organic to any peace process. More than that, human rights are also practical tools for states. They are guidelines for states and when they are applied they render certain benefits to the states themselves.

By applying the guidelines in human rights treaty law, customary law and the general principles of international law, states ensure local and regional stability, they establish justice and social harmony, they protect the vulnerable in their own societies, they build cohesion, they enhance both internal and external legitimacy and human rights help sustain institutions of the state themselves. Essentially, applying human rights makes governing easier. While states also seek to consolidate power history has provided ample lessons to allow us to benefit from the long view; what happens when human rights are

applied. The value of state power consolidation, if it were to be sustained in the long run, must be balanced with respect for, promotion and fulfillment of human rights.

Human rights should be applied preferably as a preventive measure. But regrettably in our history, and certainly today, states often apply human rights after the fact, after armed conflict and violence have taken their toll. Whether we draw our analogies from the Nazi period, South Africa's apartheid or the conflict in the Balkans, the costly mistakes of others give models of where human rights had to be applied as a remedial measure to establish the essential component of justice to attain peace. What I would like to do briefly is to apply the model of Bosnia to help us measure the current peace process in Palestine.

On the face of it, peace is better than its alternative. But in the case of the Bosnia peace process it is difficult to see who is in fact the winner in that conflict. But a process is underway in which a modicum of peace and justice is being achieved although the implementation is not perfect by any means.

The purpose of any comparative analysis is to extract lessons of one or more cases that could enhance our understanding of another. The practical goal of such understanding would be to solve problems. In this comparison of the Bosnia peace framework and Oslo is also to demonstrate that, in cases of similar features of ethnic cleansing and population transfer, there are contemporary models available, upheld by a human rights framework, that could serve as an alternative to Oslo.

The 1995 Dayton Accords embody an agreement by the parties of the Republic of Croatia, the Federal Republic of Yugoslavia and the Republic of Bosnia-Herzegovina as well as breakaway autonomous region of the Republic of Serbska. The Dayton Accords establish the goal for the states to conduct relations in accordance with the principles set forth in the UN charter as well as in the Helsinki Final Act and other documents of the OSCE. In Article 9 of the agreement parties agree to cooperate fully with all entities involved in the implementation of the peace settlement as described in 11 annexes to the agreement itself.

The most important annexes are 6 and 7. Annex 6 is the agreement on human rights and enumerates the relevant rights and freedoms that are to be respected and implemented in the course of the peace process. Among these are the right not to be subjected to torture, inhuman or degrading treatment or punishment, the right not to be held in slavery or servitude, the right to liberty and security of person, the right to private and family life, the right to home and correspondence, the right to property, freedom of movement and residence and the right not to be subjected to discrimination on any grounds.

Chapter 2 of the same annex establishes the commission on human rights, the commission's office of the ombudsman and a human rights chamber to consider alleged or apparent violations of these and other rights including the right to freedom from discrimination. The chapter also recognizes the right of all persons to submit applications

of violations to the commission and prohibits all parties from undertake any punitive action on persons who submit or intend to submit an application.

The text of Annex 6 of the agreement specifies international hard law norms regarding the functions of the chamber and ombudsman. The human rights agreement obviates any potential ambiguities about obligations of states parties by citing 16 applicable treaties. In addition, of course, these treaties are annexed to the agreement.

Annex 7 treats refugees and displaced persons equally and sets out the right of return and the right to property which these people have been deprived of since 1991. It also recognizes the connection between ethnic discrimination and population transfer that has been carried out in this case and also emphasizes that implementing the right of return is essential to the building of confidence between and among the parties. A commission for displaced persons and refugees is also established under chapter 2 of annex 7 that can receive and decide any claims for return and compensation of any real property in Bosnia-Herzegovina.

There are parallel situations between the former Yugoslavia and Palestine here, which is not to say that any two cases are analogous. The core violations of human rights in the two places are essentially the same. In Palestine, population transfer has been almost continuous over the last 100 years and especially the last 50 years. By comparison, the Oslo framework does not refer specifically to human rights law. What it does do is establish a baseline that is linked to two General Assembly resolutions: 242 and 338. But it is important to point out that, while this is essentially the framework at this historical juncture, these two resolutions crown two decades of dispossession and population-transfer policies. This is a structural flaw of the Oslo agreement. That is, there have been territories occupied and assumed into Israel by force and other means between 1947 and 1967 (the 20 years previous to these two resolutions). The Oslo framework essentially creates a new baseline, accepting as noncontroversial the acquisition of territory by force and through negotiations of an armistice process by unauthorized parties over the preceding 20 years. By accepting 242 and 338, we accept Israeli occupation of West Jerusalem, which was never challenged by the UN General Assembly.

What is not present in these two resolutions is an explicit recognition of Palestinian self-determination. In the agreement, in an exchange of letters, the Palestinians accepted Israel's right to exist, but there is no corresponding recognition by Israel of a Palestinians state's right to exist.

I won't go into any of the violations under the Oslo Process, but will mention one important fact brought out by UNSCO. During 10 days of the closure of September 1998 the Palestinian economy lost as much value as all donors disbursements that year. In other words, in those 10 days, all gains of the Palestinian economy that year were lost. This gives an indication of what needs to be done and can be done if donors take a more active role in preventing closure and opposing house demolitions, land acquisition and

other illegal policies. This would be a better contribution of the donors than financial donations that can evaporate in a 10-day closure.

Roger's paper assesses losses in the Oslo agreement as a loss of justice, of balance, of impartial mediation and of checks and constraints. I would add one additional loss illustrated by the mental block Oslo has provided for us which has rendered our discussions of history moot. There is only one language being spoken now. But we need to speak about issues of discrimination, about behaviors and institutions. We need to talk about the legal setup inside Israel where discrimination is institutionalized and where only one nationality exists and that is "Jewish nationality." If you don't have that nationality status, you don't enjoy full rights. In conclusion, I would advocate going back to basics that have unfortunately been forgotten in the peace process discussion.

Panel Three: Civil Society Activism

Nasser Qassem Ali

This paper is based on the experience of CESR in Palestine regarding civil society, especially after the Oslo agreement. It will examine the performance of Palestinian civil society by tracking and analyzing the effect of major Oslo structures and the impact on the following main sectors of Palestinian civil society:

- 1) Political parties
- 2) Workers unions
- 3) Professional syndicates and leagues
- 4) Grassroots organizations
- 5) NGOs

This methodology finds its justification in the following realities:

- 1) all discussed sectors were present in Palestinian civil society. prior to Oslo and continue in the post-Oslo era – thus providing an excellent context for comparison and analysis;
- 2) the intricate relationship between state and civil society is exhibited in the Palestinian context because of the absence of state structures prior to Oslo and their only nominal and controversial presence after.

Pre-Oslo

In the aftermath of the 1982 war in Lebanon the PLO concentrated on the West Bank and Gaza as the only available sphere of engagement with the occupation. Political factions began to enhance their activism and mobilization leading to the establishment a grassroots structure which constitutes the origin of many NGOs now. Student unions also became very active and used elections as an integral tool for social mobilization. These sectors of Palestinian civil society performed remarkably during this period with the following achievements:

- 1) Organization and mobilization of various segments of society including students, workers, villagers and professionals

- 2) Placement of national political discourse in the framework of international law and human rights
- 3) Considerations of pluralism and democracy
- 4) Development of society

Palestinian civil society, along with UNWRA and some international NGOs, managed to sustain and even develop the community.

The Impact of Oslo on Palestinian Civil Society

Oslo led to the following developments in Palestinian civil society:

- 1) *Demographic isolation.* The Israeli strategy was to create realities on the ground which would pre-determine the final status and which resulted in a patchwork of ghettos isolating Palestinian communities from each other and the world. The various closure policies separated the West Bank, Jerusalem and Gaza and even separated Palestinian areas of the West Bank from each other.
- 2) *Destruction of discourse on statehood and national rights.* Prior to Oslo, the PLO was the legitimate advocate of Palestinian national right and statehood. After its 1988 declaration, the PLO was acknowledged by the UN General Assembly and recognized in numerous bilateral agreements. The post-Oslo discourse, established by the PNA demonstrates the extent to which the PNA betrayed existing Palestinian legal rights, especially within the Oslo Accords.
- 3) *Economic subordination.* Events leading up to the signing of the Oslo accords saw the PLO lose its major sources of income; the UNWRA budget was severely decreased, remittances from abroad ceased and the number of Palestinians allowed to enter Israel for work was reduced by 50%. The international donors became the new source of support and provided financial support for both governmental and social structures. The rule of law, good governance and development were the objectives of one of the largest global development schemes, politically dictated by the US and willingly funded by the EU

The Actors

To examine the functions and mechanism of the aforementioned policies we must examine the performance of the three basic players: Israel, PNA and the international donors.

Israel:

- 1) *Policies of closure.* These policies, which began in 1993, have already been discussed. To highlight the absurdity of the situation, although I am able to come deliver this paper in the US I am unable to do so in the West Bank or inside Israel. This is because I am denied a permit due to my so-called “security record” which amounts to 2 arrests for student and political activities, the very substance of the civil society we are discussing today. Even the so-called “safe passages,” which we in Gaza refer to as safe for the settlers, not for the Palestinians, do not alleviate the

problem since 60% of those who apply for a permit to travel the safe passage are denied.

- 2) *Instability of Jurisdiction.* Oslo has created a number of jurisdictions for individuals and institutions which are constantly changing. The timing and extent of these changes is determined solely by Israel. Changes in jurisdiction often accompany “redeployment” which, according to Oslo, was supposed to be in three phases although there are now 5 phases and we are still not finished. First there was the Gaza-Jericho phase from 1993-1995. Then there was the Interim phase from 1995-1996. Then there was the Interim Agreement sub-phase 1 from 1997-1998. Then there was the Interim Agreement sub-phase 2 (or Wye Agreement) from 1998 onwards. Then there was the Interim Agreement sub-phase 3 (or Sharm el Sheik Agreement) from 99-onwards. These phases will continue to be developed and who knows when we will ever reach the end of this process. Therefore, Palestinian individuals, institutions and communities have found themselves at the mercy of arbitrary process of law and administration subjected to ongoing political changes on the ground.
- 3) *Fragmentation of Jurisdiction.* As if these jurisdictional problems are not enough, Israel decided, and the PNA agreed, to slice the components of jurisdiction into geographical, functional and personal jurisdictions. This is done to accommodate the skewed plan of phased redeployment and has introduced a new dynamic of its own. Palestinian society resembles groups of islands not knowing when or how they will reconnect. This explains the dual institution phenomena in the public sector and the nightmare of coordination in the private and civil society sectors.

PNA:

- 1) Explosion of Palestinian civil society. As described before, there was an organic relationship between sectors of Palestinian civil society and the PLO. Parties, unions, syndicates and NGOs were interlinked with the PLO on the levels of strategic leadership, representation, coordination, protection and funding. All this was lost when the PNA was established. The PNA did not present themselves as an alternative to the PLO because they were not supposed to.
- 2) Structural subordination. The PNA had very little mandate in the beginning other than control. The executive had no role in the negotiations. The PNA was little more than a security force and a bureaucracy. On the NGO front the PNA conducted security sweeps and arrested political activists opposing the Oslo process. The donors and western governments who were really keen on human rights in Palestine intervened on behalf of NGOs and increased their financial support. The result of this showdown was the destruction of the unions, syndicates and other grassroots elements.
- 3) One party policy. The PNA had almost 2 years before holding elections. Soon after the PLC was elected it became clear that the executive branch, which had practiced comprehensive government for 2 years was not ready to share power with the newcomers. The executive retained control of the PLCs core function – legislation. This system of governance began to dismantle civil society and to paralyze the overall legal establishment.

- 4) Separation. Seven years after Oslo we are in much worse situation with the legal system. The PNA opted to govern by decree and administration instead of legislation. It's strange that even in choosing this route, the PNA didn't attempt to unify measures between the West Bank and Gaza Strip. Rather they followed different administrative structures in both areas. For example, alcohol consumption and independent local TV stations are banned in the Gaza Strip while both businesses are flourishing in the West Bank. Also, the PNA controls the unions only in Gaza, not the West Bank. Last but not least is that throughout 7 years of closure the PNA never campaigned seriously to end it. The most it did was to complain about economic losses which garnered it more external funding.

Donor community:

The donor community took a leading role in planning, funding and evaluating government policy in Palestine. It is through their shared political and economic work that the Oslo process was sustained. In order to understand their policies let's examine the following points.

- 1) Ignoring civil society except NGOs. It was not only the PNA that had almost 2 years to set the stage but also the Western governments and donors working with the PNA throughout the Gaza-Jericho period. Minimal attention, if any, was paid to unions, syndicates and grassroots and political parties. They were left to their own financial demise.
- 2) Endorsement of governance. The PNA was cheered for its political wisdom and for holding the first free elections in the Arab world. The donors also participated in the strategic marginalization of the judiciary and the legislative branches. Until 1997 these 2 pillars of government received only 1% of the total \$2.2 billion directed almost solely to the executive bureaucracy and security services.
- 3) Detachment from Community and enlargement of NGO Sector. Donors channeled a vast amount of funds into the NGO sector, judging it to be the vanguard of human rights and democracy. NGOs doubled in number and many of the new NGO elite see NGOs as representing all of civil society. Granted NGOs can play an important role in civil society but they should not claim to play all roles. This is where NGOs become a danger by participating in the marginalization of their own communities

Impact on activism and discourse

- 1) Inflation. Not only NGOs doubled but also their size, budget and bureaucracy so that some NGOs in Palestine have more staff and budget than political parties.
- 2) Alienation. NGOs in Palestine are understood to have no constituency except board members. Many NGOs represent donors more than any other party in Palestine.
- 3) De-politicization. Due to factors of demographic isolation, PNA affairs and western discourse of academic human rights and development, NGOs advocacy has abandoned the concept of self-determination and national right. Yet after hundreds of millions of dollars of donations Palestine is lacking a civil rights movement or even a coalition which seriously engages the legal establishment on rights.
- 4) Dependency. With no constituency for support and advocacy, with no institutional support, by falling into the trap of state of the art equipment, NGOs are now

dependent on donors for financial support, political protection, training and even evaluation.

5) Unconvincing outreach. The thousands of training workshops have begun to tire people. At the community level people are not interested in human rights, democracy or development anymore.

6) Unilateralism. Choosing to be in the market of competition for donor dollars, NGOs are not working together. We are yet to see a functional NGO network or coalition in Palestine.

7) Implementation One would think that deciding the importance of a given project would come first and then fundraising. Not so in Palestine. Projects are decided by donors then NGOs are subcontracted to implement.

Conclusion

Palestinian civil society under Oslo is suffering from the policies of all parties. Indeed, Palestinian civil society is passing through its worst years. Israel is distorting its configuration on a demographic level. The PNA is distorting its configuration on a structural level. And the donors are distorting its configuration on a functional level. Donors and Western governments have a direct role in this human tragedy. Among other things they have created two elites: the formal elites of the PNA and the informal elites of the NGOs. Both play the same function using different tools; that is, the misrepresentation and marginalization of Palestinian civil society.

Despite all these circumstances there are some positive developments in the realm of civil society recently. The first was the reaction to the prime minister of France regarding his statements on Hizbollah activities in South Lebanon. The second was the recent clashes in Deheishe refugee camp between activists and Palestinian police after the police beat a Deheishe activist. Finally, teachers in the West Bank are on strike due to low salaries.

I'd like to end with 6 recommendations from CESR.

- 1) Returning to rule of law and ending Israeli occupation;
- 2) holding donors and governments responsible for the outcome of their policies;
- 3) holding PLO responsible for delegated authority in Palestine – the PNA;
- 4) reaching out to grassroots sectors;
- 5) balance expenditure between branches of government to ensure rule of law;
- 6) holding NGOs accountable in achieving sustainable development in Palestine.

Phyllis Bennis

I want to talk about what we need to be doing in this country. The three basic players we have spoken about today (Israel, PNA, donors) leaves out what I consider to be THE basic player which is the US government. The US government sets the terms for how the struggle for human rights, for Palestinian national rights, for individual and collective rights, for the rule of law, will take place in that part of the world as in so many other regions around the world.

We have two jobs – one is the expose side. We've been hearing about mythology that is inherent in our language. The "peace process" that is far more about process and maintaining the fiction that this is a process aimed at peace. It's true that peace is not the ultimate justice, the ultimate peace. But we do know what is real and what is fake in saying that something has anything to do with peace. Martin Luther King gave us a very good definition of peace when he said that peace is not just the absence of war but also the presence of justice. There is little doubt that this process is going to lead to something called a Palestinian state. But it will not be viable, it will not be independent, it will be repressive, it will be under the economic thumb of western corporations led by the US. It will be oriented towards the economic programs of the World Bank and the IMF. Militarily, economically and politically it will be controlled by Israel. It will be forced into a false relationship with Jordan and the rest of the Arab world. And it will be put into the center piece of a Middle East NAFTA.

That is not the independent Palestine that so many people have fought for in the region, in the refugee camps, in exile communities around the world and in the solidarity movements here at home. But I think that we have to be very modest and self aware of the failures of our movement. When Ruchama spoke earlier about how solidarity was killed off through fragmentation, that happened in this country as well as in the region. We need to talk about recreating a response. It's not enough, it has never been enough, to say down with Oslo, Oslo is bad. It's something that we do have to explain and explaining is crucial because the other side has been very successful in convincing the overwhelming majority of American people, that this is a peace process and if you are anti-Oslo you are anti-peace. So our first step is the discrediting of that understanding; to make clear that we are for peace. We are for peace with justice and we are against this process because it cannot lead to it.

At a recent forum at the Center for Policy Analysis on Palestine in DC an aide of Dennis Ross asked us why we are all being so prejudicial. Why don't you give it a chance? But we knew from the beginning that it wasn't going to work because as Richard said earlier, when you have a peace process that is not just, you're not going to have a peace that is just. They've had too much time and it isn't working. So our first job is to expose that Oslo doesn't mean peace. Opposition to Oslo is not opposition to peace. We have to expose the myth that the 2 sides are discussing this as equals and that we should keep everyone else out; that international law is being implemented through this bilateral process; that Resolutions 181 and 194 and other UN resolutions are irrelevant because we now have a bilateral process under way. These are false illusions. But we have to understand that this is going to take a great deal of work.

But we cannot stop there. Because we have a responsibility to pose some ideas about how that might take shape. The first step is reclaiming the UN and saying that the UN is the closest thing that exists in the world to a meeting of the world's people ("We the peoples..."). We the peoples are going to have to be the ones to reclaim it and to say that that's where the debate over how to reconcile competing claims over land should get worked out. We have to go back to our old demand for an international peace conference involving all the parties. It is no accident that Madrid set the stage when the Israelis

demanded and the Americans agreed that one of the preconditions for ensuring Israeli participation in Madrid was to ensure that the UN would not have a voice. They could have a representative but he would not be allowed to speak.

Because the Oslo process is underway does not mean that we don't have any say. Look at recent examples of mobilizations in DC against the IMF and the World Bank. Just because the programs of the World Bank, IMF are underway doesn't mean you can't protest against them. We have to say that there has to be a new process. A process that roots the question of Palestinian rights, Israeli security, regional peace and justice squarely in the realm of internationalism. Palestine cannot be the poster child of US unilateralism. The US has used the Iraq and Kosovo crises as ways of doing end runs around the UN. What we often forget is that US protection of Israel against any serious sanction in the UN is the first and longest example of that tendency of the US to do end runs around international law, around the UN, around the requirements of international law. Those of us living in this country who are supporters of peace, of justice of Palestinian national rights, of human rights, have the responsibility to say that it is time we reclaim international law and the UN and that we stand against the US laws of empire that it has chosen for itself. The world has had enough of the rules of empire.

Ali Abunimah

I want to talk about some of the things we have done as activists and some of the things which have been successful and that I think we should continue to do. The title of this panel is civil society activism. When I use the term civil society I use it loosely meaning anything that is not governmental. And I think the role of activists – in the US and all over the world - is to raise awareness, and consciousness and public opinion about the issues we heard about in intricate detail this morning. Very little of what we heard today is accessible to the public outside of here. We have a real task explaining these things to people outside this room. The research done by CESR is of great value but is of no use to us unless we take it outside this room. So our role as activists is number one, to raise awareness in the outside world. Secondly, it is to directly challenge the political authorities that violate human and political rights and support the people whose rights are being violated and who are struggling against those violating their rights.

As Nasser mentioned, one recent example is the event at Birzeit when more than 200 students were initially arrested under the pretext of throwing rocks at Prime Minister Jospin when the real purpose was to crack down on student opposition and activism. Students at Birzeit made a decision to resist and to strike and to tie their fate to that of the students who were rotting in PA jails. Our role as activists on the outside was to give them maximum support and we did that by using our loose networks on the internet and elsewhere. We flooded the offices of the PA in DC, NY and Gaza with faxes and emails and we let them know that what they are doing is not being done in the dark and that they cannot count on tribal loyalties or national loyalties or any other loyalties for us to turn a blind eye on what they are doing.

This brings me to the third point about civil society activism. It must be independent of any authorities. It must be independent of political institutions – this is its strength. If the PA

Violates human rights we will be there to challenge it. If Israel violates human rights we will be there to challenge it. If the US violates human rights we will be there to challenge it. We don't look at who is violating the rights, we look only at the violation of the rights. This also makes us strong because it makes us immune to pressure. Also the fact that we are decentralized makes us immune to pressure. That we have developed effective networks of activism means that we are not subject to pressure from anyone. What we are doing is mobilizing thousands of individuals from around the country and around the world.

I want to give you some examples of where we have been effective. One was the protest to challenge the opening of a Burger King restaurant in the illegal settlement of Maale Adumim in the occupied West Bank. Another was the plan to establish a textile factory again in an illegal settlement in the occupied West Bank by a company owned by Benetton. And another was the flap about the Disney exhibit which showed occupied Jerusalem as the capital of Israel. Now these examples in a sense could be called trivial. In the long run it doesn't make much of a difference to the refugees in Gaza if the settlers in the West Bank are eating hamburgers. But I would argue that these things do have an importance on at least 2 fronts. First of all, they allow us to have serious discussions about settlements and occupation in the US media in a way which is engaging to people. Israel has been very effective at this by taking and distorting the US rhetoric of civil rights and twisting it to fit apartheid. We at least have the advantage that we are talking about real human rights and real human rights violations.

On the second front, we as activists in the spirit of the IMF and World Bank protests raise the cast for corporations which are unaccountable. We say that if you wish to profit from occupation and from the violation of human rights and from the theft of peoples' resources and freedom we will make you pay an economic price. One of the features of the campaign against the Benetton factory is that it was a very powerful coalition of activists in Israel and in the US. It was Israeli activists who were as concerned about violations of human rights and continuation of occupation that helped make this a successful campaign. In each of the 3 examples we have different coalitions and groups in the US. As activists in the US we have to be connected to what is happening in Palestine. We have to be listening to what the refugees in camps are saying – listen to how they want us to support them.

Roni Ben Efrat

First of all I have a very big problem with the term civil society. In fact I suggest we stop using it. Some political scientists tell me that the term dates back to Marx and Gramsci but I am sure they did not have the same meaning as we have today. In fact the term infiltrated Palestinian areas when the Intifada began to fade. In fact, the Intifada was the highest form of what one could call civil society but we never had to use it back then because apparently it was real civil society. The term is use exclusively with regard to

third world countries. When you say this word in Palestine you imply that alongside this civil society you have something else, something dark and uncivic. Maybe the PA? So in fact it is a kind of a free zone for a special specter of people sharing in the donor pie of one big financial project which is called the PA. I don't want to go into who are the people sharing in this pie but in fact it is a code word for the NGOs. And why is it only used in third world countries? Because in capitalist western states, the state, in exchange for our taxes, provides us with all the necessary services. In fact, the welfare state *is* the civil society as we know it. So when the NGOs in Palestine are providing the basic services in fact what they are doing is they are a kind of separate government. They are taking over what the ruling government it supposed to do. They are depriving people from what is their right to get and not what is voluntary. When funding stops one day what is going to happen to all of these services? Either they will disappear or people will have to pay for them. So civil society is a politically neutral zone. It skips over what is really going on and that is class struggle. As if we are all harmoniously part of one civil society - we are not. But the NGOs in Palestine don't want to rock the boat.

Of course I am not against NGOs. My organization has been running many crucial NGOs for the last 20 years. But when we talk about NGOs the cardinal question we ask is in what political context is the NGO working? In Palestine this question is becoming more and more dangerous and crucial. An NGO has to be a watchdog. It has to develop alternatives and struggle for political change. It has to be clear about which class it belongs to; who it is working for.

I want to focus on 2 of our projects. One of our projects is the Workers Advice Center. We are building a Palestinian trade union which will be an alternative to the Histadrut. It will also be open to Jews, foreign workers and anyone who feels that they are disregarded by the Histadrut. We are dealing with all the cardinal issues that come together with globalization in our region. No one is dealing with questions such as privatization and the textile trade moving to Jordan. The other NGO we are running is the Syndiana of Galilee. It is the first fair trade organization in Israel. We are creating incentives for Palestinian farmers to hold onto land which is always in danger of confiscation. We started a marketing channel for olive oil and we are marketing about 15 tons of olive oil from Palestine into the Israeli market. We are also producing olive oil soap and selling it in the Israeli market. The Israeli market has no interest in creating industrialization in the Arab region. They just want cheap labor to flow from Arab areas into cities. So it is important to industrialize the Arab areas, to create incentives and to take care of the land because it is the only reserve land that Palestinians have inside Israel. So I am not against NGOs but NGOs cannot take on the role of government. They have to criticize government through their actions.

Just to sum up, I would say that NGOs have to part of the organized opposition to Oslo. We have to be relevant. We have to stop asking questions in nice terms. Every NGO has to state precisely its position on Oslo. Another question NGOs have to be very clear about is our position on the PA. We have to be very clear that we are against the PA, that we don't think the PA can bring any type of liberation to Palestine, that it can't be reformed, that it has to be replaced. If NGOs feel that such an opposition to the PA or

Oslo doesn't exist then what should they do? They should leave their comfortable offices and homes and create that opposition. That is what has to be done in Palestine today.