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# **PALESTINE IN FLUX**

## **From Search For State to Search For Tactics**

**Nathan J. Brown and Daniel Nerenberg**

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Carnegie Endowment for International Peace  
Publications Department  
1779 Massachusetts Avenue, NW  
Washington, DC 20036  
P: +1 202 483 7600  
F: +1 202 483 1840  
[CarnegieEndowment.org](http://CarnegieEndowment.org)

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## About the Authors

**Nathan J. Brown** is a professor of political science and international affairs at George Washington University, where he directs the Institute for Middle East Studies. He is also a nonresident senior associate in the Middle East Program at the Carnegie Endowment for International Peace. He has served as a Woodrow Wilson Fellow, a Guggenheim Fellow, and a Fulbright Scholar. Brown is the author of six books, including *Palestinian Politics After the Oslo Accords: Resuming Arab Palestine* and *When Victory Is Not an Option: Islamist Movements in Arab Politics*. Brown's latest work, *Arguing Islam After the Rebirth of Arab Politics*, will be published by Oxford University Press in 2016.

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**Daniel Nerenberg** is completing the doctoral program in political science at George Washington University. His research examines shifting redlines of cooperation between occupied and occupier under military occupation and colonial rule, based on fieldwork in Palestine between 2006 to 2008 and 2012 to 2013. He was a 2013–2014 peace scholar at the United States Institute of Peace.



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## Summary

Official Palestinian institutions and leaders have lost their moral legitimacy in the eyes of the Palestinian people who view them as ineffective or even co-opted by Israel. A new generation of grassroots activists is shifting the focus from the goal of Palestinian statehood to the pursuit of new tactics to resist the Israeli occupation. To improve the lives of Palestinians, this new moral vanguard will need to transform and revive existing Palestinian institutions or build new ones.

### Changing Tactics, Uncertain Goals

- Unlike the Palestinian Authority and the Palestine Liberation Organization, the existing Palestinian institutions, the grassroots Palestinian national movement no longer aims at the strategic goal of Palestinian statehood. It tends to defer questions of goals in favor of focusing on tactics that will improve the Palestinian position.
- Eschewing formal and institutional politics, new activists are focusing especially on a set of rights-based tactics designed to undermine the Israeli occupation.
- These activists are working to establish new norms of resistance, such as boycotting Israeli products, by which the old guard leaders must abide in order to retain credibility with the public.
- To avoid prolonged and chaotic violence and to formulate a new consensus on goals, Palestinians will need space and support to rebuild their hollowed-out institutions.
- International actors are limited in what they can do, but they can help aid the institution-building process.

### Recommendations for the International Community

**Acknowledge the realities on the ground.** There is deep institutional decay and corruption in existing Palestinian institutions, an Israeli political leadership that is no longer solidly committed to a two-state solution, and disenchantment with diplomacy among both Israelis and Palestinians.

**Take Palestinian institutions seriously.** Treat Palestinian institutions as more than technocratic management bodies and encourage their links to grassroots constituencies and organizations.

**Tolerate the revival of any national institutions—such as the Palestinian National Council—that can speak for all Palestinians.** These institutions must be rebuilt in a manner that draws widely from Palestinian society and avoids making them simply tools for aging leaders and movements or divvying them up among existing factions.

**Push for new elections.** Pressure the Palestinian leadership to hold inclusive national and local elections in the West Bank and Gaza as well as competitive trade union, professional association, and student union elections. The representation of new and diverse voices can help revive Palestinian institutions and help Palestinians formulate a new consensus on strategic goals.

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## Introduction

Palestinian politics is changing in fundamental ways.<sup>1</sup>

The second half of 2015 witnessed an outbreak of uncoordinated violence in the West Bank and Jerusalem. The wave came amid the nearly unanimous recognition that what had been called the “peace process” since it was initiated between Israelis and Palestinians in the 1990s has run its full course far short of a two-state solution. The violence and the end of diplomacy have led to an international impasse: the international tool kit for dealing with the conflict between Israelis and Palestinians is nearly empty. But the issue is still forcing itself onto a crowded regional agenda, and Israeli and Palestinian leaders will be pressed to work to calm their publics and take palliative steps. With Palestinians showing increasing signs of a mood of desperation, international focus has turned to the prospects of a new uprising.

But there are two other less visible but far more profound trends under way that may make the conflict between Israelis and Palestinians take new and less manageable forms. First, the institutions that have emerged over decades to speak on Palestinians’ behalf and lead them have lost their moral claims in the eyes of their own people. They are seen as ineffective and even co-opted; while they continue to occupy positions of authority, they can no longer lead. Supplanting the old guard is a new moral leadership, not linked to institutional politics, concentrating on a set of tactics to undermine the occupation and entertain new possible goals—perhaps unthinkable now—for Palestinian politics.

Second is another portentous development: the whole *raison d’être* of the Palestinian national movement, the effort to build a Palestinian state, no longer exercises its hold. There is debate among Palestinians about ultimate goals and strategy, with the two-state solution and diplomacy losing their prominence. But nothing is clearly replacing them. There is some growing interest in various one-state alternatives somehow combining Israelis and Palestinians. But more significant is the tendency to defer questions of solutions in favor of developing tactics that can improve the Palestinian position—such as new forms of resistance and boycott. A new generation of Palestinians that is not cowed by memories of the tribulations of the last uprising is stepping forward. It is already having deep political effects but seems uninterested or unable—at least for now—in leading Palestinians toward any strategic goal.

## Underappreciated Trends

Over the past century, Palestinians have built a national movement that has realized some successes in very difficult circumstances: the movement has built institutions, inculcated a firm sense of Palestinian identity, and obtained important measures of international recognition. It has done so without the critical element that has been the force that has spearheaded many efforts elsewhere to give political expression to national identity: a state. And that is precisely the reason for the Palestinian national movement's crisis: its effort to achieve some kind of statehood seems to have reached an impasse at best and perhaps a full stop.

Twenty-two years ago, Palestinians embarked on a series of agreements with Israel (the Oslo Accords) that the leadership hoped would lead to the creation of a Palestinian state and the realization of Palestinian national goals in a truncated form. Under the aegis of the Palestine Liberation Organization (PLO) and then—after the signing of the Oslo Accords—the Palestinian Authority (PA), Palestine's leaders transformed the national movement into a bureaucratic machine, with many of the trappings of a state, at the cost of giving up any active form of national resistance. But with the peace process that the PA was created to negotiate dead, the official leadership is left without other options for pursuing the goal of statehood.

Reluctantly acknowledging this, Palestinians are arguing about what to do next. But they are doing so in ways that are disconnected from the state-like institutions that they managed to build. This, in part, makes these arguments both difficult for outsiders to hear and not easy to translate into Palestinian political initiatives. The result not merely hampers current diplomacy to resolve the conflict with Israel based on the Oslo agreements but goes as far as to undermine the viability of Palestinian institutions and destroy whatever relevance and achievements remain from past international efforts. Already

deeply divided between Fatah and Hamas and among the West Bank, East Jerusalem, and Gaza, the institutions that past generations of Palestinians built no longer retain much moral authority.

Many analyses of the Israeli-Palestinian conflict are framed in international diplomatic terms and pass quickly over how Palestinians in the West Bank and Gaza are debating their predicament. Surveys of print and social

media and personal conversations with Palestinians across the political spectrum have shown that a fundamental shift has been taking place in Palestinian discussions away from ultimate ends and toward immediate means. The shift is not simply in the realm of discussion; it deeply affects the ability of institutions to lead. Indeed, these discussions are often taking place outside of older political structures, leaving those who head official structures with some authority on a day-to-day basis but little credibility to govern domestically

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**Most of the international attention given to the issue of Palestinian national goals has been cast in terms understood by international diplomacy.**

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and to do more than flail internationally. New opinion pioneers are stepping forward, but they eschew organized politics and are unlikely to provide the nucleus for a new leadership. Goals and tactics seem to be evolving without producing clear structures that can speak authoritatively for Palestinians.

There has been much international attention given to the issue of Palestinian national goals, and most of that attention has been cast in terms understood by international diplomacy: Do Palestinians want a two-state solution that would give them an internationally recognized national state, sharing the historical area of Palestine with Israel—with the West Bank, parts of East Jerusalem, and Gaza combining to form a Palestinian state alongside Israel largely within the 1967 boundaries? Or have they moved to adopt a one-state solution that would include both Israelis and Palestinians in a single political entity? What this analysis misses is the shift in focus of Palestinian discussions. On matters of national goals and even strategies, there is some movement away from a two-state solution predominant during the Oslo period, but it is less pronounced than is generally understood. A much more profound change is a move away from a focus on goals and strategies. Most active and lively discussions in 2015 do not center on matters of goals or a grand national strategy, though some discussion does take place. Most of the current discussions tacitly accept that liberation, defined very generally and sometimes vaguely as a full end to Israeli control over Palestinian lives, is not on the horizon, and that past approaches—from popular nonviolence and armed struggle to Oslo—offer little at the current stage. Instead, the focus is on the realization of basic rights absent the right for self-determination. Some of those tactics work within a two-state framework, others eschew it. But most Palestinians simply sidestep the question of ultimate goals, hoping that a new consensus and new possibilities might emerge at a later date.

In the fall of 2015, some of the emerging trends in Palestinian society became visible with a new wave of activism. Individual attacks by Palestinians, some quite young and without political affiliation, on Israeli targets in the West Bank, East Jerusalem, and Israel proper grabbed international attention. In addition, demonstrations and marches on selected Israeli checkpoints and settlements have become more common. For their part, Palestinians complain about rising violence by Israeli settlers who are tolerated and even protected by Israeli officials, harsh countermeasures by the government (home demolitions and restrictions on Palestinian travel), as well as excessive force by the army and police (who have been given greater leeway by the government to open fire at stone throwers, leading to complaints of extrajudicial killings).

In conversations in the West Bank in December 2015, many Palestinians referred to the new wave as either a *habba* (storm) or a third intifada (uprising). Some observed that the actual number of participants in the *habba* is actually quite small thus far, especially compared to the first (1987 through the early 1990s) and second (2000–2005) intifadas against Israeli occupation.

Even the number of participants in larger demonstrations barely breaks three figures. Yet all agree that the situation is explosive, and that existing leaders and structures are either sidelined or desperately seeking to stay on the right side of a public mood that despairs of diplomacy and institutions.

Whatever course the *habba* takes, the underlying trends in Palestinian society undermine existing institutions and structures and favor the turn toward tactical experimentation. Leaders show awareness of new discussions about tactics but are constrained by diplomatic powerlessness and the harsh reality that the continued livelihood of tens of thousands of families depends on a Palestinian Authority that, Palestinians sometimes bitterly joke, neither serves Palestinian interests nor exercises authority. Palestinian leaders are faced with a cruel choice: explore positions in line with emerging public debates and thereby undermine their formal role, dependent as it is on international funding and diplomatic support, or lose all relevance to current Palestinian politics.

## Historical Legacies: Revolution Without Victory

Palestinians have aimed to build institutions rooted in their own society that can act for Palestinian national interests and represent them internationally. There have been real successes in building civil society organizations, political parties and movements, armed organizations, and administrative structures; Palestinians have also built bodies that have been accepted as interlocutors at the Arab regional and global level and even obtained recognition from important international actors like the European Union, Israel, and the United States. The height of those efforts seemed to come in the Oslo period, but since that time the authoritative structures in Palestinian life soldier on, possessed by a life of their own, increasingly disconnected from Palestinian society or any sense of purpose. While they flail occasionally in an international direction—such as moves to step up participation in United Nations (UN) bodies—the steps they take are met with such international pressure that at most they provide a momentary boost in popularity at home that recedes as soon as it becomes clear that the moral victory is not only limited but also difficult to translate into any tangible changes.

The Oslo period began with Israeli recognition of the Palestine Liberation Organization as the sole negotiating authority for Palestinians, the construction of the Palestinian Authority to govern Palestinians in the West Bank and Gaza, and elections for a PA presidency and what would become the Palestinian Legislative Council. Palestinians were able to draft and enact legislation, write a curriculum, obtain a tremendous influx of international assistance, and be welcomed in international circles.

But that period also saw a diplomatic process that failed to lead toward statehood, the entrenchment of authoritarian practices, the withering of political parties, and the establishment of patterns that led many Palestinians to charge that their leaders were an unwilling part of an Israeli occupation rather than a path out of it.

### **Political Movements: Fatah and Hamas**

Palestinian political movements consist of two giants—the nationalist Fatah and the Islamist Hamas. To call them political parties would understate their roles, as they have taken on a wide variety of forms and functions, including armed wings. Palestinians generally refer to them as “factions.” Fatah, founded in 1959 by a group of then-young activists including the late Palestinian president Yasser Arafat, has always been an ideologically and organizationally diverse movement centered on a secular nationalist ideology. In early 2016, it combines a desiccated and disconnected senior leadership with a collection of local movements and a strong sense that it still embodies the spirit of the Palestinian national movement but with no program of how to achieve it. Although Fatah promised to hold an overdue party congress in 2015, the absence of any electoral prospects, the jealousies and suspicions of the top leadership, and the rivalries of local leaders make its revival an unlikely prospect. The result is a movement that is increasingly fractured: it consists of a network of local branches and a group of senior leaders (only some of whom retain followings among the decentralized branches).

Leaders are divided by personal rivalries and seem to command little respect as a group. At the head of Fatah stands one of its dwindling number of surviving founders, PA President Mahmoud Abbas, but he seems increasingly isolated and disengaged, focusing only on fending off possible rivals and challengers and thus leaving the top of the organization in likely disarray when he finally passes from the scene.<sup>2</sup> And whoever succeeds him will have to secure loyalty from Tanzim, Fatah’s younger and more brazen militant wing. With strongholds in the no-man’s-land of refugee camps, younger members are increasingly tired of politics as usual.<sup>3</sup>

Hamas, an Islamist movement formed in 1987 from the Palestinian branch of the Muslim Brotherhood, is organizationally more coherent than Fatah but even its unity is fraying, and its lack of strategic options is difficult to deny. The movement was formed to provide an Islamist alternative for resistance—one that tends toward uncompromising positions on both means (refusing to disavow violent means and agreeing only to ceasefires and truces) and ends (rejecting recognition of Israel). In 2006, Hamas plunged into parliamentary elections that it won, leading to international efforts to isolate and even overthrow it and to domestic efforts to prevent it from exercising governing

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authority. The ultimate result was a brief civil war in 2007 that left Hamas in full control of Gaza, which it effectively administers as of early 2016, while it is suppressed in the West Bank. Hamas's control of Gaza has saddled it with governing responsibilities that have made it difficult for the movement to pursue its conception of an Islamic path or of resistance. Different leaders and groups in the movement have pulled it in different directions, but none has been able to offer a viable strategy to move beyond governing Gaza and to pursue any broader Palestinian goals.

### **Civil Society**

Palestinian civil society consists of unions, professional associations, social services, and voluntary organizations. Some of these thrived in the Oslo period with international training and support, but that expansion often disconnected them from their popular bases. Others seem appended to the political factions and have therefore served as organizing tools and social presences for their leaders; they are less able to serve as platforms for independent organization and action. While new movements and organizations do arise, some are ephemeral, and those that do last do not seem connected to the cultivation of any nationalist project.

### **The Palestinian Authority**

The PA, the administrative body that oversees health, internal security, education, local government, and a host of other services for Palestinians in the West Bank and Gaza, is no longer viewed by most Palestinians as the kernel of a Palestinian state. Since the last legislative election was held in 2006, Palestinians have increasingly seen the PA as a set of Palestinian-staffed structures that stand on top of society with few links to it, its purpose simply to handle some basic governance in the context of an Israeli occupation. Its legitimacy is further hampered by the fact that the presidency, a disproportionately powerful position, has not seen elections since 2005 when Abbas succeeded Arafat. Just as damning, the PA earned a reputation early on for corruption. Fatah—the main stakeholder in the PA—some PA activists, and a host of private actors rushed to use it as a source of employment, contracts, and connections. Its intolerance of dissent also rankled. Many came to feel that they had achieved all the negative aspects of statehood (political structures that could be venal and repressive) and none of the positive ones (national self-determination and sovereignty).

In 2006, Hamas was able to ride the PA's sorry performance to victory in a parliamentary election, but its triumph only led the PA to divide in two, aggravating its fecklessness. Split between the West Bank and Gaza since 2007, the leadership's two halves coordinate national policy badly on a few issues (such as education) and not at all on many others. As of early 2016, the PA lacks a sound and legitimate legislative process (laws are simply issued by

decree with little apparent process for review and consultation), any mechanisms to tie PA leaders to those they govern, a way to craft policy outside the whims of its senior leaders, or just a *raison d'être*. Even the dream from 2007 to 2011 of technocratic Palestinian institution building—a dream that animated international donors but puzzled most Palestinians—has been generally forgotten by its enthusiastic backers.

With Fatah, moves in 2015 by Abbas against his main rivals—including strongman Muhammad Dahlan (an expelled Fatah member who still has supporters in the movement),<sup>4</sup> former PLO secretary general Yasser Abed Rabbo (a longtime critic of Abbas's governing style), and technocrat Salam Fayyad (an independent without an organized following but with international respect)<sup>5</sup>—suggest those fissures could shatter whatever pretense of unity remains when a successor to Abbas must be chosen. For now, the differences among Fatah leaders remain without any mechanisms for resolving or even managing them.

### **The Palestine Liberation Organization**

The Palestine Liberation Organization, the body formed by the Arab League in 1964 to represent Palestinians (and dominated by Fatah since 1969), still formally represents Palestinians in some settings; for example it, rather than the PA, is the negotiating partner with Israel as officially designated in the Oslo agreements. In Palestinian eyes, its symbolic place has been shared by a State of Palestine—which was declared initially in 1948 but forgotten, then declared again in 1988 and has been striving to obtain international recognition ever since. It now exists largely as a set of disparate structures appended to the PA presidency in Ramallah. The PLO lives on as a useful symbol for the Ramallah leadership (the group of officials who head the remains of the PLO and PA, including the PA cabinet and presidency) to claim domestic and international standing but is widely regarded as little more than a memory by most of the people for whom it claims to speak. It would also serve as a possible umbrella for a unified leadership if it is ever agreed, but any formula that brings nationalist and Islamist leaders together seems unlikely and to be a recipe for paralysis in terms of national strategy due to strong disagreements on goals and tactics between the two camps.

## **Fractured Palestine, Jumbled Strategies**

Thus none of the Palestinian structures that claim to speak for Palestinians seem to do so with much credibility. There are few signs of popular trust in any institution or structure. The problems are not merely internal: existing political, social, and economic divisions among Palestinians have been exacerbated by various Israeli measures from security checkpoints to settlement construction. But if Palestinians agree that their leaders have lost their bearings,

no alternative leadership—or political solution of any sort—has emerged. Although a plurality of Palestinians still support a two-state solution, the majority no longer see it as a viable option. More and more Palestinians are in favor of a one-state solution, but it is far from having majority backing.

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**None of the Palestinian structures that claim to speak for Palestinians seem to do so with much credibility. But no alternative leadership has emerged.**

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Those who led Palestinians into the Oslo process have little credibility left, even as they retain top leadership positions. But their opponents continue to offer no persuasive alternative. Even a quick glance at Palestinian political reality reveals a deeply fractured leadership, society, and physical geography. The official leadership around the PA and PLO is directionless and starving for moral authority, and its rival in Hamas seems tactically confused and strategically adrift.

Both Fatah and Hamas trumpet their occasional punctuated victories. Fatah and the PA leadership in Ramallah score occasional points among Palestinians for international moves, such as the decision in 2015 to join the International Criminal Court and pursue charges against Israel. Hamas earns some credibility for its violent encounters with Israel. These actions sometimes produce ephemeral boosts for them in the polls—but those have become less frequent, and with no elections in the offing, they produce no tangible benefits anyway.

The problem that polls can only imperfectly capture—if at all—is the deeper crisis in Palestinian politics. The institutions that Palestinians built in such difficult circumstances over the past two generations have simply lost some of their popular roots; they continue more through inertia and the absence of any alternatives rather than through strong support and thus have little ability to lead even if they knew where they wished to go. The problem is not merely political. National strategies need to cut across major social cleavages, but social fragmentation in the territories is endemic, making that task formidable.

Some of the divisions are material in nature. Economic gaps are wide; secular and religious splits are pronounced; and travel between West Bank towns can be difficult. In April 2015, there were 96 fixed checkpoints throughout the territory, 57 located deep within the West Bank, and seventeen in Area H2 in Hebron alone.<sup>6</sup> The 442-mile-long wall—a mixture of wall and imposing fence—snakes through the territory, splitting up once-connected neighborhoods and cleaving many Palestinians from their best lands and water resources. Much of this is designed to protect and likely annex illegal Israeli settlements that carve the West Bank and East Jerusalem into enclaves. The result is different urgent needs for West Bank residents in the Oslo-defined Areas A, B, and C, who live under separate legal systems and varying degrees of PA influence.<sup>7</sup> No group suffers more from an ambiguous connection to the national leadership than the residents of East Jerusalem,<sup>8</sup> more than half of whom would rather accept Israeli citizenship than remain in what amounts

to purgatory.<sup>9</sup> The isolation of Gaza, severe since 2007, has actually existed in some form since the beginning of the Oslo process (and is thus older than most Palestinians).<sup>10</sup>

Although bereft of vision or mission, the existing structures do occupy political space. The political factions offer little strategic vision, but they have successfully prevented rivals from emerging. The PA governs badly, but it has contributed a modicum of social service provision and salaries that render it temporarily inevitable. And the PLO is a shell but has become the last unifying structure the Palestinians have left.

Political conversations in the West Bank and Gaza therefore often reflect uncertainty and sometimes even despair. Palestinian national identity seems undimmed, but the institutions that were built to cultivate and speak for it are no longer trusted as expressions of any viable national movement and are not seen as authoritative in any moral sense. Beyond a set of administrative structures, the long hoped for Palestinian state has no viable representation on the ground.

Yet the conversations continue. Listening to leaders gives only a distant echo of such discussions; they might wish to position themselves favorably with regard to emerging trends but are not shaping or speaking for them. Thus any understanding of Palestinians' political future has to go beyond official statements and posturing. What are Palestinians saying to each other about their predicament? Have they decided on a new set of national goals? Is a viable alternative strategy arising?

Many Palestinian opinion leaders have, in the past few years, deepened their interest in the one-state solution, a shift that signals an overdue realization that the two-state framework is moribund at best and deceased at worst. A 2013 initiative mostly comprising Fatah members called for a single democratic state in all of historic Palestine. Dimitri Diliiani, a member of the Fatah Revolutionary Council, argued in January 2015 that Fatah would have no choice but to press for a one-state solution after failed negotiations. Many other discussions have taken place in English and in scholarly and activist circles (such as those clustered around Ramallah and Bir Zeit) connected with international networks.

The debate is not solely academic and international in nature: support for a one-state solution among ordinary Palestinians is on the rise. According to a December 2015 Palestinian Center for Policy and Survey Research poll, 29 percent of Palestinians in the occupied territories support a one-state solution, up from only 12 percent in October 2003, at the height of the second intifada.<sup>11</sup> Although 45 percent of Palestinians still favor a two-state framework, this number is down from 56 percent in 2003. Tellingly, Palestinians of the Oslo generation (eighteen to twenty-two years old) are the least supportive of a two-state solution and most supportive of an armed intifada. Discussions of a one-state solution have also become more vibrant among researchers and activists on the ground in the West Bank and Gaza, featured in major news outlets like

*al-Quds*, *al-Ayyam*, *Filastin*, Maan News Agency, the Palestinian Information Center, and *al-Haya al-Jadida*.<sup>12</sup> There might not yet be majority support for an alternative, but the trend is undeniably heading in that direction.

The idea of a single state no longer seems less realistic than a two-state solution, even though it was internationally dismissed a decade ago as impractical and denounced by Israel as aimed at the elimination of the Jewish national project in Palestine; many observers note that there is a single state in the territory now but one that accords national rights to only one of the peoples inhabiting it. And in Israel, as rejection of the two-state solution (or despair about two-state diplomacy) has become dominant, political leaders and commentators have become increasingly willing to voice their exploration of various alternatives that amount to a single state in the territory. Such proposals remain vague because a single state with a unified electorate and equal political rights would likely lead to an untenable situation for those who regard Israel as a Jewish state (a point pressed by center-left critics of the Israeli Right and even U.S. Secretary of State John Kerry). Few formal proposals are mooted, but the willingness by those with a wide variety of political perspectives to stop paying lip service to a two-state solution means that what had been an intellectual debate excluded from respectable international policy circles seems to be gaining adherents.

Even as trends move slowly toward acceptance of a one-state framework, Palestinians are far from consensus, a reality that became pronounced in the fall 2015 wave of contention. A West Bank activist interviewed in November 2015 said of the uprising: “The goals are the same! End the occupation. The occupation as a context and a goal is back.” Another activist based in the West Bank seemed to disagree:

There is no announced or agreed upon goal for this uprising. The PA leadership will try to spin and co-opt it so they achieve their own goals (diplomatic action ... etc.), but they have failed. The Israelis and Jordanians have tried to frame it and shift its trajectory towards “returning status quo to al-Aqsa,” and now making it about “getting back the bodies of the martyrs.” [Israel has refused to return the bodies of Palestinians killed while attacking Israelis.] The youth on the streets are sacrificing for freedom, but they don’t have a grand strategy, at least one that is announced. And that is key as it gives it space to grow while keeping the occupation in the dark. I would see this uprising mainly as a sign that a new generation of Palestinians are vying for their place in politics and are sick of the PA’s bending over policies and of the international community’s actions. It is creating fertile grounds for new young leaders to take their place, and the main question is will these leaders survive Israel and the PA, or will they, like in previous Palestinian uprisings, be squashed or co-opted by the status quo.

Elite and popular circles tend to agree: “national liberation,” a phrase that is rarely precisely defined, is not on the horizon, and those strategies that seemed promising in the past (popular resistance, armed resistance, and

negotiations) offer little hope at the current stage. The Palestinian Center for Policy and Survey Research's September 2015 poll revealed that nearly two-thirds of Palestinians see a two-state solution as no longer viable, but they do see a fairly diverse set of tactics that they are interested in pursuing.<sup>13</sup>

Palestinians are focusing on the realization of basic rights absent the right for self-determination. The pursuit of some of those tactics, such as reforming the PA, holding elections for the Palestinian Legislative Council, or joining international bodies, is tied to a two-state framework. The pursuit of others, such as the boycott, divestment, and sanctions (BDS) movement, implicitly favors a one-state solution. But many people employing these tactics are ambivalent about the final settlement, hoping that a more coherent political program might emerge as the struggle for rights gains momentum.

## The Real Palestinian Debate and the Role of the New Moral Vanguard

Just as the death of the two-state solution and associated lack of a clear alternative has stripped the leadership of a grand strategic vision, so too has it produced a rich debate among the grass roots on tactics moving forward. That the source of tactical innovation originates beyond the official leadership is unsurprising: Hamas is bogged down by the siege of Gaza and the futile attempts to negotiate a short- or long-term truce, and the PA remains hog-tied by archaic Oslo institutions that have failed to produce the expected results. If national leadership is meant to offer moral guidelines for resistance, the PA, the PLO, and Fatah have failed abjectly. Even Hamas, an opponent of Oslo from the start, is too concerned with its own tenuous survival in Gaza to lead the moral charge. It seems reduced to hoping for an uprising that it may profit from without having to pay for.

Since 2003, when Israel began erecting its 422-mile-long wall along and beyond the 1949 armistice lines between Israel and the formerly Jordanian-controlled West Bank and East Jerusalem, new voices emerged from the grass roots calling for basic rights in education, employment, access and movement, and more. The barrier was an understandable trigger according to Ghassan Andoni, an organizer of the first intifada—the Palestinian uprising against Israeli occupation that lasted from 1987 until the early 1990s—and a co-founder of the International Solidarity Movement, an international volunteer movement that proclaims the goal of supporting Palestinians through nonviolent means. It mobilized villagers—many who had been left out of the armed intifada—around a cause that had an immediate impact on their lives. The wall annexed and divided large swaths

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**The death of the two-state solution and associated lack of a clear alternative has produced a rich debate among the grass roots on tactics moving forward.**

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of private land, limited access to farms, cemented the notion that the settlements were permanent, and made travel around the West Bank even more onerous. It awakened direct-action nonviolent tactics dormant since the first intifada, invigorating activists who had years of experience from which to draw. Nonviolent mobilization against the barrier was a way to galvanize international and domestic audiences. It would eventually reshape the public discourse around rights and resistance.

Renewed nonviolent rights-based activism came with two built-in paradoxes. First, the message resonated widely in large part because it originated outside official leadership circles. But for the new activism to be able to work, it required some kind of organization behind it—and yet the new activists distrusted the institutions that might have served as the basis of such organization. Rather than try to sway leaders, the new activists sought to bypass them. The PA responded by co-opting or eviscerating norms proposed by the grass roots by filtering them through Oslo-era institutions. In essence, activists became pioneers of new norms, but in eschewing old Palestinian formal structures, they did not build new ones. Second, while the rights-based approach grew in popularity from 2003 to 2015 as a mainstream tactic, it was always ambivalent about grand strategy. Rights-based organizations embraced two-staters and one-staters alike. But they deferred the question of final status to some indeterminate future time, uniting around the moral framework of international law. This careful ambiguity was a source of strength in 2015, broadening the base of supporters, but it might pose challenges in the future.

A remarkable feature of this new generation of civil society activists has been their ability to shape a discourse on the moral obligations of Palestinians grounded in international law. Coalescing around frustration with the PA's moral anemia and political inaction, they have promoted new guidelines for everyday resistance against the occupation, putting the weight of resistance back on the shoulders of the people. Groups such as the International Solidarity Movement, the Palestinian Grassroots Anti-Apartheid Wall Campaign (also known as Stop the Wall), the Popular Struggle Coordination Committee (PSCC), and, most vocally, the BDS movement serve as a loosely organized network of the new moral vanguard, pitching ethical standards to a diverse audience of consumers, laborers, politicians, educators, artists, farmers, and business leaders.

The many parties of the moral vanguard, united in a discourse around international law, differ in their stated aims. Stop the Wall and the PSCC are firmly rooted in an anti-occupation discourse. The former has very specific guidelines: to stop the wall's construction, dismantle parts already built, return all lands confiscated during the wall's creation, and compensate for all losses incurred by its construction. The PSCC promotes tactics that, according to its website, "resist the various aspects of the Occupation" to "echo the ANC's [African National Congress's] strategy of ungovernability."<sup>14</sup> But it also supports the BDS movement, whose end goals are intentionally more

ambiguous. The 2005 BDS call “for boycott, divestment and sanctions” stated that its

non-violent punitive measures should be maintained until Israel meets its obligation to recognize the Palestinian people’s inalienable right to self-determination and fully complies with the precepts of international law by:

1. Ending its occupation and colonization of all Arab lands and dismantling the Wall
2. Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and
3. Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN resolution 194.<sup>15</sup>

The BDS wording is ambiguous enough to be wide open to interpretation. Ending the “colonization of all Arab lands” could of course include all of historic Palestine. But the very next stipulation speaks of the existence of Israel as a *fait accompli* and merely demands equal rights for its Arab citizens. The third stipulation reflects not merely the consensus position among Palestinians that the rights of individual refugees from 1948 and their descendants should be honored but does so in a way that Israeli leaders have rejected as threatening to a Jewish state. Some observers argue that the BDS call rejected Israel as a Jewish state but saw no problem with it existing as a secular, democratic state. How such conflicting demands fit in either the one-state or the two-state discourse is unclear, perhaps intentionally.

The diverse set of end goals implicit and explicit in the rights-based vanguard goes far in explaining why BDS activists have yet to initiate a genuine political program. Owing to such ambiguities and to the strength of its tactics, the BDS movement is at the center of public scrutiny internationally. What outsiders often miss, however, is that the movement has moved from the margins more to join the center of Palestinian political discussions.

When the BDS movement emerged on the scene in 2005, it had the support of 170 nongovernmental organizations, political parties, trade unions, refugee networks, and grassroots associations. But the movement’s efforts were aimed predominantly at international civil society organizations and solidarity activists, and victories played out mostly on the international stage: the Dutch pension fund PGGM divested from Israeli banks;<sup>16</sup> consumers boycotted SodaStream, whose principal manufacturing facility was located in the West Bank;<sup>17</sup> the U.S. Presbyterian Church divested from Caterpillar,<sup>18</sup> HP, and Motorola Solutions for supplying the Israeli military; and the American Studies Association boycotted Israeli universities.<sup>19</sup>

The result of this international focus was that in March 2014, according to an Arab World for Research and Development poll, 78 percent of Palestinians in the West Bank and Gaza had never heard of the BDS National Committee (BNC), the Palestinian coordinating body for the BDS campaign established in 2007.<sup>20</sup> For Palestinians enmeshed in Israeli markets—to sell their goods,

buy household products, conduct financial transactions, and find work—the idea of boycotting the Israeli economy seemed like a luxury that only those outside Palestine could afford.

But the nature of domestic BDS discussions has changed much since Israel's 2014 war on Gaza, which mobilized rights-based activists on the ground and cast a spotlight on their activities. Israel's frequent mention of the BDS as a major threat has no doubt also contributed to convincing Palestinians of the utility of the strategy.<sup>21</sup> Today, more than 86 percent of Palestinians support the campaign to boycott Israel and impose sanctions on it, and 88 percent say they have stopped buying certain Israeli products. The BDS movement cannot claim sole responsibility for the shift in public opinion, but its approach, as the new moral vanguard, has no doubt contributed. Omar Barghouti—a human rights activist, founding member of the Palestinian Campaign for the Academic and Cultural Boycott of Israel, and co-founder of the BDS movement who splits his time between Israel and the West Bank—said in a 2013 interview that the “BDS believes in moral power and only moral power. We work to convince, educate, raise awareness, debate, morally pressure, but never to coerce or impose our will. An imposed belief can never acquire the power of a true, free conviction.” This is one way the movement distinguishes itself from the PA leadership, whose laws—emanating from Oslo's imperatives—can sometimes be used against dissident voices.

Activists in the movement are also clear that they have no interest in formal politics. One activist rejected the claim that the BDS amounted to a new leadership: “The BDS movement is key to shifting the power balance, and is a movement based on a tactic, but it in no way has shown any potential in Palestine to gain any leadership role. They themselves have strategically placed their movement as ‘apolitical’ in the confines of internal Palestinian power struggles. They represent a moral voice to the international community because the Palestinian political leadership has failed to do that, and so the void needed to be filled.” The movement is guided by an inclusive committee but deliberately avoids factional politics (Palestinian political factions are given a single seat to share along with myriad nongovernmental organizations and unions).

Another reason for the BDS's increasing domestic visibility is that campaigns can often take a personalizing, if sometimes ugly, turn. “BDS names and shames the act, not the individual,” insisted one activist in the West Bank. But public shaming plays an important role in the BDS entrepreneurial spirit, and the movement has at times overstepped its own boundaries. Some individuals have become figurative punching bags for the movement, public examples pilloried for the movement's cause. Among the victims have been Palestine's private sector hotshots: Bashar al-Masri has been accused of advancing “personal interests and profit making at the expense of Palestinian rights” for his Rawabi project, an ambitious new Palestinian city being built north of Ramallah;<sup>22</sup> and Munib al-Masri has been called out for taking

part in “one of the worst forms of normalization” for his bizarre alliance with settlement grocery store chain owner Rami Levy.<sup>23</sup> Bashar al-Masri has complained that the BDS’s charges, many of which he rejected as mischaracterization and hyperbole, are tantamount to incitement in a culture that pays close attention to reputation. Others have claimed that the BDS runs the risk of alienating large segments of the population when its attacks get personal. Yet its supporters see such actions as an important rallying cry, raising awareness of the numerous ways Palestinians ostensibly promote the occupation in their cooperation with Israel. Whether individual attacks like these violate BDS principles is up for interpretation. But it is clear that they form the basis of a vibrant debate on the parameters of economic cooperation with Israel, animating supporters and critics alike.

BDS activists have also gone after the PA and the PLO for their cooperation with Israel. That conflict was on full display at the 2013 BDS Conference in Bethlehem, when an audience member in favor of the BDS vision publicly harangued then Palestinian minister of national economy Jawad Najj, who was invited by the conference’s organizers as a panel speaker, for maintaining the structure of economic relations outlined in Oslo. The minister cursed the participant, accused him of acting like an animal, and stormed out of the conference hall to the jeers of hundreds of audience members. The event made news headlines around the Palestinian territories. At about the same time, dozens of protests erupted in the West Bank against the Paris Protocol, which governs PA economic relations with Israel and mandates a degree of interaction and even dependence that many Palestinians would prefer to avoid.<sup>24</sup>

Broad-based grassroots actions in the West Bank, Jerusalem, and Gaza, supported by the BNC, have also drawn a great deal of attention: Palestinian freedom riders drew parallels, in their protests of Israel’s restrictive freedom of access and movement practices, between Jim Crow laws enforcing racial segregation in the American South until the mid-1960s and Israeli separation policies.<sup>25</sup> That specific attempt fizzled but was hardly the last such effort. Creative protests such as the Bab al-Shams encampment in January 2013 brought Palestinian, Israeli, and international activists together to nonviolently protest Israel’s construction of 4,000 housing units and 1,000 additional hotel rooms in the E1 section of the West Bank.<sup>26</sup> These were announced by the government of Israeli Prime Minister Benjamin Netanyahu as a punitive measure after Abbas’s 2012 UN bid for Palestinian observer status. Activists remained in the encampment for over a week before being removed by Israeli forces. Their message was rights-based at its core—against settlements, land confiscation, and the “Judaization” of Jerusalem. Residents from nearby villages spearheaded the protest alongside the Popular Struggle Coordination Committee, a community-based organization in the tradition of the first intifada that, according to its supporters, “relies heavily on the support of the international community through BDS initiatives.”<sup>27</sup>

An alliance between the locally focused PSCC, Stop the Wall, and others like them and the more internationally oriented BNC is unsurprising. Popular committees have been fighting for national rights on a daily basis for over a decade. Weekly protests across the West Bank and East Jerusalem have, despite imposed geographic fragmentation, created a strong network of civil society activists. Many weekly protests, like those in Bil'in and Budrus, have international visibility because of the work of journalists and documentary filmmakers, but they represent a small fraction of protests on the ground. Demonstrations in al-Walaja, Nabi Saleh, Abu Dis, Silwan, Sheikh Jarrah, Beit Jala, Susiya, Issawiya, and many other areas throughout the Jordan Valley cut across factional lines and challenge the geographic divide. They also cut across issue areas, with activists providing tactical and ideological support for a range of actions designed to highlight or counter the separation barrier, violence by Israeli settlers, restrictions on Palestinians' access to the al-Aqsa Mosque in Jerusalem, demolitions of Palestinian homes by the Israeli military, and mistreatment of Palestinian prisoners and detainees in Israeli prisons.

Grassroots leaders consider popular resistance to be an important counter to the PA, whose work is tied to archaic institutions, and armed factions, who tend to exclude and alienate the mainstream. Ayed Morrar, in a 2006 interview with Just Vision, an organization that supports Israeli and Palestinian efforts aimed at "fostering peace and an end to the occupation," to quote its

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**Grassroots leaders consider popular resistance to be an important counter to the PA and armed factions.**

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website, argued that "a Palestinian leader can't lead the masses from behind a desk. It is a lot easier for military leaders to sustain armed resistance. They don't have to get out of their seats, but rather just send three or four people in every area on a military operation. Popular resistance requires mobilization of all available energies, and if you want to lead people, you need to be on the frontlines."<sup>28</sup>

Evidence seems to suggest that rights-based activists are at the physical and ideological frontlines, drawing Hamas and PA leaders into their cause, sometimes with mixed results.

Nonviolent rights-based activism has been tested in the 2015 popular wave of contention. High-profile stabbings and car rammings have taken the media spotlight away from rights-based tactics. In a clearly grimmer atmosphere, the moral vanguard has still sought to avoid having its less violent techniques and ethical leadership sidelined. An activist in the West Bank said that most local activists are unaffiliated with but supportive of general BDS tactics, "providing community leadership and support." In a demonstration of the increasing popularity of rights-based activism, particularly around local boycotts of Israeli goods, the same activist drew attention to "a large range of local based boycott campaigns ... launched throughout Palestine. They are not coordinated by the BDS movement but can be seen as volunteer efforts to push the same idea." Another interviewee stressed the BDS media presence, with the movement's activists being the main voice articulating the rights-based

approach to a broader audience. The BDS activists appear to be using the 2015 wave to support their movement and its nonviolent tactics while sidestepping the need for a clear statement on the use of violence.

## Leaders Chasing Followers

The generation that built the now-moribund structures—the PLO and Fatah most obviously—was fractious to be sure, but most leaders of Yasser Arafat’s generation were very concerned with the issue of national unity and authority. They were motivated by both the future and the past. They not only sought to build a Palestinian state in some form but also ascribed past Palestinian defeats (such as the failure of the 1936 uprising against the British Mandate) to divisions in Palestinian ranks. In private discussions, many senior leaders are contemptuous of the younger moral vanguard, seeing them as undisciplined and impulsive, unfamiliar with the demands of popular resistance, disrespectful of national leaders and institutions, and ignorant of the history of the national struggle. They showed class resentment toward a brief upsurge in West Bank youth activism that occurred in the wake of the Egyptian uprising of 2011.<sup>29</sup> But their claims to leadership require them to pay attention to popular sentiments, forcing them to take some account of the attempts to develop new norms.

As early as 2008, Palestinian politicians began attending protests organized by grassroots leaders: Fatah members Nabil Sha’th and Muhammad Shtayyeh, Al-Mubadara founder Mustafa Barghouti, and then prime minister Salam Fayyad all tried to boost their credibility by championing the nonviolent activists’ cause. Sha’th, a PLO Executive Committee member, even came out in support of the BDS movement, despite the inherent contradictions between the BDS and PA guidelines. At the time, some questioned the sincerity of politicians attending protests. A Jerusalem-based activist and journalist argued in a 2013 interview that PA officials had never taken part in nonviolent protests before and were using them for their own political advancement: “They decide to go and participate, because they feel this is what the international community wants to see. And there is a kind of tension between these leaders and the leaders on the ground. The leader from Bil’in will get more attention, more coverage from the media than a politician who has nothing to say, because there are no meetings with Israelis, no negotiations.”

Hamas also cautiously approached the new normative currents following the 2011 Cairo agreement, where both factions agreed to support popular resistance. Hamas political bureau chief Khalid Mash’al expressed his movement’s support for the tactic,<sup>30</sup> and he even suggested it could supplant armed resistance if all factions agreed to it—a position that set off a controversy in Hamas.<sup>31</sup>

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Whether politicians' involvement is politicking or ideological honesty, it is clear that the renewed norm of nonviolent grassroots activism originated on the ground and made its way up to official leadership. Grassroots leaders are, unsurprisingly, wary of PA officials taking part in the protests organized by the grassroots movement. They fear that the PA might hijack the cause, as they believe Arafat did with the signing of the Oslo Accords. They are also suspicious of Hamas on ideological grounds (the new activists generally are not Islamists) and because they see the Gaza leadership as caught in the trap of governing Gaza and postponing national goals indefinitely.

Co-optation has largely been avoided with the weekly protests, but it has been a central theme in the boycott discourse. By early 2016, indeed, organized factions had sponsored contained demonstrations at settlements and checkpoints.

As Omar Barghouti said in 2013, "We are entirely independent of the PA. And although the coalition of all political parties is a key member of the BDS leadership, the movement is independent of any single party's agenda. We do not count on the PA to lead any form of resistance, including the BDS. This must continue to be led by civil society, autonomously, professionally, strategically, and with our moral compass always pointing to our people's inalienable rights as stipulated in international law."

The odd effect is that Palestine's ostensible leaders often seem to be chasing after their supposed followers.

In 2010, five years after the BDS call, then minister of national economy Hasan Abu-Libdeh pushed forward the PA's own version of a boycott—the Law to Ban and Combat Settlement Products—a more limited boycott that tried to stay within the parameters of the Paris Protocol by only targeting settlement products. Abu-Libdeh argued in a November 2013 interview that a wholesale boycott, along the lines of the one proposed by the BDS movement, would demonstrate to Israel that Palestinians reject the two-state solution and therefore the very idea of the Israeli state. As for the origins of the law, Abu-Libdeh said that the PA's boycott was not motivated by the BDS movement—indeed, the call for boycotting settlement products and services was decided by the Palestinian Cabinet of Ministers in 2004, before the 2005 BDS call. Khaled al-Sabawi, a Canadian-born Palestinian businessman and analyst was not convinced:

I don't think that was a genuine policy of the PA. I think they saw civil society taking a lead in Palestinian politics and becoming the new voice for Palestinians and they piggy-backed, realizing if they didn't get on board it would take off without them. At that point, in 2010, they were struggling for legitimacy. They offered no added value for Palestinians, in terms of political leadership. They needed to do something. The BDS campaign in 2010 was gaining momentum. So that's why they jumped on board, for their own cynical interests. It just so happened that their interests were in line with the Palestinian people's interests, but it wasn't a PA initiative. That's why it wasn't enforced and there was little follow-through.

Regardless of whether the PA is pursuing this policy out of genuine conviction, political expedience, or both, the PA's own guidelines seem to be evolving to mirror those of the BDS movement. In February 2014, Mahmoud Abbas told reporters in South Africa that he supported a boycott of settlements, but not of Israelis: "We have relations with Israel, we have mutual recognition of Israel."<sup>32</sup> That view shifted with the 2014 Gaza war, however. Months after a spontaneous boycott erupted during the summer war, the main PLO factions called for a boycott of six Israeli companies—Elite, Jafora, Osem, Prigat, Strauss, and Tnuva—for which local alternatives existed.<sup>33</sup> That decision in February 2015 followed continued Israeli withholding of Palestinian tax monies after the 2014 UN bid. But it was also a natural response to a shifting moral landscape, with the BNC and related rights-based groups at the core.

The PLO decision was a prominent example of how norms proposed at the grass roots are increasingly championed at the top and gradually codified in the laws and practices of the official Palestinian leadership. If anything, the shifting moral landscape, coinciding with a particularly dismal stage in the peace process, may be forcing the Palestinian leadership to stretch the boundaries of its own redlines. But rights-based activists are still wary of official institutions, and they remain vulnerable because of it.

The International Federation of Association Football (FIFA) debacle is a good illustration. In May 2015, Palestinian Football Association (PFA) head Jibril Rajoub threatened to petition FIFA to suspend Israel from the body. The threat was based on a long list of racist and discriminatory practices against Palestinian footballers by Israel, including hampering the PFA's activities, restricting the movement of Palestinian players between Gaza and the West Bank, and slowing equipment imports.<sup>34</sup> Rajoub also cited reports that Israel had killed Palestinian players in the June 2014 war in Gaza. Abu Dis player Johar Halabiyeh was among others injured in the West Bank earlier that year—he was shot eleven times in the legs. Had Rajoub succeeded in gaining support for the ban, it would have been a major victory for the PA (Rajoub is a longtime PA and Fatah leader) and an embarrassment for Israel. But he was ultimately unable to get FIFA members on board, including many who worried about the precedent that a ban on states with poor human rights records might set.<sup>35</sup> Palestinians were furious when Rajoub backed down: the bid seemed like an easy goal for the Palestinian cause, a forceful contribution to Israel's increasing isolation. Some complained that the PFA's capitulation demonstrated the PA's ineptitude on the international stage.<sup>36</sup>

Activists in the BDS movement, which had been pivotal in the push to expel Israel from FIFA, felt frustrated that Rajoub had taken up the cause in the first place, given their feeling that the PA is not designed for meaningful resistance.<sup>37</sup> The case demonstrated the continued vulnerability of rights-based activists and the legitimate fear that institutional involvement could enervate certain initiatives. The PA is, after all, still committed to a

negotiated resolution to the conflict—should talks resume in any meaningful way, the PLO and the PA would be hard-pressed to preserve activist norms.

## The Perils of Populism

Members of the moral vanguard thus can claim that they speak for increasing numbers of people. The new activists are deeply shaping Palestinian nationalism—although not in a purposeful way—by building a diffuse social movement that eschews hierarchical structures; by expressing contempt for those institutions that do exist; by working through popular mobilization and grassroots activism rather than laws and procedures; and by building broad national norms and moral pressure rather than more rigid platforms and documents. With a set of movements that operate outside of official structures, Palestinians will find it difficult to develop strategies, make decisions that bind skeptics, or negotiate authoritatively.

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**Members of the new moral vanguard are deeply shaping Palestinian nationalism—although not in a purposeful way.**

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For a movement that is not aimed at building a state, that may be a price it is willing to pay. For now, the rights-based approach benefits from careful ambiguity on final status. It has managed to attract a broad support base by demanding allegiance to rights instead of a rigid final status position. And since elite and popular circles agree that national liberation is not on the horizon, focusing on internationally sanctioned rights seems like a sharp course of action for the short term. But some reckoning on the grand strategic front is inevitable, and how rights-based activists deal with the tension will be critical to their survival.

The BNC insisted that it does “not take sides in the one-state [versus] two-state solution debate among Palestinians,” and interviews with activists in Bethlehem, Nablus, and Ramallah confirmed that both sides are represented among their ranks.<sup>38</sup> Not one of the major organizing bodies spearheading grassroots protests in the West Bank takes a definitive stance on the one-state versus two-state debate. Stop the Wall’s statement on the topic is representative: “Stop the Wall does not explicitly support one solution against the other. We believe that our struggle has to focus on gaining our human and national rights. Within the consensus on the achievement of our rights, members, volunteers and supporters of Stop the Wall have and may keep different opinions about the best solution in terms of statehood.”<sup>39</sup>

The challenges ahead for rights-based activists who officially eschew a national liberation strategy were on display with the brief freedom riders protest. These protests take their name and inspiration from black and white civil rights activists who rode together on buses through the American South to test the public’s acceptance of laws banning discrimination on interstate travel. Some Palestinians worried that the action’s goal was to end Israel’s

segregationist policies in the West Bank and East Jerusalem, rather than to liberate the land on which settlements and their roads stand. Drawn to its logical conclusion, the freedom riders analogy, ironically, implies recognition of the right of settlers to be where they are but opposes the discriminatory policies that give them preferential treatment. If the freedom riders aim at desegregation, they clearly promote a one-state solution. Apartheid analogies suggest the same. BDS activists face similar questions abroad, with many concluding that they explicitly support a one-state solution. Activists did not seem concerned, but the movement had a hard time attracting those tied to the two-state solution.

And as much as they can claim to represent a new spirit in Palestinian society, members of the moral vanguard might themselves be swept aside by events. Beginning with the Arab uprisings in 2011, the moral vanguard members have periodically managed to capture more attention in Palestinian society and propagate new norms of resistance, ones based on shifting forms of boycotts and disengagement with diplomacy, formal politics, and, of course, the Israeli occupation. But the violence in fall 2015 has made their approaches seem less relevant. The BDS movement, for example, has responded to the wave of violence by condemning “Israel and its fundamentalist settler terror groups” who are “savagely attacking Palestinian protests, executing Palestinian children and youth in the street.”<sup>40</sup> Its statement tactically ignores Palestinian attacks on Israeli civilians, despite the movement’s clear stance in favor of nonviolence. Other rights-based activists remain silent on the stabbing tactic, consistent with the mainstream Palestinian perspective that all forms of resistance remain on the table in the face of ongoing occupation. Those seizing domestic and international attention with violent individual attacks on Israelis are operating even further outside the bounds of organized politics and are more successful at forcing the formal leaders to react rather than lead them.

The 2015 *habba*, or storm, illustrates directly why the disconnect between Palestinians and their institutions is so portentous. In the past, such tendencies have heightened the possibilities for violence.

This is not the first time grassroots Palestinian activism has emerged and has forced the leaders to run to retain their places. The second intifada began in 2000 with a series of demonstrations and clashes that escalated into a prolonged wave of violence. It started under conditions that bore some resemblance to the current impasse: a leadership that appeared isolated and tied to a meaningless diplomatic process as well as a set of worrying, long-term developments that indicated that the Israeli occupation might be changing forms but was not ending in any meaningful way. Yet at that time, there were militarized movements tied to traditional Palestinian political factions—chiefly Fatah and Hamas but also smaller groups—that stepped in to assert leadership on a local level. Those factions sometimes coordinated with each other: the Palestinian National and Islamic Forces, a structure founded before

the uprising began, worked in some Palestinian cities and towns to do what the senior PA leadership could not in terms of steering the uprising. But the entrance of armed local groups linked to the factions had two effects that are viewed by many as fatal flaws: it led to outbidding by various groups as each tried to show it was more effective in deploying violence;<sup>41</sup> and it left most Palestinians spectators in what was supposed to be a popular uprising. For a generation that lived through those years, it is not an experience to repeat. On principle, very few Palestinians renounce the right to use force in pursuit of what they see as their liberation; it is the efficacy and forms of resistance that are debated. For the members of the moral vanguard, it is their interest in popular mobilization and not their squeamishness that leads them to see the course of the second intifada as something to avoid.

In that respect, it is the first intifada that serves as a more positive model for most Palestinians interested in reviving resistance. That wave, beginning in 1987 and petering out in the early 1990s, was far less militarized than the uprising of the 2000s. There was a range of popular actions (including strikes and demonstrations); violence was often symbolic and opportunistic (stone throwing); and all sorts of organizing committees and grassroots movements led the effort on the local level. But even the first intifada was preceded by grassroots organizing by the factions, and the PLO leadership, while forced to react to the uprising, still retained considerable moral authority.

If a resurgence of some forms of resistance occurs under current circumstances, it is therefore difficult to predict who will manage and direct it—it is not even clear which “who” would be at issue in a new wave of activism. Some marginalized senior leaders might leap on the bandwagon in an effort to reassert relevance. Already, some Palestinian leaders have suggested some level of support for the *habba*. Jibril Rajoub, for example, the Palestinian Football Association head and former chief of the Preventive Security Force, has praised the lone-wolf attackers as national heroes: “When you see a soldier running away from a man with a knife in his hand, or even with nothing in his hand . . . clearly the sense of that racist soldier’s security is gone. We need to rise to that level of understanding and translate this into a national strategy with clear goals.”<sup>42</sup> More troubling, organized factions might again display the outbidding behavior of the second intifada. Abbas warned against this in a meeting with Tanzim heads, and he called on Fatah members to avoid incitement to violence.<sup>43</sup> And Abbas himself has suggested some sympathy with the new wave of activism.

But the real threat to rights-based activists who have made such strong advances since 2005 is that harsh Israeli measures might make mass-based nonviolent tactics appear naive. If the moral vanguard is skilled at steering the public mood, it is not clear it has the interest or the ability to spearhead a formal movement.

The result might not serve Palestinians well, but with a dearth of leadership and a new generation of Palestinians supplying activists who see no horizon other than active resistance, what develops might not adhere to any clear plan or strategy.

## Diplomatic Implications

Advocates of the peace process over the past decade have been increasingly forced to acknowledge much of this set of realities, many of which have been taken as truisms at a popular level for some time. It is difficult to find any analyst or policymaker who believes that two-state diplomacy is likely to succeed any time soon. Nevertheless, in the past, two-state proponents have adduced a powerful set of arguments in support of some kind of two-state diplomatic efforts: that no viable alternative has been proposed, and that failure to pursue such diplomacy only gives voice to hopelessness that is even more futile than diplomatic efforts.

Such advocates are accurate in their diagnosis, but their proposed cure has actually worsened the disease. It is still true that alternatives to a two-state solution, while frequently mooted, have neither gained majority support nor been married to any alternative strategy. And it is also true that benign neglect of the Israeli-Palestinian conflict seems doubly impossible: neglect is hardly benign but more deeply entrenches existing injustices; and the conflict often imposes itself—sometimes through its violent expressions—on world leaders. Two-state diplomacy has led many of those same world leaders to overlook (and sometimes even deny) the deep institutional decay and corruption on the Palestinian side, the disenchantment with diplomacy on both sides, and the degree to which the Israeli political leadership has come to reject the two-state solution. And the result has been the facade of a peace process that persuades only the mediators of its viability while the deeply damaging trends in the conflict's politics dig the affected populations into unjust and perhaps ultimately unviable arrangements. Denial is finally receding, but no real alternative has suggested itself.

No effort at a comprehensive settlement is likely to gain much traction now. On the Israeli side, the existing leadership is increasingly vocal about its rejection of the diplomatic framework of the past two decades; the task for its international partners is to challenge it to provide an alternative that acknowledges Palestinian rights.

And for its sake, Palestinian society will need space to rebuild its political structures in the wake of the disintegration of existing ones. That is fundamentally a Palestinian project, but outsiders do set the context for the efforts. In the past, international actors have argued forcefully for specific conditions to be met by those claiming to be representatives of the Palestinians.

Those conditions encompassed both ends (movements had to accept Israel) and means (movements had to renounce violence). There was a strong logic to insisting that any settlement be based on Israel's existence and that the path to a solution led through negotiation. But for most Palestinians, those movements that satisfied those conditions did so while receiving nothing in return. The current institutional crisis in Palestinian politics is a direct

outcome of the failure of those movements to deliver and their reputation for having been co-opted into facilitating Israeli control. The real question in the coming years is less whom the international community will engage but whether Palestinians will be able to engage each other and make authoritative decisions.

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There are limited steps that can be taken in that regard to rebuild such authoritative structures. National elections face insuperable political obstacles, but local elections—ones that are truly open and competitive—might produce a set of political leaders that has more moral authority than the current gerontocracy. All sorts of ideas have been bandied about in Palestinian discussions. For instance, some have talked about reinventing the PLO as a body that unifies Palestinians and is more than the tool of specific factions. A revival of the Palestinian National Council—a parliament in exile that met first in 1948 and has had very sporadic meetings since then—might be a place for forging some kind of consensus. The idea has been mooted among Palestinians, but if it holds any promise, the resulting body will have to be something other than the Fatah rubber stamp it has sometimes been; nor can it be a body in which the current factions divide up the seats before entering the hall. Instead, it would have to pull in a truly diverse set of actors, including those outside the factions and the moral vanguard. The possible obstacles to such a path were illustrated in 2015 when the idea of convening the Palestinian National Council was suddenly seized by Abbas as part of an attempt to sideline rivals and discarded quickly when it was clear it would not serve that purpose.

Above all, what is necessary from international actors is a change in the way that they view Palestinian institutions. For its part, Israel has treated Palestinian institutions as a potential bargaining chip: they are accorded respect and allowed to develop as a diplomatic and security tool—and they are shut down at times of tension or when the Israeli leadership takes a less friendly attitude to diplomacy. The results have been devastating. Before the Oslo Accords, for example, a host of strong Palestinian institutions (the Chamber of Commerce and the Orient House, a de facto PLO outpost in the city<sup>44</sup>) anchored the Palestinian presence in Jerusalem, in a manner that served as a very limited cultural and even civic capital for Palestinians. These have all been forced to close (both as part of a policy of separating Jerusalem from the West Bank and as a punishment for the second intifada), despite an earlier pledge by Israel to respect existing institutions. A Palestinian flag cannot be

flown from Orient House in the center of East Jerusalem—instead, there are knife attacks by residents of Jerusalem’s most neglected Palestinian suburbs.

Gentle U.S. and European pressure on Israel to allow Palestinian institutional development occasionally bears fruit, but the result is to make each grudging step seem like a concession. Those institutions that are granted a reprieve are often ones based on a technocratic rather than a socially and politically grounded view of Palestinian politics. It is no wonder the moral vanguard steers clear of them.

In one way, the international community might learn to follow the moral vanguard. Rather than reiterating faith in a peace process that has no real participants, it might make more sense for international actors supporting a resolution of the conflict to identify positive trends worth fostering, recognize negative trends worth resisting, and develop the groundwork for solutions that future leaders might embrace.

And one of the clearest trends worth resisting is the hollowing out of Palestinian institutional life. The deterioration of the situation on the ground will not be easy to address simply by holding new elections, reopening the Orient House, and resuming Palestinian National Council meetings. International actors cannot design Palestinian structures in any case. But they should indicate a greater tolerance for the evolution of Palestinian political structures. Current leaders are familiar. But as long as newer movements and approaches remain outside of the formal structures of politics, and as long as those formal structures offer Palestinians so little, international actors will find no authoritative interlocutor. Rather than pretending one exists or seeking to invent one, their efforts would be better directed to providing Palestinian politics with the respect and protection it needs to build the structures to speak with a unified national voice. Current struggles in Iraq, Libya, Syria, and Yemen show the domestic horrors and international complications that arise when states disintegrate. If current trends continue, Palestine could become a failed state even before it becomes a real state. Palestinians will not be alone in paying a price for that development.

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**International actors cannot design Palestinian structures. But they should indicate a greater tolerance for the evolution of Palestinian political structures.**

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## Notes

- 1 Unless otherwise noted, this paper draws on field interviews conducted by the authors in January and December 2015 with Palestinian political activists and leaders in the West Bank and e-mail correspondence in the fall of 2015.
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- 8 Before 1967, Israel controlled West Jerusalem and Jordan controlled East Jerusalem. Occupying the east in 1967, Israel annexed it and the surrounding suburbs and appended them to its Jerusalem municipality. It offered Palestinians living there legal residency as long as they continued to reside in the city with its new boundaries. Under the Oslo negotiations, the status quo in Jerusalem was to be respected while the city's fate was negotiated. However, the nature of the status quo was often disputed and Israel retained the ability to govern in accordance with its understand-

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