TODAY

• News from the region (10 mins)
• Video - a historical introduction (20 mins)
• Questions (5 mins)
• Break (10 Mins)
• Deconstructing the absence of a Sovereign Palestinian State (45 mins)
• Discussion/Feedback
<table>
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<tr>
<th>What is it?</th>
<th>Where is it?</th>
<th>Why does it matter?</th>
<th>What are the implications?</th>
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NEWS STORY TO LOOK UP

- Gadi Eisenkot, Chief of Staff of the Israel Defense Force is retiring - done a round of candid interviews with Haaretz, NYT and Sunday Times
- Discusses Israel’s new strategy - direct confrontation with Iran in Syria
- Recent Israeli strikes acknowledged by Netanyahu
- Also the threat of settler violence
- Israeli election also on the horizon
WHAT IS THE ISRAEL-PALESTINE CONFLICT ABOUT?

A VERY SHORT INTRODUCTION
OVERVIEW OF THE FIELD

- God gave us this land
- Arabs are terrorist
- Islamic Waqf
- Israel is a colony
- Securing necessity
- Human Rights
- National Self Determination
- Pro Palestine
- Pro Israel

Emotional
Technical
A CONFLICT OVER TERRITORY
1948 WAR

Post-WWII
Massive spike in Jewish immigration

Weakened Britain tries to act like an old imperial power
  • Internment camps in Cyprus

Jewish insurgency
  • King David Hotel

British hand Mandate Palestine – back to the UN

1948 war – Ethnic cleansing
Palestinian refugee crisis
IMMIGRATION TO ISRAEL

- 1956: Independence of the Majreb States
- 1962: Morocco & Tunisia
- 1967: Yom Kippur War
- 1973: First Intifada
- 1982: Opening of the Gates
- 1990: Detent
- 1996: Second Intifada
- 1991: Global Hi-Tech Crisis
- 1992: Soviet-Union Collapse
- 1993: Austerity
BASIS OF CONFLICT

State of Israel Declared – but not normalized in the region
Incomplete ethic cleansing of Palestine
Palestinians in Israel governed under military rule
West Bank and Gaza Strip Fall to Israel in 1967 war
1973 war an 1979 agreements begin the normalisation of Israel in the region
East Jerusalem, West Bank, Gaza Strip and Golan Heights, with large local populations, are occupied by Israel

- They are not officially annexed but are run through military control
- Local populations are not citizens, cannot vote, have few rights
- It is illegal for Israel to settle in occupied territory
- Legally split into areas ‘A’, ‘B’ and ‘C’
Main Humanitarian Concerns (West Bank only)

The Separation Wall
Restrictions on Movement
Settlement growth
Settler violence
Land seizure
House demolitions
Arbitrary arrest and detention
Lack of border access
Division of Hebron
Closure of Jerusalem
SETTLER POPULATION


0 150000 300000 450000 600000

600000
MY RESEARCH

Three Sites
- Nablus City
- Balata Refugee Camp
- 2 villages: Qaryut and Yanoun

Key Themes
- A Security Agenda
- A Development Strategy – claims to be anti-confinement
- (empty) Rhetoric of resistance
• Population: < 130,000 in the city
• Total population: 330,000 in the governorate
• 14 settlements and 31 outpost around the city
WELCOME TO
THE (OCCUPIED) STATE OF PALESTINE

We need to break down (deconstruct concept of statehood/sovereignty

This goes to the heart of what a ‘two-state’ solution means

Also reflects on some of the most important theories of international relations

Implications for how we understand globalization
"The Palestinian people must have the right to govern themselves, and reach their full potential, in a sovereign and contiguous state."
- President Obama, 19 May 2011

"I like the two state solution"
- President Trump, 19 May 2011
THE ‘STATE OF PALESTINE’
WHAT DO WE MEAN BY A TWO-STATE SOLUTION?

• Obviously: getting to a solution means getting to a situation where there are two states
• The state of Israel already exits
• Therefore a state of Palestine needs to exist

• But what does a state of Palestine mean?
• Different people have different perspectives
THEORIES OF STATEHOOD: DECLARATIVE THEORY

• Declarative theory of statehood - Montevideo Convention 1933

  • You are a state if you have: (1) a permanent population, (2) a defined territory, (3) government and (4) the capacity to enter into relations with other States.

  • States simply come into being - recognition is not necessary, but once given cannot be revoked

  • Obviously this is contentious - there are many examples of ‘states’ that fulfil these requirements but are not treated as states.

  • Further: some ‘failed’ states no longer meet them

  • Recognition clearly is important in practice
THEORIES OF STATEHOOD: CONSTITUTIVE THEORY

- Constitutive theory - routed in Congress of Vienna (1815)
  - Recognizing statehood of 39 European states
  - States are only ‘noticed’ by international law when they are recognized by other states
  - Problematic - separated recognition from real power (tool for neo-colonialism)
  - What if a state is recognized by some other states and not others?
- Neither of these theories provide a proper accounting for power in the international system
PALESTINE AND STATEHOOD

• Jerome Segal “Does the State of Palestine Exist?” (1989)
  • Palestine is not yet a state, but could be
  • Being occupied does not prevent it from being a state

• John V. Whitbeck “The State of Palestine Exists” (2011)
  • “Interestingly, Israel does not qualify as a state under the convention’s criteria, since it has consciously chosen never to define its territory and borders, knowing that doing so would necessarily place limits on them.”
  • Palestine is more of a state than Israel
  • More recent Palestinian political behaviour has suggested adoption of a constitutive approach
    • See Salam Fayyad’s interview in JPS
    • Also reports by Palestine Strategy Group
“HOW BAD LAWYERS LOST A WINNING CASE”

  - The view that Palestine is not a state suffers from four errors.
    - It disregards historical facts that show Palestine statehood dating from the mandate period.
    - It applies criteria for Palestine statehood that are more stringent than those actually followed in the international community.
    - It fails to account for the fact that Palestine’s territory is under belligerent occupation.
    - It fails to account for facts showing the implied recognition of Palestine.
BREAK
HOW TO CREATE A (PALESTINIAN) STATE?

• Two theoretical models

• Declarative vs. Constitutive

• Problem is that neither seem to grasp the main problem
  
  • Both rest on the notion of a binary choice - you’re a state or you’re not
  
  • Neither take into account power in the international system

• The ‘State of Palestine’ is between realities

• We need to deconstruct ‘the state’ and what it means in contemporary International Relations
WHAT DOES BEING A ‘STATE’ MEAN

What makes Canada a ‘State’?
STATES AND SOVEREIGNTY

• Traditional interpretations of a State are based on the notion that it is ‘sovereign’

• i.e. it exercises ‘supreme authority within a territory’ (Philpott 2016)

• prominent in political thought through the writings of Machiavelli, Luther, Bodin, and Hobbes

• Weber: ‘monopoly on the use of violence’

• Apparently routed in Treaty of Westphalia (though this may be a romanticism)

• Challenged by globalization, particularly since WWII
  • From above: International organisations, entities, threats, norms, interests, etc. etc.
  • From below: minorities, individuals, institutions, etc. etc.
SOVEREIGNTY CONTINUUM

What makes a state?

Not a state

When does Palestine become a state?
DECONSTRUCTING SOVEREIGNTY

- Steven Krasner (1997, 2001):
  - Sovereignty is a ‘cognitive script’
  - "widely understood but also frequently violated" (Krasner, 1997)
- Instead of accepting it as a singular phenomenon sovereignty should be deconstructed into four categories
KRASNER’S TAKE ON SOVEREIGNTY
(2001, 15):

domestic sovereignty, referring to the organization of public authority within a state and to the level of effective control exercised by those holding authority; interdependence sovereignty, referring to the ability of public authorities to control transborder movements; international legal sovereignty, referring to the mutual recognition of states; and Westphalian sovereignty, referring to the exclusion of external actors from domestic authority configurations.
OUR CHALLENGE

- (a) Try to understand the question of Palestinian Statehood through Krasner’s lens on sovereignty

- (b) ask - how does Kranser’s lens of sovereignty help us understand the actions of the various parties involved

- The following narrative focuses primarily on the actions of the PLO and how it has/hasn’t addressed the question of sovereignty

- Also looks at US and Israeli actions where relevant
INITIAL GAINS AND SUBSTANTIAL LOSSES 1964-88

- Palestine Liberation Organisation was formed in 1964
- Initially dominated by Egypt
- 1967 war - humiliates Arab states
- Arafat takes over PLO in 1969 seeks more independence
- First major breakthrough in 1974
INTERNATIONAL LEGAL SOV.

• “The international legitimacy the PLO attained between 1974 and 1982 is unprecedented for a nonstate actor.” (Telhami 2001, 250)

• PLO was formally recognised by both the Arab League and the UN, as the “sole legitimate representative of the Palestinian people”

• ‘State in Exile’ - Arab League Summit in Rabat in October 1974

• UN - PLO becomes a ‘Permanent Observer’

• Gains representation in capitals worldwide
INTERNATIONAL LEGAL

• 1973 war between Egypt, Syria and Israel - limited gains for Arab forces

• Sets ground for 1978 Camp David accords - peace treaty between Egypt and Israel

• Behind the scenes talks on Palestinian Autonomy

• Meaning limited Sov.

• “this approach stressed the concept of individual rights for “Arab inhabitants” of the Occupied Territories while precluding territorial control or the possibility of statehood” (Anziska 2017, 289)

• Begin & Carter did not agree on the end goal
INTERNATIONAL LEGAL

• Reagan comes to power in the US in 1980 - freezes out Palestinians

• US State department gave ‘green light’ to Israeli strike on Lebanon (Anziska 2018, 201)
  • Meeting between Alexander Hague and Ariel Sharon on 25 May
  • US may have misunderstood Israeli goals - suggested a ‘lobotomy’ following a “a recognizable provocation”

• Israel launched attack after its ambassador to London was shot by Abu Nidal organisation
DOMESTIC SOV.

- Having been booted out of Jordan in 1970 (Black September)
- PLO set up an effective ‘State within a state’ in Fakhani district of Beirut, Lebanon
- Also growing support among the WB/GS population (highlighted in municipal elections in 1976)
- Lebanon Civil War breaks out 1975
- Israel intervenes directly in 1982, backs Maronite Phalangists
- Routes PLO - adopt a new home 3000 miles away in Tunisia, in a much stronger state
INITIAL GAINS AND SUBSTANTIAL LOSSES 1964-88

- International Legal
- Big gains in 1974
- Stagnation after Reagan comes to power

- Domestic Sov.
- Driven out of base of ops twice
- Established a state within a state in Lebanon with influence in territories but lost it
- Ends up severely weakened
FIRST INTIFADA AND OSLO PROCESS 1988-2000

- First intifada breaks out 9 December 1987
- Spreads across territories quickly
- Takes Israel and the PLO by surprise
- Demonstrates PLO weakness re: Domestic Sov.
- Scrambles to regain relevance
- Power vacuum allows Hamas to emerge as a serious rival
PLO adopts new strategy in 1987 - declares ‘independence’

Will accept a state in just West Bank and Gaza along with relevant UN Security Council resolutions 242 and 338

Articulated in speeches by Arafat at Algiers and Geneva in November and December 1988

Jordan relinquishes claims on WB

US responds relatively positively - grants a waiver allowing negotiations to take place and the UN

UN renames delegation ‘Palestine’ grants it speaking rights

But Bush administration prevents PLO from joining WHO
INTERDEPENDENCE SOV.

- 1991 Gulf Crisis
- Iraq invades Kuwait
- PLO fails to denounce alienates Gulf allies and funders
- Lots of Palestinians kick out of Kuwait
- “Only the 1936-39 Arab Revolt and the 1948 and 1967 Arab-Israeli wars were more costly” (Mattar 1994, 31)
- Lost significant political capital and money
MADRID CONFERENCE AND OSLO PROCESS

• US sought to create a ‘New World Order’ after end of cold war

• Invited a range of participants to a regional peace conference in Madrid

• PLO delegates attended as part of Jordan delegation

• Palestinian delegates put on a better show than Israel leadership (Shlaim 2009, 157–61)

• Official talks continued in Washington

• a secret backchannel was established in December 1992 hosted by academics in Oslo.

• 20 August 1993 Israeli and Palestinian delegates agreed on an interim deal that included mutual recognition (albeit lobsided)

• Made public on 13 September
OSLO - LIMITED DOMESTIC SOV

- 2 initial agreements, the DOP and the Paris Economic Protocol,

- Then Interim Agreement on the West Bank and the Gaza Strip (also known as Oslo II), the Hebron Agreement and the Wye River Memorandum.

- Very unequal distribution of power

- "asymmetric containment"

- "the retention by Israel of strategic points of control all over the oPts, and the rapid construction of a system of checkpoints" (Khan 2004, 6).
 • Palestinian economy suffered

 • “De-development” - deprived of any “capacity for production, rational structural transformation, and meaningful reform, making it incapable even of distorted development” (Roy 1999, 65).

 • “developed a deep-seated dependency on foreign aid to sustain the economy” (Tartir and Wildman 2014, 433)
FIRST INTIFADA AND OSLO PROCESS 1988-2000

- International Legal
  - Further gains at the UN and through negotiations

- Domestic Sov.
  - Apparent successes - foothold in WB/GS but with serious limitations

- Interdependence Sov.
  - Substantial weakness - 1991
  - Even greater dependence on foreign aid

- Westphalian Sov
  - Lots of promises, of eventual progress
THE SECOND INTIFADA AND THE SCHISM WITH HAMAS 2000-9

- Oslo stagnated - stateless limbo
- Hamas sought to undermine PLO and attack Israel
- Was operationally independent from PLO
- Network of civil society organization - public support
- The movement’s working assumption was: “when Palestine burns, its support grows” (Milton-Edwards and Farrell 2010, 101)
2000 - SECOND INTIFADA

- PLO was boxed in
- Provocative political campaign in Israeli election sparked protests
- Bloody rebellion broke out
- PLO leadership even lost control of its own cadres
- Israel re-invaded WB - rolled back Oslo process
- Arafat dies in 2004 (beginning of the end)
ABBAS AND HAMAS

• Abbas overwhelming elected in 2005

• Promises end to violence

• Wins cautious praise from world leaders (including Bush)

• US launches road map

• Pushes for Palestinian legislative elections (context: democracy promotion in Iraq)

• Hamas participates in 2006 elections - wins

• Huge surprise to everyone
GLOBAL RESPONSE

- US, EU and Israel impose a blockade
- PA cannot function as domestic sovereign
- Unity government collapses after 99 days
- 14 June 2007 coup and counter coup involving US, UK spy agencies (Rose 2008; Leech 2015).
- Palestinian Territories split - GS to Hamas, WB to PA
- Both adopt increasingly authoritarian methods
EMERGENCY GOVT.

• Abbas declares a state of emergency

• appointed former IMF economist, Salam Fayyad, as Prime Minister of the PA.

• The PA’s embraced by International community

• Influx of aid

• Tony Blair takes over as special envoy

• Promise of ‘Statebuilding’ back on the table
THE SECOND INTIFADA AND THE SCHISM WITH HAMAS 2000-9

- International Legal
- No substantial change

- Interdependence Sov.
- Weaker and weaker
- Dependence on Foreign Aid made very clear

- Domestic Sov.
- Total loss of control during intifada
- Restored with external support
- Democracy undermined

- Westphalian Sov
- Israeli response to intifada and international response to election explodes this myth
FAYYAD’S STATE BUILDING

• Build a state under occupation

• widely embraced by international media

• US took lead on Security/Counter Terror

• UK and EU ran a lot of the infrastructural changes

• New promises about fulls statehood started to be made

• Initial progress in 2009 was undermined by fiscal crisis in 2010-11 coinciding with Arab uprisings
FAYYAD QUITS - ABBAS TAKES CHARGE

• Popular protests and hardline responses seem to echo events across region

• Fayyad forced out by Abbas

• Abbas takes over the ‘statebuilding retoric’

• Goes to the UN in 2011 with request for ‘full statehood’ recognition - eventually died in committee

• In 2012 wins vote to become nonemember observer
INITIAL INTEREST BY OBAMA, WAINS

- Much hope with Obama admin initially
- Settlement freeze etc.
- But weak resolve, interests/concerns elsewhere
- Blocked (or attempted to block) Palestinian recognition by UN/international bodies
- Palestinians won various symbolic recognition
- Kerry’s efforts largely for nothing
OBAMA’S DISAPPOINTMENT

• Nathan Thrall (2017, 224–25) offers a damning summary of the US’ failures:

• Eight years of failed policy were founded on the stubborn delusion that with sufficiently impassioned rhetoric Israel could be persuaded to make concessions that it did not consider to be in its interest.

• Obama achieved less than any of his recent predecessors because, when it came to Israel, force was a language he could not—or would not—understand.
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**Domestic:**
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- **1988-2000:** Discussed but not manifest as Part of Oslo process
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**Trend:**
- Three phases of progress, phases of setback
- Persistent absence
- Steady progress
- Persistent absence
CONCLUSIONS

• Palestine has made steady gains in terms of its international legal sovereignty.

• Since 1974 the PLO has moved from being considered an international pariah to being recognized as a state by most the world’s states and the United Nations.

• In recent years Palestine’s progress in this area has accelerated and the PLO’s leadership has successfully returned the question of Palestine to center stage in world affairs despite the serious threat that it might be overshadowed in the long term by other issues.

• However the fact that Palestine has enjoyed such a dramatic shift in one area of sovereignty and so little progress in the other three areas suggests that in our contemporary international system the value of international legal sovereignty – when separated from other forms of sovereignty – is limited.
CONCLUSIONS

• The absence of recognition by the international community has never been Palestine’s main problem.

• The real issues facing Palestine are that it lacks independence from Israel and that – it has been made clear by the international community – even in the case of successful peace talks, the resulting ‘State of Palestine’ would face significant restrictions on its Westphalian, domestic and interdependence sovereignty.

• The Trump administration’s inconsistent assertions aside, it is entirely consistent with an international consensus that has emerged around the notion of a ‘Two-State Solution’ that a nominal Palestinian State while simultaneously subordinating Palestinian (national and individual) rights to Israeli security concerns.

• As such the achievement of international legal sovereignty, absent the three other forms, represents a potentially dangerous path for Palestine.