

# Palestine: Small Revolutions, Major Deadlock

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Recent political developments in the Occupied Palestinian Territories (OPT) are characterized by a number of factors. The context of the systematic violation of Palestinians' fundamental rights, reinforced by the radicalization of the Israeli government, remains central: on 5 July 2023, 189 Palestinians were killed by the Israeli army in the OPT, exceeding the number killed in the whole of 2022 (181). In this context, the issue of resistance to the occupation has returned to the heart of the political debate, challenging the political plans of the Palestinian Authority (PA), whose image and credibility have clearly deteriorated. Added to this is the stalemate in Palestinian political life, due as much to authoritarian practices as to inter-Palestinian division, which is paralyzing domestic political life. Despite the opening by the International Criminal Court of an investigation into allegations of war crimes committed since 2014 in the OPT, the Israelis continue to enjoy total impunity. At the end of the day, it seems that this procedure follows a known logic of plays of influence and leverage, primarily between the United States and Israel on the one hand, and the PA on the other.

## **A Return to Armed Struggle against the Occupation: Legal Foundations and Political Reality**

The wave of demonstrations and the uprising of 2021 – in addition to the 11-day war against Gaza in the

same year – mark a turning point in recent Palestinian history. The disastrous social and economic conditions that preceded these events were exacerbated by the decline in employment opportunities, particularly among young Palestinians. At the same time, there were repressive political practices stifling cultural and political life in the OPT, combined with a sense of humiliation, frustration and anger fuelled by long decades of Israeli domination and deep disillusionment with any real external will to impose a solution to the Israeli-Palestinian question. All these conditions are reminiscent of those that led to the eruption of the first Intifada in 1987 and the second Intifada in 2000. In this sense, resistance is perceived by the Palestinians as not only justified, but also legitimate, given the consequences of Israeli occupation, ranging from systematic, severe violations of the law relating to belligerent occupation and a total deprivation of the most fundamental human rights, in particular the right to self-determination. Not only have these same reasons not changed today, but they have been aggravated by the disillusionment generated by a long process of negotiations with the Israelis that is now seen as a succession of concessions by the Palestinians. Historically, the question of the armed struggle became increasingly controversial, particularly after Arafat's various speeches at the end of the 1980s aimed at putting an end to the armed struggle, encouraging the process leading up to the signing of the Oslo Agreements and the establishment of a system which merely re-articulated the system of occupation and domination. This issue regained importance during the second Intifada and has more recently returned to the heart of the political debate in a context of the systematic violation of the fundamental rights of Palestinians, intensification of policies of land confiscation in the OPT, increased colonization and the transfer of settlers to confiscated land, all intensified by the

radicalization of the Israeli government. By referring to explicit provisions in international law, the Palestinians emphasize the legitimate nature of defending their rights and invoke the illegality of the occupation of the OPT and the absence in international law of any legal clause prohibiting the use of violence to put an end to the occupation; quite the opposite. Indeed, international law authorizes a political entity to take up arms in the case of armed struggle for national liberation within the framework of the right of peoples to self-determination. The Palestinians also refer to the advisory opinion the International Court of Justice issued on 9 July 2004 on the “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory” to assert their fundamental rights. In addition to the “principle of the right of peoples to self-determination,” this opinion confirms the right to freedom of movement of the territory’s inhabitants, their right to work, and to health-care, education and an adequate standard of living, as proclaimed by the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child.<sup>1</sup>

### The Palestinians continue to live under military occupation and without international protection. The Israeli colonial project continues to expand and to dispossess the Palestinians of their land and property

Israel, for its part, carries out systematic incursions into Palestinian towns and villages on the pretext of eliminating non-state armed groups that threaten its security. Israel’s invocation of “self-defence” (*jus ad bellum*) (Article 51 of the United Nations Charter) in this context must be governed by the conditions laid down by international law, which include the proportionality and necessity of the military action taken. Israel’s failure to comply with the latter conditions, in addition to its systematic violation of

international law in its military occupation of the Palestinian territories, cannot be easily justified by this provision of international law.

### Nablus, Jenin... A Status Quo Revolution in Palestine?

On 3 July 2023, the Israeli army carried out the most violent raid on the northern West Bank town of Jenin since the 2002 raid during the second Intifada, when Israel reoccupied the Palestinian territories then supposed to be under Palestinian administration. The military confrontations in the north of the OPT, particularly in Jenin and Nablus, are nothing new. They have coincided with the Israeli military escalation in the West Bank, particularly in Jerusalem and the Al-Aqsa Mosque, followed by the war against Gaza in May 2021, leading to a unified Palestinian reaction and acts of resistance in the OPT and Israel. During this period, Israeli raids on Palestinian towns and villages intensified. They were intended to respond to the various actions taken by Palestinian military groups against West Bank checkpoints and settlements in the face of the upsurge in daily violations by Israeli soldiers and settlers. The Palestinians continue to live under military occupation and without international protection. The Israeli colonial project continues to expand and to dispossess the Palestinians of their land and property. After repeated attempts to evict the families of Sheikh Jarrah and Silwan, on 11 July 2023 the Sub-Labbana family was evicted from its home in the Aqabet al-Khalidiyya neighbourhood in Jerusalem’s Old City by Israeli settlers, protected by Israeli soldiers. Moreover, Israeli settler violence continues to spread and has taken on an unprecedented scale in recent months, leading to acts of extreme violence such as those seen in March 2023 during the “pogrom” in Huwara, a village south of Nablus. As a result, the formation of new armed groups in the West Bank not affiliated to Palestinian political parties and not guided by an organizational or party-based mechanism, particularly in the Second Intifada strongholds of resistance, Jenin and Nablus, has multiplied [to name but a few: the Balata Brigades, the Osh

<sup>1</sup> International Court of Justice (ICJ), “Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,” July/2004 p. 57-62 paragraphs 132-137.

al-Dababir (*hornet's nest*) battalion, the Jenin Brigades and the Lions' Den (*'arin al-usoud*).

In reality, the problems observed in the Occupied Palestinian Territories go beyond the Palestinian Authority's sole activity of subcontracting security to Israel. The current Palestinian regime is becoming increasingly authoritarian in nature

Although Israel's leitmotiv in this latest military incursion was to re-establish its deterrent capacity, the success of this objective remains uncertain insofar as the raids, despite their violence, do not seem to be dissuading young militants from joining the ranks of the new militant groups. The latest raids in Jenin on 3 July and in Nablus on 20 July are not the first and, according to Israeli politicians, will not be the last. As per Israeli army spokesman Daniel Hagari, the main objective was "in no way to reoccupy the town of Jenin or its [refugee] camp" but rather to re-establish a strong deterrent to facilitate any future military incursion. In this sense, the liquidation of a certain number of wanted Palestinian militants is supposed to ensure the Israeli army's "freedom of movement" in the area without Israel assuming the legal responsibilities of an occupying power (Nabulsi, 2023). There are also other strategic objectives: apart from Israel's attempt to prevent the creation in the West Bank of a counter-example to submitting to the occupation and a separate space where resistance can be built and formed, like the Gaza Strip, this incursion seems to be paving the way for increased Israeli colonization in the northern part of the West Bank (Nabulsi, 2023). The reconstruction last May of a school in the Homesh settlement, located south of Jenin and evacuated in 2005 as part of the unilateral "disengagement" plan put in place by Ariel Sharon, is the most eloquent example of this (Imbert, 2023).

## Is Internal Palestinian Politics in a Deadlock?

The return to armed struggle on the part of these armed groups, made up mainly of adolescents and young adults, highlights the PA's inability to further the Palestinian national project, while trying to revive a Palestinian political consciousness and national identity stifled by both the Israeli colonial project and the PA. The latter has lost all political legitimacy among the Palestinian population, which now sees it as the flip side of the Israeli occupation.

As a result, popular support for Palestinian armed groups is worrying the PA, threatening its political monopoly and power, and putting it at odds with its commitments to Israel as part of a decried security collaboration. In the aftermath of the Israeli withdrawal from Jenin, the PA began deploying members of its security apparatus with the aim of taking control of the areas where the militants meet and which, according to its account, are under the growing influence of Hamas and the Islamic Jihad. Although the political ideologies of the armed groups are divergent, their military activity is unified under a single watchword: armed struggle.

In reality, the problems observed in the OPT go beyond the PA's sole activity of subcontracting security to Israel. The current Palestinian regime is becoming increasingly authoritarian in nature. In 2022, Mahmoud Abbas issued two presidential decrees strengthening his grip on the Palestine Liberation Organisation (PLO) by preventing its renewal, and on the judicial system, thus compromising the separation of powers between the Executive, Judiciary and Legislative branches, the latter having been de facto at a standstill since the dissolution of the Palestinian Legislative Council (PLC) by the President of the PA in 2018 (Hass, 2022). In fact, it has been effectively inactive since its election in 2006, when it included a majority of Hamas MPs, including its chairman, Aziz Duweik. It should be pointed out that the Palestinian Basic Law of 2003 provides for the interim Presidency of the PA to be exercised by the President of the PLC.<sup>2</sup> The dissolution was therefore seen as a manoeuvre to rule out any possibility of a Hamas member succeeding Mahmoud Abbas, even on an interim basis. This dissolution was also analysed as one of

<sup>2</sup> Article 37, Paragraph 2 of the Palestinian Basic Law of March 2003.

the preparatory stages for a PA president successor accepted by Israel. Internally, the PA continues to repress Palestinian dissidents by increasing the number of arrests and acts of torture against those who oppose the logic of Oslo and challenge its authority (Alsajdeya et al, 2021). The human rights situation, in particular freedom of expression, is deteriorating significantly, as witnessed by the assassination in June 2021 of Nizar Banat, a long-standing critic of the PA; the Palestinian territories are increasingly fragmented, as is Palestinian political life which, in addition to being divided into two separate entities between the Gaza Strip and Ramallah, remains de facto paralysed and dependent on the holding of new elections, which are systematically cancelled (the last elections were cancelled in May 2021).

The deterioration of living conditions and political activity in the OPT, the political immobility of the PA, its manifest loyalty to the Oslo Accords and its complicity in the repression of any act of resistance to the occupation or to the status quo in the OPT, all of which serve the interests of Israel, only widen the gap between the Palestinian population and those who govern it and delay any solution to the political situation in Palestine.

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