

Selections from the Press

This section includes articles and news items that are not readily available in the mainstream U.S. media and provide insightful or illuminating perspectives on events, developments, or trends in Israel and the occupied territories. They have not been edited to conform with *JPS* style.

ROUNDTABLE, “PALESTINIAN YOUTH REVOLT: ANY ROLE FOR POLITICAL PARTIES?” AL-SHABAKA (EXCERPTS)

23 NOVEMBER 2015

OVERVIEW

The absence of authentic Palestinian national leadership is particularly acute at this time of crisis. The current youth uprising against Israel’s prolonged military occupation and denial of human rights in the occupied Palestinian territory (OPT) and within Israel is generally acknowledged to be largely leaderless. What role is there for political parties to contribute to the youth uprising given that they remain entrenched in the Palestinian body politic despite their splits and weaknesses? Assuming that Fatah-Hamas reconciliation remains stalled, what can other political parties and forces do to provide a framework for national leadership, whether within or outside the Palestine Liberation Organization (PLO)? What other avenues could provide a space for national—or local—leadership to emerge at such times of crisis, and beyond?

There are some common strands in the Al-Shabaka policy analysts’ diagnosis of the situation, but their ideas for future action divide into two broad clusters: those who suggest alternatives beyond the current political set-up and those who look for ways to make the current structure work. [. . .]

JAMAL JUMA’: VISION, CLEAR OBJECTIVES, MULTI-LEVEL RELATIONSHIPS

For nearly two months, Palestinians have waited for the political parties to shoulder their role in leading and guiding the uprising. Clearly, they are neither able nor willing to do so. There are several reasons for their inaction. For one thing, party leaders are reluctant to pay the price of leading and framing popular resistance, whether this price is extracted by the Israeli occupation authorities in the form of arrests, prosecution and targeting of organizations—especially as the parties operate openly and their organizational structures are weak. Nor do they want to lose the privileges they enjoy as members of the PLO, both in terms of financial benefits and political status.

Moreover, the various parties cannot act without the consent of the Palestinian Authority (PA) security apparatus and that of its leading faction, Fatah: they are currently too weak to change the status quo. President Mahmoud Abbas, who holds all the power, believes that the uprising accomplished its mission by refocusing attention on the Palestinian cause and stimulating the international community and is betting on new initiatives to resume the negotiations with Israel. Indeed, Abbas has announced in unequivocal terms that he does not want an uprising.

Given the weakness of their current composition and organizational structures, these parties cannot provide a political, organizational and economic framework

capable of leading a long-term uprising that would drain the Israeli occupation's resources and energies. A successful uprising would require a comprehensive vision to achieve clear and attainable objectives by mobilizing local, regional and international opportunities and relationships.

As for the Islamic forces, Hamas and Islamic Jihad, they have also taken the same position of inaction. They too do not want to pay the price and give Israel an opportunity to launch an offensive against the Gaza Strip. They also fear that the uprising could be exploited to improve the terms of negotiations for the Palestine Liberation Organization (PLO) and PA.

There are several factors in favor of creating a space for a new national or local leadership. Even if it subsides, the current uprising has raised the question [of] the current leadership's eligibility and has legitimized the search for alternatives. It has also united the Palestinian people inside the Green Line, the West Bank, Jerusalem and Gaza. Ironically, the political forces are the ones who remain divided. The Palestinians in the Diaspora have also acted albeit in a limited way, and have helped to organize demonstrations. The actions on the ground are seeding an emerging leadership that can be nurtured, although it is scattered and localized.

On the negative side, however, it is clear that the PA will not allow a new leadership to emerge, and will spare no effort to thwart it, even if this requires coordination with the Israeli occupation—with which it is coordinating anyway. In addition, the existing grassroots movements are weak, while intellectuals play a weak role in Palestinian political life and are unable to support popular forces. As for the Palestinian Diaspora, it has little influence on decision-making.

The challenge is to build on the positive factors and minimize the negative ones: note

that any serious movement to create an alternative leadership would have to work below the radar to some extent.

To begin with, it is important to provide a space safe from political domination, a space in which it would be possible to support those popular forces that have a political vision and capacity to mobilize, such as trade unions, farmers' organizations, women's federations, and of course youth groups, so that they can work alongside the uprising.

It is also important to tap the potential of the Palestinian Diaspora, especially among the youth, and to organize working groups that could communicate and coordinate with enlightened national figures who believe in the important role the Diaspora has to play in both Palestinian decision-making and in supporting the resistance of the Palestinian people.

Indeed, it is vital to invest in meaningful coordination between the homeland and the Diaspora. We must rebuild the trust between us and revive our self-confidence and confidence in our ability to affect change. In the final analysis, we must have absolute faith in our people and in their ability to sacrifice and advance and we must believe, beyond any doubt, that we will prevail.

JAMIL HILAL: DEMOCRATIC COMMUNITIES, NETWORKED NEW LEADERSHIP

Democratic and progressive political parties have historically provided leadership in the struggle for freedom from oppression, especially from settler-colonial pillage and terror. Unfortunately this has not happened here since the first Intifada in the late 1980s. Not only have political parties and movements failed to embrace their responsibility, they have also acted in ways that have fragmented the Palestinian national liberation movement.

Instead, the parties should have critically reviewed past progress and failings so as to rebuild a movement more attuned to new national, regional and international conditions. In short, political parties are in no position to provide a unified leadership and a coherent strategy to the present youth struggle against the colonial oppressors and to the youth's bleak future. [. . .]

The answer may be for each Palestinian community to establish its alternative democratic leadership and to think collectively regarding how to construct a new national movement while preserving the assets that the Palestinian struggle built in previous decades. This will not be easy, but the 1948 Palestinians seem to be on the right track and their example should be studied and where possible followed.

Of course, this is not easily implemented. Yet there seems to be a need, given the extremely vulnerable situation of most Palestinian communities, to establish local committees in villages, refugee camps, and town neighborhoods so that they can articulate their needs according to the specifics of their situation, and then to form larger associations. For example, in the West Bank, the question for a large number of communities is how to defend themselves, their land and property against the murderous attacks of the settlers; in the Gaza Strip, how to contend with the pressing problems caused by Israel's siege and repeated deadly wars; and in Lebanon, how to empower popular committees in the refugee camps so that they form a "unified framework" to deal with the broader problems across camps. The role of such local committees could expand as the situation demands, whether from municipalities, village councils, local branches of political parties, and local civil societies and institutions. The examples of the ongoing

struggles of [the] Higher Follow Up Committee among the 1948 Palestinians and the struggles of the Boycott, Divestment, and Sanctions (BDS) movement are beacons for the rest of us.

But in the real world, people sit down and find concrete solutions to the problems they face in a specific situation. Luckily, they do not wait for people like me to tell them what to do.

NIJMEH ALI: CHANGE MUST COME FROM WITHIN THE PARTIES

The Palestinian youth that have taken to the streets are initiating an important phase in responding to the Israeli occupation and to injustice, indicating the significant role the younger generations could play replacing the current leadership.

However, the question remains: is the new generation capable of bringing the uprising or wave of anger from the street into political or diplomatic spheres? The problem lies in the failure to revolt against the traditional Palestinian leaderships of Fatah, Hamas and the Left: this is what is needed in order to transform the spirit of revolution into diplomatic and political results.

The Palestinian political parties are currently acting like parties everywhere: They are weighing the political gains they can reap from this wave of anger, such as resuming negotiations with Israel. They are not acting like revolutionary parties fighting a battle for liberation, and are out of line with the public mood. Thus, the parties are likely to erect obstacles rather than to support the youth uprising or any other action outside established institutional frameworks such as the factions' armed wings. Uncontrolled actions do not benefit political parties because they cannot steer them.

The issue is not about creating a new space within or outside the PLO. It is also about

changing the political behavior of Palestinians as a people affiliated with existing political bodies. It is imperative to transcend the narrow partisan affiliations [that] have entrenched the internal Palestinian division and weakened the PLO. The popular wave of anger is an open rebellion against such narrow affiliations and an expression of the need to reinforce national as opposed to partisan attachments.

However, given this reality and the deepening partisan division, it would have been more promising had the youth rebelled against the current political leaderships and replaced them with younger leaders with political energy, confidence and vigor.

Local leaders have never been isolated from their central leaderships: Fatah and Hamas, for example, are mass political movements rather than political parties in the traditional sense. Therefore, one does not envisage a scenario in which an independent popular movement could emerge, even though popular committees could be established as was the case in the first Intifada. It is worth noting that the unified national leadership of that Intifada was formed by political actors who espoused common political goals and a vision centered on ending the occupation as a fundamental step towards liberation.

In short, we need a Palestinian Spring within the Palestinian parties rather than alternative political frameworks that would reinforce the division and the narrow partisanship. Without rebellion from the youth within the Palestinian political parties, no uprising will effect real political change. The sacrifices of the Palestinian people will go to waste, increasing the frustration with their sense of helplessness. It would be truly alarming if this frustration slowly kills the Palestinians' faith in their power to become liberated.

KHALIL SHAHEEN: ACTIVISM THAT SIDESTEPS TRADITIONAL POLITICS

The Palestinian political system is nearing its demise after forsaking its identity as a national liberation movement by recognizing the legitimacy of a racist settler-colonial system in the Oslo Accords. The current wave of anger is a rebellion against this relationship and the ideology on which it was based. The wave is also an extension of forms of expression and political action that have evolved outside the traditional political and organizational system established in the 1960s, which itself has experienced a slow and terminal decline.

However, one must acknowledge the "coexistence" between the traditional politics of the PLO, the PA and the Palestinian factions on the one hand and the new forms of political action on the other due to the transitional nature of the present stage. In particular, the traditional national movement continues to have a political role despite its inability to realize its historical goal of achieving the national rights of the Palestinian people.

This realization should stimulate Palestinians to think strategically about the repercussions of a failing ideology and set of practices and what is needed to restore the Palestinian national project and a national body capable of achieving its objectives.

In the past few years, some have taken the position that there is no need to rebuild the national movement as a prerequisite to adopting programs of action. Rather they believe that recruiting a broad range of actors into participatory programs of action is the way to rebuild the national movement. This approach focuses on creating a new path based on uniting Palestinians in the homeland and the Diaspora. The global BDS movement, the right of return movement, and the popular resistance committees against the Separation Wall are all

expressions of new forms of action outside the traditional framework of party political action.

Similarly, the current wave of anger is a new form of popular and youth-based action. The traditional political party system failed to predict the consequences of this action at a time of heightened division and internal conflicts over power and influence. This wave may falter or intensify but it is likely that it is one of a series of waves that will continue to gain momentum until they become a tsunami expressing the collective recognition of the Palestinian cause as one of national liberation and the need to rebuild the national and institutional structures capable of creating a new path for struggle.

The current wave of anger shows that there is a new generation redefining the people's relationship with the Israeli occupation as one based on conflict rather than "understanding." It is doing so by defying the monopoly of politics within the Bantustans run by the PA, which Israel's occupation been transforming into an administrative, economic and security agent within a system of colonial domination.

However, this does not mean the end of the political role of factions, despite their state of internal division and lack of popular legitimacy. The factions still govern the practice of politics and forms of armed resistance, especially in the Gaza Strip. They dominate the PLO, PA, trade unions, professional associations and student bodies.

The current signs for emerging new forms of political action and struggle may seem similar to those witnessed in the late 1950s and early 1960s when a young generation used favorable Arab and international conditions to set a new path for struggle that overthrew the pre-Nakba and post-Nakba leadership in a relatively short time. That generation developed political bodies and armed groups that derived their legitimacy from the people, who proclaimed their

allegiance to the new leadership without elections.

However, the conditions today are different and key elements of this process are still missing. There is still space for the traditional actors to play a role. Yet it will not be possible to restore politics as an organized activity with broad popular engagement unless the goals, work methods and rules change. At some point, the traditional parties must deal with the new forms of political activism that [are] redefining the relationship with the colonizer. [. . .]

JABER SULEIMAN: OVERCOMING A PARADOX TO REBUILD THE MOVEMENT

[. . .] This unprecedented youth movement, which is led by Palestinians born around the time of the signing of the Oslo Accords, is directed against the occupation. Yet it also includes anger and protest against the PA and its political performance, which is responsible for the current state of the Palestinian cause in general and the conditions in the OPT in particular. This is the paradox we face: How can the Palestinian factions, within and outside the PLO, which helped to create the current state of affairs contribute to developing the movement and creating a unified leadership? In fact, the factions can neither be excluded nor exempted from responsibility, especially given the lack of an alternative national movement or a popular, non-factional bloc (a historical bloc in Gramsci's sense) capable of formulating an overarching national body inclusive of all Palestinians.

The importance of coordination between the political leadership and the youth who are confronting the occupation on a daily basis cannot be overstated. This does not mean that the factions are free to hijack and exploit the movement to achieve other goals that are not in line with fighting the occupation, ending the

division and finding a way out of the current Palestinian impasse, especially as the Palestinian people continue to pay the price for the way in which the first Intifada was exploited in order to sign the Oslo Accords.

There are urgent national tasks for all to undertake. The factions should not overburden the youth movement or push it towards militarization or achievement of quick results such as an immediate ending of the occupation that they themselves have collectively failed to realize. Consequently, there needs to be agreement on modest phased and tactical goals. The factions should treat this wave as one step on the long and thorny path of struggle, and must contribute to and support it on this basis. The factions should listen to the younger generations and include them in the field leadership and local committees that need to be created.

The parties should focus on forming a unified political leadership that represents all factions, even before ending the division, so as to sustain the steadfastness of the Palestinian people and prepare for a long battle with the occupation. This is indispensable for developing the current youth movement into a popular uprising and extensive civil disobedience along the lines of the strike of 1936, together with diplomatic and legal battles against the Israeli occupation on the international front. To achieve these efforts, the security coordination with Israel must cease immediately, as an essential step towards dismantling the administrative and legal structure of Oslo. The PA's functions should be reconsidered, and the division between Hamas and Fatah should be overcome so that the PLO can be rebuilt on an inclusive national foundation.

The anti-occupation forces, which include civil society institutions, grassroots organizations, trade unions, professional

associations, universities and the BDS campaign must engage more actively in the youth movement. They need to use their international ties with solidarity groups and anti-discrimination and anti-occupation movements around the globe to support the youth and their drive to ending the occupation.

MJRIAM ABU SAMRA: PALESTINIAN YOUTH WILL ONE DAY REDEFINE PALESTINIAN POLITICS

In order to address the overarching issue of *why* the historical political parties have not been able to catalyze current youth frustration so far we need to consider the way Palestinian politics have been transformed, primarily the shift in the PLO political discourse and strategy from a liberation struggle to state-building. This deprived the struggle of its foundational principles and slowly undermined its strategies: a neo-colonial normalization with the occupier replaced the original anti-colonial framework that shaped the struggle. As a result, the national movement was paralyzed in terms of its capacity for grassroots mobilization.

The neo-colonial relationship between the colonizer and the colonized isolated the Palestinian leadership from its popular constituencies and the struggle stalled. The crisis between Hamas and Fatah is one demonstration of the complex colonial condition imposed on Palestinians and the inability of Palestinian parties to give priority to the will of their people over the neoliberal interests. Although its most acute manifestation is the Fatah-Hamas crisis, the neoliberal project ushered in by Oslo has affected all Palestinian parties to varying degrees and has made them unable to give expression to the popular will.

With this broader framework in mind, we are unlikely to see any significant role for the historical parties in the current uprising—unless

they restore the anti-colonial political vision and discourse of the Palestinian movement. However, such a radical shift could mean the very extinction of the ruling class and the dismantling of the apparatus of economic and political interests in the OPT. This is a risk that the Palestinian leadership seems unwilling to take at the moment.

Indeed, any other effort to provide a solid and long-lasting leadership to the spontaneous movements on the ground needs to reposition liberation and justice at the core of the struggle. It is more likely that Palestinian youth will eventually play a role in a radical re-definition of Palestinian politics than that the historical parties will make a genuine contribution to the current uprising.

In this regard, we should pay attention to the new efforts coming from Palestinian youth in the Diaspora (*shatat*) and in historical Palestine, who are providing a solid political framework to the current uprising and, in general, to Palestinian discontent. It is too early to assess the strategic potential of these initiatives, yet it is important to highlight the radical discourse they are endorsing. It is also important to recognize, above all, the strenuous effort to re-unify—if only symbolically, for now—the political message of all constituencies of Palestinian society: those under occupation in the West Bank and Gaza, those in “48 Palestine” and those in the Diaspora. See, for example, the [transnational mobilization](#) called by Palestinian youth from all over the world on Nov. 29, which the United Nations marks as the international day of solidarity with the Palestinian people.

Such efforts are a new trajectory for Palestinian politics that aim to unify Palestinian society around a shared vision of justice, liberation and return. These nascent initiatives might provide a new space for the emergence of

a national leadership able to elaborate—and sustain—a renovated strategy of resistance for the Palestinian struggle.

BELAL SHOBAKI: TURN TO THE POLITICAL PARTIES WHO CAN STILL MOBILIZE

The current popular movement makes it even more urgent for the political parties to transcend partisan interests and contribute to the expansion of civil and social activism. Fatah and Hamas have a golden opportunity to move beyond their preoccupation with the institutional concerns of managing the PA and to act in a way that befits their identity as liberation movements under occupation. All factions should join ranks in drafting a national agenda that transcends Oslo and the institutional structure incapacitating the Palestinian struggle. They can use their media machines to rebuild a political, economic and social culture that nurtures the uprising rather than polarization and partisan mobilization. This would entail a behavioral change in the Palestinians’ comfortable consumption habits, especially in the West Bank.

Fatah may find it difficult to take such actions, given that it identifies with PA institutions. However, Fatah’s loss will be much greater if it fails to change. The general mood of the Palestinian public, including Fatah’s own constituency, differs completely from the political leadership’s belief that the current events are just a “wave of anger” that can be controlled by the security agencies and exploited to drive negotiations with Israel. The Palestinian factions’ failure to mobilize for an open confrontation with the occupation while the youth uprising continues will doubtless generate field leaders who will be more capable of directing the scene than those sitting in their offices. This would lead to a widening gap between field forces free of regulatory and

partisan restrictions and government bureaucrats.

Such a movement should look beyond the Fatah and Hamas options. The Popular Front for the Liberation of Palestine and Islamic Jihad could mobilize strong rallies and demonstrations against the occupation. Both enjoy the respect of the Palestinian people and have more freedom than Hamas, which has been the target of a double security campaign in the West Bank by Israel and the PA. Both movements could work with other factions to support open confrontation with the Israeli occupation and lead a call for the formation of coordinating committees to manage the uprising. These committees should later evolve into a joint leadership that subsequently becomes an integral part of the PLO as part of a program to reform the organization.

However, creating a new space is contingent on overcoming past experience and specifically the experience of the Oslo formula for a two-state solution. The actors currently monopolizing Palestinian political institutions are the ones who still back this formula. If the public turns the uprising into a rejection of Oslo, in addition to confronting the occupation, either new leaders will emerge who will pursue new options or the current leaders will feel compelled to change their rhetoric and political behavior.

ALAA TARTIR: THE POLITICS OF CONFRONTATION

[. . .] The traditional Palestinian leadership's protracted inability to realize Palestinian aspirations has created an opportunity for non-traditional leaders, including Palestinian civil society actors and opponents of the PA. However, they have yet to make full use of this opportunity. A structural transformation of Palestinian leadership is needed. It will need time, resources, and political determination as

well as mass mobilization at key moments. The forms of struggle and the political objectives are among the key questions to be answered. The alternative is taking shape, but it is still young like the youth in revolt. It is important to address these questions quickly: without the necessary support and mechanisms to coordinate efforts and initiatives, the movement will quickly die out.

Non-traditional Palestinian leaders should act now to pool their efforts into creating a strategy for struggle that generates rather than draining the wave's potential and energies. It is a tall order, but it is the only way to avoid another disappointment that increases the existing frustration and disorientation. Moments of historic transformation are never easy.

The way ahead will involve cycles of confrontation on many different fronts. In other words, the confrontation should not be limited to physical standoffs at military checkpoints but extend to the political, economic, media, and other spheres. Indeed, confrontation in a situation of colonization is the only way to change the balance of power equations, challenge the facts on the ground and build a path to the future.

The current movements by the youth and by non-traditional leaders in civil society embody the politics of confrontation: they use collective action to challenge the authorities and their claims of representation. However, we need to move from the current state of anger to a movement that represents the Palestinian society as a whole, transforming it into a society grounded in social movements and horizontal networks that focus on political, economic, and social issues. This can be done by building on existing social and other networks in order to promote collective goals, working for liberation from colonization and defying repressive authorities and elites. This can transform the

current wave of anger into a permanent state of confrontation with the colonizer as well as a sustainable social movement that brings the colonized closer to freedom and self-determination.

RICHARD FALK, "WHO SHOULD REPRESENT THE PALESTINIANS?" MIDDLE EAST EYE

1 JANUARY 2016

While serving as UN Special Rapporteur for Occupied Palestine, especially in my early years between 2008 and 2010, I fully expected to encounter defamatory opposition from Israel and ultra-Zionists—what surprised me were various efforts of the Palestinian Authority (PA) to undermine my role at the Human Rights Council in Geneva.

The authority's representatives exerted various pressures to encourage my resignation, and made unexpected efforts to challenge my reports, especially if they described the actuality of Hamas exercising governing authority in Gaza.

I had the impression that the PA was far more concerned with this struggle internal to the Palestinian movement than mounting serious criticism of the abusive features of the occupation. Since I was trying my best on behalf of the UN to report honestly on Israeli violations of Palestinian rights under international humanitarian law and human rights treaties, I was puzzled at first, and then began to wonder whether the Palestinian people were being adequately represented on the global stage.

REPRESENTATION AT THE UN

Among the many obstacles facing the Palestinian people is the absence of any clear

line of representation or even widely respected political leadership, at least since the death of Yasser Arafat in 2004.

From the perspective of the United Nations, as well as inter-governmental diplomacy, this issue of Palestinian representation is treated as a non-problem. The UN accepts the Palestinian Liberation Organisation (PLO) as the sole legitimate representative of the Palestinian people, although the reality of Palestinian governance to the PA since the Oslo diplomacy was initiated in 1993 [*sic*].

A similar split between legal formalism and effective authority exists in international diplomacy, although most of the 130 governments have extended diplomatic recognition to the PLO, rather than Palestine, despite its increasingly marginal role in the formation of national and international Palestinian policy in recent years.

This distinction between the PA and PLO is obscure for almost all commentators on the Israel/Palestine struggle, yet it has important implications for diplomacy and the scope and scale of Palestinian representation.

The PA, headed by Mahmoud Abbas, is basically preoccupied with the West Bank and its own political relevance, and has seemed perversely aligned with Israel with respect to the fate of Gaza and even the 5–7 million Palestinian refugees worldwide.

In contrast, the PLO, at least in conception and until the Oslo diplomacy took over, also in practice, conceived of its role to be the representation of all Palestinians, whether living under occupation or as refugees and exiles, that is, as a *people* dispossessed rather than a *territory* oppressively occupied.

THE OSLO DIPLOMATIC FIASCO

Among the flaws of Oslo was the delusion that a sustainable peace could be achieved

simply by negotiating an end to the occupation of the West Bank, and maybe Gaza and East Jerusalem, and proclaiming Palestine as a state.

This “two-state” international consensus—even after its PLO endorsement in 1988 and incentives provided by the Arab Initiative of 2002—has been killed by relentless Israeli expansionism and diplomatic rejectionism.

The Israeli rejection of the two-state option, which from a Palestinian perspective was at most a minimalist version of peace, was made manifest over the last 25 years by increasing the inhabitants of the settlement gulag, establishing at great expense an infrastructure of settler-only roads, and through the construction of an unlawful separation wall deep in occupied Palestine.

Yet the more than 20 years of negotiation within this framework served Israel well. It also helped the United States, Europe, and perhaps most of all the PA, to keep its international status credible.

The situation allowed Israel the protective cover it needed to continue annexing, building, and cleansing until a point of practical irreversibility was reached, and thus it has managed to undermine effectively the two-state mantra without suffering the slightest adverse consequence.

This enabled the United States, especially, but also Europe, to sustain the international illusion of a “peace process” while the realities on the ground were making “peace” a dirty word of deceit.

Most of all, this Oslo charade made the PA seem like it was a genuine interim state-building stage preceding existential statehood. In a situation without modern precedent, the PA achieved a weak form of *de jure* statehood via diplomatic manoeuvres and General Assembly partial recognition under circumstances that

lacked any of the attributes of *de facto* statehood.

Usually the situation is reversed, with the realities of statehood a precondition to its diplomatic and legal acknowledgement. Israel played along with this Palestinian game by denouncing such PA moves as outside the agreed Oslo plan of statehood to be achieved only through negotiations between the parties.

Of course, Israel had its own reasons for opposing even the establishment of such a ghost Palestinian state, because the Likud and rightest Israeli leadership were inalterably opposed to any formal acceptance of Palestinian statehood even if not interfering with Israel’s actual behaviour and ambitions.

INTERROGATING THE PALESTINIAN AUTHORITY

Yet there are additional reasons to challenge PA representation of the Palestinian people as we stand on the cusp of a new year. Perhaps, the most fundamental of all is the degree to which the PA has accepted the role of providing security in those parts of the West Bank under its authority, which includes the main cities.

This mandate has been interpreted in Ramallah as warranting the suppression of resistance activities by Palestinians, including non-violent demonstrations and to apprehend those militant Palestinians believed to support Hamas or Islamic Jihad, and then torture those detained in prisons often without charges.

The PA has also consistently leaned to the Israeli side whenever issues involving Gaza have arisen since the Hamas takeover in 2007. Perhaps, the high point of such collaborationist behaviour was the PA effort to defer consideration of the Goldstone Report detailing evidence of Israeli criminality in the course of its 2008–9 attack (Operation Cast Lead) on Gaza. The move was widely perceived as helping Israel

and the United States to bury these extremely damaging findings that confirmed the widespread belief that Israel was guilty of serious war crimes.

There have been several failed efforts by the PA and Hamas to form a unity government which would improve the quality of Palestinian representation, but would not overcome all of its shortcomings. These efforts have faltered both because of the distrust and disagreement between these two dominant political tendencies in occupied Palestine, but also because of intense hostile reactions by Washington and Tel Aviv, responding punitively and tightening still further their grip on the PA, relying on its classification of Hamas as a “terrorist organisation” that thus made it ineligible to represent the Palestinian people.

Everyone on the Palestinian side agrees verbally that unity is indispensable to advance Palestinian prospects, but when it comes to action there is a definite show of ambivalence on both sides. The PA seems reluctant to give up its international status as sole legitimate representative and Hamas is hesitant to join forces with the PA given the difference in its outlook and identity.

WHAT SHOULD BE DONE

In the end, there is reason to question whether PA claims to represent Palestine in all international venues deserve the respect that they now enjoy. It is a rather complex and difficult situation that should be understood as part of the Israeli strategy of fragmentation. This strategy is a deliberate effort at keeping the Palestinian people from having coherent and credible representation, and then contending disingenuously that Israel has “no partner” for peace negotiations when in fact it is the Palestinian people that not only have no partner

but not even a credible entity capable of legitimate representation.

Among diaspora Palestinians, I believe there is an increasing appreciation that neither the PA nor Hamas are capable of such representation. It seems that greater legitimacy is attached either to the demands of Palestinian civil society that underlie the BDS campaign, to the imprisoned Marwan Barghouti, or to Mustafa Barghouti, who is the moderate, secular and democratic leader of the Palestinian National Initiative situated in the West Bank.

What these less familiar forms of representation offer, in addition to uncompromised leaders, is a programme to achieve a sustainable peace that is faithful to the aspirations of the whole of the Palestinian people and not compromised by donor funding, Israeli controls and collaborationist postures.

It takes seriously the responsibility to represent the Palestinian people in ways that extend to the Palestinian refugees and to the Palestinian minority of 1.6 million living in Israel as well as to those living under occupation since 1967.

Overall, the picture is not black and white. The PA, partly realising that it had been duped by the Oslo process and that Israel will never allow a viable state of Palestine to emerge, has resorted to more assertive diplomatic positions, including an effort, bitterly resisted by Israel, to make allegations of criminality in their role as party to the International Criminal Court.

Also, it is important that the Palestinian chair at the UN not be empty, and there is no present alternative to PA representation. Perhaps, an eyes wide open acceptance of the present situation is the best present Palestinian option, although the approach taken to representation is up to the Palestinians. It is an aspect of the right of self-determination, which is treated as the foundation for all other human rights.

At the very least, given the dismal record of diplomacy over the course of the last several decades, the adequacy of present representation of the Palestinian people deserves critical scrutiny, especially by Palestinians themselves.

NADIM NASHIF AND RAYA NAAMNEH, "PALESTINIAN CITIZENS IN ISRAEL: A FAST-SHRINKING CIVIC SPACE," AL-SHABAKA

13 JANUARY 2016

Israel still portrays itself as a Jewish and democratic state. Yet in practice, as its Palestinian citizens can attest, it functions as a Jewish ethnocracy, leaving small margins of freedom for its Palestinian citizens that have been steadily shrinking in the past few years. Now the Israeli state has come under the complete control of the far right wing, which sees no need even for such limited margins of freedom. This is evident in the wave of discriminatory legislation and the use of the Emergency Regulations against established non-governmental organizations (NGOs) and movements such as the northern branch of the Islamic Movement in Israel.

TARGETING ORGANIZATIONS AND INDIVIDUALS, PALESTINIAN AND ISRAELI

The [many laws](#) that [the] Israeli Knesset (parliament) and government have passed to constrain Palestinian citizens' political participation and activism include, in 2011 alone, the "[Anti-Boycott](#)" law, which prohibits the public promotion of boycotts; the "[Nakba](#)" law, which prevents Palestinian commemoration of their catastrophe due to Israel's creation in 1948; and the "[Foreign Government Funding](#)" law, which places

onerous reporting requirements on NGOs. These laws have severely damaged the ability of Palestinian parties, NGOs, and activists to freely express their opinions and protest Israel's crimes, both within and outside the Green Line.

More recently, a [bill proposed](#) by former foreign minister and current Member of Knesset (MK) Avigdor Lieberman would prohibit the Israeli Supreme Court from interfering in the Knesset's Central Elections Committee decision to disqualify MKs based on their political stances. If approved, this bill would directly target Palestinian MKs, such as Haneen Zoabi and her party, "Balad—the National Democratic Alliance," who have previously been faced with attempts to disqualify them.

In addition to targeting political participation at the government level, Israel has limited or prohibited the work of several NGOs at the municipal level. It is important to note that the NGOs impacted include both Palestinian and Israeli organizations fighting to expose Israel's human rights violations and the apartheid regime it maintains in all of historic Palestine.

Amongst those affected is the Israeli NGO "Breaking the Silence," an organization of Israeli veterans dedicated to exposing the Israeli public to the reality of everyday life in the OPT. Breaking the Silence had recently planned to hold a talk in Beersheba. However, the Beersheba's Magistrate Court signed an order [banning the talk](#) at the request of the police, which claimed that the event did not have the "appropriate security arrangements." Even though the police could have taken the necessary measures to secure the event, they instead chose to act on behalf of the right-wing voices that have been calling for the boycott of Breaking the Silence.

It is important to note that Breaking the Silence is not as radical as Israel claims. It

remains an organization that is working towards the improvement of Israeli society and government within the frame of a Jewish ethnocratic state. It is, for example, criticized for failing to expose war crimes of Israeli military generals and leaders. Therefore, the fact that it is now being considered outside the political Israeli mainstream is a clear indication of the continued rise of Israeli extremist right-wing ideology, which excludes any voice that is critical of the actions of the Israeli government.

Another example is the [recently published letter](#) to the “New Israel Fund,” demanding that it stop the funding of the NGO “Baladna—Association for Arab Youth,” the organization for which we both work. This followed Baladna’s production of a video against the recruitment of Palestinian youth in the Israeli army. This letter was written and signed by several right-wing MKs, including MK Merav Ben-Ari and MK Miki Zohar, who are co-chairs of the Knesset Committee for Encouraging and Promoting the Enlistment of Minorities to the IDF and Civil Service. The targeting of both local and international organizations funding Palestinian and left-wing Israeli Jewish NGOs is the result of the Israeli government’s systemic blacklisting of NGOs, through its own biased investigative operations and its cooperation with bodies such as [NGO Monitor](#).

Israel’s most recent move in this direction went too far even for the U.S. Government. The State Department spokesman [expressed concern](#) in early January about a bill introduced by Justice Minister Ayelet Shaked to force human rights workers to wear badges in the Knesset saying they are funded by foreign entities and to mention this in their publications. The bill has received support from the governing coalition and Israeli human rights attorney Michael Sfard believes [it will likely pass](#).

This witch-hunt against Palestinians as well as other left-wing organizations and individuals within Israel is not limited to the Government but is embedded in the broader Israeli society. One example is the targeting of university professors and students, as well as NGOs, by the right-wing “Im Tirtzu” organization, which is active in all of the major Israeli universities. “Im Tirtzu” accuses students, professors, and NGOs of being anti-Semitic and/or inciting violence and racism, using evidence collected from social media platforms, such as Facebook. In other words, any [student](#) or [professor](#), particularly those who are Palestinian, could be threatened on the grounds of their publicly expressed political views and opinions. Despite this, Israeli universities and the government refuse to hold “Im Tirtzu” accountable for its actions, thus providing it with a safe space for its smears.

Palestinians have also been subject to verbal and physical threats from civilians in public spaces, forcing many to avoid using public transportation. Palestinian women who wear the hijab (head-dress) particularly fear assault and harassment due to their religiously-inspired attire.

BEHIND THE BAN OF THE ISLAMIC MOVEMENT

Against this background, the Israeli security cabinet’s [decision in November to ban](#) the northern branch of the Islamic Movement in Israel is significant, particularly because of Defense Minister Moshe Ya’alon’s use of his authority under the 1945 British Mandate Emergency Regulations to outlaw the Movement and any individual or organization affiliated with it.

These regulations have been used in all the areas under Israeli control since 1948. In other words, they are used not only in the territories occupied by Israel in 1967, but also within the

Green Line against Palestinians carrying Israeli citizenship. Under the regulations, the Israeli Defense Minister can issue administrative orders without needing the approval of the courts. While the orders can be appealed in the Israeli Supreme Court, the court itself also operates within the framework of the Emergency Regulations, and is effectively an extension of the Defense Ministry. Thus, the Israeli government and its various bodies have given themselves the “legal” capacity to render any Palestinian, at any time, a security threat stripped of his/her human and civil rights, regardless of where these “threats” may reside.

In short, the Israeli government has used a colonial law—a law that should no longer be part of its legal system—to justify and apply a discriminatory decision. In addition to the significance of using regulations dating back to Britain’s colonial mandate over Palestine, the ease with which the ban passed is also noteworthy. There has been little or no objection to the decision: the Israeli political elite and the Israeli public in general are supportive of the action and consider it legitimate due to the claim of “security” threats.

In implementing its decision, the Israeli government closed down all of the Movement’s offices, as well as 17 non-profit organizations connected to it. These NGOs, located in several Palestinian-majority cities within Israel like Jaffa and Umm al-Fahem [*sic*], have provided social, educational, religious, and economic services to marginalized and impoverished Palestinian communities for years. Moreover, it is important to note that they have not only served the Movement’s supporters but also the Palestinian community at large, including non-Muslim communities and individuals.

In response to the decision, the Higher Arab Monitoring Committee, the highest representative body for Palestinians in Israel,

called for a [general strike and a public demonstration](#) in the Palestinian city of Umm al-Fahem. Thousands of Palestinians participated to protest a decision they saw as targeting not just the Islamic Movement but the Palestinian community as a whole.

The Israeli government acted against the Movement immediately after the Paris terror attacks in November 2015 so as to claim that their decision was part of the global fight against terrorism. In so doing, it ignored its own intelligence chief Yoram Cohen, who had [said there was no evidence](#) to link the Movement to terror, as well as [Shin Bet reservations](#) about the ban. The Public Security Minister Gilad Erdan [even went so far as to](#) claim that the Islamic Movement shared an ideology with Hamas and ISIS, seeking to reinforce Western fears of Islam when the fact is that these religious movements are not affiliated with ISIS and do not share its extremist ideology. Rather, both the Islamic Movement in Israel and Hamas have their roots in the Muslim Brotherhood, which, [historically, is not a jihadist movement](#).

Despite Israel’s efforts to subdue and eradicate the Palestinian identity, the Arab community living in Israel continues to support and take part in the struggle for Palestinian rights in all of historic Palestine. Israel is aware of this unity of purpose and uses it to justify the oppression, control, and censorship of Palestinians in Israel, especially during periods of resistance and unrest. During the Second Intifada in 2000, for example, Israel used live ammunition to suppress demonstrations in support of the Intifada, killing 13 young Palestinian men of whom 12 were citizens of Israel.

The outlawing of the Islamic Movement is part of this same strategy. The Movement was one of the most active organizations in exposing Israel’s violations of the status quo at the

al-Aqsa Mosque and the whole Al-Haram Al-Sharif (the Noble Sanctuary) compound. Israel's ban of the Movement can thus be seen as part of the government's attempts to repress and end this resistance.

The truth is that the Islamic Movement has defied the Israeli political game. It had succeeded in creating its own operational and organizational system, independent from the Israeli government and the marginal space into which it has forced the Palestinian community in Israel. Unlike other Palestinian political parties in Israel, the Movement refuses to be part of the Israeli Knesset. In addition, it is not government-funded and the essential services it provides are extended not only to Palestinians in Israel but also to Palestinians in all of historic Palestine. Thus, the Movement defies the state's colonial borders and exposes the falsity of its democracy.

THE NEED FOR A MORE ORGANIZED CIVIL SOCIETY RESPONSE

The growing racism of Israeli society, coupled with global anti-Muslim sentiment, have created a harsh and threatening environment for Palestinians in Israel as well as in the rest of historic Palestine. One outcome of this environment is the continuously shrinking space for organizational development and activism for Palestinian civil society and other left-wing NGOs. This includes further limits on funding, legal activism, access to beneficiaries, and freedom of speech.

In light of this reality we as a community aspiring for freedom and justice in all of historic Palestine must rethink our strategies. At a local level, Palestinian organizations and groups—NGOs, independent activists, movements, and political parties—need to come together and establish a coherent, unified, and long-term strategic plan to resist systematic racism and widespread oppression. Today, Palestinian civil

society reacts to present dangers as they arise. It does not work as a unified entity, nor does it plan for any future potential threats; its small acts of protest have few if any concrete long-term effects. Palestinian civil society needs to focus on protecting its rights while at the same time crafting a strategic plan to achieve the goals of freedom and justice. In addition, if there is to be any hope of actual long-lasting change, Palestinians need the support of the international community and its media organizations in order to expose Israel's double-standards when it comes to upholding democratic values, and to hold Israel accountable through economic, cultural, and academic means of pressure.

AMIRA HAAS, "DOES THE ISRAELI ARMY PLANT KNIVES ON PALESTINIANS?" *HAARETZ*

16 NOVEMBER 2015

A former Japanese policeman now visiting Israel said, "I don't understand. In our country, if someone stabs a policeman, we grab him by the hand and arrest him. We don't kill him. Why is it different in Israel?" How should we respond? By saying that in our country, soldiers and policemen are instructed to kill a Palestinian holding a knife two meters from them, or a knife in his bag, or something that is assumed to be a knife in his pocket?

Four days in Hebron were not enough to keep track of all those killed in the city. Six different articles couldn't cover everything that accumulated. The glassy eyes of the mourning parents. The arrogant nighttime raids of homes by the Shin Bet security service, the threats to demolish one's home (even when no Israeli had been killed). So here are a few briefs, to make up for the lack of space.

“After a few days of deceptive silence, another shooting attack,” reported Ynet on Friday, after two Israelis were killed in the southern West Bank. Wrong. The raid on the hospital in Hebron, the snatching of patient Azzam Shalaldeh (who’d been shot and wounded by a settler) and the killing of his cousin Abdullah does not constitute quiet, deceptive or otherwise.

The *Haaretz* website similarly described a stabbing attack in Jerusalem last Tuesday as a break in the relative quiet. But in Jerusalem it is never quiet; every night policemen burst into homes and arrest children and teens, patrol neighborhoods and terrorize people. And that’s besides the killing of demonstrators and the bureaucratic violence of home demolitions and revocation of residency status. So long as we don’t get that the occupation is one continuous terror attack, we won’t know how to end the attacks on Israelis.

It was written that on October 17, Bayan Osileh, 16, approached the checkpoint at the Ashmoret Yitzhak Border Police base “near the Cave of the Patriarchs.” Wrong. She arrived at the checkpoint that cuts off her neighborhood from the rest of Hebron. Israeli media always describe the site of an incident as military and Israeli. For example, they say Checkpoint 160 and the Zion route, and never the A-Salaimeh neighborhood and Wadi al-Hussein. That’s how tens of thousands of people whose homes and childhoods are there are made to vanish, while the Israeli mindset sees the erasure of Palestinians from their city as self-evident.

Osileh asked a female border policeman how to get to a certain place, a security source told *Haaretz*. The policewoman responded that she should “ask the locals.” Osileh stuck her hand into her schoolbag, as if she was looking for her cell phone, pulled out a knife and stabbed the policewoman’s protective vest. The

policewoman pushed Osileh back and she fell. The policewoman sustained a cut to her hand.

“The young woman tried to get up,” the security source said, “and the fighter shot her, a bullet or two, I think.” Right in the chest. Couldn’t the policewoman make do with wounding and arresting the girl?

SUSPECT RAISED HANDS

Late last month, soldiers from the Tzabar Battalion killed two 22-year-olds at the Gilbert checkpoint in Tel Rumeida. International volunteers saw how Islam Obaido was killed on October 28. According to them, he was walking down the street toward the checkpoint. Two soldiers, standing at some distance from their colleagues at the checkpoint, stood in front of him. Obaido raised his hands. One or both of them shot two bursts of gunfire at him. An international volunteer said he wasn’t holding a knife, but Israel Defense Forces photographs showed a knife near the body. Obaido was shot from a meter away. Couldn’t the soldiers have just wounded him rather than killed him?

No volunteers actually saw the shooting of Hummam Is’aid on October 27, they just heard the shots. A volunteer looked out the window of her apartment and saw the body surrounded by soldiers and settlers. She didn’t see a knife. She moved away from the window for a second, and when she returned, there was a knife, she said.

Are soldiers planting knives after the fact, as the Palestinians believe? To the Israeli ear that sounds far-fetched, even an illegitimate question. But let’s ask: Have soldiers and policemen never lied to justify the unjustified arrest or shooting or killing of Palestinians? Israelis find it hard to believe that our soldiers and commanders could lie, until it’s proven otherwise by security cameras or still pictures of which the soldiers weren’t aware.

MICHAEL SFARD, "THE ISRAELI OCCUPATION WILL END SUDDENLY," *HAARETZ*

23 JANUARY 2016

One day the occupation will end. It will probably happen in one fell swoop. And when it happens, it will suddenly emerge that everyone was against it. That the politicians had actually worked to end it, that the journalists strove indefatigably to expose its injustices, that the cultural institutions condemned it courageously and that Israeli academia was a center of persistent resistance, from which the struggle drew ideological and moral backing. In short, everyone was part of the Resistance.

One day the occupation will end, because regimes of this kind are not viable. They are bound to fall, because regimes of suppression, almost by definition, are unstable.

It's true that it's hard to imagine it now, because our rational expectation is to see signs in advance of far-reaching change of this kind, and the fact is that we do not now see such portents. But historical processes do not necessarily follow a linear path.

The ground on which the occupation stands might appear firm. But it's definitely possible that beneath it, close to the crust, fissures are forming. Increasingly wide cracks are being created. Those who stand on that ground do not see them. They think the ground is more firm than ever. And then, with no prior warning, the cracks will widen and the ground will collapse like a Dead Sea sinkhole.

One day the occupation will end, just as apartheid in South Africa was vanquished, as the Berlin Wall fell, without anyone expecting those events even shortly before they occurred.

And then, when the occupation ends, we will discover that it wasn't hundreds of Israelis who demonstrated at the West Bank village of Bil'in,

but tens of thousands. And that everyone supported the B'Tselem rights organization. That's how it is with a bad memory. In the best case, it's repressed, in the worst case, it's replaced by fictitious memory.

And then, when the occupation ends, it's unlikely that we will establish truth and reconciliation committees, because we do not have a tradition of public contrition. After all, we come from a culture in which one apologizes and confesses only on one day a year, and even then it stays between us and the Lord. Still, though, when the occupation ends and we have to rehabilitate Israeli society, we will not be able to do that without acknowledging the sins of the past, without learning from them. The events of recent days show how vast the work of rehabilitation will be, how many scars will require in-depth treatment. And then, when we reformulate the Israeli social contract, we will have to take a hard look at what we did to others and to ourselves, and understand what, as a society, we are capable of.

Without internalizing the crime we perpetrated on millions of people across a generation, without understanding the racism, the fascism and the McCarthyism that sprang up among us, we will not be able to articulate guidelines that will prevent this in the future.

These are trying times. The right wing is burning with the desire to bury any criticism of government policy, in order to ensure that the colonialist occupation becomes an irreversible fait accompli. That desire has now led to a combined, coordinated assault, involving the [use of spies](#), vicious incitement and [Putin-like legislation aimed against the last pockets of resistance to the occupation](#): the organizations of civil society. All the others have already been conquered and silenced or have deserted.

It suddenly emerges that not only is the rhinoceros not in danger of extinction, but that

it has been fruitful and multiplied and has filled the land. Only the stubborn bastions of Breaking the Silence, B'Tselem, Yesh Din, Peace Now and their fellows remain. It's hard not to notice the blood that's drooling from the lips of those who are assaulting these bastions. It's hard not to discern the method of combat whereby the assaulting force destroys all the moral assets of its country along the way. It's hard not to be worried.

But it's precisely now that we must recognize that the brutal onslaught shows that the right wing apparently knows something that we do not know. That they have cause for worry from us. We need to internalize one thing: the strength of both the organizations that are working to end the occupation and of their supporters is greater than we think. The defeatist sarcasm we often hear among members of the anti-occupation camp is unjustified. The tremendous baleful and violent force that is being unleashed against us shows something good about us. Given that in the meantime the hard-core right, the center right and their allies in the pitiful center are not collapsing in the polls—what is the source of this fear and, concomitantly, what is the secret of our strength?

The answer is simple. The world is driven by diverse forces. We vividly see and feel the political, economic and military forces daily. But there are also less visible forces, whose mode of operation is less overt. One of them is actually an idea: that all human beings are equal and that all deserve rights because they are human beings. That idea is responsible for the greatest and most important revolutions in history. It's an idea that operates like dark matter in the universe—in silence. And it, together with those who oppose the occupation, is pushing us to end the occupation and to bring about a substantive change in the way Israeli

society functions. It vests these ostensibly small and weak organizations with inexplicable might. And it will bring about the end of the occupation.

I am not claiming that the occupation will end tomorrow. I don't know when it will happen. It is unfortunately possible that a great deal more blood will be shed along the way. I only know that the struggle has not ended. Not the struggle to end the occupation and not the struggle for the character of Israeli society.

MICHAEL SCHAEFFER OMER-MAN, "A LETTER TO OUR READERS: ON CENSORSHIP," +972 MAGAZINE (EXCERPTS)

15 FEBRUARY 2016

When *+972 Magazine* was formed by a group of journalists and bloggers over five years ago, its founders decided that the site would not have an editorial line or political agenda save for three common denominators to which everyone was willing to commit: human rights, opposing the occupation, and freedom of information.

The first two values are likely evident to almost anyone who stumbles across *+972 Magazine*, and certainly to regular readers. The third value manifests itself primarily behind the scenes, although in its essence is journalism itself.

Late last month, a Facebook account belonging to Chief IDF Censor Col. Ariella Ben Avraham sent a message to *+972 Magazine* and [dozens of new media news sites, blogs and Facebook accounts](#) detailing "the obligation to submit to the censor [for prior review] items relating to security."

Col. Ben Avraham, who only recently assumed the role of chief military censor, appears to be expanding her office's priorities

and taking an aggressive new line against new and social media outlets.

Prior to this article, in more than five years of publication +972 had never submitted anything to the IDF Censor, although we have published materials from other sites that were reviewed by the Censor.

After consulting with counsel, we believe that at this point in time we will have no choice but to submit certain articles to the military censor before publication in the future. And although we are forbidden from publishing the full list of topics that are subject to censorship, they include everything from equipment the army is using in the West Bank, troop movements, the location of rocket strikes, the identities of high-ranking security officials, and certain information about national infrastructure.

If and when the IDF Censor does demand changes to one of our articles we will be forbidden from telling you, our readers, when and where we were censored. And while we begrudgingly accept our legal obligation to submit certain articles for prior review, we plan to fight with our full resources any attempts at actually censoring us.

A PERMANENT STATE OF EMERGENCY

The Israeli military censor draws its authority from emergency regulations that have been in place for over 70 years, which originated in the British Mandate period.

While other countries have formal mechanisms for requesting that journalists refrain from publishing certain information relating to national security, Israel is all but alone among Western democratic states that have a legally binding state censor. Nowhere else must reported materials be submitted for prior review.

Yet censorship is simply the way things have always been done in Israel—a state of affairs

that remained effective and possible as long as there was a limited number of newspapers and broadcasters that needed to be censored.

As the dawn of the Internet age lowered the entry barriers into journalism and the mass distribution of information, however, the practice of state censorship has often devolved into the realm of the absurd. Information censored in traditional media outlets is simultaneously accessible on private blogs, on social media, and in overseas news outlets available to anyone with an Internet connection.

One of the most ludicrous cases in recent years was [the secret arrest of whistleblower Anat Kamm](#), which was an open secret for months until journalists, bloggers and regular citizens lost their patience. The ridiculous ease of bypassing the censor (or in this case a gag order—more on that later) eventually became apparent to anyone walking around Tel Aviv, who would have found graffiti on major boulevards reading: “Google ‘Anat Kamm.’” [. . .]

The previous IDF Censor, who finished her 10-year term at the end of 2015, [made no secret](#) of her desire to see the entire apparatus become obsolete in favor of a more voluntary—and civilian—system, which would bring Israel in line with other democratic countries. The new censor’s vision, it appears, is diametrically opposed. [. . .]

SECRETS SECRETS ARE NO FUN

Censorship’s most severe threat to democracy is that it limits the press’s ability to act as a watchdog over the government and those who otherwise hold power over our lives. State security agencies, the government and individual politicians often bear interests that can be at odds with the public’s own interest, and an independent press acts as a check on state power.

And yet, states *can* have legitimate secrets. For that exact reason, codes of journalistic ethics and responsibility dictate that reporters and editors must always weigh the public's interest to know against the potential harm publication might cause. The problem with prior restraint and state censorship is that it allows the state, and the state alone, to decide what is in the public interest. When that decision-making process is unilateral, the conditions become ripe for the abuse of power, corruption, oppression, and cover-ups of all the above. [. . .]

THE FOREIGN PRESS

The irony of the censorship regime in Israel is that a lot of censored information gets out sooner or later (see: Prisoner X, Anat Kamm, Bus 300, the Lavon Affair, Israel's "reported by the foreign press" nuclear weapons program, and on and on).

The vast majority of the Israeli press complies with the IDF Censor but a significant portion of the foreign press does not. While a number of major international news outlets and wire services do submit security related articles for approval by the IDF Censor, others take what [the New York Times has called](#) the "don't ask/hope they don't tell approach" of ignoring the legal obligation, although even that isn't clear-cut.

Asked whether it has increased enforcement of the censorship law vis-à-vis the foreign press operating in Israel, a representative of the IDF Censor claimed the foreign press already complies. Asked about those that don't, she responded that the IDF Censor "can" file complaints with the police, but declined to say whether such a step has been taken in recent years. "We operate in a democratic country and we know the limits of our manpower," she added.

And while Israel (to the best of our knowledge) has not prosecuted any journalists

for violating the censorship law in recent years, the government has other ways of leveraging compliance.

"You can't work in this country without a Government Press Office card," Foreign Press Association chairman Luke Baker told +972, "and you can't get a Government Press Office card without signing an agreement committing to respect the censorship law."

THE GOVERNMENT DECIDES WHO IS A JOURNALIST

In a number of ways the state is able to influence what information is reported, how it is reported, and who can report it through the Government Press Office (GPO). (Side note: you need a license from the Interior Ministry in order to publish a newspaper in Israel. In the past decade, 62 such applications [were rejected](#).)

Carrying a GPO card gives journalists access to official events, the scenes of newsworthy incidents, is often a condition for cooperation from official spokespeople, and offers protection from arrest while covering protests. In other words, government accreditation makes reporting much safer and more effective. (Foreign journalists must have the GPO's endorsement in order to even receive a visa to work in Israel.)

But by giving itself the power to decide who is a legitimate journalist, the GPO (which operates as part of the Prime Minister's Office) also inherently gets to decide who is *not* a legitimate journalist. And as with any decision made by government bureaucrats subordinate to politicians such decisions can at times be driven by political considerations. [. . .]

But the GPO is not only an office charged with accrediting and liaising with journalists. It is also a political propaganda organ of the Israeli government. According to [a December 2014 Knesset report](#) on official *hasbara* (propaganda)

efforts, “The GPO tries to promote the State of Israel’s hasbara in its work with the foreign press,” an effort on which it spent NIS 36.5 million between 2010 and 2014.

One can only imagine the risks of political intervention and conflict of interest when a government body charged with disseminating propaganda is also responsible for accrediting journalists who might happen to be critical of state policy.

GAG ORDERS

Yet another way Israel obstructs freedom of information and an informed body politic is through gag orders.

The IDF Censor might be looking to expand its reach and authority into social and new media, but it has actually become more timid over the years. For the most part the IDF Censor has raised its threshold of what it is willing to censor, largely limiting its intervention to information it believes could pose an “imminent and immediate danger” to state security.

In response, Israeli security agencies—from the civilian police to the Shin Bet to the army to the Mossad—have increasingly asked the courts to step up and act as the guardian of their secrets.

Today, in 2016, journalists and editors receive at least one gag order a week via email, fax and these days, even by WhatsApp. Unlike the military censor, which will generally only censor the most sensitive details or ask to change the specific wording of a report, court gag orders can be sweeping—barring publication of any detail of an affair, and often covering the existence of the gag order itself.

And unlike in dealings with the IDF Censor, there is generally no press representative (representing the public’s interest to know) to argue against the issuance of gag orders. [. . .]

THE PALESTINIAN PRESS

And yet, everything mentioned here so far is nothing compared to the magnitude and scope of Israeli restrictions and violations against the Palestinian press—both inside Israel and the occupied territories.

Late last year, authorities shut down a number of Arabic-language newspapers and [publications in Israel associated with the Islamic Movement](#). Other publications are subject to close scrutiny by intelligence and security forces.

In the Occupied Territories, the Israeli military regularly [shuts down Palestinian media outlets](#), and destroys and confiscates journalistic and [broadcast equipment](#). Journalists report being [targeted with violence by the military](#). Israeli bloggers might have to submit Facebook statuses for censorship but Palestinian journalists [are being arrested for posting on social media](#). Palestinian reporter [Muhammad al-Qiq is currently near death](#) due to a lengthy [hunger strike against his administrative detention](#)—a practice Israel uses to imprison Palestinians without charge or trial.

Israel also [severely restricts the movement of Palestinian journalists](#). Whereas a GPO card allows Israeli journalists to move through military checkpoints freely, even entering areas of the West Bank where most Jewish Israelis are forbidden from stepping foot, the GPO long ago stopped issuing press cards to Palestinian journalists.

Palestinian journalists do not have the same freedom of movement that their Israeli counterparts have, and reporters of Arab descent have regularly reported [being humiliated with discriminatory strip searches](#) and delays [at official events](#) to which they have been invited.

Israel ranked 101st in Reporters Without Borders’ Press World Freedom Index last year, largely due to its repression of press freedom

among Palestinians. And that is without even mentioning the [far-worse treatment](#) Palestinian journalists face at the hands of the Palestinian Authority and Hamas.

RICHARD FALK, "YOU CAN'T REPORT TRUTHFULLY ON ISRAEL WITHOUT FACING ITS WRATH," THE ELECTRONIC INTIFADA

4 JANUARY 2016

Makarim Wibisono has announced his resignation as UN special rapporteur on human rights in the occupied Palestinian territories, the position I held for six years until June 2014. The Indonesian diplomat [says](#) that he could not fulfill his mandate because Israel has adamantly refused to give him access to the Palestinian people living under its military occupation in the West Bank and Gaza Strip. "Unfortunately, my efforts to help improve the lives of Palestinian victims of violations under the Israeli occupation have been frustrated every step of the way," Wibisono explains.

His resignation reminds me in a strange way of Richard Goldstone's [retraction](#) a few years ago of the main finding in the [UN-commissioned Goldstone report](#), that Israel intentionally targeted civilians in the course of Operation Cast Lead, its massive attack on Gaza at the end of 2008.

I responded to media inquiries by saying that I was shocked, but not surprised. Shocked because the evidence was overwhelming and the other three distinguished members of the UN fact-finding commission stuck by the finding. I was not surprised because I knew Goldstone—a former judge of the South African constitutional court—to be a man of strong ambition and weak character, a terrible mix for public figures who wander into controversial territory.

In Wibisono's case I am surprised, but not shocked. Surprised because he should have known from the outset that he was faced with a dilemma between doing the job properly of reporting on Israel's crimes and human rights abuses and gaining Israel's cooperation in the course of gathering this evidence. Not shocked, indeed grateful, as it illuminates the difficulty confronting anyone charged with truthful reporting on the Palestinian ordeal under occupation, and by resigning Wibisono doesn't allow Israel to get away with neutering the position of special rapporteur.

It is worth recalling that when Wibisono was selected as my successor, several more qualified candidates were passed over. Although the selection guidelines stress expert knowledge of the subject matter of the mandate, Wibisono gained the upper hand precisely because of his lack of any relevant background.

I can only hope that now the UN Human Rights Council will redeem its mistake by reviving the candidacies of Professor [Christine Chinkin](#) and [Phyllis Bennis](#), both of whom possess the credentials, motivation and strength of character to become an effective special rapporteur. The Palestinians deserve nothing less.

HONESTY

When I met with Makarim Wibisono in Geneva shortly after his appointment as special rapporteur was announced, he told me confidently that he had been assured that if he accepted the appointment the Israeli government would allow him entry, a reassurance that he repeated in his resignation announcement.

I warned him then that even someone who leaned far to the Israeli side politically would find it impossible to avoid reaching the conclusion that Israel was guilty of severe

violations of international humanitarian law and of human rights standards, and this kind of honesty was sure to anger the Israelis.

I also told him that he was making a big mistake if he thought he could please both sides, given the reality of prolonged denial of fundamental Palestinian rights. At the time he smiled, apparently feeling confident that his diplomatic skills would allow him to please the Israelis even while he was compiling reports detailing their criminality. He told me that he was seeking to do what I did but to do so more effectively by securing Israel's cooperation. It was then my turn to smile.

FACING THE HEAT

What I discovered during my six years as special rapporteur is that you can make a difference, but only if you are willing to put up with the heat.

You can make a difference by giving foreign ministries around the world the most authoritative account available of the daily realities facing the Palestinian people. By so doing you have to expect ultra-Zionist organizations and others to react harshly, including through a continuous defamatory campaign that seeks by any means to discredit your voice and will mount accusations of anti-Semitism and, in my case, of being a "self-hating Jew."

What both shocked and surprised me was the willingness of both the UN secretary general and U.S. diplomatic representatives at the UN to bend in Israel's direction and join the chorus making such denunciations.

Although periodically tempted to resign, I am glad that I didn't. Given the pro-Israel bias of the mainstream media in the United States and Europe, it is particularly important, however embattled the position, to preserve this source of truth telling.

My hope is that the Human Rights Council will learn from the Wibisono experience and appoint someone who can both stand the heat and report the realities for what they are.

VICTOR GILINSKY, "ISRAEL'S SEA-BASED NUKES POSE RISKS," *BULLETIN OF THE ATOMIC SCIENTISTS*

8 FEBRUARY 2016

The story has been covered extensively in Germany and even in Israel, but it seems to have largely escaped notice in the United States: Israel has acquired a fleet of advanced German submarines that—Prime Minister Netanyahu has signaled—carry nuclear weapons pointed at Iran. The Obama administration's pretense that it knows nothing about any nuclear weapons in Israel makes intelligent discussion about the dangers of nuclear weapons in the Middle East all but impossible. It has also vastly diminished respect for America's broader worldwide effort to control the spread of nuclear weapons.

On January 12 of this year, the *Rahav*, the fifth of six German-built submarines scheduled for delivery, arrived at its base in Haifa. It's an advanced diesel-electric boat that is equipped with air-independent propulsion—that is, it has its own oxygen supply and can stay beneath the surface for weeks, and do so more quietly than a nuclear-powered submarine. Its four extra-large torpedo tubes are sized—by numerous accounts—to fire Israeli long-range nuclear-tipped cruise missiles.

The strategic submarine procurement process started in the early 1990s, around the time of the first Gulf War. Germany's position vis-à-vis Israel became especially awkward when it came to light that German firms had helped Saddam with his poison gas and missiles, some

of which landed in Israel. Germany quickly agreed to pay for the first two submarines, a contribution that was cast as continued reparation for the World War II murder of millions of Jews.

Once the submarines took up their stations, the Israelis did not hide their mission. A 2011 Israeli Ynetnews story described an interview with the submarine fleet's commander under the headline, "Doomsday Weapon: Israel's Submarines." A related Ynetnews story included the following:

Foreign reports suggest that the German subs serve as Israel's "second strike" power and aim to retain its nuclear capabilities, even in cases of an attack on the country. This supposedly serves to deter Iran or any future enemy which has the ability to destroy Israel.

The subject has been aired in the German press. A 2012 series in *Der Spiegel* reported the cruise missiles could reach Iran with a 200-kilogram warhead, a weight that permits a formidable nuclear yield. The German government kept mum.

Any shred of doubt about Israel's possession of nuclear weapons, and about the presence of long-range nuclear missiles on the German-supplied submarines, got erased at last month's ceremony celebrating the *Rahav's* arrival. The official speeches demonstrated that Israel's nuclear weapons are no longer weapons of last resort, kept out of sight and only used *in extremis*; they are now integrated into its overall strategy. Prime Minister Netanyahu said the "submarine fleet is used first and foremost to deter our enemies who strive to extinguish us. . . . They must know that Israel is capable of hitting back hard against anyone who seeks to hurt us." There is little doubt who "they" are. The Israeli leadership's fixation with the threat

of nuclear weapons in Iran's hands has filled the news for years.

For the deterrent to work, Iran has to be aware of it, ergo the invulnerability of the undersea nuclear force has to be publicized, even flaunted. Leaving out the word "nuclear" doesn't detract from the usefulness of the warning, while—such is human psychology—allowing Israel's suppliers and supporters to maintain their pretense of ignorance. Had Netanyahu blurted out the truth, Germany would not have been able politically to continue to supply the submarines.

The U.S. government, which has to be aware of the submarine's nuclear role, has remained silent. The United States has consistently shielded Israel's nuclear force from criticism in international arenas, squelching any effort to raise the subject; the taboo on discussing Israeli nuclear weapons apparently extends to the inner reaches of the U.S. government. While the United States proclaims the Non-Proliferation Treaty (NPT) as the "cornerstone" of its nonproliferation policy and claims "unwavering" support for a Middle East nuclear weapon-free zone, America's real policy is different: it aims to protect Israel's monopoly on nuclear force in the area. That hypocrisy is not lost on the rest of the world, most of which takes a cynical view of U.S. motives in pursuing nonproliferation.

This U.S. policy carries a very real risk: as one of the four NPT holdouts (the others being India, North Korea, and Pakistan), Israel is also one of the countries most likely to use nuclear weapons against an adversary. All four of these non-signatories are involved in bitter disputes. While they all speak of using their weapons for deterrence, they do not rule out use of the weapons in response to non-nuclear provocation. Israel describes its sea-based nuclear missiles (omitting "nuclear," of course)

as a secure second-strike force. But a “second-strike” force in a tiny country that can be effectively eliminated by one nuclear weapon is bound to be an especially forward-leaning one. It makes for a dangerous state of affairs.

The essential first step in dealing with this danger—discussing it—is for the U.S. government to acknowledge Israel’s nuclear weapons. Ending the pretense would lance the hypocrisy that so gravely undermines U.S. efforts to control the spread of nuclear weapons and their means of delivery.

CORA CURRIER AND HENRIK MOLTKE, “SPIES IN THE SKY: ISRAELI DRONE FEEDS HACKED BY BRITISH AND AMERICAN INTELLIGENCE,” THE INTERCEPT (EXCERPTS)

28 JANUARY 2016

American and British intelligence secretly tapped into live video feeds from Israeli drones and fighter jets, monitoring military operations in Gaza, watching for a potential strike against Iran, and keeping tabs on the drone technology Israel exports around the world.

Under a classified program code-named “Anarchist,” the UK’s Government Communications Headquarters, or GCHQ, working with the National Security Agency [NSA], systematically targeted Israeli drones from a mountaintop on the Mediterranean island of Cyprus. GCHQ files provided by former NSA contractor Edward Snowden include a series of “Anarchist snapshots”—thumbnail images from videos recorded by drone cameras. The files also show location data mapping the flight paths of the aircraft. In essence, U.S. and British agencies stole a bird’s-eye view from the drones.

Several of the snapshots, a subset collected in 2009 and 2010, appear to show drones carrying missiles. Although they are not clear enough to be conclusive, the images offer rare visual evidence to support reports that Israel flies attack drones—an open secret that the Israeli government won’t acknowledge.

“There’s a good chance that we are looking at the first images of an armed Israeli drone in the public domain,” said Chris Woods, author of *Sudden Justice*, a history of drone warfare.

“They’ve gone to extraordinary lengths to suppress information on weaponized drones.”

The Intercept is publishing a selection of the drone snapshots snapshots [in an accompanying article](#). [. . .]

Anarchist operated from a Royal Air Force installation in the Troodos Mountains, near Mount Olympus, the highest point on Cyprus. The Troodos site “has long been regarded as a ‘Jewel in the Crown’ by NSA as it offers unique access to the Levant, North Africa, and Turkey,” according to an article from GCHQ’s internal wiki. Last August, the Intercept [published](#) a portion of a GCHQ [document](#) that revealed that NSA and GCHQ tracked weapons signals from Troodos, and earlier reporting on the Snowden documents [indicated](#) that the NSA targeted Israeli drones and an Israeli missile system for tracking, but the details of the operations have not been previously disclosed.

“This access is indispensable for maintaining an understanding of Israeli military training and operations and thus an insight to possible future developments in the region,” a GCHQ report from 2008 enthused. “In times of crisis this access is critical and one of the only avenues to provide up to the minute information and support to U.S. and Allied operations in the area.”

GCHQ documents state that analysts first collected encrypted video signals at Troodos

in 1998, and also describe efforts against drones used by Syria and by Hezbollah in Lebanon. [. . .]

But much of Anarchist's focus was on Israel. The drone-watching documented in the GCHQ files covered periods of Israeli military offensives in Palestine, and also indicates that the intelligence agencies monitored drones for a potential strike against Iran.

The documents highlight the conflicted relationship between the United States and Israel and U.S. concerns about Israel's potentially destabilizing actions in the region. The two nations are close counterterrorism partners, and have a [memorandum of understanding](#), dating back to 2009, that allows Israel access to raw communications data collected by the NSA. Yet they are nonetheless constantly engaged in a game of spy versus spy. Last month, the *Wall Street Journal* [reported](#) that, although President Obama had pledged to stop spying on friendly heads of state, the White House carved out an exception for Israeli Prime Minister Benjamin Netanyahu and other top Israeli officials. Michael Hayden, former head of the CIA and NSA, told the *Journal* that the intelligence relationship with Israel was "the most combustible mixture of intimacy and caution that we have."

GCHQ and the Israeli Defense Forces declined to comment. The NSA acknowledged receipt of an inquiry but did not respond to questions by the time of publication.

DRONE'S-EYE VIEW

On January 3, 2008, as Israel [launched](#) airstrikes against Palestinian militants in Gaza, U.S. and British spies had a virtual seat in the cockpit.

Satellite surveillance operators at [Menwith Hill](#), an important NSA site in England, had been tasked with looking at drones as the Israeli

military stepped up attacks in Gaza in response to rockets fired by Palestinian militants, according to a 2008 year-end summary from GCHQ. In all, Menwith Hill gathered over 20 separate drone videos by intercepting signals traveling between Israeli drones and orbiting satellites. The NSA's internal newsletter, *SIDToday*, [enthusiastically reported the effort](#), noting that on January 3, analysts had also "collected video for the first time from the cockpit of an Israeli Air Force F-16 fighter jet," which "showed a target on the ground being tracked." Menwith Hill had worked "closely with a GCHQ site in Cyprus for tip-offs."

In July 2008, GCHQ ordered Anarchist technicians to look for drones flying over a number of "areas of interest," including the Golan Heights (a region of southwest Syria seized by Israel in the 1967 Six-Day War), the occupied Palestinian territories of the West Bank and Gaza Strip, and Israel's borders with Lebanon and Syria.

"Due to the political situation of the region there is a requirement for Israeli UAV operations in certain areas to be intercepted and exploited so that assessments can be made on what possible actions maybe [*sic*] taking place," read the request, dated July 29, 2008. The memo asked for analysts to record and send video to GCHQ, along with ground plots showing where the drones had flown, and information about the signal.

Anarchist operators were able to snag the feeds of several different types of Israeli drones, according to an Intercept analysis of the snapshots and presentations from GCHQ summarizing Troodos achievements. The 20 snapshots identified by the Intercept in GCHQ files include several video stills clearly taken from Israeli drones, dating between February 2009 and June 2010.

According to one GCHQ presentation, technicians first collected signals from a Heron TP in February 2009. Intercepted images indicate that they also picked up video from other models and configurations of the Heron, and from the [IAI Searcher drone](#). Another GCHQ presentation shows that by 2009, technicians had tapped into data from Hermes drones, manufactured by the Israeli company [Elbit systems](#). In January 2010, Troodos reported that in the previous six months they had collected data from the [Aerostar](#) tactical drone and the Orbiter mini-drone, both made by the Israeli company Aeronautics.

In several snapshots of the Heron TP, there are objects under the wings that appear to be mounts for missiles or for other equipment such as sensors. In one image, from January 2010, a missile-shaped object is clearly visible on the left wing, while the mount on the right appears to be missing its load.

The Heron TP, which the *Jerusalem Post* [described](#) as “the drone that can reach Iran,” has an 85-foot wingspan—larger than that of the Reaper, the largest armed drone flown by the United States Air Force—and can carry a one-ton payload. Israel recently reached an agreement to sell [armed](#) versions of the TP to India.

Pieter Wezeman, a senior researcher on arms transfers with the Stockholm International Peace Research Institute, told the Intercept that the items visible under the wings in the snapshots “appear to have the kind of fins such missiles have,” but noted that “there could be other payloads that could be fitted in the same position.” Chris Woods, the drone history author, said that they could be sensor pods for intelligence gathering.

It has been widely reported that Israel launches attacks from the smaller Hermes 450s, although the GCHQ documents do not specify

whether the Hermes drones recorded at Troodos were armed.

[Reports surfaced](#) of Israel launching missiles from drones in Gaza as far back as 2004, and more than a decade later, drones have become a fact of life for residents. Chris Cobb-Smith, a former British army officer who has investigated drone strikes in Gaza for human rights groups, said that “during periods of tension, you can seldom go outside without the buzz of drones overhead.” A Gaza City bar owner complained to the *Washington Post* in 2011 that drone patrols often interfered with his satellite TV signals. In 2014, the London *Telegraph* [reported](#) that 65 percent of Israel’s air combat operations were conducted by drones. Yotam Feldman, an Israeli filmmaker who made a [documentary](#) about Israel’s drone industry for Al Jazeera last year, said that he has been told the figure is even higher.

During Operation Cast Lead, a three-week Israeli offensive that began in December 2008, Human Rights Watch [reported](#) dozens of Palestinian civilian deaths from drone strikes. In diplomatic cables released by WikiLeaks, [an Israeli commander told a U.S. State Department official](#) that a “UAV fired two missiles” against militant operatives outside a mosque, and that shrapnel from the strike hit civilians.

Yet the Israeli government still maintains an official stance of secrecy (a tactic akin to the United States’ [refusal](#) to formally acknowledge its drone program until 2013, despite years of reporting and commentary on it). In [sanctioned interviews](#), Israeli military personnel are careful to describe the drones they fly as being used for surveillance and marking targets for manned warplanes to strike. Aviation and defense bloggers are left [speculating](#) about blurred [photos](#) and [industry rumors](#) about how drones might be equipped with missiles. The Israeli media is subject to a strict censorship regime,

and the military does not allow mention of armed Israeli drones, unless quoting foreign sources.

“Releasing full details about which munitions were used and how they were used can raise many other questions about these attacks—about the targets, about what the army calls collateral damage, about the command chain,” said Feldman, the Israeli filmmaker. “I think it is really the Israeli military throwing sand in the eyes of outside observers on Israeli strikes.” [. . .]

Israel leads the [world in drone exports](#), and capabilities Israel developed would soon be passed to other countries. Its companies aggressively [market](#) the potential attack capabilities of their aircraft. In September, India [made arrangements](#) to buy 10 armed Heron TPs. This month, Germany’s defense minister, Ursula von der Leyen, announced that the country would lease several TPs, citing the aircraft’s attack capabilities. “This will be the standard in the future,” von der Leyen said.

By most accounts, Israel, the [United States](#), the [United Kingdom](#), and [Pakistan](#) are the only countries known to have used drones for deadly attacks. But dozens of countries are [believed](#) to be developing armed drones, so that club likely won’t stay small for long.

RAHUL SAKSENA, “IS NEW YORK STATE ABOUT TO CREATE A BLACKLIST OF BDS SUPPORTERS?” *THE NATION*

10 FEBRUARY 2016

New York lawmakers, seemingly baffled by the global boycott, divestment, and sanctions (BDS) campaign for Palestinian freedom, are despairing for the good old days of McCarthyism, when speech was suppressed and

activists’ livelihoods endangered with the simple creation of a blacklist.

In January, the New York State Senate overwhelmingly voted to resurrect McCarthyism by passing a bill aimed at suppressing BDS in the United States and abroad. The bill proposes prohibiting the state from contracting with or investing in individuals, companies, and organizations that abide by boycott campaigns related to Israel’s abuses of Palestinian rights and violations of international law (including in the occupied territories). While the bill targets boycotts against a broader list of “allied nations,” it is clear from the official memo accompanying the bill and from lawmakers’ public comments that the bill’s true target is BDS.

If passed by the New York State Assembly and signed into law by Governor Cuomo, this bill would also require New York State to create and maintain an online list of human-rights activists, organizations, and companies that engage in, promote, or encourage others to support BDS. “Such list, when developed and published,” the [text of the bill](#) states, “shall be posted on the website of the office of general services.” The blacklisting police will be back—tucked away in some state building in Albany no doubt—monitoring our #BDS tweets.

New York is not alone. A wave of anti-BDS legislation has been introduced, and in some cases passed, in Congress and in state legislatures across the country, including Illinois, Florida, Pennsylvania, California, Indiana, and Virginia. Why?

For nearly half a century, Palestinians in the occupied territories have lived under a repressive and discriminatory Israeli military regime that denies them the most basic of rights, including the right to self-determination, the right to move freely in their own land, and the fundamental right to due process. At the

same time, there are now approximately 650,000 Jewish-Israeli settlers living on occupied Palestinian land in the West Bank, in violation of international law and official U.S. policy, and despite near universal international condemnation. These settlers enjoy full rights of Israeli citizenship, while Palestinians living nearby are ruled by what amounts to an Israeli military dictatorship. The relentless expansion of Israel's settlement enterprise and the massive apartheid wall Israel has been erecting on Palestinian land have exposed the Israeli leadership's disdain for a two-state solution.

Meanwhile, Palestinian citizens of Israel—those who remained in what became Israel following the *Nakba*, or “catastrophe,” when approximately 750,000 Palestinians were uprooted or expelled from their homes in order to establish a Jewish-majority state in 1948—suffer from widespread, systematic and institutionalized discrimination. And millions of Palestinian refugees and their descendants—many still living in refugee camps today—are denied the right to return, a right guaranteed under international law.

Despite abundant and repeated condemnation of Israeli policies by the United Nations and virtually every major human-rights organization in the world, the global community has failed to achieve a just resolution for Palestinians or to hold Israel accountable and enforce compliance with international law.

Because of this, in 2005 a broad coalition of Palestinian labor unions, student and women's groups, political parties, and other organizations called upon people of conscience throughout the world to support a grassroots campaign to boycott and divest from companies and institutions that profit from and perpetuate Israel's abuses of their human rights, and to demand sanctions against Israel until

Palestinian rights are recognized in full with an end to the occupation, equal rights for Palestinian citizens of Israel, and the right of return assured for Palestinian refugees. BDS, inspired by the U.S. civil rights movement and the struggle against apartheid in South Africa, seeks to use peaceful tactics to secure Palestinian rights and freedom.

BDS is gaining momentum on campuses and in communities across the United States, with alliances strengthening at the grassroots level between Palestinian human rights activists and the labor, racial-justice, immigrant-rights, faith-based, and LGBTQ liberation movements.

Alarmed by these developments, Israel's fiercest advocates have been attempting to use legal and other means to suppress BDS. Instead of engaging in a debate about BDS on its merits, these groups are effectively seeking to silence criticism of Israel and maintain the status quo. If there is no open, honest discussion of BDS and Palestinian freedom and human rights, then U.S. public opinion won't shift on the issue. And if public opinion doesn't shift, then no one will challenge the fact that the United States enables the occupation of Palestine, in part by sending over \$3 billion in military aid—an amount soon to rise—to Israel each year to maintain it. For Israel, the status quo is a pretty good deal.

But public opinion in the United States is shifting away from Israel, particularly among young people, liberals and progressives, and people of color. More and more Americans are fed up with the status quo and unconditional U.S. support for Israel, and are looking for alternative ways like BDS to end the conflict. A November 2015 poll found that 49 percent of Democrats support either imposing economic sanctions or engaging in some other form of action against Israel over settlement

construction, while a November 2014 poll found that 39 percent of all Americans felt the same. And it's not just the grassroots of the Democratic Party that's changing. According to a July 2015 [poll](#) conducted by Frank Luntz, 31 percent of Democratic Party "opinion elites" said they supported BDS when it was explained to them. Even Republicans are far less supportive of Israel than conventional wisdom holds. According to the same November 2015 poll, just 45 percent of Republicans want the United States to take Israel's side diplomatically in its conflict with the Palestinians, with that number dropping to 36 percent when Evangelical voters are omitted.

Faced with this reality, Israel advocacy groups have been doubling down to crush BDS. My organization, Palestine Legal, documents the attempted suppression of Americans working for Palestinian human rights. In 2015, [we responded to 240 incidents of suppression](#), which included baseless legal complaints, administrative disciplinary action in the university context, and false accusations intended to malign those who support Palestinian rights.

Backed by the likes of billionaires Haim Saban and casino mogul Sheldon Adelson, anti-BDS groups are pouring tens of millions of dollars into efforts to silence speech critical of Israel and to quash Palestine human-rights activism in the United States. Adelson and Saban, heavy political contributors to Republicans and Democrats, respectively (Saban is a major funder of Hillary Clinton), are likely well aware that in the past year at least two dozen pieces of legislation aimed at punishing those who support BDS have been introduced in legislatures across the country.

There's just one problem: the Supreme Court has long held that advocating for boycotts to bring about political, social, and economic

change—like BDS—is [protected by the First Amendment](#). Passing a law that penalizes or chills our First Amendment right would violate constitutional protections.

Apparently that doesn't matter to New York state senators, the vast majority of whom voted to pass the anti-boycott blacklisting bill. By doing so, those state senators sent a clear message: shielding Israel from accountability for its human-rights abuses is more important than protecting basic rights afforded to Americans by the U.S. Constitution, let alone the rights of Palestinians. (Kudos to the six black and Latino lawmakers who did the right thing by voting against the bill.)

Fortunately, the strategy of shutting down speech critical of Israeli human-rights abuses, while perhaps effective in state legislatures and university administration buildings, cannot and will not stop BDS.

Student bodies at more than 25 colleges and universities have passed resolutions calling for divestment from Israeli and other companies that profit from Israel's denial of Palestinian freedom and rights. Religious institutions including the Presbyterian Church (USA) and the United Church of Christ have voted to divest from corporations implicated in supporting Israel's occupation, and the United Methodist Church divested its pension fund from several Israeli banks over their ties to settlements. Human Rights Watch recently released a [report](#) urging businesses to cease operations in settlements.

All of these groups and the individuals involved would be blacklisted under the New York bill; they would be added to the public roster of "persons . . . that have engaged in the boycotting of [an] allied nation." So would prominent human rights activists, artists, and academics around the world, including Archbishop Emeritus Desmond Tutu, Alice

Walker, and Roger Waters. Many readers of the *Nation* would be blacklisted too.

Instead of protecting and advancing civil and human rights, our elected officials in Albany and around the country are taking steps to punish First Amendment-protected activity and blacklist human-rights activists. The lawmakers who support these bills are not only out of touch with the growing numbers of Americans who support BDS, they are also out of touch with the U.S. Constitution and the growing chorus of voices around the world calling to uphold fundamental Palestinian rights.

JOSH RUEBNER, "LABELING ISRAELI SETTLEMENT PRODUCTS IS U.S. LAW, TOO," *THE HILL*

23 DECEMBER 2015

Last month, the European Union published [guidelines](#) stipulating that products made in Israel's illegal settlements in the occupied Palestinian West Bank and East Jerusalem cannot be labeled "Made in Israel." Instead, the labeling must clearly indicate that they were produced in an Israeli settlement.

Although the guidelines do not ban the importation of Israeli settlement goods and the EU explicitly stated that it "does not support any form of boycott or sanctions against Israel," dozens of members of Congress have castigated the EU's decision and inaccurately portrayed it as a victory for the Palestinian civil society-led boycott, divestment and sanctions (BDS) movement.

On Nov. 9, Sens. [Ted Cruz](#) (R-Texas) and [Kirsten Gillibrand](#) (D-N.Y.) sent a bipartisan [letter](#) signed by 36 senators to [Federica Mogherini](#), the EU's High Representative for Foreign Affairs and Security Policy, slamming the impending guidelines as a "de-facto boycott

of Israel" which "would prejudge the outcome of future negotiations."

On Nov. 10, Rep. [Doug Lamborn](#) (R-Colo.) and 35 other colleagues sent a sterner [letter](#) to Mogherini, claiming the EU's guidelines would "promote restrictive and illegal trade measures against Israel."

And on Nov. 12, Sens. [Rob Portman](#) (R-Ohio) and [Ben Cardin](#) (D-Md.) and Reps. [Peter Roskam](#) (R-Ill.) and [Juan Vargas](#) (D-Calif.), the initiators of a [successful effort](#) earlier this year to make opposition to BDS a principal trade negotiating objective of the United States, [urged](#) the U.S. Trade Representative to "express opposition" to the EU guidelines. In their exuberance to defend Israel's illegal settlements, however, these members of Congress conveniently overlooked the fact that the United States adopted similar labeling requirements—more than 20 years ago.

In April 1995, the U.S. Customs Service issued a [notice of policy](#) in the Federal Register requiring that goods "produced in the territorial areas known as the West Bank or Gaza Strip shall be marked as 'West Bank,' 'Gaza,' or 'Gaza Strip,'" and "shall not contain the words 'Israel,' 'Made in Israel,' 'Occupied Territories-Israel,' or words of similar meaning." Customs further noted that a failure to conspicuously label the country of origin correctly in accordance with these requirements would lead to a 10 percent ad valorem duty levied on the product.

Although the U.S. regulations do not mandate that settlement products be marked as such like the EU regulations, U.S. law is quite clear on the subject: Israeli settlement products cannot be passed off to U.S. consumers as "Made in Israel" and any exporter doing so will not enjoy duty-free treatment under the terms of the U.S.-Israel Free Trade Agreement.

In a recent Congressional Research Service [report](#) on this subject, the executive branch

reaffirmed that “if a good is produced in the West Bank or Gaza, it remains a product of such no matter who produced it and no matter from where it is shipped . . . goods produced in the West Bank or Gaza should be labeled as such (and not as ‘Made in Israel’).”

Requiring that Israeli settlement products are labeled accurately as originating from the West Bank does not constitute a boycott or sanction against Israel or its settlements, congressional claims to the contrary notwithstanding. Omar Barghouti, the cofounder of the BDS movement, criticized the EU for explicitly failing to boycott or sanction Israeli settlement products in its guidelines. “Labeling the illegal products of Israeli colonies instead of banning them,” he [wrote](#) in *Politico*, “is seen by Palestinians as yet another EU failure to uphold European and international law.”

Nevertheless, ensuring that Customs enforces U.S. law and prohibits Israeli settlement products from being fraudulently marketed to U.S. consumers as “Made in Israel” is an important and necessary step to put teeth behind five decades of rhetorical yet feckless U.S. opposition to Israel’s illegal settlements.

First, this move will empower U.S. consumers to make an informed political and ethical decision about whether they want to financially support Israel’s ongoing dispossession of Palestinians through the colonization of their land.

Second, enforcing this law will lay the groundwork for more concerted and meaningful U.S. actions against Israel’s illegal settlements. These steps could include strengthening U.S. labeling guidelines to require Israeli settlement products be explicitly marked as such, removing Israeli settlement products from the purview of the U.S.-Israel Free Trade Agreement altogether, and eventually banning their importation.

These steps against goods produced in Israel’s illegal settlements should be coupled with [additional measures](#) to oppose Israeli settlements and the violence settlers routinely inflict on Palestinians. For example, the State Department, which since 2010 has included Israeli settler attacks against Palestinians in its annual report on terrorism, should add organizations that support, advocate for or participate in such terrorist attacks to the list of Foreign Terrorist Organizations. And the Treasury Department should investigate individuals involved in these terrorist attacks and add them to its list of Specially Designated Nationals, a move that would freeze their U.S. assets and prohibit U.S. persons from dealing with them.

In addition, the IRS should investigate the dozens of U.S. organizations designated as 501(c)(3) charities which funnel money to Israeli settlements. A recent [investigation](#) by the Israeli newspaper *Haaretz* documented more than 50 such organizations pouring more than \$200 million into Israel’s colonization project between 2009 and 2013. At a minimum, these organizations should be stripped of their tax-deductible status for supporting the distinctly non-charitable purpose of driving Palestinians from their land.

Any of these sensible policy recommendations will undoubtedly meet vociferous opposition from members of Congress who protect and promote Israel’s illegal colonization of Palestinian land. But significant support exists among the American public for taking such actions. A recent public opinion [poll](#) by the Brookings Institution found that 37 percent of all Americans—and half of all Democrats—favor economic sanctions or more “serious action” to protest Israeli settlements.

If the United States truly opposes Israel’s illegal colonization of occupied Palestinian

land, then it is long past time to take meaningful action.

DAVID SMITH, "GAZA ACTIVISTS' LAWSUIT ARGUES ISRAEL ATTACKED U.S. TERRITORY IN RAID ON SHIP," *THE GUARDIAN*

12 JANUARY 2016

Four activists are attempting to make legal history by arguing that Israel attacked American territory when it [raided a U.S.-registered ship carrying humanitarian aid to Gaza](#) six years ago.

The group said they were shot with rubber bullets, Tasered and handcuffed by masked commandos during a "terrifying" midnight assault on their vessel, part of [a flotilla seeking to break Israel's naval blockade](#) in 2010. One was injured by a stun grenade that exploded one foot from his head, he said, causing permanent partial loss of sight in one eye.

Several legal actions have been launched since the May 2010 incident, in which nine Turkish activists died on the *Mavi Marmara* ship, but none have succeeded. In 2014, the [International Criminal Court decided not to investigate](#) because the alleged crimes were not considered to be of "sufficient gravity."

However, the four plaintiffs—three U.S. citizens and one from Belgium, who were among 17 people sailing on the small *Challenger I*—will argue that because they were sailing on an American-registered, American-flagged vessel in neutral waters, they were in American territory. As an infringement of U.S. sovereignty the raid was, in effect, no different from an Israeli raid on Times Square.

"The fact of claiming jurisdiction because it's a U.S.-owned vessel is a novelty and possibly unprecedented," said lawyer [Sir Geoffrey Nice](#), working on the case with London-based law

firm [Stoke & White](#). "[If] you're under a flag it means you're entitled to the protection of the state, and vessels are entitled to protection on the high seas."

The group has filed a civil claim in Washington for damages against the State of Israel. They are seeking compensation for harm and distress, injuries and losses caused by the botched raid. [Israel](#) has refused to acknowledge responsibility and liability for the maritime assault and has not paid any compensation to those directly affected.

[Huwaida Arraf](#), 39, one of the plaintiffs, recalled: "At around midnight, the Israelis radioed us and I gave them the information we were asked for: we were unarmed civilians carrying only humanitarian aid, not in Israeli waters, so do not attack us. I repeated it many times. They went quiet for three hours. Then there were helicopters above us."

Israeli navy Zodiac boats caught up with *Challenger I* and it was boarded by masked commandos, she continued. Arraf, a lawyer and human rights activist who has lived in the [Palestinian territories](#), said she was physically abused by Israeli soldiers who slammed her head against the deck of the ship and stood on it before handcuffing and hooding her.

"I was screaming to them, 'This is an American ship!' There was shooting all over the place and I was afraid a gun would go off in my face. I was dragged and my head was pounded into the boat. They had me handcuffed and hooded and pinned to the deck. They were really rough and I was screaming."

The civil claim states one passenger was shot five times in the back with rubber bullets, and that a soldier forced a passenger's face into broken glass on the desk and then stood on both her head and back. Although the passengers offered no resistance, it says, at least two were Tasered, resulting in burns and vomiting.

Arraf alleged that the Israel Defence Force[s] confiscated cameras, phones, radio equipment and other personal items as well as humanitarian supplies, none of which was given back.

Challenger I itself has never been returned to its American owners and is still being held in Israel.

Describing the motivation for the lawsuit, she said: “It was not only terrifying and very violent but completely unnecessary, the way they attacked us, and someone needs to be held accountable. Israel is never held accountable and is given free rein and there needs to be an end to that. It’s about sending a message to Israel: it can’t continue to do this; it can’t act with impunity.”

Margriet Deknopper, a Belgian citizen, was shot in the face with a rubber bullet which broke her nose. David Schermerhorn, who suffered permanent eye damage, said: “Basic rights should be recognised and upheld by our U.S. courts. We want those among the Israeli authorities responsible for the attack on *Challenger I* to be held accountable for their egregious actions. They should not be allowed to attack unarmed civilians with impunity, as well as steal humanitarian aid and personal belongings.”

Lawyers for the group have said the case is groundbreaking because it relies on an exception in the Foreign Sovereign Immunities Act (FSIA) to sue a foreign state for serious violations occurring in the U.S., in this case a U.S.-flagged ship that comes within the reach of U.S. law.

Steven Schneebaum, U.S. counsel for the plaintiffs, posed the question: “Is a vessel flying a U.S. flag in the high seas in the U.S.? There is certainly international authority to suggest yes.” He elaborated: “States are generally immune from suit in United States courts. But that immunity is waived in a number of circumstances. When agents of foreign governments commit wrongful acts in the United States that cause personal injury, and

egregious acts against U.S. nationals anywhere in the world, they are not entitled to immunity. We contend that both of those exceptions apply to the facts of this case.”

The case could set a legal precedent, he added. “It would show the exception for personal injuries applies on a ship just as it does in Times Square. Secondly, at this moment no court has concluded Israel was responsible for this action.”

Professor Ralph Steinhardt, an international law expert at George Washington University and member of the plaintiffs’ legal team, said: “Israel is a sovereign state, which gives it certain rights and powers. But that certainly does not include the right to attack a civilian vessel flying the flag of the United States on the high seas and then to assault the civilians on board, including U.S. citizens.

“The attack on *Challenger I* was a patent violation of international law, including the laws of war, human rights, and the law of the sea. It falls to the courts of the United States to enforce the rules when—as here—Congress has given jurisdiction to those courts. If the situation were reversed, and the United States had attacked an Israeli vessel on the high seas and mistreated the Israeli citizens abroad, the Israeli Foreign States Immunity Law would open Israeli courts to a suit against the United States.”

Israel has said it maintains the maritime blockade of Gaza and its 1.8 million residents as a security measure against militant attacks and smuggling. A report on the attack released by the UN Human Rights Council in September 2010 found that “the force used by the Israeli soldiers in intercepting the *Challenger I* . . . was unnecessary, disproportionate, excessive and inappropriate, and amounted to violations of the right to physical integrity.” The Israeli embassy in Washington did not respond to a request for comment.
