



From Confusion to Clarity: Three Pillars for Revitalizing the Palestinian National Movement

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The Palestinian national movement is in a state of crisis. The sovereign, independent state, which has been its goal for more than 30 years, may finally be forever out of reach. The Oslo Accords, the set of agreements manqué designed to facilitate a negotiated peace, have become a massive burden and source of confusion, trapping Palestinian institutions in a system of cooperation with a dysfunctional process that allows for the gradual dispossession of their own people. Despite mounting and coalescing challenges from successive Israeli rightwing

governments, and now a sympathetic Trump administration, the Palestinian body politic remains too weak and divided to face down these challenges and reorient itself to pursue a new national agenda. Palestinians must immediately put their house in order. This starts by dispelling the confusion that has amassed around Palestinian institutions, representation, and relations as a result of the Oslo Accords. By bringing clarity to these three pillars, Palestinians will be on better footing to reinvigorate their national movement so that it may serve their collective interests, and to articulate a clear, unifying vision of the future.

KEY RECOMMENDATIONS

- **Institutional Clarity:** Decouple the Palestinian National Authority (PA) from the Palestine Liberation Organization (PLO), and prohibit officials from holding leadership positions in both institutions. Clearly demarcate the roles and status of both the PA and the PLO, restoring PLO primacy over national politics and decision-making.
- **Representational Clarity:** Reconcile Palestinian factions at the PLO level by: reforming the electoral system and holding elections as soon as possible; restructuring the PLO to be more representative; and creating a public space for the exchange of ideas and political platforms.
- **Relational Clarity:** Through the PLO, reassess and reposition the Palestinian relationship to Israel outside of the Oslo framework based on non-cooperation; consider redefining the nature of Israel's regime and the Palestinian position within it.

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INTRODUCTION

The signing of the Oslo Accords in the mid-1990s between Israel and the Palestine Liberation Organization (PLO) ushered in a period of both promise and confusion, especially for the Palestinians. The creation of the Palestinian National Authority (PA), a transitional government of limited self-rule in the occupied territories, added an institutional layer to Palestinian politics that quickly became difficult to distinguish from the PLO, in no small part because the leadership of both entities was the same.

Over time, Palestinian representation also suffered from this institutional ambiguity, with the PLO, the representative of all Palestinians, subsumed by the far more parochial PA. Subsequent events led to the rupture of the Palestinian body politic, the deterioration of the democratic process in the occupied territories, and the strengthening of authoritarianism in both the West Bank and Gaza Strip, all of which have undermined the legitimacy of Palestinian representation.

The Oslo Accords also reconfigured the relationship between Palestinians and Israel, which, pursuant to the agreements, became partners in the peace process. Yet this relational shift was far from clear given that Israel continued its military occupation of Palestinian territory, which is still ongoing more than two decades later, for the duration of the negotiating process.

Today, the peace process is dead. The Oslo Accords are no longer operable,² reflecting neither the reality on the ground nor the trajectory of the conflict. Yet the effects of the Accords continue to confound Palestinian political life, which is facing an unprecedented level of division and dysfunction. The Palestinian political leadership is unable to address the range of pressing challenges it now confronts.

The most significant of these stems from the mounting realization that an independent Pal-

estinian state may be forever out of reach. If this is true, it raises profound questions for all parties, but especially for the Palestinians: Where do they go from here? What do they do with the state-building project that has consumed so much energy and so many resources? How do they revitalize and reorient their national movement?

Figure 1:

West Bank: What a One State Really Looks Like



KEY
 Areas A and B
 Area C

Source: United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "The West Bank including East Jerusalem and the Gaza Strip," accessed November 30, 2019, www.ochaopt.org

BACKGROUND

While these questions would be difficult to answer under any circumstances, the complete disarray of Palestinian politics at this moment has rendered such a task almost impossible.

The Palestinians' two main institutional bodies, the PLO and PA, are weak, divided, stagnant, and dysfunctional. In the West Bank, the Fatah-dominated PA-government exercises limited autonomy over an archipelago of ghettoized enclaves separated by Israeli-controlled territorial zones and connected by an Israeli-controlled transit system.³ In Gaza, Hamas rules over a single, larger ghettoized enclave that has been under siege by Israel, with cooperation from Egypt, for 12 years. Neither side appears capable on its own of reversing these adverse circumstances.

The political and territorial rupture that occurred in 2007 between these two factions has paralyzed the democratic process and institutional governance.⁴ PA elections have not been held in 13 years. The PA president and PLO chairman, Mahmoud Abbas, rules by decree without legislative or judicial constraint. Not surprisingly, without elections the PA is facing an acute crisis of legitimacy. Contending with growing dissatisfaction and unrest, politics in both the West Bank and Gaza Strip have become increasingly authoritarian and repressive.⁵

Beyond the challenge of reorienting the national movement, this weak and divided Palestinian body politic faces a growing set of challenges on the ground. Successive rightwing governments in Israel seek to secure permanent control over the West Bank, and the Trump administration aims to “fundamentally reframe” the U.S. approach to the conflict by “downplaying [the] political and national” concerns of Palestinians and by supporting the agenda of the Israeli settler movement.⁶

As the population of Israeli settlers has expanded almost four-fold since the start of the Oslo pro-

cess,⁷ the calls have grown louder to formally incorporate into Israel the territory on the West Bank where those settlements have been established, a portion of land designated “Area C” under the Accords. Area C comprises more than 60 percent of the West Bank and is essential to the establishment of a viable Palestinian state. Yet more than 620,000 settlers are now living there illegally in more than 240 dispersed settlements, including in East Jerusalem.⁸ In addition to the physical barrier to Palestinian statehood, the settlers and their organized movement have become an even bigger political obstacle. The rightward slide in Israeli politics has tipped the scales in favor of the advocates of extending Israeli sovereignty beyond the Green Line.

The policy of annexation was both adopted by the ruling Likud party in its political platform in December 2017,⁹ and promised by Prime Minister Benjamin Netanyahu on the eve of the April 2019 elections,¹⁰ as well as multiple times since. It is increasingly improbable that any political coalition could take action to reverse the settlement project without collapsing itself, igniting large-scale political upheaval, or even provoking a civil war.¹¹

Indeed, today there is no appetite in Israel, from the political leadership or the majority of the public, to take concrete steps toward partition.¹² The status quo has proven too convenient, especially when measured against the potential risks involved in facilitating the establishment of a Palestinian state. Moreover, as political scientist Ian Lustick once predicted, the occupied West Bank, or Judea and Samaria in Israeli parlance, is increasingly perceived by Israelis as an integral part of the society, the state, and the collective identity of its polity.¹³ Few today talk about relinquishing these territories, or of dividing Jerusalem—two requisites for the two-state solution.

Furthermore, the United States under the Trump administration has abandoned long-standing U.S. policy regarding the status of occupied territory¹⁴ and the two-state solution.¹⁵ Moreover, the officials tasked with leading policy on this issue have

seemingly embraced the agenda of Israel's far right proponents of a Greater Israel,¹⁶ who advocate applying Israeli sovereignty to all or part of the West Bank. The administration has also taken a series of steps aimed at turning up the pressure on the weak and fractured Palestinian polity.¹⁷

MOVING FORWARD

These political shifts are making an already volatile situation even more explosive. In order to withstand the combined forces arrayed against them and to continue as a national movement, the Palestinians must get their house in order as soon as possible. But what does this mean in practice, especially in light of the changing dynamics on the ground and in the international arena? And what does it mean if a Palestinian state is no longer in the offing?

The answers must start with dispelling some of the confusion that has amassed around Palestinian institutions, representation, and relationships. More specifically, Palestinians must clarify: (1) the roles and responsibilities of their institutions beyond the Oslo Accords; (2) the individuals and ideas they want these institutions to represent; and (3) the nature of their relationship with Israel. Taken together, achieving basic clarity around these three pillars will provide a better foundation for reinvigorating their national movement, for re-determining a unified vision of the future, and for rallying the Palestinian people and allies to their cause.

PILLAR ONE: INSTITUTIONAL CLARITY

SET UP DISTINCT ROLES AND RESPONSIBILITIES FOR PALESTINIAN POLITICAL INSTITUTIONS

First and foremost, the Palestinians must strive for institutional clarity. For more than a quarter century, since the signing of the Declaration of Principles on Interim Self-Government Arrange-

ments and the subsequent creation of the PA, the Palestinians' main institutional bodies—the PLO and the PA—have become conflated, and their roles difficult to distinguish. This has hampered their abilities to operate effectively and to serve Palestinian national interests. It has also led to a lack of accountability, the over-centralization of power, and confusion over representation.

Establishing clear boundaries and roles for the institutions that govern and represent Palestinians is critical. Without them, Palestinians will likely be unable to take the necessary steps to reinvigorate their national movement, to re-define their goals, and to transition away from the failed Oslo Accords.

The main organ of the Palestinian liberation movement is the PLO, which was created by the Arab League in 1964. A decade later, the PLO was recognized by the Arab League and United Nations as the “sole legitimate representative” of the Palestinian people, a designation it has held ever since. The PLO's primary functions are to unite the disparate factions of the Palestinian national movement under one umbrella, offering blanket representation, and to pursue the goal of national liberation as defined by the PLO's central body, the Palestinian National Council (PNC).¹⁸

When the PA was created in 1994, pursuant to the Oslo Accords, it was intended to be a provisional entity lasting until a final status agreement was negotiated between the two parties—a period of no more than five years. The purpose of the PA was to implement the agreements signed between the PLO and Israel and to assume governing powers ceded by the latter in the occupied territories.¹⁹ As an implementing body, the PA was subordinate to and dependent on the PLO, which was still the internationally recognized representative and negotiating partner of Israel.²⁰

In essence, the PLO was to remain the national representative of the Palestinian people everywhere, charged with leading the movement, pre-

sumably until a resolution of the conflict with Israel made it irrelevant. The PA was simply a transitional administrator of limited self-rule in the occupied territories, until negotiations determined a final outcome. No attention was paid, however, to what would happen if the parties failed to come to terms at the end of five years, and no mechanism put in place to transition away from the framework that was established in the absence of an agreement. Most importantly, and perhaps consequentially, the two sides did not share the same basic assumption of where the process would lead.²¹

The distinctions between the PLO and PA quickly broke down, in no small part because the chairman of the PLO, Yasser Arafat, also assumed control of the fledgling PA. Straddling these two positions gave Arafat greater maneuverability as he shifted between roles and powers based on expediency. But distinguishing between the roles and powers became difficult, and accountability nearly impossible. As a result, the institutions themselves were increasingly interchangeable, and the distinct interests they were meant to serve became intertwined.²² Arafat did not respect the separate structures and roles of these institutions or prioritize the institutional precedent he was setting. Unfortunately, Arafat's successor to both the PLO and PA, Mahmoud Abbas, has continued and aggravated this legacy.

Over time, the PLO-PA dynamic became inverted, with the PA eclipsing the PLO in importance, despite its inherent temporality.²³ Funds and resources flowed to the PA rather than the PLO, which was increasingly used only to confer legitimacy on the faltering peace process and state-building project that began to unravel by the mid- to late-90s.²⁴ As a result, the PLO gradually ceased to function in its intended capacity. And the failure to realize an independent Palestinian state has left the PA, 20 years after the expiration of its mandate, operating without clear purpose or legitimacy, unmoored from the process that brought it into existence.²⁵

The conflation of these entities has also made challenging Israel's occupation extremely difficult. By design of Oslo, the PA is ultimately under Israel's control and subject to its influence. But the PLO should not be. However, because the two entities share the same leadership, and are located in the same place, PLO officials are subject to the same coercive pressure as those in the PA. This greatly hinders the independence and effectiveness of Palestinian decision-making.

Relocating the PLO leadership does carry a real risk of weakening the nationalist element in the territories. It could also allow Israel to further exploit Palestinian fragmentation, as it tried to do prior to Oslo, by manufacturing an acquiescent, de-nationalized local leadership. However, Israel, to a large degree, has already succeeded in this regard, despite the PLO presence, by coopting members of the Palestinian leadership. Therefore, although the risk is real, the current arrangement is arguably worse.

In the absence of a real state, the conflation of these separate Palestinian entities has, for at least its leadership, served to compensate for one. This reduces the incentive of political elites to abandon it. Yet this pseudo-state, totally lacking in sovereignty, is actually weakening both the Palestinian national movement and local governance. It subordinates national interests to parochial ones; it cuts off the larger Palestinian community from the decision-making process; and it leads to poor governance on the ground by obscuring transparency and accountability. It also blurs the asymmetry between itself and Israel, where the PA-PLO entity is often treated like a state government even though it remains in—and negotiates from—a position of near-total subjugation.²⁶

While dissolving the PA has been actively discussed for years, the institution still has an important role to play, at least in the short term. The PA is responsible for managing the daily lives of Palestinians in the territories. Dissolving the PA outright is extremely risky because it is uncertain

if Israel would pick up the pieces, or when and how it would do so. Even ending coordination with Israel, which the PLO Central Committee has called on the PLO Executive Committee to do repeatedly since at least 2015,²⁷ is fraught with difficulties and complications.

While reassessing the relationship between the Palestinians and Israel is vitally important (see pillar three: relational clarity), in the meantime the focus should be on bringing clarity to those political institutions in place. That starts by decoupling the PLO from the PA, beginning with the leadership. Officials within either organization should be prohibited from holding a leadership position in the other. Separate decision-making should help clarify the roles and responsibilities of the two bodies. Ideally, the PLO should find a headquarters outside of the occupied territories, where its top officials cannot be directly pressured or coopted by Israel, while maintaining offices for coordination purposes in the territories. The distinct roles of each body should also be clearly demarcated and emphasized. The PLO's primacy over diplomacy and the national project should be restored, along with the limitations of PA power of governance in the occupied territories. Palestinians, and their international partners, must understand what each body is supposed to do, and hold the officials accountable for their successes and failures.

PILLAR TWO: REPRESENTATIONAL CLARITY

ESTABLISH TRUSTED LEADERSHIP THROUGH RECONCILIATION, ELECTIONS, AND REFORM

In addition to institutional clarity, Palestinians need to once again determine who is able to speak in their name. A weak, divided, and illegitimate Palestinian leadership cannot set a national agenda nor make peace.²⁸ Even if such leadership is able to sign a document accepting a deal, it is unlikely that this agreement would hold up over time.²⁹ A strong, united, legitimate Palestinian

leadership is in the best interests of Palestinians, the international community, and even Israel.

Today, however, the Palestinian body politic, at both the PA and PLO levels, is almost completely broken, characterized by fragmentation, stagnation, corruption, and dysfunction.³⁰ Elections to the PA have not been held since 2005–2006, with officials still in office well beyond their mandates. The schism between the Fatah-dominated PA and the Hamas government in Gaza has not only split Palestinian politics physically and institutionally, but has also paralyzed the entire system and prevented accountable governance, especially through the ballot box. In the absence of elections, both the PA and Hamas have become increasingly repressive, relying on their respective security apparatuses to crush dissent.³¹

In the West Bank, Abbas has monopolized power and decision-making by consolidating control over institutions and sidelining opponents. In 2018, Abbas dissolved the PA's legislative body, which had not functioned in more than a decade, but in which Hamas held the majority of seats. He also convened a highly controversial meeting of the PNC, the PLO's parliament, for the first time in 22 years. The meeting, which was held in Ramallah and boycotted by other major Palestinian factions,³² was widely seen as an act of political theater staged to shore up Abbas' eroding credibility, to replace detractors with loyalists, and to further consolidate power.³³ Most recently, in January 2019, Abbas dissolved a unity government formed as part of a reconciliation agreement with Hamas and tasked a high-ranking Fatah official, Mohammad Shtayeh, with forming a new one,³⁴ thus completing the removal of all opposition voices from the formal political space.

As a result of his undemocratic rule, Abbas' popularity in the West Bank and Gaza has steadily declined to the mid-30s,³⁵ according to recent polling, with around 60 percent of Palestinians believing he should resign.³⁶ Perception of corruption in PA institutions stands at a whopping

80 percent. A plurality of Palestinians in the territories, roughly 48 percent, view the PA as a burden on the Palestinian people.³⁷

Eventually, however, the rule of Abbas will come to an end. He is 83 years old and in relatively poor health.³⁸ Without a clear successor or an electoral process in place, his exit will likely create a political vacuum with potentially tumultuous consequences. In order to stave off such a crisis and secure legitimate, accountable representation, the Palestinians must pursue political reconciliation, restore the democratic process, and reform the PA and the PLO.

Reconciliation is not just about healing the rift that erupted after Hamas' electoral victory in the 2006 parliamentary elections. It has been on the agenda at least since the death of Arafat in 2004 and the changing of the guard within the PLO and PA. In 2005, for instance, 13 political factions, including Fatah and Hamas, agreed in the Cairo Declaration to work for national unity, resolve their differences peacefully, and bring Hamas and other groups into the PLO.³⁹ These promises, like so many others, never came to fruition.

Since the 2007 split, reconciliation efforts have focused mainly on bringing the PA back into the Gaza Strip to re-administer the territory. Despite multiple agreements and even the formation of a unity government, repeated attempts to resolve practical issues of governance have ultimately fallen apart. While there are many reasons for this, fundamentally, neither side is willing to cede what it currently has in terms of actualized power and control and to open itself up to competition or interference from the other side.

Given the institutional uncertainty over the PA's political future, it makes little sense for the various Palestinian factions to reconcile inside the construct of the Oslo Accords. Reconciliation talks should therefore be based on getting Hamas and other factions to agree to the terms and guidelines for accession to the PLO as part of a larger restructuring of

the institution. Then, allowing an inclusive PLO to determine how it wants to organize institutional governance on the ground should help assuage the stickier points of contention over reconciliation.

The second step should be holding elections in the occupied territories at the earliest possible date. This would give renewed legitimacy to the political structure. Elections work hand-in-hand with decoupling the PA from the PLO. That starts by reforming the electoral system. Palestinians should abandon the mixed-system of voting established for the 2005–2006 elections, which promoted regionalism and tribalism through district-based simple majority voting for half the seats in parliament. The legislative council should be determined according to proportional voting in national party lists only. That way, Palestinian parties will be forced to build coalitions and consensus, with no single party having a stranglehold over politics, as is the case today. Election results must be respected and protected from outside interference, unlike what occurred in 2006.

While the exact structure of a reformed PA cannot be determined by this paper, the PA should focus on governance, while the PLO should focus on external affairs, leading the campaign to unite Palestinians globally and pushing for the fulfillment of their political rights. Some existing PA institutions, like the Ministry of Foreign Affairs, are not relevant, nor were they even mandated by the Oslo Accords.

Moreover, the PA suffers from significant bureaucratic bloat. Prior to Oslo, Israel's Civil Administration governed the West Bank and Gaza with one-eighth the personnel.⁴⁰ The PA also has a massive combined security force with "one of the highest ratios of security personnel to civilians in the world,"⁴¹ which consumes more of its budget than the education, health, and agriculture sectors combined.⁴² The PA would do well to shed as much of this extraneous workforce as possible, to redirect vital resources elsewhere, and to reduce dependence on foreign aid and PA salaries.

Reforming the PLO to be more representative should also be a top priority. It will give the PLO more legitimacy and revitalize the stagnant institution with new blood, while also making sure an unrepresentative PLO is not making decisions affecting a representative Palestinian Legislative Council (PLC), as occurred in the early days of Oslo.⁴³ One option for initiating this process would be to convene a Palestinian National Assembly to determine the specifics of reform.

In the longer term, the development of an energized political space for Palestinians to voice fresh ideas and to rally around is essential. An online platform could be established for Palestinians across the globe to organize new parties and political programs in a centralized place. That way, new political parties could circulate their ideas openly and freely, and membership or affiliation with these parties could be more accurately measured or counted. A new crop of recognizable leaders would also be able to emerge based on the strength of their ideas, rather than their proximity to the original leaders of the PLO. While direct elections might still be difficult, at least the proportional system on which the PLO is currently based would be far more precise if based on a digital database.

Altogether, reconciliation, elections, and reform should be enough to repair the Palestinian body politic and infuse it with renewed legitimacy and strength.

PILLAR THREE: RELATIONAL CLARITY

RE-DETERMINE THE NATURE OF THE RELATIONSHIP WITH ISRAEL

One of the great ironies stemming from the gradualist approach of Oslo is that Israel exists, simultaneously, as both partner and occupier of the Palestinians. This problematic duality was easier to justify and overlook during the early days of Oslo when many believed that Israel was scaling

back its military occupation. However, as the occupation deepened and statehood never materialized, the PA was reduced to an instrument of Israeli rule whereby it relieved the occupier of its costs and obligations by managing and policing Palestinian population centers on its behalf.

If the Palestinians are to find a way out of their current predicament, this relationship must be addressed and changed.

Without question, the partner-occupier dynamic has proven confusing to ordinary Palestinians, their allies, and the larger international community. As a result, most Palestinians justifiably do not know how to perceive their own government. Often over the past 25 years, the PA has stood in the way of legitimate attempts to challenge the military occupation and its colonial policies, principally by not allowing civil or popular organizing outside its own initiative. The PA does this primarily to fulfill its security obligations vis-a-vis Israel. Moreover, within this partnership, the PA is not even able to provide basic security to its own citizens against Israeli settler violence, or to prevent daily incursions of the Israeli military to arrest Palestinians.⁴⁴ These constraints significantly undermine the PA's legitimacy among Palestinians.

At the diplomatic level, too, the PLO has often taken stances that appear contrary to Palestinian interests, frequently under pressure from the United States or Europe not to use its moderate amount of leverage in the international arena to pressure Israel—in the interest of upholding the peace process. For example, when the United Nations issued the so-called Goldstone Report after the 2008–09 War on Gaza, which accused the Israeli military and Palestinian militant groups of war crimes and possible crimes against humanity,⁴⁵ the PLO withdrew a motion with the U.N. Human Rights Council to take action, astonishing Palestinians and generating a large public backlash.⁴⁶

The PLO also failed to act on the 2004 advisory opinion of the International Court of Justice (ICJ),

which ruled that the construction of Israel's wall was illegal and must be dismantled. This inaction ultimately compelled Palestinian civil society to take the initiative and launch the Boycott, Divestment, Sanctions (BDS) movement on the first anniversary of the ICJ judgement,⁴⁷ which the PLO did not explicitly endorse until 2018, 13 years later.⁴⁸

The semi-cooperative relationship between Palestinian institutions and Israel has also muddied the waters for the international community, including Palestinian allies in the Arab world. Much of the international community either established or elevated their relationships with Israel after the Oslo Accords were signed, resulting in “a virtual doubling of the number of countries with which it had diplomatic relations.”⁴⁹ While peace never materialized and the situation in the Palestinian territories has deteriorated drastically, it has been sufficient for the international community to continue to pay lip service to Oslo and the peace process, and to finance the PA, in no small part because the Palestinians have remained committed to pursuing statehood through the Oslo framework.

Yet as Noura Erakat points out in her new book, “as part of the Faustian bargain that is the Oslo framework, the Palestinian Authority has internalized the colonial logic that its compliance and good behavior will be rewarded with independence.”⁵⁰ In other words, the Palestinian leadership operated under the premise that if it fulfilled its myriad obligations Israel would either volunteer, or be forced, to end the occupation and cede the Palestinians a state. This was indeed the modus operandi of the government led by Salam Fayyad from 2007 to 2013, which coupled compliance with U.S. and Israeli demands with effective state-building in the hopes of reaching the desired *fait accompli*. As Robert Danin argued in 2011, “Fayyad’s strategy is ... providing good government, economic opportunity, and law and order for the Palestinians—and security for Israel by extension—and so removing whatever pretexts may exist for Israel’s continued occupation of the Palestinian territories.”⁵¹

Despite the ultimate failure of Fayyad’s plan, his efforts did manage to expose deep flaws in the logic underlying Palestinian and international strategy.⁵² Nonetheless, not much has changed in the Palestinian or international approach since his departure, except that governance has deteriorated rapidly. The Palestinian leadership continues to adhere to an Oslo framework that has been defunct for years, while Israel only adheres to its terms when they coincide with its direct interests.

In reality, very little from the six agreements that were signed more than two decades ago still exists, including the many joint committees that were created to facilitate cooperation.⁵³ Israel never withdrew its forces from the bulk of the occupied territory, as was mandated. It routinely violates the vestiges of Oslo that are nominally intact, including the principal economic agreement and security arrangements, which are based on the zones of jurisdiction known as Areas A, B, and C. According to Yossi Beilin, one of the architects of Oslo, Israel acts on the ground as if the agreement does not exist.⁵⁴

In July 2019, for example, Israel went as far as destroying dozens of homes in Palestinian-controlled East Jerusalem. The residences were located in Areas A and B, under nominal PA jurisdiction, and the families had received building permits from the Authority. Yet Israel acted on its own accord to demolish the homes, irrespective of its arrangements with the PA.⁵⁵

While the episode produced a backlash from the Palestinian leadership, which promised to end its cooperation with Israel,⁵⁶ little acknowledgment was given to how the PA’s state-building project contributes to Israel’s deepening settlement enterprise. As Nadia Hijab and Jesse Rosenfeld pointed out in 2010, Israel’s development of roads and infrastructure for the exclusive use of its Jewish settlers—what Israel calls “fabric of life”⁵⁷ infrastructure—forces Palestinians to build an alternative, separate network for themselves. This actually “could facilitate settlement expansion, apartheid-style segregation and annexation by taking Palestinians off the main grid” on their

own territory.⁵⁸ Thus the PA, with the help of donor financing, is unwittingly facilitating its own dispossession by constructing a parallel infrastructure on the same piece of land without challenging Israel's competing settlement architecture.

Essentially, the implementation of state-building—over which Israel exercises ultimate control—actually allows Israel to use the PA, and its donor financing, to help resolve a paradox that has confounded Israeli policymakers for generations: how to keep the land conquered in 1967 without enfranchising the Palestinians living there.⁵⁹ Israel is doing this by manufacturing a new physical reality in the West Bank—through the building of bypass roads, bridges, and tunnels—and superimposing one spatial grid on top of the other so that the two societies can occupy the same geographical space without ever meeting in the same topographical one.⁶⁰

Israel can only do this because of the buffer Oslo created between itself and the occupied population under its control. The PA facilitates this buffer by policing the Palestinian population centers while Israel methodically takes control of the land around them, even as the pretense of a partnership has largely disappeared, along with the act of negotiations.

In order to bring much needed clarity to this relationship, the PA can no longer adhere to an agreement that is fundamentally at odds with the reality on the ground and the trajectory of the conflict. Today, Israel appears more likely to begin formally annexing portions of the West Bank than ever relinquishing them. The PA's cooperation with Israel not only sustains the prevailing dynamic, but also fuels resentment and undermines its legitimacy among its own public.

If the Palestinians are to alter their relationship to Israel, the steps involved require extensive planning and strategy. Ending cooperation cannot happen overnight. In truth, cooperation did not begin with the creation of the PA. Rather, in some ways, it is a fact of life of living under a long-term occupation. Since 1967, Palestinians in the occupied territories

have been dependent on the state of Israel, which has ruled over them with an extensive permit system. This is especially true of the pre- and post-Oslo Palestinian economy, which although structurally different, was and remains wholly dependent on Israel⁶¹—the sovereign.

While the PA exercises some forms of autonomy, every aspect of life ultimately runs through Israel. If a baby is born in Ramallah today, the PA has to inform the Israeli authorities; the child has to be registered in the Israeli system or they will not receive a birth certificate, an identification card, or a passport. Essentially, the national identity of the child is granted by Israel, not the PA. Palestinian businesses cannot import or export products without Israel's facilitation and taxation. Palestinian telecommunication companies and banks operate through Israeli networks and use Israeli currency. Individuals in the West Bank cannot move within or exit the country without going through Israeli checkpoints or border customs. There is simply no way around this: Israel maintains sovereignty over the entire territory.

Under these conditions, it is not clear how the PA can stop cooperating with Israel. Yet non-cooperation of some form is essential. The Palestinians simply cannot continue to facilitate their own dispossession by complying with the current framework and treating Israel as a partner. One option is to work for the development of a "resistance economy," which aims "to reduce Palestinians' economic dependency on the Israeli economy" and to "create a solid political base to sustain the Palestinian anti-colonial struggle."⁶² This includes supporting local alternatives to Israeli products, and especially promoting Palestinian agriculture as an economic base.

Another possible way around this predicament is to clarify their relationship to Israel by redefining its very nature. Since 1967, the international community and international law have recognized the West Bank and Gaza Strip, including East Jerusalem, as occupied territory under provisional military rule. Even after 50 years, this designation has not been changed, despite Israel transferring

more than 620,000 of its citizens into occupied territory in contravention of the Geneva Conventions, which regulate military occupation.⁶³

Yet what is the cumulative effect of this settlement policy? How about the legal architecture Israel has gradually put in place to integrate the settlers and settlements into its state? Or the fact that a sovereign Palestinian polity will likely never come into existence? Do these change the nature of the regime in place?

One thing is for certain, Palestinians' insistence on defining their struggle as one against military occupation, with its connotations of temporality and security, conceals the transformative nature of Israel's half-century old settlement project. This project not only violates the Geneva Conventions, but also institutionalizes a regime of systematic oppression and domination that maintains the superiority of one ethnic group over another.⁶⁴

Military occupation also distinguishes between the Palestinians living in the occupied territories and those in Israel, despite only 19 years of physical separation. It ignores what happened in 1948 and the ongoing fragmentation of Palestinians, which runs to the heart of the conflict. It willingly accepts the need to only resolve one fragment of the conflict—that which began in 1967 with the occupation of the West Bank and Gaza. Lastly, it disregards the singular regime of control that has solidified in the totality of Israel-Palestine over a 70-year period.

Even many rightwing Israeli officials and their supporters abroad have reverted to the narrative that there is no occupation, a discourse that prevailed in Israel before the Oslo Accords were signed.⁶⁵ But if Israel's control over the Palestinian territories is no longer considered an occupation, then what is it?

This system may very well merit a different appellation, that of apartheid. The distinction is not just

semantic. It comes with real differences in the ways the regime is treated under international law and may come to be treated by the international community. More importantly, it would make the relationship clearer for Palestinians, Israelis, and everyone else, and force parties to choose sides.

The debate about whether the apartheid label applies to the Israel-Palestine case is already happening. Legal scholars and academics around the world have been taking up the issue for at least a decade.⁶⁶ At the political level, multiple Israeli prime ministers and political figures have openly discussed the inevitability that Israel would become an apartheid state if a separate Palestinian state was not created. Even David Ben Gurion and Yitzhak Rabin made similar predictions several decades ago.⁶⁷ Former U.S. Secretary of State John Kerry warned that Israel risked becoming an apartheid state if his peace efforts failed in 2014 (even though he subsequently walked back his use of the word under pressure),⁶⁸ and former President Jimmy Carter even titled his 2006 book on the subject, *Palestine: Peace not Apartheid*. In 2017, the United Nations Social Commission on Western Asia (UNESCWA), became the first UN agency to use "apartheid" to describe the Israeli regime in an official report.⁶⁹

Many Palestinian and pro-Palestinian activists have used the term for years, while Palestinian officials and institutions have largely refrained. If they, too, are to take this route, it should be carefully considered for its many consequences, especially the abandonment of the independent national project in pursuit of equal rights in some other, more integrated, political entity. This, in particular, will impact current and future alliances as the Palestinians move away from the international consensus on two states.

In any case, the Palestinian-Israeli relationship deserves to be reassessed and redefined at this crucial juncture. That begins by starting the process of non-cooperation with the occupation. It can then be followed up with a

reappraisal of the nature of the relationship between Palestinians and the state of Israel. But as long as things remain as they are, shrouded in a confusing partner-occupier relationship—the Palestinian leadership will have a difficult time rallying their people or their allies to achieve their goals.

CONCLUSION

The Palestinian national movement is facing a growing and coalescing set of challenges, including the recognition that a sovereign, independent Palestinian state may be beyond realization. Yet as a result of internal weakness, division, stagnation, and dysfunction, the political side of the national movement remains unable to counter these threats or seek new ways forward with the full support and strength of its people.

Since the creation of the Palestinian Authority as part of the Oslo Accords, Palestinian politics has struggled with a bifurcated institutional system that gradually fused in several ad hoc and problematic ways. The inversion and conflation of the PLO and PA has been disastrous for the Palestinians, generating confusion over roles and status, subordinating national interests to parochial ones, cutting off the larger Palestinian community from the decision-making process, and leading to poor governance on the ground by obscuring transparency and accountability.

Establishing clear boundaries and roles for the institutions that govern and represent Palestinians is critical. This can be done by decoupling the PA from the PLO and prohibiting officials from holding leadership positions in both entities. Separate decision-making should help clarify the distinct interests of the two organizations. Ideally, the PLO should find a headquarters outside of the occupied territories, where its leadership cannot be directly pressured by Israel and where the larger Palestinian population can access it, while maintaining offices for coordination purposes in the territories.

The distinct roles of each body should be clearly demarcated and emphasized. The PLO's primacy over diplomacy and the national project should be restored, along with the limitations of PA power of governance in the occupied territories.

Palestinians must also reconcile and reform these institutions in order to make them more representative through elections or, in the case of the PLO, some other process for establishing legitimate, representative leadership. Taken together, these steps should be enough to repair the Palestinian body politic and infuse it with renewed legitimacy and strength.

Palestinians must also reassess their relationship to Israel in consideration of the failure of the Oslo Accords, the entrenchment of Israel's military occupation, and its determination to continue settling the West Bank, transform the status of Jerusalem, and besiege the Gaza Strip. The partner-occupier dynamic that resulted from Oslo has confused the Palestinian people and their allies in the international community.

Palestinians should find a means of non-cooperation, especially through limiting economic dependence on Israel. They can then reassess and potentially redefine the nature of Israel's regime—and their place in it—from a military occupation to an apartheid state. This must come with serious deliberation and a clear strategy for how to confront the regime on the ground and in the international arena.

When any movement fails to achieve its basic goals, it must ask itself profound questions about what to do next. For the Palestinians to even ask these questions, they must first put their house in order and dispel the confusion that has accumulated around their institutions, their representation, and their relations. By bringing clarity to these three pillars, they will be in far better shape to reinvigorate their national movement, face down challenges, and pursue their goals for the future.

ENDNOTES

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