

**Transformation of Palestine**  
**Palestine and the Palestinians 60 years after the Nakba**

**International Symposium**

**Berlin, March 8 and 9, 2010**

Heinrich-Böll-Stiftung

**Conference Paper**

Third session

Democracy in Palestine: Fatal Gaps, Structural Constraints

May Jayyusi

The title of the panel Democracy in Palestine immediately calls forth multiple questions in my mind regarding the two terms: for what is and where is Palestine? Is Palestine a state, governed or not by a democratic process? Is it a sovereign state? Is Palestine the Gaza strip and West Bank or perhaps is it now just the West Bank after the debacle of the 2006 elections and the 2007 events? How about the Palestinians? Who are the Palestinians who are supposed to be democratically represented? What about democracy itself? Is it possible to have democratization under colonial conditionality? Democracy is normally an internal issue regarding how a polity governs itself simply because it presupposes the existence of a sovereign state. Since there is no sovereign state in the Palestinian case, can we then try to repose the democratic question in a way that can take account of the peculiar situation of the Palestinians as they wait in the ante-room of the state to come? To see democracy as the capacity to practice self-determination, to exercise collective political agency not only internally but vis-à-vis the outside, a precondition, surely, to being able to practice self-determination within a discretely bounded political field. How was this collective political agency to be exercised under the Oslo agreement?

I raise these questions not to be sceptical but to point to complex and compacted issues, issues that are sometimes pushed to the margins in any discussion of Palestinian democracy. But which nonetheless survive in a liminal zone not only at the threshold of debates and discussions on democratization among Palestinians but also as constraining conditions and sometimes-fatal gaps that in-structure traverse (incorporate) the Palestinian condition, a condition characterized by an ongoing process of fragmentation.

Both the terms Palestine and Palestinians within the context of the regime instituted in the West Bank and Gaza remain inherently unstable terms simply because the boundaries of those terms in the national imaginary exceed the boundaries of a Palestinian political community that was semi-recognised in Oslo, who were allowed to vote and to elect a Palestinian legislative assembly, but which for many meant the abandonment of the Palestinian refugees who had been the backbone of the national movement. In turn this political community itself exceeded the spatial geography in which it was hemmed in, basically within area A. This non-congruence between people and territory remained a basic destabilizing force that overshadowed the 'local' political arrangements fashioned in Oslo.

The transposition of the Palestinian leadership to the West Bank and Gaza under the constraints of the Oslo agreement meant that a new Palestinian political order was being created but one that was severely constrained by the terms of the agreement, by the very state of conditionality attached to the agreement that made the new authority captive to its performance not to its own people but to the occupying power, whose sovereignty was now rendered invisible through the interposition of a local authority between occupier and occupied.

Normally state-building takes place following de-colonization but here state building was to take place not only while the occupation remained but also as it became more

entrenched and more expansive. In truth this transposition not only left the Palestinians refugees outside in a suspended state of non-representation consigned to becoming a final status issue but also the Palestinians inside too were now suspended between a dual structure of control where accountability was ultimately constituted vertically to the actual sovereign power of Israel that controls the majority of the land mass, the air, the water, the borders and the very movement of the Palestinians, of who would count as a Palestinian.

Here we have some of the fatal gaps that I have indicated in the title of my talk: one is the gap between the national imaginary of who constitutes the Palestinian people and the actual limits that tried to redraw the boundaries of political representation; the second is the gap in democratic accountability that was created by the dual structure of control meaning that the 'peace process' itself was used as a disciplinary mechanism to enforce new forms of colonial policing.

The anxiety about issues of representation and accountability was quite acute as the transition period neared its end. This together with the chronic issues of corruption, cronyism, and lack of institutionalization made the issue of accountability very pressing in the late nineties. The debate centred very much on the question of 'decision making' in regards to the national issues that were supposed to be decided in the final status negotiations, issues that people believed would determine the fate of Palestinians both inside and outside Palestine. People were genuinely afraid that Arafat would buckle under the pressure of the US and Israel and collectively heaved a sigh of relieved when he did not. The drive to self-determination, effectively blocked through the actual spatial practices of the Israeli occupation (continued settlement, and road blocks etc), and the failure of the final status talks, broke through in the 2<sup>nd</sup> Intifada as an act of collective political agency to break the impasse and drive back the occupation.

What I am trying to say here that the national issue was by far the more primary issue that drove the dynamics of the political situation including the reform agenda. I don't want to collapse the broader national issues into the domestic agenda of reform that began quite early on but only to point out that they were connected in crucial ways. The problem was that there was no political party able to articulate both parts of the project together and re-construct an emancipatory project both national and democratic able to achieve national aims, and equally importantly able to mobilize people around that that.

The problem was that the Oslo agreement left political society in disarray and ultimately created a political vacuum, an 'empty space of power' as the whole Oslo process lost its legitimacy. It had presented people with a bifurcation in the terms and terrain of struggle, an internal struggle for democratization and a national struggle against the occupation. Given the effective absence of organized political parties with alternative strategies and programs, the struggle for democratization was taken up by the institutions of civil society.

NGOs are carriers of a modernizing project. This modernizing project is a project of institutionalization; of accountability, of development, of the creation of a public sphere

of debate over crucial issues. There was a very active and vital NGO community, that fought over issues of accountability, of rule of law, of the need for an effective Palestinian Legislative Council, of gender equality, but these forms of contestation, in the context of the bifurcation in the terrain of struggle engendered by Oslo, remained very much within the boundaries of the imagined state. The discourse of state building and development that came to dominate the Palestinian secular elites (intellectuals and NGOs) who saw themselves firstly as superior to the embryonic state, particularly in relation to the field of knowledge and expertise; their mastery of the international languages of development and civil society, and later as an alternative 'technocratic' elite who could manage the state better, entrapped them within the imaginary of the state. They too participated in re-locating the occupation to the outside of the state, where it became invisible, except at moments of crisis. Unable to think outside the terrain of the state, the discourse of civil society and development meant that the bulk of the Palestinian population was left almost totally outside the political process. The NGOs represent a certain professionalization of public service and activity, but this professionalization has meant the exclusion of a wider public that participates in determining priorities and national agendas. In the absence of political parties and social movements, the NGOs carry the modernizing project to the population but they are unable to mediate the political and social demands of people within organized political movements.

The telling mark here was at the outbreak of the 2<sup>nd</sup> Intifada when the former activists who had led the popular struggle of the first Intifada, now found themselves marginalized and at a loss as to what to do. This was the first test that showed the severe limitations of civil society organizations as carriers of the democratic project.

These multiple failures at the national and the political level is what brought Hamas to success in the 2006 elections. It is a measure of the blindness of the Palestinian political order that no one foresaw the potential victory of Hamas. It is true that Hamas ran on a ticket of reform but the issue of reform in people's mind was not divorced from the perception that Hamas was also a carrier of the national project, and that a corrupted political order would not be able to negotiate or resist Israeli demands, much less wrest an independent state from them.

An orderly transition of power from Fatah to Hamas would have been an index of the maturity of the political system and of the potential for a genuine consolidation of democratic processes. It was a chance to agree 'on the rules of the game' and to draw in the Islamists into an ongoing process of debate and contestation around national and democratic goals. Here another fatal gap between the discourse of democracy and the commitment as well as the ability to realize it was revealed as this transition failed from the start with an array of international actors and Israel leading the charge. Not only did Fatah fail the test but also the bulk of political and civil society. It is true that politically correct statements were made but no real mobilization to forestall the catastrophic situation we find ourselves in. There was a failure to see that this was not simply an undemocratic procedure against Hamas, whatever one's opinion of the movement, but an assault on the very building blocks of a democratic system.

The implications of this development have meant that both regimes, in Gaza and in the West Bank, have evolved towards security regimes that are more or less outside the scope of the law. It has also meant a further fragmentation of the Palestinians and a paralysis of both regimes vis-à-vis the ongoing expansion and assaults of the Israelis. It is obvious that without a re-unification of both there will be no mechanisms for re-launching a democratic process and holding elections to effect change. The further danger is that in both regimes new socio-economic forces have emerged whose modus operandi ties them in to these new arrangements of power, thereby entrenching the split even further and providing a social base for their continuation.

In this securitization of Palestinian life and politics that is proceeding apace we can find the trace of one of the originary structural constraints that has shaped the whole Oslo process and its outcome, that is the subsumption of what was supposed to be a historical compromise between Palestinians and Israelis that would allow redress for the Palestinian history of dispossession; its subsumption under the approach of a total security framework which is now being reproduced at local levels. Needless to say this trend if it continues will not only mean the evacuation of democracy from political processes but the very negation of what we understand as the political.