

Palestinian Resistance

getting the mix right

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Introduction

The great tragedy of the Palestinian National Movement is that its undoubted virtuosity as a resistance organisation forcing the Israeli government into talks in the early 1990s was not matched by a comparable prowess in negotiating skill at Oslo. A strategy of stupefying ineptitude effectively drove it back whence it came, well nigh oblivion, for at least two decades and counting, culminating in the catastrophic split between Hamas and Fatah. Ultimately, of course, the central determinant of success for the Palestinians, can only be the underlying strategy adopted and managed by the movement itself irrespective of the enormity of external events ranged against it. Indeed, for over hundred years now, the Palestinians, more than most, have been subjected to an unprecedented mix of physical violence, political chicanery and sheer cant that still attempts to thwart and destroy it. But, Palestinians alone are motivated to assimilate and integrate the totality of events and circumstances, however overwhelming, into an effective riposte. It is essential, therefore, as the clock strikes midnight, to reassess the Palestinian resistance, resistance in the fullest sense of the word, encompassing both resistance activities in the field and negotiations. The context and experience of the hundred or so other global conflicts of similar ilk in the 20th Century, quite apart from the Palestinian experience itself, will help trace the variable interplay between circumstance and strategy as a portent of a meaningful refocus.

The military success....what next?

It is important to define what is meant by military success in this context. It does not necessarily mean outright victory in the sense of the Castro experience. Most resistance movements recognise that the inherent asymmetry in military strength they face, places rather obvious limitations on success in the traditional meaning of the word. Realistically, they would view success more in terms of bringing their protagonists to the point of substantive negotiations, in other words a shift in protagonist strategy from a military to a negotiating position. The shift in itself is an admission of failure, clearly signalling a tipping point in the eventual outcome. Indeed, studies of over 100 such conflicts since 1945 have shown that resistance groups were able to claim a successful outcome in up to 50% of the cases depending on the type of concessions secured at negotiation.

Unquestionably, the Palestinians by the end of the 1980s fell into this category of successful resistance. Importantly also, successful resistance had other critical consequences for the Palestinians. Success thrust their case to the forefront of the international community wrenching it from its primordial state of abysmal ignorance through increasing degrees of grudging recognition to almost total awareness and acceptance. Finally, the whole endeavour welded together a coherent Palestinian community forging an unassailable national identity as never before. This was the state of play in the late 1980s. Given this tremendous success, what were, and still are, the implications for the Palestinians for their overall strategy in the future? The author's central tenet is that there must be a twin-track approach of negotiations, as discussed below and an accompanying 'shock and awe' campaign of nonviolent resistance throughout the Occupied Territories. But the devil is in the detail..... what type of negotiation strategy, what kind of nonviolent resistance?

The negotiating strategy....what not to do

Limitations of "conventional" negotiations

Historically, many conflicts have arisen from differing interpretations of complex problems usually resolved by varying degrees of compromise in what we might call 'conventional negotiations'. But only, and this is of critical importance, if the problems at issue are not themselves embedded in basic or core issues of human ethics and international law. This is quite obviously the case with respect to the Israeli-Palestine conflict. Common sense tells us that bronze-age mythology, however delicious, cannot, and in fact does not, have any bearing whatsoever on international conduct in the 21st Century. In international law, titleholders of territorial sovereignty include both peoples as well as states. What characterizes sovereignty on a territory is the right to dispose of it. Incontestably, the only titleholder of the right to dispose of the territory occupied by Israel in 1967, including East Jerusalem, is the Palestinian people. This right is not affected by the fact that Palestinians cannot at the present freely exercise their sovereignty. To pretend that the status of the territory should be decided by conventional negotiations presupposes that Israel possesses the title to this territory. It manifestly does not.

Based on this curious mindset, Israel, the USA and more recently the EU have blatantly stymied what should have been the normal growth of state function and, with respect to Gaza in particular, pursuing policies which can only be described as Crimes against Humanity as defined by the International Criminal Court, Article 7, 1h and 1k. Key decision makers, within the EU and other members of the Quartet, driving this aggression remain vulnerable to the jurisdiction of the ICC. The overall effect, however, has been to foist the old idea of conventional negotiations onto Palestinians, draw out those negotiations into a string of unilateral check-points and to subject the whole process to fantasy conditions that have not been required anywhere else on planet earth. Indeed, once the Palestinians were hooked on to this conventional pathway, Israel, particularly Netanyahu was always able to manufacture its own plausible road blocks and paralyse the whole process.... "If they give, they will get; If they don't give they don't get it." Of course, Israel defined the "getting" and the "giving". This is the inherent fault-line in the Oslo process and even now that of the Quartet strategy.

It is important, in addition, to reflect on the fault lines associated with the kind of talks, envisaged by the Israelis and the Quartet, since the type of eventual agreement (if any) would be covered by rules and regulations attending the concept of a Treaty in international law. A treaty encompasses a variety of formats including international agreements, protocols, covenants, conventions, exchange of letters, exchange of notes, memorandum of understanding, etc. Regardless of the terminology, all of these international agreements under international law are defined as treaties and subject to the same rules. One of these rules states quite unequivocally, that attempts at coercion or force in contravention of international law renders any such agreements invalid. Even the obvious conflict with the norm of *jus cogens* would invalidate the entirety of this approach to “negotiation”. Such a state of affairs encapsulates the basic nonsense underpinning all talk of *conventional* negotiations between Israel and the Palestinians. The real thrust of any talks should merely be the restoration of Palestinian rights under international law.

Extending the geographical remit of Palestine

This perspective changes the whole approach for the Palestinians for future negotiations. It follows, in retrospect, that the Palestinians, in the late 1980s, should have informed the international community that any negotiations with Israel would merely attend to procedural matters for restoring the *status quo ante*. Quite the opposite happened, however, and Arafat ignored this advice, as Francis Boyle has poignantly described, succumbed to Western pressure and embarked on the fatal Oslo process. The declaration of The State of Palestine way back in 1988 did at least start to cut a large swathe through the risible prattle surrounding current thoughts on forthcoming ‘negotiations’, focusing instead on the nub of the problem, extending the functional and geographical remit for Palestine. Since 1988, international law relating to state recognition has moved on apace, even more so in favour of a more universal recognition of Palestine as a state. Political factors have always played a part in the process of state recognition but with the break-up of the USSR and Yugoslavia, the issue of ‘political realities’ was thrust centre stage. The formulation by the EC of the new criterion of ‘the political realities in each case’ introduced a new level of *ad hoc* decision making that will make the issue of recognition more realistically flexible than hitherto. Intuitively, this has to be step in the right direction since any given state or proto-state is part of highly complex state network and any adjustments such as state recognition of newcomers must introduce a degree of perturbation into the network that has to be accommodated and not just ignored....hence the ‘politics’. This trend towards a more user-friendly formula must be a major plus for Palestine. Apart from enhancing its chances of more widespread state recognition, it will serve a multitude of additional advantages such as accession to the ICC as indicated below. The bottom line is therefore, ditch the notion of conventional negotiations and change the mindset of the overall Western and Israeli approach to Palestinian aspirations, once and for all.

Tactics in the negotiations?

It follows from this more positive view, that the only remit for future negotiations is solely the procedural arrangements for the reasonably immediate redress of the Palestinian demands; a simple strategy of obduracy, to underpin *demands* by the Palestinians of whatever they decide is their basic desiderata including designated state boundaries. It is not for outsiders to dictate their agenda. It is interesting that a firm stance was originally taken by the Palestinians at the Washington talks, following Madrid. Unfortunately, this was soon undermined and indeed supplanted by the parallel piecemeal scenario dictated largely by Israeli perspectives and Arafat’s collusion at Oslo. There are clearly two aspects of Palestinian aspirations; one relates to widening the functional and geographical remit of the State of Palestine in the Occupied Territories and the second relates to the broader issue of Israel itself. My personal view is that the former should constitute the immediate aim of the Palestinians and the latter left to conventional politics and constitutional activities within the democratic framework of Israel itself. Indeed, medium-term demographic changes in Israel are likely to result in a seamless merger of Israel and any adjoining adjacent Palestinian state; a natural consequence of the inevitable *pas de deux* of demographic and democratic change. Such was the approach taken in Northern Ireland by Sinn Fein in facing its internal critics after the Belfast Agreement. Gerry Adams insisted that the Belfast Agreement provided a mechanism, a combination of democracy and demography, that would eventually, deliver a united Ireland by nonviolent and constitutional means.

Key point 1

The only remit of any future negotiations is for merely procedural arrangements for the reasonably immediate redress of the Palestinian demands

These overall considerations are entirely up to the Palestinians themselves but the immediate aim should be the establishment of the State of Palestine within the 1967 borders. Thus, any Israeli-Palestinian negotiations in the usual sense of arriving at a compromise over substance is totally meaningless, given the historical context, any more than a thief should expect to negotiate with its victim. This is the central primary feature and more importantly *the* underlying psychology that must underpin the negotiating strategy of the Palestinians. Since 1988 when the State of Palestine was unilaterally declared, over 130 nations have recognised Palestine as a state, and an equal number maintain diplomatic relations with the Palestinians; many have opened consular offices in the Palestinian Territories. The aim of future strategies must obviously be to build on this platform.

The psychology of the negotiating process

To understand the strategy of obduracy, let us consider the underlying psychology of the proposed approach to Israeli-Palestinian negotiations in the 21st Century. The scenario can be summarised as follows. Palestine, militarily weak but with a strong justifiable cause finds itself in negotiation with Israel, militarily the strongest but with purely pragmatic aspirations. Both parties are under no illusion as

to the underlying ethics, not publicly acknowledged, of course by Israel. The overall background has been one of unremitting violence; violence is clearly the default position. Palestine, understandably, remains adamant about the totality of its demands and is only prepared to negotiate about the procedures for attaining their aims. Israel, on the other hand, like any common thief and having no ethical basis for its demands, will be anxious to at least retrieve *something*; something is better than nothing. Hence, it might initially propose a fairly substantive “offer” say 40%. Palestine rejects what it regards as an absurd offer whereupon, with time Israel offers a little more, say 60% and so on with each succeeding concession by Israel yielding stone-walling but little else from Palestine. As Israel moves ever closer to the position of Palestine, the outcome is that sooner or later Palestine either gains its ultimate objective or is completely destroyed by Israel in ensuing conflict. The latter scenario of course will not take place because of global scrutiny. There can only be one victor.....Palestine, even if meetings are continually broken off and later resumed. Instigation of the strategy has the effect of reversing the equation of strength and weakness. The weaker party in effect becomes the stronger party because it has achieved its goal (in some sense, won the negotiation). It seems that a strong party would not succumb to this tactic unless it had weak or unattractive alternatives; that of unremitting violence and the gnawing fear that both the USA and its supporters would eventually get tired of the perpetual conflict and retreat from its historical position of total support for Israel; a pure cost-benefit analysis as it did in the Vietnam war. The overall situation is almost like the Judgement of Solomon with the actual negotiating process acting as an invisible Solomon. But strategy is the key.

A model case of negotiating “obduracy”

A classic example of negotiating obduracy took place in the North Vietnamese-US negotiations in the 1970s where the Vietnamese adhered tenaciously to their position, very rarely making concessions. Essentially, North Vietnam won because the US “blinked first” in the face of unassailable stubbornness. This is a text book example of how to negotiate from a position of military weakness and ethical strength. It is particularly informative to consider what happened when this negotiating style was *not* invoked as in earlier negotiations with the French after Dien Bien Phu in 1954; a classic example of “what not to do”.

Key point 2
The Vietnam model must constitute the basic strategy of any negotiations with Israel

In contrast to the 1970s, the Vietnamese communists conceded substantive points at the negotiations. The outcome became increasingly unfavourable and they were obliged, for example to return vast areas of territory during the negotiations. The upshot was “failure”. The Americans replaced the French as the adversary and the negotiating strategy merely resulted in perpetuating the plight of the Vietnamese for several decades to come. So here we have almost a control experiment in the art of obduracy. In virtually similar “experimental” conditions, obduracy won the day, classic negotiation failed completely; truly an experiment of nature. Strangely, this was the approach that Arafat belatedly adopted at Taba resulting in unprecedented concessions from Barak. The negotiations were prevented from reaching a final solution by domestic politics in both Israel and the USA but, as far as it went, the strategy of obduracy was clearly far more successful than the piecemeal process of the preceding ten years. Its very success explains the venom and opprobrium heaped upon Arafat’s shoulders by Clinton, Ross, Barak and their professional imitators. And what did they complain about ?.....Arafat was not a willing partner.....in other words, he was obdurate.

Resistance must accompany negotiations

There is absolutely no point in conducting negotiations with the Israelis unless it is against the background of a comprehensive strategy of resistance. Obduracy without a backbone will not suffice. The question is ‘What kind of resistance’. An overt military strategy has already served its maximum attainable aim; it forced Israel into negotiation mode, ensured world-wide recognition of the Palestinian demands and reinforced, as never before, a vigorous Palestinian nationalism. Thus, Palestinian resistance from now on must take the form of absolute nonviolence and for two main reasons.

- (i) The military phase of the resistance has already achieved its aim and forced the Israeli door ajar.
- (ii) The global support for Palestinian nationalism will evaporate if military activities continues on any substantive scale and so subvert the total overall strategy. In fact, continuing use by Israel of physical violence and intimidation, in the face of nonviolent opposition, will in itself, steadily erode any semblance of support internationally for Israel and increasingly so with the USA. Hence the Palestinian position will be strengthened in what, after all, is a simplistic tactic of ju-jitsu, using your opponent’s strength to your own advantage.

But....what about Hamas?

The current split in the Palestinian movement is complicated by the fact that Hamas, on the one hand, extols the virtue and necessity of a military response whereas Fatah has no strategy of resistance whatsoever, military or otherwise. If we address the position taken by Hamas, it is as well to remember that historically, resistance movements have reached their decisions more or less intuitively. But in recent years, research studies have focused on determinants of “success” and outcomes of resistance movements, in particular James Fearon in his study of well over a 100 conflicts since World War II. Briefly, the data indicates that between 20 and 50% of resistance movements had successful outcomes, depending on the selection of criteria for success. Fearon has examined several potential surrogates for determinants of success in his research. Particularly striking were changes in support patterns, financial and logistical, of respective patrons for both sides and the notion of “rough terrain” or prevalence (at least 25% of the land) of mountainous terrain. Change in support patterns of the respective patrons was clearly an important factor in his findings. The important point to make here is not so much the absolute level of support itself but any abrupt change in the overall pattern of support, favourable or unfavourable,

for both sides in the conflict. I collated some of the data from Fearon’s study together with additional cases compiled by myself in order to examine the effect of a combination of both “rough terrain” and change in support patterns as predictors of “success” (**Box**). Clearly, a favourable change in support pattern for resistance groups was a remarkable indicator of success. Importantly, also, in those instances in which there was no change in support pattern, the evidence strongly suggested that “rough terrain” was an important secondary factor in success. Where both the change in support patterns was unfavourable and “rough terrain” insubstantive, the outlook was very bleak indeed for resistance groups. Geography has always been acknowledged as an important factor for resistance movements, graphically illustrated in the resistance data of the Ming period in China. In this context it is interesting to note that in the Arab Rebellion of 1936-9 the mountainous regions of Palestine held out the longest.

Box

(A) Surrogates of successful outcome for resistance groups

	OS	OF
FC	23	0
NC	16	12
UFC	0	13

OS=Outcome Successful; OF=Outcome Failure.

A Favourable Change (FC) in Support Patterns virtually ensures success, whereas an Unfavourable Change (UFC) ensures probable failure. In cases of No Change (NC), the situation is betwixt the other two with 16/28 cases successful.

(B) Effect of “Rough Terrain” in the ‘No change’ group

	OS	OF
NC/RT+ve	15	8
NC/RT-ve	1	4

Cases of NC with accompanying Rough Terrain (RT+ve) , fare far better than those without (RT-ve). All cases of UFC, irrespective of the presence or absence of Rough Terrain were deemed failures.

See text for further explanation.

From Hamas’ point of view, therefore, a complete absence of “rough terrain” and a catastrophic change in support patterns of an unfavourable nature confirm common sense that the chances of a successful military response are close to zero. Hamas strategists need to make major adjustments in thinking and refocus on the elements of the negotiating/resistance strategy outlined below. Any change of policy will obviously be viewed as a change in tactics not principle or weakness. Fatah, on the other hand, needs to change its current sycophantic approach to negotiations with Israel and to buttress any talks with nonviolent resistance. The revamped strategy will not materialise unless these tectonic shifts in attitude are quickly realised and then only against a background of a newly forged unity. In this view of the Palestinian resistance as a sequential two-phase process, initially military and then nonviolent, the bottom line is that the military phase is over, its objectives already achieved.....a comprehensive twin-track strategy including a nonviolent arm must be put in place straightway.

The tactical and strategic aspects of nonviolent resistance have been elaborated in great detail over several decades now and one need not reiterate its basic philosophy here suffice to say that by and large the choice is not a simplistic one between a military and nonviolent approach. Any given approach must be based on the context. Nonviolent strategies have worked most effectively pushing against an open door. In my view, there may well have to be an initial military phase as was the case of Palestinian resistance until the tipping point is reached when nonviolent strategies take over. It is not really the remit of this article to outline the overall tactics for the Palestinians; that is best left to the Palestinians themselves but it is perhaps useful to itemise some of the basic elements required.

Key point 3
Any negotiations must be coupled with a campaign of nonviolent resistance

Activities within the Occupied Territories

PIPA polls indicate 70% of both Israelis and Palestinians want to move beyond the current cycle of violence. 64% Israelis thought that use of force by the IDF actually increased Palestinian violence and another 25% thought it had no effect. A slight majority of Palestinians thought that nonviolent strategies could be at least as effective as violence and if conducted on a large scale this majority increased to 70%. About 50% Palestinians indicated they would be willing to engage in such large-scale nonviolent activities. Interestingly, 65% Israelis thought that the IDF should “show restraint” in dealing with nonviolent demonstrations by Palestinians. So here we have

a high level of support for Palestinians to engage in large scale nonviolent resistance and a parallel Israeli view that such an approach should not be suppressed by use of force.

We can glean some insights into the strengths and weaknesses of Palestinian resistance by examining the historical evidence. Clearly, the imposition of the Mandate caught developing Palestinian nationalism on the hop, exacerbated, as many studies have shown, by the restraining hand of the Notables at that time. Nevertheless, a pattern begins to emerge. At both ends of the 1920s, first we see acts of resistance, secondly, the inevitable British clampdown and thirdly, but importantly, concessions of sorts. In other words, resistance “works”. In the Military Administration, just prior to the Mandate, there was indeed much talk about the impracticalities of the Mandate. After the 1929 riots, the High Commissioner, Sir John Chancellor even thought of amending the Mandate itself, although the Arab Executive failed to press home the advantage in negotiations. On the whole, throughout the 1920s, resistance was unfortunately not sustained at a sufficiently high level, not even during Balfour’s visit in 1925, and it effectively bumped along the bottom, during which time Jewish immigration rose sharply reaching a figure of nearly 60,000 between 1924-26. It could be said that this period of immigration, in particular, was a major stepping stone towards the creation of a Jewish state. Again, there was no major follow up to the Arab Rebellion of 1936-39 despite the fact that the British began to backtrack as revealed by the findings of the Woodhead Commission, the proceedings at the St James Conference and the 1939 White Paper.

With hindsight, we can bemoan these lost opportunities unfairly perhaps. But, in today’s context with a truly vigorous Palestinian nationalism enjoying widespread international support, some very simplistic, self-evident issues need to be addressed. Any future nonviolent resistance campaign must be based on the “numbers” game. Piecemeal activities in the low hundreds or early thousands are not going to make any long-term impact because Israel has no difficulty in maintaining control. One needs to organise events involving hundreds of thousands of people. A good model would be the awesome meetings organised by Daniel O’Connell in 19th Century Ireland. O’Connell held a series of 40 or more fantastic meetings across Ireland including the famous ‘Monster Meeting’ at Tara in 1843 attended by hundreds of thousands of people culminating in a public banquet. Meticulous planning and organisation was the order of the day making it possible to hold these enormous meetings without violent incidents. He was the master of showmanship and inspirational themes for his meetings. The whole set up was funded by rich and poor alike; poor folk contributing their famous penny/month, the Catholic Rent. Everyone got involved, even the local dogs and cats. Peaceful meetings of such enormous size at that time were unheard of in other parts of Europe. Added impact was provided by choosing sites of national political and historical significance.

Gandhi’s activities against the Salt Act (which imposed a heavy tax and a government monopoly) rank almost as high as the O’Connell meetings in terms of impact. Gandhi, we can recall, set out with disciples on a 26-day march to the sea to commit civil disobedience by making salt. This was the signal for mass nonviolent revolt throughout the country. As the movement progressed, there were mass meetings, huge parades, seditious speeches, a boycott of foreign cloth, and picketing of liquor shops and opium dens. Students left government schools. The national flag was hoisted. There were social boycotts of government employees, short strikes (hartals), and resignations by government employees and members of the Legislative Assembly and Councils. Government departments were boycotted, as were foreign insurance firms and the postal and telegraph services. Many refused to pay taxes. Some renounced titles. There were nonviolent raids and seizures of government-held salt, and so on. A hundred thousand folk participated at times.

A third example is Latin America. Latin American elites had a tradition of robust forcefulness against arbitrary usurpation of power dating back to the riots (tumultos) of colonial times. The civic strike was the preferred weapon and from 1931 to 1961 eleven Latin American presidents left office in the wake of civic strikes; a phenomenal achievement. Civic strikes were either used as a form of mass protest, such as those leading to the shutdown of Managua, Nicaragua following the assassination of newspaper publisher Joaquin Chamorro in 1978, or as support for military movements against established governments, as in Venezuela in 1958 and Cuba in 1959.

The dissolution of the Soviet Union in the last decades of the 20th Century again provides a powerful demonstration of the power of mass demonstrations and huge crowds both within the Soviet Union and East Europe. Crowds on the whole did not resort to violence, thus effectively staying the hand of the respective governments. To give some idea of the size of crowds in East Germany, on Oct 8th, 1989 in Dresden there was a mass demonstration of about 30,000 people rising to 50,000 in Leipzig the next day. By late October, crowd numbers had soared to about 300,000 reaching the 500,000 mark by November.

The concept of ‘Monster Meetings’ held at key sites such as highways and checkpoints traversing the Occupied Territories, settlements, the Wall, the Offices of the Civil Commissioner’s, Mekorot Offices, IDF facilities etc in the full glare of international publicity and sustained on a regular basis must be an obligatory component in any strategy for the Occupied Territories. Regular network analysis of Israeli infrastructure in the Occupied Territories including all major institutions and individuals, industrial, military and political must be set up and truly vulnerable components of that network identified and targeted for maximum effect and minimal effort. Methods are available now for analysing networks to identify network components of especial importance for maintaining network integrity. Many complex systems can be represented in the form of networks comprising nodes interconnected by links where often only a relatively small proportion of the components are vital to its function with the vast majority not that critical. Thus, for example in telecommunication networks, most individual exchanges can be removed without affecting the function of the system. The reason for this is that there are frequently many alternative routes around any removed or dysfunctional element in a complex system, and so prevent system collapse. In other words, networks generally speaking are robust to random attack but exquisitely susceptible to targeted attack. It is important to realise that apart from visualising and enhancing one’s understanding of any given network, a holistic approach can throw up susceptibilities of a network that mere enumeration of the individual components cannot. Armed with such a programme, nonviolent strategists could intelligently select the most vulnerable, yet more subtle, components in the Occupation infrastructure. That is key and central to any truly effective strategy. It is absolutely no use whatsoever targeting redundant parts of any network; the target

must comprise critical components. Such a network is simple to set up; even simple networks of 30-50 components reveal unsuspecting vulnerabilities not evident on casual inspection.

All these possible modalities could be easily integrated into the current widespread and heroic activities of local Palestinians, Israelis and international activists into an awesome spectacle of human dignity; a truly holistic approach.

International Activities

Studies of public opinion polls conducted in the USA since the end of WWII have shown a low degree of interest in international affairs except when issues of concern arise such as the U2 pilot scare, the Cuban Missile Crisis, the Korean War, the Vietnam War and 9/11. After the crises had subsided, interest dropped again to pre-crisis levels except in the case of 9/11. In protracted crises, concern reaches high levels if the cost appears too high i.e. number of soldiers killed or wounded. One can see that this is rather a reactive response to events normally considered remote from domestic life, peaking only in periods of crisis and then subsiding. Recent studies have quantified the effect of US domestic public opinion on foreign policy and have shown that business organisations are the most influential, followed by think-tanks, labour and, lastly, public opinion. The conclusion seems to be that domestic public opinion is not a dominant determinant of foreign policy but can assume greater importance in high salience issues. It explains also the mismatch that can occur between US foreign policy and the views of US citizens. That is the key from the Palestinians' point of view. It does suggest the rather counter-intuitive notion that maximum effort should be targeted at the US business community and think-tanks rather than US public opinion. Trying to influence American public opinion could be construed as a waste of time but not if the Palestinians themselves become a "salient" issue in America and that can only occur if a more comprehensive campaign can be conducted in the USA. A quantum-type leap in the scope and nature of activities in other countries particularly within the EU is thus an urgent priority.

International opinion is an intriguing creature. It circles up there somewhere, like vultures, a mere speck, it might seem in the distant sky, only to swoop down in a trice on unsuspecting shoulders. There is a plethora of suggestive, anecdotal evidence, but little definitive evidence as to its effectiveness in modulating any countries' foreign policy. On the other hand, the general consensus is that the reverse process operates with gusto at the governmental level in the USA at least, where a multitude of organizations track international opinion with relentless perspicacity, using a variety of survey research tools including public opinion polls, many "gossip points" such as embassies and minute analysis of the press and media. This is all very reminiscent of how PhDs use MDs as specimen stalkers in clinical medicine. All the data is collated, interpreted and fed into the decision-making process. To influence this international opinion-US axis, one needs to be street-wise, figure out the nodes and links along the axis and have a dedicated team ready to counter any incipient decision-making en route as it were. This is a kind of reverse engineering strategy and should ideally be coupled with the idea of making more use of polls to subserve the Palestinian cause. Palestinians should now take the lead in setting up more of their own polls not only in Palestine but in Israel and the West generally. Information is relatively unimportant; it's what one does with it that counts. Poll information would serve two main purposes. On the one hand, a constant flow or series of Palestinian polls, highlighting *Palestinian* views on a whole gamut of issues as they arise *pari passu* during negotiations or with respect to Israeli and US actions generally, would ensure that the international community gets an immediate feedback from the Palestinians themselves. And more importantly, polls conducted in Israel, for example, could be useful in actual negotiations with the Israelis exactly as the Americans did in negotiating withdrawal of their forces in and relinquishing various military bases to the Philippines. The Philippine Government was prone to block some American suggestions by claiming their "public" would find them unacceptable but prior American polls conducted in the Philippines on the subject of base closures enabled the American negotiators to have a very good idea in advance what the Philippine people would accept or reject and pushed their agenda accordingly; a very effective ploy in negotiations. The approach should be, paraphrasing a well-known aphorism, 'don't think of those in front of you, think of those behind them'.

Capitalising on International Law

There is a growing momentum nowadays to utilise various aspects of international law with respect to Israeli activities in the Occupied Territories. For instance, the International Criminal Court (ICC) provides several ways of exerting pressure on Israeli individuals and officials employed by the Israeli government in the Occupied Territories which could have a profound outcome on the Occupation itself. But it does require cooperation on the part of neighbouring Arab Countries, in particular Syria. Palestinian contacts, formal and informal, within the Syrian government would be absolutely critical in some of the options outlined here. The remit of the ICC is to exercise its jurisdiction over persons for the most serious crimes of international concern. It complements national criminal jurisdiction. Not all nations have signed up to the ICC and are not therefore what is termed as 'state parties'. The fact that Israel is not a 'state party' does not however exempt its citizens from ICC jurisdiction in certain specified instances. With respect to the Occupation of the Golan Heights, the chances that jurisdiction could be exerted over Israeli individuals operating therein might seem remote indeed since both states, Syria and Israel are not 'state parties'. However, the Rome Statute of the ICC makes two critical points in this connection. Firstly, Article 12 (2) indicates that only one of the states involved in any given case need be a signed up 'state party' i.e. not both of them. Secondly, Article 12 (3) states quite clearly that non-party States 'may, by declaration lodged with the Registrar, accept the exercise of jurisdiction with respect to the crime in question'. This means that Syria could temporarily become a 'state party', in which case jurisdiction can be applied as summarised in Article 12 (2). Israeli citizens in the Golan Heights, committing serious criminal acts then become susceptible to ICC jurisdiction. Once, Syria becomes a temporary 'state party', it would, in the first instance, formally need to try and exert jurisdiction over Israeli individuals within its territory in its own national courts. But, by demonstrating that it was unable to pursue Israeli individuals i.e. the circumstances physically prevent it from bringing these individuals to Syrian national Courts, then of course the ICC could step in and initiate proceedings itself. The downside to this ploy is the general feeling that Syria would not agree to this option since the Office of Prosecutor at the ICC would be obliged to look for criminal evidence in the totality of its geographical remit in Syria. Presumably, therefore, his intervention would make Syria itself vulnerable and "exposed" as well as Israel. I am not convinced by this interpretation since it is clear that the events in the Golan Heights have no relevance to events within the rest of Syria. My view is that this purported

extended role of the Prosecutor would relate only to the totality of crimes, Israeli and non-Israeli, evident in the Golan Heights per se. Golan Heights are after all the relevant territory not downtown Damascus. The implications of this option are simply enormous since the threat of criminal convictions of Israeli personnel in any one part of the Occupied Territories, in this case the Golan Heights, would send shock waves throughout the vast community of Israeli officials and IDF personnel employed in the Occupied Territories. It would drastically curtail Israeli participation in *all* of the Occupied Territories including of course, Palestine. A major effort in this area is well nigh obligatory and should be pursued with the utmost urgency as a vital part in the strategy of nonviolence.

Finally, the State of Palestine itself, although not formally a state party, could attempt to ratify the ICC treaty by depositing an instrument of accession . In view of the more flexible criteria for state recognition, steadily evolving over the last two decades, the attempt itself would prompt an avalanche of legal opinion and overdrive as to the status of Palestine. The ICC has no mechanism for deciding who is and who is not a state and interested international lawyers should take a more heroic role in mounting a campaign both of Palestinian State Recognition and for its accession to the ICC.

Summary

The Palestinian resistance movement achieved phenomenal military success in forcing Israel into negotiation and talks at Oslo but then got knocked down by its own Aunt Sallies at Oslo and thereafter. What is needed now is a “clean break”; a completely revamped coordinated two-track strategy spearheaded by new-style negotiations and sustained by a high-profile, nonviolent resistance campaign, of quite a different order than hitherto, with clearly specified aims and pathways as discussed above. But aims and pathways are the key as the Cheshire Cat reminded us all long ago:

“Would you tell me please which way I ought to go from here”
“That depends a good deal on where you want to get to”
“I don’t much care where.....”
“Then it doesn’t matter which way you go”
“...so long as I get somewhere”
“Oh, you’re sure to do that....if you only walk long enough”

Notes

Hard copy colour versions available on request. I have not formally referenced the text in this document but the following websites and key references will enable you to follow up various items of interest. Others are easily googled.

1. Professor J D Fearon’s studies on outcomes in various insurgencies can be found on <http://www.stanford.edu/~jfearon/>
2. Curiously, there is little published data on how international opinion can impact on foreign policy decisions in the USA and other states; a good area for future research.
3. The website for data on PIPA polls is www.pipa.org
4. There is an enormous literature on network analysis in relation to vulnerable network components/nodes easily accessible through regular googling.
5. Background data for the Box is available on file at Oswestry.
6. E-mail me with comments and suggestions.