

THE PALESTINIAN POLITICS OF DEMOCRATIZATION IN ISRAEL AND
THE WEST BANK: A COMPARATIVE STUDY OF COLONIAL AND POST-
COLONIAL CONTEXTS

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Thesis Abstract

Salim Aykut Öztürk, “The Palestinian Politics of Democratization in Israel and the West Bank: A Comparative Study of Colonial and Post-Colonial Contexts”

This study focuses on understanding how, why and under what circumstances a differentiation between the agendas and political priorities of Palestinians living as citizens in Israel and Palestinians living under occupation in the West Bank has occurred; because today in the West Bank the Palestinians prioritize their fight against the occupation, while Palestinians with Israeli citizenships prioritize terminating the discrimination.

This thesis argues that this differentiation has structural reasons that can become clear by studying the production of space, because it is through the production of space that Israel has been able to form to different governances over the Palestinians. Thus, this thesis initially concentrates on the legal, spatial and time dimensions of the production of Palestinian spaces under Israeli rule.

After locating the reasons of such difference between Palestinians on a theoretical basis, this study demonstrates the practices of NGOs that deal with the problems of Palestinians – either in the form of discrimination or occupation – living under Israeli rule. The NGO practices demonstrate that, even if political problems are reduced to the level of technical problems, there is still the possibility of politicization through technicalization, because through providing technical solutions to political problems, the injuries that were previously invisible in the public space could become visible.

Consequently, this study states that it is by bringing visibility to invisible problems that NGOs can in fact foster processes of democratization in the countries where they operate. For Palestinians on both sides of the Wall, the significance of this finding is the possibility of terminating both the occupation and discrimination through democratizing Israel.

Tez Özeti

Salim Aykut Öztürk, “İsrail ve Batı Şeria’da Filistin Demokratikleşme Siyasetleri:

Kolonyal ve Post-Kolonyal Bağlımların Bir Karşılaştırması”

Bu araştırma İsrail’de vatandaş, Batı Şeria’da işgal edilen olarak yaşayan Filistinlilerin gündemleri ve siyasi öncelikleri arasında nasıl, neden ve hangi şartlar arasında değişiklikler olduğunu incelemektedir; çünkü bugün Batı Şeria’da Filistinlilerin öncelikleri işgali sona erdirmek iken, İsrail vatandaşlığına sahip Filistinliler kendilerine karşı yöneltilen devlet ayrımcılığını sona erdirmeyi öncelik haline getirmişlerdir.

Bu araştırma bu farklılaşmanın “mekanın inşası”nı çalışmak yoluyla anlaşılabilir yapısal nedenleri olduğunu iddia etmektedir, çünkü İsrail Filistinliler için farklı yönetim biçimlerini farklı mekanlarda uygulamayı başarmıştır. Başka bir deyişle İsrail yönetimi altında yaşayan Filistinlilerin gündemleri ve siyasi öncelikleri, İsrail yönetiminin Filistinliler için birbirinden ayrı çeşitli mekânlar inşa etmesinden sonra birbirinden farklılaşmaya başlamıştır. İşte bu nedenlerden ötürü, bu mekânların inşasının hukuki, coğrafi ve zamansal nedenlerine eğilmek bu araştırma için bir öncelik olmuştur.

Filistinliler arasında böylesine bir farklılaşmanın nedenlerini kuramsal bir düzlemde anlaşılır kıldıktan sonra, bu araştırma İsrail yönetimi altında ayrımcılık yahut işgal yüzünden sorun yaşayan Filistinlilerin Sivil Toplum Kuruluşları etrafında nasıl politikleştiklerini göstermektedir. STK pratikleri gösteriyor ki, STKlar siyasi sorunları teknik seviyeye indirgeseler bile teknikleşme yoluyla siyasileşmeyi mümkün kılmaktadırlar, çünkü siyasi sorunlara teknik çözümler sunmak kamusal alanda daha önceden görünmez olan mağduriyetler görünür hale getirebilmektedir.

Sonuç olarak, bu araştırma iddia etmektedir ki STKlar görünmez olan sorunlara görünürlük kazandırarak içinde buldukları devletleri demokratikleşme süreçlerine itebilirler. Filistinliler için bu bulgunun önemi ayrımcılığa ve işgale, İsrail’i demokratikleştirerek bir çözüm bulunabileceği ihtimalinin doğmuş olmasıdır.

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When I got back to İstanbul, I realized the hardest part was only about to begin. In an attempt to frame my findings and locate them in theory, my dear friends Haydar Darıcı, Özge Yağış and Selim Özgen helped me a lot. Apart from my friends, I owe special thanks to my thesis committee, my thesis advisor Koray Çalışkan, Zeynep Çağlayan Gambetti and Biray Kolluoğlu who really transformed my text into an MA thesis.

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To my Father Hasan,

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CHAPTER I

INTRODUCTION

This study is an attempt to understand the dynamics of the differentiation of political agendas between the Palestinian citizens of Israel and Palestinians in the Occupied Territories. Through interviews with NGO workers on both sides of the Wall, I came to observe that in Israel the priority of Palestinian citizens is to eliminate the discriminatory practices directed against themselves. They try to deal with the discrimination by using Israeli law and non-violent forms of resistance. In the Occupied Territories the priority is the termination of occupation, and the politics are shaped by the materiality of the geographical space.

In other words, in this study I make a comparison of spaces where Palestinians can actively participate in politics under the Israeli rule. The situation of Palestinians under Israeli rule offers us a unique example of governance in the world. While the Israeli regime in the Occupied Territories is a colonial context due to the fact that Palestinians – as being demographically the majority in their own land – are being ruled by an exterior power, Palestinians in Israel live in a post-colonial context where Palestinians have become the minority and are discriminated in the land where once they were the majority.

However, comparing these two contexts should not lead us to identify the Palestinian injuries stemming from different sources, yet Palestinians deploy different technologies while attempting to overcome these injuries. Thus, the reason for the possibility of comparing different Palestinian contexts is the same Israeli Apartheid regime which uses different forms of governance on Palestinians.

Thus throughout this thesis we are going to be dealing with Palestinians at different levels. I believe that this comparison between these Palestinian political

spaces (one in Israel shaped by citizenship and law, the other in the Occupied Territories shaped by the architecture of occupation and Israeli state of emergency rules) will initially bring visibility to the Palestinians of Israel who until today have been excluded in discussions about the Israeli-Palestinian issue which has been considered to be a mere matter of International Relations. In Israel, internal politics would definitely affect those living outside the borders of its jurisdiction, because from the Palestinian perspective it is not possible to distinguish between Israel's external and internal politics.

Israel is not only a Jewish state, but also a Judaizing state and that is why its borders of jurisdiction have vanished through the creation of enclaves in the law by the state of emergency regulations, and through the construction of settlements in the West Bank and through the continuous effort for the Judaization project. Thus, attributing exteriority and interiority to the policies of this settler state means the possibility of locating Israel geographically in the map of the Middle East without really studying where and what does Israel refer to. If we are going to take it as a democratic state, it appears that Israel does not have fixed borders, but if we identify it as an Apartheid, then Israel refers to the entire area between the Mediterranean and the Jordan River.

As Israeli regime has created different borders for different people who live under its rule, it is important to re-think about the foundations of the concept of border. It is a socially constructed concept, yet it has reality. Thus before an attempt to discuss whether these borders are natural, geographical or social, it is important to discuss whether the emergence of these borders has certain purposes that we can identify with the Foucauldian term governmentality. For instance, for the Palestinians in the West Bank, the Wall is a geographical border but an

artificial one – it is not natural, it is simply a wall –, yet it has reality which prevents Palestinians from entering the West Side of the country. Apart from constructing the Wall, Israel built roads exclusively for the Jews in the Occupied Territories and settlements everywhere. Or, for the Palestinians with Israeli citizenship, there is a social border that signifies their belonging to the lower strata of the society, a situation that is also experienced by the non-Ashkenazim Jews. Moreover, Israel has utilized from creating differences within the sense of time in order to make different forms of governances possible, because Israel seems to have democratic laws for its citizens, but it has a long history of employing state of emergency rules, which turn out to be not the exception but permanent.

Thus, discussing Israel's borders at various levels (and these are not just state borders), I argue that it has been very natural for Palestinians to form their politics in relation to the different forms of governing by Israel. In other words, the diversity of Palestinian politics towards Israel stems from differences in the availability of political spaces. Hence, it is not possible to state that Palestinian identity today is (only) formed as a position against Israel, because it is Palestinians in what is called Israel Proper¹ who seek to eliminate the discrimination against them by re-emphasizing their Israeli citizenships.

Thus, I hope this concern of bringing visibility to Palestinians with Israeli citizenships and displaying the diversity of Palestinian politics under Israeli rule in general will also make us understand the whole issue as a problem stemming from

¹ "Israel Proper" is an often used definition for referring to the area between the Mediterranean and the 1948 ceasefire line. However, the main purpose of this study is to display that Israel is a single regime with different forms of governances in both sides of the ceasefire line and the Wall. The Occupied Territories are under Israeli rule just like Tel-Aviv or Nazareth. Here what is important to know is that it has been the Palestinians who were left on the Western side of the 1948 ceasefire line that took the Israeli citizenships. Thus, in this study I am going to use the concept "Palestinians with Israeli citizenships" as much as possible rather than "Palestinians in Israel," because there is no possibility of being outside Israel. However, for the sake of clarity, in some cases I may use the term that I find inappropriate, just like above.

Israeli internal politics. It is the tendency to identify the occupation as an Israeli-Palestinian “conflict” that locates the issue as a subject of International Relations. For instance, the Palestinian citizens of Israel were not represented during the peace talks preceding the signing of the Oslo Accords in 1993. In the Peace Agreement there is not a single word about the Palestinian citizens of Israel. This invisibility of these Palestinian people during the peace talks is the most obvious reflection of a history which regarded “a project of colonization” as “an Arab-Israeli conflict.” These people and their problems have been considered to be a part of a greater Arab-Israeli issue, not a specific Israeli-Palestinian issue. Differentiating Palestinian Israelis and the Diaspora from the Palestinians living inside the pre-1967 borders and identifying them simply as Arabs is a short-cut for Israel to legitimize its denial of responsibility in the issue. For the Israeli-Palestinian issue, Arab is an uncertain term; however Palestinian is not, because it refers to a particular context.

Palestinian refugees in Arab states, following the simple logic of ethnic classification, are expected to incorporate into their host societies. Before Oslo, this was the case for the Palestinians living in pre-1967 borders also. Probably being its only success, Oslo brought “the Arabs between 1967 line and the Jordan River” the recognition of being Palestinians. Before that, Arab states, but especially Jordan was referred to as a place that the Palestinians could migrate to, simply because Jordanians were also Arabs. For the Palestinians with Israeli citizenships, their existence within Israel as Arabs marks an unconnectedness to the Israeli-Palestinian issue, thus the wording “Arab Israelis” locates them in the vague atlas of the Arab world and disregards their specificity as people who remained on their lands after 1948.

Thus the source of Palestinian injuries should not lead us to examine them as a homogenous group. Consequently, this study aims at understanding how, why and under what circumstances different political agendas appeared between Palestinians under Israeli rule. Here, what is at stake is a nation that is divided along different possibilities about the future. While the Palestinians with Israeli citizenships try to realize their demands within the Israeli law and prioritize enjoying their citizenship rights equally with the rest of Israeli society, the Palestinians in the Occupied Territories fight against the occupation, not discrimination.

Thus, while this study brings a *description* of how Palestinian Israelis work for their visibility in order to become equal citizens of Israel and how Palestinians in the Occupied Territories challenge the occupation in order to become citizens of their own country, it at the same time challenges the conceptualization of Israel as a democratic state. A democratic state should have defined borders, the rule of law should prevent ambiguity and unpredictability in state-citizen relationships, and Israel hardly fits in these characteristics of democracy.

Israel is a democratic state for its Jewish citizens, but it is an “ethnocracy”² for its Palestinian citizens. It is a colonial power for Palestinians in Gaza and the West Bank. In addition to all these, the state that I write about recognizes itself as the state of non-citizen Jews all around the world too. Imagining the state as a fixed entity hence appears to be neglecting the diversity of relations it has with the people living under its sovereignty both as citizens and non-citizens. In the case of Israel, it is obvious that there is no homogeneity of relations between the state and

² Oren Yiftachel’s term. For now, what we have to know is that it refers to a rule of discrimination in which some segment of the society is treated democratically as full citizens while the rest cannot enjoy their democratic rights. Oren Yiftachel. “Etnocracy and Its Discontents: Minorities, Protests, and the Israeli Polity” *Critical Inquiry*, Vol. 26, No. 4 (Summer, 2000), pp. 725-756, p.730

its Palestinian subjects. However, Palestinians also get into relation with the State of Israel differently, there are different tendencies; different forms of governance by Israel; and consequently, different responses by Palestinians.

In order to understand the dynamics of Palestinian politics under Israeli rule, I concentrated on NGOs that serve the needs of the Palestinians. The main reason for me to ignore state institutions has historical roots. For Israel, the involvement of Palestinians in the Israeli political system has always been arduous. Although one in six of every Israeli is Palestinian, their representation in the Knesset has almost been in negligible numbers. The prevention of Palestinians from establishing political parties, controversial Supreme Court decisions and years long loss of hope have resulted in very low percentages of Palestinian turn-outs in Israeli elections. Thus, Palestinians have directed their attention to civil society rather than the state in order to substantiate their political demands.

For the Occupied Territories, we have a more complex situation. With Oslo, the Occupied Territories have been divided into three different zones of jurisdiction. Zone A is the only area where Palestinian Authority rules. For Zones B and C, Israel is still the party in power. In addition to this partition, the Occupied Territories are further divided into two: the West Bank and Gaza. In January 2006 Hamas won the majority of seats in the Palestinian Legislative Council. The victory was followed by clashes between al-Fatah (the ruling party) and Hamas, which resulted in the outlawing of Hamas by Fatah and the ousting of Hamas representatives from their position in the West Bank. This was followed by further clashes between Hamas and Fatah in the Gaza Strip. From that time onwards, Hamas rules in Gaza and Fatah in the West Bank. In addition to this clash of interests between the two parties, the news about corruption in the PA has

again led to a loss of hope in Palestinians in their struggle against the Israeli occupation. This is the main reason that I concentrated on observing NGO work rather than state institutions.

Furthermore, Palestinian civil society in the Occupied Territories was referred to as one of the most powerful ones in the world before the establishment of PA with the Oslo Accords. It has a long history of providing services and attracting people into politics in the absence of a state in the Occupied Territories. Before Oslo, when it was illegal for Palestinians to found political parties, civil society organizations were the political spaces where Palestinians organized for resistance. Every political party had an extensional civil society institution when the Palestinian National Council was in exile. Thus after this loss of hope against the state in the post-Oslo period combined with the relatively powerful history of the civil society in the Occupied Territories, civil society has continued to be the space where, as I believe, Palestinian politics is shaped.³

Felstiner, Abel and Sarat argue in their article *The Emergence of Disputes: Naming, Blaming and Claiming* that “for disputes to emerge and remedial action to be taken, an unperceived injurious experience must be transformed into a perceived injurious experience.”⁴ They write that this transformation is all about three steps. The first is saying to oneself that a particular experience has been injurious, this is called *naming*.⁵ “The next step is the transformation of a perceived injurious experience into a grievance. This occurs when a person

³ However, here I am in no way willing to display the emergence of NGOs as almost self-evident. The context in which NGOs have emerged and proliferated is going to be evaluated in depth in the following chapters. Chapter II studies the NGO phenomena in relation to developmentalism, neoliberalism and international setting. Chapter II and Chapter III are more specific about the issue, they demonstrate the particular reasons for NGO proliferation in Israel and in the West Bank respectively.

⁴ William L.F Felstiner, Richard L Abel and Austin Sarat. “The Emergence and Transformation of Disputes: Naming, Blaming, Claiming...” *Law and Society Review* 15: 3/ 4 (1980/ 1981) p. 633

⁵ *Ibid.* p. 635

attributes an injury to the fault of another individual or social entity.”⁶ This is called *blaming*. “The third transformation occurs when someone with a grievance voices it to the person or entity believed to be responsible and asks for some remedy.”⁷ And this is called *claiming*. “A claim is transformed into a dispute when it is rejected in whole or in part.”⁸ Thus, interpreting De Certeau, who claimed that the strong and the weak use different technologies against each other in the same political space, with Felstiner, Abel and Sarat altogether; I started to believe that the process of naming, blaming and claiming may be the technology of the weak that can bring visibility to the unseen in the public space. NGOs are actors in this process, they pave the way for the publicization of injuries. Especially NGOs that work on advocacy and capacity building identify themselves as providing expertise about the reasons and the consequences of the occupation and discrimination through the seminars and workshops they organize. The injuries that are brought to these NGOs are hence collectivized, named, blamed and claimed. Second, they bring the everyday issues to the sphere of politics. These issues cover a wide range of problems, health services, environmental problems or fair trade.

This study is an outcome of a two-month long fieldwork with NGOs in Israel and the West Bank, during which I had the opportunity to meet and interview thirteen people from eleven organizations. Before deciding on which NGO to talk to, I identified at least three tasks that NGOs attributed to themselves: providing technical help for environmental sustainability and development, changing the hegemonic discourse in the Israeli public space, and working for communal and institutional rights. The NGOs that I visited are involved in at least two of the

⁶ Ibid.

⁷ Ibid.

⁸ Ibid. p. 636

three aims I have listed here. It is important to see that in the case of Palestinians, regardless of the size, locality or age of the NGO, the tasks they are involved in are most of the time mixed. For instance, a technical Palestinian NGO may have a task of legal support to the villagers in demanding basic services like electricity or drinkable water from the responsible state institution. The reasons of this is going to be explained in the following chapters.

I have included only six institutions – three from Israel and three from the West Bank – in my work due to limited space. I considered the number of workers, departments and projects as some of the indicators of the possible influence of the NGO on the people and on Israeli policy, thus I chose two big and relatively old NGOs from each side of the Wall in order to observe how a well-institutionalized NGO would be. However, I also added one small and relatively young NGO from each side of the Wall in order to gain insight about their institutionalization process and the impact of this process on their work. For instance, when we think about the funding issue, there is a difference between the old and new NGOs in their possibility of creating funding for a project. It would be easier for the old, thus the reputable NGO, to find the money it needs, however for the newly established small NGO this would not be the case. Thus, through the comparison between small-new NGOs and big-old NGOs, I am going to test the impact of international funding on these institutions, their political agendas and priorities.

I hold my interviews in Bethlehem, Ramallah, Haifa, Nazareth and Shefa-‘Amr. Bethlehem and Ramallah are two major Palestinian towns in Zone A in the West Bank. Both of them are surrounded by the Wall, Jewish settlements and bypass roads that connect these settlements to Israel. When compared to Zone B and

Zone C in the West Bank, Zone A enjoys a relative degree of freedom in the sense that it is under the control of the Palestinian National Authority. However, since Zone A resembles “the holes in a Swiss cheese” as one of my interviewees⁹ put it, there is no unified Palestinian rule in the West Bank.

Haifa is a mixed Jewish and Palestinian town on the Mediterranean coast. It is also the third biggest city in Israel. Nazareth and Shefa-'Amr are two large Palestinian towns in Galilee (Al-Jalil in Arabic, Hagalil in Hebrew), Northern Israel. Both of the towns are over-populated, and there is no extra land to expand the towns due to Israeli Judaization projects in the region. Since the establishment of Israel, the majority of Palestinian land has been confiscated and distributed to Jews. Moreover, Palestinian towns inside Israel do not enjoy the same state services as the Jewish towns.

Apart from the interviews, I have benefited from the printed materials and web-sites of these NGOs. In the proceeding pages, the reader will find analyses of some of these interviews complemented with information from these printed materials and web-sites.

And lastly, this work is composed of five chapters. After this introductory chapter, there is a chapter on the NGOs in the Occupied Territories. A third one studies the Palestinian NGOs in Israel. A fourth one brings the reflection of my findings to theory. The last chapter is the conclusion where I evaluate the significance of the case I did my research on.

⁹ Interview with Abed Tamimi from Palestinian Hydrology Group. Ramallah. 27.01.2009

CHAPTER II

PALESTINIAN NGOs IN ISRAEL

In this chapter I am going to focus only on the Palestinian citizens of Israel, their organizations and the Palestinian public space in Israel. In Israel, there are Palestinians who live as citizens (one in every six Israeli citizen is Palestinian) as well as non-citizens. According to the data available, in 1948 almost 700.000 Palestinians left the country and a similar number of Jews arrived in Israel, however a number of 160.000 Palestinians stayed in Israel and acquired citizenships. When Israel was founded, only approximately 13.5 per cent of the Israeli territory was publicly owned and controlled. By the 1960s approximately 93 per cent of the Israeli territory came under the formal ownership and effective control of public and Jewish organizations. This expansion of the publicly owned land has happened in two ways: formal registration of state and ownerless land, and the nationalization of Palestinian land. Not only was the property of the Palestinians who left the country fully transferred to Jewish ownership but also Palestinians who became Israeli citizens lost approximately 40-60 per cent of the land they possessed. The confiscation of Palestinian land was made possible through two laws, the Absentee Property Law of 1950 and the Land Acquisition Law of 1953.¹⁰

The confiscation of the land of Palestinians who did not leave Israel and who obtained Israeli citizenships in a state which is often referred to as the only democracy in the Middle East was possible due to the dual character of the state: Israel defines itself as a Jewish state and a democracy at the same time. It is this paradoxical situation that paves the way for the discrimination against Palestinian

¹⁰ Ibid. p. 421-423

Israelis; and that legitimizes this very discrimination and opens a space for the Palestinians to fight against this discrimination at the same time. On the one hand, a particular characteristic of the country makes the discrimination possible and legitimizes it through law, on the other hand, the other –no less important – characteristic of the state makes legal resistance possible. Thus, it appears that both Palestinians and nationalistic Jews can use Israel’s duality to legitimize their claims.¹¹ Oren Yiftachel argues that it is not possible to define the Israeli regime as a democracy, but rather as an ethnocracy. He defines ethnocracy as:

...a specific expression of nationalism that exists in contested territories where a dominant ethnos gains political control and uses the state apparatus to ethnicize the territory and society in question. Ethnocracies are neither democratic nor authoritarian systems of government. The lack of democracy rests on unequal citizenship and on state laws and policies that enable the seizure of the state by one ethnic group. They are not authoritarian, as they extend significant (though partial) political rights to ethnic minorities.¹²

However, it is not easy to identify the discriminations at the formal level.

While Yiftachel makes a description of ethnocracy, he urges us not to confuse the term with the *Herrenvolk* Democracy, in which the non-dominant group is precluded from participation in politics. In Israel, Palestinians participate in politics, and at the formal level it is difficult to find a clause or a law that is discriminatory, but what we have is an organization of society in particular ways so that Palestinians cannot fulfill certain criteria in order to be provided with certain rights and services.

This situation of non-qualification is legitimized through the Jewish character of the state and it has at least four interrelated reasons that I am going to depict here. First of all Israel does not have “a written constitution or a bill of rights that

¹¹ Sammy Smooha. “Minority Status in an Ethnic Democracy: The Status of the Arab Minority in Israel” *Ethnic and Racial Studies*, Vol. 13, No. 3 (July 1990). p. 394

¹² Oren Yiftachel. “Etnocracy and Its Discontents: Minorities, Protests, and the Israeli Polity” *Critical Inquiry*, Vol. 26, No. 4 (Summer, 2000), pp. 725-756, 730.

should have a superior standing over the laws. Thus, Arabs lack an independent legal base to fight unfair treatment.”¹³ Without the existence of a written constitution or a bill of rights, when a Palestinian citizen approaches the court, the judges simply interpret the previous decisions on similar cases, which re-produces the decades-old discrimination. Moreover, the dual nature of the state has left non-regulated spaces within the law. This is most obvious in the cases related to election qualification.

“The ethnorepublican principle governing the status of Israel’s Arab citizens was seriously challenged before the general elections of 1984.”¹⁴ A joint Arab Jewish party, the Progressive List for Peace (PLP) applied to the Central Elections Commission (CEC) for permission to run in the elections. Rabbi Meir Kahane’s ultranationalist Kach Party applied to CEC for the same reason, both of the lists were disqualified. CEC argued that the list believed:

...in principles that endanger the territorial integrity and existence of the State of Israel, and the preservation of its distinctiveness as a Jewish state as expressed in the Declaration of Independence and the Law of Return. ¹⁵

The Kach list was disqualified, because:

...the party was uphold racist and anti-democratic principle which contradict the Declaration of Independence of the State of Israel, openly support acts of terror, tries to incite hatred and hostility between different sectors of the population in Israel, aims at offending the religious feelings and values of some of the citizens of the state and negates in its goals the foundations of democratic government in Israel.¹⁶

Both of the parties applied to the Supreme Court to change the CEC decision of disqualification. However, in the absence of a written constitution, the Supreme

¹³ Smooha, *Minority Status in an Ethnic Democracy*, p. 400.

¹⁴ Yoav Peled. “Ethnic Democracy and the Legal Construction of Citizenship: Arab Citizens of the Jewish State” *American Political Science Review*, Vol. 86, No.2 (1992). pp. 432-443 p.437

¹⁵ David Kretzmer, *The Legal Status of the Arabs in Israel*, (Boulder: Westview. 1990). p. 238 Quoted in Yoav Peled “Ethnic Democracy and the Legal Construction of Citizenship: Arab Citizens of the Jewish State” *American Political Science Review*, Vol. 86, no.2 (1992) pp. 432-443 p. 437

¹⁶ Kretzmer, *The Legal Status of the Arabs in Israel*. p. 238. Quoted in Peled, *Ethnic Democracy and the Legal Construction of Citizenship*, p. 437

Court had to review and study the previous decisions taken. “The Court ruled, that in the absence of specific legislation empowering it to do so, the commission could not disqualify the Kach list for the racist and anti-democratic nature of its political platform.” For PLP, the court took the 1965 al-Ard decision into consideration, which was a list of Palestinian intellectuals in Socialist Party candidacies for the Knesset. The Al-Ard list was rejected for similar reasons that the CEC argued for disqualifying PLP. However, “the court decided that the commission acted within its authority in disqualifying the list for seeking to negate the existence of the state but that sufficient evidence had not been presented to the commission to merit such a determination.”¹⁷

In the elections Kach got one seat and PLP got two seats in Knesset. In 1985, the Knesset formed a basic law for the qualifications for Knesset seats:

- A list of candidates shall not participate in elections to the Knesset if its goals, explicitly or implicitly, or its actions include one of the following:
- (1) Negation of the existence of the State of Israel as the state of the Jewish people
 - (2) Negation of the democratic character of the State
 - (3) Incitement of racism ¹⁸

After the ratification, Kach and some individual applicants, through a petition to CEC, requested all parties to be disqualified due to their denial of either the first or the second articles of the law. The court decided to take three parties to decide upon: PLP, Kach and Moledet, a new party then, which, unlike Kach’s demand for expelling all Palestinians from Israel, stood for the expulsion of non-citizen Palestinians from Israel. The CEC refused to disqualify Moledet and PLP, and approved the disqualification of Kach. When the decisions on PLP and Kach were appealed to the Supreme Court, the court approved CEC’s decisions. The

¹⁷ Ibid. 438

¹⁸ Knesset 31 July 1985 in Peled, *Ethnic Democracy and the Legal Construction of Citizenship*, p. 438

significance of this decision is that, these “appeals provided an opportunity for the constitutional implications of the amended Basic Law to be examined by the country’s highest judicial authority.”¹⁹

The decisions of the Supreme Court in the 1980s may at first sight seem very liberal. However as Yoav Peled made clear in his *Ethnic Democracy and Legal Construction of Citizenship*, this situation also implies that Palestinian parties are always vulnerable to disqualification through this very Basic Law. Moreover, the application of the Basic Law is directly related to the other remaining three reasons that I am going to display here: the nature of the state, the impact of the state of emergency rules and the non-concrete nature of the Law.

Thus, second, Israel is not only a Jewish state, but more important than that it is a Judaizing state. The state is the state of the Jews, both those presently resident in the country as well as those residing abroad; and although the Palestinians have equal rights on all other levels, the implication makes it clear that Israel is not their state.²⁰ Citizenship is available for all the members of world Jewry and the demographic majority of the Jews is an important element to be secured. For this reason Israel is in continuous effort to provide available space for the possible new comers to its system. This situation is best amplified by the construction of the settlements throughout Israel and the Occupied West Bank. Moreover, a significant portion of the settlement constructions take place in the Palestinian dominated North, where settlements have mushroomed around historical Palestinian towns.²¹ Alexander Kedar, borrowing the term of Yiftachel and re-

¹⁹ Ibid.

²⁰ Kretzmer, *The Legal Status of the Arabs in Israel*. p. 31. Quoted in Peled, *Ethnic Democracy and the Legal Construction of Citizenship*, p. 439

²¹ For further depiction of the construction of settlements, please look at Dan Rabinowitz: *Overlooking Nazareth: The Ethnography of Exclusion in Galilee*. (Cambridge: Cambridge University Press. 1997)

interpreting it, argues that Israel is an ethnocratic settler state, reminding the emergence of New Zealand, the U.S and Australia as states that settled the arriving immigrants in the land of the natives:

The establishment of ethnocratic settler states usually entails the construction of new property regimes. The acquisition of land is a crucial component in this phase and often occasions a vast and violent dispossession of indigenous peoples from land they possessed for generations. While in most cases land is originally acquired by direct force, this violent acquisition is subsequently translated into institutional arrangements that represent and legitimize power relationships in the ethnocratic state.²²

Thus, it appears that as long as Israel is willing to preserve the Jewish dominance in the country and attribute a purely Jewish character to the components of the country, it should not be defined only as an ethnocratic state, but rather as an ethnocratic settler state. The whole geography of the country is designated in order to serve this Judaizing principle which does not locate Palestinians as a mere minority, but rather a community that breaks the harmony of the Jewish state.

Third, the state is permanently under the jurisdiction of a *temporary* state of emergency laws. Between 1948 and 1966 the Palestinian dominated provinces of Israel were under military governance which was made possible by state of emergency rules. Today the exclusion of Palestinians from military service is also a reflection of such a situation, which is made possible by temporary laws. As many social rights in Israel have been tied to the performance of military service, Palestinian citizens either do not enjoy them or are entitled to smaller benefits.²³ In other words, Palestinians are simply excluded from the common good of the state by being non-qualified without doing their military service. In addition to this I do

²² Kedar, *On the Legal Geography of Ethnocratic Settler States*, pp. 412-413

²³ Kretzmer, *The Legal Status of the Arabs in Israel*, pp. 98-107. Quoted in Peled, *Ethnic Democracy and the Legal Construction of Citizenship*, p. 436

find it crucial to remind that the whole area except Zone A in the West Bank is governed through state of exception rules, which legitimize and enable the occupation of a territory that is not formally under Israeli jurisdiction. Thus, the emergency rules at the same time enable Israel to rule its Palestinian citizens *exceptionally* and the Palestinians in the Occupied Territories *temporarily*, they not only make the discrimination, but also the occupation legal.

Fourth, and last, law itself – not specifically in the case of Israel, but always- is not concrete. Thus, while discussing the reasons for the disqualifications of Palestinians from rights and services in Israel, we should concentrate on the ways the law is applied. This last reason that I identified is related to the previous reasons I listed here. The ambiguities – or drifts – in the application of law become possible because of the lack of a written constitution or a bill of human rights. The state of exception is a drift in the law anyway. And the tendency to preserve the hegemonic discourse – which is the Jewish character of the state – clearly makes the discrimination against the Palestinians explainable. Hence, this general characteristic of law - that the interpretation and the application of law is contextual, particular and spatial - when combined with the elements that are specifically Israeli – the non-existence of a constitution and a bill of rights, the dual character of the state and the extent of the state of emergency rules – has created the basis for the discrimination against the Palestinians without shaking the democratic principles of the Jewish state.

It was after studying the Jewish Israeli strategy of absorbing, containing and ignoring the Palestinians in Israel that we should have identified the characteristics of the tactics of the Palestinian counter-spaces. Hence, until now my intention was to achieve this first goal. Now, it is important to ask how Palestinians utilize the

democratic principles of the Israeli State in order to eliminate the discrimination they are subjected to, which is legitimized by the Jewish character of the state. In other words, we should ask how the Palestinian citizens of Israel are involved in politics within the political space available to them.

The Characteristics of Contemporary Palestinian Tactics against Israel

Yiftachel argues that, “the selective openness of the regime, which allows for public protest, free speech, and periodic elections, is largely an illusion: the ethnocratic regime has arranged itself politically, culturally, and geographically so as to absorb, contain, or ignore the challenge emerging from its peripheries, thereby trapping them in their respective predicaments.”²⁴ The Palestinian reactions against this situation have changed since the foundation of Israel. The military administration between 1948 and 1966 cut the Palestinian citizens of Israel from the mainstream Palestinian politics. In 1966 the military administration was abolished, and after the re-unification with the rest of the Palestinians with the 1967 invasion of Israel, they experienced not only a new possibility for their problems to be brought to the Israeli public for discussion but also an engagement with the general Palestinian politics for an independent state. It is after this period that we start to witness Palestinians applying to Israeli courts for the compensation of the expropriation of their lands. Also, this post-1966/1967 period witnessed the participation of Palestinians –also because they were not allowed to do so under the military administration - in the elections with high turn-outs (more than the average of Jews) But after the collapse of the Oslo process which created hopes

²⁴ Yiftachel, “*Ethnocracy*” and *Its Discontents*, p. 728

for the establishment of a Palestinian state in the occupied West Bank and Gaza, we have witnessed a disengagement of Palestinians from Israeli politics.²⁵ For instance in the 2001 elections, only 18 per cent of the Palestinians turned out to vote.²⁶

In addition to election turn-out, protest (strikes, rallies, demonstrations, petitions to the government), which has always been an element of Palestinian politics in Israel since the establishment of the state, is on decline. Unlike the violent nature of the uprising in the Occupied Territories, the Palestinian protest in Israel remained non-violent and was carried out within the framework of the law with some exceptions.²⁷ Yoav Peled quotes Nadim Rouhana that the Palestinian leadership made clear that the Palestinians in Israel would act only within the law. It was argued that their status was different from that of other Palestinians and therefore it was natural that their efforts would be expressed differently.²⁸ But I believe this is not enough for an explanation. For instance, Yiftachel argues that the main reason for the decline of the Palestinian popular protest in Israel is the closeness of the Jewish public space to them. He writes, while protest is losing its appeal

...some claim that a combination of a pervasive process of Israelification, as well as improved government policies... made the difference. Others claim the opposite: Arab marginality within the Judaizing state has caused a prolonged crisis, distorted development, and a confused identity, all militating against the maintenance of an organized civil campaign. My position is that the Arabs have hit the impregnable wall of the Jewish "moral community," which is still preoccupied with its own victimizations and fears and thus able to ignore the

²⁵ Oren Yiftachel. "The Shrinking Space of Citizenship: Ethnocratic Politics in Israel" *Middle East Report*, No. 223 (Summer, 2002), pp. 38-45. See also Smootha *Minority Status in an Ethnic Democracy*; Peled, *Ethnic Democracy and the Legal Construction of Citizenship*; and Sammy Smootha, The Arab Minority in Israel: Radicalization or Politicization? *Studies in Contemporary Jewry* 5 (1989), pp. 59-88

²⁶ Yiftachel, *The Shrinking Space of Citizenship* p. 44

²⁷ Peled, *Ethnic Democracy and the Legal Construction of Citizenship*, p.440

²⁸: Nadim Rouhana. "The Political Transformation of the Palestinians in Israel" *Journal of Palestine Studies*. No.18, pp. 18-59 in Peled 1992 p. 440

undemocratic nature of Arab exclusion and the political ramifications of their visible and obvious deprivation.²⁹

According to Yiftachel, the decline of Palestinian protest is not due to a confused identity on the part of Palestinians nor the result of progress in Israel. Rather it is the result of the visibility of only Jewish problems in the Israeli public space. The prolonged crisis paved the way for Palestinians to search for political tools other than elections or protest, but it did not create a confused identity that blocked an organized civil campaign. On the contrary, as anti-state protest lost its appeal, other modes of operation have gained favor.³⁰ Smoocha writes that:

...Arab political organizations... refrain from making an explicit demand for autonomy. It seems that they have either formed a policy on this matter or are deliberately vague in order not to antagonize the authorities. It is, however, abundantly clear from both their actions and the support lent to them by the Arab masses that since the mid-seventies the Arabs have been seeking and building autonomous institutions. They set up numerous independent organizations to serve Arabs and demand official recognition as representative bodies of all Arabs. The organizations have mushroomed in almost every sphere, including lands, education, local authorities, welfare and health.³¹

Thus, Palestinian citizens of Israel have been seeking solutions to their problems in civil society as popular protest and participation in elections have not brought considerable change. This is most obvious in issues related to property rights. Mostly local in character, villagers form councils or grassroots organizations in order to prevent land expropriation, house demolition, re-settlement or to provide services that are not provided by the state. For instance, after decades of invisibility in the Israeli public space, in 1997, people from 22 Unrecognized Villages in the Negev formed the Regional Council of the Unrecognized Villages, a civil society initiative which seeks official recognition of

²⁹ Yiftachel, *"Ethnocracy" and Its Discontents*, p. 748.

³⁰ Ibid.

³¹ Smoocha. *Minority Status in an Ethnic Democracy* p. 405-406

their villages and opposes the re-settlement of nomadic Negev Bedouins in seven townships by the famous Sharon Plan of April 14 2003.³²

The story goes back to 1965 when Israel enacted its Planning and Building Law. The law set a national outline plan for the country's future development, zoning land for residential, agricultural and industrial uses. Following its enactment, any form of unlicensed construction or construction on agricultural lands was outlawed. It is believed that 100 villages (both in Negev and Galilee) turned out to be illegal under the regulation of this law. While the law incorporated 123 Arab villages, it is estimated that over 100 other Arab villages (in which 60.000-70.000 residents were living) were excluded from the planning schemes.³³

Today, as they are unrecognized, Israeli authorities refuse to bring the basic services to these villages such as water or waste water pipelines. Moreover, as unrecognized, the houses in these villages are identified as illegal, thus are subject to the possibility of demolition by the state, a common practice since the foundation of the state. The Regional Committee of the Unrecognized Villages was founded in order to campaign for two goals: recognition of the villages in their current locations and the immediate provision of services, irrespective of the recognition process.³⁴ At the beginning the Council had 22 member villages, now there are 45 members.³⁵ In the three years following the establishment of the organization, the number of demolitions decreased by 85 per cent.³⁶ However, "the intifada and election of a right-wing government, headed by Ariel Sharon,

³² Shany Payes, *Palestinian NGOs in Israel: The Politics of Civil Society*. (Taurus: London and New York 2005) p. 180

³³ Ibid. p. 167

³⁴ Ibid. 177

³⁵ RCUV website: <http://www.rcuv.net/>

³⁶ Payes, *Palestinian NGOs in Israel*. p.179

intensified the conflict between the state and the Bedouin residents of the Negev.”

³⁷ While in 2002, 112 houses were demolished; in 2003 140 houses were already demolished by October. Moreover the number of people who got killed or injured during resistances increased.³⁸

Thus, the initial success of the RCUV was probably due to the containment policy of the Labor Government. When Sharon’s Likud was elected, containment –or ignorance- was replaced with confrontation. However the Council could not use law as a tool to interfere in the Israeli public space since it was not been an officially recognized organization. The non-recognition of civil society organizations is common in Israel. This situation has two major reasons. First, the 1948 Prevention of Terrorism Ordinance gives the government the right to label an organization as a terrorist organization. If any institution is labeled as such, it is the responsibility of the institution to prove its innocence.³⁹ Second, in 1977 the Ottoman Law of Associations was revised and a Registrar of Associations was instituted which would decide whether the applicant organization could be legally established or not.⁴⁰

In 1999, 78 per cent of the obliterated organizations were Palestinian organizations. Moreover, in order to be exempted from VAT and Income Tax, the Minister of Finance and the Finance Committee of the Knesset decide the eligibility of an organization to receive such benefits under the power that is granted by Article 46 of the Income Tax Ordinance. This article states that the association’s goals should not conflict with Israel’s ethos as a Jewish and democratic state. In light of legal and financial obstacles to forming a legally

³⁷ Ibid. p.180

³⁸ Ibid.

³⁹ Ibid. p. 68

⁴⁰ Ibid.

recognized organisation, it is not surprising that out of nearly 2550 associations (the number of remaining associations that are recognized under the Revised 1977 Ottoman Law of Associations) recognized by Article 46 in May 1998 as public institutions, only seven were Arabs or Druze and three were Jewish-Arab associations. As a result, Palestinian organizations in Israel constitute only 4.7 per cent of Israeli registered organizations: 1613 out of 34.291 NGOs by 2001.⁴¹

It is possible to evaluate the issue of the unrecognized villages through the work of an officially registered NGO, the Galilee Society which also has a Negev department providing technical support to the villagers there. The GS has a Negev department which operates mobile clinic in the unrecognized villages. “The clinic provides immunization services and basic child check-ups consisting of height, weight, vital signs, head circumference measurements and reflex tests to Arab Bedouin infants and children in the unrecognized villages who do not have access to on-site preventive health care.”⁴² Unlike RCUV, the Galilee Society has managed to carry the problems of the Negev villagers to in Israeli state offices. My position here is not arguing whether the legality of an organization brings success or not, but rather how the framing of a problem can take various forms. As RCUV, the story of the Galilee society is an attempt to make the problems of Negev villagers visible in the Israeli public space. It is also the story of the weaknesses and strengths of “reform from within.” However, the GS also demonstrates the weaknesses of the ideology of inclusion, especially due to its implication of leading to a focus on technical –rather than political- projects.⁴³

The Galilee Society is a technical NGO, which has a Research and Development Centre, and through the researches made on the effects of dumping

⁴¹ Ibid pp.71-72 and 78.

⁴² Ibid p. 181

⁴³ Ibid p. 111

waste water to the environment, it has convinced the Ministry of Health for funding the building of sewage systems in some Palestinian villages around Israel. Moreover, it is one of the eleven Research and Development centres in Israel that are eligible for ministry support to cover part of the operating costs.⁴⁴ I argue that this relationship with the ministry has two important outcomes. First, it appears that by collaborating with the ministry on the problems of unrecognized villages, the Galilee Society succeeded in bringing recognition to the unrecognized villages, though in an indirect way. However, and second, it has achieved this by rendering a political problem to a technical one. In Ferguson's sense, it has turned out to be only a side-effect that the villages were accepted to 'exist.' Thus, here we should ask whether the Palestinian politics in a deadlock

Political Participation and Palestinian NGOs in Israel: Agendas and Priorities

“Have NGOs brought about the political participation of groups in the community that were otherwise excluded from the public sphere?”⁴⁵ In the previous part, I attempted to demonstrate the reasons behind the Palestinian NGO proliferation in Israel, and in this section I aim at displaying the influences of this proliferation on Palestinian politics in Israel.

NGOs proliferated around the world due to the neo-liberalization of state: the state refused to provide the services once it provided and NGOs appeared as the main provider of these services. In non-democratic multi-ethnic states where it is possible to observe a political confrontation between a dominant and a dominated party, the state legitimized its ignorance in providing services to the latter by the

⁴⁴ Ibid p.117

⁴⁵ Ibid p.121

very neo-liberal discourse. Apart from the need for immediate technical solutions to the problems at various levels, the ongoing invisibility of popular protest and the disappointment with participatory politics paved the way for proliferation of NGOs. In Israel, Palestinian NGOs are also part of the same trend.

When compared to their achievements in providing basic services to the Palestinian society, Palestinian NGOs in Israel were less successful in bringing about changes at the political level,⁴⁶ which is a situation initially related to the political structure of Israel. Following Gramsci's conceptualization, Payes argues that "NGOs and other institutions of civil society can simultaneously support and hinder processes of democratization, social change, and empowerment of marginal groups."⁴⁷ Contextually, her evaluation of the Palestinian NGOs does not accurately follow Gramsci's arguments on civil society; moreover it seems that she confuses civil society with NGOs. However, what she argues on the relationship between NGOs and politics is worth discussing here. Similarly, Ferguson's *The Anti-Politics Machine* is entirely on this issue. Here, in order to understand the issue, I propose to study three NGOs in depth.

In the introductory chapter, I categorized Palestinian NGOs into three: NGOs that provide technical support, NGOs that work for direct discursive changes in Israeli public space and umbrella organizations composed of many NGO members that work for institutional political rights. The Galilee Society belongs to the first group. In the previous part, I presented a project of the organization, however the NGO works at various levels. It has four different departments: the Naqab Department (which works on the unrecognized villages of the Negev issue I mentioned above), Environmental Justice Centre, Health Rights Centre and

⁴⁶ Ibid. p. 4

⁴⁷ Ibid p. 16

Regional Research and Development Centre. The Regional Research and Development Centre consists of scientists, and make regular measurements of the water and solid in the Palestinian towns in Israel. The Health Rights Centre is organizing capacity building workshops and seminars for health care education. The Environmental Justice Centre provides legal representation in the cases of environmental discrimination.⁴⁸ Thus in four different departments, the Galilee Society works at three levels: providing education, advocacy and doing research.

Isam Sabbah is the scientific coordinator of the Research and Development Centre. He works on a special project on providing irrigation to the non-irrigated Palestinian towns of Israel with waste water. He argues that “waste water can be an alternative resource, if it is treated appropriately.” He explains how the equipment and skilled personnel to produce 100 per cent healthy drinkable water out of this waste water are very costly. What he proposes is to treat the wastewater to a level that can only be used in agriculture, in irrigation. He argues that this is possible through the extensive systems based on ecological, natural ways to treat water without investing that much in infrastructure requirements, energy consumption requirements, and is simpler in the sense that there is no need for very skilled personnel, technicians or maintenance men. He explained to me the importance of waste water collection in a Palestinian community where 60 per cent of the necessary water is in fact for irrigation:

In the 1970s people really didn't recognize how it could be harmful to entire environment. After 1980s they started to think about it. They put some money to develop the infrastructure. But they didn't accept, I mean the water authority or the waste water authority, Israel never accepted the waste water treatment system for the Arab Community. But until now, because the waste water is a resource, if you collect it and give it to waste water treatment system. If they do it for the Arab community you actually create an Arab community with independent way of living. Actually this kind of an

⁴⁸ The GS Webpage: <http://www.gal-soc.org/en/>

independency. I think this is the concept of the decision making policy. They want the Arab population to work on only serving, taxi driving, restaurants, nothing sustainable and nothing with the production. The Arab community is not affected by firing from the hi-tech, because they are not there. Now at the beginning it is not the second class which is going to be affected. There are few people in the hi-tech or manufacturing companies and so on. It is not affected yet, but later.^{49 50}

What Sabbah argues is not a claim on bringing the visibility of Palestinian problems to the Israeli public space. However, he relates what he at first sight locates as technical problems to the general characteristics of the discrimination against Palestinians in the country. The extent of discrimination makes him identify waste water as a valuable resource for Palestinian agriculture and a source of independence from what Israel has attributed them to be, second class citizens. My interview with Mohammad Khatib, the General Director of the Galilee Society brings a different dimension to my discussion on Palestinian independency with Isam Sabbah. He argues that in order to eliminate the discrimination against the Palestinian citizens of Israel, it is a must to collaborate with Jewish institutions, whether governmental or non-governmental:

You know this country is a small country I cannot divide between Arab and Jewish organizations. I cannot say I am only going to work on my village, I have to work with other partners from the other side because environment belongs to everyone. And you can see discrimination also in this, because if you look on the Jewish settlements you can see better conditions, better environment. We have to work with other Jewish institutions in order to influence decision makers. If you have cooperations and Jewish partners, it looks different. In our political environment, in our political system they look at the Jewish cases not in the way they look at the Arab. We are coming and say it is not only the Arab problems, it is also the Jewish problems. We know that many of the laws in the Knesset would never be changed if they were only concerning only the benefit of the Arabs. Sometimes you have to look and find which laws can also serve the Jews.⁵¹

⁴⁹ Interview with Isam Sabbah from the Galilee Society. Shefa- 'Amr.05.02.2009

⁵⁰All the interviews all conducted in English. In most cases it is possible to observe the misuse of English words and grammar, I did not changed them, yet in every paragraph following these direct quotations, I explained what my interviewee argued during our conversation.

⁵¹ Interview with Mohammad Khatib from the Galilee Society. Shefa-'Amr. 05.02.2009

However, in the rest of our discussion, he refers to two bases that the Palestinians could use for convincing Israeli state authorities to take action about a particular health/ environment problem: a commonality of injury between the Jews and the Palestinians, and Palestinians' citizenship bonds to Israel.

But we are sure that if it was interesting only the Arabs, they never pass. This cooperation with the Jews is very important especially in the issues of health and environment, because the national services are for the Arabs and for the Jews, the same hospitals. The best way in order to serve to our community is to cooperate with the Jewish institutions. We are not close, it is not the way. And we have to keep our specialties, we have a unique culture, we have a language, we are not forgetting that we are Palestinians. But at the same time, as citizens, we are ready to work with any Jewish institutions or organizations or ministry if they are willing and they are ready to serve us as citizens.⁵²

Could the willingness of Palestinians to convince Israeli state authorities by identifying commonalities and emphasizing their citizenships be considered as a simultaneous support and prevention of processes of democratization, social change and empowerment of marginal groups in the sense Payes understands Gramscian civil society? I believe Payes had a point while making this statement. In the case of the Galilee Society, it is true that the NGO has provided considerable support and services to local Palestinian communities in Israel which the state refused to do. However, rather than pointing to the actual reason of the irrigation problems, the NGO has produced alternative policies and agendas in order to compensate the losses that stem from the non-regulation of the fields. Thus, here it is possible to argue about a success and a failure at the same time. It has been the criticism of the second turn in the anthropology of development that in the past development was studied through a success versus non-success dichotomy. The instance provided here simply demonstrates how it is possible to locate a development project as in two contradictory definitions. Thus, I find it

⁵² Interview with Mohammad Khatib from the Galilee Society. Shefa-'Amr. 05.02.2009

essential to emphasize the proposal of Michael Moss to study *how* development works rather than *whether* it works.

Thus, the NGO finds technical solutions to a political problem, hence justifies Ferguson's famous criticism. However, at the same time, by cooperating with Jewish organizations and locating Palestinian problems as Israeli problems, they bring visibility to Palestinian demands in the Israeli public space. The tactic for them – at least in this particular example – is to appeal to the Israeli public (either through finding commonalities or emphasizing their citizenship), and where they cannot do so, is to produce direct, apolitical solutions. Yet, what Isam Sabbah tells us is the same apolitical technical project that is going to provide a space for Palestinian independency in the discriminative Israeli public. Hence, an apolitical solution may have political consequences as well. Following the proposition of David Moss to study the social life of projects instead of just the policy, when we have a look at the work of the NGO in general, not only focusing on the project that Dr. Sabbah directs but rather all projects by the Galilee Society altogether, Ferguson's second critique of NGOs, that they "highlight only the problems for which a technical solution could in fact be proposed"⁵³ becomes invalid.

In order to understand this discussion about the effects on NGOs to political processes, I want to further examine a Palestinian organization from Nazareth, the largest Palestinian town in Israel. Al-Ahali is a grassroots organization founded in Nazareth with the goal of material development (use of water in agriculture) and capacity building (rebuilding the Palestinian community) to be able participate and to be effective in Israeli public space. During my interview with Sobhi Sghiar, the national coordinator of both the Parents as Partners in Education Program and

⁵³ Tanya Murray Li. *The Will to Improve: Governmentality, Development and Practice of Politics*. (Durham, NC: Duke University Press, 2007) p. 126.

Organizing and Empowering Small Enterprises Program, he gave information about some of the projects that the organization was carrying on. The Arab Farmers Project aims at providing education to farmers on how to use water in agriculture. Moreover, farmers are trained in order to be able to present/ defend themselves in the offices of the Ministry of Agriculture. The project also focuses on doing meteorological and biological research in order to reduce the use of water and to fight against olive insects. Another project is called Parents as Partners in Education and aims at changing the pre-university education curriculum for the benefit of Palestinians. Sghiar argues that the curriculum does not prepare the children for the Israeli job market. Thus the project works with parents to inform them about the characteristics of the curriculum and to convince them to apply to the state authorities for reform. Finally, they have a project called Decreasing Unemployment by Increasing Home Businesses which both targets Palestinian citizens of Israel and the Palestinians in the Occupied Territories. Sghiar told me that as they have access to Area C in the Occupied Territories, but the Palestinians in the Occupied Territories do not have access to Area C, either because of the Wall or the state of emergency rules that prevent Palestinians from entering certain locations, they help collecting the olives of the people who cannot reach their fields.

Here, the approach of the NGO reflects a concern for the Palestinians in the Occupied Territories, and a greater concern for the preservation of Palestinian identity in Israel. However, at the same time, there is no direct rejection or disapproval of Israeli citizenship. The Parents as Partners in Education project simply aims at promoting the Palestinian workforce in the Israeli job market by paving the way for recruiting people that are going to be preferred in Israel. The

project attempts to realize its task by giving information about the curriculum of the Palestinian schools in Israel to the parents. Sghiar tells me about the importance of a high level of Hebrew for Palestinians, as well as the necessity of Arabic as a tool, both to preserve their identity and to provide good communication within the Palestinian community. I believe this draws a parallelism with what Sabbah told me about the Palestinian attempt to get independency from being second class citizens in Israel. The issue of demanding better education in both languages, I believe, is a tactic to become visible either in the Israeli job market or public space. In the work of Festiner, Abel and Sarat, the naming, blaming and claiming process, in order to ask for compensation of the injury, which is claiming, depends on communication with the parties that are blamed for this very injury. Both the Galilee Society and Al-Ahali provide legal help to Palestinians while they apply to Israeli courts. This naming, blaming, claiming process is in fact a process of framing, and these institutions attempt to show people how to frame their injuries: which article or clause to use, where to apply and how to voice it. I believe that in these NGOs it is not only the designated departments which provide a naming, blaming, claiming service; it is also the education, workshops or training under the banner of capacity building that pave the way for framing injuries to appeal to the Israeli legal institutions. NGOs' emphasizing the importance of Hebrew is a part of this naming, blaming, claiming process.

Thus, here we cannot argue that Palestinians have a concrete position about accepting or rejecting Israel as their own country. It is true that they learn the language of the state, act within the legal system of Israel and collaborate with Israeli institutions, but through these they try to become visible in the Israeli

public space. Thus, all these alone do not tell us about how Palestinians with Israeli citizenships locate themselves in the atlas of Palestinian politics. In other words, recognition of Israel does not necessarily reflect a difference in the identity of Palestinians with citizenships from the Palestinians in the Occupied Territories. Hence, holding Israeli citizenships, collaborating with Israeli institutions or learning Hebrew are not the outcomes of a feeling of difference from the Palestinians in the Occupied Territories, nor a matter of accepting Israeli identity.

While talking about the peace process, and criticizing it, Sghiar draws a distinction between Palestinians in the Occupied Territories and in Israel:

...we do not consider yet that we are under occupation. We see that our purpose as justice, equality and justice for the Palestinians, indigenous people that remain on their land after 1948 Naqba. Let me explain you something, not to mistake and be clear even for you. If you are talking about peace, peace is a political concept, we cannot talk about peace or peace process under the title of the process.[...] We cannot talk about peace under occupation. It is not acceptable for us to be part of development project under the title of the peace process. It is kind of delighting, make the issue not clear that occupation is the problem. Our goal is not the peace process, it is the process to make the political decision for an independent state. We are very clear for sharpening the line between working good community, Palestinian community as partners, as brothers, as Palestinians and working with them as a process of independent state. Our goal is independent state, not our goal is the peace process.⁵⁴

Here, Sghiar argues that they do not consider yet that they are under occupation and expresses their priorities as justice and equality for Palestinians who became Israeli citizens. At the same time he locates the Palestinian community in the Occupied Territories as partners and brothers to work with. However, he also identifies the termination of occupation and the Independent State of Palestine as their goals. Surprisingly, while talking about the foreign funding issue, he gives an example from the European Union projects for empowering local organizations and informs me that Palestinian citizens of Israel suffer from invisibility in the general Middle Eastern context. This exclusion from

⁵⁴ Interview with Sobhi Sghiar from Al-Ahali. Nazareth. 19.01.2009

the development map of the E.U, he argues, stems from the fact that Israel is not only imagined as the state of the Jews in Israel, but Jews worldwide:

European Union is working in political, political in the line of peace process under the title of development and cooperating between Israel and Palestine and all of them calling for paper proposals while keeping Israel in the centre[...] They consider Israeli organizations as the Jewish organizations. If they are calling for proposals for Israeli, Palestinian, Jordanian organizations or neighbour countries, they see Israel as the centre, also which means Jewish organization. If we are going as the Palestinian organization from Israel and Palestinians from West Bank and Jordanian organization, it is not acceptable for them, because they consider Israeli organization as a Jewish organization.⁵⁵

Here, the attempt for visibility and recognition by Palestinians with Israeli citizenships as Israelis reflects concerns for emphasizing the Palestinian identity. Similarly, Ittijah, the Union of Arab Community Based Associations- the network for Palestinian NGOs in Israel – has a task that directly aims at the recognition of Palestinian Israelis worldwide. Unlike the Galilee Society or Al-Ahali, Ittijah does not prioritize development projects, but rather it has an agenda of discursive change for communal and institutional rights. Moreover, Ittijah works on the visibility of Palestinians and their problems and political demands not only in the Israeli public space, but also in the Arab states and the rest of the world. The organization works on three aspects of visibility issue: advocacy, capacity building and networking. First, it works on local , regional and international advocacy to promote the unique status of Palestinian citizens of Israel, to highlight their social, political and economic needs by fostering contact with governments, civil society groups and platforms, including supporting bodies, such as donors; other indigenous and human rights groups; unions and solidarity groups. Second, for capacity building, Ittijah works on increasing the human, technical, financial and educational resources of its member organizations, by facilitating access to

⁵⁵ Interview with Sobhi Sghiar from Al-Ahali. Nazareth. 19.01.2009

knowledge transfers, volunteer staff, technical and educational resources, and fundraising support. And last, for networking, Ittijah aims at encouraging specialized contact between civil society organizations with similar platforms, skills, expertise and experiences, increasing civil society communication and cooperation.⁵⁶

In August 2001, a committee of Palestinian NGOs in Israel headed by Ittijah, submitted a declaration to the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR). The declaration included three demands: a call upon Israel to respect the civil rights of Palestinian citizens of Israel as a distinct national minority group and consequently to respect their collective rights in addition to individual ones; and a call for the UN to ensure the human dignity and liberty of Palestinian citizens of Israel, as enumerated for all peoples in the UN human rights convention.⁵⁷

During my interview with Ameer Makhoul, the General Director of Ittijah, he made it clear that in order to bring visibility to Palestinian citizens of Israel both in Israeli public space and the world they have two focuses: the citizenship bond to Israel and Palestinian Israelis' bond to Palestinianness. For instance, he argued that during the Oslo Peace Talks, by both sides – Israelis and Palestinian Negotiators – the Palestinian Israeli issue was considered to be an internal Israeli issue, thus peace talks alone cannot bring democracy to Israel per se:

To have peace or negotiations, will not guarantee democracy and equality inside Israel. When Israel is speaking about peace or any compromise means that Israel wants one of the major goals of to keep Israel as a Jewish state and protect it as Jewish state and deepen the Jewish character. The same happened with the disengagement plan from Gaza.[...] We were very angry as a community that we were neglected in this process, not recognized as players, actors.⁵⁸

⁵⁶ Ittijah website: <http://www.ittijah.org/> and <http://old.ittijah.org/>

⁵⁷ Ittijah website: <http://www.ittijah.org/> and <http://old.ittijah.org/>

⁵⁸ Interview with Ameer Makhoul from Ittijah. Haifa. 20.01.2009

Thus, according to Makhoul it is not only the issue of the visibility of Palestinian citizens of Israel in the Israeli public space, but also locating them as actors in the Israeli-Palestinian relations that is going to consolidate the democracy in Israel. The Palestinian citizens of Israel took part in the peace negotiations neither as Israelis, Palestinians nor as Palestinian Israelis. However, at the same time he tells me:

Functionally we can distinguish between the problems of the Palestinians. But as a vision, we are linked together of course there's one Israel. Israel is not three Israels, one is here and one in the West Bank and the settlements, and one in Gaza. It is one Israel, the same Israel, the same system. So, we are the same people. So, the attack in Gaza is not an attack against the Palestinians in Gaza, we consider that attack against us also.⁵⁹

Here Makhoul argues that differentiating between Palestinians in Israel and the Occupied Territories should be a matter of a contextual identification. In other words, he indicates that accepting that Palestinians have different problems, demands and relations to Israel should not lead us to misinterpret the picture. As we discuss Palestinians separately, we should also keep in mind that their injuries emerge due to the same system, which is Israel. However, the same system offers different spaces for politics, resistance and articulation of injuries, which at the end shapes the whole naming, blaming and claiming process. Thus, could it be appropriate to argue that the differences between Palestinians started to be articulated / named by the time they realized their different political opportunities against Israel? Makhoul has an answer for this:

In 1980s it became more awareness to our citizenship and our identity. Service delivery and try to meet the Israeli racism or discrimination through creating our services and to deliver to our own community in different means: development, rights and education, etc. At the same time this was the strategy continued like 10 years and fell after because when the consciousness to our citizenship have been grown up, with the beginning of 1990s the shift was to

⁵⁹ Interview with Ameer Makhoul from Ittijah. Haifa. 20.01.2009

go through more advocacy, lobbying and policy making. [...] We began thinking how not to offer alternative services but to oblige the state to meet its commitment by law. So there was more legal work, lobbying, advocacy.⁶⁰

And he continues:

To gain recognition in the international map, not only the Israeli internal map which means that we need international tools. We became maybe the first group, organized institution within the Palestinians here that show we could not just rely on the Israeli tools. We couldn't rely on the Israeli court, on the Israeli law, legal system because at the end of the day the problem of land is not issue of equality, it is issue of rights, issue of the problem of the internal displaced and right of return, it is not equality, it is not citizenship issue also. So, debate have been developed and the real agenda have been obtained on the Palestinians here, how we could develop our narrative and re-define our cause as a part of the Palestinian cause, not outside of that.⁶¹

Makhoul argues that it was after their recognition of their own citizenship that Palestinians in Israel started to demand that their problems be solved in the Israeli public space. The shift from sole development or education NGOs to NGOs providing advocacy and lobbying can be explained through this phenomena. All the three NGOs I referred to here do not solely concentrate on technical development issues, they all have departments providing legal help, lobbying and advocacy. Ittijah is the only NGO which focuses on only advocacy and lobbying issues.

At the end of the second paragraph in the previous page, Makhoul argues that Palestinians began thinking on how not to offer alternative services but to oblige the state to meet its commitment by law. Similarly Payes argues that:

NGOs' greatest contribution to the Palestinian struggle for equality in Israel lies in their ability to use formal democratic channels in order to promote Palestinian interests. By using existing democratic institutions that predominantly benefited the Jewish majority in previous decades, Palestinian NGOs have successfully challenged the exclusion of the minority from the Israeli public sphere.⁶²

⁶⁰ Interview with Makhoul from Ittijah. Haifa. 20.01.2009

⁶¹ Interview with Makhoul from Ittijah. Haifa. 20.01.2009

⁶² Payes, *Palestinian NGOs in Israel*, p.230

However, it also appears that it is a must for the Palestinian citizens of Israel to re-emphasize their relationality to the general Israeli-Palestinian issue in order to attain this visibility in the Israeli public space. “Because at the end of the day it is not our citizenship issue” states Makhoul, in order to prevent the reduction of the Palestinian Israeli demands to the level of the internal politics of Israel, this is why Palestinians as Makhoul define their case are a part of the general Palestinian cause.

Payes argues that after the 1978 Camp David Peace Agreement between Israel and Egypt, Palestinians on both sides of the Wall started to establish more organizations following the realization that effective resistance to the occupation and discrimination could only be based on self-reliance, and not on the expectation of help from the Arab states.⁶³ As Makhoul informed us these organizations were mostly involved in development projects in order to provide the services that Israel refused to give. After the 1980s, Palestinians in Israel started to realize their citizenships and these organizations were transformed into institutions providing legal assistance and advocacy in addition to their old spectrum of services that the Palestinian community had sought. The construction of the Wall marks the beginning of a second period in the sense that communication between the two Palestinian communities has been limited dramatically. Makhoul argues that until the 2000s, most of the training of Palestinian NGOs in Israel was obtained from the West Bank NGOs which were experienced and had a longer history, but after that no one could come.

In this setting of growing isolation, Palestinian NGOs in Israel have had to theorize their stance both with regard to Israel and Palestinians in the Occupied

⁶³ Ibid. p. 103

Territories. Thus, in an attempt to answer whether NGOs hinder or facilitate processes of democratization and political participation, in this chapter I gave a brief description of the Israeli polity and public space. Second, I concentrated on NGOs priorities and agendas in order to understand how they locate themselves – their work, purposes and the people they serve – both in Israel as a democracy and as the state of the Jews and in the context of Israeli occupation in the West Bank and Gaza Strip.

After my evaluation of the data, I argued that since Israeli NGOs work in the Israeli public space it is natural for them to emphasize their Palestinianness and citizenship at the same time. Thus, in terms of bringing visibility to Palestinian citizens through articulating their problems in the general Israeli-Palestinian context and challenging the democratic principles of the Jewish state, it appears that Palestinian NGOs in Israel facilitate the process of democratization and political participation: they provide a legal framework to act within and they attempt to promote the participation of unrepresented groups by bringing new topics for discussion to the public space of the dominant group.

Payes argues that Palestinian NGOs do not face organizational deficiencies but rather a relatively small number of opportunities available to them to influence the Israeli political system and public discourse, simply because in contrast to the pluralistic vision that depicts the state as a neutral arbitrator between competing groups in civil society, in Israel majority control over the state is deeply institutionalized.⁶⁴ The story of the three NGOs I discussed here demonstrates how it is not possible to discuss Palestinian NGOs through Ferguson's critique of the neo-liberal NGOs which locates developmentalism as a legitimization of the

⁶⁴ Ibid. p. 235

state's utilization of NGOs both for its withdrawal from providing services and for rendering the political problems into technical concerns.

In the introductory chapter, I identified NGOs' sphere of work according to the issues they undertake, environmental NGOs providing support on technical issues, NGOs that work for direct discursive changes in Israeli public space, and umbrella organizations that work for institutional political rights. The Galilee Society and Al-Ahali both provide services and technical support in environmental issues. Ittijah, as an umbrella organization, works for direct discursive change concentrating on institutional and communal rights in the Israeli public space, however, though indirectly, the work of the Galilee Society and Al-Ahali also have discursive reflections in the Israeli public space. I believe, it is not surprising that all these three NGOs have specific departments on advocacy and legal help. As Makhoul put it, with the growing isolation in Israel, in the Arab world and internationally, after the 1980s Palestinian NGOs in Israel broadened their scale of work with the realization of citizenship after the beginning of isolation. Hence, as new spaces were realized – and some others were closed –, citizenship, a legal category, appeared to be the ground for new tactics.

CHAPTER III

PALESTINIAN NGOs IN THE OCCUPIED TERRITORIES

This chapter focuses only on the Palestinians NGOs in the West Bank. As this study is an attempt to understand how, why and under what circumstances different political agendas have appeared between the Palestinian communities under Israeli rule, law again becomes important in demonstrating this differentiation. In the previous chapter I have identified at least four reasons for the Palestinian citizens of Israel– three of which were particular to Israel – that paved the way for the disqualification of Palestinian citizens from certain rights and state services. For the Occupied Territories, again, these four reasons might broaden our insight, three of them again legitimizes the paradox in the dual character of the Israeli state. Thus, for the Occupied Territories also, the lack of a constitution or a bill of rights, Israel’s being not only a Jewish but a Judaizing state, permanence of state of exception (which are much more significant in the case of the Occupied Territories) and the availability of law for interpretation (not a simple interpretation, but an interpretation according to the needs of the dominant segment of the community) provide the legal legitimization of the occupation in the West Bank, as these four reasons have done the same for the discrimination in Israel. However, how does a discussion on the legal bases of occupation by a country in the territories where it obviously does not have any jurisdiction become possible? Is it not naïve to argue about legal regulation in the territories where Israel does not have any jurisdiction?

The Israel-Palestine issue is not simply an outcome of a colonizer-colonized relationship, Israel is also a settler state, both within the territories where it has jurisdiction and in those where it does not. However, Israel does not have defined,

concrete and predictable borders. Thus, before questioning the possibility of the legalization of occupation in the territories of non-jurisdiction, we should keep in mind that Israel has managed to destroy its borders with the remains of Palestine for its Judaizing project through the settlements, the construction of the Wall, bypass roads and the Oslo Peace Agreement.

As the dual nature of the state makes the occupation *non-illegal* in the Occupied Territories, Israel as a political entity is no longer a unit of analysis not only due to the rupturing of state boundaries by Jewish settlement and its construction projects, but also because of the continuing involvement of Diaspora Jewish organizations in Israeli sovereign governance.⁶⁵ It is important to note that this is not a minor aberration, but a structural condition that also prevents Israel from being a democracy, simply because Israel could not establish and empower a demos – as already defined in ancient Greece as the inclusive body of empowered citizens within a given territory – and demos is the basic requirement of democracy.⁶⁶ Moreover, it is important to notice the level of participation in politics by the settlers. The settlers in the Occupied Territories are part of the demos, simply because their involvement of the settlers in Israeli politics is, of course, far deeper than simply electoral. They are represented by 18 Knesset members (out of 120) and four government ministers, and hold a host of key positions in the armed forces, politics, and academy.⁶⁷

Here it is important to note that occupation is not simply a military enterprise in the West Bank, it is a project that extends back to the very foundation of the Israeli state. Contrary to the general tendency of evaluating the Israeli-Palestinian

⁶⁵ As'ad Ghanem, Nadim Rouhanna, Oren Yiftachel. "Questioning 'Ethnic Democracy': A Response to Sammy Smooha" *Israel Studies*. Sep 30, 1998. Vol. 3, Iss. 2. Page unknown

⁶⁶ Ibid.

⁶⁷ Ibid

relationship as a concern of international relations⁶⁸ by assuming that military interventions can be distinguished from the general policy of the state; by attributing a temporariness or state of exception to the intervention, in the West Bank occupation is permanent more than it is temporary, it is a way of governing rather than a military enterprise. Thus, the presence of Israel in the Occupied Territories is a form of *governing*, the occupation is a matter of Israeli internal politics, and that is why a discussion on Israeli law and Israeli democracy is still valid for demonstrating the differences between the Palestinian citizens of Israel and Palestinians in the Occupied Territories in terms of identifying their priorities and imagination of anti-colonial politics.

Legalizing Space in the West Bank: Oslo and the Judaization Project

Studying geography is important to see the relationship between law and its spatial limits. Jane Holder and Carolyn Harrison argue that “doing law in geography helps our understanding of how law shapes physical conditions and legitimates spatiality, and makes clear that law has a physical presence, or even many presences.”⁶⁹ Thus, while trying to bring an explanation to the multi-presences of law – hence its non-concrete characteristic – Holder and Harrison bring a geographical dimension. Legal actions and interpretations can actively create certain spatial arrangements, practices, or representations,⁷⁰ but the reverse is also true, certain spatial arrangements can create legal action and interpretation. For

⁶⁸Moreover, one of the main aims of this work is to bring visibility to Palestinian citizens of Israel to the axis of Israeli-Palestinian issue, which at the same time makes locating the issue only in an International Relations perspective inappropriate

⁶⁹ Jane Holder and Carolyn Harrison, *Connecting Law and Geography In Law and Geography* edited by Jane Holder and Carolyn Harrison (Oxford [England] : Oxford University Press. 2003) p.5

⁷⁰ Blomley, *Law and Geography in Retrospect*, p.27

instance let us take the issue of considering the West Bank (or any nation state) as a geographical category or a refugee, stateless person or citizen as a legal category. Are these either referring to law or geography? Blomley has an answer for us:

Many spatial orderings are simultaneously legal orderings, and vice versa. Thus 'employee' is to 'workplace,' as 'wife' is to 'home;' 'property owner' is to 'land,' as 'refugee' is to 'state territory,' and so on. Both spatial and legal categories are mutually dependent. A prisoner without a prison, even a virtual one, is, of course, not a prisoner. A legal category such as 'citizen' is meaningless without the spatial category of 'territory.' [...] When we think about it, it becomes hard to isolate the 'legal' from 'the spatial.' Is a prison a spatial or a legal category? Both are integral; both are entangled.⁷¹

Thus, spatial arrangements are legal arrangements and vice versa. For the Occupied West Bank, this is of particular significance in the sense that the whole area is divided into legal and spatial zones through the settlers, the Wall, roads and in accordance with the Oslo Peace Agreement.⁷² In the context of the Occupied Territories, it is at the same time the legal spaces that has been created by Oslo (Zone A, B and C) and the materiality of the geographical space (the borders that have been marked with the architecture of the occupation: settlements, the Wall, checkpoints and roads) that has shaped the spaces of Palestinian resistance. Israel still directly controls the flow of people to the West Bank from all sides through checkpoints and Zone B and Zone C and state-of-exception rules that were made clear in Oslo. Thus, obviously the political space of Palestinians is different in Zone A and Zone B/ Zone C concerning Israeli inspection.

Oslo made two major impacts on the nature of politics in the Occupied Territories (in this case only the West Bank): it established the Palestinian

⁷¹ Blomley, *Law and Geography in Retrospect*, p.29

⁷² I just want to remind my writers once again that Oslo divided the Occupied Territories into three categories of areas: Zone A, Zone B and Zone C. Israel claimed that it would withdraw from Zone B and Zone C only after its concerns about security vanishes. At present, these areas are governed through state of exception rules. For more information please look at the 1st chapter.

National Authority and legitimized the settlements through Israeli provisions on not withdrawing from areas of security concern. Thus, while it enabled Palestinians to become involved in active politics without direct Israeli threat, it did so only for a limited percentage of the entire area of the Occupied Territories and imprisoned Palestinian resistance to the city centres that composed Zone A.

Thus, the once hidden Palestinian political parties acquired the opportunity to take their organizations above underground or did not need the charitable organizations that they relied on for expanding their political base anymore, they simply became visible. However all these took place outside Zone B and Zone C. Moreover, with the beginning of the new millennium the Judaization project of Israel has extended by the construction of the Wall, which further materialized the imprisonment of active Palestinian politics to Zone A.

As a result, a discussion on the Palestinian political space necessitates studying the influence of the materiality of geographical space on it, which indicates a difference from the Palestinian citizens' political space in Israel. While Palestinian citizens of Israel share the same political space with Israeli hegemonic public space, in the case of the Occupied Territories, the Judaization project of Israel has managed to destroy the possibility of (the opening and sharing of) a political space where Palestinians and Israelis could get into relation. Thus, the availability of a shared political space between Palestinians in the Occupied Territories and Israel is not materially possible, unlike the political spaces that are available for the Palestinian citizens of Israel and the Israeli public. In addition, in an attempt to locate the reasons of the different agendas and priorities of Palestinians in the West Bank, the role of the architecture of the occupation becomes pivotal.

Checkpoints, settlements⁷³ and the Wall make the communication between the two Palestinian communities materially almost impossible. At the end the Oslo Agreement appears as an extension of the Judaization project of Israel: it succeeded in not only separating Palestinian communities from each other but also made this separation and the occupation legal.

Oslo and the Proliferation of NGOs in the Occupied Territories

Before the Oslo Peace Agreement, “Palestinians had a strong civil society, a colonial state and an amorphous internal leadership”⁷⁴ The Palestinian Liberation Organization (PLO) was directing the Palestinian resistance from Tunis. After the return of the top officers of the resistance back to Palestine, today “there is a virtual state apparatus in situ, headed by the relocated and expanded PLO bureaucracy, with a substantial and armed security apparatus and an elected parliament.”⁷⁵ Before the establishment of the Palestinian Authority in Zone A, the Occupied Territories were among the few areas in the Middle East where a political space was available for the emergence of a strong and pluralistic infrastructure of NGOs. This was achieved both despite and because of the Israeli occupation.⁷⁶

In the pre-Oslo period Israel had banned all political activity in the Occupied Territories. This led the political parties to organize under the banner of charitable societies, which at the same time aimed at helping the needy, recruiting people for

⁷³ For instance the Har Homa Settlement Project aimed at “completing the circle of Israeli settlements which had been built around East Jerusalem, and effectively close off the city to the West Bank. If construction went ahead, the last gateway to a prospective Arab capital would be blocked.” Quoted in Guyatt 1998. p. 44

⁷⁴ Rema Hammami and Salim Tamari, “Anatomy of Another Rebellion” *Middle East Report*, No. 217, (Winter, 2000), pp. 2-15. p. 3

⁷⁵ *Ibid.* p. 3

⁷⁶ Rema Hammami “Palestinian NGOs since Oslo: From NGO Politics to Social Movements?” *Middle East Report* No 214. (Spring 2000). pp 16-19+27+48. p.1

resistance and extending the political base of the party. Thus, the factionalization of the grassroots movement was one of the first steps towards the institutionalization of these organizations. As factions developed their own women's, health or agriculture committees, the executive structures became more formalized.⁷⁷

During the First Intifada (before Oslo and the construction of the Wall) these factional organizations, which were in fact extensions of banned political parties, carried the resistance into a mass movement. "They brought into the movement tens of thousands of young people who would have been reluctant to join clandestine organizations. They also incorporated marginalized social groups that, for class reasons, had been left out of the political arena."⁷⁸ As a result the movement "marked the social and political enfranchisement of those sectors that had been traditionally excluded from Palestinian political and institutional life."⁷⁹

The establishment of the semi-independent Palestinian state in the enclaves of the West Bank and Gaza paved the way for the transformation of the political party affiliated NGOs, which were spaces for mobilizing the grassroots movement, into professional NGOs. Moreover, NGOs not only changed their priorities but also increased in number. This has several reasons: First, as head PLO officers came back to the Occupied Territories and took office in the newly established Palestinian National Authority, this led to an opposition by the PLO cadres who had never left Palestine and who had sustained the continuity of the resistance against the occupation in the field. Moreover, as the new state attempted

⁷⁷ Rema Hammami "NGOs: The Professionalization of Politics" *Race and Class*. VOL37 No. 2 1995 pp. 51-69. p.55

⁷⁸ Salim Tamari, "The Palestinian Movement in Transition: Historical Reversals and the Uprising" *Journal of Palestine Studies*, Vol. 20, No. 2 (Winter, 1991), pp. 57-70 p. 65

⁷⁹ Lisa Taraki. "Mass Organizations in the West Bank" In *Occupation: Israel over Palestine* edited by Naseer Hasan Aruri (Second Edition) Boston Association of American University Graduates. 1989. p. 12. Quoted in Tamari, *The Palestinian Movement in Transition*, p.65.

to found its institutions, many people from the former PLO could not take seats in these state institutions. Thus, NGOs became natural havens for these disaffected party cadres.⁸⁰ Second, as Palestinian political parties became legal after Israel withdrew from Zone A, once operating secretly under the banner of NGOs during the direct Israeli rule, these political parties ended their underground activities. The disengagement of political party cadres from NGOs had several implications for NGOs. One of my interviewees told me that:

In the Palestinian case, in the past, before Oslo, political parties was forbidden, was secret. That's why the people tried to find another way. That's NGOs. The second reason also, political party both are integrated to each other, both are complementary. But, you, sometimes in what you can do in NGO, you cannot do it in political party, what you can do in political party, you cannot do in NGOs. For example, if you are NGO you are free to express your ideas, but if you are a party in the government it is not like that. So, it gives you much more flexibility. The third reason with NGOs, you can work with all people. You can give service to all people. But political parties, always you invite your members.⁸¹

And another interviewee of mine added that:

It [flexibility in gathering people from different backgrounds] is one thing. The other one, people don't believe in political parties anymore. So it is easier to mobilize constituency when you are an NGO not political party, and the competition within a political party is really huge but people don't want to be factionalize. When you look at the public opinion polls, the last one saw which was a week old, 55 % of the people don't want to be affiliated with any political parties, I think it is due to the rivalry between the two political parties that people don't want this form of organization, so it is easier under the umbrella of an NGO than a political party. In terms of political mobility it is easier. The ministry of interior looks at you or while making fund raising, it is easier for an NGO.⁸²

Thus, after the legalization of political parties, the flexibility of NGOs in terms of expressing views and working with a variety of people paved the way for the professionalization of NGOs: they extended their base in terms of the variety and number of people they reached in order to provide services. The situation here

⁸⁰ Hammami, *Palestinian NGOs since Oslo*, p.17

⁸¹ Interview with Abdel Rahman Tamimi from Palestinian Hydrology Group. Ramallah. 27.01.2009

⁸² Interview with Wafa' Abdel Rahman from Filastiniyat. Ramallah. 02.02.2009

may epitomize the criticism of Ferguson on NGOs' rendering political issues into technical level problems: after political parties emerged as legal entities in Palestinian public space, NGOs diverted their attention to technical issues such as providing basic needs to the impoverished. Moreover, "the entrance of waves of young professionals into the NGO sector has further depoliticized it, resulting in an even greater divorce from a popular social base. The new professionals tend to treat the 'grassroots' in a patronizing and condescending manner, perceiving them as social groups in need of instruction, rather than as constituencies from which they take their direction and legitimacy."⁸³ In addition to that, as depicted in the second quotation above, it is also the loss of trust –and probably the news about corruption – in political parties that resulted in the proliferation of NGOs. It is also the people with political backgrounds who preferred to get organized under an NGO rather than a political party.⁸⁴ The establishment of PNA fostered the channeling of international funding to Palestine which "allowed autonomy or independence from party domination, and they offered individuals an independent political base."⁸⁵

NGOs in the Occupied Territories: Agendas and Priorities

"The transformation of the mass movement into an NGO community of elite, professional and politically autonomous institutions was a complex process."⁸⁶

During my interview with Dr. Abdel Rahman Tamimi, the director of the

⁸³ Hammami, *Palestinian NGOs since Oslo*, p.27

⁸⁴ Thus, in order to check the applicability of Ferguson's critique about the rendering of political problems into technical level solutions we should not neglect the particularities of Palestinian history. In Palestinian history NGOs appeared to serve multiple purposes, and they did not only proliferate following the neoliberal fashion. However neoliberalism accelerated the emergence of NGOs worldwide – hence also in Palestine – and led to their professionalization.

⁸⁵ Hammami, *Palestinian NGOs since Oslo*, p.17

⁸⁶ Ibid.

Palestinian Hydrology Group and the coordinator of the Palestinian Non-Governmental Organizations' Network he argued that the availability of international funding led to the proliferation of NGOs, and according to him most of them did not have any agenda:

-It is important to see what is the change that happened in the nature of NGOs. We have three kinds of NGOs now. We have NGOs with political agenda, with social agenda, with development agenda. We have NGOs of development, they have nothing to do with politics. And we have NGOs, they are, let me say, donor driven. The donor wants to work in water, they work in water, the donor wants to work in women's issues or human rights... This is I believe, globalized NGOs. It is donor driven, it has no agenda, no vision. Because they are in large numbers, new created and new born NGOs and most of them, as I said has no agenda.

- These are the development NGOs you say?

-No, the NGOs who dance with everybody. That's one thing. The second thing is several NGOs have political agenda and they are strict with the political ideology. Most of them are very old NGOs, I mean 20-25 years, and still affiliated with political parties. The other issue that we have to notice is that the most professional people in Palestine, they work in NGOs, not in government. Because of the history, sometimes the salaries, because they are free to do what they want. And even some political leaders, they are originated from NGOs, they came from NGOs.

Following the words of Tamimi, how are we going to test the validity of Ferguson's critique on NGOs? It appears that locating development NGOs roughly as agencies hiding the political problems behind the technical issues does not fit the Palestinian context. Thus, following Tamimi, at least in Palestine it is important to differentiate between donor driven NGOs and the rest, a development NGO may and may not be a donor driven NGO. Tamimi makes his distinction by stating that non-donor driven development NGOs do not work on project basis, they rather have an agenda that prevents them from shifting the subject of their projects according to the donor. He says:

And we have NGOs, they are let me say, donor driven. The donor wants to work in water, they work in water, the donor wants to work in women's issues

or human rights... This is I believe, globalized NGOs. It is donor driven, it has no agenda, no vision.⁸⁷

For instance, the NGO that Tamimi is the coordinator of, the Palestinian Hydrology Group is also a development NGO, they work on technical issues that are related to the water sources of Palestine.

Thus, before applying Ferguson's critique on NGOs, we should take into the characteristics of each particular setting into consideration. Moreover, as David Moss proposed to study the social life of development projects before an attempt to apply the critique of Ferguson, in Palestine we observe that the people who work in these NGOs have political backgrounds, or conversely people active in politics started their careers in these NGOs.

Hence anti-politicization does not necessarily follow getting involved in technical issues. Tamimi adds that:

Here environment and water are part of the political struggle, because the Israelis are trying to take more land and more water, and we are trying to keep our land and water. That's why I call what we do here as hydropolitics, more than environment.⁸⁸

Thus, is it the occupation itself which makes the work of the non-donor driven development NGOs' political? We may argue that whatever done under occupation is political in the sense that it would be against Israel. But, rather than this, can it be the agency of the NGO that makes its work political by not preferring the donor's priorities to its own priorities?

Here, I would like to speculate on these two questions by evaluating the work of Filastiniyat, a small and a very new NGO established in 2005. Filastiniyat is a pro-active, media advocacy organization committed to ensuring and supporting

⁸⁷ Interview with Abdel Rahman Tamimi from Palestinian Hydrology Group. Ramallah. 29.01.2009

⁸⁸ Interview with Abdel Rahman Tamimi from Palestinian Hydrology Group. Ramallah. 29.01.2009

the equitable participation of Palestinian women and youth at all levels of public spheres and all forums of public discourse.⁸⁹ A group of young activists who were active during the Intifada, founded the NGO with the aim of changing the Palestinian public discourse on women's issues. That is why they monitor the media, write reports, organize workshops with the media or people in charge of the media and train them on what kinds of discourses should be used in the media.⁹⁰

During my interview with Wafa' Abdel Rahman – the director of Filastiniyat – she explained to me the context in which Palestinian NGOs – once very political – have experienced the depoliticization process.

-The only politics that you can do is to make sure that the government is accountable, something like that. But when it comes to politics, the agenda of fighting the occupation, forget about it. Most of the NGOs have shifted to the internal issues, the social agenda, women's rights, the family law, talking about corruption as if we were a free country and everybody is happy, the NGOs were happy, the donors were happy, the Israelis were happy, and in my opinion when the [second] Intifada, this whole thing fell apart, because again you cannot talk about development when you are underdeveloped and when you are under occupation. Because if you want to identify the development or define it as giving the people the choice of choosing the options and maintaining the resources, you cannot do that without dealing with the occupation and its implications in us. Yesterday we were talking about the water, it is very political, it is not a question of us managing the resources that we have.

...

-I didn't understand one thing, if everything is very political here, how is it possible for an NGO here not to be political?

-When you have project based work, then you are only working on your project, it is only a project, when you finish the project you start a new project and this is it, when issues like negotiations were left to PA to deal with it as if you were saying to handle the occupation now there is a legitimate party which is the PA will take care of the relation with the occupation and end the occupation. And to us, yes now it is to build a society and to concentrate only on the internals, to us so easy! People were tired of years of [first] Intifada, and

⁸⁹ Filastiniyat Website: <http://www.filastiniyat.org/>

⁹⁰ Interview with Wafa' Abdel Rahman from Filastiniyat. Ramallah. 02.02. 2009

they wanted to relax and we as NGOs, we were tired, honestly. And we thought it was time to have a healthy society. So, it is like separation of work, the PA is dealing with one aspect, and we are dealing with the other but then it proved to be failure, it was wrong. Because at the end of the day we failed to maintain a healthy society. Because of course it is a natural outcome, you cannot have a healthy society when you still have occupation and we failed to end the occupation, because we left it to PA to negotiate and we are not really negotiating in the right manner of how they should have negotiated. Simply we failed.⁹¹

Rahman shows us how NGOs started not to locate the occupation as their primary agenda after the establishment of the Palestinian Authority. She argues that between Oslo and the Second Intifada, NGOs in Palestine really left fighting with the occupation to the state apparatus. Of course this is also related to the rising hopes about an eventual peace between Israel and Palestinians, after the signing of Oslo. However, the Second Intifada appears to be a breaking point, Rahman argues that this differentiation of agendas between the PA and the NGOs fell apart. She says that they understood there could be no development under the occupation. Thus, NGOs re-set their agendas and priorities then.

If we go back to the influence of the donor funding on NGOs' priorities, as Tamimi put it, the availability of funding may lead to the depoliticization of NGOs in the sense that it may prevent them from having an agenda. He argued that an NGO without any agenda would be shifting from project to project in order to receive the donor money by satisfying the priorities of the donor. Moreover, he added that it is most of the time small and new NGOs that would be vulnerable to this situation.

Filastiniyat, as a new and small NGO also faces problems in finding funding, however it is Rahman who demonstrates that we should not take this vulnerability of an NGO as a factor that leads to depoliticization – by not being able to set its own priorities – as self-evident. She argues that it is also the NGO that decides

⁹¹ Interview with Wafa' Abdel Rahman from Filastiniyat. Ramallah. 02.02.2009

where to spend the donor money. Thus, without evaluating the dimensions of the relationships between the donors and the NGOs, it would be misleading to reach a conclusion stating that NGOs' accepting the conditions of the donor necessarily marks the lack of an agenda:

-What is your position [about donors]?

-With donors... For instance we take from USAID⁹², and our position was we take the money, we do what we want to do with it, that serves our political agenda. So it is not a question of meeting theirs, it is a question of meeting ours, so we don't have a problem with that. We don't have a problem with getting the money of the EU or the Americans. They can have their own political agendas. [...] I remember with one of our projects, I came out with huge argument with an American organization, the guy was giving me comments on the proposal and changed the whole project. It was so simple for me, I took the papers, I threw them in the basket and said listen we are actually talking about completely different projects, this is not my project, you are proposing something else, why don't you work on it by yourself. And at that point he couldn't do much and he was forced to take my proposal the way it was. So, I am not saying I am smarter than the rest, but I can play it and I can throw whatever thing that I don't like. There are certain for instance another American project who approached us to submit a proposal. When we say American projects, with American donor you cannot really put them in one basket, the same applies to the EU, but the thing which is for me the bottom line of dealing with donors, every cent every euro is political. And if the NGOs don't understand this, it is really problematic. So, I am not saying to fit your agenda with them actually how to serve your agenda without giving up your own principles and values and take the money and try to make a difference in your society.

...

⁹² Here USAID (the United States Agency for International Development) is an important example in the Occupied Territories context. It has two reasons: First, the aid agency brought a criterion for giving funds asking the NGOs not to get involved in terrorist activities. As Rania Kutteneh from PNGO told me during our interview, this caused resentment within Palestinians in the Occupied Territories, simply because, very vague in its conceptualization of terrorist acts, this new criterion for USAID funding simply meant prevention of channeling of funds to NGOs that were working on prisoners in Israeli prisons. (Interview with Rania Kutteneh. PNGO. East Jerusalem. 04.02.2009) Second, USAID asks for its logo on every publication they fund. During the interview Wafa' Abdel Rahman said:

People hate USAID, I am talking about the public. I wish the USAID will change the policy of having their logo on every publication because if they are sincere and genuine about contributing to the development of the society they shouldn't care much about that logo being here or there. (Interview with Wafa' Abdel Rahman from Filastiniyat. Ramallah. 02.02.2009)

-In internet I came across your report,⁹³ and I really wondered about the writing process. It was funded, isn't it?

-Yes it was funded by the USAID and it was a huge battle to get it the way it was. And honestly speaking with this particular report, the Palestinian staff worked with this American project. They were backing us, you want something and USAID wants something else, but then the Palestinians were at the end working as the staff of this American organization. They were supportive and we managed to get this...ok, the problem with those reports, you write the report according to your findings and methodology and everything, and there was no interference of whatsoever you have to admit this. The only problem with this is to have that logo on your report. Because at the end of the day when the people look at it and it is funded by USAID then it raises doubts. If there was interference, if you wrote something to satisfy them, but honestly there was nothing of this sort. And I knew, we had to instead of defending the results of the report is to defend our policy, our integrity while having the USAID logo on the report. But I was willing to take this counting on my name. People know that I am not really the easygoing person, I am very critical, I cannot be bought by any... So you count on your reputation. And we also counted on the quality of the report that we produced and the quality of the report was talking about itself, and I think how we won the battle. But again as I said it is easier to have the EU logo then having the USAID logo.⁹⁴

Thus, as the story of NGO professionalization and proliferation is depicted by Abdel Rahman Tamimi and Wafa' Abdel Rahman, it is important to draw the distinction not between development NGOs and the rest, but between NGOs that are donor driven and those are not. Moreover, the account of Rahman demonstrates us that, even in a small and new NGO like hers, the NGO does not necessarily get depoliticized. The NGO, as being the implementer of the development policy in the field, may still have the possibility (thus the agency) of following a political agenda.

When we have a look at the history of Palestinian civil society, the Second Intifada appears as a breaking point. Wafa' Abdel Rahman argued that with the Second Intifada the Palestinian NGOs turned their attention from fighting against the occupation to "making sure that the government was accountable" or "was not a copy of the Arab regimes." However after the Second Intifada, as she stated

⁹³ In 2007, Filastiniyat published a report called the Palestinian Legislative Council Effectiveness Index.

⁹⁴ Interview with Wafa' Abdel Rahman from Filastiniyat. Ramallah. 02.02.2009

above, Palestinian civil society understood that they had failed, simply because there could have been no development under occupation.

Rahman brings a new dimension to her statements by arguing that after Oslo, the Palestinians in the West Bank differentiated their problems either as internal or external problems. The PA was seen as the agency to solve the external problems and negotiate with the Israelis, while the civil society organizations – which had always been powerful in providing basic services to Palestinians in the Occupied Territories – appeared as the agency responsible for the development:

If you are in water sector you have to talk about Israelis and how they steal our water. Even when it comes to woman, the violation of health, reproductive rights, they don't come from the PA. OK we have lots of internal problems like the violence against women but if you want to look at it from a comprehensive point of view, the occupation is violating the rights of the people, all the people and mainly men, and suppressed men wants to put all the anger and frustration on a weaker party, then it is the woman and the children. So, it is a cycle, cycle of violence, that the roots of it not really the society per se, but it is all the surrounding environment, so whatever issue you want to tackle, the youth and their frustration... their inability to travel, the mobility of goods and people is something in the hands of the occupation.⁹⁵

Moreover she adds that after the emergence of Palestinian Authority...

...there was this conflict with PA, specially that the civil society started a new discourse which is the human rights discourse. And of course we were resisting any kind of human rights violation coming from the PA. So we had two agendas at that point, one is the continuation of the resistance to occupation because it still exists, an the other is to make sure that this new PA is not a copy of Arab regimes, so wanted to have guarantees that freedoms will be inspected, democracy will prevail, transparency, accountability, etc.⁹⁶

Thus, what Rahman identifies as the agendas and priorities of Palestinians in the Occupied Territories are as follows: the occupation and a state that will be democratic. In addition to these, as Rahman warns us not to neglect the connection between the underdevelopment of the Occupied Territories and the occupation, it appears that locating mutual problems may be a regarded as a third priority.

⁹⁵ Interview with Wafa' Abdel Rahman. Filastiniyat from Ramallah. 02. 02. 2009

⁹⁶ Interview with Wafa' Abdel Rahman from Filastiniyat. Ramallah. 02.02.2009

Similarly to Rahman's locating the occupation as a major priority in the Palestinian agenda, Abdel Rahman Tamimi argues in a paper that in the Occupied Territories the Israeli parameters, which affect the availability and accessibility of every service including water, health and land reclamation, determine the agendas of NGOs.⁹⁷ Moreover, he defines the agenda of his own NGO as follows:

Our organization focus on water and environment, but we have two lines. We have professional technical line which we do services to the people, we do studies, research, we have good relationship with universities. And we have a second line which is lobbying and advocacy and mainly we focus water...or we focus on three points. Water as a human right. Water as a basic need. Violation of Israeli Palestinian water rights. Because unfortunately water in Palestine is not only oxygen and hydrogen. It is pure politics.⁹⁸

After clarifying the prioritization of the occupation, here I would like to concentrate on the second priority that was echoed by Rahman: the establishment of a democratic state of Palestine. PNGO, the Palestinian Non-Governmental Organizations' Network works on specifically on this issue by defending the rights of the Palestinian NGOs in the Occupied Territories. The network has 132 members and it claimed its main aim as the creation of "a framework where thoughts, ideas and plans contributing to the creation of a civil society in Palestine can be debated...as a bulwark and guarantee for both national sovereignty and democracy."⁹⁹ With regard to this, PNGO can be regarded as the equivalent of Ittijah in Israel, both are umbrella organizations and both have projects on fostering the legislation of communal and institutional rights. During my interview

⁹⁷ Abdel Rahman Tamimi. The Future and Challenges Facing Palestinian NGOs. September 2005. Not published.

⁹⁸ Interview with Abdel Rahman Tamimi from Palestinian Hydrology Group. Ramallah. 29.01.2009

⁹⁹ PNGO Network Newspaper Vol. 1 no.1 October 1994. Quoted in Rema Hammami 1995 p.60

with Rania Kutteneh, the program manager of PNGO, a particular incident, which is frequently cited in the Palestinian NGO literature, dominated the entire talk.¹⁰⁰

After the signing of Oslo, the newly established PA started to recognize NGOs as obstacles limiting the state's patronage base. When the World Bank decided to fund Palestinian NGOs in the Occupied Territories with an amount of \$ 15 million in 1995, the PA got irritated about the possibility of a future threat from these NGOs that were getting independent of the state. Thus, the PA employed a variety of strategies for preventing the threat of NGOs. First, it reacted against the role that PNGO was given as a part of a consultative committee to the NGO fund. For this purpose, the PA initiated the unification of the pro-government NGOs in order to break the PNGO control over the World Bank control. Moreover, it made the funds available to the newly established NGOs in order to secure its threatened patronage base.¹⁰¹

Second, in the same year the Palestinian Ministry of Justice decided to work on an NGO law that was modeled on Egypt's repressive law. PNGO reacted to this by working on a counter-draft which would be more NGO-friendly. After PNGO tried to convince the Palestinian Legislative Council for the approval of its draft for a long time, the draft was ratified in 1998. The law was extremely liberal in the Arab context, allowing organizations to form relatively freely, to access foreign and other funds without informing the government and also protected organizations' abilities to set their agendas and control their budgets without government interference. However, when the law was sent to President Arafat, he approved it with one, but very important change, that the NGOs should be

¹⁰⁰ Rania Kutteneh did not want the interview to be recorded. Thus, while I will be benefiting from the notes that I took during the interview, I am also going to utilize the literature on this particular incident (that dominated the talk).

¹⁰¹ Interview with Rania Kutteneh from PNGO. This discussion is on the relationship between PA and NGOs is also reflected in Hammami, *Palestinian NGOs since Oslo*

registered at the Ministry of the Interior rather than the Ministry of Justice, as it was the case in the original draft. It is well known that throughout the Middle East there is a cordiality between interior ministries and central intelligence agencies. That was why, PNGO and other civil society and NGO representatives decided to rally political support for PLC and its decision.¹⁰²

At the end the new NGO law was passed as President Arafat wanted it to be. However we can still consider the entire story as a success for the NGOs under PA rule, simply because it demonstrated (and symbolized) what well-organized lobbies could accomplish under the constraints of the PA rule.¹⁰³

The account of Rania Kutteneh – as it is well depicted also in the article by Rema Hammami – about the conflict between the newly established PA, the PLC and the years old NGOs of Palestine demonstrates the prioritization of the very concerns that were echoed by Wafa' Abdel Rahman during my interview with her. It is not only the occupation in the Occupied Territories that is the primary agenda of the Palestinians, but also the consolidation of democracy. However, the relationship between the occupation and the contemporary impossibility of establishing an operating Palestinian state should not be neglected. These two priorities are not only related, but also re-produce one another.

Thus, it appears that the occupation is both a priority of the Palestinian agendas and a fact that shapes these very priorities in the West Bank. As my three interviewees made it clear, whether their projects are concentrated on water, women's issues or the difficulties of establishing an operating state, the occupation is an obstacle before the resolution of these problems. This is why – while discussing the women's problems in the Occupied Territories – Wafa'

¹⁰² Interview with Rania Kutteneh. And also Hammami, *Palestinian NGOs since Oslo*..

¹⁰³ Hammami, *Palestinian NGOs since Oslo*.

Abdel Rahman argued that it was a cycle of violence on which the occupation has a serious influence. I believe we can apply this cycle allegory to environmental or democratic problems in the Occupied Territories.

Moreover, it is possible to identify the Oslo Peace Agreement and international funding as other factors shaping these Palestinian priorities in the West Bank. Oslo marked a fundamental change in NGO practices, because it not only led to the foundation of the PNA, but also legitimized the occupation through the legality of the Israeli state-of-emergency laws. On the other hand, the availability of international funding has had influences on the relationship between NGOs and the PA and on the disappearance of politics from NGO agendas following the cursory identification of problems as either internal or external by NGOs and by PA after its establishment.

CHAPTER IV

EVALUATIONS: REFLECTIONS OF PALESTINIAN EXPERIENCES ON OTHER CONTEXTS AND THEORY

Israel has *produced* different technologies for *managing* the Palestinians living under its sovereignty, for the West Bank it is occupation, for the Palestinians with Israeli citizenships it is discrimination. Thus deploying different technologies necessitates the production of different spaces. However, we cannot understand the production of space only by analyzing the differentiation of geography through the construction of zones by the Wall or law, because the production of space has a time dimension also. The permanence or temporariness of a constructed zone makes it a space. I believe, for the case of Palestinians, it is this sense of temporariness that creates the possibility of different governances for Israel. “Here, everything is a process” told me one of my interviewees¹⁰⁴, drawing attention to Israel’s legitimization of the occupation, emergency rules and discrimination of Palestinian citizens by attributing a temporariness to its policies.

Giorgio Agamben, having been influenced by Walter Benjamin’s idea that the “state of exception” is in fact the rule that we are subjected to, argues in his book, *State of Exception*, that the sovereign has “the legal power to suspend the validity of law.”¹⁰⁵ Following this, “the notion of sovereignty is tied to the ability of state to resort to a state of exception, state of siege, and/ or suspension of citizen rights, which, in turn enables it to exercise violence that is both inside and outside the law.”¹⁰⁶

¹⁰⁴ Wafa’ Abdel Rahman from Filastiniyat. Ramallah/ West Bank. 02.02.2009

¹⁰⁵ Giorgio Agamben. *State of Exception*. (Chicago: University of Chicago Press. 2005.) p 55. Also quoted in Victoria Stanford. “Contesting Displacement in Colombia: Citizenship and State Sovereignty at the Margins” In *Anthropology in the Margins of the State* edited by Veena Das and Deborah Poole, (Santa Fe, N.M :School of American Research Press, Oxford [England] : James Currey 2004). p. 256

¹⁰⁶ Stanford, *Contesting Displacement in Colombia*, p. 256

It is this sense of temporariness and exteriority to law that enables Israel to construct the spaces of occupation and discrimination. And, it is in fact this feeling of exteriority that makes the state of emergency laws permanent. Temporariness and exteriority are regularized through the decrees that the government issues, thus made permanent and part of the law. In other words, the state of exception is not an *exception*, because it is announced *within* the law.

As Israel has created hybrid technologies of governmentality by inventing fluid and flexible borders of law and geography, Palestinian social movements have emerged within this complexity of political spaces available to them, however there has always been conflict with the *available* space and the *demande*d space. Michel de Certeau, while speculating about the construction of space, makes a differentiation between the technologies of the powerful and the weak, naming them strategy and tactic respectively. He argues that strategies are able to produce, tabulate and impose spaces, whereas tactics can only use, manipulate and divert these spaces.¹⁰⁷ He calls a tactic a calculated action determined by the absence of a proper locus, the space of which is the space of the other. According to de Certeau the tactic takes advantage of “opportunities” and depends on them; and vigilantly makes use of the cracks that particular conjunctions open in surveillance of the proprietary powers.¹⁰⁸

As the weak and the powerful do not have different spaces - because they act in the same space - regardless of the fact that it is the powerful who creates this very space, this space is also not concrete but rather continuously in the making. The relationship between strategy and tactic can help us to understand how the

¹⁰⁷ Michel de Certeau. *The Practice of Everyday Life*. (Berkeley : University of California Press. 1984.) p 30.

¹⁰⁸ Ibid. pp. 36-37.

Palestinian agendas and priorities are shaped in Israel and the Occupied Territories.

As we can understand Palestinian politics through its tactical relationship with the political space available, I believe Gambetti's article on Southeastern Turkey can expand our view about tactics before elaborating the particularities of Palestinian politics. Gambetti in her article writes about the Kurdish struggle which aimed at opening a political space for Kurds in Turkey. The story of the Kurdish struggle is a contest of a counterpublic against the contemporary public space of the sovereigns. This counterpublic attempts to transform this hegemonic public¹⁰⁹ by incorporating itself into the latter. Nancy Fraser informs us that, historically from the beginning, "counterpublics contested the exclusionary norms of the bourgeois public, elaborating alternative styles of political behavior and alternative norms of public speech. Bourgeois publics in turn excoriated these alternatives and deliberately sought to block broader participation."¹¹⁰ She argues, today, these counterpublics emerge in response to exclusions within dominant publics of which they try to expand the discursive space. The demands that were previously exempt from contestation become visible and publicly discussed.¹¹¹

Here it is important to elaborate this over-valued term, the public space. First of all it is the space where politics take place, and me, all the other people, NGOs, states, international organizations and all kinds of human communities are part of it. It is "the crucial terrain of the humanly created as distinct from the natural

¹⁰⁹ Here in this study, hegemonic public is defined as the public space where counterpublics use tactics against in order to make their problems visible which otherwise would be neglected and kept invisible.

¹¹⁰ Nancy Fraser, "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy" In *Habermas and the Public Sphere* edited by Craig Calhoun. (Cambridge, Mass: MIT Press. 1992) p. 116

¹¹¹ *Ibid.* p.124

world, of appearance and memory, and of talk and recognition.”¹¹² It is where the counter-public deploys tactics against the strategy users. And it is continuously in the making due to the conflict between tactic and strategy. But most important of all, it is where everything is visible, this is why the domain of private is different from the public.

Hence, I am describing public space by following Hannah Arendt who argues that everything that happens in public can be seen and heard by everybody and has the widest possible publicity; and the term public signifies the world itself, in so far as it is common to all of us and distinguished from our privately owned place in it.¹¹³ Craig Calhoun argues that “Arendt’s term allows us to see the possibilities for political action instantiating multiple, overlapping and sometimes conflicting public domains.”¹¹⁴ I believe, Gambetti’s account on Diyarbakır clearly demonstrates how the overlapping and conflicting of public spaces (counterpublics and public of the sovereigns) result in new opportunities in political action. In Diyarbakır, problems and issues that were formerly neglected by the state become visible through the work of civil society organizations that works on environmental issues, archeological or cultural heritage concerns, poverty reduction, entrepreneurship and consumer protection.¹¹⁵

Gambetti argues that “visibility is closely related to the capacity of any discourse to establish mobilizing bonds.”¹¹⁶ She writes:

¹¹² Craig Calhoun. “Plurality, Promises and Public Spaces” In *Hannah Arendt and the Meaning of Politics* edited by Craig Calhoun and John McGowan. Minneapolis: University of Minnesota Press. 1997. p. 233

¹¹³ Hannah Arendt Quoted in Craig Calhoun, Arendt. Plurality, Promises and Public Spaces In *Hannah Arendt and the Meaning of Politics* edited by Craig Calhoun and John McGowan. Minneapolis: University of Minnesota Press. 1997 233

¹¹⁴ Ibid 239.

¹¹⁵ Zeynep Gambetti. The Conflictual (Trans)formation of the Public Sphere in Urban Space: The Case of Diyarbakır. *New Perspectives on Turkey*. No: 32 Spring 2005 p. 64-65

¹¹⁶ Ibid p. 47

The public sphere should not be thought of as a mere space of connectedness, although communication or the sharing of information is one of its traits. Neither is it synonymous with culture, political or otherwise. Mere living together in the same urban or geographical space does not constitute a public. [...] A space of connectedness between several publics becomes a public sphere if and only if former representations, identities and modes of relating become subject to a dynamics of re-articulation that assumes the character of collective agency. The public sphere, then, is a space of collective re-symbolization and is an incision as much as an opening.¹¹⁷

It cannot be solely through the work of civil society organizations that the Kurdish problem became visible in Turkey. Otherwise, “constitutional rights and guarantees, indemnization for losses caused to civilians, public recognition of ill treatment and human rights abuses, the right to return to evacuated villages and other issues related to the Kurdish question could have been addressed solely through economic or cultural means.”¹¹⁸ She argues that three main factors contributed to the passage from crisis to the possibility of redress: the unilateral ceasefire declared by the PKK in 1998, the election of HADEP-DEHAP to metropolitan municipalities in the southeast in March 1999, and the December 1999 Helsinki Summit, officially accepting Turkey as a candidate for full European Union Membership.¹¹⁹ She writes:

These contributed to the feeling that the Kurdish problem could be solved by political means. Now, that the strict polarization of the political space is mitigated, new actors, new publics and new fields of action have appeared on the scene and the former agents of conflict have entered into a phase of transformation.¹²⁰

Thus, even if these civil society organizations working on poverty, cultural rights or women’s issues provided communication with the general Turkish public and made these problems visible, it should have also been through the change in the strategy of Turkey - not solely through the tactics used by the Kurdish

¹¹⁷ Ibid. pp. 47-48

¹¹⁸ Ibid. p. 68

¹¹⁹ Ibid. p. 51

¹²⁰ Ibid. p. 51

counterpublic – that it has been possible to witness this re-organization of state-Kurdish people relationships. However, this situation should lead us to discuss the consistency of De Certeau’s concepts. “PKK and the Kurdish movement, especially after the victory at the local elections, forced the state to try to compete with the civil actors, thus De Certeau’s concepts do not apply in the case of Diyarbakır, because we cannot assume that when the state does something, it is automatically strategy. A counterpublic like the Kurdish one has actually pushed the state into employing tactics.”¹²¹

Law is an important indicator of the relationship between publics and counterpublics, because it is the strategic tool of the state while confronting the tactic. As the state is the sovereign to pass laws, law appears to be the tool exclusively of strategy. However the example of Diyarbakır shows us how civil society work can push the limits of state power and law to the level of tactic; and this is the reason why I identify this characteristic of law as one of the indicators that it is not concrete and consistent:

As an expression of power, law can constitute social life in diverse ways. Law can act discursively and practically; as an external, instrumental force, or as an internalized, governmental relation; as a vector of domination or a tactical resource of resistance. Law can act in contradictory, confused, and creative ways. Law is about the construction of meaning and social identity.¹²²

Law can make differences, it “not only makes things happen, it makes them in particular ways.”¹²³ It regularizes the public space and the dynamics of participation in it, by drawing its boundaries and deciding who can act in what ways. The Kurdish issue is one of the best examples of demonstrating how law can be used as a strategy in order to limit the space of the counterpublic: the

¹²¹ Gambetti’s personal comment on the second draft of this thesis.

¹²² Nicholas Blomley, “Law and Geography in Retrospect” In *Law and Geography* edited by Jane Holder and Carolyn Harrison, (Oxford [England] : Oxford University Press. 2003.) p. 27.

¹²³ Ibid. p. 23

limitations in education in the mother tongue, the issue of returning to evacuated villages or making political propaganda in the Kurdish language. These are legalized both by ordinary and, in Agamben's sense, state of emergency laws. When we bring Agamben's theory into the scene, I believe we can no longer argue that there is not *any* instance of *formal* discrimination, some of these discriminatory practices are formalized through state of exception rules.

In this continuous shaping of the public space, NGOs are also working for the visibility of the communities, problems, discussions and discourses that were formerly invisible or neglected. Moreover, they pave the way for changing state policies, from strategies to other strategies and even to tactics. In the case of Palestinians this is a valid argument as well, NGOs are dealing with a wide spectrum of problems, including the occupation (in the Occupied Territories), formal and informal discrimination (in Israel), citizenship rights (in Israel), visibility in the greater Palestinian community of Diaspora and those who did not leave their homes (in Israel), freedom of movement (in the Occupied Territories) poverty, education, environmental problems, cultural issues, legal assistance and human rights. As "in important and ever increasing parts of the world, NGOs are the main provider of services that in theory should be provided by the state,"¹²⁴ Palestinian NGOs attempt to do the same in the absence of a consolidated state in the Occupied Territories and in the existence of an ethnocracy like Israel.

NGOs act within the space that is allowed to them and that is why they have been subject to very important criticisms from scholars like James Ferguson in terms of their emergence as obstacles to political movements. Ferguson argues that, rendering everything to the level of technical, NGOs prevent people from

¹²⁴ Julia Elyachar. *Markets of Dispossession: NGOs, Economic Development, and the State in Cairo*. (Durham: Duke University Press, 2005).p. 170

realizing the main reasons – which are political – behind the problems they experience. However the criticism of David Moss against Ferguson simply depends on the idea that we do not have to categorize the underdeveloped either as unconscious to what happens around them or as mere short-term interest seekers in the sense that in order to maximize the immediate benefit they can directly get, the underdeveloped can easily give up resistance or political activism.

Discussing the possibility of reconciling NGOs with resistance or political activism, it is important to keep in mind that resistance and political activism does not necessarily fall outside the law. NGOs utilize law as a means to their ends, but the space they are located in might be identified with the counterpublic.

Counterpublics, while using tactics may also utilize the law, yet the strategy is always available to deflect the demands of it. Of course there are NGOs identified with hegemonic public spaces as well as counterpublics, but as the intent of this study is to understand the counterpublics of Palestinians living under Israeli hegemony, we are only interested in the latter. As a result, I do not find the anti-politicization tendencies of NGOs to be self-evident, what I propose in this study is to study a wider spectrum of NGOs in their contexts, concentrating on how they produce/re-produce discourses, form alliances, produce tactics (or contribute to the production of strategies); and interpret the law and act accordingly.

Neo-liberalism is an important factor both for the emergence of NGOs and for Ferguson's critiquing them as anti-politics machines, because it is the neo-liberal force on state to liberalize the markets that paved the way for the opening of new (and closure of some) spaces within the public space. New actors have appeared such as the NGOs which turned out to be one of the most important figures in

developmentalism. As Ferguson put it, these organizations are new transnational apparatuses of governmentality, they are local and global at the same time.

It is important to ask whether this elimination of the state, and a trend towards localization and globalization at the same time results in the expansion of counterpublics or paves the way for the integration of counterpublics into hegemonic publics. In the possibility of both cases, I believe it is possible to argue that processes of counterpublic expansion or integration would mean bringing visibility to injuries, demands and politics that were invisible before. Thus, it is at the same time possible to reverse the claim of Ferguson – with other critiques of NGOs and neo-liberalism – who argued that the technicalization of political problems would necessarily result in anti-politicization. However as this thesis has argued, the naming, blaming and claiming process and bringing the invisible injuries and demands to public space happens in the domain of politics. And in the context of Palestinians both with Israeli citizenships and in the Occupied Territories, it appears that the work of technical NGOs result in visibility and political consequences.

Studying the agency of law and geography on public spaces could make us understand the extent of this politics of visibility. The relationship between law and space has important consequences in determining the limits of the movement of civil society organizations, because “many spatial orderings are simultaneously legal orderings, and vice versa,”¹²⁵ Moreover, we should keep in mind that both are used as technologies by Israel while governing the Palestinians; and this is the main reason why I have discussed how the production of law and geography lead to differentiations in Palestinian public spaces under the rule of Israel.

¹²⁵ Blomley, *Law and Geography in Retrospect*, p. 29

Thus, both law and geography, as technologies, do not necessarily display consistencies. The inconsistency of Palestinian geography under Israeli rule is obvious from the map of Israel. However, law is the factor that attributes legitimacy to these differentiations in geography. For instance according to De Certeau, it is possible to argue that law is a major determinant in shaping the dynamics of the relationship between tactic and strategy. However as Gambetti argues, it is no longer possible to identify the former with counterpublics and the latter with hegemonic publics, hence the former with uprisings to state and the latter with the state's concerns of legitimacy. The case of Palestinian NGOs that are displayed in this study illustrates the same fact. NGOs that provide legal help to Palestinians with Israeli citizenships utilize the law – which is passed by the state authority – as a force upon the state. Thus, law, a concept which I had always conceptualized as the strategy of the state before starting to write this thesis, is in fact not always concrete in the sense. It can make exceptions, it is subject to different interpretations, and the public space is shaped by law, as law also shapes spaces of spatiality, but it has fluidity between tactic and strategy.

CHAPTER V

CONCLUSION

This study has focused on understanding the reasons of the agenda differentiation between the Palestinian communities under the Israeli rule. While it is almost impossible to state where Israel starts and ends both geographically and legally, it is a must to emphasize the historical discussion on locating the Israeli-Palestinian issue, whether it is about Israel's internal politics or international politics.

However, it appears that without the existence of precise borders, this question – and the discussion stemming from this very question – is not a valid question.

As a result, it is again the dual nature of Israel that penetrates into the lives of the Palestinians in the Occupied Territories. It is not simply enough only to study the agency of the Palestinian Authority to understand the political agendas and priorities of the Palestinians in the Occupied Territories. Thus, this study has been an attempt to formalize the Palestinian political priorities under this inconsistency of Israel's borders. As I made it clear in the previous chapter, studying the special relationship between law and geography enables us to see how this inconsistency in fact creates certain spaces, arrangements and practices through which Palestinian political priorities and agendas – both in Israel and the Occupied Territories - are shaped.

Hence, throughout this study, I have conceptualized Israel and the Occupied Territories as one single space. This led me to identify the injuries of Palestinians as the Israeli regime which has extended beyond its internationally recognized borders. Following this, I argued that the production of different spaces for Palestinians was the Israeli technology of governing them. After that, I stated that

this production of space is made possible through using law and geography as tactics and strategy.

My research on NGOs tells us the story of how these people who suffer from structural problems open a space for politics through NGO work. Moreover it describes how and when NGOs under different forms of governances (in this study one in Israel proper, one in the Occupied Territories) present commonalities and differences. At the end, this comparison enabled me to suggest that in both contexts NGOs have been politicizing problems and catalyzing the process of democratizing Israel by technicalization.

I began with the NGOs of Palestinians with Israeli citizenships who are in a double effort to convince both themselves and Israeli Jews that they are citizens of Israel. As Ameer Makhoul previously argued in the second chapter, it was after the Camp David Peace Agreement between Egypt and Israel that the Palestinians started to feel isolated in the Arab World; that was why they sought new ways of dealing with the problems they had with/ within Israel. However, the situation in Israel is very paradoxical, simply, the discussion is about a Jewish state that identifies itself as a democracy. Moreover, it is a Judaizing state where the re-organization of geographical space through laws, regulations and practices of resettlement is directly related to the production of social subjects.¹²⁶ Thus, the settlement policies of Israel –both in Israel and the West Bank- should not be identified as damage from a “conflict” between Palestinians and Israelis, “but as a one of its very objectives.”¹²⁷ And this why the Palestinian citizens of Israel at the same time could feel threatened by an explicit discussion of transferring the Palestinian citizens to the Occupied Territories in the Israeli public space and try

¹²⁶ Joost Jorgenden. *The Settlement Issue in Turkey and the Kurds: An Analysis of Spatial Policies, Modernity and War*, (Leiden and Boston: Brill 2007). p 281.

¹²⁷ Ibid.

to make use the rights that were granted to them by the democratic principles of the state.

Then I focused on the Palestinians in the Occupied Territories. It appears that the materiality of geographical space overlaps with the political space that is available to them. In other words, the political space where the Palestinian priorities can be realized is shaped by the architecture of the occupation. However, for the Palestinians in Israel, this time the overlap should take place between the two characteristics of the state, the Jewish and the democratic.

For Palestinians with Israeli citizenships, I argued that it was the demand for equal citizenship with the Jews that appeared as the primary Palestinian priority. That was why the Palestinian citizens of Israel were trying to compensate for their injuries by utilizing Israeli law where the overlap between the democratic principles and the political availabilities/ approvals by the Jewish character of the state should be expected to occur. On the other hand, in the third chapter, where I studied the Palestinian NGOs in the Occupied Territories, I argued that it was the termination of the occupation which became the primary agenda of the Palestinians in the West Bank.

However, there is a shared political concern that both of the Palestinian communities took into their agendas: the democratization of the state that they are bound to. In Israel, the Palestinians regard the democratization of Israel as a solution to their problems. In the Occupied Territories, as Wafa' Abdel Rahman put it, the Palestinians work for the creation of a state that would not be a copy of the Arab States, one that would be democratic and respectful to pluralism.

If we go back to the discussion on the NGOs' fostering/ hindering processes of democratization, it appears that Palestinian NGOs on both of the sides of the Wall

try to facilitate the democratization processes in the states they live in. However, regardless of their aims, when we study the outcomes, then it is possible to argue that NGOs can facilitate and hinder processes of democratization at the same time. For instance, how are we going to locate the words of Mohammad Khatib when he told us that it was important to find commonalities with Jews' injuries in order to convince the Israeli state authorities to act for finding a solution for Palestinian injuries: as a facilitation or a hindrance of the democratization process? Is this necessarily the opening of a space for Palestinian problems to become visible or discussed in Israel? I believe we should re-interpret Ferguson in the sense that technicality does not merely refer to constructing pump lines or bringing electricity to a village that is in need of it. Rather, it is a way of transforming a knowledge into another: an injury which would not be appealing to the hegemonic public into an injury that would be sensed, seen and understood by the public. In other words, Ferguson's concerns about technicality could be *the expertise* in the naming, blaming and claiming process, simply because what Timothy Mitchell argues in *the Rule of Experts: Egypt, Techno-Politics, Modernity* is the re-production of social facts in spaces other than their original contexts and their application back in the original context.

Thus, while NGOs attempt to bring visibility to Palestinian injuries through the naming, blaming and claiming process, they in fact continuously render the political problems into technical level problems. However, here I do not find any contradiction between technicality and the facilitation of democratization processes (at least in the case of Palestinians living under Israeli rule). As the NGO work appears to be ontologically technical in nature, it also brings visibility

to the problems which were hidden in the public spaces of the ruling class, whether Israeli Jews or the cadres of the ruling party in the Occupied Territories.

While concluding this study, I believe it has realized its goals. It has shown how, why and under what circumstances the differences between the agendas of Palestinian communities have emerged. Of course, claiming this means arguing that Palestinian communities on both of the sides of the Wall have different political agendas and priorities, something I argued earlier in this study. Moreover, this study had two other goals which, I again believe, are accomplished: first, bringing visibility to Palestinians in Israel and locating them in the general atlas of Palestinian politics; second, understanding the dynamics of bantustan politics in the Occupied Territories.

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