Palestinian HROs and the Global Human Rights Agenda

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“If people are not aware of the historical and contextual nature of human rights and are not aware that human rights become realized only by the struggles of real people experiencing real instances of domination, then human rights are all too easily used as symbolic legitimizers for instruments of that very domination.” (Belden, 1992; cited by Stammers, 1999:980).

“For the historically disempowered, the conferring of rights is symbolic of all the denied aspects of self and others, that elevates one’s status from the human body to social being. For the blacks, then, the attainment of rights signifies the respectful behavior, the collective responsibility, properly owed by a society to one of its own.” (Williams, 1991: 153).

Palestinian HROs: Resistance Agenda

The birth of the human rights movement in the Arab world was not a simple matter. The first human rights group, the Arab Human Rights Organization, defined itself, from its inception, as a humanitarian group, making great efforts to highlight that it was not a political organization hiding behind a legal profile, as the Syrian sociologist, Borhan Ghaloun insisted (Abdella, 1996). For this reason, the organization chose Geneva as its temporary headquarters and for years had no offices actually in the Arab world. It wasn’t until 1983 that it established a head office in Cairo, and its formal and legal presence date only
from mid-1999. The movement then spread throughout the Arab World (with the exceptions of Syria, Iraq and Saudi Arabia).

In Palestine, the human rights movement is predominantly left wing, mirroring the trend in the rest of the Arab world, while organizations are also characterized by a lack of individual members. This stems from a fear of state interference, as is the case in Egypt (for the Egyptian Human Rights Organization) and in Tunisia (Human Rights League). Nevertheless, the movement has not been able to find a substitute for individual membership to open the movement to the general public through volunteers and involving individuals in the organization.

**Genesis of the idea of Human Rights in Palestine**

The idea of human rights is a relatively recent one, developing towards the end of the 1970s. Before that, few in Palestine had acknowledged the importance of the international community; it was viewed with suspicion and considered an Israeli tool. Raja Shehada and Jonathan Kuttab established Al Haq, the first human rights organization, in 1979, as a branch of the International Commission of Jurists. Both men are Palestinian-American. Initially, some activists were suspicious of Al Haq, wondering whether it was a branch of the CIA, while many other leftists perceived human rights as a form of cultural imperialism, in the service of Western interests. Al Haq’s objectives have evolved as part of the broader metamorphosis and development of the idea of human rights in Palestine. The organization has a long history distributing reports to the international community on issues ranging from administrative detention to expulsions. Since 1985, the organization has observed and recorded human rights violations and offered legal advice. From 1985-97, Al Haq also focused on the effect of the occupying force on law and order in the West Bank. Today it is a known and respected organization in the local community.
The first Intifada served as a useful alibi for many political activists in Palestine to establish human rights centers. They were surprised by the legal form of the human right discourse: the neutral vocabulary, and the labeling of Palestinian and Israeli victims as ‘killed person’. The Information Center on Human Right, (part of the Arab Study Society based in Orient House) and the Gaza Center for Rights and Law were the first centers to be established after Al Haq. Raji Sorani then co-founded the Palestinian Center for Human Rights, and a number of other centers were set up, including the Mandela Institute for political prisoners (which changed its name after the arrival of the PNA to Mandela Institute for Prisoners), Dameer, The International Movement for the Defense of Children and LAW.

In general, HROs are responsible for following up human rights violations, Israeli violations in particular; organizing visits and providing material and moral assistance to Palestinian prisoners in Israeli and Palestinian jails; monitoring and disclosing news of torture, health and social rights violations and finally, publicizing information about closures imposed by the Israeli occupation of the Palestinian territories. Many of these organizations work according to action plans and clear programs, thanks to the core funding they receive. Unlike other sectors, donors provide core funding, long-term support and capacity-building grants to Palestinian HROs. This has had a tremendous impact on the performance of these groups. Core funding allows them to develop technical expertise, credibility and a long-term strategy. It also enables them to take on costly activities such as litigation. A court-based strategy has been used extensively to defend the rights of Palestinian Jerusalemites, as well as to generate community support and raise awareness.

During the first decade of the establishment of Palestinian HROs, there was a lack of parity in the way human rights principles were applied. Many HROs did not criticize the murder of Palestinians by other Palestinians. While Al Haq denounced the killing of collaborators as contravening the right to life, others such as the Information Center remained silent. Secondly, during the Iraq-
Kuwait war, many HROs were not convinced the Fourth Geneva Convention should be applied to this war. Nationalist and patriotic motives underpinned the judgments taken by these HROs, contrary to the notion of human rights as conceived by the international community and the application of legal-juridical-bureaucratic standard.

Today, almost all Palestinian HROs have developed a clearer position on the killing of collaborators. They consider the continued use of the death penalty cruel and inhumane. However, some of the HROs adopt a softer stance: one contests the absence of the right of appeal for the accused collaborator - not their fundamental right to life. Another condemns acts of collaboration that harm the Palestinian struggle against the Israeli occupation. However, its position on the death penalty for collaborators is unclear, and has been watered down to calls for a fair trial. This represents a divergence from the global human rights agenda. Today, the Palestinian human rights discourse sways between positivism and politics. By way of comparison, the majority of the HROs denounce the death penalty only when the trial concerns political prisoners.

Palestinian HROs are respected by their international counterparts, and their work has impact not only in the international arena but also in the Israeli one. The cooperation between Israeli and Palestinian organizations has been very fruitful at times. For instance, the Israeli organization B'tselem has more progressive views than those of Amnesty International and Human Rights Watch, in terms of Israel’s responsibility to apply the Fourth Geneva Convention in the Occupied Territories. “The refusal of the Israeli government to recognize this Convention's applicability to the Occupied Territories is a dangerous evasion from its obligation as a member of the international community”, states a B’tselem report. However, B’tselem’s stance on the annexation of East Jerusalem is at times unclear; for example, it uses the term ‘Jewish neighborhoods’ when referring to Jewish settlements in Jerusalem, conjuring up an image of them in opposition to Arab neighborhoods.
Another issue Palestinian HROs diverge on is the human rights violations committed by the PNA. Bassem Eid, the head of Palestinian Human Rights Monitoring Group, explained that the creation of his new Palestinian HRO was necessary because some segments of the human rights community in Palestine were treating PA violations differently from those committed by Israel. For example, when a recent Amnesty International report on the PNA was released on December 2, 2002, journalists approached the PHRMG because other HROs declined to comment - despite the fact that Amnesty's report was based partly on these organizations’ research.

Another area of weakness among Palestinian HROs, is the lack of attention directed beyond the legal realm. The work conducted by these groups could be more effective if it reached beyond a narrow legal audience. This objective could be achieved through the publication of reports and research, allowing information and high-quality analysis to nourish and stimulate public discussions about legal questions.

Palestinian HROs have increasingly become guided by non-partisan principles and professionalism; they defend the rights of all persons and groups, regardless of the political affiliation or ideological orientation of the victims. However, this is a general observation, and in practice some of them still retain biased or partisan elements, normally their recruitment procedures. Additionally, HRO studies and research into human rights violations are often empirical and lack in-depth analysis. Some of the more interesting and analytically rigorous studies do not list the author’s name, such as the Law report entitled The Dormant Right: the Continuing Violation of the Right of Return (Law, 2001). But even in this paper, the position sways between a politicized version of human rights and nationalist posture.

Here, we should be very clear that the dichotomy between the legal-juridical-bureaucratic standard and the politicized position is not synonymous with the dichotomy of universal versus nationalist. We believe that the human rights
discourse does not rely on abstract reasoning or logic. It hides a political sensibility. On the one hand, there is no pure, universal idea of human rights. On the other hand, not all the politicized discourse of Palestinian HROs is necessarily a nationalist one. Human rights are socially and politically constructed, in the sense that, “ideas and practices in respect of human rights are created, recreated and instantiated by human actors in particular socio-historical settings and conditions” (Stammers, 1999: 1).

In the Palestinian context, the difference between a nationalist or politicized judgment by human rights activists is not always clear. Does one consider the refusal of certain Palestinian HROs to denounce the Jordan’s occupation of the West Bank before the 1967 War, as a politicized posture or a nationalistic one? If one considers international law, then indeed, Jordan was an occupying power. But listening to the Palestinian population, that is not the case. Sometimes a politicized discourse hides a lack of professionalism; for example, we noticed communiqués in which a reference to international law is made without mentioning which one it is, and at other times, the structure of the argument remains undeveloped. Examining the communiqués of HROs in Palestine, we did not find any errata or nuancing of previous communiqués, as we find in those of other organizations. Does this mean that they do not make mistakes? At times there is also an absence of attention to detail or context. For example, in an incident in which an Israeli car killed a Palestinian child, the communiqué identifies it as a settler car, without knowing that it was in fact a settler. Generally, few of the communiqués use the word ‘alleged’ when the circumstances surrounding the event are unclear. One also finds instances of exaggeration, such as the use of the word ‘massacre’ when only a few individuals have been killed.

**HROs, Culture and Social Movement**

On the whole, most HROs in the Palestinian territories have taken on the role of providing reports and press releases on human rights violations either by the
Israeli forces or the PNA. However, very little effort has been directed at developing a ‘human rights culture’ at grassroots level. Human rights are approached in a juridical sense as the ends, and not the means, of social and political struggle. Two central factors have restricted the influence and role of Palestinian human rights groups. Firstly, the work conducted by these organizations is often approached as the concern of a few activists; little attention is directed at developing a culture of human rights. Human rights education is important and rather than being addressed at a narrow “target group” through informal education programs, it should be incorporated into the school system. Civic Forum and the Palestinian Center for Peace and Democracy have run many informal education programs through workshops and summer schools. However the technical emphasis of their approach represents a drawback. Educating people about human rights through one time workshops, without forming a long-term relationship with the individuals, inevitably reduces the impact of the program. HROs therefore cannot escape the need to develop some form of membership structure. Badil, the Resource Center for Palestinian Residency and Refugee Rights represents an interesting case; the organization has created a structure called ‘Friends of Badil’ to maintain a relationship with the refugee community.

Secondly, there is also an absence of an “action plan” to extend the struggle for human rights from international tribunes to the streets. Mass mobilization represents an important asset for human rights advocacy work; mass support would intensify pressure on the PNA and the Israeli occupation forces to respect human rights. It is true that mobilizing the general population behind human rights principals is not an easy enterprise. The deep sense of insecurity and profound distrust of the international community among the Palestinians is one of the obstacles inhibiting the emergence of a human rights culture at the popular level. This distrust is compounded by the reliance of Palestinian HROs on foreigner donors for funding.
In addition to this, the Palestinian human rights movement has neglected women’s issues in its agenda. One could argue that this has happened because of the proliferation of women organizations, but it is also possible to envision cooperation between human rights groups and women’s organizations. Women’s groups recognize the importance of strengthening their link with the human rights movement (Abu Nahleh, 1999), but at the practical level, one rarely finds joint communiqués between the two movements. The only notable exception is Al Haq, which has released two publications on women’s issues. One of them is the proceeding of the conference on ‘Women, Justice and Law’ that was held in Jerusalem in September 1994. (See Rashmawi, et al.: 1995[in Arabic]) This conference was exclusively attended by women (ibid: 15). When one of the sessions was headed by a man, one of the participants protested (Rashmawi, 1995: 127 [in Arabic]).

The human rights movement’s disregard for women’s issues in turn reflects a lack of cooperation and alliance building between civil society groups. While one understands that professionalization and specialization has led to organizations designing their mandate as exclusively ‘human rights’, this does not explain the absence of cooperation with other actors, especially unions and political parties.

Although the human rights movement emerged as a proxy of the political parties, and maintains a sort of allegiance to them, it has become the expression of the personal leadership within the organizations. Local staff members, for example, are not greatly involved in writing studies and communiqués, it is generally foreign interns and volunteers who carry out this work. This reinforces the personal power of the head of the NGO.
Conclusion: Palestinian HROs, a ‘Voice’ Model

Despite the universal language and frame of reference used to locate human rights and anchor it as a global agenda, both the debate on, and the application of, human rights have strong emotional and normative characters.

The Palestinian HROs possess an anti-hegemonic discourse that resists, or at the very least contests, the way human rights have been framed in the global agenda. While international HROs locate their work within legal-juridical-bureaucratic standards, Palestinian counterparts are skeptical of this discourse and they acknowledge its politicization. In his autobiography, Nelson Mandela recalls how, during his career as a lawyer and activist, he evolved, "from having an idealistic view of the law as a sword of justice to a perception of the law as a tool used by the ruling class to shape society in a way favorable to itself."

In a communiqué released on April 13, 2001, the Arab members of the Euro-Mediterranean network of human rights, identified the principal challenge to the notion of the universality of human rights as the politicization of human rights and the double standard employed by Western governments and institutions rather than cultural relativism; this is exemplified in the way Israel has not been held accountable for its gross human rights violations.

This situation begs the question: are we all in fact guided by the same universal principles and values? Are we all covered by the same human rights protection mechanisms? Theoretically the answer may be yes, but the reality on the ground provides a different picture. This jeopardizes the efficacy of most human rights mechanisms. It does not mean they are necessarily bad or good things: It depends on how the NGO discourse combines the reading of the law and the reading of events. Some communiqués show weakness in their structural statement and are politically overdone; others are silent on certain issues. The position vis-à-vis the collaborators is a very tricky and peculiar
issue in the context of a national liberation movement. While some dare to
denounce capital punishment as a violation of the right to life, others only
demand a fair trial.

In this respect, the second Intifada polarized the Palestinian HROs. Two
reactions were observed: the first position is that the Palestinian human rights
discourse should be closely compatible with the international discourse. The
other position is that human rights issues cannot be disconnected from the
deeply political context of the occupation, and in which case, their role is to
expose and demystify the discourse and practices of the international HROs.
Consider the UN Commission on Human Rights meeting held in Geneva in
October 2000. Palestinian HROs mobilized themselves and participated in the
meeting. Two trends were observed among the Palestinian participants: some
wanted a soft declaration to gain European support during the vote, while
others wanted a strong statement (i.e., accusing Israel of war crimes and crimes
against the humanity). The second group influenced the decision.

The same internal division between Palestinian human rights groups was
observed at the Third International Conference of the Human Rights Movement
in the Arab World, held in Rabat, which dealt with the Future of the Palestinian
Refugees under the Current Political Settlement. The majority of the human
rights groups at the conference chose a strongly political statement, calling on
the League of Arab States to take the necessary practical measures to expel
Israel from the UN. This statement highlighted Israel’s violation of one of the
conditions for the acceptance of its membership of the UN, that is its failure to
implement UN Resolution 194 requiring it to allow the return of the Palestinian
refugees to their homes and to pay compensation. The statement also called for
a freeze on Israel’s membership of all UN agencies until it accepts the
Palestinian right of return. Some of the groups at the conference, including one
of the Palestinian HROs opposed this, arguing it was unrealistic, and therefore
unhelpful. When we asked this Palestinian HRO, why it felt this position was
unrealistic, the head of the group referred to the international HROs’ agenda.
Based on this, one can ask, for an agenda to be ‘realistic’ must it fall in line with the international agenda as defined by international NGOs or Western governments, and in turn is this what the ‘universal’ human rights agenda consists of?

Bibliography


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