## Submission to the United Nations Special Rapporteur on the Palestinian Territories Occupied since 1967, Ms. Francesca Albanese, on the Right to Self-determination

## Submitted by:

Al-Haq, Law in the Service of Man



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This submission will answer some of the questions in the call for input to inform the thematic report of the Special Rapporteur, Ms. Francesca Albanese, to the General Assembly in October 2022. The submission will address the foundation of the Palestinian peoples' right to self-determination since the end of the First World War, analysing Zionist settler-colonialism as the root cause denying the Palestinian people from exercising their right to self-determination. The submission will address the Palestinian people's expression of their right to self-determination by focusing on the Palestinian national liberation movement's resistance and strategic legal work between the 1970s and 1980 in pursuit of the Palestinian peoples' right to self-determination. This milestone is selected to conclude lessons from the strategies and tactics used at that stage to answer the next question of what Palestinian self-determination would look like and how can it be realised in 2022, within the context of an ongoing settler-colonial project, an apartheid regime, a permanent occupation and the current global order.

## What is the foundation of Palestinian self-determination?

The Palestinian peoples' right to self-determination can be traced back to 1920, and has been reaffirmed since then on various occasions. Since the adoption of the Covenant of the League of Nations, which placed Palestine under temporary British administration and designated it as a 'Class A' mandate, the Palestinian people were provisionally promised their right to self-determination and their independence in a unitary state. This meant that the Palestinian people had to realise their collective right to self-determination as a sovereign and an independent State under the effective administration of the mandate system, and within the state-centric League of Nations. However, Britain, the mandatory power, did not fulfil its legal obligation to administer the territory in the best interest of the indigenous people, and to facilitate their self-determination and independence. Instead, it went on to obstruct and deny the Palestinian people from realising their right to self-determination, by facilitating the Zionist settler-colonial project in Palestine. While the three other 'Class A' mandate territories all came to full independence post mandate,

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of Nations; Victor Kattan, From Coexistence to Conquest (Pluto Press, 2009) 81-83.

<sup>&</sup>lt;sup>1</sup> The Committee on the Exercise of the Inalienable Rights of the Palestinian People, 'Right of Self-Determination of the Palestinian People' (1979) < <a href="https://www.un.org/unispal/document/auto-insert-196558/">https://www.un.org/unispal/document/auto-insert-196558/</a>> accessed 7 July 2022.

<sup>&</sup>lt;sup>2</sup> Article 22, Covenant of the League of Nations (adopted 28 April 1919, entered into force 10 January 1920) 'Covenant of the League of Nations'); Victor Kattan, *From Coexistence to Conquest* (Pluto Press, 2009) 121, 138-145. By 1923, Palestine was recognised as an independent state, as a successor to the Ottoman Empire as of the Treaty of Lausanne. International Criminal Court, 'Submissions Pursuant to Rule 103 (John Quigley)' (3 March 2020), No: ICC-01/18, paras 2-10.

<sup>&</sup>lt;sup>3</sup> Other options include free association or commonwealth with another country, or integration into an existing State. Gudmundur Alfredsson, 'Peoples' Max Planck Encyclopedias of International Law (2007) para 9; 'Most liberation movements in the twentieth century ... associated liberation from colonialism with the creation of independent nation-states'. Leila Farsakh, 'Palestine Beyond Partition and the Nation-State' (Al-Shabaka, 4 May 2022) <<a href="https://al-shabaka.org/commentaries/palestine-beyond-partition-and-the-nation-state/">https://al-shabaka.org/commentaries/palestine-beyond-partition-and-the-nation-state/</a> accessed 7 July 2022. 

<sup>4</sup> Palestine was placed under British occupation from 1917 till 1923, during which Britain did not enjoy full sovereign rights over Palestine under international humanitarian law. From 1923, Britain, as a mandatory power, was obligated to respect the right of self-determination of the Palestinian people. Article 22, Covenant of the League

the Palestinian people were dispossessed, fragmented, exiled, and subjugated under the Zionist settler colonial and apartheid regime.

## How have Palestinians articulated their entitlement to self-determination?

For over a century, the Palestinian people have advocated for their collective right to self-determination to a nation State, and in recent years with full membership of the United Nations, as per the state-centric global order, and 'a more abstract demand for freedom'. This articulation is mostly manifested through a multi-faceted resistance, including the recourse to grassroots mobilisation, armed struggle, uprisings, civil disobedience, legal advocacy, connection with global liberation and justice movements, and engaging the practice of steadfastness on the land.

There have been many inspiring manifestations of the Palestinian people articulating their self-determination over the past century against the imposed Zionist colonial project, from the Great Revolt of 1936, the First *Intifada* of 1987, the Second *Intifada* of 2000, the Great March of Return of 2018, popular resistance in villages and communities such as in Iqrit, Beita, al-Naqab, Masafer Yatta, and the ongoing Unity *Intifada* of May 2021. These were mostly grassroots mobilization efforts, in the cumulative pursuit of the Palestinian collective struggle for self-determination. Meanwhile, international community and Third State inaction and complicity have led to entrenched Israeli impunity for grave breaches of international law and internationally wrongful acts.

A significant articulation of the right to self-determination by the Palestinian people was the formation of the Palestine Liberation Organization (PLO) in 1964, as the 'sole legitimate representative of the Palestinian people'. In the 1970s and 1980s, the PLO spearheaded the national liberation movement and served as a political umbrella for various resistance factions. The organization offered legitimate representation for the expression of the will of the people, in pursuit of their right to self-determination, until it surrendered the national demands of the people ahead of the Oslo Accords. This is not to romanticise the PLO, as it was embedded in flaws even in its peak years, yet the organisation enjoyed a high level of credibility and legitimacy as a representative body in the eyes of its people and the international community. For two decades, the PLO advanced a combination of strategies to advance Palestinian liberation from colonisation

<sup>&</sup>lt;sup>5</sup> Noura Erakat, *Justice for Some* (Stanford University Press, 2019) 20-22.

<sup>&</sup>lt;sup>6</sup> Al-Shabaka, 'Debating Forms of Resistance' (11 April 2011) <a href="https://al-shabaka.org/roundtables/debating-forms-resistance/">https://al-shabaka.org/roundtables/debating-forms-resistance/</a> accessed 7 July 2022.

<sup>&</sup>lt;sup>7</sup> Nijmeh Ali, 'Palestinian Representation: Elections vs. Consensus-Building' (Al-Shabaka, 7 April 2022) <a href="https://al-shabaka.org/commentaries/the-question-of-palestinian-representation-elections-vs-consensus-building-2/">https://al-shabaka.org/commentaries/the-question-of-palestinian-representation-elections-vs-consensus-building-2/</a> accessed 7 July 2022.

<sup>8</sup> *Ibid.* 

<sup>&</sup>lt;sup>9</sup> Osamah Khalil, "'Who are You?": The PLO and the Limits of Representation' (Al-Shabaka, 18 March 2013) <a href="https://al-shabaka.org/briefs/who-are-you-plo-and-limits-representation/">https://al-shabaka.org/briefs/who-are-you-plo-and-limits-representation/</a> accessed 7 July 2022.

and realisation of self-determination in a single democratic State for all people within Palestine.<sup>10</sup> This included a political program, with armed resistance at its core, engaging the people through popular and professional organisations,<sup>11</sup> as well as a legal strategy in the international domain.<sup>12</sup> It successfully redirected the Palestinian question into a struggle for self-determination internationally. Along with other national liberation movements and colonised peoples' struggles, the PLO contributed to delegitimising colonialism, enshrining self-determination as a legal right promising independence,<sup>13</sup> and pursuing legitimate resistance as people under colonial domination in pursuit of their right to self-determination and liberation, as per Article 1(4) of Additional Protocol I to the Geneva Conventions.<sup>14</sup>

Starting from 1988, the PLO formally began its strategic shift from self-determination in Palestine to a sovereign state in the occupied Palestinian territory, when it recognized the Israeli settler-colonial state and ushered into a negotiation path toward a two-state solution.<sup>15</sup> This path culminated in the Oslo Accords in 1993, which were concluded without referendum and in violation of the collective right to self-determination of the Palestinian people.<sup>16</sup>

What have been the most grievous violations of the Palestinians' right to self-determination?

A century old Zionist settler-colonial project in Palestine is the most grievous violation of the Palestinian peoples' right to self-determination. Between 1920 and 1947, the British mandatory power effectively obscured the course of Palestinian self-determination. <sup>17</sup> By 1947, a new reality has been imposed on the Palestinian people after the referral of their future to the UN and the end of the British mandate. The denial of their right to self-determination has continued with partitioning of Palestine, the killing and ethnic cleansing of Palestinians, the establishment of the settler-colonial state of Israel by force, the persistent denial of Palestinian refugees their right to

<sup>&</sup>lt;sup>10</sup> Leila Farsakh, 'Palestine Beyond Partition and the Nation-State' (Al-Shabaka, 4 May 2022) < <a href="https://al-shabaka.org/commentaries/palestine-beyond-partition-and-the-nation-state/">https://al-shabaka.org/commentaries/palestine-beyond-partition-and-the-nation-state/</a> accessed 7 July 2022.

<sup>&</sup>lt;sup>11</sup> Jamil Hilal, 'Reflections on Palestinian Leaderships Past' (Al-Shabaka, 23 June 2020) < <a href="https://al-shabaka.org/commentaries/reflections-on-palestinian-leadership-past/">https://al-shabaka.org/commentaries/reflections-on-palestinian-leadership-past/</a> accessed 7 July 2022.

<sup>&</sup>lt;sup>12</sup> Noura Erakat, *Justice for Some* (Stanford University Press, 2019) 95-134, 234-235.

<sup>&</sup>lt;sup>13</sup> UNGA, 'Declaration on the Granting of Independence to Colonial Countries and Peoples' (adopted on 14 December 1960); Legal Consequences of The Separation of the Chagos Archipelago from Mauritius on 1965 (Advisory Opinion) [2019] ICJ Rep 169 [160].

<sup>&</sup>lt;sup>14</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, art 1(4); UNGA Resolution A/RES/3070 (XXVIII), (30 November 1973); UNGA Resolution A/RES/3246 (XXIX; 29 November 1974).

<sup>&</sup>lt;sup>15</sup> Nijmeh Ali, 'Palestinian Representation: Elections vs. Consensus-Building' (Al-Shabaka, 7 April 2022) < <a href="https://al-shabaka.org/commentaries/the-question-of-palestinian-representation-elections-vs-consensus-building-2/">https://al-shabaka.org/commentaries/the-question-of-palestinian-representation-elections-vs-consensus-building-2/</a> accessed 7 July 2022.

<sup>&</sup>lt;sup>16</sup> Asem Khalil and Halla Shoaibi, 'Submissions Pursuant to Rule 103' (16 March 2020) 23-24. <a href="https://legal-tools.org/doc/awdwwu/pdf/">https://legal-tools.org/doc/awdwwu/pdf/</a> accessed 7 July 2022.

<sup>&</sup>lt;sup>17</sup> See, Al-Haq, 'Joint Submission to the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel' (31 May 2022) 9-12 <a href="https://www.alhaq.org/cached\_uploads/download/2022/06/28/coi-submission-root-causes-of-israel-s-violations-1656395537.pdf">https://www.alhaq.org/cached\_uploads/download/2022/06/28/coi-submission-root-causes-of-israel-s-violations-1656395537.pdf</a>> accessed 7 July 2022.

return, the establishment of an apartheid regime, de facto and de jure annexation, the occupation of the rest of Palestine, the strategic fragmentation of the Palestinian people, fragmenting and impeding a contiguous territory in which Palestinians can freely dispose and exercise sovereignty over land and natural resources, <sup>18</sup> and suppressing a unified resistance. <sup>19</sup> The post-Oslo era has preserved and entrenched the denial of the right to self-determination of the Palestinian people.

As resistance is a key tool to articulate and enforce self-determination, this answer will focus on Israeli violations of self-determination, through its suppression of Palestinian resistance. An array of laws, policies and practises criminalise and suppress Palestinian resistance in all its forms by the Zionist settler colonial regime on both sides of the Green Line. The submission will not delve into the tools themselves, <sup>20</sup> but will address the impact of these tools, which when taken together serve as the basis of an institutionalised regime of domination and suppression, attempting to break the will of the people, impede any potential of political expression, a unified leadership, ultimately denying the political means to realise self-determination. Such infringements include, the excessive use of force policy against protesters, the shoot to maim policy, breaking the bones of Palestinians, targeted killings and assassinations, allowing settler violence with institutionalised impunity, mass imprisonment, and torture and ill-treatment of political prisoners.

While other policies are less obvious in how they violate Palestinian's political ability to exercise their right to self-determination. Israel has fragmented the Palestinian people administratively and geographically to impede their ability to unify to resist its colonial expansion. Further, Israel has employed military rule as a distinctive tool to carry out its domination, subjugation and effective control over the Palestinian people, the first miliary rule lasting for 16 years over Palestinians in 1948 territory today recognised as Israel, and since 1967 over Palestinians in the West Bank, including East Jerusalem and the Gaza Strip. Under its military rule, Israel accommodated many policies and practices in the form of closures, curfews, deportations, movement restrictions, arbitrary arrests and administrative detention, prohibiting political activity, and any other acts that

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<sup>&</sup>lt;sup>18</sup> To read more on self-deamination and sovereignty over land and natural resources refer to pages 10-25, Al-Haq and others, 'Joint Submission to the Human Rights Committee on Israel's Fifth Periodic Review' (31 January 2022) <a href="https://www.alhaq.org/cached\_uploads/download/2022/02/17/joint-submission-to-hrc-on-iccpr-1-1645107641.pdf">https://www.alhaq.org/cached\_uploads/download/2022/02/17/joint-submission-to-hrc-on-iccpr-1-1645107641.pdf</a> accessed 7 July 2022.

<sup>&</sup>lt;sup>19</sup> Al-Haq, 'Joint Submission to the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel' (31 May 2022) 12-41 <a href="https://www.alhaq.org/cached\_uploads/download/2022/06/28/coi-submission-root-causes-of-israel-s-violations-1656395537.pdf">https://www.alhaq.org/cached\_uploads/download/2022/06/28/coi-submission-root-causes-of-israel-s-violations-1656395537.pdf</a> accessed 7 July 2022.

<sup>&</sup>lt;sup>20</sup> Badil, 'Forced Population Transfer: The Case of Palestine Suppression of Resistance' (December 2016) <a href="https://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/wp19-Suppression-of-Resistance.pdf">https://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/wp19-Suppression-of-Resistance.pdf</a>> accessed 7 July 2022.

<sup>&</sup>lt;sup>21</sup> Tariq Dana, and Ali Jarbawi, 'A Century of Settler Colonialism in Palestine: Zionism's Entangled Project' (December 2017), XXIV *Brown Journal of World Affairs*, 1, 9-12; The Interactive Encyclopedia of the Palestine Question, 'Palestinians Under Military Rule in Israel' <a href="https://www.palquest.org/en/node/14340">https://www.palquest.org/en/node/14340</a> accessed 7 July 2022.

might be considered opposing its regime.<sup>22</sup> The impact of the military rule as a system has rendered Palestinians, especially those with agency to confront its colonisation, punished, criminalised, suppressed, deported, incarcerated, deported, and/or silenced, ultimately denying Palestinians the exercise of their right to self-determination.<sup>23</sup>

Other Israeli measures of political suppression impeding Palestinian self-determination include the branding of activists for Palestinian rights as 'anti-Semitic', <sup>24</sup> and rendering any opposition terroristic and unlawful including of armed resistance groups, social and political movements (the BDS movement), <sup>25</sup> human right organisations and civil society groups, and student groups, <sup>26</sup> ultimately undermining institutions that could serve as vehicles for organizing toward self-determination. In addition, Israel has applied a collective punishment policy, which includes punishing 2 million Palestinians under a severe and illegal blockade and closure, withholding the bodies of Palestinians, punitive house demolitions, deportations, and revocation of residency, social entitlements and work permits. <sup>27</sup> Punishment in the Zionist logic is a tool to deter resistance under the guise of security. The policy in its various manifestations not only dramatically violates Palestinians' political, social, and economic, rights, but attempts to psychologically break their will of resistance and hope for a dignified future.

What is necessary for the Palestinians to enjoy their right to self-determination? What would this look like? How can Palestinians defend or enforce their right to self-determination?

The three questions are interconnected, perhaps what is necessary and what would it look like are easier to answer than how to enforce it, since the latter highly depends on asymmetrical powers and realpolitik. Enjoying self-determination by foremost requires the people's collective and free will to determine their future. This process should not, as has always been the case for the Palestinian people, be impeded by colonialism, foreign intervention, 'peace brokers', and arguments of feasibility.

<sup>&</sup>lt;sup>22</sup> Addameer, 'Israeli military orders relevant to the arrest, detention and prosecution of Palestinians' (July 2017), <a href="http://www.addameer.org/israeli military judicial system/military orders">http://www.addameer.org/israeli military judicial system/military orders</a>> accessed 7 July 2022.

<sup>&</sup>lt;sup>23</sup> Badil, 'Forced Population Transfer: The Case of Palestine Suppression of Resistance' (December 2016) <a href="https://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/wp19-Suppression-of-Resistance.pdf">https://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/wp19-Suppression-of-Resistance.pdf</a>> accessed 7 July 2022.

<sup>&</sup>lt;sup>24</sup> See Al-Haq, 'Joint written statement to the Human Rights Council Forty-ninth session: Israel's Escalated Efforts to Silence Opposition to its Apartheid' (9 March 2022) UN Doc. A/HRC/49/NGO/243.

<sup>&</sup>lt;sup>25</sup> Badil, 'Forced Population Transfer: The Case of Palestine Suppression of Resistance' (December 2016) 83-84 <a href="https://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/wp19-Suppression-of-Resistance.pdf">https://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/wp19-Suppression-of-Resistance.pdf</a>> accessed 7 July 2022.

<sup>&</sup>lt;sup>26</sup> See Al-Haq, 'Israel's Designation of the Democratic Progressive Student Pole an "Unlawful Association" Is Another Manifestation of its Apartheid Regime' (08 December 2020) < <a href="https://www.alhaq.org/palestinian-human-rights-organizations-council/17626.html">https://www.alhaq.org/palestinian-human-rights-organizations-council/17626.html</a> accessed 7 July 2022.

<sup>&</sup>lt;sup>27</sup>HRC, 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967' (15 July 2020), UN Doc, A/HRC/44/60.

Thus, what is firstly necessary is the Palestinian peoples' collective free will and imagination for their future, transcending the legal and geographic domains they have been strategically fragmented into. Amidst the Unity *Intifada* of May 2021, the Palestinian people mobilised and protested in the streets of Palestine and beyond, establishing a new chapter of unity.<sup>28</sup> In the Manifesto of Dignity and Hope, they wrote:

'In these days, we write a new chapter, a chapter of a united Intifada that seeks our one and only goal: reuniting Palestinian society in all of its different parts; reuniting our political will, and our means of struggle to confront Zionism throughout Palestine.'<sup>29</sup>

The Unity *Intifada* has reaffirmed that the Palestinian struggle today is an asymmetric, popular-led struggle for liberation.<sup>30</sup> Yet, the inspiring and powerful Unity *Intifada* lacks a compass to ensure the destiny to liberation: a strategic political program and an effective leadership.

Before (re)building a political project, we need to identify the situation as is, not for the mere sake of truth-telling or acknowledgement, but to (re)build our project accordingly.<sup>31</sup> The South African liberation movement teaches us that well. While the focus in their struggle was on the system of apartheid itself, and not the structures that feed into it (colonialism, racial capitalism and white supremacy), South Africa remains one of the most unequal countries in the world, arguably where decolonisation has not been achieved.<sup>32</sup>

In Palestine, the reality is one of a historical and ongoing Zionist settler-colonial and annexationist project, carried out within the legal frameworks of an apartheid regime, and belligerent occupation.<sup>33</sup> Within this context, the Palestinian people's right self-determination will be realised through decolonising Palestine.

While letting the people determine their decolonial future have been portrayed as radical, based on arguments of feasibility.<sup>34</sup> These arguments are a reproduction of the positionality of power holders.<sup>35</sup> For example, the right of return of millions of refugees forcibly displaced and

<sup>&</sup>lt;sup>28</sup> Yara Hawari, 'Defying Fragmentation and the Significance of Unity: A New Palestinian Uprising' (Al-Shabaka, 29 June 2021) accessed 7 July 2022.

<sup>&</sup>lt;sup>29</sup> Mondoweiss, 'The Manifesto of Dignity and Hope' (18 May 2021) <a href="https://mondoweiss.net/2021/05/the-manifesto-of-dignity-and-hope/">https://mondoweiss.net/2021/05/the-manifesto-of-dignity-and-hope/</a> accessed 7 July 2022.

<sup>&</sup>lt;sup>30</sup> Tareq Baconi, 'A Palestinian Response to Global and Regional Trends' (29 June 2022) < <a href="https://al-shabaka.org/commentaries/a-palestinian-response-to-global-and-regional-trends/">https://al-shabaka.org/commentaries/a-palestinian-response-to-global-and-regional-trends/</a> > accessed 7 July 2022.

<sup>&</sup>lt;sup>31</sup> Noura Erakat, *Justice for Some* (Stanford University Press, 2019) 236.

<sup>&</sup>lt;sup>32</sup> Amal Ahmad, and others, '70 Years of Nakba: Where Can Palestinians Go from Here?' (Al-Shabaka, May 2018) <a href="https://al-shabaka.org/wp-content/uploads/2018/05/Nakba Roundtable Eng May2018.pdf">https://al-shabaka.org/wp-content/uploads/2018/05/Nakba Roundtable Eng May2018.pdf</a>; Haidar Eid, Andy Clarno 'Rethinking Our Definition of Apartheid: Not Just a Political Regime' (Al-Shabaka, 27 August 2017) <a href="https://al-shabaka.org/briefs/rethinking-definition-apartheid-not-just-political-regime/">https://al-shabaka.org/briefs/rethinking-definition-apartheid-not-just-political-regime/</a> accessed 7 July 2022.

<sup>&</sup>lt;sup>33</sup> See, Al-Haq, 'Joint Submission to the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel' (31 May 2022) <a href="https://www.alhaq.org/cached\_uploads/download/2022/06/28/coi-submission-root-causes-of-israel-s-violations-1656395537.pdf">https://www.alhaq.org/cached\_uploads/download/2022/06/28/coi-submission-root-causes-of-israel-s-violations-1656395537.pdf</a>> accessed 7 July 2022.

<sup>&</sup>lt;sup>34</sup> Yara Hawari, 'Radical Futures: When Palestinians Imagine' (Al-Shabaka, 24 March 24, 2020) < <a href="https://al-shabaka.org/wp-content/uploads/2020/03/Hawari Commentary Eng Mar2020.pdf">https://al-shabaka.org/wp-content/uploads/2020/03/Hawari Commentary Eng Mar2020.pdf</a> accessed 7 July 2022.

<sup>35</sup> *Ibid*.

dispossessed by the settler-colonial state has been framed as an unfeasible plan. Although Palestinians have literally drawn the map of their return through an empirically spatial and demographic approach.<sup>36</sup> This is when the decolonisation lens to any future in Palestine is irreplaceable. Without dismantling the Zionist settler-colonial ideology which privileges Israeli-Jews as nationals and citizens entitled to self-determination exclusively and the Palestinian people as a demographic threat marked for erasure,<sup>37</sup> not only the return of refugees will remain a 'threat to the state of Israel', a final status negotiation issue, and unfeasible to implement, but a continuation of erasure and domination against the Palestinian people will be inevitable and irreversible. Even the creation of a State (one or two states), does not ensure self-determination and can regenerate injustice and erasure without a decolonisation praxis.<sup>38</sup> Thus, the focus should not be on the structure of our future but the substance, that would ensure our self-determination and liberation. Dismantling the Zionist settler-colonial apartheid regime and its discriminatory laws, policies and practices of forcible transfer, property appropriation, dispossession and domination,<sup>39</sup> and allowing the right of return of Palestinian refugees, are key prerequisites for the substance of our self-determination and liberation.

What we can also learn from other liberation struggles such as in South Africa and Namibia as to how employing multiple strategies of resistance contributed to achieving self-determination and independence. One key resistance strategy to restore our leadership is a bottom-up approach, where individuals, communities and grassroots groups' sense of agency, leadership, and organising are reinforced. Grassroots groups should strengthen alliance building with people and groups committed to principles of decolonization and unite their popular work and organising into strategies of resistance and a common vision of liberation, supported by the international community.

Another key strategy that serves the self-determination of the Palestinian people is the rights-based approach, employed by human rights organisations and social movements. This strategy is important but cannot transform the power asymmetry that sustains colonialism unless complemented with a political project.<sup>43</sup> Until the Palestinian leadership strategically pursues a

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<sup>&</sup>lt;sup>36</sup> Palestine Land Society, 'Zionist Myths: Return Plan' <a href="https://www.plands.org/en/maps-atlases/maps/al-nakba-return/slide29">https://www.plands.org/en/maps-atlases/maps/al-nakba-return/slide29</a> accessed 7 July 2022.

<sup>&</sup>lt;sup>37</sup> Noura Erakat, *Justice for Some* (Stanford University Press, 2019) 236.

<sup>&</sup>lt;sup>38</sup> *Ibid.* 237.

<sup>&</sup>lt;sup>39</sup> See recommendation 13 on page 45, Al-Haq, 'Joint Submission to the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel' (31 May 2022) <a href="https://www.alhaq.org/cached\_uploads/download/2022/06/28/coi-submission-root-causes-of-israel-s-violations-1656395537.pdf">https://www.alhaq.org/cached\_uploads/download/2022/06/28/coi-submission-root-causes-of-israel-s-violations-1656395537.pdf</a>> accessed 7 July 2022.

<sup>&</sup>lt;sup>40</sup> Rabab Abdulhadi, 'Debating Palestine: Representation, Resistance, And Liberation' (April 2012) < <a href="https://al-shabaka.org/wp-content/uploads/2012/04/Abdulhadi Commentary EN April-2012.pdf">https://al-shabaka.org/wp-content/uploads/2012/04/Abdulhadi Commentary EN April-2012.pdf</a>> accessed 7 July 2022; See lessons from Namibia, Noura Erakat, *Justice for Some* (Stanford University Press, 2019) 224-228.

<sup>&</sup>lt;sup>41</sup> Fadi Quran, 'Palestinian Leadership through Resistance or Leaderless Subsistence? The Role of Youth' (2020) 14-20 <a href="https://al-shabaka.org/wp-content/uploads/2020/08/PLO-Report-EN-2.pdf">https://al-shabaka.org/wp-content/uploads/2020/08/PLO-Report-EN-2.pdf</a> accessed 7 July 2022.

<sup>&</sup>lt;sup>42</sup> Tareq Baconi, 'A Palestinian Response to Global and Regional Trends' (29 June 2022) < <a href="https://al-shabaka.org/commentaries/a-palestinian-response-to-global-and-regional-trends/">https://al-shabaka.org/commentaries/a-palestinian-response-to-global-and-regional-trends/</a>> accessed 7 July 2022.

<sup>&</sup>lt;sup>43</sup> Noura Erakat, *Justice for Some* (Stanford University Press, 2019) 228-234.

political project towards decolonization, a rights-based approach should strategically employ the law within a political program that aims to achieve decolonization.<sup>44</sup>

Since the Oslo Accords, the Palestinian people have lost their effective representative body: the PLO. The PLO should undergo structural changes to reflect and represent the will of the people, including the diaspora, and lead a political project for liberation accordingly. National reconciliation, reconstruction of pluralism, creating accountability mechanisms, elections for the PLO bodies, and decentralizing governance are some steps to reconstruct the PLO to lead an inclusive national program and strategy for self-determination and liberation. 46

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<sup>&</sup>lt;sup>44</sup> Aseel AlBajeh, 'Decolonization from the Bottom Up' (This Week in Palestine, May 2021)

<sup>&</sup>lt;a href="https://thisweekinpalestine.com/decolonization-from-the-bottom-up/">https://thisweekinpalestine.com/decolonization-from-the-bottom-up/</a> accessed 7 July 2022.

<sup>&</sup>lt;sup>45</sup> Zaha Hassan and others, 'Reviving a Palestinian Power: The Diaspora and the Diplomatic Corps' (Al-Shabaka, 4 May 2021) <a href="https://al-shabaka.org/reports/reviving-a-palestinian-power-the-diaspora-and-the-diplomatic-corps/">https://al-shabaka.org/reports/reviving-a-palestinian-power-the-diaspora-and-the-diplomatic-corps/</a> accessed 7 July 2022.

<sup>&</sup>lt;sup>46</sup> Al-Shabaka, 'An Open Debate on Palestinian Representation' (May 2013) < <a href="https://al-shabaka.org/roundtables/open-debate-palestinian-representation/">https://al-shabaka.org/roundtables/open-debate-palestinian-representation/</a>; Marwa Fatafta, 'Palestinians and their Leadership: Restoring the PLO' (Al-Shabaka, 8 December 2020) < <a href="https://al-shabaka.org/commentaries/palestinians-and-their-leadership-restoring-the-plo/">https://al-shabaka.org/commentaries/palestinians-and-their-leadership-restoring-the-plo/</a>; Al-Shabaka, 'Palestinian Leadership: What a New Model Might Look Like' (June 2018) <a href="https://al-shabaka.org/circles/palestinian-leadership-what-a-new-model-might-look-like/">https://al-shabaka.org/circles/palestinian-leadership-what-a-new-model-might-look-like/</a>; Al-Shabaka, 'Looking for a Leadership with a Strategy' (March 2012) <a href="https://al-shabaka.org/roundtables/looking-for-a-leadership-with-a-strategy/">https://al-shabaka.org/roundtables/looking-for-a-leadership-with-a-strategy/</a> accessed 7 July 2022.