



**Law, Violence and
Sovereignty Among
West Bank Palestinians**

TOBIAS KELLY

CAMBRIDGE STUDIES IN LAW AND SOCIETY

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LAW, VIOLENCE AND SOVEREIGNTY AMONG WEST BANK PALESTINIANS

As the Oslo Peace Process has given way to the violence of the second intifada, Tobias Kelly, a social anthropologist, explores in this book the continuing legacy of Oslo in the everyday life of the Israeli–Palestinian conflict. In doing so, he places the Peace Process, and the second intifada, in the context of a longer historical process of simultaneous social integration and attempts at political separation. Taking a perspective that sees the Israeli–Palestinian conflict as a conflict over the distribution of legal rights, he focuses on the daily concerns of West Bank Palestinians, and explores the meanings, limitations and potential of legal claims in the context of the region's structures of governance. Kelly argues that fundamental contradictions in the process through which the West Bank has been ruled and misruled have resulted in an unstable mixture of legality, fear and uncertainty. Based on long-term ethnographic fieldwork, his book provides an insight into how the wider Middle East conflict manifests itself through the daily encounters of ordinary Israelis and Palestinians, offering an evocative and theoretically informed account of the relationship between law, peace-building and violence.

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For Faye

. . . they were searching in the sea for that reassurance that there was something stronger there than our state.

Emile Habiby, *The Secret Life of Saeed the Ill-Fated Pessoptimist*

We forget that beneath the cupolas of certainty and the columns of law there is a dream full of rock, vermin, and quicksand that will put the equilibrium of the temple of the republic in danger.

Carlos Fuentes, *The Campaign*

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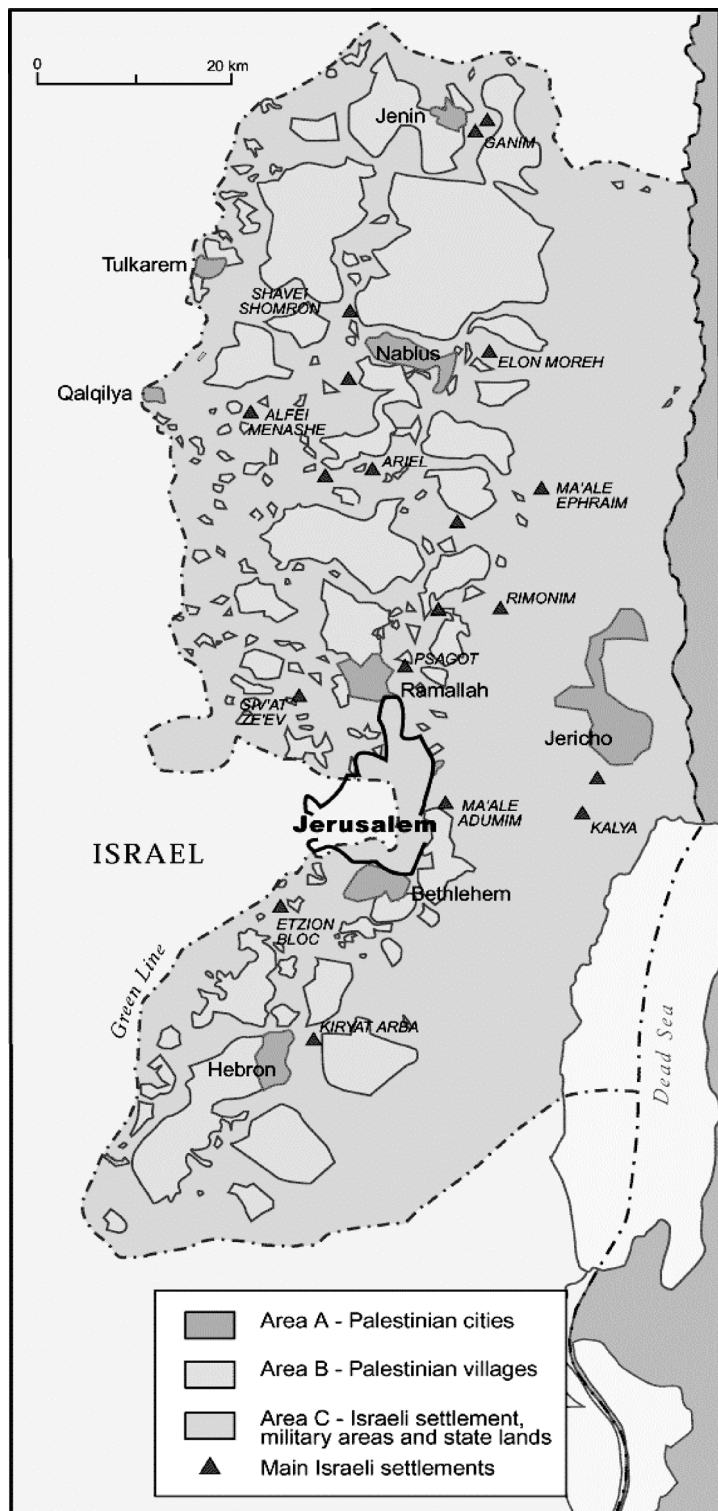
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Chapter 3 has previously appeared as “Jurisdictional Politics” in the *Occupied West Bank: Territory, Community and Economic Dependency in the Formation of Legal Subjects*, *Law and Social Inquiry*, 31 (1) (2006).

GLOSSARY OF ORGANISATIONS AND ACRONYMS

DCO	District Co-ordination Office: the office responsible for co-ordinating between the PNA and the Israeli state in civil matters.
DFLP	Democratic Front for the Liberation of Palestine: a leftist faction of the PLO, which has opposed the Oslo Process.
DWRC	Democracy and Workers' Rights Centre: a non-governmental organisation based in Ramallah, which deals with worker issues.
Fatah	The largest faction of the PLO, formerly headed by Yasser Arafat.
GUPET	General Union of Palestinian Educationalists and Teachers: a PLO-affiliated teachers' union.
GUPET-WB	West Bank branch of the GUPET.
GUPW	General Union of Palestinian Workers: a PLO-affiliated trade union federation for Palestinians in the Diaspora.
Hamas	The main Islamic nationalist movement in the West Bank and Gaza.
Islamic Jihad	A small radical Islamic group in the West Bank and Gaza Strip.
HCCT	Higher Co-ordinating Committee for Teachers, formed in the late 1990s.
Histadrut	General Federation of Labour in Israel.
IDF	Israeli Defence Force.
IoL	Institute of Law. Based at Birzeit University.
ILO	International Labour Organisation.
Kav La Oved	A Tel Aviv-based NGO, which deals with workers issues.
Likud	A right-wing Israeli Zionist party.

PFLP	The Popular Front for the Liberation of Palestine, a leftist faction of the PLO, which has opposed the Oslo Process.
PGFTU	The Palestinian General Federation of Trade Unions, a PLO-affiliated trade union federation in the West Bank and Gaza Strip.
PLA	Palestine Liberation Army: the army of the PLO, based in the Diaspora.
PLC	Palestinian Legislative Council: the legislative body of the PNA.
PLO	Palestine Liberation Organisation.
PNA	Palestinian National Authority: the administrative body set up by the Oslo Accords to govern many aspects of the lives of Palestinians in the West Bank and Gaza Strip.
PPP	Palestinian Peoples' Party, formerly the Palestinian Communist Party.
Preventative Security	Historically the largest and best resourced of the PNA security agencies.
Shabiba	Youth wing of Fatah.
UNSCO	United Nations Special Co-ordinator for the Occupied Territories.
WUB	Workers' Unity Bloc, a union affiliate of the DFLP.



West Bank under the Oslo II Interim Agreements, 1995.

CHAPTER ONE

INTRODUCTION

Majid was a West Bank Palestinian, and for ten years he had worked in a fruit warehouse on the outskirts of Jerusalem. Following a bomb attack in Tel Aviv in the late 1990s his Israeli employer had sacked him and refused to give him his redundancy pay. Majid had then turned to a lawyer based in Tel Aviv, and three years later the case had finally arrived at court. On the morning of the hearing Majid and I sat in a minibus making its way from the Palestinian National Authority (PNA)-controlled town of Ramallah to Israeli-controlled Jerusalem. After half an hour or so the road ahead was blocked by an Israeli checkpoint, and the driver of the minibus turned around to ask his passengers whether they had the necessary permits. Since the start of the Oslo Peace Process in the early 1990s, the number of checkpoints, and permits needed to pass through them, had increased exponentially. Half of the minibus passengers, Majid included, said that they did not have the permits for the checkpoint ahead. On hearing this, the driver turned off to the left, and we wound our way through a residential area, around the offices of the World Bank, and eventually back to the main road, completely bypassing the checkpoint. After a further twenty minutes of heavy traffic we arrived at a major intersection. As well as marking a shift from a predominantly Palestinian area to a Jewish part of Jerusalem, the junction was also the site of the Israeli District labour court.

Climbing out of the minibus we walked towards the court, and as we neared the front door of the building, a heavily armed security guard asked to see our identity cards. I casually handed over my well worn

British passport, but Majid began to look worried as he showed his PNA-issued identity card. The guard inspected the card carefully, and then asked Majid for his permit. As a West Bank Palestinian, Majid was supposed to have a permit to enter Jerusalem. However, although he had a case in the court, his lawyer had been unable to obtain one for him. The security guard would not let him enter the court without it. We explained that Majid was due in court, but the guard refused to allow him in. Majid's lawyer came out of the court and pleaded, but still the guard refused. Eventually we gave up and made our way back to Ramallah. Majid had waited three years to have his day in court, and now having made it literally to the front door, was returning home disappointed, his case postponed indefinitely.

This is a book about the legacy of a peace process. In 1993 Yasser Arafat, the then leader of the Palestine Liberation Organisation (PLO), and Yitzhak Rabin, the then Israeli prime minister, stood on the White House lawn and shook hands, marking the formal start of the Oslo Peace Process. The signing of the Oslo Accords was heralded at the time as the start of a new phase in the history of the Middle East, promising a brighter, more peaceful future for everyone who lived in the region. For the first time in history, the Israeli state and the PLO had recognised one another. The assumption of many people, in the region and beyond, was that the Peace Process would eventually lead to a Palestinian state in some form, standing alongside Israel. Although the Oslo Peace Process has since collapsed in the violence of the second intifada, which began in September 2000, the arrangements that the Oslo Accords created have continued to influence the ways in which the region is ruled and misruled. In particular, their attempts at creating a legal and political separation between Israelis and Palestinians have left a legacy of jurisdictional arrangements, identity cards and checkpoints that continues to shape the daily life of people across the region. It is this legacy that Majid and I had to negotiate in order to try to attend the Israeli labour court.

This book argues that the Israeli–Palestinian conflict should be understood as a conflict over legal rights (Hajjar 2005).¹ Wider conflicts over territory and identity have taken shape through disputes over who has particular rights, and where they have them. Oslo was part of this

¹ The processes through which legal rights are distributed in the West Bank have long been a focus of interest for academics, political activists and lawyers (Benvenisti 1983; Bisharat 1989, 1994; Botiveau 1999; Brown 2003; Brynen 1995; Dotan 1999; Hajjar 2005; Kretzmer 2002; Shamgar 1982; Shehadeh 1988; Tsemel 1989).