

الحكومية في ورقة بحثية لابراهيم الدقاق عن عمل المؤسسات غير السياسة

الحكومية في السياسة ورقة بحثية لابراهيم الدقاق عن عمل المؤسسات غير

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THE NON-POLITICAL INSTITUTIONS IN

THE WEST BANK IN THE

POLITICAL WORK

"THE CASE OF THE FEDERATION OF PROFESSIONAL ASSOCIATIONS"

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I. INTRODUCTION

OVERVIEW:

Israeli occupation to the West Bank and Gaza brought with it a comprehensive system of values, aspirations, management and control. The purpose was to implement it regardless of any other system that had been operating therein.

The Israeli system was the manifestation of the general Israeli consensus at the moment. It embraced the common interests and values of the Israeli establishment. The Israeli military victory justified for the Israelis to consider their system superior to the indigeneous system, hence to legitimize its implementation.

The indigeneous system was faced with two choices: either to adapt itself to the new situation voluntarily and submit to it; or challenge it and adapt itself to the challenge.

Either of the two choices presented difficulties. Had the first choice been adopted, it would have amounted to complete surrender.

However, the majority of the Palestinians in the occupied territories adopted the second choice. Consequently, they faced the sufferings emanating therefrom.

The difficulty encountered was multidimensional: Firstly, the differences between the conditions in the Gaza Strip and the West Bank developed under two different systems of control and management for nineteen years were further enhanced by the new Israeli system. Secondly, the need to build a unified Palestinian political front against Israeli dominance was hampered by the pressing simultaneous need to accommodate for the social struggle. Thirdly the Palestinians in the occupied territories had to cater for the following problems:-

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A. The Relationship with the Palestinians abroad:

1. To foster and enhance their identity within the framework of the comprehensive Palestinian identity.
2. To coordinate their political struggle with the Palestinian struggle everywhere despite the barriers facing it.
3. To overcome the problem of formulating the local component of the Palestinian political resolution within the comprehensive Palestinian strategy. This requires , naturally, discussion and interaction barely possible under the imposed Israeli conditions.

B. The relation with Jordan:

1. As holders of the Jordanian passports and Israeli identity cards, the Palestinians in the West Bank have to observe simultaneously the two seemingly conflicting security requirements i.e. the Israeli and the Jordanian regulations.
2. The open-bridge policy allowed Jordan to maintain a restricted influence under Israeli control. Jordan continued to supervise over a school system, promote influence in the charitable societies and held quasi - direct control over the religious establishment.

The subsiding Jordanian system did not necessarily serve Palestinian interests. It responded, in most cases, to the directions emanating from the Jordanian administration in Amman and complied with the Israeli conditions.

C. The Relationship with the Israeli Authority:

1. To build an alternative system to the dominating Israeli system with the purpose of maintaining, developing, administering and controlling the Palestinian sub-systems.
2. To denormalize relationships with the Israeli administration to counter the Israeli claim that the occupied territory was liberated by them and therefore redeemed.

3. To counter the activities of the non-Palestinian elements and institutions who encourage policies and perform tasks serving, in the outcome, hostile goals to the Palestinian established rights

BACKGROUND

The Palestinians in the West Bank, were subjected successively, during the last three decades to the Jordanian and then to the Israeli systems.

The Jordanian justification for the annexation of the West Bank rested on religious and national (qawmiyyah) grounds. Both, religion and Arab nationalism, are actually shared by the Palestinians and the Jordanians. On the other hand the Israeli justifications rested on religious and historical claims. None of these were shared by the Palestinians.

However, while the interaction in the first instance was initially a political subordination of the Palestinians by the Jordanian system, the Palestinians, nevertheless, played a dominant role culturally, administratively and economically within that system. The long association between the Jordanian dominant system and the Palestinian sub-system generated in the course of time, a realignment of social forces and amalgamation of interests at different social levels. Hence, the interaction between the two systems produced an interference between a Jordanian system/Palestinian sub-system on one hand and a Jordanian system/Palestinian alternative system on the other hand. In other words, while the alignment of social forces produced homogeneity at one end, the inability of the Jordanian system to defend the Palestinian political rights, its endeavour to sub-ordinate the Palestinian political priorities to the Jordanian priorities, and the attempt to amalgamate Palestinian nationalism into the new emerging Jordanian nationalism, produced heterogeneity and conflict at the other end⁽¹⁾.

(1) For more detail refer to Ba'ad Qadaya As-Sira' Al-Ijtima'ee Fi Al-Urdun (Some Problems of Social Struggle in Jordan) Reprinted by Dar Al-Ittihad Atta'wuniyeh Haifa, 1972. Originally a Jordanian Communist Party publication.

In contrast, the Israeli system, posed in front of the Palestinians as an independent, confident and sophisticated, yet rigid and unyielding and shared no common interests and aspirations with them. On the contrary it acted in an ethnocentric and hostile manner towards them. The natural, continuous, and therefore legal presence of the Palestinians in the West Bank was incompatible with its Zionist philosophy. Israel's goal, as expressed explicitly by the Israeli leaders was not to dominate, nor to coexist with the Palestinians as the Jordanian did. But to conduct a displacement/replacement process between the Palestinian and the Jews, as a sine qua non, for the fulfillment of the Zionist enterprise. Hence the Palestinians who played once a dominant cultural, administrative and economical role under the Jordanian system had to face an overall subordination and alienation.

Despite the fact that the interests of the system developed in the Hashemite Kingdom of Jordan after 1948 seemed to conflict with the Israeli interests in many fields, yet both systems developed a similar political stand with regard to the potential Palestinian state, and the right of the Palestinians for self determination.

The Palestinians, facing the challenge under the Israeli system found no way than to develop an alternative defensive system. In Jordan, the Palestinians alternative system was able, through different adjustments and arrangements to coexist, though with difficulty, with the Jordanian system. The same arrangement was not necessarily easy to attain under the Israeli dominance.

The Palestinian Alternative System under Israeli

Occupation - Process of Development:

The efforts to establish the alternative system was prompted by the following factors.

- a. Religious: The Moslems, in particular, were aware of the claims of the Jews to the Noble Sanctuary in Jerusalem and the Ibrahimi Mosque in Hebron.

- b. Ethnic and National: The Jewish historical claim to the land of Palestine left no room for compromise. The Palestinian sovereignty over Palestine was denied and Jewish (Israeli) sovereignty was the potential replacement⁽²⁾.
- c. Civilization: The natural development of the indigenous culture, language and civilization were threatened by alienating this development from its oriental, Arab and Islamic matrix.
- d. Economic and Social: The Israeli effort to destroy the basic indigenous infrastructure, integrate the economy and consequently dehumanize the people.

Legal Limits

Finding themselves in this quandary and haun^{ted} by the fear of losing their land and identity, the Palestinians endeavoured to establish their alternative system. However, they were handicapped by inherent and imposed weaknesses.

The inherent weakness stemmed from the conservatism plaguing their society. Thus rendering it structurally incapable to stand effectively the pressures of the more aggressive, sophisticated Israeli system. While the imposed were mainly a result of the first, albeit dynamic in nature. The corpus juris of Jordan established to maintain the autocracy of the head of the Hashemite family left practically no room for democratic practices. Israel by the terms of the Fourth Geneva Red Cross Convention kept the same Jordanian corpus juris in force under military administration. In her pursuit to establish a firm control, Israel on her part, over-used her right as defined in the said convention. It introduced more than nine hundred amend^ements to the Jordanian Law, thus rendering it less democratic and more repressive⁽³⁾.

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- (2) For the Israeli thesis refer to Yehuda Blum's testimony in "Hearings Before the sub-Committee on Immigration and Naturalization of the Committee on the Judiciary", United States Senate, Ninetyfifth Congress October 17 and 18, 1977, Washington, U.S.A. Government Printing Office, 1978.
 - (3) For a detailed study of the amendments refer to Raja Shehadeh and Jonathan Kuttab, The West Bank and the Rule of Law International Commission of Jurists and Law in the Service of Law, 1980.

Popular democratic participations and activities were highly restricted in the Jordanian Constitution and Laws. Law No. 60 (1953) e.g. postulated in Article 6, 7 and 8 that no public meetings could be held without prior licencing. Moreover, penalties were imposed, if in such assemblies, discussion of subjects not previously presented for approval took place and/or if any activity during that meeting seemed to have contributed to the challenge of law and order⁽⁴⁾. Furthermore the political Parties Law No. 15 (1955)⁽⁵⁾, and specifically articles 6, 10 and 13, restricted political parties activities. According to this law the Council of Ministers had the right to disband a party if the goals of that party became illegal or the means adopted by the party were inappropriate in the view of the Council. Further to that article 3 of Law No. 91 (1953) enforces the punishment of temporary hard labour on any person joins a Communist organization, worked in a communist organization and/or called for communism by means of speech or writing... The Civil Regulations (Article 82, C and E) requires that the civil servant divorces himself from any partisan activity.

The Law of Combined Punishments No. 53 (1953) postulates in Article 4 that the Council of Ministers may proclaim any area, or section of an area, dangerous if the Council views that it was in a state of danger or turmoil. Articles 8 and 9 allow the Council to impose collective penalty on such an area.

To strengthen the grip of the system further, Law No. 16 (1960)⁽⁶⁾ enforces punishment on anybody who commits crimes which hamper the national unity or act in a way that may cause "disturbance among the elements of the people." These activities include speeches, writings, agitation, paying contributions or subscriptions, printing, publishing or selling materials, attending assemblies and committing the crimes which disturb the public security.

(4) Refer also to the Defence Regulation No. 5 (1954).

(5) No more in force and no political parties are tolerated in Jordan.

(6) Refer to articles 150, 151, 159 - 168.

The Defence Regulation No. 1 (1939)⁽⁷⁾ provides emunity for the members of the security forces and the army if they arrest anybody, search him, or search a vehicle or break into places, without any warrant.

The Pardon Law No. 71 (1953)⁽⁸⁾ excluded communists and adherents of "distructive principles" from its provisions of pardon. Likewise the laws of Pardon of 1958, 1960 and 1961 excluded them.

The Law of Prevention of Crimes No. 7 (1954) authorizes the Mutassarref⁽⁹⁾, and upon his personal discretion, to summon any person and to impose restrictions⁽¹⁰⁾ on him, such as for example, town or home arrest or both.

II. NON POLITICAL INSTITUTIONS ROLE IN POLITICS

The Islamic religious establishment was the first to react in an astounding, albeit naive move against the Israeli occupation. Though burdened with previous allegiances to the regime in Jordan, the establishment was able, for a short period of time, to regenerate the old aura it commanded during the British mandate period under Haj Amin Al-Husseyni. Shaykh Abdul Hamid Assayah, the highest ranking Moslem clergyman in the West Bank after June 5, 1967 issued, after consulting the Moslem dignitaries a Fatwa⁽¹¹⁾. It stated that the Moslems were demanded, in the absence of the Moslem sovereign, to elect their own governing body. Hence, the Fatwa laid the religious premise for the establishment of the alternative system.

The naivety in this approach centered around the lack of appreciation of the hostile Israeli stand and hence on the over confidence the establishment displayed in its ability to muster authority directly from the populace. Moreover the rashy response to the military developments, without due sober political evaluation allowed the penumbra of the

(7) Articles 12, 12 The Law bears great similarities to the Emergence Law (1945) adopted by the British Mandate in Palestine.

(8) Article 3.

(9) The Governor of a district.

(10) Article 13.

(11) A religious judgement issued by competent clergymen.

Jordanian role to surprise the establishment. While considering the courageous move revolutionary in many ways, the importance of the obstacles the religious establishment was facing in its pursuit to build the alternative system should not be minimized. Nevertheless, the Islamic religious establishment found its way back to the political struggle. It assumed responsibility over the Islamic property⁽¹²⁾, the Holy Places, Jurisdiction and administration of the Moslem affairs under the name of Al-Hay'ah Al-Islamiyah (H.I.)⁽¹³⁾. The step, prominent as it was, helped to inaugurate a process of integrating the other non-political institutions and promoting and enhancing the alternative system. Support for the move came practically from all West Bank institutions, in the form of signed statements.

Regardless of the decline of the role of H.I. by time, nonetheless it was a unique political experiment. The decline was affected however, by the inherent weakness as well as by proceeding developments. The revival of the Jordanian influence contributed to that. Islamic institutions, which were presided over by the H.I., came again under Jordanian influence and administration. It is true that the H.I. continued to function thereafter, nevertheless the control became more Jordanian conditioned to suit Israeli requirements, and in some cases interests.

The decline of the role of the H.I. in the political activities was a setback. Howbeit other institutions continued to work. The Federation of professional associations is prominent in this respect.

(12) The Moslem endowment was the biggest proprietor in the West Bank after the State.

(13) The Islamic Committee.

III. THE PROFESSIONAL ASSOCIATIONS

There are six associations sharing in the Federation of Professional Associations (F.P.A.). These are the Engineers, the Medical, the Dentists, the Pharmacists, the Agricultural Engineers and the Lawyers Associations.

All, without exception continued, after 1967, to be branches to the main Associations stationed in Amman. The open bridge policy adopted by Israel and the Hashemite Kingdom of Jordan, irrational as it may look, produced conditions prompted the need to formulate suitable patterns of relationship and interaction unprecedented before. These patterns had to provide for the security restrictions, regulations and conditions adopted by the two belligerents. These, as one may expect are seemingly neither identical nor complimentary to each other. Therefore these patterns can never serve a comprehensive and normal interaction, nevertheless they served the promotion of political relaxation.

The Engineers Association, under these forced conditions, developed a quasi independent status. The other Associations in the F.P.A. developed almost the same status.

Historical Development

The F. P. A. was established formally on January 3, 1970. Prior to that activities were present in the form of ad-hoc cooperation. The opening of its headquarters building in Beit-Hanina - Jerusalem encouraged the latecomers of the professional associations to join in.

The participation in the political activities by the Federation increased progressively. Gaining experience, confidence and responding to the pressing needs and concern contributed to the expanded participation.

The Federation was officially established with the sole purpose of "Management of the building, avoiding over-expenditure and potential interference in the course of the management"⁽¹⁴⁾ the founding Associations were the Engineers, the Physicians and the Lawyers.

The first two instances which called for ^{political} participation, in the opinion of the Federation, were: the September 1970 Jordanian bloody Assault on the P.L.O. in Amman, and the second was the death of President Abdul Nasser. The F.P.A. issued its first statement with other institutions supporting the P.L.O. against the Jordanian Assault and mourning the President.

It took almost three years before the second reaction was felt. The Engineers Association sensing the undemocratic legislation the Jordanian Government intended to introduce in 1972, with regard to the Engineers sent a long memorandum to the King in Amman explaining the Engineers objection. On March 29, 1973 the F.P.A. decided to follow suit feeling that the change in the laws concerning the other professions which came in the wake of the September massacre was intended to tighten the grip of the authority on the popular institutions. The concern was two fold: The first was professional and the other was political. The political concern stemmed from the attempt of the Jordanian authority to curtail the role of the non political institutions in the political work after the September 1970 military conflict with the P.L.O.

The interest of the F.P.A. extended to local Palestinian affairs and external political affairs. In May 1973 appeals were published against "the massacre in Lebanon"⁽¹⁵⁾, a statement was sent to the Security Council and the Secretary General of the U.N.O. stressing the Palestinian demands resting on the termination of occupation and the fulfillment of the Palestinian political rights.

It is worth reminding in this respect, that the Palestine Patriotic Front (P.P.F.) was formed and its programme was published on August 14, 1973. The P.P.F. started functioning some time before and its members found way to influence the course of events in the area. It assumed a leading role in the years that followed until 1976. The year which marked the municipal election in the West Bank.

(14) Resolution No. 1, the founding session January 3, 1970.

(15) May 5, 1973.

The influence of the P.P.F. inside the F.P.A. became known when the Chairman of the Dentists Association was accused of its membership and thereupon deported in November 1974. Less than two years after, the succeeding chairman of the same Association, was deported also. He was likewise ^{accused of} with the membership of the P.P.F. It became known later that the latter was a member of its Central Committee.

During that period the F.P.A. expressed protest against the desecration of the Moslem Holy Places⁽¹⁶⁾ and partitioning the Hebron Mosque between the Moslems and the Jews⁽¹⁷⁾.

Other incidents which called the F.P.A. to establish a stand were the problems of land expropriation by the Israeli authorities⁽¹⁸⁾.

The political position developed in the course of time. While the aforementioned memorandum to the Security Council and the Secretary General of the U.N.O. could be claimed to have been inspired by the P.P.F., the activities which followed in 1976 and after can never be attributed to the same source. However, the decision of the F.P.A. to support the Algiers resolution in 1973 considering the Palestine Liberation Organization (P.L.O.) the sole and legitimate representative of the Palestinians falls within the first period⁽¹⁹⁾. The board of the F.P.A. was summoned then to the Police Headquarters and warned on December 10, 1973 to refrain from political activities. On the same day members in the P.P.F. were deported⁽²⁰⁾.

The role of the F.P.A. consolidated by time. Its course of political action took different dimensions. On May 20, 1976, for example, the F.P.A. issued the following decision:

(16) March 29, 1976; October 23, 1976.

(17) August 11, 1975

(18) August 14, 1976; July 9, 1978; December 26, 1978; September 26, 1979.

(19) December 9, 1973.

(20) Abdul Jawwad Saleh, the ex Mayor of Al-Bireh was a C.C. member, Abdul Muhsin Abu Maizar, Arabi Awwad, Walid Qamhawi and others were deported on the Human rights day.

"With the awareness to the responsibilities of the representatives⁽²¹⁾ towards their associations, people and homeland, and their deep worry with respect to the measures applied by the occupational authorities against the Arab citizens, the F.P.A. decides to issue a statement deploring these measures and thereon demands the following:-

1. Lifting of the curfew wherever it is imposed in the West Bank.
2. Conducting a quick probe with the accused in the murder of (Miss) Lina An-Nabulsi, Al-Hawas and Al-Kurd and punishing them.
3. Opening the closed schools and provide the conditions for the students to pursue their studies without provocation and without challenging their national feelings.
4. Releasing the detained persons affected by the late incidents, and dropping the financial penalties against them.
5. Freeing the administratively detained persons who spend already more than two years and improving the conditions of the prisoners and the other detainees.
6. Terminating the causes of the strain which emanates from the policy of occupation calling for settlement, deportation, suppression of the freedom of the people to legally expressing their opposition to occupation.
7. Stopping all measures which challenge the feelings of the people in the Noble Sanctuary in Jerusalem and the Ibrahimi Mosque in Hebron. Furthermore stopping the aggression conducted by the Kiryat Arba' settlers and the other national and religious zealots."

That session of the F.P.A. was completely dedicated to the discussion of the political situation. Other dedicated sessions followed at later dates. On December 7, 1977, for example, the meeting was solely dedicated to study the political aftermath of the Sadat visit to Jerusalem on November 19, 1977. The F.P.A. at that meeting issued a statement deploring the visit considering that it was designed to harm the national unity and the P.L.O. status as the sole and legitimate representative of the Palestinians.

(21) The representatives of the professional Associations.

The statement accused the Sadat visit of being responsible for any potential danger the struggle of the Arab nations might face. Furthermore, it saw that the Sadat course overlooked the Rabat Summit conference resolution of 1974⁽²²⁾ and the resolutions of the 13th Palestine National Council. The F.P.A. reminded, in that statement, of its decision of December 8, 1973, which supported the Algiers Summit Conference. The statement reiterated that the Sadat course violated also the U.N. General Assembly Resolution No. 3236⁽²³⁾. The statement expressed the notion that peace could not be established without recognizing the national rights of the Palestinian people.

On November 24, 1978 the F.P.A. decided to issue a statement against the agreements of Camp David.

On October 1, 1978 the F.P.A. played host to the "Jerusalem Conference" which deplored and rejected the Camp David Accords⁽²⁴⁾ and initiated the opposition against it in the occupied territories and in the Arab World. Furthermore the F.P.A. called for the first meeting of the follow-up Committee of the conference. The Committee became on October 20, 1978 the National Guidance Committee (N.G.C.). The F.P.A. was represented by three members in its executive⁽²⁵⁾.

(22) The resolution which established the P.L.O. the sole and legitimate representative of the Palestinians everywhere.

(23) U.N. Doc. A/RES, 3236 (XXIX) (1974). The resolution was issued on November 22, 1974. It reaffirms the inalienable rights of the Palestinian people in Palestine (self determination and national independence and sovereignty). It reaffirms their right to return to their homes and property.

(24) It was attended by the mayors of the West Bank and representatives of other institutions.

(25) The F.P.A. decided on November 18, 1978 to name the Chairman of the Engineers, Lawyers and Pharmacists associations to represent it in the N.G.C.

By this step the F.P.A. assumed a higher political responsibility and its decisions, thereafter, were effected by the general strategy adopted by the N.G.C.

IV. CONCLUSION

By joining the N.G.C., the F.P.A. did not become a political institution. All the members of the N.G.C. were non-political institutions or persons. The membership was derived from the mayors, charitable societies, trade unions, student body, the press, clergymen ... etc. The political vacuum created by the prohibition of political activity prompted the non-political institutions to come to the fore. This explains the prominent political role the N.G.C. was able to muster. The non-political membership was not a cause to hinder its participation in the political life and to influence its course.

It is clear also that the F.P.A. still functions despite the fact that the N.G.C. was officially banned by the Israeli Defence Minister on March 11, 1982. Its political activity was trimmed to size after the N.G.C. was defunct. Nonetheless the F.P.A. is generally looked at as the breathing lung of the national movement.

During its course from 1967 onwards the F.P.A. commanded an esteemed position in the West Bank society. In many cases it was consulted on problems facing municipalities, institutions and persons. Its opinion was held with respect. Even in the Gaza Strip, the F.P.A. played a prominent role. Individually and collectively, the professional associations made themselves felt in the Gaza Strip professional circles. The Engineers Association, for example, stimulated the need to establish an independent counterpart among their counterparts in Gaza. Meetings between the two Associations went on for some period. Assistance was forwarded by the West Bank Associations to the Engineering body in Gaza. Likewise the F.P.A. as a collective institution followed suit. Meetings were held in Gaza and in Jerusalem.

Further to that the F.P.A. extended its activity to the West Bank cities and established branches. The first was the Nablus F.P.A. branch ⁽²⁶⁾, the second was in Ramallah. Other branches were established at other places.

The F.P.A. initiated a consultative process among the members of the Associations by calling for extended meetings to discuss political and professional matters ⁽²⁷⁾.

Meetings were held with the F. P. A. counterpart in Amman. One of the meetings was solely dedicated to study the effects of the Camp David Accords.

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The summary presented was not meant to be a historical record. The purpose was to explain and expose why and how non-political institutions shared in the political struggle in the West Bank. The dynamics of the process were primarily inherited from the pre-1967 period. The methods and means were further refined after that date.

The amalgamation of the political activity with the professional duties of the F.P.A. was necessary. It was not a choice as much as it was the only choice left to defend Palestinian presence.

(26) It was approved on June 14, 1977.

(27) Three such meetings were held in Jerusalem until 1980. One of them was solely dedicated to discuss the Camp David Accords on October 20, 1978. The second was to discuss the potential results of the signing of the peace treaty between Israel and Egypt (April 4, 1979 session). The third was convened on January 18, 1980 to discuss the Israeli attempts to take over the Jerusalem Electricity^{Co.} and "the Gaza incidents (The gutting of the Red Crescent Offices) in an attempt to escalate the struggle of the professionals against these measures" (January 12, 1980 session).

The role of the non-political institutions can never be divorced from politics. Even if they choose to do so, the Israeli measures against them force them, at the end, to resort to political activity.

Likewise, similar cases could be found among the municipalities, in the Jerusalem Electricity Company confrontation with the Ministry of Energy in 1980, and practically among the activities of all the other non-political institutions.

In short the role of the non-political institutions is prominent in the political field. This is the reason that elections to these institutions is characterized by strong competition. Lists to these elections are found, in most cases, on ideological bases. They may represent one political trend or an alliance among more than one trend.

A further and extended documentation and study is in demand. Such a study will reveal many facts on the historical level. An analysis to its mechanism may reveal theoretical considerations of value.

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