
Organization

LSM began the 1980s as the only organization in the occupied territories focused on legal and human rights issues in the West Bank. It recruited its first paid staff members in 1981 and was managed by a volunteer Steering Committee. By the end of 1987, when the first intifada began, it had developed into one of the biggest private employers in Ramallah. It had a substantial international profile, secure funding from western European and US nongovernmental foundations and agencies, new offices, a legal advice program, and a long and varied list of publications in English and in Arabic; and it was no longer the only Palestinian human rights organization in the area.¹

The ambitions and aspirations of LSM's Steering Committee members were matched by their energy levels, but events outside the organization's control naturally affected the speed and direction of its development. In 1982 Israel invaded Lebanon and besieged Beirut. The armed PLO factions and the PLO leadership were evacuated to Tunis. The occupied territories, as well as other areas in the Arab world, saw widespread protests against the massacres at the Sabra and Shatila refugee camps and the other events of that summer. In 1985, Israeli planes bombed the PLO headquarters in Tunis, with substantial casualties, and Israeli commandos entered Tunis from the sea and assassinated Abu Jihad (Khalil al-Wazir), Arafat's second in command and a man closely engaged with pro-Fatah activists in the occupied territories.²

In the West Bank, with anger continuing at Camp David, the nationalist movement was regrouping after losing many of its original leaders to Israel's deportation policy in the 1970s. In the summer of 1985, then defense minister Yitzhak Rabin introduced the "new policy of intensified administrative punishments dubbed the 'Iron Fist,'" which is the background for Hiltermann's 1986 study on deportation for LSM/al-Haq.³ Hiltermann contextualizes the reintroduction of deportation and intensification of administrative penalties (imposed without judicial process) such as administrative detention: "The Israeli military authorities presumably wish to

keep their hold on the Occupied Territories as tight as possible, so that in the event of negotiations over the territories' future disposition, no strong dissenting voice will emerge to thwart Israeli interests."⁴ Hiltermann notes considerable pressure on the Israeli government at the time, with sustained protests by the settler movement following the May 1985 prisoner exchange which saw over a thousand Palestinian political prisoners released from Israeli prisons in exchange for the return of three Israeli soldiers held by the PFLP-GC in Lebanon. The final context was "that the brunt of resistance activity occurring during spring and summer of 1985 did not seem to have been ordered and directed by the Palestinian leadership outside, but consisted of attacks carried out by individuals operating autonomously" from inside the occupied territories.⁵ The nationalist leadership (and Palestinian society more generally) in the West Bank and Gaza opposed Jordanian-Israeli talks, sanctioned by the PLO, to facilitate future negotiations between Israel and a joint Jordanian-PLO delegation.

This was the context in which LSM built its organizational structure and public profile in the 1980s, in accordance with its declared objective of promoting the principle of the rule of law in the occupied territories. The founders' focus on causes and the structural nature of Israel's policy-based violations, and their sensitivity to issues of documentation and credibility, led them to recruit not only legal researchers but field researchers with access to and the confidence of individuals and communities subject to the violations. LSM also expected to engage internal Palestinian processes, conduct, and expectations in its promotion of the rule of law. A consciously reflective practice is documented in public and internal documents, and the innovative structure of the organization reflected the founders' desire to develop "activists in the field of human rights rather than employees in a human rights organisation."⁶ How this was attempted is the subject of this chapter.

WHO ARE WE? IN 1983

The first promotional document in al-Haq's archives is an introductory leaflet published in 1983, which presents the organization and its activities to the public locally and abroad, opening as follows:

Law in the Service of Man (LSM) is the West Bank affiliate of the International Commission of Jurists, which is based in Geneva, Switzerland. LSM was founded in 1980 by a group of West Bank lawyers and other individuals concerned with the legal protection of individual and collective human rights, and with developing and promoting the rule of law in the area.⁷ Its other objectives include providing services to the legal profession and extending legal aid and information to the non-legal community.

Here, the presentation of LSM has developed from the description given in *WBRL*, keeping a focus on the rule of law but including human rights, both individual

and collective. The reference to collective human rights invokes the principle of self-determination, which was not explicit at this point in LSM's focus, probably to avoid drawing the attention of the Israeli authorities as being political or expressing nationalistic aspirations. It also reflects a growing awareness of international developments (specifically at ICJ meetings) on social and economic rights and the right to development. The reference to legal aid was to be realized with the opening of the Legal Advice Bureau in February 1985.⁸

The document then proceeds to describe the "projects" through which "LSM pursues its organisational objectives." These confirm Rabbani's 1994 observation that in its early years the organization

from the outset has been at least as involved with understanding its environment as it has been in attempting to change it [. . .] Legal research, as opposed to human rights monitoring and intervention as narrowly understood, assumed pride of place during al-Haq's formative period, and to this day the organization defines itself as both a legal research and human rights organization.⁹

The "projects" are divided between information, research and documentation, and the library.

The first item under the information subtitle is the preparation of "documented studies and reports in both English and Arabic assessing systematic practice and legislation enacted by the military authorities which appear to violate those internationally recognized principles." The broad reference to principles here is to normative concepts of human rights and the rule of law, and LSM's structural approach is emphasized in the focus on systematic practice by the occupation authorities. The second is:

Preparing concise handbooks in Arabic advising local residents of such rights, protections and avenues of recourse that could be invoked in various situations where their interests are affected. These generally take the form of "what to do if . . ." or *Know Your Rights* monographs. LSM's members share the conviction that, even under conditions of belligerent occupation, an informed public is able to win certain important protections and benefits through assiduous recourse to the Law.

The *Know Your Rights* series was at this point authored by Mona Rishmawi and had already produced two important publications: *The Land: Legal Means of Defending It* (1982) and *The Citizen: Search, Arrest, Military Trial* (1983).¹⁰ The order of these two publications can be seen as reflecting LSM's causes-before-consequences focus. Thus, the first was on how Palestinians might seek to protect their rights and access to their land against predatory action by the Israeli occupation authorities and its agents, action recognized by LSM as fundamentally about the prosecution of an annexationist agenda to the benefit of Israel's settlement policy. The second dealt with some of the measures taken by the military authorities against Palestinians resisting this predatory practice and other manifestations of the occupation's

annexationist ambitions. In the last sentence of this paragraph, the capitalization of *Law* is in the original English version; the articulation of expectations invested in “Law” and the protective possibilities hoped for from it reflect LSM’s thinking at the start of its journey. The reference to “LSM’s members” invokes the innovative participatory governance arrangements that distinguished LSM in its early years, discussed below.

This section also refers to the Newsletter, which appeared for the first time in May 1984 in both English and Arabic and which is a mine of information on the activities, reflections, and aspirations of LSM/al-Haq over the four years from 1984 through 1987.¹¹ It was here that LSM informed its readers of its decision to phase out the name Law in the Service of Man. As lawyer Mona Rishmawi insists, “We weren’t al-Haq then. The clue is in the name: it wasn’t ‘right’ (*haqq*), it was ‘law’; it was a law-based organization.” However, from the beginning LSM deployed “al-Haq” as a logo on its letterhead and publications. By 1985, the Arabic Newsletter was routinely referring to “al-Haq” while the English version still used LSM; field-workers used both names.¹² At the start of 1986, the English version of the Newsletter explained:

LSM has since its foundation come under criticism, some joking, some serious, because of the sexism inherent in the English version of its name.

As a Palestinian organization, LSM decided on a name in Arabic, which was only later translated into English. The Arabic word ‘*insaan*’ means ‘human being’, and this was translated as ‘man’ with the intention of conveying the generic sense of the word. Members of LSM have repeatedly been called on to explain this, and they have found their explanations increasingly unconvincing. Although we enjoy receiving letters which have “Man” in quotation marks, we have now decided to phase out the name ‘Law in the Service of Man’ in favour of ‘al-Haq’, the name by which LSM has long been known locally.¹³

There is a self-deprecation here in setting out the discomfort generated by a deeper reflection on the implications of the English name. The company registration remained in the name of LSM.

In the second section, on research and documentation, the 1983 leaflet includes reference to its developing methodology: “collecting affidavits from witnesses to and victims of human rights violations; monitoring, confirming and recording alleged violations brought to LSM’s attention.” The choice of affidavit as the primary documentation tool is discussed further in chapter 6; the insertion of *alleged* is a reminder of al-Haq’s legalistic approach. Then the leaflet refers to “systematic field investigation and documentation projects on selected practices, employing standardized information gathering and certification procedures,” where the reference to selected practices underlines the fact that LSM did not intend to investigate all violations.

In the third section, on the library, the leaflet states that “LSM’s library is the first public law library in the West Bank.” This was a matter of considerable pride

for the organization, and substantial investment was made over the years in developing the library's resources. Following Shehadeh and Kuttab's points about the unavailability of Israeli military orders, made to such impact in *WBRL*, these orders were available to lawyers and the public in the LSM library, along with other applicable laws and "reference sources on international law and human rights." The leaflet explained why:

The library's resources are made available in the belief that people's knowledge of their basic human rights and imposed legal restrictions bestows an important measure of protection and constitutes a fundamental requirement for any progress towards achieving the rule of law in the long term.

This last sentence underlines an important element in LSM/al-Haq's public voice and commitments: that is, towards Palestinian society and, in the future, a Palestinian state, which LSM/al-Haq aspired to see characterized by law-based governance and a fully functioning judicial system. At this point, in 1983, LSM did not feel able to articulate this explicitly.

In 1983, the offices comprised a small first floor flat set back off Ramallah Main Street and recalled by Hiltermann:

The receptionist (who doubled as administrative assistant) sat in an entrance space immediately off a small glassed-in veranda. The dining room served as meeting room-cum-library. Two small bedrooms offered working space for researchers. And the tiny bathroom accommodated copies of the organization's few but accumulating publications, stacked neatly on thin metal shelves.¹⁴

Communications were rudimentary, with no phone line till 1984;¹⁵ the Newsletter and other reports were typed up in the office and photocopied, publications (such as occasional papers) were sent out to be printed, center-stapled, and card-covered. Distribution was by mail, and many of the Newsletters and other publications never made it to their intended recipients.¹⁶ LSM called on the physical help of traveling staffers and allies to get them out. Censorship of materials in the local press by the Israeli military authorities is noted in the Newsletters and documented in correspondence to and from the office of the chief censor.¹⁷

Two subjects not mentioned in the 1983 brochure, LSM's funding sources and LSM's methodology of making "interventions" to the Israeli authorities, were covered in the first Newsletter in 1984. The English text explained that LSM was "funded by non-governmental organizations supporting human rights and developmental work—funders include OXFAM, ICCO, Humanitas International, the Ford Foundation, and various church organisations—together with the subscriptions of LSM associates."¹⁸ The Arabic version omitted mention of the Ford Foundation and church organizations. The first Newsletter included a section on "Interventions and Responses," listing letters that LSM had sent to various Israeli officials (the minister of Defense, the attorney general, the legal adviser to the military government, the commissioner of prisons, and others) on subjects of pressing

concern—including prison conditions, the right of appeal against decisions of the military courts in the West Bank, attacks on Palestinian schools with accompanying threats sprayed on walls that went inadequately investigated by the police, and the arrest of school students during the period of their final (*tawjihi*) examinations.

Whether to accept funding from the Ford Foundation had been debated at LSM's weekly meeting. Ford was subsequently to become one of al-Haq's most supportive funders, and two of al-Haq's senior staffers later became human rights program officers at Ford's Cairo office.¹⁹ The second issue discussed was whether directly addressing the military government conferred some form of legitimacy upon it. Interventions to the military government and other Israeli officials were to become standard LSM procedure, as indicated by their inclusion in the Newsletter. But neither issue was obvious at the start. Resolution of these and other issues occurred within the context of the wider organization, in accordance with the structure set up with the conscious aim of involving every worker in every decision significantly affecting the organization.

This organizational vision prevailed in the 1980s. It is described in a 1988 draft document setting out proposed structural change. By 1988 an Executive Committee had replaced the initial Steering Committee and was comprised of Kuttab, Rishmawi, Shammass, and Shehadeh. The document, "Draft Study of al-Haq's Structure: Past, Present and Future," summarizes the organization's growth through to the late eighties. The thrust is the need for a full-time executive director, and it is perhaps remarkable that it took nearly ten years for al-Haq's leadership to come to this point. The following extract describes the early structure:

When Law in the Service of Man was first formed, it was conceived as a group of lawyers and non lawyers dedicated to the protection of human rights who through coming together in a group can do more than what each individually can. Even after the establishment of the group, they continued to carry out human rights activities on their own, but much of what they did was done in the name of the organization. Slowly the organization was getting credibility and standing.

Initially the preference was that all administrative aspects of the work will be kept at a minimum and that there would be complete sharing in everything. In this spirit, little money was sought from outside, members gave some of their own money to the group, the premises rented were humble, publications were produced in-house with the members and their friends doing all the work of printing, collating, stapling To unify everyone's thinking and keep up with the changes and developments which others were going through concerning the subject, there was a meeting once a week when information was exchanged and discussed and forms of action were decided upon and tasks assigned. At that time the administrative staff consisted of one, a secretary, who joined the weekly meeting.

In order to learn more and to check what we picked up, a field worker was employed who covered the entire West Bank. The field worker was the first staff member [. . .] chosen because of his suitability for the job at hand. But still he was expected to develop his skills generally in order to assume a more integral work in

the organization. The attempt was, even since that time, to have everyone be able to share and assume all the responsibilities and risks which members of a human rights organization necessarily need to assume. It was hoped that through the general meeting, through working with others, through the opportunities provided for further education and reading, this will happen.

The expectation was that the group would, through its existence, its mode of operation and structure, develop a group of human rights activists who are dedicated and qualified and who would increase the initial core group of three.

As the organization grew, it needed more resources. [. . .]

The directors originally did not see themselves as directing a large institution but helping through discussion and exchange of experiences and opinions to give direction, leadership, to a group of self-directing, motivated, dedicated people. This was not an ideal hope. The work spent in discussing and working closely with everyone was expected to give this return and relieve the directors from having to assume the normal responsibilities which directors in a proper hierarchical structure would necessarily have to assume.²⁰

This extract evokes how, over a sustained period, LSM's leadership sought to widen commitment to and participation in rule of law and human rights objectives. The following section considers the political context in which they tried to do this.

THE POLITICS OF LSM

In the early 1980s the term *human rights activist* was not a familiar one in the West Bank. *Activist* generally meant politically active. The core group had in mind the development of a different form of activism, explicitly outside the existing political factions and discourses. Interviewed for al-Haq's *Twenty Years* publication, Raja Shehadeh explained, "We were trying to create a politically independent and committed organization; al-Haq was the first of its kind, most other NGOs in the Occupied Territories were politically committed." Jonathan Kuttub invokes as a "new value" the aim of the core group of "avoiding factionalism: we fought to stay independent; it wasn't easy."

LSM was not created by supporters of a particular political group recruiting members of the same tendency and promoting the profile of the faction through the work done and services provided. Rather, the LSM founders insisted that staffers were to apply a rigorous impartiality. "Leave your politics at the door" was the mantra explicitly voiced by the core group as they recruited during this formative period and the only way they dealt directly with the issue of factional politics. As much as anything, this was a matter of methodology. Shawan Jabarin, general director of al-Haq since 2006 and originally recruited as a field-worker in 1987, recalls:

The founders put it across very clearly—it's no business of mine what your political thought is. My business is your conduct as related to the work of the organization.

You have your convictions, but they may not affect your work with us. Your own political opinions, you leave them at the door, outside. When you come in here, you discuss on a different basis.

The critical and distinctive contribution field-workers made to the capacity and credibility of the organization is widely attested. As well as enabling the organization to monitor and investigate patterns of human rights violations, they were the face of the organization outside the Ramallah office. It is clear that the Steering Committee was well aware of its own limits in reaching different sectors of society, and consciously sought to recruit field researchers with their own networks, credibility, and reach within the community. Several of the first field-workers were social science graduates from Birzeit often associated with leftist factions, in several cases having spent time in prison on charges of membership in such groups. Shehadeh recalls:

Most able young people, as we saw it, were committed (or at least could be counted as supporters [of particular factions]) and we couldn't say we only recruit people who don't "do politics." But the agreement was, you do your political activity as you like outside, but you don't bring it into the weekly meetings, into discussions or into the organization.

"Whether this could be done," mused Shehadeh, "was something else." He went on to say that there was a conscious effort to recruit people from different regions and classes: "I was still worried the organization was too elitist, still run by middle-class people and not getting entrenched."

The field researchers were recruited to work in their home areas where they had their own name and credibility. Ghazi Shashtari, recruited as a field researcher in Nablus in 1983, explains:

I saw the work and saw something I was convinced of. But the idea wasn't very well known then; people in order to be convinced needed someone who knew them. If Lynn comes [to ask questions], they don't know Lynn, they know Ghazi. Socially I was good in the town and people knew me. It was important to us to expose the occupation, but we were extremely objective in our work. I didn't influence what people said. I was a certain color politically, but our point was not to go to people of the same color but to anyone who was a victim.

Shashtari's words remind us that the idea of human rights and the role of human rights monitoring and documentation were not familiar.²¹ The role of the field researchers in explaining this idea was as important as their ability to gain access to victims and survivors of violations. Secondly, his reference to exposing the occupation goes to the employment of human rights methodology as a form of resistance, and to the critical criterion of objectivity in this work. Third is the principled irrelevance of personal politics to human rights methodology. Years later, Fateh Azzam, then program coordinator of al-Haq, was to address the issue in a

piece for al-Haq's "Human Rights Corner" in the local Arabic press, two years after the Madrid Conference and just before the 1993 Declaration of Principles:

The decision of the human rights defender must be an independent decision, not political, relying in its essence on the principles and laws that set out and defend human rights, regardless of the political positions of the person responsible for the violation and of the victim of the violation, in equal measure. Equality is the most important of human rights, and the non-governmental organisation must defend rights in equality, that is regardless of political, intellectual or sectarian tendencies of the concerned parties. The tools of the struggle for human rights [. . .] are based on equality and objectivity [. . .] The credibility of non-governmental organisations depends entirely on integrity in their work and unwavering commitment to these principles.²²

In the 1980s, part of the struggle was to distinguish LSM—and the budding human rights project—from other civil society organizations in the occupied territories, affiliated with particular factions of the Palestinian (and specifically nationalist) body politic. The desire to be nonpolitical and to be seen as such, in the sense of being nonfactional, applied to the image of the organization with both Palestinian and non-Palestinian audiences. Zahi Jaradat, who also started as a field-worker in 1983 and later became field research coordinator, notes:

I had my own political convictions, but I used to feel that al-Haq for me was completing these, not abrogating them. The organization respected me and my opinions, but al-Haq's policy of being far from politics was also political. It chose not to have politics, and this was a strange idea at the time. People would say al-Haq is leftist, I'd say no, there's so-and so, others would say it's Fatah because of so-and-so, and I'd say no [and so on].

The point about choosing not to be political being a political choice is well made, and goes to the broader issue of nationalist politics. Khaled Batrawi, fieldwork unit coordinator during the first intifada, observes that

it was known that some people had contacts with the national movement, certain political commitments and contacts with factions, but this had no impact on the work. [. . .] The board was very clever, they brought in those with political commitment, strong clean people [. . .] There were people from different factions, not just one. But people still talked, and people's talk doesn't take you forwards or backwards. What's important is what al-Haq did. The idea of promoting human rights and rule of law was not known in society then, how to introduce it, this was not easy.

Even before the first intifada, several field-workers were subjected to arrest, administrative detention, and travel bans. In October 1985 the Newsletter informed its readers that "LSM has undergone major growth and development and also suffered disturbing setbacks." The growth included four new staff members at the office and the recruitment of new field researchers. The setbacks included "a severe blow" when two field-workers, Ghazi Shashtari and Zahi Jaradat, were placed

under six months' administrative detention (imprisonment without charge or trial) within a day of each other. LSM reported that "even before the fieldworkers' arrests, the Israeli authorities appeared to be taking a close interest in LSM's work, and had questioned several of those working for LSM about their work and about the organization." The Newsletter dealt in detail with administrative detention, part of Israel's Iron Fist policy announced in August 1985 and the subject of LSM's first occasional paper.²³ Then the organization turned to the issue of its field researchers:

Both Ghazi and Zahi have been doing fieldwork for LSM since 1983. Their work is of two kinds. They apprise LSM of possible violations of human rights which they learn about and make enquiries about other violations which have come to LSM's attention. If it appears to LSM that, *prima facie*, a violation has occurred, the fieldworkers are asked to document this in ways satisfactory to the organization. Their work inevitably brings them into frequent contact with those who are quite possibly under the close surveillance of the Israeli security services, but these contacts are required by their work for LSM and being made for that purpose are purely legal.

It is true that no organization can take full responsibility for all the activities of its members. However LSM believes that had the two fieldworkers been personally involved in illegal activities without LSM's knowledge, charges would have been pressed against them and evidence would have been presented in open court to obtain a conviction [. . .] That this has not been done strengthens LSM's belief that the two are being victimised for their human rights work. Further evidence that there is no real suspicion that they have committed any offence is afforded by the fact that both Ghazi and Zahi confirm that they have not been questioned or interrogated about an alleged offence. Both however report that they had been questioned more than once during the course of their work about their human rights activities.²⁴

This careful explanation shows the organization's concern in relation to both the defense of its workers and its own ability to function. A letter to Niall MacDermot two years later serves to illustrate the response that even al-Haq's closest allies might make to official Israeli explanations for the treatment of al-Haq workers. A senior al-Haq worker had been denied a document needed for travel to Geneva on al-Haq work. The ICJ intervened at the request of al-Haq and received a reply from the Israeli mission in Geneva, stating that this staffer's travel to the International Labour Organisation conference would "hamper public order" and that "the person is known as an activist of the terrorist organisation the Democratic Front and was arrested and detained several times during the period 1976–1983."²⁵ The ICJ subsequently wrote to al-Haq with a set of questions essentially concerning the al-Haq member's political affiliation and activism. Raja Shehadeh's response set out the facts on the record (including earlier convictions in Israeli military courts for membership, no arrest since 1981). He then continued, "It is never our practice, either at the time when we recruit people, nor during the course of their work with the organization, to ask them about their political views. I cannot therefore respond to the other questions in your letter under reference."²⁶

This response seeks to educate the ICJ on what al-Haq considered was and was not its business. For al-Haq, the argument rested on the evidence of why particular staffers were harassed or detained in specific instances—that is, for their human rights work. A further concern for the organization was the need to rebut allegations about particular staff members being primarily political activists and the organization being some kind of “PLO front.” This was a matter of protection: of individuals, of the organization’s ability to function under the occupation, of the credibility of the organization with its international audience, and of the human rights message they wanted to put out to the Palestinian community: that human rights work was, in this sense, “nonpolitical.” This challenge remains today, albeit in an altered political context and with the basic approach now widely accepted. US professor Iain Guest, who conducted a study on human rights work in Palestine in 2006–7, observed as follows:

It is an article of faith that credible and effective human rights monitoring requires political neutrality and a strict separation from any political agenda. This was strongly affirmed by all those interviewed for this report. It is particularly important, said many, because the Palestinian factions—which evolved into political parties during the Oslo years—are widely seen as ideological, resistant to change and corrupt.

In spite of this, it is not easy for human rights organizations to remain politically detached. Many emerged from left-wing political factions after the first intifada (1987–1991) and their members retain strong political ties to these factions. Palestine is a highly political society and individuals who go into human rights are committed and political.²⁷

These challenges surfaced explicitly later in al-Haq’s history. Mona Rishmawi reflects as follows on the presentation of human rights work as nonpolitical in the 1980s:

You have to take it in context. The PLO was an illegal organization. Every Palestinian, even if not factional, had feelings one way or the other towards the PLO, and we couldn’t have al-Haq being dismissed as an arm of the PLO, which a lot of organizations were—and they did try.

Besides the factional politics, there was the broader issue of being considered “nationalists.” Rishmawi insists, “We were starting a new way of being nationalist. Nationalism was seen then as being part of the factions, the PLO; ours was a different way of doing it, and for many people it wasn’t easy to think about.”

It is clear that the initial core group of three had no confusion about the direction of their efforts. Shammās insisted on “the notion of struggle.” Kuttāb recalls an Israel Radio journalist asking whether al-Haq was a nationalist organization. After a moment’s pause to weigh the possible consequences, “I said, ‘I don’t know what you mean. No, we have no connection with the PLO. But are we Palestinians? Yes. Are we part of society, do we care about society? Yes. That’s a clear framework to be nationalist.’”²⁸ As for Shehadeh, he later reported that “Israeli security could not believe that there was a Palestinian activist who was not engaged in politics

and, consequently, involved with the PLO” and decided that Shehadeh secretly belonged to the PLFP, while “the PLO thought that the Palestinian struggle against Israel was political and that human rights work was a distraction inspired by the CIA.”²⁹ In a longer reflection on this phase of LSM’s work, Shehadeh observes:

The nonviolent activities of Al Haq did not impress the Organization [the PLO]. In their view, when Palestine was liberated, all illegal actions carried out by the occupying forces and their military government would be annulled as though they had never been. Why then bother to document and resist such interim measures? There was also the popularly held position that the struggle, in essence, was political and that concentrating on human rights could be distracting.³⁰

In interview, Shehadeh acknowledged, “We were deaf by principle; we decided we’d just block our ears. If we responded to everything, we’d never get anything done.” These particular issues seemed so straightforward to the founders that an impression comes across of impatience or even intolerance of mainstream political discourse and engagement. Someone who knew them at the time describes them as having “a strong sense of mission and not a lot of self-doubt.” Shehadeh was later to say of himself, “I acted and operated as though there was no reality to this political context. I was incomprehensible to most people, and quite possibly insufferable.”³¹ In sum, three ideas involved in the issue of “nationalism” emerge: first, that those involved in the founding and running of the organization considered themselves engaged in the national struggle; secondly, how they were regarded by the Israeli authorities (and for personal security and the sustainability of the organization, the point was not to cross a line into recognizably political activity); and thirdly, how they were regarded by Palestinian society.

A number of Palestinian staffers from this period recall comments from their own circles about LSM/al-Haq’s alleged CIA connections or otherwise dubious intent towards the national struggle. These staffers did not come with training in human rights or rule-of-law principles; one of al-Haq’s activities during this period was to work on the development of the first local curricula for human rights courses.³² But they did nearly all come, office-based staff and field-workers alike, with a general or particular nationalism that necessitated a conscious working through of the “nonpolitical” framework that applied at LSM and was part of the core group’s vision of developing “human rights activists.” Sami ‘Ayad, who joined LSM as the organization’s second field-worker in 1982, addresses this as follows:

I didn’t feel that the legal and human rights referential framework of the organization conflicted with the national discourse. It was new and strange in methods, and for me it was new, strange, and attractive. This objectivity depended on accuracy and accountability and responsibility of the person speaking [. . .] It was a methodology of struggle, especially in its first focuses—settlements, the Road Plan, collective rights . . .

Shawan Jabarin remembers wondering “who were these people behind it, maybe they’re liberals,” and continues:

Human rights as individual rights, this was a Western liberal school, tied up with capitalism, the right to private property, etc. I used to think, where are the collective rights? The right to self-determination is there, economic and social rights are there . . . So I began to read, I wanted to reconcile myself, as I can't live a contradiction—had I stopped being Marxist, progressive, and opted for a capitalist idea with its focus on the individual and on private property?³³

Jabarin's concerns apparently receded when he read LSM's Arabic translation of the ICJ's 1966 text *The Rule of Law* and learned of the "different schools, different meanings, all the different rights" intended in this discourse.³⁴ "When I looked at it," he says, "it wasn't in conflict with my commitment to the bigger national cause of self-determination."

Field researcher Iyad Haddad recalls:

I remember in 1986, people had basically no idea of something called human rights. Secondly, the Palestinian intelligentsia treated these concepts as if they were a Western weapon aimed at undermining the Palestinian struggle. I didn't just feel or hear this; a leader in the Palestinian Communist Party at that time told me that the party didn't support these organizations; they were American organizations and possibly the CIA was behind them, but as he said, everybody had to earn a living [. . .] I thought that if I found a contradiction, I could effect change [. . .]. But when I joined the organization and saw that I had a role, I stayed on, especially when I realized that a good number of other employees working in the organization [. . .] were coming from the same position. The things that came up weren't in contradiction with the national struggle. Subsequently I understood more clearly that my own political affiliation was in support of peaceful struggle, and human rights is a form of peaceful struggle.

Field researcher Ghazi Shashtari agreed that the field researchers had a lot of awareness raising to do in their communities about the organization. "It became tangible for people when you got results," for example successfully challenging the military authorities' refusal to issue a driver's license to an individual; "so it became known," he says, "and even before the first intifada people were seeking us out as al-Haq to tell us what had happened." Nina Atallah remembers hearing that "society thought that LSM was CIA"; so she asked around and was told, "There's nothing serious, that's street talk." When she settled into the work, she remembers, "I felt no conflict with my political positions; this was purely about the occupation and its practices and it was only different in terms of method, not substance; there was the struggle in the street and there was the struggle with the law." Roger Heacock, a professor at Birzeit University who worked on a number of projects with LSM in the early 1980s, was "skeptical of human rights as ideology-free" but recalls that Shehadeh and Kuttab convinced him that "this was a worthy activity and had political purpose." Abdel Karim Kan'an, who joined LSM as a field-worker in 1985, remembers:

There were some political sides who considered we were working to tame the Palestinian people, move them away from the armed struggle to a legal, liberal struggle

[. . .] Who is this Raja Shehadeh for example? This is all CIA stuff to make the Palestinians nonviolent. I heard that more than once, but mostly people were happy to sign [the affidavits]. I didn't have the same reservations. It was part of the struggle to show the world what was going on, very important; it was one form of struggle.

The concern that human rights work was a liberal project to “tame” or “defang” the Palestinians as a national movement recalls the questions put by Bisharat and others as to whether the choices made by LSM to act in the courts of the occupier worked in fact to sustain the occupation by drawing energy away from the “political” struggle and channeling anger into “relatively harmless forms.”³⁵ For Hiltermann, al-Haq was a “methodology of struggle: in the end, we were fighting to end the occupation.” He nevertheless acknowledges a “major tension and a valid debate” in the question as to whether doing human rights work was simply making the occupation look better.³⁶ While not agreeing, he concedes that, given the limited real progress that has been made in the years since, “it is not a debate that has been resolved.”

Mouin Rabbani, a Palestinian brought up in the Netherlands, came to al-Haq by default in 1988 (the universities he had applied to being all closed after the start of the intifada), and remembers:

I had no interest in al-Haq. I knew it was an organization which appealed to the Israeli authorities with respect to human rights, which is something that never quite made it through my logic processes [. . .] I couldn't comprehend the concept—occupation is based on denying human rights, so why apply to the occupier to respect them? This was in the 1980s, when the idea that you promote individual rights seemed in tension with simply pursuing the right to self-determination. I also didn't quite recognize that the strategy had more to do with building an international case against Israel's occupation regime than any illusions Israel's conduct would improve.

In his study of al-Haq written after he had left the organization, Rabbani revisited this concern, observing that to “de-politicise the human rights debate also bore its costs. If only subconsciously, it translated into [. . .] a reluctance to engage the points of intersection between human and national rights.”³⁷ Rabbani found the clearest example of this to be al-Haq's failure to examine the right to self-determination in the same way that it examined other rights.³⁸ In the early period, while clearly upholding the right to self-determination, LSM invoked it without analyzing it, and nor did it call for an end to the occupation, whether out of concerns for the organization's security or reluctance to join the dominant political discourse. It was not until the Enforcement Project in 1988 that al-Haq articulated the structural argument that linked rule of law with the end of occupation. At the time, the project met opposition from within al-Haq as being political in its methods as in its arguments. In later times, in 2008, as al-Haq's director, Shawan Jabarin criticized “certain local and international organisations in the human rights field in Palestine who regrettably fail to address the occupation per se as a major cause

for the continuing degradation and infringement of human rights” and who “claim that demands to terminate occupation are political.”³⁹

Al-Haq did invoke the right to self-determination in several key publications in its early years, beginning its discussion of the Universal Declaration of Human Rights (UDHR) in an article published in 1985 with the statement that “We are denied the right to self-determination and the right to pursue our economic, social and cultural development.”⁴⁰ The first sustained invocation came in the conclusion to the organization’s first annual report, *Punishing a Nation*, on the tumultuous first year of the intifada. The last line reads, “The occupier’s attack on this nation is—no more and no less—a punishment for its desire to be.”⁴¹ This position became more direct over the years as human rights discourse developed and the political situation in the West Bank and Gaza changed. Al-Haq’s acceptance speech, when it was awarded the 1989 Carter-Menil Human Rights Award, declared, “The fundamental rights taken for granted by other nations have been denied to us, most importantly, the right to self-determination.”⁴² It is worth noting the disagreement in al-Haq over accepting this prize: Raqiya Abu Ghosh, who joined as a librarian in 1987, demanded in the general meeting to know whether “Carter, the architect of Camp David, which is against Palestinian self-determination, has changed his mind?” Despite strong arguments being made against accepting it, Hanan Rabbani recalls the majority being eventually convinced by the international exposure it would bring.

Another gap in LSM’s legal research was the right to resistance. In her 2006 report, Hina Jilani, UN special rapporteur on human rights defenders, situated peaceful human rights work as a legitimate form of resistance to the occupation, and resistance itself as “a legitimate right of the Palestinian people.”⁴³ The idea of human rights as intimately related to the political sphere is more widely accepted now than in LSM’s formative period. Indeed, José Zalaquett, a prominent Chilean human rights defender invited by al-Haq to assist in its organizational review in 1994, identified one of the gains of the international human rights movement (“to which al-Haq belongs”):

Human rights has emerged as the central notion of political ethics of our time. Despite persistent efforts at weakening or relativizing this notion there is no doubt that it has gained an increasingly prominent place (whether for sincere or opportunistic reasons) in ethical discourse as well as in the agenda of most States, political parties and a variety of other social actors.⁴⁴

The academic debate is ongoing, and the backlash against the selective deployment of human rights discourse by powerful Western states in pursuit of evidently political goals includes cogent critiques. The acceptance of (at least some) human rights arguments made about the Israeli occupation appears to have had no impact on the action states are prepared to take to restrain Israel. In a comment echoed by several of those interviewed for this study, Charles Shammas speculates that

LSM's early insistence on the nonpolitical nature of human rights was "due to the youth of the human rights movement. We all said we're nonpolitical, but of course human rights *is* political." It was also, at the time, due to concern for the security of the young organization.

While those interviewed agreed with the nonpartisan approach for the organization as a whole, at least some took exception to the personal impatience of individuals in the core group towards prevailing nationalist politics and expressions of resistance. Jabarin insists that "politics is a discipline; in those days, the factions—unlike now—used to be schools, they built people [. . .] That political discipline could also teach you things, how to talk to people, reach the masses, how to get to an incident, how to get the information." Here Jabarin is clearly linking the personal political experience of certain al-Haq staffers to the successful fulfillment of their functions at the organization. Iain Guest, quoted above, agrees on the reduced role and significance of political factions in more recent times.⁴⁵ In early 1987, al-Haq conducted an in-house organizational reflection or "orientation" discussed further below. Among the written feedback from staffers was the following:

I was not comfortable with the organisation's claim to its "objective" and "non-political" approach. In my view, the decision to not be a political party is itself a political decision. I also felt that there was some elitism vis-à-vis political organisations in that they were too easily dismissed. This attitude in my opinion only contributes to isolating LSM from the community and therefore making it difficult for LSM to achieve its ultimate objective of being a dynamic component in the process of our society's change and progress.⁴⁶

Another interviewee observed that "not being politically affiliated themselves, the founders were rather unaccepting, rather judgmental about people who were." Also of interest is their perspective on al-Haq's "ultimate objective" with regard to Palestinian society: asked what they meant by the "rule of law" in relation to internal Palestinian processes, Shehadeh responded, "As in to improve society's consciousness of the importance of being governed by the rule of law, it would be fairer to everyone, there would be processes, different relationships between people, and we stressed that. We believed in it. I did."

At the end of 1985, these principles were set out in a long Newsletter that introduced LSM/al-Haq to an expanding audience (including new staffers perhaps) who "may not be aware of the principles and aims of the organization or of some of its activities." Against the background of Israel's Iron Fist policy the final two paragraphs, under the subheading "Philosophy of LSM," read:

The unique situation of the West Bank being occupied territory under international law brings to the forefront issues of compliance by the occupying power with the standards and requirements of international law with respect to the protection of

civilians who fall under the authority of a country other than their own. Yet the issue of the rule of law is much broader than that. It requires dedication to a set of universal principles and standards which should be applicable in every country and in every situation and to which all authorities must be held accountable regardless of the political situation. LSM deliberately seeks to state its position with respect to events not based on the political leanings of its members or of their perceived interests, but rather on the same universal standards which it is willing to apply to friend and foe alike. LSM further believes that these standards are useful and necessary for the functioning of a new society and trusts that education in the field of human rights will yield favourable results to any society regardless of the political context.

In this respect LSM endeavours to carry out rigorous documentation that is objective and verifiable and which is based on universal principles generally accepted rather than on a narrow political vision. [. . .] Every attempt is made to appreciate extenuating circumstances and justifications that may be offered or presented by violators of human rights in order to ensure that the central message remains that of respect for human rights rather than partisan political views. This often means understating the case rather than exaggerating it. It also means that many politically offensive and injurious events which are contrary to the interest of Palestinians are totally outside the scope of LSM's work because they do not necessarily involve a specific violation of recognized human rights. Finally it means that LSM is concerned with education in human rights and with those violations which occur within Palestinian society as well as those relating to the occupation.⁴⁷

This piece is addressing LSM's local profile and aspirations. The standards or values of the rule of law, human rights, and universality were those that the founders sought to transfer to the staffers of the growing organization, and more broadly to Palestinian society, in their effort to "build human rights activists." Staffers stress that different members of the Steering Committee established their own standing and credibility in the community, in particular the lawyers through their professional practice, with examples given of Shehadeh's work on land cases such as that of Sabri Gharib,⁴⁸ and the visits to detained al-Haq field researchers and others by Rishmawi and Kuttab. Looking back, some doubt that the organization was ever in fact as isolated as perhaps it felt. As the years passed and the political situation developed, the local profile and credibility of the organization increased; in the words of some staffers, it was "nationalized," in the sense of being recognized as a part of the national struggle, not apart from it. This was to become clear in the first intifada. Sami 'Ayad presents this as follows:

Were it not for the founders [. . .], this professional depth, this knowledge base, who gave the organization this message and vision [. . .] and on the other hand, were it not for the field researchers, with their credibility in their local community, and expertise and knowledge, and their readiness to transmit a new thought to our community, al-Haq couldn't have got as far as it did. It was complementary.

PARTICIPATION, VOLUNTARISM, AND WEDNESDAY
EVENING MEETINGS

In his consideration of human rights activism in the Middle East and North Africa, Joe Stork describes two models of human rights organizations:

One model involves a large and active membership that sets policies and priorities. Such organizations typically rely on members as volunteers to carry out their work. Another organizational model emphasizes a paid staff having professional skills in monitoring, advocacy, and provision of services like legal aid.⁴⁹

The Tunisian League for Human Rights (LTDH), established just before LSM, was a membership organization, even if its membership was “carefully scrutinized” and not intended as a mass movement.⁵⁰ LSM was the first regional model of the second type, and its founders sought modest start-up funding for their projected activities and benefited also from in-kind assistance. It appears that substantial funding at the very beginning came from church groups, before broadening to development agencies and foundations; LSM did not seek funding from any government, on principle. The “highly divisive” foreign funding issue that was and is raised against other Arab human rights organizations was not raised in the same way in Palestine, where there was no national government whose sovereignty might be defended against external interference; these issues came after Oslo and the arrival of the Palestinian Authority (PA).⁵¹

Still, LSM’s early focus went well beyond a paid staff and professional skills. The Steering Committee members worked as volunteers throughout their involvement with the organization, fitting their responsibilities around full-time commitments elsewhere. Others also played significant voluntary roles, including some who later became paid members of staff. Shehadeh explains the founders’ thinking behind the structure they set up:

We also had the conscious objective of creating a truly democratic organisation, an organisation completely owned and run by the team working in it. The spirit of voluntarism was also extremely important. Those who participated in creating and developing al-Haq had a singular and strong commitment.⁵²

These principles—organizational democracy, staff participation, and voluntarism—continued to underpin LSM/al-Haq’s culture even as it grew exponentially from the middle of the decade and into the first intifada. Kuttab recalls the Steering Committee struggling with “being a democratic organisation, and being a professional organisation”:

At the beginning, it was like a family, we’d get round for the Wednesday meeting, all decisions were taken by everybody, including whether to get [then secretary] Paulein curtains or a swivel chair. We wanted them involved, we wanted to instill a sense of ownership, and there were ideas that had to permeate the organization, not come top-down. It was very important that they internalize the values, and we’d do that by involving everyone in decision-making. But the flip side was that many began to

think that collective decision-making was part of human rights. We'd say no, there is nothing human rights-ish about collective decision-making.

The family motif is used by others recalling those early days; they also talked about the sense of “belonging” (*intima*).⁵³ Ghazi Shashtari says, “I still have a sense of *intima*’ to al-Haq. The old ones, the early ones, I felt we were a family.” The emphasis on “belonging” came from the founders, says Nina Atallah. The Wednesday evening meetings were legendary. This was the highest policy and program decision-making body in the organization.⁵⁴ Attendance (and preferably participation) was mandatory for all office-based staff; field researchers were not obliged to attend, given that they were based out of the office in different parts of the West Bank. As Shammas says, “We didn’t want to be bosses, we wanted participation. That’s not a human rights issue, that’s rather people trying to organize in a democratic way; you function better and make the most of staff resources.”⁵⁵ “The whole thrust of the Wednesday meeting,” says Shehadeh, “was that we all discuss, we all participate, it was collective responsibility. This was deliberate.” Also:

From the beginning I wanted to leave—I didn’t want the burden of being in an organization as a manager—I wanted it and us to grow together so there would be no mysteries about why this or that happened . . . And human rights was not there as a profession, so the idea was to create the profession. It was very important to raise a generation of such people, and that could only happen if we discussed everything and grew together . . . We’re all equal in our ignorance.⁵⁶

Opinions vary of the general (Wednesday evening) meetings as a form of governance, although most staffers from the early days remain positive about it as a “great democratic tradition,” in the words of one. Sami 'Ayad recalls:

Things raised at the meetings would be policies, structure, issues, methodology, so this was how—to a certain extent—we learnt how to do the work. I was field research coordinator, we had part-time field researchers in different areas, and I'd report to the meeting on what we knew of what was going on in the occupied territories. We'd discuss how al-Haq would address these issues, everyone had a point, everyone had a role. Mostly things were agreed by consensus; if there was disagreement, there would be an attempt to agree so that as an organisation we had one perspective. If I had reservations, there had to be bases for them, not just a personal opinion; it had to be studied, not superficial, you had to come with evidence and arguments. It was professional, the *marja'iyya* was the rule of law and human rights.

The role of field research at LSM/al-Haq was key—the organization was very much driven by what was happening on the ground. The meeting was a key part of the knowledge transfer, “growing together” and taking responsibility at which the founders were aiming. Zahi Jaradat recalls:

We'd vote on any decision for something al-Haq was going to work on, even if it was a big decision. This helped a lot in building the idea of belonging to the organisation. I used to feel that I was helping construct the organization and the future of human

rights by my participation in these decisions—if we ask for something, is this useful or not, you discuss and decide and vote. It wasn't always an easy discussion. It was a very good tradition.

Non-Palestinian LSM members agree on the positive dynamics of the general meeting at this time. Roger Heacock notes that “the relational dynamics at the meetings were exemplary: young and (relatively) old, local and international, intellectuals and nonintellectuals all participated on an equal footing.” He credits this “relational issue” as being “very important to the organization’s administration during its days of glory: that between the triumvirate and the administrators.” The youth of the organization was matched by the relative youth of most of those involved; the founders were in their early thirties, the staff mostly in their early or mid-twenties.

But the meeting, along with the structure that it underpinned, was challenged within a few short years. Shammas recalls that by 1984–85, he was more critical of the Steering Committee’s approach to governance. “Al-Haq’s structure was an ideal, another utopian ideal.” Something of a turning point—at least in expectations—appears to have been reached when the Steering Committee brought the issue of Ford Foundation funding to the Wednesday general meeting. According to Kuttab:

Raja was determined, everyone had to be involved in the decision, at the meeting. It was political. Some said we can’t take Ford money. Raja said everyone must decide on that. There was a vote. The meeting voted not to take a decision but to turn it back to us: we had to take the decision. They didn’t want to take the political consequences of deciding to take money from Ford. Raja was very disappointed.

Whether or not Ford was particularly suspected of CIA connections, the prospect of defending a decision that entailed “taking money from the Americans,” this close to Camp David, was not one that leftists at al-Haq might be expected to relish. While taking the Ford Foundation funding, the Steering Committee decided that no more than 20 percent of LSM’s budget would be sought or accepted from a single source.⁵⁷ By late 1985, with the Iron Fist policy in full force and LSM/al-Haq expanding in focus, staff, and finances, the 1985 Programme Report announced a second relocation across the road on Main Street, Ramallah, and a change in organizational structure:

LSM’s decision-making structure was revised in 1985 in response to its increased workload and staff membership. All decisions of policy, budget approval, recruitment and entry into relationships with third parties are now decided upon by a new five member executive which includes, ex-officio, LSM’s two directors and administrative director. All staff, members of the executive and invited consultants meet at LSM’s weekly general meeting. The general meeting reviews the week’s activities, makes decisions, discusses policy and initiates research ideas.⁵⁸

The Executive Committee comprised Shehadeh, Kuttab, Shammas, Rishmawi, and a newly recruited administrator. The 1986 Programme Report, which is a much lengthier document addressed to associates, funders, and the local community, talks of a further period of growth with the weekly general meeting “at the heart of the organisation.”⁵⁹ Judith Dueck, the administrative director, says the Wednesday meetings

were the right thing at the time. They profoundly affected the major directions of the organization, the strategies that were developed, and the tactics executed. The meetings dealt with major aspects as well as some less significant items such as office furniture: some things could have been better dealt with in other organizational fora.

Dueck found the building of organizational culture and the transfer of knowledge and values to be very effective. When Steering Committee members and other staffers addressed visitors to al-Haq, others in the office, time permitting, would join to listen, and “everyone learned in these circumstances.” The sustained participation of the founders in leadership, hands-on projects, and detailed tactical moves was essential as the young organization grew. Broadly, Shehadeh dealt with legal research, Kuttab with field research, and Shammas with the database (and later with the Enforcement Project), although there was always a degree of overlap. Shawan Jabarin speaks of how meetings “built a way of thinking, including self-criticism, and a high level of responsibility regarding the data, as well as organizational issues; the feeling of responsibility towards this was very important, it built a mindset (*dhihniyya*) in the organization.” Zahi Jaradat similarly talks of the “al-Haq mentality” (*aqliyya*). When it worked, this early approach helped the development of reflective practitioners in the human rights field.

By 1986, however, the strain of expansion was showing, embodied in the physical unwieldiness of the Pending File, a physical lever-arch file containing all correspondence of the week, placed in the library for LSM/al-Haq members to review and from which all matters needing follow-up were reported to the Wednesday meeting. The draft proposal for an executive director and consequent further changes in structure, quoted at the beginning of this chapter, and which went through several reviews by Shehadeh and Rishmawi, read in 1988:

The reality has become that al-Haq is a group which is composed of individuals with a career commitment to human rights. All along, even during the most difficult times, the organisation has retained its distinctiveness: all members get together once a week and discuss everything. This should always be encouraged. The case remains, however, that the final responsibility for decisions and execution and policy is not assumed by all the members of staff. As the organisation is growing in a solid manner, the responsibilities put on the shoulders of its existing Executive Committee are growing as well. The risk to the continuity of the organisation now lies in the extremely heavy demands that its expanded scope of work makes on its Executive who are consequently unable and unwilling to give the time and effort needed

to discharge the responsibility of their directorship. This is what has necessitated this review.⁶⁰

Emma Playfair refers to the “rapid and huge expansion of al-Haq” over the second half of the 1980s as “a continuing disaster for al-Haq: the new staffers didn’t get a chance to absorb the ethics of the organization, they didn’t have the same sense of close interaction with the directors, they missed that opportunity.” Charles Shammas, intellectually and pragmatically interested in “how people react to new knowledge,” talks of LSM/al-Haq’s need to “find people already looking for something to challenge their understanding”:

We didn’t know then that this was crucial, so we didn’t look for it. The ethics of the organization didn’t bring out the idea that you had to reach, strive for something that wasn’t comprehensible to you but it was to someone else. I assumed too much readiness to learn . . . It’s not “what I know.” We are not “all the same,” we needed people to struggle to find the sense that others see in things.

The following observations are from George Giacaman, a philosophy professor from Birzeit University who worked with al-Haq as research coordinator when the university was closed in the intifada:

The work is crucial. People are not equal in terms of their abilities, their information, their judgement . . . They are equal in rights but that’s a very different matter and it confuses things. There are rights that belong to everyone, but not everyone can share in the decision-making on issues if those people have neither the experience nor background nor training [. . .]. So to have a general meeting of everyone, I think, confuses roles. It’s a form of populism and confuses things.

Several interviewees observed that the structure that the founders created could only work with a very small organization. As it grew in resources and profile, it was becoming unsustainable. According to Shehadeh:

The organization was getting frustrated. We three all had other work, everything had to wait for us, there was frustration on both sides [. . .] I had to read everything, we couldn’t risk something getting out that was against the “balance” [. . .] It was clear that it wasn’t working, this strange structure of everyone having to be involved [. . .] People working day to day in the office were frustrated by the fact that we weren’t working there, and for our part we had an idealistic view of how things should be—but the office was always a mess. [. . .] And in the general meetings, so much was unsaid, there were all these assumptions, people weren’t speaking out, there would be these heavy silences when everyone was supposed to speak out.

This was the time of the build-up to the first intifada. At the turn of 1986–87, al-Haq presented to the public, in its Newsletter editorial titled “The Role of a Human Rights Organisation under Occupation,” how it saw its role and internally organized a series of (re)orientation sessions for its staffers, old and new.

During its recent period of expansion, al-Haq has been evaluating its role and giving renewed thought to the role of a human rights organisation under occupation. Given the extreme circumstances of military rule, should [al-Haq] restrict itself to monitoring and censuring the occupying power's actions? Or should it also concern itself with the standards within its own society, and consider violations within that society? How should it play its part in preparing for the uncertain future of its society?

Al-Haq believes that a human rights organisation operating under these circumstances must play two roles [. . .] On the one hand it must do its best to act as a watchdog for the rights of the population, living under the rule of a foreign power. On the other hand, it should also work towards ensuring that the society of which it is a part maintains and develops its own standards of human rights, equipping it for the future as well as for the present.[. . .]

People living under occupation are living under alien rule. [. . .] Where there is a conflict of interest between the interests of the occupier's civilian population and the population of the occupied territories it is perhaps inevitable that the former will normally prevail. The latter have no state to represent their interests and restore the balance.

Human rights and other indigenous organisations must do their best to compensate the people for this lack. In the case of the human rights organisation, it must constantly represent the rights of the occupied population, ensuring that discrimination does not go unremarked for lack of representation and trying to halt and obtain redress for violations of human rights.

The usual tools of human rights organisations, such as the lobbying of politicians for change in the law, or use of the courts for testing issues, may be unavailable or inappropriate under occupation. Equally, the voice of a human rights organisation which is itself part of the occupied population may carry little weight with the occupier. Other ways of achieving progress must therefore be sought.

A human rights organisation is in a position to try to mobilise external support providing that it first establishes and maintains its reputation for veracity and reliability. By linking in to the network of human rights organisations, and other concerned bodies, and providing them with information on which they can rely, it can reach wider communities who will thus be better equipped to weigh, evaluate and act on the available information. At the same time it can apply pressure on states, directly and through other organisations, to fulfil their obligations in relation to conventions they have signed, in particular the Fourth Geneva Convention of 1949 which regulates occupations.

The legal framework within which a human rights organisation works differs under occupation from that applicable under normal circumstances. International law places specific limits on an occupier's actions. An effective human rights organisation must try to see that these laws are respected by the occupying power. If the occupying power refuses to acknowledge the applicability of such laws, or violates them notwithstanding, the organisation must seek to find means of enforcing the laws, in a situation where the domestic courts will not enforce the law and there is no state to take the occupying power to the international forum.

It must further explain to a public who may be quite unaware of their rights, that there are limitations to an occupier's power and what these limitations are. This may be particularly necessary with a prolonged occupation, since a people deprived of rights over a long period of time may come to accept this deprivation as a necessary evil of the situation and not contest it.

[. . .] Even if given a civilian face, an occupation is essentially maintained by the military, and in the case of the Israeli occupation the executive, legislative, and judicial arms of the occupying power are all in the hands of the military. The separation of these powers is one of the prime requirements of the rule of law, and the lack of separation is therefore a serious threat to the administration of justice. [. . .]

[. . .] It must clearly be high amongst the aims of any human rights organisation that, whatever the political situation, its own society should be one which respects both individual and collective, civil and political rights. [. . .] The population of occupied lands are not able to express their support for such concepts by instigating appropriate legislation, but much can be achieved by education and communication of the principles of human rights, to promote genuine acceptance of these concepts. [. . .]

Where the local legal structure has been fractured and the legal profession to some extent disempowered, the human rights organisation can perform some of the duties normally carried by a bar association. Subject to available means, it can make legal materials available, correlate, analyse, index and monitor current legislation and even provide legal education. At the same time it can seek the establishment of an independent bar association [. . .]

[. . .] A non-discriminatory attitude towards the rights of women, minorities, and racial or religious groups and respect for the rights of workers and for civil and human rights in general is as essential for the health of a society under occupation as in any other situation. To ignore or postpone criticisms of violations within the society would not only undermine the validity and good faith of criticisms of violations perpetrated by others, but more importantly would endanger the nature of the society itself.

In al-Haq's evaluation of its work and planning for the future, it thus seeks to maintain a balance between its concern for the violation of the rights of Palestinians living under occupation by the Israeli authorities, and its efforts to promote respect for human rights within its own society.⁶¹

This piece of reflection sought to do a number of things, among them to situate the organization within the wider human rights movement, to link human rights to the rule of law, to present the particularity of occupation as a context for human rights work, and to insist on human rights as a framework for societal values and conduct. The organization had already recruited a retired schoolmaster to work on human rights education. Rishmawi's occasional paper on the legal position of Palestinian women under the British, Jordanian, and Israeli legal regimes in the West Bank had been published in Arabic that year and the rights of workers were under study, with two *Know Your Rights* booklets published.⁶² The organization had resumed publication of its "Legal Corner" in *al-Quds* newspaper, and

the same Newsletter included reports of al-Haq staffers giving talks at secondary schools and other public events. “All too often in the West Bank,” commented the Newsletter, “the debate on human rights is reduced to a defence of the rights of Palestinians at the risk, in al-Haq’s view, of ignoring the violations that take place within Palestinian society itself.”⁶³ The editorial points to the thinking that was to develop into the Enforcement Project, including the invocation of state obligations under the Fourth Geneva Convention. The insistence on establishing and maintaining its “reputation for veracity and reliability”—primarily through the credibility of its primary data collected through field research—was, as ever, a primary focus. At the end of this Newsletter, for the first time and under the shadow of the Iron Fist, came a section titled “The Year 1986 in Statistics” giving lists of Palestinians subjected during the year to administrative punishments—deportation, town arrest, administrative detention, and house demolition.

In the meantime, recognizing the building frustrations, the organization’s leadership was planning a series of directed discussion sessions “intended to lead to a thorough overhaul of the organization, its structure and its work.” Originally envisaged in three stages, the first focused on “a critical evaluation of al-Haq’s work and development since 1979, through the conflictual approach—why were things done in a certain way and not in another way.” The document sets out the themes, including a number of questions that those leading the sessions might use “to elicit further information, provoke argument or call into question assumptions made.”⁶⁴ Some of the questions clearly invoke issues bubbling under or spilling over in the organization at the time. Some elicit discussion around the substantive issues covered in the Newsletter. Others raise concerns preoccupying at least some in al-Haq: is human rights non-political, is al-Haq—and should it be—“representative,” what is the nature of al-Haq’s interventions with the Israeli authorities, what is the function of the Wednesday meeting, who do we take money from and why, and so on. A summary of the first session from the organizers lists a number of critical comments that had been made by participants; perhaps the al-Haq leadership were sensitive to particular criticisms, or were getting tired of explaining:

If there is a genuine desire for reassessment and a willingness for change, there should be no need for defensiveness in responding to criticism.

Concern was expressed at an impression given that our work is important and that that of some other organizations working in a different way is not.

Are we really non-political and objective? Needs further discussion.

Rule of law—needs further discussion.⁶⁵

Another document in al-Haq’s files lists suggestions that appear to have arisen from this exercise, including the training of al-Haq members as paralegals and the initiation of campaigns on single subjects, both of which were followed up in the coming years, as was a suggestion for an annual report, although this was to happen under the particular circumstances of the first year of the intifada. Under

“matters postponed for discussion,” this document includes some of the questions considered not to have been resolved in the orientation, including those regarding contact with the military authorities, what it meant to be a human rights activist, how to get more local associates, and “Is the balance in our work between individual and collective rights reasonable, or should we concentrate more on the right to self-determination etc?” As for the completion of the three-stage orientation, it appears that much got postponed in the buildup to and the outbreak of the first intifada.

MEMBERS AND STAFFERS

Some of the questions and comments above reflect the growing pains that any organization would suffer, let alone one that was substantively dependent upon the voluntary contributions of its Steering Committee. By the end of 1986, “the members of al-Haq now include fifteen local full-time employees, five volunteers seconded to al-Haq from several international organisations,⁶⁶ three field-workers and two professionals on substantial retainer.”⁶⁷ It was to continue to expand into the first intifada, reaching at one point nearly forty staffers; it became the largest ICJ affiliate and had three times as many staff as the ICJ Secretariat in Geneva.⁶⁸

Other issues raised are perhaps more specific to al-Haq or to a certain type of NGO in Palestine at that period. The question “Why do we have foreigners working with us?” suggested for discussion in the orientation document of 1987, was one that had already been given space in a 1985 training day, and that continued to need both reflection and clarification.⁶⁹ Mouin Rabbani, the first Palestinian from abroad to join the research staff, observed that “al-Haq has been slow and ineffectual at implementing its stated goal of attracting and developing local Palestinian skills to replace those of transient foreign volunteers upon whom it has relied.”⁷⁰ Non-Palestinian staffers, and Palestinians from outside the oPt, found their way to LSM/al-Haq in a variety of ways. LSM/al-Haq relied heavily on these staffers in the production of its research publications, which were written first in English for distribution to the English-speaking West and Israeli society. They were subsequently translated into Arabic.⁷¹ Publications written in Arabic for the local community—notably the *Know Your Rights* series—were not translated into English. There was little contact with allies in Arab countries, and, as already noted, apart from Kuttab’s work with the Middle East group of HURIDOCS, sustained engagement with the Arab human rights movement came in the early 1990s.⁷²

In al-Haq’s research work, English language skills were one thing, research training and educational background another. Many of the “transient foreign volunteers” came with advanced research and writing skills, albeit not in human rights per se. The education system in the West Bank and Gaza did not provide as strong a training; the Palestinian universities were young, with study frequently interrupted by closures imposed by the military authorities, and there were very

few advanced degrees on offer. A third factor was sheer time. The Palestinian staff put in long hours, but they had family and social obligations (“they had lives”) that mostly did not apply (or at least, not to the same extent) to foreign staffers or Palestinians raised abroad. As far as the social scene was concerned, Ramallah was a very different place from the cultural hub packed with bars and events, film festivals and literature festivals, that it had become, for some, by the time of the Arab Spring. Looking back at long hours in the office in the mid-1980s, Hiltermann recalls:

Even under occupation, a normal working day is something everyone’s entitled to. We [foreign staffers] came as individuals, we mostly had no families there [. . .] Plus what else was there to do? There was nowhere to go out, some socializing at friends’ homes perhaps, but it was mostly just work, work, work, and that made you happy and satisfied. There was a tension about that. After all, it was their struggle not ours. We’d come in and “do” much more the way they saw it—but of course they “did” more than us in another sense, as they had to live the consequences of the occupation [. . .] Some [foreign staffers] were sensitive to the need for Palestinian staff to feel sovereignty over the organisation’s work—it was a Palestinian organisation, not a foreign implantation, we took direction from Palestinians, because it wasn’t our organization.

The foreign staffers were not homogenous, and some were more aware than others of their place in the work and in the organization. Raja Shehadeh further recalls tensions “between foreigners with different perspectives and approaches.” Hiltermann recognizes that it was easier for the foreign staff to travel and present al-Haq’s work abroad: “We’d travel and meet people, and we’d get the kudos, the plaudits.” In Ramallah, not all Palestinian staffers were able to address the many and varied foreign delegations and visitors who came to the office seeking briefings on the human rights situation. Inside and outside the organization, there were concerns about foreign staff “speaking for” Palestinians at al-Haq. For many years the Wednesday meeting was held in English, perhaps accidentally to start with, since there were foreign staff who did not speak enough Arabic to cope with the meeting. The Steering Committee members were perfectly comfortable in English, and office-based Palestinian staff and the fieldwork unit coordinator mostly had good English language skills. Judith Dueck observed that in her time, some fieldworkers were “not comfortable in English,” and this was one reason that they did not attend some meetings, although there was also the practical challenge of getting back home in the evening.⁷³ Fieldwork unit coordinator Khaled Batrawi used to hold meetings of the unit on Wednesday afternoons, so that fieldworkers who were able to stay on would do so. Batrawi recalls that it was after a request from field researchers that the Wednesday meeting began to be conducted in Arabic, with informal translation provided to foreign researchers who needed it.

My interviews with field researchers raised a particular sensitivity—dating from slightly later—over “non-Palestinian researchers who’d come from abroad

for two or three months, use all the information we had collected and publish a study with their name on it.”⁷⁴ Zahi Jaradat observes that this division of labor was “no-one’s fault, the field researcher stays in place, I can’t say I’m going to stop doing fieldwork and write a study on my fieldwork in Jenin now please.” He adds, however:

There should be some fairness in this; perhaps the credit should be shared? All the work we do is an achievement of the field research. The field researcher is the one who takes the most risk, doing field research under occupation, with the settlers and the army.

In the office, sensitivities arose when work by Palestinian members of the legal research unit was not published as readily as that produced by non-Palestinian research staff; the first al-Haq annual report, *Punishing a Nation*, after the first year of the intifada, is given as an example. For Randa Siniora, it was clearly an issue:

Those of us working in the research unit always felt that foreign staffers were given more attention by the organization’s leadership, at the expense of more time and attention being invested with the Palestinian researchers. We felt we were marginalized.

For Charles Shammass, the issue was one of principle and pragmatism. He recalls repeated explicit discussions in al-Haq’s Executive Committee about the organization’s overreliance on foreign staff and the need to invest more in Palestinian staff, citing as a major regret that he and his colleagues did not in fact do that. During its early period, the organization did express explicit commitment to “stimulating professional development among its staff,” a topic addressed in both the 1985 and 1986 Programme Reports. The Newsletter too carried reports of visits abroad made by Palestinian staff members to training courses, study sessions, conferences, and so on. In the spring of 1985, the Newsletter reported:

For the second consecutive year, one of LSM’s Palestinian researchers is attending a special teaching programme on ‘Development, Law and Social Justice’ at the Institute of Social Studies in The Hague [. . .] LSM believes that as a human rights organisation it should actively seek to advance its employees’ understanding of the subject and the relevant law. Furthermore it believes that the broader perspectives, international contacts and knowledge of other areas gained on such a course are invaluable in widening interest beyond narrow and political concerns, while at the same time shedding new light on those concerns.⁷⁵

The activities listed under “professional development” in the 1986 Programme Report included a human rights training course in Strasbourg (at the International Institute of Human Rights) attended by two al-Haq researchers; the report notes that as well as the theoretical introduction to human rights issues, this course provided a rare networking opportunity for the al-Haq staffers.⁷⁶ Other activities included a two-week internship with various international organizations in Geneva undertaken by the human rights educator, a member of the

administrative staff doing an internship in Oslo on human rights documentation, conferences on feminist perspectives in law, communication and human rights (in Italy), and database techniques (Britain); local computer training courses and a specialist database training course; and monthly training seminars for the field researchers and regular translation workshops for the translators. Finally, the staff were “encouraged to study English or Arabic, sometimes with modest financial assistance from al-Haq.”

Some of the field researchers nevertheless felt that they missed out on international exposure and learning opportunities that were more open to office-based staff. Later on, field researchers were sent to Tunis and to Strasbourg for human rights training, and the first al-Haq field-worker whose LLM study in the UK was facilitated by the organization was the Rafah field researcher Issam Younis, who joined the legal research unit on his return from the UK in 1993. Younis was encouraged in his plans by Said Zeedani, who came from Birzeit University to become program director at al-Haq in late 1990, and was to remain involved for many years, most notably as a board member. Zeedani was particularly focused on equipping Palestinian staff for the research and writing work at al-Haq—not just the research publications but also, for example, press releases in English. “It’s an ownership issue,” he says, “you can’t keep relying on people coming from outside. You create a cadre who can take over and reduce reliance on foreign volunteers from the US/UK.” A number of Palestinian staffers took their LLMs in quick succession, institutionalizing such arrangements as part of professional development; Zeedani considers this to have been a “turning point” in the organization.

INTO THE INTIFADA: TWENTY YEARS OF OCCUPATION

With hindsight, the expanding al-Haq was caught up in the atmosphere as the occupied territories moved towards the first intifada in December 1987. Arguably it contributed to the buildup, providing a distinctive language and framing as Palestinians of the West Bank and Gaza grew in political awareness of their own space for action.⁷⁷ At the same time, al-Haq’s founders and Steering Committee were finding the governance system they had set up unsustainable in terms of time, energy, and aspirations. The success of the organization’s work brought its own challenges, including rapid recruitment and an organizational shift away from being a place where “everyone did everything” and becoming more process-oriented in its administrative structures.

The founders, conscious of the need to reduce reliance on their own voluntary and part-time input into program implementation, were looking to appoint a full-time in-house executive director. They nevertheless wanted to continue the vital element of staff participation that had distinguished their vision of the organization. A further version of the draft document (1989) setting out the need for an

executive director proposed that the general meeting should ratify a new board of trustees (comprising the three founding members) with “legal responsibility for the organization, and the final authority to approve, review or change policy in accordance with its mandate and the organizational procedures described below.” The document continued, “The new structure seeks to maintain and continue to refine the basic qualities and principles developed by al-Haq over time. The most important of these principles is wide staff participation in decision-making, while maintaining clear lines of responsibility.”

Because of the participatory nature of the organisation in its decision-making processes, the responsibility that falls on every employee goes beyond the terms of employment. This being the case, the ability of each responsible employee to exercise his or her privileges called for in the present situation must be taken into consideration before said employee is confirmed.

The draft also noted that it must “also serve as an institutional model to the community.” The general meeting was to remain “the highest decision-making body on programme-related matters.” A slightly later draft clarified that the general meeting was to decide on matters by consensus, and if unable to reach a consensus was to delegate the matter to the Steering Committee. The Steering Committee was to consist of the executive director, the administrative director, and three staff members to be selected by the board from five nominees elected by staff (with eligibility linked to length of service). There was to be a study group to include all researchers and field researchers to identify patterns of violations emerging and propose courses of action to the general meeting. There was also to be a staff council comprising the administrative director and a number of staffers elected by the staff body.

Mona Rishmawi was appointed as al-Haq’s first executive director after she returned from completing her LLM at Columbia in 1989, in the middle of the first intifada; Shehadeh, Kuttab, and Shammas constituted the board of trustees. The handover from the board to their former colleague on the Executive/Steering Committee was not smooth, with both parties struggling to agree about the limits on authority. Rishmawi reflects now that “expectations were very high, we were all young and had limited experience. And this colored a lot of what happened afterwards; a lot of it was simply that—age and perspective—because we were focusing on something else, the pressures caused by the urgencies of the work.” Of all the organizational crises that al-Haq has seen, this first is the one that people are least inclined to discuss: it was very hurtful for all involved. Perceptions now seem to fall between “it was bound to happen” (given the setup of the handover and the unavoidable turf war caused by the structure rather than by the individuals involved) and “it should never have happened” (given the commitments of all four to the organization and the swiftly reestablished professional relationship between al-Haq and Rishmawi). Rishmawi left the West Bank for the ICJ’s Centre for the Independence of Judges and Lawyers in Geneva, where she

stayed in regular contact and cooperation with al-Haq. The board stepped back in to cover the daily running until it could appoint another executive director—“we did so grudgingly” says Shehadeh, remembering a series of “rebellious” weekly meetings. It was a difficult time for management and staff alike, but by no means al-Haq’s last management crisis.

A succession of executive directors (and boards) was to follow. Said Zeedani, who was appointed by the board following Rishmawi’s departure, observes that “this whole issue of democracy in the organization—meetings deciding policy issues or financial issues—this was a lousy idea . . . It didn’t work here, and I don’t think it could work anywhere, as a model. If there is no hierarchy, you can’t lead.” On the other hand, Fateh Azzam observes:

Even with all these other really difficult things, the weekly meeting was still going on, things were being decided, there was a sense of open discussion about the program, that was one of the main strengths of al-Haq . . . It was quite an extraordinary setup. Everyone complained, the meeting got longer and longer as everyone had to have a say, there were concerns about why should people who don’t know the work have as much say as someone like Raja, for example. It was not an easy process, but a very useful and important one, I think.

Some staffers at al-Haq acknowledge that the troublesome relationships between board, director, and staff were at least in part a misapplication of the feelings of ownership and belonging that the founders had intentionally sought to inculcate. Looking back at the earlier years and also at subsequent crises in the organization, Nina Atallah recalls:

At first it was lovely, we all did everything, there was no difference because of political opinion, everyone felt “al-Haq is mine and ours and we all work and help,” the founders and the staff were involved in everything . . . Then, when new boards came, some didn’t like it, the idea of belonging (*intima*) can be a mistake, you start to think “this is my house and they’re interfering,” well, that’s their job! This was the negative side of “belonging”: “who are these people coming from outside?” [. . .] But if we invite them to do a job, we have to accept them!

Issam Younis, founder and director of the human rights NGO Al Mezan in Gaza, has a similar reflection. His experience of al-Haq’s governance structures gave him what he considers invaluable experience in staff participation, adding however that “belonging (*intima*) is not a problem, it’s good, but not when it becomes ‘who’s this director, where are they from, we are the organization, we built it’ and so on.” With hindsight, certain appointments to management posts were unfortunate and there were, doubtless, board members who pushed their own agendas. However, many have suggested that the strength of al-Haq lies in the very fact of its institutionalization and its distance from a one-person organization model—it never was any individual’s “shop.” Getting the critical balance between staff empowerment and managerial authority and leadership was never going to be easy.

Meanwhile, back in 1987, al-Haq was intensively engaged in planning for the first international law conference to be held in the occupied territories. This was scheduled for January 1988, which turned out to be the very beginning of the first intifada. According to Emma Playfair, the idea “was conceived in 1986 in one of al-Haq’s weekly meetings. Facing yet again a problem of law to which we found no answer, Raja Shehadeh suggested appealing to the world’s experts in the law of war for their help in clarifying the international laws governing Israel’s administration of the West Bank and Gaza.”⁷⁸ Introducing the volume of papers she edited from the conference, Playfair talks of al-Haq’s work in addressing violations of individual human rights but also of the importance it attached to “monitoring the treatment of the territories themselves and their infrastructure by the military authorities, since this is critical to the rights of the Palestinian people as a whole.” She continues, “While there have been a number of situations of belligerent occupation since World War II, none has become institutionalised to the extent of Israel’s occupation of the West Bank and Gaza. Consequently, many of the issues raised by this occupation have not been faced since the Fourth Geneva Convention came into force.”⁷⁹ The conference was a pragmatic response, to engage with internationally recognized scholars who would help al-Haq work through the implications of key patterns of behavior on the part of the occupying power. In the interim, in summer 1987, al-Haq produced a substantive essay titled “Twenty Years of Occupation: A Time to Reflect,” discussing Israel’s occupation, the use(s) of law, and the organization’s key and pressing concerns.

[. . .] Twenty years have passed since Israel forcibly took control over the Territories in the June War of 1967 [. . .] What first looked like a temporary military occupation has been transformed into a long-term Israeli effort to colonise the Occupied Territories. Over the past two decades Palestinians living in the area have therefore had to readjust their expectations, and so also the way in which they live their lives under occupation, and deal with the occupier. This is true as well for Palestinian institutions that have emerged during the occupation, like al-Haq itself.

[. . .] There was much talk in the beginning about an early withdrawal following some type of negotiated settlement of the conflict. With the increasing confiscation of Palestinian lands in the 1970s, however, and the establishment of Jewish settlements, Palestinians’ analysis of the situation had to be modified. Today, after twenty years, few have doubts about what may be the occupier’s primary aim in the West Bank and Gaza: to take the land and exploit human and material resources.

To Palestinians, the Israeli enterprise is strongly reminiscent of events that took place during the height of the colonial era in the 19th and 20th centuries, when European nations conquered African and Asian land and mobilised indigenous resources by force [. . .] What is different is the Israelis’ apparent long-term goal of population displacement, as well as the unique methods that they employ: they have given their colonising effort a legalistic veneer in the form of the military occupation.[. . .]

AL-HAQ'S GOALS

Operating under such circumstances, al-Haq, as an organisation dedicated to the protection of human rights and upholding the rule of law, devised its own methods of achieving its aims: it confronts the illegal acts of the occupier by documenting and contesting human rights violations, while at the same time it seeks to analyse, promote understanding of, and improve or alter existing legislation, in short, enforce adherence to the rule of law. Although al-Haq sees the effort to strengthen the rule of law as its primary goal, in the early years of its existence its activities were by necessity limited to the very basic tasks.

It is one of the unfortunate facts of life under occupation that the efforts of any organisation in the Territories are defined by the immediate needs of the situation prevailing at any time. Al-Haq, for example, has spent considerable energies in pressuring the military authorities to publish and distribute the military orders and regulations they had been enacting since 1967, because lawyers continued to receive cases of individuals charged with violating an order of whose existence they were unaware.

Even after military orders had finally become available to the public, al-Haq faced the intimidating task of analysing this body of military laws and examining its legality in light of international conventions pertaining to occupied territories, primarily the Hague Regulations of 1907, and the IV Geneva Convention of 1949. One of the problems in this respect was to explain to a lay audience abroad how the occupier has used a complex legal structure at once to cover up and to justify its political and economic aims of colonising the Territories.

THE OCCUPIER'S USE OF THE LAW

The process of colonisation is very real for Palestinians who may wake up one morning to find that bulldozers have started to uproot the trees on their land to make room for an Israeli settlement. It may not be so visible to outsiders, however. This is so because colonising efforts, like the confiscation of Palestinian land, are justified by the occupying authorities either as required for Israeli military security needs or as desirable to promote the interests of the local population and—so it is argued—are effected within the bounds of the law, both local law and international conventions pertaining to occupied territories. According to the IV Geneva Convention, the occupying power cannot amend the laws in existence in the territories it occupies other than to serve its overriding security needs or the interests of the local population.

On the face of it the authorities' arguments might be convincing to a lay audience, especially if no violation of applicable laws can be seen to take place. There are, however, serious flaws in these arguments. Al-Haq has spent a disproportionate amount of time and energy during the past seven years . . . in attempting to set the record straight.

RESPONSE TO ISRAELI ARGUMENTS

[. . .] Security concerns are routinely cited for any measure which cannot otherwise be justified without incurring opposition [. . .] Even the Israeli High Court of Justice so far has not been able to pose a serious threat to the military authorities' own definition of their security needs [. . .]

The authorities have consequently been able to promote Israeli settlement of the Territories by defining some of its elements, like the construction of new roads, as beneficial to the local population. To them, however, “local population” is not only the Palestinians in the Territories, but is also the Israelis living in the settlements, even though the presence of the latter in the Territories is illegal by applicable international law, Article 49 of the IV Geneva Convention. [. . .]

Jordanian law, which applies in the West Bank, and the combination of British Mandatory and Egyptian law that is in force in Gaza, have been altered beyond recognition by the occupying authorities [. . .] What has emerged [. . .] in reality constitutes a radical departure from the law that nominally prevails, and which according to international law should prevail. [. . .] Partisan interpretations of terms such as “security needs” and “interests of the local population” ensure that the military authorities can deflect charges of violations of international law with relative ease.

The structure of military legislation serves to obscure the true nature of the massive Israeli colonisation effort that is underway in the Occupied Territories. With every military order enabling the confiscation of a patch of land for “security” reasons, the ultimate goal of the colonisation project has been brought one step closer. With every order limiting the economic activities of the Palestinian population, the occupiers have come closer to their goal of taking the land they have set out to conquer, without the population that lives on it today.

ROLE OF AL-HAQ UNDER OCCUPATION

As a human rights organisation, al-Haq endeavours to support the human rights of the Palestinian population under occupation. Al-Haq has documented in the past serious violations of such rights, including torture and maltreatment in prisons, administrative punishments like deportations and house demolitions, censorship of publications, and repression of trade union activities. In al-Haq’s view, the fundamental problem which gives rise to these violations—a problem that is rarely voiced in discussions about the Palestinian-Israeli conflict—is the system of colonisation of the West Bank and Gaza: a consistent expropriation of Palestinian lands, exploitation of human and material resources, and undermining of social and physical infrastructure. This goes hand in hand with a refusal on the part of the occupier to maintain the status quo in the Occupied Territories, much less to allow the area’s development in a manner beneficial to its population or to agree to negotiate seriously the Territories’ final disposition.

Al-Haq has been forced by the situation to focus on exposing the occupier’s goals by analysing the legal structure that has been built to justify them. This has taken much energy, and has inadvertently led to a reduced emphasis on the organisation’s more long-term goals: to provide, through education and training, the legal resources of the Palestinian society of tomorrow, as well as to help give shape to the standards and principles that will serve as moral underpinnings of that society.

Twenty years of occupation having passed, including seven years of al-Haq’s work during which the organisation succeeded in doing much of the basic ground work needed for its future activities, al-Haq now intends to dedicate more time and resources to the realisation of its long-term aims. In the first stage this means upgrading its human rights education program, and encouraging young

Palestinians to join its primary mission: the protection of human rights, and analysis, evaluation and improvement of prevailing law. This will facilitate the future task—a task shared by all Palestinians—of building those values and institutions which will be necessary in a future independent Palestinian state.⁸⁰

This compelling piece speaks for itself in its urgency. The invocation of European colonialism is a departure for the organization, as is the criticism of Israel's refusal to "negotiate seriously" and the final reference to a future independent Palestinian state, both broadly political statements that the organization is now comfortable making. The reference to the occupier's goal of "taking the land without the population that lives on it" can be read as an implicit reference to the historical Zionist presentation of Palestine as "a land without a people for a people without a land." Key to al-Haq's reading is the link between the violations of human rights and Israel's systematic colonization of the occupied territories as a matter of policy. Al-Haq's determination to "devote more time and resources to the realisation of its long-term aims" was to be thwarted by the massive events of the first intifada and the brutality of Israel's reaction.