



Report

SADAKA صدقة

The Ireland Palestine Alliance ♦ www.sadaka.ie

Noura Erakat continues to unfurl her campaigning banner for Palestinian freedom and justice

Back when Noura Erakat was an undergraduate at the University of California at Berkeley, she and a number of other activists unfurled their banners, horrified that Ariel Sharon had been elected as Prime Minister of Israel for a second time, to launch what was one of the first divestment campaigns on a US campus.

While the campaign has gathered momentum, not just on US college campuses but throughout the world – to the point where the most recent Prime Minister Benjamin Netanyahu, recently declared divestment as the greatest threat to Israel – its progression was far too slow for the energy-packed and driven Erakat. So at age 21, having decided that activism was not the answer to Palestinian freedom and justice, she opted for law school.

“All we have to do is be better lawyers than they are and we will prevail,” she admitted to be her naïve thinking to a packed Robert Emmett Hall in Trinity College Dublin on Tuesday, October 15th, where she was launching her celebrated new book *Justice for Some; Law and the Question of Palestine*.

But when she got to law school, “I was mortified” she said.

“I thought that everyone was going to be a Thurgood Marshall (the first African American justice to be appointed to the US Supreme Court who successfully argued several cases before the Supreme Court, including the seminal *Brown v Board of Education*).

“Instead what I found was that the best of the best, the most intelligent and privileged young people in the country, were intent on one thing – and that was making lots of money really fast.”

Thankfully, Noura resisted the pots of money and did not go the way of the majority of her class.

Today, Noura is a celebrated human rights lawyer, assistant professor of law at Rutgers University (New Jersey), writer and still very much the same activist, visionary and optimist that unfurled that banner in Berkeley. She is a regular, often outspoken and always erudite and brave, contributor to CBS, NPR and Fox News in the United States, and to the BBC among many media outlets.

But, keeping optimistic, and safe as a critical voice on Palestine, particularly in a political and social environment in the United States where critical voices on issues that are not popular or supported by the establishment are open to attack, is not always easy.

“There is a politics of defeat in this work,” she told a young Palestinian activist attending her talk. “But I’m ongoing. You can look at the present and narrate a story of doom or you can narrate a story of victory.

“In order to continue to do this work where there are very few victories and many risks, you have to have an element of craziness to you. But nobody normal ever changed our reality or our circumstances.”

Her book – which is far from craziness - has been described by Richard Falk, former UN Rapporteur for the Human Rights of the People of Palestine, as “the best book on the law and politics of the Palestine/Israel struggle – sophisticated, learned, humane and creative.”

It is not just a law book. It is a history book, documenting the creeping occupier-occupied relationship between Palestine and Israel over a century. It is also a social commentary, with valuable and often stark vignettes into the struggles and suffering of people who have lost husbands, wives, children, homes and livelihoods in plain international sight.

Focusing on key junctures from the Balfour Declaration in 1917 to present-day wars, Erakat outlines how the strategic deployment of international law has shaped current conditions in the Occupied Territories. She documents the systemic and legal steps taken to ensure “the erasure of the Palestinian people”, much of which has been achieved under the cover of the “sui generis” legal framework, or the argument that the fact pattern of the Israeli-Palestinian relationship is unlike any other.

But law, she argues, is politics, and its meaning and application depend on the political intervention of states and people. Over the past century, because of such intervention, by Israel, backed largely by the United States, but also because of the distinct lack of intervention from the wider international community, international law has been interpreted, manipulated and, indeed, re-interpreted to advance Israel’s interest in colonising the land of the Occupied Territories more than the Palestinians’ campaign for sovereignty as a recognised people.

In the way that the student Erakat, came to the thinking that activism was not the answer, the attorney Erakat comes to a point where she proposes that law, and international law alone, is not the answer.

“Victories in international law alone do not liberate a people,” she said. “But if law is not the answer, what is?”

“Whatever the future holds, we have to turn away from the Oslo Accords, which are inherently flawed,” she said. “We know there is no future where the United States is not situated as a target. The United States is a pillar of the problem. Israel couldn’t do what it does without the political, security and financial support of the United States.”

“We know that Jews want to stay in Israel, and we say no problem,” she says. “But what we are saying is that you can’t stay as masters.”

Erakat argues that the answer has to be much more imaginative, radical and creative than simply looking to undo history or re-hashing the one-state or two-state argument.

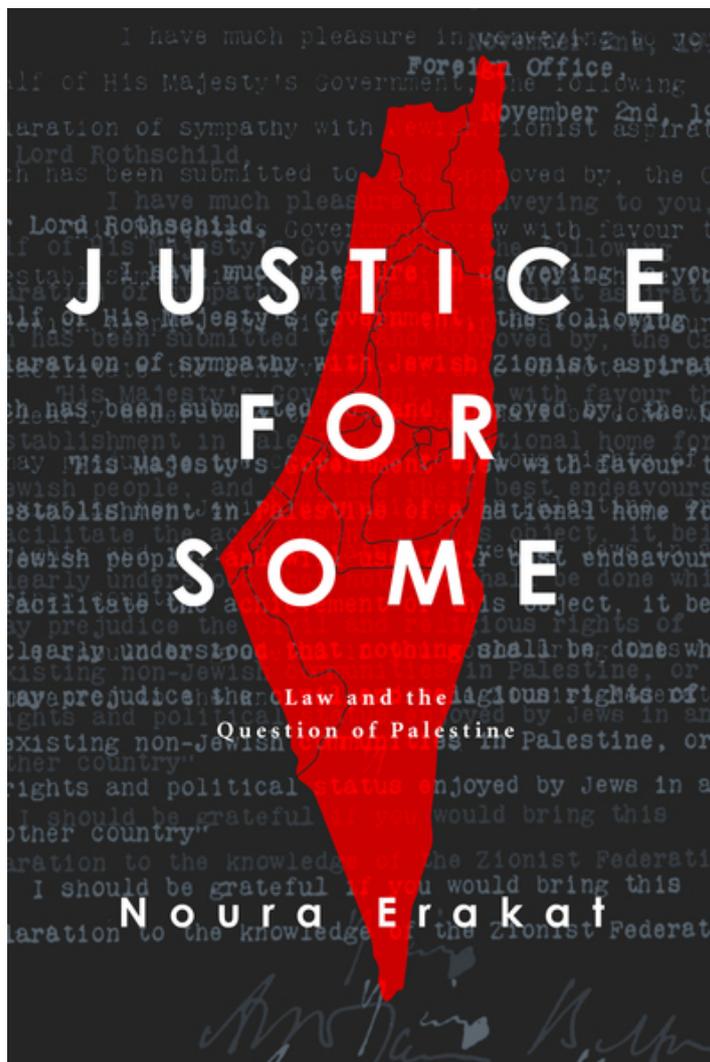
The future, she proposes, should be centred on a new, untested and uncharted premise that Palestinians are not simply looking to return to an old homeland – which has changed immeasurably anyway since Mandate Palestine in 1949 when Israel established itself on 78% of the land – but are already free, as global pioneers in a contemporary world struggle against colonialism and white supremacy.

“There is no optimal past to return to, but only optimal futures,” she says.

As she sets out in the final paragraphs of her book:

“This path is not well paved; in fact, it does not even exist. Embarking upon it is a commitment to build new possibilities for decolonialisation and freedom more generally. It is primarily a commitment to ask different questions.”

“Fulfilling this potential requires centring our gaze upon ourselves, to recognise ourselves as free already, in order to forge a path to a future where our liberation is not contingent or mutually exclusive, but reinforcing.”



Justice for Some: Law and the Question of Palestine, available from
Books Upstairs, 17 D'Olier Street, Dublin 2
<https://www.facebook.com/BooksUpstairs/>
and other good book sellers.