

Palestine, Palestinians and International Law, by Francis Boyle. 205 pages.
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Palestine, Palestinians, and International Law offers an international legal perspective on the protracted and ferocious Israeli-Palestinian conflict. The volume is engaging, but problematic, in its endeavor to be both an academic and advocacy book. The author, Francis A. Boyle, served as legal advisor to the Palestinian delegation at the peace negotiations with Israel in 1991-1993. Boyle has even dedicated the book to the head of that delegation, Dr. Haidar Abdul Shaffi.

The book is far more valuable as a legal political account and a volume of original documents in international law than as an historical analysis. At the outset, the author rails against what he conceives as a sophisticated machine of pro-Israeli academics who are accused of constructing imagined and distorted Zionist history. Whereas some Zionist academics have indeed reproduced a history aimed to legitimize Israel, there is no homogenous research tendency among Zionist and Israeli intellectuals. Paradoxically, Boyle himself offers a rather biased and undocumented historical hermeneutics of the Israeli-Palestinian conflict. He blames pro-Israeli scholars for distorting history, while praising rare scholars who define themselves as pro-Palestinian as unveiling objective historical truth. Accordingly, Boyle's arguments as for the wars of 1948 and 1967 are rhetorical and sweeping. Readers will not find any novelty and depth in his arguments, which have already been discussed in length in the professional literature.

On legal grounds, however, this volume offers a compelling argument why the Palestinians' right to a state of their own alongside Israel is embedded in UN resolutions since 1947. The book forcefully claims that Israel's policy of settling immigrants from the (ex) Soviet Union in the West Bank and East Jerusalem should have been prohibited in international law, since it has severely infringed on Palestinians' national rights. Furthermore, international legal mechanisms to exercise the Palestinian right of national self-determination, are sorted out. While the book advocates imposing international sanctions against Israel, I would argue for a better tactic--framing a multilateral venue,

such as an international conference, through which the Palestinian right of self-determination may be implemented. Boyle firmly believes in UN resolutions. However, he neglects the required multilateral efforts to make Israelis more attentive to Palestinian national needs, while inducing the Palestinians to be more willing to accept Israel's secured existence in its pre-1967 borders. The book also ignores the deep rivalries within Palestinian society that have led to violence, posing severe problems for any leader who seeks to consolidate Palestinian national sovereignty.

Boyle's analysis of possibilities to impose international law is important. Thus, his suggestion to recognize the Palestinian state as a member in the UN prior to formal permanent resolution of the conflict is insightful. The concept of defining any attack on civilians as terrorism, whether state or non-state terrorism, is similarly valuable. The proposal to declare Jerusalem, and more realistically its holy sites, *corpus separatum* obviously has its own historical and legal logic based on UN resolutions. Yet, Boyle offers supra-structural legalistic solutions to embedded violence without probing into the praxis. Thus, how is it possible to formally establish a Palestinian state under violent severe fragmentation among Palestinians, the rise of extreme Muslim fundamentalism, the rise of extreme Jewish fundamentalism, and harsh conditions of the Israeli occupation? International law is superfluous without neo-institutional and cultural mechanisms that make it instrumental for conflict resolution.

The chapter about Israel's war crimes misses the point. While the post-1967 military occupation may be defined as a possible war crime, there is no basis to support Boyle's claim that Israel has committed genocide against the Palestinians. First, Israel had never conducted a policy of collective killings of Palestinians. Second, since 1992 there were permanent negotiations with the Palestinians through their formal representatives on Israel withdrawal from the Gaza strip and the West Bank. Third, Israel has already evacuated some of the occupied territories. Fourth, not only Palestinians but also hundred of Israeli civilians were killed by Palestinian paramilitary organizations within the past few years. Fifth, the conflict is between two national movements striving for survival.

The Palestinian-Israeli conflict is a maze-- a complex fabric of mutual violence, regarding nationality, religion, territory and resources. Since Boyle's treatment of the conflict inclines to be sweeping and rhetorical, he neglects to deal with possible war crimes of Israel such as the policy of targeted killings, house demolition, expulsions, infinite administrative detentions, collective detentions, and the Jewish settlements in the 1967 occupied Palestinian territories. Similarly, the book does not delve into possible war crimes of the Palestinians, such as indiscriminate killings of innocent civilians in suicide bombings.

While the book is informative, it misses a somber exploration of two major issues, by neither offering solutions to the Palestinian refugees' problem nor dealing with how international law should react to Palestinian suicide bombing. Yet, it is a valuable book that offers a wealth of primary material and secondary interpretations. As an advocacy document, the book is missing the virtues of more detached and multidimensional academic analysis. International law is crucial for conflict resolution, but it is inadequate without mutual reconciliation through institutions and consciousness-raising among Israelis and Palestinians.

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