

**THE INTERNATIONAL ORGANIZATION
FOR THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (EAFORD)**

5 Route des Morillons, CP 2100. 1211 Geneva 2, Switzerland
Telephone: (022) 788.62.33 Fax: (022) 788.62.45 e-mail: info@eaford.org

**2011 – Palestine
Hopes, Frustrations and Hypocrisy
Dr. Anis Al-Qasem
General**

The legal and constitutional situation of the Palestinian National Authority (PNA) had remained unchanged. The President of the Authority continued to be recognised in that capacity, although his term has expired years ago, and the Prime Minister and his government continued to function although they had not been presented to the Legislative Assembly for a vote of confidence, as required by PNA Basic Law. The Government in Gaza continues to be treated by the West and, of course, the Government in Ramallah, as renegade although it is the body that had won the last elections, and, under the Basic Law, it has become a caretaker government, after dismissal by the President. It remains the lawful government until a government that had won the confidence of the Legislative Assembly takes over. Such government has not yet come into existence. The result has been the existence of two governments: one for the Gaza Strip and the other in the West Bank based in Ramallah. The illegality, the unconstitutionality, of both the Ramallah Government and of “President” Abbas, are of course well-known to Israel, USA, EU and the Arab governments. The situation suited them all in a belief, repeatedly stated, that President Abbas is the best Palestinian leader that Israel can ever find to deal with. Democracy and the rule of law should wait.

Israel moves on

This year saw the greatest surge in colonisation settlements by Israel in the Occupied Palestinian Territories (OPT), particularly in and around the Old City of Jerusalem. Eviction of Palestinian families from homes they lived in for generations, even before Israeli occupation of the City in 1967, expropriation of property and expulsion of Jerusalmite Palestinians became standard policy, in contravention of numerous Security Council and General Assembly resolutions condemning such activities and calling on Israel to desist from and repeal all previous actions and legislations affecting changes in the demographic composition of the City. Although, after his election, President Obama called on Israel to freeze its settlement activities, Israel succeeded in getting an about turn to the extent of securing a veto of a resolution in the Security Council declaring settlement activity as illegal. That veto was in direct violation of the ruling of the International Court of Justice in its Opinion on the Israeli Separation Wall, including the vote of the American judge who was careful to add a separate opinion in which he emphasise his position on the illegality of settlements and the illegality of that part of the Wall constructed to join settlements. In a statement issued on 19 August, 2011 by UN Bureau of the Committee on the Exercise of the Inalienable Rights of the Palestinian People “voicing deep alarm at Israel’s “*illegal*’ approval of 5,200 new housing units in occupied East Jerusalem in August alone” it said : “*Recent Israeli settlement announcements undermine international efforts aimed at bringing the parties back to negotiations.*” The Bureau added: “*They [the settlements] also cement Israeli control over the West Bank by fragmenting it in ways which would render a viable, contiguous and sovereign Palestinian state impossible to achieve in accordance with the two-state solution.*” [\[1\]](#) A veto in a matter like this, erodes further the credibility of USA particularly when it criticises other states for alleged violations of human rights

and the rule of law.

In violation of the Advisory Opinion of the ICJ in the Separation Wall case and the resolutions of the UN General Assembly endorsing the Court's Opinion and calling upon Israel to halt construction of the Wall and demolish that which had been constructed, Israel persisted in the construction of the Wall, with rare occasional changes to its route on the rare occasions when the Israeli High Court accepted challenges to its course. One of the direct foreseeable consequences of the route taken by the Wall is the expropriation of more Palestinian agricultural land, which adds to the economic pressure that has become a main weapon utilized to silence resistance to occupation and add to greater dependence on donations that are being used as an instrument of political pressure.

Settlers hooliganism has greatly increased in its targets to cover a much wider net. No more it is limited to seizing spots to start new settlements. The new targets now include desecrating or burning of mosques in villages, uprooting productive olive trees and setting on fire crops at time of harvest. These crimes are rarely investigated and never punished. On the contrary, these terrorist acts are often committed under the very eyes and protection of the Israeli armed forces, and Palestinians who try peacefully to protect their property are frequently arrested and charged.

This year uncovered, for the first time, the practice of extracting human organs from killed Palestinians whose bodies were in the hands of Israeli forces and the sale of these organs. Health institutions seemed to be involved in the practice, and an international outcry was heard, but soon subsided. A call to boycott such institutions was placed on the internet by EAFORD, The International Organisation for the Elimination of all Forms of Racial Discrimination, an NGO with consultative status with UN.

Gaza is still under Israeli siege by land, sea and sky under the pretext of self-defence. The severity and illegality of the siege, which has been in place for the last six years, have moved volunteer activists from many countries to attempt to break it peacefully, and "freegaza.org" (www.freegaza.org) came into being as an international organisation committed to do whatever possible peacefully to end the siege. These attempts are still being met, in the opinion of many, by acts of piracy on the high seas and the use of force, which in May 2010, in the case of the Turkish ship MV Mavi Marmara, resulted in the killing of 9 Turkish activists and in a serious deterioration of Turkish-Israeli relations. These relations deteriorated further when in September 2011 a UN special committee concluded that the siege was legal, but Israel used excessive force against the Freedom Flotilla. It is very irresponsible by the committee to come to these conclusions. Israel did not end its occupation of the Gaza Strip. It merely withdrew its land forces from the Strip, but maintained the siege and enforced it to the full. The withdrawal was a deployment. The original sin, the illegal occupation, has thus continued and the defence of self-defence would not be applicable. Termination of occupation in all its aspects must come first.

Delegitimation of Israel

In the minds of some leaders, such as President Barack Obama, there is a fear of delegitimation of Israel by the international community. On 17th May 2011, President Obama declared "*or the Palestinians, efforts to delegitimize Israel will end in failure*" [2]. Again, in his remarks at the American Israel Public Affairs Committee (AIPAC) on May 22, 2011, he said: "*Israel's legitimacy is not a matter for debate.*" It is to be noted that both statements were made after The New York Times published on 17th May 2011 President Abbas' letter on his decision to seek membership in the United Nations for the state of Palestine. In his speech before UN General Assembly in September 2011 Obama warned against such an attempt, and, in the same session, the Palestinian President assured him that he had no intention of doing so. Obviously, President Obama would not go public on an issue of this nature unless he had been prompted to do so by Israel or its

US lobbyist, AIPAC. Only the Palestinian people can give some legitimacy for Israel, and this is far from being in hand. PLO gave recognition, but has no authority to grant legitimacy [3].

The challenge to legitimacy on the international level has been coming inter alia, from the success on the international level, particularly in the West, of a civil societies movement, Boycott, Divestment and Sanctions (BDS), against Israel, taking as precedent the successful campaign waged against apartheid South Africa. The success of the movement is attributable to Israel's relentless violation and denial of the rights of the Palestinian people in their country. Monopolisation of the traditional media can no longer provide a cover-up for such violations.

The anger at Israeli violations has reached young American Jews who had dared to shout delegitimisation slogans at the Israeli Prime Minister during a speech he was giving in September 2011 to a gathering of American Jewish leadership: "*Young Jews say: Settlements delegitimise Israel. Young Jews say Occupation delegitimizes Israel. Young Jews say The siege of Gaza delegitimises Israel*". These young people spoke out, as they said, in the name of Jewish values, which they held to be true, that had been violated. They issued a declaration on the subject. [4] These young proud Jews have invited other young Jews to attend a course on BDS in March/April 2012."

The movement seems unstoppable, being fuelled by persistent Israeli violations and utter disrespect for international law and international humanitarian law. Its projects for 2012 include holding marches to Israel's borders from neighbouring Arab countries, fly-in protests to Ben Gurion International Airport and Israel Apartheid Week in Western and other countries. [5] BDS is thought by some scholar activists, such as Professor Lawrence Davidson, as the proper answer to the present situation, while others, such as Stuart Littlewood (who comments on the approach of Davidson), think that "civil disobedience and direct action are the way to go." BDS is of course one form of "direct action". To these activists, Palestine is the South Africa of today [6].

A peaceful solution on a two states bases is increasingly losing any real chance of implementation: the area for the Palestinian state is increasingly diminishing through the settlement activity and Israeli demands for security that amount to complete domination of the life of the Palestinian state. Negotiations have led to more and more erosion of Palestinian rights, not the implementation of international legitimacy, and has now stopped at a stalemate. The attempt at eroding the possibility of having a viable sovereign Palestinian state seems to be behind the opposition to the Palestinian application (discussed later) for UN membership of a state of Palestine within the 1967 boundaries [7].

Palestinian attempts

Frustrated and disillusioned by failure to halt, let alone terminate, settlement activity that has been eating more and more of the area supposed to be part of the independent sovereign Palestinian state, in fulfilment of a two-state solution, or achieve any result from useless ongoing negotiations, the Palestinian President seems to have decided on three courses, two of them were carried out with partial results and the third was kept in abeyance. The first two were (1) going to UN to gain admission as a full member, and (2) attempting to achieve national unity through reconciliation with Hamas. The third choice was civil resistance. This third choice has been on the back burner during the whole of Abbas' presidency, and still is. Most probably, he is reluctant to lease it for fear of inability to control once the people are in the streets.

1. Going to UN

On 17th May 2011 the Palestinian President published an article in the New York Times under the title *The Long Overdue Palestinian State* in which he set on record the action he would be taking in view of the collapse of unproductive “negotiations” with Israel. In this article he first told the story, his story, as a boy 13 years old who, 63 years ago, was forced to leave his home town in Galilean city of Safad and flee with his family to Syria. They became refugees, and for decades wished to return to their home and homeland, but denied that most basic of human rights. “ *This month, however,*” he wrote, “*as we commemorate another year of our expulsion- which we call the nakba, or catastrophe- the Palestinian people have cause for hope: this September, at the United Nations General Assembly we will request international recognition of the State of Palestine on the 1967 border and that our state be admitted as a full member of the United Nations.*” On 23 September 2011, Abbas handed in the application to the UN Secretary General and addressed the General Assembly.

The official Israeli and American reaction to this step was predictable even before the application was made: threats of stopping financial aid to the Palestinian Authority and cut of US financial contributions to the United Nations and any UN entity that admits the State of Palestine as full member. These threats started to be made before Abbas’s speech. Thus , the Israeli paper Haaretz of 26 August 2011 reported that the US Consul General in Jerusalem has informed Palestinian officials that “we will stop aid to Palestinians if UN bid proceeds.” He also warned that US will veto in the Security Council any application for membership of the United Nations, and that Congress will punish the Palestinian Authority if it tries to raise the level of its status at the United Nations. The American House of Representatives voted 407 to 6 to call on the Obama administration to use its diplomatic capital to try to block the initiative, while also threatening to cut the Palestinians’ funding if they proceeded to seek statehood^[8]. The United Nations should also be punished should it concede to the application. The Washington Post reported on 30 August 2011 that a bill was introduced on 30 August by the Chairman of the House Foreign Affairs Committee to block US funding for any UN entity that supports giving Palestine an elevated status at UN and would ban US contributions to UN Human Rights Council and any anti-racist conference seen as a platform for anti-Israeli rhetoric.

Membership of the United Nations requires prior recommendation from the Security Council. The United States administration exercised all the pressure it could on members not to make such recommendation, and the required majority was thus blocked at committee level before the question was put to the Council. The application would have won conclusive majority had it reached the floor of the General Assembly, as it did later on the floor of UNESCO, which was punished through US cut of financial contribution. The action of UNESCO gave the lie to the motto “money talks” waved by the Chairman of the Foreign Affairs Committee when she submitted her proposals. Principles and rights of people are now moving forward with the Arab Spring reaching even USA youth.

The unspoken truth behind blocking the application and the stalled negotiations (started again and again stalled in January 2012 under the name *exploratory talks* under the auspices of the King of Jordan) is the hypocrisy in the call for a two-state solution. Zionist ideology would not stand any such solution. According to it, the whole of Palestine, at least, is deemed to constitute the state of Israel. The unspoken truth also is that, in that ideology, any Palestinian state, no matter how small, would constitute mortal danger to the Zionist project because there will be “Palestinians” on the map, a constant reminder of their existence . This is the philosophy expounded by the most honoured Zionist leader, Vladimir Jabotinsky, in an article he published back in 1923 entitled *The Iron Wall*^[9]. The whole Israeli activities in the West Bank are designed to achieve this result.

1. Palestinian Reconciliation

On the face of it, the problem seems to represent a struggle for power between Fatah and Hamas. This appeared to have been the case immediately after the elections to the Legislative Assembly in 2006 that brought Hamas to power with a clear defeat to Fatah. The truth, however, would come out in the open soon after agreement appeared to have been reached, or within reach, between the two: Israel, USA and the European Union would not recognise a Palestinian unity government or a government in which Hamas would be represented. The threat of the Israeli Prime Minister to President Abbas that “you are either with us or with Hamas” had worked in the past – that is until the dawn of the Arab Spring. The scene in the Arab world has started to change. Agreements have been reached on a number of occasions before then, but Israeli and American pressure frustrated them.

With the change of regime in Egypt, it was possible for the parties to sign a Cairo agreement in May 2011. One would think that the new regime in Egypt did not take sides under Israeli and American influence, thus making it possible to overcome the ideological differences that caused failure in the past or succeeded in getting both parties to agree on preliminary steps for reconciliation without touching on the ideologies. The new Egyptian regime seems to have been able to bridge the differences by concentrating on measures that would lead to unity without giving priority to ideology: namely, agreement to have a government of technocrats, elections for the Legislative Assembly of the Palestinian Authority, elections for the PLO Palestine National Council and a procedure for release of detainees by both parties. There is movement on the ground regarding the first two subjects, and one hopes that, this time, the agreement will hold. The chances for this are now greater than before by reason of the change of regimes in the Arab world.

Anis Al-Qasem

www.anisalqasem.com

[1] UN News Service, 19 August 2011, “UN Palestinian rights body calls on world to compel Israel to halt settlements”

[2] See www.virtualjerusalem.com/news.php?Itemid=3631.

[3] For an analysis and rebuttal of Obama’s remarks see Josh Ruebner “*Straining Every Nerve against UN Membership for Palestine*” at palestinechronicle.com/view_article_details.php?id=17032.

[4] See www.youngjewishproud.org. See also www.jewishvoiceforpeace.

[5] For an overview of the BDS movement from an Israeli perspective see www.terrorism-info.org.

[6] See Stuart Littlewood, <http://mycatbirdseat.com/2011/08/palestinian-statehood-two-prong-approach-needed>.

[7] It is reported that the US Republican party has adopted a one state solution – Israel- for Palestine in its entirety as the land given by God to the Jews.

[8] The New York Times. August 3, 2011, The Opinion Pges, “*Seeking Balance on the Middle East*” by Nicholas D. Kristof. See also www.thespec.com, “*Independent Palestine could suffer huge funding cuts*” by Jonathan Ferziger and Fadwa Hodali.

[9] See for the full text of the article 51 Documents: Zionist Collaboration with the Nazis, ed. Lenni Brenner,

Barricadw Books, Port Lee, NEW Jersey (200) p. 32, and can be seen at the internet by searching for its title. For an analysis of the article see, *The Apartheid Wall in Palestine*, published by Alfurat of Beirut and Alahlia of Amman (2009) contribution by the writer under the heading *A Tale of Three Walls: The Wall of Ideology, The Wall of Theology and The Wall of Final Solution in Palestine*, p. 85-97.