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Autumn 2009

AQSA Journal

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Water, Palestine & Israeli Apartheid
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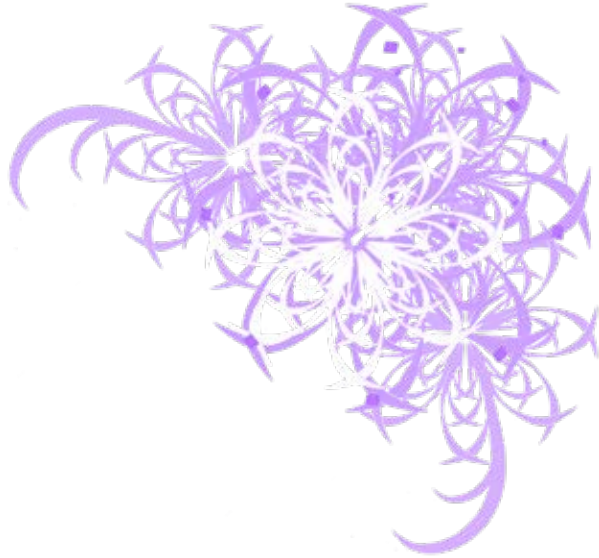

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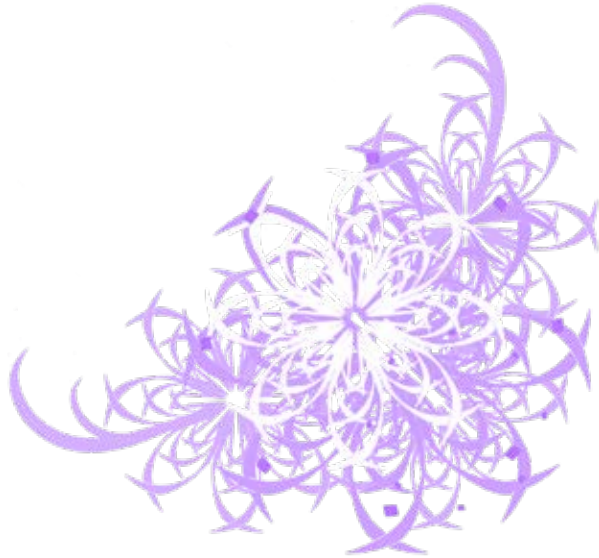
We welcome contributions to Aqsa Journal. Referenced articles, comments and analysis related to the Middle East conflict can be submitted to the Editor for consideration. Topics may include history, politics, architecture, religion, international law and human rights violations, amongst others. We also offer a range of books related to the Palestininian issue for Review. To review a book, contact the Editor. All submissions should include the author's full name, address and a brief curriculum vitae.



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EDITORIAL *editorial*

May Allah's blessings be upon all His Prophets from Adam to His Final Messenger Muhammad (SAW)

Marking the end of Ramadan this year has been more significant than in previous years for many of us. For the first time in over two decade in Britain, long summer days were taken up with fasting, leaving a real impression of the hunger and suffering that exists around the world.

In Gaza, the hunger and destitution has continued for three years. Those coming out of Gaza describe a situation of utter destruction, left by the 22 day war over eight months ago, with little hope of rebuilding due to Israeli import restrictions. Thus, Gazans left homeless by Israel's wanton destruction are heading for another winter living in makeshift tents sleeping in freezing temperatures at night. The endurance of these people is being tested to its very limits, and many around the world fail to link this with deliberate Israeli policies of starvation and destruction. This grotesque human experiment is destroying the lives of every single innocent civilian in the strip of land.

On the international front, the UN issued report following an investigation into the Gaza War has revealed what many could only guess at – the extent of Israel's war crimes. Judge Richard Goldstone's 575 page report covers a plethora of evidence highlighting the illegal actions of the Israeli army during the war and accuses Israel of using disproportionate force. The report lists multiple instances of alleged war crimes, including Israeli shelling of homes where soldiers forced Palestinian civilians to assemble; targeting fleeing civilians' including those who waived white flags; and the deliberate targeting of a mosque at prayer time which killed 15 people. The report also suggested that Palestinians militants indiscriminately firing rockets into Israel were also potentially liable to charges of war crimes.

The most significant recommendation made by Judge Goldstone was to urge the Security Council to refer the charges of War Crimes to the International Criminal Court in The Hague if either Israel or Palestinian authorities fail to investigate the matter within six months. This has created serious unease with Israel's allies, including the US.

This is becoming a diplomatic minefield for Israel around the world, as its allies scurry to ensure that no lasting damage is done to Israel. When one considers the depth and nature of the absolute misery Israel has inflicted and continues to inflict on a civilian population, with policies which will ensure that entire generations will be lost to deep psychological scars and post traumatic stress, the absurdity of the paradox becomes apparent.

There is no more time for politicians to speak diplomatically to Israel and about Israel; it is time for civilians to take action in every jurisdiction around the globe to ensure Israel is brought to justice for its War Crimes. Our politicians have failed in this regard for decades and the responsibility now lies with us. Only then will Palestinians have any hope for a peaceful future.

Ismail Patel
EDITOR

COMMENT

comment

Bringing Change to Israel and Palestine
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Bringing Change to Israel and Palestine

Clare Short MP

Claire Short is an Independent Member of Parliament for the Birmingham Ladywood constituency. In 2003, Ms Short resigned from the Government over the Iraq war and in 2006, she resigned the Labour whip. She now sits as an Independent MP. She was Secretary of State for International Development from 1997 to May 2003. Prior to that, she held the positions of Opposition spokesperson on Overseas Development (1996-1997); Shadow Minister for Women (1993-1995) and Shadow Secretary of State for Transport (1995-1996). She has also been Opposition spokesperson on Environment Protection, Social Security and Employment. Ms Short's political career spans almost three decades and she has held Ministerial positions, written award winning books, and received a number of prestigious awards. She is recognised globally for her involvement in humanitarian projects.

After the disaster of the Presidency of George W Bush, the world breathed a deep sigh of relief when Barack Hussein Obama was elected President of the USA in November 2008. Almost anyone would be better than Bush, but Obama was not just anyone. He was intelligent, liberal and articulate. He was the child of a Kenyan father of Muslim origin and a white American mother. His father and mother separated when he was a baby and Obama was brought up by his mother and grandmother whom he loved very dearly. The enthusiasm of America at his inauguration made us all hopeful again. Perhaps this black American of Muslim origin who had known racism and some hardship could bring out new and better qualities in America. For the people of the United States, it could mean less inequality, less racism and the establishment of a health service that cared for its entire people. For the rest of the world, it could mean an end to the "unipolar moment".

The neo-conservatives who had surrounded Bush had seen the end of the Cold War as their victory. They saw themselves as the great power that could dominate the world. They were obsessively supportive of Israel and determined to invade Iraq and establish a pro-American regime. This would enable them to dominate the Persian Gulf from which most of the world's oil was exported, and also to develop the rich oil resources that remained untapped in Iraq. All this they laid out clearly in their Project for the American Century long before the attack on the Twin Towers on September 11th 2001.

There is no doubt that the attack on the Twin Towers was a great crime. Two thousand, seven hundred and fifty two innocent civilians were killed. In international law and in both Christian and Muslim teaching on just war, such a targeting of civilians is not permitted. The people of America and the world were outraged, but instead of working with this international goodwill to prevent any further attacks, the neo-cons saw it as an opportunity to attack Iraq as they had long planned.

It is worth standing back from the anger and outrage that most people feel over the terrible suffering and loss of life inflicted on the people of Iraq and asking whatever US policymakers thought they were doing. What is their long term thinking about the Middle East? President Bush was widely seen as inarticulate and lacking in intelligence. But America is the wealthiest country in the world. It controls more than half the world's military resources. It has great universities and endless think tanks. The overwhelming bulk of Members of Congress supported Bush's Iraq policy. The highly influential AIPAC lobby (the American Israel Public Affairs

Committee) lobbied strongly for this policy. Some have concluded that the Israeli tail wags the American dog. The pro-Israeli lobby is so strong that almost no one in politics in America dares to criticise.

In addition, the Bush administration was strongly supported by Christian fundamentalists who take a very strange view on Israel. They look forward to the end of the world when people like them, who have been "born again" in the belief in Jesus Christ, will ascend straight to heaven whilst all the rest of us will be damned. But they think this day will not come until the Messiah returns and that this will not happen until there is a Jewish state throughout historical Palestine. They therefore send money to the Israeli settlements and support an expansionist Israel, which continues to take over more and more Palestinian land. These people believe, however, that when the end of the world comes, the Jews of Israel will be damned because they have not accepted Christ and been born again. But in the meantime, they are the Israelis' staunchest allies!

This does not excuse their constant targeting of innocent civilians. But as has been wisely said, "Those who cannot learn from history are doomed to repeat it"

When we put these religious views alongside those of Osama bin Laden, we are entitled to ask whether unbalanced religious fanatics have taken over the world. But whenever Al Qaeda is mentioned, we should remember that bin Laden was a creation of US foreign policy. During the days of the Reagan administration (1981-89), when many of Bush's neo-cons were in positions of power, America had worked with Saudi Arabia to send money and fighters to Afghanistan to encourage an Islamic uprising against the Soviet backed regime. They provided money and weapons in large quantities. Osama bin Laden went to Afghanistan in support of this policy. Having, as he saw it, achieved the overthrow of one great power and become increasingly critical of the US, he decided to launch a holy war against the US. Al Qaeda is a blowback from US policy. This does not excuse their constant targeting of innocent civilians. But as has been wisely said, "Those who cannot learn from history are doomed to repeat it".

If we try to examine the forces lined up behind US policy in the Middle East, it does look as though unbalanced fanaticism has taken over. But beneath this there is some realpolitik. The Middle East is crucial to America because it produces 63 per cent of the world's oil reserves and the whole way of life of the OECD countries is dependent on the plentiful availability of oil. Unconditional support for Israel has divided and balkanised the Middle East.

The Middle East is crucial to America because it produces 63% of the world's oil reserves

Western policy has propped up cruel dictatorial regimes throughout the region, which keep in check their people's natural sympathy for the terrible suffering of their Palestinian cousins. Any regime that fails to follow western policy is ostracised, such as Saddam Hussein's Iraq, Baathist Syria or the Islamic Republic of Iran. Unattractive as it is, this policy of divide and rule has worked in its own cruel way for the last 60 years. The Bush administration included Iraq, Iran and North Korea in the axis of evil and plotted to overthrow all of these regimes. But they came unstuck in Iraq. They learned that the greatest military power in the world cannot defeat irregular forces that resist occupation. The same lesson was learned by Israel, the great military power of the Middle East when it attacked Lebanon in 2006. The lesson is also being taught to NATO forces in Afghanistan. It is important not to romanticise this point. The suffering and loss of life in Iraq and Lebanon was very great. The current loss of life and suffering on all sides in Afghanistan is also terrible. But this resistance to occupation – which is typical of humanity throughout time – has shown that the neo-conservative approach to the Middle East is not just ugly and unjust, it also does not work.

the neo-conservative approach to the Middle East is not just ugly and unjust, it also does not work

We should also be clear that this resistance is not led by Al Qaeda. They did become active in Iraq

following the invasion and were responsible for most of the terrible sectarian attacks on Shia shrines and market places. They consider such attacks as legitimate because they see the Shia as heretics. Hezbollah, who are the resistance in Lebanon are a Shia movement that have no time for Al Qaeda. They denounced the attack on the Twin Towers and criticise their policy of attacking civilians. But they are determined to resist Israel occupation and support the Palestinians' right to resist oppression and demand justice and self government. The Taliban in Afghanistan are not one monolithic movement and they are not Al Qaeda either. They are a loose alliance of local forces resisting occupation, amongst which what remains of Al Qaeda is hiding, probably on the Pakistan side of the unnatural border between Afghanistan and Pakistan.

The question now is how the Obama administration will move and what we should be doing to try to bring to an end the terrible suffering and injustice.

The question now is how the Obama administration will move and what we should be doing to try to bring to an end the terrible suffering and injustice. Obama of course voted against the invasion of Iraq and has promised withdrawal. There is already a draw down of American forces and a confinement of them to barracks. I am sure that the administration still hopes to leave a pro-American regime in place. This is complicated by the hostility of the US to Iran and the fact that the predominant community in Iraq is Shia with strong links to Iran. This story will unfold over the next few years and will be influenced by the overall situation in the Middle East.

Obama made the point during his election campaign that Al Qaeda had been based in Afghanistan and not Iraq, and insisted that that was the main battle. He has already increased US forces in Afghanistan and is calling on other NATO powers to do likewise. But all serious commentators are aware that the present NATO strategy is failing and the Taliban insurgency getting stronger. Wise voices are advising a negotiated cease fire over a three year period, a commitment to bring development to the people of Afghanistan and the promise of an organised withdrawal. It is said that Saudi Arabia is organising the talks with the Taliban. We must work to support such a change of policy.

He made a speech in Cairo in June 2009 which reached out to the Muslim world and showed proper respect for Islam

But it is the terrible suffering of the Palestinian people and the constant rounds of warfare and bloodshed that is at the root of the anger of the Middle East and the Muslim world more widely. During the election campaign, Obama promised that he would take action to make peace from the beginning of his presidency. He has appointed George Mitchell, who has a fine record in contributing to the peace process in Northern Ireland, as his Special Envoy. He made a speech in Cairo in June 2009 which reached out to the Muslim world and showed proper respect for Islam. It was in many ways a fine speech, but he is American and it was not fairly balanced on Israel/Palestine. For example, he called for the Palestinians to cease to use violence and made no criticism of Israel over the Gaza war. We are promised announcements soon on how the peace process is to be taken forward, but currently the argument between the US and the extremist Israeli government of Netanyahu is on whether expansion of the settlements should halt. This creates little hope of the two state solution that the Arab League has said all the Arab powers would recognise, that Fatah calls for and that Hamas says it would declare a long term cease fire in support of.

The two state solution requires Israel to withdraw from all the land it occupied in 1967

The two state solution requires Israel to withdraw from all the lands it occupied in 1967 so that the Palestinians can establish their state on the lands that belong to them according to international law. It is clear that no major Israeli party supports such an agreement, instead successive governments have confined the Palestinians to a series of Bantustans in the West Bank, with the wall and

closures preventing Palestinians from moving about or working their land. In Gaza, one and a half million people live hungry and traumatised amongst the rubble of the bombardment of the Israeli attack in January. The borders are still closed. The people are suffering cruelly and unforgivably. Israel's behaviour is a gross breach of international law, cruel and unjust. Their strategy ever since Israel was established in 1948 is to constantly push out the

The people are suffering cruelly and unforgivably. Israel's behaviour is a gross breach of international law, cruel and unjust.

Palestinians and take over their land. South Africans, such as Archbishop Tutu have said it is a crueller version of apartheid. It is hard to believe that President Obama will turn American policy on its head and insist that Israel hands back the lands it has stolen. It is to our shame that no major UK party is insisting on this. If Europe was more forward on this agenda, it would make it easier for Obama to do more. But the EU, and particularly the UK government, is quietly colluding in Israel's illegality.

We must all campaign, argue and hope that Obama has enough strength and courage to be able to break out of the stranglehold of American prejudice and insist on two states.

So what is to be done? We must all campaign, argue and hope that Obama has enough strength and courage to be able to break out of the stranglehold of American prejudice and insist on two states. There are signs that give some hope. Most American Jews opposed the Iraq war. American Jews have established a new lobby group called 'J Street' which supports a two state solution and is opposed to the policies of AIPAC. But it is hard to believe that Obama will succeed and if this is so,

We must build a stronger movement of Muslims and non-Muslims standing together demanding justice and respect for international law

the trouble will continue and the likely solution will be one state for all its people rather than separate Israeli and Palestinian states. The Palestinians will suffer and resist in every way they can. The people of the Middle East will become ever angrier until one of the dictatorships falls, just as happened in Iran when the Shah was overthrown. But all of us who understand the depth of this injustice must do more. We must build a stronger movement of Muslims and non-Muslims standing together demanding justice and respect for international law. We must build a movement as strong as the

There could be an end to Palestinian oppression, but it could take a very long time and mean even more bloodshed and suffering.

anti-apartheid movement that supports the Palestinian call for boycott, divestment and sanctions and stand alongside the Palestinian resistance for as long as it takes. There will be an end to Palestinian oppression, but it could take a very long time and mean even more bloodshed and suffering. We must build a stronger international movement committed to solidarity and justice.

Clare Short MP

Why Boycotting Israel Is Not Enough

Sarah Irving

Sarah Irving is a freelance writer based in Manchester and specialising in social and environmental issues and Palestine. Her first book, a biography of Leila Khaled, will be published by Pluto Press in 2010.

In the spring of 2009, I spent several days interviewing Palestinian women who work in West Bank settlements. The impact of the big residential settlements such as Ma'ale Adumim and Ariel, or of the smaller religious extremist settlements like Itamar, is well known. Residents from these settlements have been responsible for attacks on Palestinian communities, land seizures, damage to trees, crops and livestock.

But the role played by industrial settlements, such as Mishor Adumim, near Jericho and Barkan, in Salfit governorate, is less recognised. They are not only built on Palestinian land, forming part of the network of Israeli settlements and settler roads which has hollowed out the West Bank, but they are also the sites where 40,000 Palestinian workers are exploited by Israeli factory owners on a daily basis; under conditions reminiscent of Chinese sweatshops manufacturing for Primark.

Conditions of labour

The women I interviewed work in Mishor Adumim, Barkan and the agricultural settlements of the Jordan Valley. They described a range of abuses that they regularly face. Firstly, they are paid substantially less than they are legally entitled to. In 2007, the Israeli Supreme Court ruled that the minimum wage of 20 shekels per hour applied in the West Bank settlements; but the women reported that they are often paid as little as a third of this. According to Salwa Alinat of KavLaOved, an Israeli workers' rights NGO which has helped Palestinian workers sue their employers, most Palestinian workers in settlements are recruited via gang masters or middlemen – themselves Palestinian – who do not tell workers what their real wages are and may deduct up to a third of their pay for commission or transport.

Secondly, the conditions under which Palestinians work are often dangerous, and they rarely receive help with healthcare costs. Umm Raed, one of a large group of women from the Royalife linen factory at Barkan, described how her daughter was simply put in a private car to get to hospital after a roll of cloth dropped by a supervisor broke her leg. Fatmeh, who worked at Mishor Adumim, told me how she still had trouble with her breathing several years after she left the industrial laundry where she had spent long shifts next to a machine spewing bleach fumes. And Abia, who works in a date packing plant in the Jordan Valley, was injured when a box fell on her while she was four months pregnant, but looked bemused at the idea of sick pay or paid maternity leave.

Thirdly, the women said, they were subjected to routine disrespect by many of their managers and supervisors. This included being shouted at and bullied to work faster or having to eat lunch under the trees while Russian workers had their own canteen. In addition, the women said they never had any secure employment or contracts, which meant they could be fired at any time. One woman from a sweet factory in Mishor Adumim had been threatened with sacking for refusing to add cleaning to her manufacturing role, while at Royalife workers had been reinstated after KavLaOved got a court order against their employer, but were sacked every

time they refused to drop their legal claim for better wages and conditions.

Lives on the margins

Many of the women working in Israeli settlements are amongst the most marginalised in Palestinian society. Of those I interviewed, many were unmarried and supporting elderly parents, or if married were forced to work due to their husbands' long-term illnesses. Some had received charity from international organisations. Others had also worked in Palestinian factories in Jericho, an alternative source of work for the women who would otherwise work in the Mishor Adumim settlement, but they reported that pay and conditions were often just as bad.

One woman, Umm Raed, reported that local society can force families to make difficult decisions

When a group of the women fired by the Royalife factory in Barkan tried to open their own sewing workshop, the local Palestinian gangmaster threatened to burn it down. One young woman from the group said that a prospective employer in her village had been frightened out of giving her a job. Her family had been threatened by the gangmaster, said to be a well-known collaborator from Hares village. One woman, Umm Raed, reported that local society can force families to make difficult decisions. Her daughters, who were the family's main breadwinners now that she had been fired, were both considering giving up their jobs, fearing that they would never be able to marry if people knew they worked in the settlements. Women who work in settlements, however desperate their need, are, she says, treated almost as if they are collaborators themselves.

Boycotting the companies they work for will of course have an impact on those who depend on the settlements for work

Implications for the boycott campaign

The plight of women workers in the settlements poses a challenge to the Boycott, Divestment & Sanctions campaign targeted at Israel's human rights abuses. Boycotting the companies they work for will of course have an impact on those who depend on the settlements for work, despite pitiful wages. However, this is not to say that the boycott call should be rescinded, but rather it should be taken forward responsibly. In the end, the conditions Palestinian workers endure in the industrial and agricultural settlements are a result of Israeli attempts to crush Palestinian resistance by destroying the West Bank economy.

the conditions Palestinian workers endure in the industrial and agricultural settlements are a result of Israeli attempts to crush Palestinian resistance

It's not enough to avoid buying Israeli products and services because they bolster an illegal and brutal occupation. We must also find ways to support the Palestinian economy – not through aid, which is at best short-term and creates a dangerous culture of dependence – but by supporting Palestinian workers and businesses, especially Fairtrade activities.

imports of Palestinian olive oil have been a spectacular success, now available on the shelves of Sainsbury's and Co-op supermarkets, as well as through wholefood shops and solidarity organisations

Companies like Olive Co-operative and Hadeel have long been importing fairly traded Palestinian crafts to the UK. Zaytoun's imports of Palestinian olive oil have been a spectacular success, now available on the shelves of Sainsburys and Co-op supermarkets, as well as through wholefood shops and solidarity organisations. The Freedom Clothing Project not only succeeded in finding factories in Beit Jala to produce organic cotton t-shirts for export to the UK, but also linked them up with other anti-sweatshop companies such as No Sweat Apparel. These

successes are growing with popular support.

There are other ways in which British buyers can support the Palestinian economy. Much of the West Bank has good internet access and Palestine has a skilled and educated population, with expertise in areas such as IT. The faith-based Transformational Business Network has responded to this by establishing projects to support Palestinian economic sectors which are less affected by the Occupation's closures. For a business or organisation in Britain needing a website designed, software developed or publications laid out, a Palestinian business might be just as accessible as any other dealt with by email and fax.

Much of the West Bank has good internet access and Palestine has a skilled and educated population, with expertise in areas such as IT.

Zaytoun's contribution to the Palestinian economy does not stop with the olive oil sold in the UK, but also covers tasks like bottling and labeling, and it has plans to move the printing of its publicity materials to the West Bank. Such Fairtrade companies are paving the path for other British businesses to support the Palestinian economy in similar ways.

In addition, sourcing materials in the Palestinian territories does not appear to be an immediately apparent option to businesses, but this is far from reality. Organic cotton Freedom Clothing/No Sweat t-shirts, for example, are made in Bethlehem by workers unionised under the PGFTU, and are available in bulk for companies printing their own logos. Buying these products and services does not just support workers' families, but the people in Palestine who provide the food, clothing, transport, building materials and household goods they buy.

Buying these products and services does not just support wokers' families, but the people in Palestine who provide the food, clothing, transport, building materials and household goods they buy.

We have the opportunity to support real jobs in Palestine, and every time we boycott an Israeli item or company we should be asking whether it can be replaced with a Palestinian one. This will ensure that the boycott movement is achieving something in the short term for Palestinians in immediate need of support.

By Sarah Irving

UMMAH MEDICAL ACADEMY

Ummah Welfare Trust

LATEST PROJECT APPEAL

Shawwal 1430 / October 2009

The **Ummah Medical Academy (UMA)** is being constructed at Behrampura area of Ahmedabad in India to expand the current Dialysis treatment and start a Cataract and Surgical ward at UMA.

The land (1800 sq ft) where the hospital is being built has been donated by an elderly lady and already the outer work for 4 floors has been done, this is an ideal location to have a Dialysis centre which will have 20 dialysis machines, 2 floors would be dedicated for Dialysis, 1 floor for the Opthalmo dept to carry out Cataract operations & 1 floor for a Surgical Ward (mini ICU). The four floors of UMA will cover 5100 sq ft.

There is great need of such a facility in a place like Ahmedabad, as it is home to hundreds of thousands of people with no free access to medical treatment, many patients travel between 10 and 150 km's to access such services, many hundreds will benefit from the Dialysis centre & many thousands from the Opthalmo dept where cataract operations will be performed. **It is also extremely distressing that many people in India die every year because they cannot afford to pay for the life saving Dialysis treatment.**

Total remaining cost of the project is: **£78,000**
Construction cost of one floor: **£17,760**
Construction cost of one square foot: **£18** (5100 sq foot in total)

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The Truth Does Not Need Hasbara

Sonja Karkar

Sonja Karkar is the founder and president of Women for Palestine and one of the founders and co-convener of Australians for Palestine in Melbourne, Australia. She is also the editor of www.australiansforpalestine.com and contributes articles on Palestine regularly to various publications.

Hasbara is the Hebrew word for "explanation" and is used by Israel and its supporters to describe their efforts to re-shape public opinion and build up Israel's image abroad. In fact, it is simply a euphemism for propaganda.

Israel's attacks on Gaza and the shockwaves reverberating around the world from the extent of its savagery has caused a drastic re-think in Israel on how to shape its image in the wake of such sudden uncensored exposure. There was no doubt that Israel had a public relations disaster on its hands and spokespersons appeared almost robot-like as they tried to make their carefully crafted hasbara credible against the images emblazoned on front pages, the nightly television news and the spread of YouTube videos capturing the sickening detail of the death and destruction that Israel's military arsenal rained down on the Palestinians.

Israel thought it had learned from its 2006 scorched-earth bombardment of Lebanon when it was required to explain away attacks on UNIFIL observer posts, Red Cross ambulances, TV transmitters, mosques and civilian areas. This time, it calculated, no effort or expense would be spared to anticipate criticism and challenges once the military machine rolled into Gaza. Eight months earlier, Israel had set up a National Information Directorate, which coordinated messages locally and around the globe. By the time the bombs were falling, Foreign Affairs ministry spokesman Andy David told Forward "the aim is to change the reality."[1] Such similar newspeak employed by a letter writer to The Guardian had Israeli Professor Avi Shlaim responding and calling it "truly Orwellian".[2]

It seems Israel is the victim of its own chutzpah, so used is it to believing that it can fool all of the people all of the time. The reality that Israel is faced with is the awakening of consciousness in a new generation increasingly used to living in multicultural societies in which racism is politically incorrect, if not actually eradicated. Controlling and manipulating the mainstream media is one thing, but the soft power of internet use in individual hands is almost impossible to control. Aware that it is in danger of losing public opinion, Israel is spending some of its Foreign Ministry budget this year to establish a team of talkback writers who will flood the websites with pro-Israel messages. Ilan Shturman who will supervise the "Internet Combat Campaign" says that "the internet is an arena in every way in the Isareli-Palestinian conflict, and we must act here or otherwise we lose."[3]

Every possible method of communication has been in play with teams of spokespeople, bloggers and diplomats all relaying the same message. None of that helped though, as the number of dead rose dramatically over those three weeks in January and especially when some 40 Palestinian civilians were virtually obliterated in a school compound. Israel's Hasbara became meaningless as thousands of images of human suffering flooded cyberspace. Even CNN anchors were shocked into admitting that Israel had broken the ceasefire and the normally pro-Zionist Time magazine published a front cover showing the Star of David overlaid with barbed wire and the heading "Why Israel Can't Win".[4]

Israel had barred international journalists from the Gaza Strip, but the truth got out from that besieged stretch of land regardless. Palestinian journalists, bloggers and eyewitnesses inside Gaza found themselves inundated with appeals from international media outlets for news from within and the electricity restrictions imposed by Israel on the beleaguered population only served to heighten the tensions as reports were dashed off before power cuts intermittently interrupted communications.

In the age of Facebook, YouTube and Twitter, these networks had a way of exposing the truth that trumped the most artful sophistry as Israel's propagandists found out to their chagrin. For all the successes on Facebook of QassamCount which allowed some 70,000 members to get updated messages on where rockets landed in Israel[5] and the 76,000 members who joined the 'I support the Israel Defence Forces in Preventing Terror Attacks from Gaza' group,[6] it was the appeal to users to support the Palestinians in Gaza that saw the biggest response with over 531,000 signatures.[7]

Never before has the world been more accessible to the Palestinians. If Israel can use these internet resources, so too can the Palestinians and their supporters. It is the perfect medium for Palestinian stories, photographs and videos and the place to network a global movement against Israel's lies and disinformation. Already, the increasing acceptance of Palestinians into social circles and communities when Palestinians were once barely recognised, has Israel so worried that it has even set up an international educational organisation – StandWithUs.com - that is disseminating information in schools, universities, churches and libraries and facilitating conferences and missions to Israel.

But, the world is not buying Israel's narrative like it once did out of guilt for remaining silent during Hitler's genocide against the Jews of Europe. Nor are they attracted to the pioneering image that had Jews and non-Jews spend time on a kibbutz in search of some socialist utopia. Under-estimating people's intelligence and ability to make their own judgments on issues is a common error in this era of instant news and knowledge on tap. Israel's hasbara worked in the past because people generally could not be bothered looking for alternative views. This phenomenon was observed by economist and social theorist J A Hobson in the editors of jingo journals writing on the Boer War who "felt quite safe in continuing to repeat the most audacious falsehoods long after they have been exposed, simply because they knew that their readers, though perfectly aware that journals existed which gave another side, would not look at papers which opposed the war."[8]

However, information today is no longer something for which we have to go looking and it is very difficult to ignore a truth that is self-evident. That is precisely where new technology has been able to turn public opinion even amongst people who have the greatest affinity with Israel. It is why we are seeing so many Jews worldwide speaking up against Israel's apartheid policies and practices.

People who accept Israel's unbridled use of military power are being dishonest if they choose not to see the Palestinian narrative. Whether out of expediency, empathy with Israel, or still clinging to the last vestiges of imperialism, they have compromised themselves and the very way of life they claim to defend if they do not make an informed judgment.

The genie is out of the bottle and governments may try to force it back in, but instant information is too alluring for people to accept a return to life without it. No matter how sophisticated Israel's information technology or how slick its public relations, Palestinians and their supporters have a chance now to even up the score in the public opinion stakes. Unlike the Israeli government-funded hasbara brigade, people advocating for Palestine do not need to be paid to defend human rights and justice. Israel may have the military power, but it is unlikely to ever control the "soft" power of truth.

Notes

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ANALYSIS *analysis*

Unequal, Unsustainable: Water, Palestine, and Israeli Apartheid

Ben White

Occupation, Colonialism Apartheid

Professor Virginia Tilley (Ed) et al

Unequal, Unsustainable: Water, Palestine, and Israeli Apartheid

Ben White

Abstract

The conflict between Israel and the Palestinians is apparent on many levels. Palestinians have faced enormous depravations at every level, including access to and use of their own natural resources. This article chronicles the use and abuse of water by Israel as a deliberate occupation policy. The unequal availability of water to Palestinians as compared with illegal Israeli settlers is well documented, and this issue is explored further in this article.

Ben White *is a freelance journalist and writer specialising in Palestine/Israel. He also writes on the broader Middle East, Islam and Christianity, and the 'war on terror'. Ben has been visiting Palestine/Israel since 2003 and his articles appear in publications like the Guardian online's 'Comment is free', the New Statesman, and Electronic Intifada. His first book, 'Israeli Apartheid: A Beginner's Guide', has recently been published, with endorsements from Desmond Tutu, Ali Abunimah, Ilan Pappe, and others. He now lives in the UK.*

Introduction

In April this year the World Bank published a report on the restrictions faced by the Palestinian "water sector".[1] In typically technical and measured prose, the report testified to the structural inequality whereby "Palestinians abstract about 20% of the 'estimated potential' of the aquifers that underlie both the West Bank and Israel", while "Israel abstracts the balance".

Coincidentally, a few weeks after the report's publication, the Israeli human rights group B'Tselem released their study 'Foul Play', an examination of the problem of wastewater treatment in the Israeli-occupied West Bank.[2] This documented a different kind of inequality, one where illegal Israeli settlements produce on a daily basis more than twice the average amount of wastewater coming from Palestinian communities.

Water – how it is accessed, who controls it, and how it is cleaned – is a question of enormous significance for the future of Israel/Palestine. Currently, Israel's insistence on maintaining an unequal arrangement regarding the control and use of water prejudices both political process and environmental wellbeing.

Israel's approach to water resources is just one part of a bigger whole, an apartheid system designed to ensure the dominance of one group over another. As such, there are some similarities with the water regime in Apartheid South Africa, and the measures employed by successive white governments intended to maintain control over precious water resources.

Control and consumption

In Israel/Palestine[3] there are two main sources of water: surface and groundwater:

The main surface-water resource is the Jordan River Basin, with the Sea of Galilee as the major regional water reservoir...Groundwater is the most important source of freshwater supply in the area, and consists of the main West Bank aquifer systems, as well as the Gaza Strip aquifer.[4]

The West Bank aquifer system is made up of three basins: the Western, Eastern, and North-Eastern, all replenished by rainfall. The Gaza Strip

aquifer is part of the Coastal Aquifer Basin, which lies underneath both the Gaza Strip and adjacent areas of Israel.

Since 1967, Israel's military regime in the OPT has been used to implement and maintain a highly imbalanced system, whereby Palestinians receive proportionally much less of the water than Israeli citizens, including Jewish settlers living in illegal colonies inside the OPT. The World Health Organisation recommends a minimum of 100 litres of water per person per day: Israel's per capita water consumption is 280 litres a day – for West Bank Palestinians it is 60 litres a day.[5]

In the late 1990s, the Israeli human rights group B'Tselem highlighted the inequality of Israel's water regime.[6] Israel enjoyed the use of four times as much water for irrigation per person as the Palestinians did, despite the fact that agriculture as a percentage of Israel's GDP was just 2.2 per cent while for the Palestinians the figure was 30 per cent.

But while Israel's 4-1 ratio of water usage seems bad enough, for Palestinians, it is especially galling that the settlers whose very presence in the OPT is reliant on land confiscation and a two-tier regime of separation are also beneficiaries of Israel's water apartheid. The Palestinians' Negotiations Affairs Department estimate that Israeli settlers use up to nine times the amount of water provided to Palestinians per capita.[7]

In research carried out in the summer of 1997, it was reported that despite being about one twentieth the size of the city's Palestinian population, Jewish settlers in Hebron used an average of 547 litres of water a day per person, compared to just 58 litres daily for the Palestinians.[8] As Palestinian hydrologist Amjad Aleiwi put it in a story from The Guardian in 2004, "How can it be that Jewish settlers get unlimited amounts of pure water and that just across a fence children have to drink polluted water?"[9]

Shortly after occupying Palestinian territories in 1967, Israel used a military order to make all the territories' water resources public property. Along with other measures, this "created a system that prevents the Palestinians from utilizing their water resources in a manner that meets their basic needs and the population's natural birth rate".[10] One step taken by the Israeli occupation authorities was to declare land alongside the Jordan River 'closed military zones', thus preventing access by Palestinian farmers.[11]

These kinds of measures also included "the expropriation of wells belonging to absentee owners, the denial of permits for the drilling of new wells, and the imposition of rigorous water quotas".[12] The restrictions on wells were implemented with military orders that meant Palestinians seeking to drill a well had to pass through arduous bureaucratic hurdles in order to seek permission that in most cases was denied.[13] In 1998 there were 350 wells in the West Bank, and only 6.5 per cent of them had been drilled since 1967.[14]

A large number of West Bank Palestinians live in communities that are unconnected to a water network – around 220,000, or about 10 per cent of the population.[15] Other estimates, taking into account the fact that even in areas connected to a water supply not all Palestinians are served, suggest that more than 1 in 5 West Bank Palestinians are without direct access to a water network.[16]

The Gaza Strip is experiencing a genuine infrastructure crisis, brought on by the siege enforced by Israel and Egypt, as well as due to the destruction wrought by Israel's military assault in December '08-January '09. Only 5 to 10 percent of the Gaza aquifer is drinkable, while in November 2008 (before 'Operation Cast Lead') most water wells were working at half capacity or had stopped altogether because of a shortage of spares.[17] Limited electricity, and few resources, meant that over half of households at that time did not have access to the water network. In June 2009, the Red Cross described the water infrastructure as "overloaded" and "subject to breakdown": "thousands of homes only have access to running water on certain days".[18]

It is worth noting that while the focus of this paper is on the OPT, Palestinians inside Israel also suffer from severe problems related to water access. Particularly acute are the problems facing the 'unrecognised villages', as many as 100 Palestinian and Bedouin communities whose existence the state refuses to officially acknowledge.

A 1965 Israeli planning law stated that "construction is forbidden on land designated agricultural land", with 'blue lines' ringing existing communities to "demarcate the limit of permitted building".[19] But this zoning system was used to label pre-existing Palestinian villages as 'non-residential' land, and therefore illegal or nonexistent: "with no official status afforded to their communities, the residents receive no government services and their homes are targets for demolition".[20]

One of the bitter ironies for Palestinians in the West Bank is that after Israel has taken the

vast bulk of the territory's water resources, it then sells the water back through the Israeli company Mekorot.[21] Effectively, Palestinians are paying for their own stolen water. Mekorot is responsible for about half of the Palestinians' water needs, though in summer months, the company reduces the amount of available water by up to 25 per cent in order to compensate for higher demand in Israel and the Jewish settlements in the OPT.[22]

It is worth saying something about the arrangements that emerged during the 1990s between Israel and the Palestinian Authority (PA) regarding water in the OPT. The Joint Water Committee (JWC), set up ostensibly to facilitate cooperation on water issues between Israel and the PA, became one more way for Israel to ensure an inequitable arrangement. Apart from the fact that Israel overdraws without JWC approval "up to 1.8 times its share under Oslo", "Israel retained a 'virtual veto power' in the [Joint Water] Committee and was unwilling to fulfill agreed obligations".[23]

Furthermore, if a proposed Palestinian water project lies inside 'Area C' (60 per cent of the West Bank), then it requires authorisation by the Civil Administration (the name Israel gives to the occupation authority). Crucially, Area C is not one contiguous bloc of territory, but rather encircles dozens of fragmented islands of Area A and B (PA autonomy and PA civil control respectively). In July 2001, the Civil Administration was still 'considering' 17 requests submitted from 1997 to 2000.[24]

Another key problem for the Palestinians in the OPT is sewage. The lack of decent infrastructure, and Israeli policies that seem to come from seeing the West Bank as a dumping group, threaten both humans and the environment. Between 1967 and 1993, Israel was the only authority in the West Bank, and there was minimal investment in an effective wastewater system. But since Oslo, even the PA has found it hard to find a solution to the sewage problem, due to budget issues, mismanagement, and the fragmented nature of its extremely limited jurisdiction.

According to The World Bank, only 31 per cent of West Bank Palestinians are connected to a sewerage network, and only "four towns have wastewater treatment plants".[25] This means that "untreated sewage contaminates groundwater, wadi beds and agricultural fields" with all of the ensuing problems for public health and the environment one would expect.[26]

Sewage is also a substantial problem in the Gaza Strip, where the system is in desperate need of investment and expansion. The Red Cross' report in June 2009, 'Gaza: 1.5 million people trapped in despair', documented how every day, "69 million litres of partially treated or completely untreated sewage – the equivalent of 28 Olympic-size swimming pools – are pumped directly into the Mediterranean because they cannot be treated".[27]

While the settlements take water from the OPT, they give back sewage. Researchers at B'Tselem described in their study 'Foul Play' that in 2007, around a third of wastewater from the settlements was not treated but simply flowed as raw wastewater into Palestinian valleys and streams.[28] A decade previously, only around 1 in 4 of the settlements surveyed by the Municipal Environmental Association of Judea treated wastewater "to a reasonable extent".[29]

Israeli colonisation and water appropriation

Israel's occupation of the West Bank since 1967 has been characterised by land appropriation and colonisation, whereby huge swathes of private and public Palestinian land is transferred to Jewish ownership.[30] Choosing where to build the settlements was influenced by a number of factors – including the location of water resources. As Ariel Sharon told an Israeli newspaper in 2001, "it's not by accident that the settlements are located where they are:

...we have to hold the western security area, which is adjacent to the Green Line, and the eastern security area along the Jordan River and the roads linking the two. And Jerusalem, of course. And the hill aquifer.[31]

According to an estimate by the PLO's Negotiations Affairs Department, there are 115 settlements built over crucial water areas.[32] This reflects the priorities of the Israeli state as the settlements were established and expanded. As Marwan Bishara put it in his book, Palestine/Israel: Peace or Apartheid, "the map of the settlements looked like a hydraulic map of the territories".[33]

When it came to building the Separation Wall, Israel made sure that the route would be designed to loop around the principal colony blocs in the West Bank and East Jerusalem, placing the majority of the illegal settler population on the 'Israeli' side. This also meant that the Wall became a means of consolidating Israeli control over the water resources, particularly the Western Aquifer, a large

proportion of which is now covered by the Wall.[34]

Even the initial impact of the construction of the Wall was devastating for affected Palestinian communities in the West Bank. By August 2005, almost 40 "agricultural production wells" had been separated from farming communities in the Qalqilya, Tulkarem and Jenin areas. Farmers were forced to seek Israeli military 'permission' to access the land and wells.[35]

A later survey on the Wall's first phase listed 50 wells as being either isolated by the Wall, or located "in the Wall's 30-100 meter buffer zone" and thus "under threat of demolition or confiscation".[36] In the Qalqilya and Tulkarem districts, around half of the Palestinians' irrigated land was placed on the 'wrong' side of the Wall.

Apartheid South Africa and water inequality

There are some similarities between Israel's approach to the control of water resources in Israel/Palestine, and the South African government in the apartheid era. As with other aspects of the Israel-South African apartheid comparison, it is important to emphasise that while "the legal infrastructure that enforced apartheid South Africa differs substantially from the relevant Israeli legislation"

The common element of both legal systems is the intention to consolidate and enforce dispossession, securing the best land control over natural resources for one group at the expense of another.[37]

Like in Israel/Palestine today, unequal access to and use of, the land's natural resources in Apartheid South Africa was based first and foremost on a system of land ownership and control that privileged one group over another:

Under the colonial and apartheid regimes the allocation of water-use rights was determined on a racially discriminatory basis. This is primarily because the distribution of water-use rights was inextricably linked to land access.[38]

In 1956, the South African government passed legislation that enabled the creation of the Department of Water Affairs (DWA). This severely affected black people's "access to potable water and sanitation",

as the DWA continued to control the apportionment and development of South Africa's water. Instead of being able to provide their people with these basic rights, the independent Black homelands had to negotiate to obtain water rights and use permits in competition with other users outside of their territories. Water thus clearly became a very effective weapon in the apartheid government's arsenal of oppression and control...[39]

As apartheid came to an end in South Africa in 1994, more than 1 in 3 South Africans were without access to a water supply, and over half lived with no proper sanitation.

Conclusion

In 2003, an article in Middle East Report noted how the previous year, 22 percent of surveyed Palestinian communities had suffered "extensive shooting of roof tanks" by the Israeli army. In another survey, it was found that "44 of the 105 communities with water networks reported damage; forty others in the survey reported destruction of wells, springs and cisterns".[40] The World Bank's report this year similarly recorded that 370 agricultural wells had been destroyed by the IDF during the Second Intifada.[41]

Acts of wanton destruction such as these, or the kind of damage to infrastructure experienced during Israel's assault on the Gaza Strip in 'Operation Cast Lead', may cause immediate humanitarian problems, but the core issues behind the water crisis in Israel/Palestine are much more fundamental and structural. B'Tselem notes:

Israel's policy regarding water supply in the West Bank is illegal and discriminates on racial grounds. It flagrantly breaches international law which requires Israel to ensure proper living conditions for the local population and to respect the Palestinians' human rights, including the right to receive a sufficient quantity of water to meet their basic needs.[42]

The key values that will have to shape a solution for the water resources of Israel/Palestine are sustainability and equality. There is much creative thinking about how to provide solutions for a thirsty region, but harnessing technological innovation for the benefit of the people of Israel/Palestine will be severely hampered should there be no change in Israel's unequal control and distribution of water resources.

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[26] 'Water Management Challenges in Palestine', Palestinian Environmental NGOs Network (PENGON) & Friends of the Earth Palestine.

[27] 'Gaza: 1.5 million people trapped in despair', International Committee of the Red Cross.

[28] 'Foul Play', B'Tselem.

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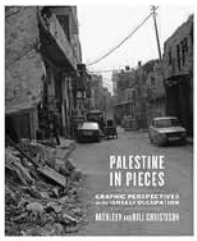

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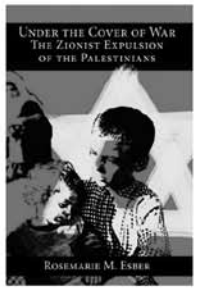

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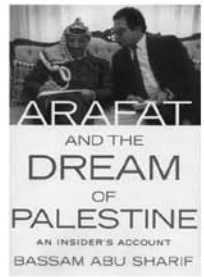

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Occupation, Colonialism, Apartheid

Professor Virginia Tilley (Ed.) et al

Abstract

In April 2009, a team of leading international lawyers and academics presented a Report titled 'Occupation, Colonialism, Apartheid: A re-assessment of Israel's practices in the Occupied Palestinian Territories under international law'. This is the Executive Summary of that Report which considered questions and implications of Israel's occupation of the Palestinian territories which has persisted since 1967. These findings should facilitate fresh academic and political discussions about the reality of Israeli occupation in order to achieve a just and fair resolution to the continuing conflict.

Contributors to this report include: *Professor Virginia Tilley (Editor), Professor Max du Plessis and John Reynolds. A Full list of contributors can be found at the end of this Summary.*

EXECUTIVE SUMMARY

Background

This study was commissioned and coordinated by the Middle East Project (MEP) of the Democracy and Governance Programme, a research programme of the Human Sciences Research Council of South Africa.

The study dates to September 2007, when the MEP approached Professor John Dugard to ask his advice regarding the potential value of a background study of whether regimes of colonialism and apartheid are operating in the occupied Palestinian territories. On his advice that such a study would be valuable to the legal and scholarly community, in February 2008, the MEP hosted the first workshop for contributors in Pretoria, South Africa. Participants in this initial workshop debated and composed the initial theoretical framework and parameters of the study and volunteered to research and compose various parts of the study in which they had special interest or expertise.

As drafting proceeded through subsequent months, generating first and second drafts, the research team elected four coordinating editors to oversee pressing questions of organization. In September 2008, the MEP hosted these editors to meet at the School for Oriental and African Studies in London and their deliberations generated a third draft. In November 2008, the MEP hosted a final full workshop in Durban, with eight of the study's principal authors.

This workshop generated a fourth draft that was again distributed internally for revision and comment. The fifth draft was submitted to five outside readers, whose comments were incorporated into a sixth and final draft for publication.

The Executive Summary was presented for public review on 16 May 2009 at the School for Oriental and African Studies (London), co-hosted by the HSRC and the Sir Joseph Hotung Project in Law, Human Rights and Peace Building in the Middle East, School of Law of SOAS, University of London.

A. Introduction

The Human Sciences Research Council of South Africa commissioned this study to test the hypothesis posed by Professor John Dugard in the report he presented to the UN Human Rights Council in January 2007, in his capacity as UN Special Rapporteur on the human rights situation in

the Palestinian territories occupied by Israel (namely, the West Bank, including East Jerusalem, and Gaza, hereafter OPT). Professor Dugard posed the question:

Israel is clearly in military occupation of the OPT. At the same time, elements of the occupation constitute forms of colonialism and of apartheid, which are contrary to international law. What are the legal consequences of a regime of prolonged occupation with features of colonialism and apartheid for the occupied people, the Occupying Power and third States? In order to consider these consequences, this study set out to examine legally the premises of Professor Dugard's question: is Israel the occupant of the OPT, and, if so, do elements of its occupation of these territories amount to colonialism or apartheid? South Africa has an obvious interest in these questions given its bitter history of apartheid, which entailed the denial of Self Determination to its majority population and, during its occupation of Namibia, the extension of apartheid to that territory which South Africa effectively sought to colonise. These unlawful practices must not be replicated elsewhere: other peoples must not suffer in the way the populations of South Africa and Namibia have suffered. To explore these issues, an international team of scholars was assembled. The aim of this project was to scrutinise the situation from the nonpartisan perspective of international law, rather than engage in political discourse and rhetoric.

This study is the outcome of a fifteen-month collaborative process of intensive research, consultation, writing and review. It concludes and, it is to be hoped, persuasively argues and clearly demonstrates that Israel, since 1967, has been the belligerent Occupying Power in the OPT, and that its occupation of these territories has become a colonial enterprise which implements a system of apartheid.

Belligerent occupation in itself is not an unlawful situation: it is accepted as a possible consequence of armed conflict. At the same time, under the law of armed conflict (also known as international humanitarian law), occupation is intended to be only a temporary state of affairs. International law prohibits the unilateral annexation or permanent acquisition of territory as a result of the threat or use of force: should this occur, no State may recognise or support the resulting unlawful situation. In contrast to occupation, both colonialism and apartheid are always unlawful and indeed are considered to be particularly serious breaches of international law because they are fundamentally contrary to core values of the international legal order. Colonialism violates the principle of self-determination, which the International Court of Justice (ICJ) has affirmed as 'one of the essential principles of contemporary international law'. All States have a duty to respect and promote self-determination.

Apartheid is an aggravated case of racial discrimination, which is constituted according to the International Convention for the Suppression and Punishment of the Crime of Apartheid (1973, hereafter 'Apartheid Convention') by 'inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them'. The practice of apartheid, moreover, is an international crime.

Professor Dugard in his report to the UN Human Rights Council in 2007 suggested that an advisory opinion on the legal consequences of Israel's conduct should be sought from the ICJ. This advisory opinion would undoubtedly complement the opinion that the ICJ delivered in 2004 on the Legal consequences of the construction of a wall in the occupied Palestinian territories (hereafter 'the Wall advisory opinion'). This course of legal action does not exhaust the options open to the international community, nor indeed the duties of third States and international organisations when they are appraised that another State is engaged in the practices of colonialism or apartheid.

The scope of this study was determined by the question it poses: whether Israel's practices in the OPT amount to colonialism or apartheid under international law. Hence Israel's practices inside the Green Line (1949 Armistice Line) are not examined, except where they illuminate Israeli policies in the OPT. The history of the conflict before Israel's occupation began in June 1967 as a result of the Six-Day War is also not addressed, except where this is necessary to clarify the application of international law to the OPT.

Questions of individual criminal responsibility or culpability for the commission of acts which constitute apartheid are also beyond the scope of this study, which focuses instead on the question of the responsibility of States as a result of internationally wrongful acts.

B. Legal Framework for this Study

This study is based on fundamental concepts and principles of international law and draws on diverse branches of substantive international law, in particular the law regulating belligerent occupation which forms part of the law of armed conflict. Israel remains the belligerent occupant of the OPT as they are territories over which Israel does not possess sovereignty but only a temporary right of administration. Consequently, Israel must abide by the relevant rules of the law of armed conflict—principally the provisions of the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949—in its administration of the territories. The law of armed conflict is supplemented by international human rights law which also applies in occupied territory. The prohibitions on colonialism and apartheid are rooted principally in the field of international human rights law.

Colonialism and apartheid both constitute serious violations of fundamental human rights. Colonialism has been consistently condemned by the international community because it prevents, and aims to prevent, a people from exercising freely its right to determine its own future through its own political institutions and in pursuit of its own economic policy. Although theoretical aspects of colonialism have increasingly been addressed in recent years in post-colonial and third world approaches to international law, the substantive aspects of colonialism have receded from international attention in recent decades following decolonisation in Africa and Asia over the course of the twentieth century. The main instrument of international law regarding colonialism, the Declaration on the Granting of Independence to Colonial Countries and Peoples (1960, hereafter 'the Declaration on Colonialism), condemns 'colonialism in all its forms and manifestations', which includes 'settler colonialism' such as was practiced, for example, in South Africa. Other laws and UN resolutions contribute to an understanding of colonialism, its threat to the enjoyment of human rights and the obligation of all states to ensure its abolition. This body of law and commentary establishes the basis for and the standard against which the review of Israel's practices is undertaken in this study.

Apartheid is an aggravated form of racial discrimination because it is a State-sanctioned regime of law and institutions that have 'the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them'. This definition is employed in the Apartheid Convention, which builds on the International Convention on the Elimination of All Forms of Racial Discrimination (1965, hereafter 'ICERD'). The Rome Statute of the International Criminal Court (1998, hereafter 'Rome Statute') includes apartheid as a crime falling within the Court's jurisdiction and, while this study does not consider the criminal responsibility of individuals, the provisions of these three treaties were employed to develop a working definition of apartheid for the purpose of considering Israel's State responsibility for practices that offend against the norm prohibiting apartheid.

The rules of international law prohibiting colonialism and apartheid are peremptory: that is, they are rules 'accepted and recognised by the international community of States as a whole as [rules] from which no derogation is permitted'. Every State owes a legal duty to the international community as a whole not to engage in practices of colonialism or apartheid. Conversely, all States have an interest in ensuring that these rules are respected because they enshrine fundamental values of international public order. Faced with a violation of the prohibitions of colonialism and apartheid, all States have three duties: to cooperate to end the violation; not to recognise the illegal situation arising from it; and not to render aid or assistance to the State committing it.

C. Legal Framework in the Occupied Palestinian Territories

To examine Israeli practices for qualities of colonialism and apartheid one must first consider the wider framework of law in the OPT, including applicable international law and Israeli law. This framework is structured by three basic legal facts.

First, the Palestinian people have the right to Self Determination, with all the attendant consequences this entails under the relevant principles and instruments of international law.

Second, the West Bank, including East Jerusalem, and the Gaza Strip remain under belligerent occupation. Israel's arguments that the Palestinian territories are not 'occupied' in the sense of international law have been rejected by the international community. Israel does not possess

sovereignty in these territories but only a temporary right of administration. As a consequence, Israel's annexation of East Jerusalem has been dismissed as unlawful and is not recognised by the international community. The occupied status of the West Bank was confirmed by the ICJ in the Wall Advisory Opinion. Israel's 'disengagement' from the Gaza Strip did not constitute the end of occupation because, despite the redeployment of its military ground forces from Gaza, it retains and exercises effective control over the territory. In all of the occupied Palestinian territories, Palestinians are therefore 'protected persons' under the terms of the Fourth Geneva Convention - namely, they are persons who 'find themselves, in the case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals'.

Third, the prolonged length of Israel's occupation has not altered Israel's obligations as an Occupying Power as set forth in the Fourth Geneva Convention and the Hague Regulations. Israel must therefore abide by the relevant rules of the law of armed conflict in its administration of the territories, as these are supplemented by international human rights law. In the light of this normative framework, Israel's administration of the OPT systematically breaches the law of armed conflict, both by disregarding the prohibition imposed on an Occupying Power not to alter the laws in force in Occupied Territory and by enforcing a dual and discriminatory legal regime on Jewish and Palestinian residents of the OPT. Israel grants to Jewish residents of the settlements in the OPT the protections of Israeli domestic law and subjects them to the jurisdiction of Israeli civil courts, while Palestinians living in the same territory are ruled under military law and subjected to the jurisdiction of military courts whose procedures violate international standards for the prosecution of justice. As a consequence of this bifurcated system, Jewish residents of the OPT enjoy freedom of movement, civil protections, and services denied to Palestinians.

Palestinians are simultaneously denied the protections accorded to protected persons by international humanitarian law. This dual system has gained the imprimatur of Israel's High Court and constitutes a policy by the State of Israel to sustain two parallel societies in the OPT, one Jewish and the other Palestinian, and discriminate between these two groups by according very different rights, protections, and life chances in the same territory.

This system has entailed serious violations of the law of armed conflict, but, as this study demonstrates, it also involves violations of the international legal prohibitions of colonialism and apartheid.

D. Findings on Colonialism

Although international law provides no single decisive definition of colonialism, the terms of the Declaration on Colonialism indicate that a situation may be classified as colonial when the acts of a State have the cumulative outcome that it annexes or otherwise unlawfully retains control over territory and thus aims permanently to deny its indigenous population the exercise of its right to self-determination. Five issues, which are unlawful in themselves, taken together make it evident that Israel's rule in the OPT has assumed such a colonial character: namely, violations of the territorial integrity of occupied territory; depriving the population of occupied territory of the capacity for self-governance; integrating the economy of occupied territory into that of the occupant; breaching the principle of permanent sovereignty over natural resources in relation to the occupied territory; and denying the population of occupied territory the right freely to express, develop and practice its culture.

Israel's annexation of East Jerusalem is manifestly an act based on colonial intent. It is unlawful in itself, as annexation breaches the principle underpinning the law of occupation: that occupation is only a temporary situation that does not vest sovereignty in the Occupying Power. Annexation also breaches the legal prohibition on the acquisition of territory through the threat or use of force. This prohibition has peremptory status, as it is a corollary of the prohibition on the use of force in international relations enshrined in Article 2(4) of the UN Charter. Israel's acquisition of territory in the West Bank also starkly illustrates this intent: the construction of Jewish-only settlements within contiguous blocs of land that Palestinians cannot enter; a connecting road system between the settlements and the settlements and cities within the Green Line, the use of which is denied to Palestinians; and a Wall that separates Jewish and Palestinian populations, as well as dividing Palestinian communities from each other, with passage between Palestinian areas controlled by

Israel. By thus partitioning contiguous blocs of Palestinian areas into cantons, Israel has violated the territorial integrity of the OPT in violation of the Declaration on Colonialism.

The physical control exercised over these areas is complemented by the administration that Israel exercises over the OPT, which prevents its protected population from freely exercising political authority over that territory. This determination is unaffected by the conclusion of the Oslo Accords and the creation of the Palestinian National Authority and Legislative Council. The devolution of power to these institutions has been only partial, and Israel retains ultimate control. By preventing the free expression of the Palestinian population's political will, Israel has violated that population's right to self-determination.

The law of Self Determination further requires a State in belligerent occupation of foreign territory to keep that territory separate from its own in order to prevent its annexation and also to keep their economies separate. Israel has subordinated the economy of the OPT to its own, depriving the population under occupation of the capacity to govern its economic affairs. In particular, the creation of a customs union between Israel and the OPT is a measure of prohibited annexation. By virtue of the structural economic measures it has imposed on the OPT, Israel has violated the Palestinian population's right of economic self-determination and its duties as an Occupying Power.

The economic dimension of self-determination is also expressed in the right of permanent sovereignty over natural resources, which entitles a people to dispose freely of the natural wealth and resources found within the limits of its national jurisdiction. Israel's settlement policy and the construction of the bypass road network and the Wall have deprived the Palestinian population of the control and development of an estimated 38 percent of West Bank land. It has also implemented a water management and allocation system that favours Israel and Jewish settlers in the OPT to the detriment of the Palestinian population. Not only is this practice contrary to the lawful use of natural resources in time of occupation, which is limited to the needs of the occupying army, but it is also contrary to international water law as the allocation employed is both unjust and inequitable. Moreover, it is significant that the route of the Wall is similar to the 'red line' that delineates those areas of the West Bank from which Israel can withdraw without relinquishing its control over key water resources that are used to supply Israel and the settlements. Thus, by its treatment of the natural resources of the OPT, Israel has further breached the economic dimension of self-determination, as expressed in the right of permanent sovereignty over natural resources.

Finally, self-determination also has a cultural component: a people entitled to exercise the right of Self Determination have the right freely to develop and practice its culture. Israeli practices privilege the language and cultural referents of the occupier, while materially hampering the cultural development and expression of the Palestinian population. This last issue renders Israel's denial of the right to self-determination in the OPT comprehensive.

In his report, Professor Dugard suggested that elements of the occupation resembled colonialism. This study demonstrates that the implementation of a colonial policy by Israel has not been piecemeal but is systematic and comprehensive, as the exercise of the Palestinian population's right to self-determination has been frustrated in all of its principal modes of expression.

E. Findings on Apartheid

The analysis of apartheid in this study encompasses three distinct issues: (1) the definition of apartheid; (2) the status of the prohibition of apartheid in international law; and (3) whether Israel's practices in the OPT amount to a breach of that prohibition. Article 3 of ICERD prohibits the practice of apartheid as a particularly egregious form of discrimination, but it does not define the practice with precision. The Apartheid Convention and the Rome Statute have developed the prohibition of apartheid in two ways: they criminalise certain apartheid-related acts and further elaborate the definition of apartheid. The Apartheid Convention criminalises 'inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them'. The Rome Statute criminalizes inhumane acts committed in the context of, and to maintain, 'an institutionalized regime of systematic oppression and domination by one racial group over any other racial group.' Both focus on the systematic, institutionalised, and oppressive character of the discrimination involved

and the purpose of domination that is entailed. This distinguishes the practice of apartheid from other forms of prohibited discrimination and from other contexts in which the listed crimes arise. The prohibition of apartheid has also assumed the status of customary international law and, further, is established as a peremptory rule of international law (a jus cogens norm) which entails obligations owed to the international community as a whole (obligations erga omnes).

In drafting this study, it was necessary to develop a methodology to determine whether an instance of apartheid has developed outside southern Africa. This aspect of the study was organised according to the definition of apartheid contained in Article 2 of the Apartheid Convention, which cites six categories of 'inhuman acts' as comprising the 'crime of apartheid'. This list is intended to be illustrative and inclusive, rather than exhaustive or exclusive. Accordingly, a determination that apartheid exists does not require that all the listed acts are practiced: for example, Article 2(b) regarding the intended 'physical destruction' of a group did not apply generally to apartheid policy in South Africa.

Practices not expressly enumerated may also be relevant, as Article 2 mentions 'similar policies and practices … as practiced in southern Africa'. For the purposes of this study, it was therefore assumed that a positive finding of apartheid need not establish that all practices cited in Article 2 are present, or that those precise practices are present, but rather that 'policies and practices of racial segregation and discrimination' combine to form an institutionalised system of racial discrimination that has not only the effect but the purpose of maintaining racial domination by one racial group over the other.

Fundamental to the question of apartheid is determining whether the groups involved can be understood as 'racial groups'. This required first examining how racial discrimination is defined in ICERD and the jurisprudence of the International Criminal Tribunals for Rwanda and the former Yugoslavia, which concluded that no scientific or impartial method exists for determining whether any group is a racial group and that the question rests primarily on local perceptions. In the OPT, this study finds that 'Jewish' and 'Palestinian' identities are socially constructed as groups distinguished by ancestry or descent as well as nationality, ethnicity, and religion. On this basis, the study concludes that Israeli Jews and Palestinian Arabs can be considered 'racial groups' for the purposes of the definition of apartheid in international law.

In examining Israel's practices under the prism of the Apartheid Convention, this study also recalls the system of apartheid as it was practiced in South Africa because those practices illustrate the concerns and intentions of the drafters of the Apartheid Convention. It must be clear, however, that practices in South Africa are not the test or benchmark for a finding of apartheid elsewhere, as the principal instrument which provides this test lies in the terms of the Apartheid Convention itself.

By examining Israel's practices in the light of Article 2 of the Apartheid Convention, this study concludes that Israel has introduced a system of apartheid in the OPT. In regard to each 'inhuman act' listed in Article 2, the study has found the following:

- Article 2(a) regarding the denial of the right to life and liberty of person is satisfied by Israeli measures to repress Palestinian dissent against the occupation and its system of domination. Israel's policies and practices include murder, in the form of extrajudicial killings; torture and other cruel, inhuman or degrading treatment or punishment of detainees; a military court system that falls far short of international standards for fair trial; and arbitrary arrest and detention of Palestinians, including administrative detention imposed without charge or trial and lacking adequate judicial review. All of these practices are discriminatory in that Palestinians are subject to legal systems and courts which apply standards of evidence and procedure that are different from those applied to Jewish settlers living the OPT and that result in harsher penalties for Palestinians.
- Article 2(b) regarding 'the deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part' is not satisfied, as the Israel's policies and practices in the OPT are not found to have the intent of causing the physical destruction of the Palestinian people. Policies of collective punishment that entail grave consequences for life and health, such as closures imposed on the Gaza Strip that limit or eliminate Palestinian access to essential health care and medicine, fuel, and adequate nutrition, and Israeli military attacks that inflict high civilian casualties, are serious violations of international humanitarian and human rights law but do not meet the threshold required

by this provision regarding the OPT as a whole.

- Article 2(c) regarding measures calculated to prevent a racial group from participation in the political, social, economic and cultural life of the country and to prevent the full development of a group through the denial of basic human rights and freedoms is satisfied on several counts:

(i) Restrictions on the Palestinian right to freedom of movement are endemic in the West Bank, stemming from Israel's control of the OPT's checkpoints and crossings, impediments created by the Wall and its crossing points, a matrix of separate roads, and obstructive and all encompassing permit and ID systems that apply solely to Palestinians.

(ii) The right of Palestinians to choose their own place of residence within their territory is severely curtailed by systematic administrative restrictions on Palestinian residency and building in East Jerusalem, by discriminatory legislation that operates to prevent Palestinian spouses from living together on the basis of which part of the OPT they originate from, and by the strictures of the permit and ID systems.

(iii) Palestinians are denied their right to leave and return to their country. Palestinian refugees displaced in 1948 from the territory now inside Israel who are living in the OPT (approximately 1.8 million people including descendents) are not allowed to return to their former places of residence. Similarly, hundreds of thousands of Palestinians displaced to surrounding states from the West Bank and Gaza Strip in 1967 have been prevented from returning to the OPT. Palestinian refugees displaced in 1948 to surrounding states (approximately 4.5 million) are not allowed to return to either Israel or the OPT. Palestinian residents of the OPT must obtain Israeli permission to leave the territory. In the Gaza Strip, especially since 2006, this permission is almost completely denied, even for educational or medical purposes. Political activists and human rights defenders are often subject to arbitrary and undefined 'travel bans', while many Palestinians who traveled and lived abroad for business or personal reasons have had their residence IDs revoked and been prohibited from returning.

(iv) Israel denies Palestinians in the OPT their right to a nationality by denying Palestinian refugees from inside the Green Line their right of return, residence, and citizenship in the State (Israel) governing the land of their birth. Israel's policies in the OPT also effectively deny Palestinians their right to a nationality by obstructing the exercise of the Palestinian right to self-determination through the formation of a Palestinian State in the West Bank (including East Jerusalem) and Gaza Strip.

(v) Palestinians are restricted in their right to work, through Israeli policies that severely curtail Palestinian agriculture and industry in the OPT, restrict exports and imports, and impose pervasive obstacles to internal movement that impair access to agricultural land and travel for employment and business. Although formerly significant, Palestinian access to work inside Israel has been almost completely cut off in recent years by prevailing closure policies and is now negligible. Palestinian unemployment in the OPT as a whole has reached almost 50 percent.

(vi) Palestinian trade unions exist but are not recognised by the Israeli government or by the Histadrut (the main Israeli trade union) and cannot effectively represent Palestinians working for Israeli employers and businesses. Although these workers are required to pay dues to the Histadrut, it does not represent their interests and concerns, and Palestinians have no voice in formulating Histadrut policies. Palestinian unions are also prohibited from functioning in Israeli settlements in the OPT where Palestinians work in construction and other sectors.

(vii) The right of Palestinians to education is not impacted directly by Israeli policy, as

Israel does not operate the school system in the OPT, but education is severely impeded by military rule. Israeli military actions have included extensive school closures, direct attacks on schools, severe restrictions on movement, and arrests and detention of teachers and students. Israel's denial of exit permits has prevented hundreds of students in the Gaza Strip from continuing their education abroad. Discrimination in relation to education is striking in East Jerusalem. A segregated school system operates in the West Bank as Palestinians are not allowed to attend government funded schools in Jewish settlements.

(viii) The right of Palestinians to freedom of opinion and expression is greatly restricted through censorship laws enforced by the military authorities and endorsed by the High Court of Justice. Since 2001, the Israeli Government Press Office has greatly limited Palestinian press accreditation. Journalists are regularly restricted from entering the Gaza Strip and Palestinian journalists suffer from patterns of harassment, detention, confiscation of materials, and even killing.

(ix) Palestinians' right to freedom of peaceful

assembly and association is impeded through military orders. Military legislation bans public gatherings of ten or more persons without a permit from the Israeli military commander. Non-violent demonstrations are regularly suppressed by the Israeli army with live ammunition, rubber-coated steel bullets, tear gas, improper use of projectiles such as tear gas canisters, and participants are arrested. Most Palestinian political parties have been declared illegal and institutions associated with those parties, such as charities and cultural organisations, are regularly subjected to closure and attack.

(x) The prevention of full development in the OPT and participation of Palestinians in political, economic, social and cultural life is most starkly demonstrated by the effects of Israel's ongoing siege and regular large-scale military attacks on the Gaza Strip. Although denied by Israel, the population of the Gaza Strip is experiencing an on-going severe humanitarian crisis.

- Article 2(d), which relates to division of the population along racial lines, has three elements, two of which are satisfied:

(i) Israel has divided the West Bank into reserves or cantons in which residence and entry is determined by each individual's group identity. Entry by one group into the zone of the other group is prohibited without a permit. The Wall and its infrastructure of gates and permanent checkpoints suggest a policy permanently to divide the West Bank into racial cantons. Israeli government ministries, the World Zionist Organisation and other Jewish-national institutions operating as authorised agencies of the State plan, fund and implement construction of the West Bank settlements and their infrastructure for exclusively Jewish use.

(ii) Article 2(d) is not satisfied regarding a prohibition on mixed marriages between Jews and Palestinians. The proscription of civil marriage in Israeli law and the authority of religious courts in matters of marriage and divorce, coupled with restrictions on where Jews and Palestinians can live in the OPT, present major practical obstacles to any potential mixed marriage but do not constitute a formal prohibition.

(iii) Israel has extensively appropriated Palestinian land in the OPT for exclusively Jewish use. Private Palestinian land comprises about 30 percent of the land unlawfully appropriated for Jewish settlement in the West Bank. Presently, 38 percent of the West Bank is completely closed to Palestinian use, with significant restrictions on access to much of the rest of it.

- Article 2(e) relating to the exploitation of labour is today not significantly satisfied, as Israel has raised barriers to Palestinian employment inside Israel since the 1990s and Palestinian labour is now used extensively only in the construction and services sectors of Jewish-Israeli settlements in the OPT. Otherwise, exploitation of labour has been replaced by practices that fall under Article 2(c) regarding the denial of the right to work.
- Arrest, imprisonment, travel bans and the targeting of Palestinian parliamentarians, national political leaders and human rights defenders, as well as the closing down of related organisations by Israel, represent persecution for opposition to the system of Israeli domination in the OPT, within the meaning of Article 2(f).

In sum, Israel appears clearly to be implementing and sustaining policies intended to maintain its domination over Palestinians in the OPT and to suppress opposition of any form to those policies. The comparative analyses of South African apartheid practices threaded throughout the analysis of apartheid in Chapter 5 is there to illuminate, rather than define, the meaning of apartheid, and there are certainly differences between apartheid as it was applied in South Africa and Israel's policies and practices in the OPT.

Nonetheless, it is significant that the two systems can be defined by similar dominant features. A troika of key laws underpinned the South African apartheid regime—the Population Registration Act 1950, the Group Areas Act 1950, and the Pass Laws—and established its three principal features or pillars. The first pillar was formally to demarcate the population of South Africa into racial groups through the Population Registration Act (1950)and to accord superior rights, privileges and services to the white racial group: for example, through the Bantu Building Workers Act of 1951, the Bantu Education Act of 1953 and the Separate Amenities Act of 1953. This pillar consolidated earlier discriminatory laws into a pervasive system of institutionalised racial discrimination, which prevented the enjoyment of basic human rights by non-white South Africans based on their racial identity as established by the Population Registration Act.

The second pillar was to segregate the population into different geographic areas, which were allocated by law to different racial groups, and restrict

passage by members of any group into the area allocated to other groups, thus preventing any contact between groups that might ultimately compromise white supremacy. This strategy was defined by the Group Areas Act of 1950 and the Pass Laws—which included the Native Laws Amendment Act of 1952 and the Natives (Abolition of Passes and Co-ordination of Documents) Act of 1952—as well as the Natives (Urban Areas) Amendment Act 1955, the Bantu (Urban Areas) Consolidation Act 1945 and the Coloured Persons Communal Reserves Act 1961.

This separation constituted the basis for the policy labeled 'grand apartheid' by its South African architects, which provided for the establishment of 'Homelands' or 'Bantustans' into which denationalised black South Africans were transferred and forced to reside, in order to allow the white minority to deny them the enjoyment of any political rights in, and preserve white supremacy over, the majority of the territory of South Africa.

Although the Homelands were represented by the South African government as offering black South Africans the promise of complete independence in distinct nation-States, and thus satisfying their right to self-determination, the Homelands were not recognised by either the African National Congress or the international community and were condemned by UN resolutions as violations of both South Africa's territorial integrity and of the right of the African people of South Africa as a whole to Self Determination.

Having divided the population into distinct racial groups, and dictated which groups could live and move where, South Africa's apartheid policies were buttressed by a third pillar: a matrix of draconian 'security' laws and policies that were employed to suppress any opposition to the regime and to reinforce the system of racial domination, by providing for administrative detention, torture, censorship, banning, and assassination.

Israel's practices in the OPT can be defined by the same three 'pillars' of apartheid. The first pillar derives from Israeli laws and policies that establish Jewish identity for purposes of law and afford a preferential legal status and material benefits to Jews over non-Jews. The product of this in the OPT is an institutionalised system that privileges Jewish settlers and discriminates against Palestinians on the basis of the inferior status afforded to non-Jews by Israel. At the root of this system are Israel's citizenship laws, whereby group identity is the primary factor in determining questions involving the acquisition of Israeli citizenship. The 1950 Law of Return defines who is a Jew for purposes of the law and allows every Jew to immigrate to Israel or the OPT. The 1952 Citizenship Law then grants automatic citizenship to people who immigrate under the Law of Return, while erecting insurmountable obstacles to citizenship for Palestinian refugees. Israeli law conveying special standing to Jewish identity is then applied extra-territorially to extend preferential legal status and material privileges to Jewish settlers in the OPT and thus discriminate against Palestinians. The review of Israel's practices under Article 2 of the Apartheid Convention provides abundant evidence of discrimination against Palestinians that flows from that inferior status, in realms such as the right to leave and return to one's country, freedom of movement and residence, and access to land. The 2003 Citizenship and Entry into Israel Law banning Palestinian family unification is a further example of legislation that confers benefits to Jews over Palestinians and illustrates the adverse impact of having the status of Palestinian Arab. The disparity in how the two groups are treated by Israel is highlighted through the application of a harsher set of laws and different courts for Palestinians in the OPT than for Jewish settlers, as well as through the restrictions imposed by the permit and ID systems.

The second pillar is reflected in Israel's grand policy to fragment the OPT for the purposes of segregation and domination. This policy is evidenced by: Israel's extensive appropriation of Palestinian land, which continues to shrink the territorial space available to Palestinians; the hermetic closure and isolation of the Gaza Strip from the rest of the OPT; the deliberate severing of East Jerusalem from the rest of the West Bank; and the appropriation and construction policies serving to carve up the West Bank into an intricate and well-serviced network of connected settlements for Jewish-Israelis and an archipelago of besieged and non-contiguous enclaves for Palestinians. That these measures are intended to segregate the population along racial lines in violation of Article 2(d) of the Apartheid Convention is clear from the visible web of walls, separate roads, and checkpoints, and the invisible web of permit and ID systems, that combine to ensure that Palestinians

remain confined to the reserves designated for them while Israeli Jews are prohibited from entering those reserves but enjoy freedom of movement throughout the rest of the Palestinian territory.

Whether the confinement of Palestinians to certain reserves or enclaves within the OPT is analogous to South African 'grand apartheid' in the further sense that Israel intends Palestinian rights ultimately to be met by the creation of a State in parts of the OPT whose rationale is based on racial segregation engages political questions beyond the scope and method of this study. Within the scope of this study is that, much as the same restrictions functioned in apartheid South Africa, the policy of geographic fragmentation has the effect of crushing Palestinian socio-economic life, securing Palestinian vulnerability to Israeli economic dominance, and of enforcing a rigid segregation of Palestinian and Jewish populations. The fragmentation of the territorial integrity of a Self Determination unit for the purposes of racial segregation and domination is prohibited by international law.

The third pillar upon which Israel's system of apartheid in the OPT rests is its 'security' laws and policies. The extrajudicial killing, torture and cruel, inhuman or degrading treatment and arbitrary arrest and imprisonment of Palestinians, as described under the rubric of Article 2(a) of the Apartheid Convention, are all justified by Israel on the pretext of security. These policies are State sanctioned, and often approved by the Israeli judicial system, and supported by an oppressive code of military laws and a system of improperly constituted military courts. Additionally, this study finds that Israel's invocation of 'security' to validate sweeping restrictions on Palestinian freedom of opinion, expression, assembly, association and movement also often purports to mask a true underlying intent to suppress dissent to its system of domination, and thereby maintain control over Palestinians as a group. This study does not contend that Israel's claims about security are by definition lacking in merit; however, Israel's invocation of 'security' to validate severe policies and disproportionate practices toward the Palestinians often masks the intent to suppress Palestinian opposition to a system of domination by one racial group over another.

Thus, while the individual practices listed in the Apartheid Convention do not in themselves define apartheid, these practices do not occur in the OPT in a vacuum, but are integrated and complementary elements of an institutionalized and oppressive system of Israeli domination and oppression over Palestinians as a group; that is, a system of apartheid.

In summary, this study finds that Jewish and Palestinian identities function as racial identities in the sense provided by ICERD, the Apartheid Convention, and the jurisprudence of the International Criminal Tribunals for Rwanda and the former Yugoslavia. Israel's status as a 'Jewish State' is inscribed in its Basic Law and it has developed legal and institutional mechanisms by which the State seeks to ensure its enduring Jewish character. These laws and institutions are channeled into the OPT to convey privileges to Jewish settlers and disadvantage Palestinians on the basis of their respective group identities. This domination is associated principally with transferring control over land in the OPT to exclusively Jewish use, thus also altering the demographic status of the territory. This discriminatory treatment cannot be explained or excused on grounds of citizenship, both because it goes beyond what is permitted by ICERD and because certain provisions in Israeli civil and military law provide that Jews present in the OPT who are not citizens of Israel also enjoy privileges conferred on Jewish-Israeli citizens in the OPT by virtue of being Jews. Consequently, this study finds that the State of Israel exercises control in the OPT with the purpose of maintaining a system of domination by Jews over Palestinians and that this system constitutes a breach of the prohibition of apartheid.

F. Implications and Recommendations

International law is inherently biased towards the protection of State interests. Although the Palestinian people has some international status because of its entitlement to Self Determination, the remedies available to it on the international sphere are limited, and principally lie in recourse to human rights bodies in attempts to ensure that Palestinian rights are respected. This relative absence of remedies available to the right bearer does not, however, have the consequence that Israel's obligations are lessened or extinguished. The conclusion that Israel has breached the international legal prohibitions of apartheid and colonialism in the OPT suggests that the occupation itself is illegal on these grounds.

The legal consequences of these findings are grave and entail obligations not merely for Israel but also for the international community as a whole. Israel bears the primary responsibility for remedying the illegal situation it has created. In the first place,

it has the duty to cease its unlawful activity and dismantle the structures and institutions of colonialism and apartheid that it has created. Israel is additionally required by international law to implement duties of reparation, compensation and satisfaction in order to wipe out the consequences of its unlawful acts.

But above all, in common with all States, whether acting singly or through the agency of intergovernmental organisations, Israel has the duty to promote the Palestinian people's exercise of its right of self-determination in order that it might freely determine its political status freely pursue its own economic policy and social and cultural development.

The realisation of Self Determination and the prohibition on apartheid are peremptory norms of international law from which no derogation is permitted. Both express core values of international public policy and generate obligations for the international community as a whole. These obligations adhere to individual States and the intergovernmental organisations through which they act collectively. Breaches of peremptory norms, which involve a gross or systematic failure by the responsible State to fulfill the obligations they impose, generate derivative obligations for States and intergovernmental organisations of cooperation and abstention. States, and intergovernmental organisations, must cooperate to bring to an end, any and all, serious breaches of peremptory norms.

The obligation of cooperation imposed upon States may be pursued through intergovernmental organisations, such as the United Nations, should States decide that this is appropriate, but must also be pursued outside these organisations by way of inter-State diplomatic measures. One possible mechanism is that States may invoke the international responsibility of Israel to call it to account for its violations of the peremptory prohibitions of colonialism and apartheid. All States have a legal interest in ensuring that no State breaches these norms, and accordingly all States have the legal capacity to invoke Israel's responsibility. Above all, however, all States and intergovernmental organisations have the duty to promote the Palestinian people's exercise of its right of self-determination in order that it might freely determine its political status and economic policy.

The duty of abstention has two elements: States must not recognise as lawful situations created by serious breaches of peremptory norms nor render aid or assistance in maintaining that situation. In particular, States must not recognise Israel's annexation of East Jerusalem or its attempt to acquire territory in the West Bank through the consolidation of settlements, nor may they bolster the latter's economic viability. Should any State fail to fulfill its duty of abstention then it risks becoming complicit in Israel's internationally wrongful acts, and thus independently engaging its own responsibility, with all the legal consequences of reparation that this entails. In short, for States the legal consequences of Israel's breach of the peremptory norms prohibiting colonialism and apartheid are clear.

When faced with a serious breach of an obligation arising under a peremptory norm, all States have the duty not to recognise this situation as lawful and have the duty not to aid or assist the maintenance of this situation. Further, all States must co-operate to bring this situation to an end.

If a state fails to fulfill these duties, axiomatically it commits an internationally wrongful act. If a State aids or assists another State in maintaining that unlawful situation, knowing it to be unlawful, then it becomes complicit in its commission and itself commits an internationally wrongful act. States cannot evade these obligations through the act of combination. They cannot claim that the proper route for the discharge of these obligations is combined action through an intergovernmental organisation and that if it fails to act then their individual obligations of cooperation and abstention are extinguished. That is, States cannot evade their international obligations by hiding behind the independent personality of an international organisation of which they are members.

Moreover, like States, intergovernmental organisations themselves bear responsibility for their actions under international law. Obligations erga omnes generated by a breach of a peremptory norm of international law are imposed on the international community as a whole and are thus imposed equally on intergovernmental organisations as well as States. As the International Court of Justice stated in the Legal Consequences of the Construction of a Wall in Occupied Palestinian Territory Advisory Opinion, the United Nations bears a special responsibility for the resolution of the Israel-Palestine conflict. While both States and intergovernmental organisations

have a degree of discretion in determining how they may implement their duties of cooperation and abstention, the authors of this study agree with Professor Dugard's suggestion that the parameters of these duties might best be delineated by seeking advice from the International Court of Justice. Accordingly we respectfully suggest that, in accordance with Article 96 of the

Charter of the United Nations and pursuant to Article 65 of the Statute of the International Court of Justice, an advisory opinion be urgently requested on the following question:

Do the policies and practices of Israel within the Occupied Palestinian Territories violate the norms prohibiting apartheid and colonialism; and, if so, what are the legal consequences arising from Israel's policies and practices, considering the rules and principles of international law, including the International Convention on the Elimination of all forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Declaration on the Granting of Independence to Colonial Countries and Peoples, UN General Assembly Resolution 1514 (1960), the Fourth Geneva Convention of 1949, and other relevant Security Council and General Assembly resolutions?

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Helping Palestinians In Need

Who we are...

Interpal is a British charity that works to provide relief and development aid to Palestinians in need, mainly in the West Bank, Gaza Strip and the refugee camps in Lebanon and Jordan. Our focus is medical aid, education, child sponsorship and community development.

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BOOK REVIEWS book reviews

A Time To Speak Out: Independent Jewish Voices on Israel, Zionism and Jewish Identity

By Anne Karpf, Brian Klug, Jacqueline Rose, Barbara Rosenbaum
Reviewed by Dr Jeanine Pfahlert

The Case for Palestine: An International Law Perspective

By John Quigley
Reviewed by Dr Stephen Sizer

Thinking Palestine

By Ronit Lentin (Ed)
Reviewed by Dr Claudia Prestel

The Returns of Zionism: Myths, Politics and Scholarship in Israel

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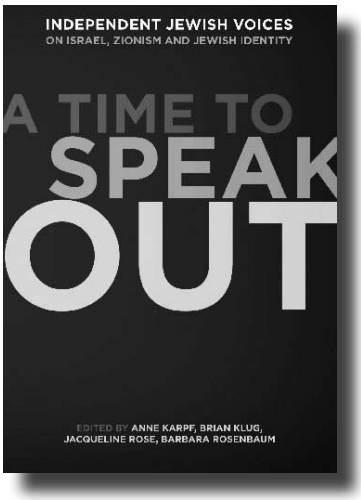
American Foreign Policy & the Muslim World

By Ishtiaq Hossain & Mohsen Salih
Reviewed by Samira Quraishy

A Time To Speak Out: Independent Jewish Voices on Israel, Zionism and Jewish Identity

By Anne Karpf, Brian Klug, Jacqueline Rose, Barbara Rosenbaum (Eds),
Verso Books, 2008,
ISBN 9781844672295, pp 306, RRP £9.99



This anthology, produced by a British organization of independent Jewish individuals, addresses vital issues related to the Israeli-Palestinian conflict. Key issues addressed include political representation, Jewish identity, social justice, and human rights. The epicenter of the anthology's attention is the Israeli state and its claim to represent the sum total of Jewish people and encompass all Jewish identities whilst adhering to democratic values and their traditionally assumed corollaries, social justice and human rights. The book contests the Israeli state's claim on representation, Jewishness in general; especially its assertation that the state actually remains loyal to democratic values such as social justice and human rights. Instead, the contributing authors offer an alternative view of Jewish influence in international relations that utilizes Jewish culture rather than Israeli state power.

This particular group of individuals, under the banner of Independent Jewish Voices (IJV), includes a copy of their Declaration (2007) expressing commitment to ideological pluralism as well as human rights for all. The Declaration further expresses commitment to peace, security, and stability. The Declaration also rejects racism in all forms. The Declaration's fifth, final, and most directive statement reads as follows: "The battle against anti-Semitism is vital and is undermined whenever opposition to Israeli government politics is automatically branded as anti-Semitic" (306). Generally the anthology, as does IJV, recommends and offers critical discourses that simultaneously challenge anti-Semitism and the oppressive Israeli presence in Palestine.

Contributing essays titled A Student's Story and The Virtual Reality of Israeli Universities include personal reflections on experiences in Jewish universities and collegial organizations; social ostracism from more status quo oriented co-ethinics for example. Timely topics such as the role of on-line communication in political debate arrise in the essay The Blogging Wars. These topics and approaches should make the anthology appealing to contemporary audiences and those interested in the cutting edge of social and political issues related to Israeli political policy, Israeli-Palestinian relations, and Middle Eastern politics in general.

This anthology further examines issues in depth such as the very crux and constitution of Jewish identity, the relationship between the Jewish quest for freedom and self-determination and revolutions in France and Russia, and the legacy Jews have within the political Left. Perhaps most compelling are The Jews and the Left, highlighting the meaningful commitments many Jewish people have or continue to have with the political left, juxtaposed to The New Antisemitism which takes what the author perceives as antisemitism eminating from the the political left to task. The anthology, thus, lacks neither historicity nor critical and opinionated thought.

Overall the book assumes a remarkable cultural and political responsibility, sparks new conversations, and takes a brave standpoint while embracing a variety of perspectives and viewpoints. Considering the poineering quality of the anthology's appoach to the topics and issues, rejecting the book as entirely exclusionary and incomplete would be too brash, naive, and irresponsible. What the book neglects to do, however, is include Palestinian voices. This comes as an ironic disappointment following the clearly democratic and inclusive tone set in the book's onset. For this reason IJV will ideally seek contributions for forthcoming editions from Palestinian authors to ensure their programme of human rights and social justice receives the respect it deserves.

Reviewed by Dr Jeanine Pfahlert
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The Case for Palestine:
An International Law Perspective
By John Quigley,
Duke University Press, 2005 (2nd Edition),
ISBN 978 0822335399, pp 360, RRP £17.99

In clear and unequivocal terms John Quigley presents 'the Case for Palestine' based on the rule of international law. As a distinguished professor of criminal, comparative and international law at Ohio State University, with many years active engagement in issues of human rights world-wide, Quigley writes with authority, credibility and courage. In 33 short, readable chapters, Quigley traces the implications of the systematic and inexorable colonisation of Palestine by waves of Zionist colonisers. It is also without doubt the best single volume summary of the legal case for an independent, sovereign and viable Palestinian state. Most convincingly, he lays bare the fallacy that somehow the Israeli-Palestinian conflict, the longest running dispute in the history of the United Nations, is somehow too complicated or too intractable to be resolved.

In the introduction, he presents the thesis of the book, to which he has dedicated his life:

"The conflict needs to be resolved, in my estimation, in a manner consistent with the legitimate expectations of the two populations as regards rights of residency, of property, of fair treatment. Those expectations are found in the rules that the world community has developed for the treatment of individuals, for control over territory, and the like. It is a thesis of this book that the rights of the individuals who make up the two populations must be respected in a settlement. My fear is that a settlement that does not respect those rights will not be accepted and may only perpetuate the conflict." (xii)

Quigley is dismissive of those who take a pragmatic or partisan approach to resolving the conflict, indeed who feel, to use his words, that the emphasis on legal entitlement is somehow "unrealistic, even counterproductive." Instead, he rightly lays the blame for the breakdown of successive peace initiatives to Israel's unwillingness to negotiate on the basis of principles of justice and law, as much as the unwillingness of the UN Security Council to implement its own resolutions.

He argues with great clarity that established tenets of international law, and in particular the right of self-determination, have been systematically ignored, resisted, violated or neutralised by the pro-Zionist lobby and by successive US administrations, to the complete detriment, not only of Palestinian rights, but the securing of a lasting peace in the wider Middle East.

Quigley provides an impartial and thorough understanding of both sides of the conflict in the context of international law. He contends, however, based on that body of law, that Palestinians have a much stronger legal claim to Jerusalem than do the Israelis; that Palestinian refugees have the inalienable right of return to their homes and land, including those within the borders of Israel; and that Israel must withdraw from the Palestinian territory occupied since 1967.

The five sections provide an extensive and well documented evaluation of the conflict spanning the last 120 years:

Part 1: Origins of the Zionist-Arab Conflict in Palestine

Part 2: The 1948 War and the Establishment of Israel

Part 3: The Status of Arabs in Israel

Part 4: The 1967 War, the West Bank and the Gaza Strip

Part 5: Resolution of the Palestine-Israel Conflict

Quigley discusses the origins of the Zionist movement, the League of Nations' decision to promote a Jewish homeland in Palestine, the 1948 war and creation of Israel, and Israel's occupation of the West Bank, Gaza Strip, and Golan Heights during the 1967 war. Fully one third of the book comprises notes, sources and bibliography, a veritable goldmine for fellow researchers.

The first edition, published in 1990, has already received considerable praise. Professor Francis A. Boyle, legal adviser to the Palestinian delegation to

the Middle East peace negotiations (1991–93), for example, writes, "This masterful book comes at a most critical time in the history of the Israeli-Palestinian conflict and of American foreign policy towards the Middle East. It sets forth essential information on the international legal and human rights principles applicable to the Israeli-Palestinian conflict and their relevance to the production of a comprehensive Middle East peace settlement between Israel and Palestine as well as between Israel and the surrounding Arab States. Indeed, there is no way anyone can even begin to comprehend the Israeli-Palestinian conflict and how to resolve it without developing a basic working knowledge of the principles of international law and human rights related thereto. By the end of this book, the reader should be in an excellent position to go out and work for peace with justice for all peoples and states in the Middle East."

Richard H. Curtiss, executive editor, Washington Report on Middle East Affairs writes that Quigley, "shows that by excluding the United Nations and insisting on bilateral peace negotiations between Israel and the Palestinians, Washington diluted the principles of international law—to the ultimate detriment of the parties themselves and of the international community as a whole."

Ghaleb Darabya, writing in the, International Third World Studies Journal and Review says,

"The Case for Palestine is a concise, well written book with invaluable summary of historical background for the Palestinian-Israeli conflict. John Quigley's dispassionate analysis and presentation of unbiased historical facts from credible sources overwhelmingly serves to educate and inform any reader. . . . [It] should be considered a must read for all those interested in a comprehensive overview of the legal issues surrounding this conflict and for all those interested in bringing about a long-lasting, durable peace and justice in the holy land."

This second, expanded edition, first published in 2005, elaborates on the hopes and disappointments of the more recent deadlocked peace process, notably the failure of the Oslo and Madrid negotiations. Quigley concludes by insisting, in somewhat understated and dispassionate terms, what is the unmistakable thesis of the book as a whole, that the resolution to the Arab-Israeli conflict rests entirely with us, the world community, represented by the United Nations: "The international community bears a responsibility to ensure an outcome consistent with the legal rights of the parties. If the matter is left exclusively to the parties, there is a serious risk of an inappropriate outcome. That would be unfortunate for the inhabitants of the region. It would also increase the likelihood that the international community, which has dealt with the Arab-Israeli conflict for half a century, will face many more years of turmoil in the region." (p. 238)

Reviewed by Dr Stephen Sizer,
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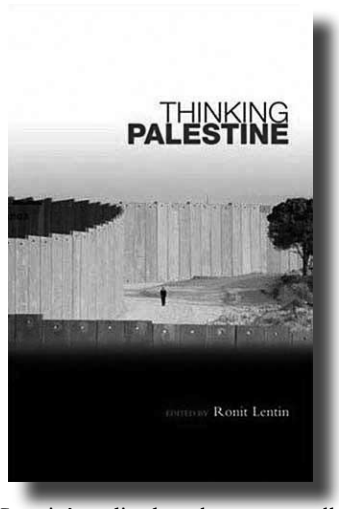
Thinking Palestine
By Ronit Lentin (ed.),
Zed Books, London & New York 2008,
ISBN 9781842779071, pp 264, £18.99.



Ronit Lentin's edited volume, a collaborative effort of an interdisciplinary group of Palestinian, Israeli, American, British and Irish scholars is an "analysis of Palestine in light of Georgio Agamben's 'state of exception' (p. 2)". For Raef Zreik, for example, the State of Israel "exposes the Achilles' heel of liberal political and legal theory" (…) and reveals "what lies beneath the smooth surface of other countries" (p. 144)

Ronit Lentin, a distinguished Israel scholar and peace activist who lives in a chosen "exile" in Ireland, reflects on the reasons for the Israeli scholars' preoccupation with researching Palestinians. She mentions the close cooperation between the security services and Israeli universities. It is in this context that the academic boycott of Israeli universities has to be seen as they are often part and parcel of the Israeli occupation. In the book Lentin therefore calls for a "theorization of

'Palestinians' not merely as victims, or as spoken for and about." (p. 3) Apart from offering "theoretical approaches to thinking Palestine" the contributors are also politically committed to advocating a one-state solution (p. 14) which makes this book even more important in its originality for new ideas and solutions to the conflict.

Several scholars have tried to reflect on the nature of the Israeli state and challenge its definition of a "democracy". Whilst some scholars have called it an "ethnic democracy" David Theo Goldberg in the edited volume takes on a new approach. For him Israel "represents a novel form of the racial state more generally" (p. 26) and he argues that Palestinians are "treated not as if a racial group, not simply in the manner of a racial group. But as a despised and demonic racial group." (p.42) A brief psychological explanation which would call for a much deeper analysis concludes his argument by pointing out that those "ready to inflict so much pain on others cannot possibly 'like themselves either'. The violence thus "can only be a mania of the most debilitating, distorting, self-destructive sort." (p. 44) This is a very important point and one wishes to see far more research into these issues as it would also offer then a solution to the conflict.

Gargi Bhattacharyya investigates the unconditional support Israel enjoys in the West and how Israel exploits this support under the disguise of the "War on Terror". The new discourse in the West symbolizes the end of multiculturalism and an explicit embrace of neo-colonialism and imperialism as the "powerful must use all the might at their disposal because this is better for civilization and the world" (p. 60).

Honaida Ghanim uses the heartbreaking story of a woman giving birth at a checkpoint as a starting point in order to shows how even the classic "civilian" – unthreatening, harmless and a woman – became the "potential terrorist", since colonial occupation left no room for the category of civilian (p. 67). She uses the model of "thanatopower" and Thanatopolitics to explain population management under colonial occupation. For Ghanim the power used against the Palestinians is about "managing them as biological subjects through localizing them in the liminal zone between life and death, between dieting and starvation – not really dying but being one step before that, where 'a decision on life becomes a decision on death." (p. 77) Ghanim offers a sophisticated approach to suicide bombing – as "an escape route from the total control of the occupation" where s/he recharges the 'death act' with a symbolic political meaning, giving it a unique form of eternal life, which cannot be controlled by any outsider" (p. 78) – yet also warns of the danger of this "deadly trap" as it turns the "political into a state that can be gained only at the moment of its elimination" (p. 79).

Sari Hanafi argues that the space of the refugee camps in Lebanon was treated as a "space of exception and an experimental laboratory for control and surveillance" (p. 88), yet agency also expresses itself in the state of exception (p. 91). He advocates the inclusion of the camps in the state's urban infrastructure and challenges the notion that the camps nurture Palestinian national identity. Instead these camps where "radical national movements mingle with religious conservatism" created a "new un-docile urban identity rather than a national one" (p. 95) and as a "space of radicalism" contribute to perpetuating the conflict.

Laleh Khalili investigates the Al-Ansar Mass Detention Camp in Lebanon where in between June 1982 and May 1985, 12-15,000 Lebanese and Palestinian men and women were held and argues that the Ansar detention camp is a relevant subject of study because of its very familiar "ordinariness as an instrument of control", perfected in "past colonial settings". Ansar therefore was the "historic outcome of a whole series of strategies of counterinsurgency, institutions of domination, and technologies of control perfected through decades of colonial rule, beginning in the late nineteenth century".

In a comparative approach Alina Korn classifies the Occupied Territories as a prison or a network of prison rather than referring to Bantustans. The change in pattern of control began with the Oslo process when ghettoization (in Palestine) has replaced imprisonment (in Israel), which also enables Israel to take over more and more Palestinian lands. Whilst the classic ghetto also offered the "subordinate group partial protection and a platform for succour and solidarity" (p. 122), the process of ghettoization in the Occupied Territories led to the "destruction of political and civic organizations and to the dismantling of the natural and national fabric of Palestinian society" (p. 123). She also challenges the concept of anarchy and argues that the situation in the Territories is an "exercise of limitless state power" (p. 123). Korn also critically investigates the

role of international humanitarian aid and how it benefits the occupation. Her arguments are thought provoking as she argues that funds provided by the international community "fund, directly and indirectly the Israeli occupation" (p. 127). The neighbourhoods built following Israeli house-demolitions are "specially fitted to the size of Israeli tanks" (p. 127).

Ilan Pappe on the other hand warns against viewing Israel as a 'state of exception'. On the contrary, for him Israel is a Mukhabarat state, a 'state of oppression' – at least with regard to the indigenous population - and not a variant of a flawed democracy. To include Israel within the 'state of exception' would only "reinforce the global immunity Israel receives for its membership in the camp of democratic states" and would thus enable the state to continue the dispossession of the Palestinians (p. 149). Only a process of De-Zionization would lead to the democratization of the country as a whole as well as a change in Western attitudes (p. 150). Pappe uses the example of Azmi Bshara, the former Knesset member and Palestinian citizen of Israel, to argue the case that genuine supporters of democracy are branded as the arch-enemies of the state.

Nahla Abdo challenges the Western feminist representation of Palestinian Munadelat, arguing that these feminist discourses on Palestinian women freedom fighters continue to orientalize and racialize Palestinians. Based on interviews Abdo argues that Palestinian women's bodies and sexuality "are best understood as tools used by the colonizer/occupier to quell the occupied/colonized resistance." (p. 186)

David Landy investigates the complex role of alternative study tours and demonstrates the limits of the "good intentions". Whilst the foreign activists can feel as heroes and walk away, the Palestinian tourist guides experience it as a disempowering activity that comes at the expense of the "subjectivity and political aspirations of Palestinians themselves" (p. 203).

Similarly Ronit Lentin in her critical analysis of Zochrot, an Israeli group dedicated since 2002 to the commemoration of the Nakba, argues that despite its benefits, it is still a very problematic and very Israeli lieu de memoire (p. 214) as its activities deprive the Palestinians of their voice and appropriates Palestinian memory and perpetuates Palestinian victimhood. Furthermore, its activities do not translate into political action such as the support for the right of return. Lentin even goes as far as to argue that

Zochrot "perpetuates rather than contests the ongoing colonization of Palestine" (p. 217).

The edited volume challenges accepted wisdoms and concepts and forces us to rethink critical issues. It provides a fresh framework despite the fact that some ideas needed further analysis. The book not only tells the story of suffering and abuse but provides the analytical framework for the underlying reasons and therefore also offers possible solutions to the conflict. It is a must read for every scholar and one hopes that it would also reach a wider audience, in particular decision-making powers such as Western politicians.

Reviewed by Dr Claudia Prestel,
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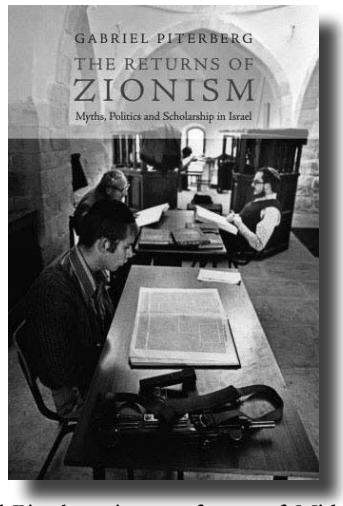
The Returns of Zionism:
Myths, Politics and Scholarship in Israel
By Gabriel Peterberg,
Verso Books, 2008,
ISBN 978-1844672608, pp 256, RRP £16.99



Gabriel Piterberg is a professor of Middle Eastern History, teaching at UCLA. Piterberg's foray into the realms of Middle Eastern history began at Tel Aviv University where he studied his BA. However, Piterberg's scholarly voice has come to be regarded as existing within the genre of post (anti) – Zionist literature. Subject to criticism by Israeli academics, Piterberg has nonetheless continued to work at exposing the myths of Zionism as it has existed since the 19th century until the present day.

Whilst Piterbergs first book (An Ottoman

Whilst Piterbergs first book (An Ottoman Tragedy: History and Historiography at Play) was ideal in catering for the university history student or academic, this second book is much wider reaching and far more accessible to the general interested reader. Indeed, Piterberg himself notes that this book is intended to travel further than the academic minds of his previous works. And indeed, it does.

The Returns of Zionism explores and explains periods of Zionist history that were previously cast in shadow by far more overarching events, not least the use of the Holocaust in Zionist rhetoric. An unfathomably awful period of history, it has nonetheless been used as a means of justification by Zionism and its propagators as they expropriated the subjugation and mistreatment of the indigenous Palestinian population. In this work Piterberg exposes the myths of Zionism and the misuse of those terrible events to justify more terrible events.

This work, more or less chronologically, details the development of Zionism from the 19th century. However, it is the structure of the book into chapters pertaining to specific myths that magnify the creation of Zionist mythology as it developed throughout its history and in relation to significant historical events. Although, this may have been charted by many a scholar previously, Piterberg has accessed and used many documents that have not previously been translated from Hebrew. In doing so, the book has travelled into a new entity which delves further into the myths that Zionism has developed since the 19th century. Beginning with a discussion of Hannah Arendt, Bernard Lazare and Theodore Herzl and their ideologies, Piterberg examines the myth of the "conscious pariah". Piterberg notes that the development of this myth was only the beginning of the chain of myths that Zionists used to validate their mission.

Of the myths that Piterberg explores, perhaps the most significant is his chapter on "the foundational myth of Zionism: politics, ideology and scholarship". In this chapter Piterberg discusses the ways in which the "negation of exile" myth was developed, the myth that 'Jewish existence outside Israel is not authentic' has been advertised by almost every significant Zionist figure. However, Piterberg explores the way that such a myth developed and was used in order to gather support for one primary reason – the creation of the state of Israel with a disregard of the existent Palestinian population. Perhaps it is Piterberg's use of David Ben Gurion's statement regarding Kristallnacht which shocks the reader most deeply, "Ben Gurion said that if had to choose between saving all of Germany's Jewish children on the condition that they go to England, and saving half of them but have that half sent to Palestine, he would opt for the latter." The illustration of such myths is just one reason for this works distinctiveness.

Piterberg makes the journey into the land of Zionist myths by maintaining a clear focus on the texts that support it. Whilst many other accounts have focused on the events of Zionist history and its occupation of Palestine, Piterberg focuses on the ideological forces behind these events. By concentrating on the writings of prominent Zionist figures, Piterberg exposes his readers to the realities of Zionism – that Zionism was not really a development of Jewish nationalism; in fact it shared more similarities with imperialism. Piterberg begins his first chapter with a quote from Joseph Levy (a director of the Jewish Exodus from Europe and colonization of Palestine) "I divided a map of Palestine into small squares, which I numbered". Opening his book with such a quote Piterberg can leave no doubt in the readers mind -his belief the "foundational myth of Zionism" is more than just a belief, it is essentially fact evidenced by Zionism's own documents.

Whether or not Piterberg intended to shock his readers, he nonetheless certainly manages to do so. In his exposé of a wide range of documents the reader becomes incredulous as they discover the racism that exists within Zionism, its texts and ideologues. That an ideology can be filled with such rhetoric is disturbing. By having produced such work Piterberg is awakening his readers' minds and forcing them to take a fresh look at what Zionism really is and really means.

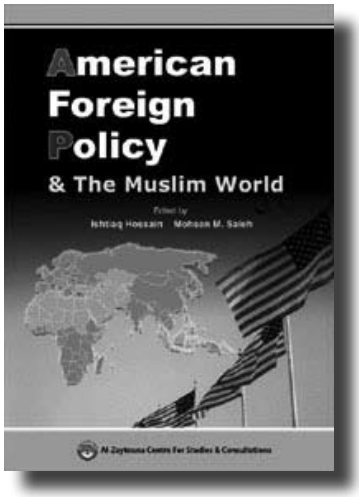
Perhaps it is the example of Theodore Herzl referring to himself as 'Daniel Deronda' (a fictional character of George Elliot's creation in her novel of the same title) which is the most remarkable. Herzl, arguably one of the most influential Zionist ideologues, believes that his thoughts are similar to those of a made up character from a novel. In fact, he believes that he is Daniel Deronda. Surely a force such as Herzl, who led Zionism itself, should have been able to tell the difference between reality and 'story land', and between fact and fiction? But yet again, Piterberg exposes the ways in which

'creativity' was used in Zionist ideology.

Gabriel Piterberg has produced an astonishing work that is a world away from many other academic works – it is engaging and astounding. Whilst many other academic works often fall into a world of their own, excluding those outside scholarly endeavours, Piterberg includes everyone, even those who may only be mildly interested. However, most importantly, Piterberg exposes the myths that have been used to justify Zionist actions from its inception – yet he does this and remains firmly within the realms of fact and proof; demonstrating that the truth will always surface. Though the book opens with a strong coherent introduction, it lacks such an ending – a conclusion of his main arguments might have been the only useful addition to this book. Yet whether you agree or disagree with Piterberg's political stance, it is near impossible to argue with his work. Piterberg has firmly turned the history of Zionism on its head and forced a much needed new reinterpretation of it.

Reviewed by Shazia Arshad
Labour Friends of Palestine and the Middle East, London

American Foreign Policy & the Muslim World
By Ishtiaq Hossain & Mohsen Salih,
Al Zaytouna Centre for Studies and Consultation, 2009,
ISBN 978-9953-500-65-2, pp 422, RRP $22



'American Foreign Policy & the Muslim World' is a compilation of academic essays and articles aimed at 'dispel [ling] naïve ideas and misconceptions…about US foreign policy'. The editors were hoping that in compiling this edition, it would equip students within the Middle East, South and Southeast Asia with more understanding and knowledge of how the American political system works and key factors and influences affecting it. Students will find a wealth of information analysing the ins and outs of foreign policymaking in the US and the key players directly or indirectly affecting the outcomes of such policies, be it different influence groups, the media or the effectiveness of US governmental bodies and political system in general, and how these all inter-relate to form perceptions of the Muslim world.

The editors, Ishtiaq Hossain and Mohsen Saleh, take on the mammoth task of trying to explain to the reader the reasons behind the Bush administration's political actions (or inactions in the case of Occupied Palestine, allowing Israel to continue its settlement expansions and keeping silent during Israeli bombardment of Lebanon in 2006). The editor's highlight 'a kaleidoscopic view of concerns of ordinary citizens all over the world, and in particular of the Muslims' such as the United States policy of unilateralism under the Bush administration, and its 'preference to 'act alone' in world affairs', which has seen societies and whole countries alienated or criminalised for not conforming to US policies. America's 'war on terror' is another worry with many equating it to mean a 'war on Islam', and questioning the legitimacy and real intention to the invasions of Afghanistan and Iraq. Using 9/11 as a means to penalise countries such as Iran for its nuclear development programme and yet turning a blind eye to Israel's accumulation of nuclear weapons, these double standards are a typical theme of the Bush Administration's foreign policy. Hossain and Saleh also suggest America's support or non-criticism of dictatorial regimes within Muslim countries being a sensitive issue for many critics.

The essays contained in this book are divided into three sections: Part One is entitled 'American Foreign Policy: The Domestic Sources' analyses different players effecting the foreign policymaking process in the US such as the Pro-Israeli lobby and Christian Evangelical lobby; Part Two – 'American Foreign Policy- Characteristics' looks at US foreign policy in practise over the years and defining moments that have influenced its decision-making today. The final section 'American Foreign Policy: The Five Legacies' closely scrutinises foreign policy legacies resulting from the direct and

indirect action of American governments including its policies in Palestine, Iraq and Afghanistan.

A crucial element of understanding foreign policy is understanding what drives decision-makers. Ultimately it depends on the domestic influences, with authors analysing a variety of sources and shedding light on the key figures affecting the policymaking process. What came across is the amount of influence certain groups or organisations had and how they came about being in a position to influence. Dr Ishtiaq Hossain interestingly highlights that within majority of foreign policymaking institutions, there lies a deep embedded belief that America's notion of 'exceptionalism' i.e. their ideas of liberty and democracy should be 'brought to darkened areas of the world' with the global community all sharing a common goal:

'The possession of immense power and the belief in a universal mission by a nation have the potential to produce great good and great harm… exceptionalism is not considered a burden by the American, but a jet-powered thrust that helped them…to do both well and good for everyone who was not evil in the eyes of those Americans. As a result, US foreign policy frequently tries to have it both way, to assume that America's national interest and the greater good of mankind are one and the same.' Chapter 1 p.33

Hossain analyses the effect of interest groups and think tanks and draws attention to the extent of their influence on foreign policy, especially in the Middle East. This chapter sets the scene for the remainder of the essays in this section, with Dr Muhammad Arif Zakaullah delving deeper into 'The Rise of Christian Evangelicalism in American Politics' (Chapter Two) , Hossain further analyses the Neo-Conservatives agenda (Chapter Three) and American policy shift from multilateralism to unilateralism under the Bush administration.

An excellent and wholly enlightening chapter by Alison Weir on 'Public Opinion and the Media' (Chapter Four) revealed the extent of deception the American public are under due to the media filtering what information is made public. Apparently being a minor makes your death more newsworthy to NPR if you're Israeli, but less newsworthy if you're Palestinian' (p.126). Weir describes the composition of specific media organisations, showing a clear editor/reporter bias due to their pro-Israeli inclinations, whereby they filter certain parts of the news for the US public.

One significant factor, if not the most significant, in US foreign policy is the 'Role of the Israel Lobby' (Chapter Five) and the parallel influence (if any) from the Muslim/Arab Lobby (Chapter Six). Pro-Israeli interest groups such as AIPAC have an 'impressive' stronghold on US domestic and foreign policy, and through their organisational efficiency they have the ability to effectively influence four key areas: the congress, 'where Israel is virtually immune from criticism' (p.154); the executive with Israeli sympathisers within the White House and reliance on the 'ethnic voter machine and ethnic donor machine'; the media, with the majority being controlled by pro-Israel personnel; and think tanks and academic elite. Alongside efficient lobbying by pro-Israel lobby, it is the virtual absence or hesitant lobbying from Muslims that has allowed for Muslim/Arab issues to be swept under. Dr Ahrar Ahmad argues that what little the Muslim lobby has achieved is 'dilute' in its effectiveness compared to their pro-Israel counterparts.

Part two analyses characteristics of US foreign policy and how it has evolved through the century. Dr Elfatih Abdel Salam in chapter seven highlights the defining characteristics of US foreign policy showing how it has evolved through the adoption of different political theories during the 19th Century and Cold War/post Cold War era in the 20th Century. Abdel Salam illustrates how US foreign policy has shifted towards 'isolationism' and 'unilateralism' over the years and their assumptions of superiority over the rest of the world is what has shaped policies and what continues to shape them today.

Dr Shahid Shahidullah sums up the section in his chapter looking at 'The Need for a Paradigm Shift' (Chapter 9). A fascinating chapter comparing the policies of Clinton and Bush administrations, Shahidullah continuously emphasises throughout the chapter that the rise in 'radical militant Islam' should not be viewed as a new religious war between Islam and Christianity as Bush so recklessly used the 'Crusades' and Huntingtonian's 'clash of civilisations' rhetoric in many of his speeches. He provides an interesting perspective in showing how Clinton's focus on positive and progressive policies on e.g. global enlargement (globalisation and modernisation) and engagement were pushed aside for Bush's more imperialistic and unilateral foreign policy strategies.

The final section 'The Five Legacies' looks closely at US foreign policy in action, with specific reference to Palestine (Chapter 10) Iraq (Chapter 11), Iran (Chapter 12), Afghanistan (Chapter 13) and then the legacy left behind for Barak H. Obama (Chapter 14), who the editors are quick to point out is 'not a Muslim' (p.26). Dr Daud Abdullah's eye opening chapter, details the establishment of the Zionist state and Palestinian sacrifices made, highlighting the relationship between America and the state of Israel. Abdullah identified the main domestic factors influencing US foreign policy, especially its Middle East policy and suggests that the US has 'failed', predictably, in its design to 'reconcile Israeli aims with Palestinian rights' (p.287).

The closing chapter briefly analyses the legacy left behind for the new president of the United States, Barak Hussein Obama. Hossain looks at how America can move forward to mend its relations with the Muslim world, and briefly summarises Obama's foreign policies for the countries aforementioned. With Palestine, he intimates that a more inclusive and engaging policy is required, including an open dialogue with Hamas, the elected government of the Occupied Palestinian Territories. He scrutinises Obama's choices for his cabinet and even though many in the Muslim world are sceptical as to how much change he will bring, Hossain is optimistic and believes that his multilateral and engaging approach can only improve affairs, home and away.

A revealing and insightful book, 'American Foreign Policy and the Muslim World' is useful in that it explains all the different processes and key players in US foreign policy making. Some of the chapters leave the reader with more questions than answers, although that is to be expected on a topic of such complexities. One lesson, amongst many, that will be understood by Muslim and non-Muslim alike, is that in order for the global community to move forward, policies informed by notions of imperialism and hegemony need to be drastically transformed and substituted with policies that are enveloped in equality, justice and self determination.

Reviewed by Samira Quraishy,
Middle East Monitor, London.

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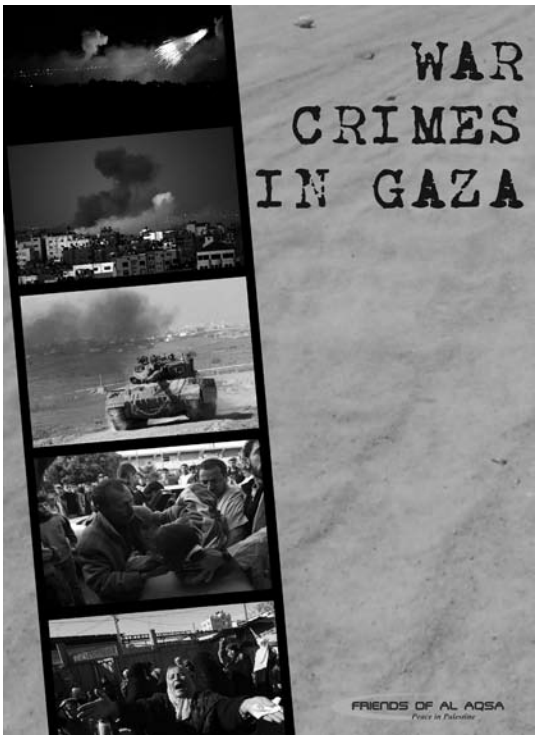
War Crimes in Gaza

A report by Friends of Al-Aqsa into the history of Gaza, including Israel's military assault in December 2008 and January 2009



Comments in support of the Report appear in the preface, and include....

Reports have come in from the UN, Al Aqsa, Amnesty International and from Israeli soldiers themselves, who were horrified by the orders they received. All confirmed the breach of International Law and Geneva Conventions by Israel.
Baroness Tonge

It is an intolerable affront to civilised values that the people of Gaza, already traumatised by the sustained firepower directed at them during Israel's "Operation Cast Lead", should still be suffering under a siege which prevents the replacement of damaged and destroyed homes, stops the repair of water and sewage systems and keeps the supply of fuel, food and medicines at a trickle.
Dr Phyllis Starkey, MP
Chair of the Select Committee for Communities and Local Government

The Gaza conflict has left many casualties on both sides of the border. However, the biggest victims are always the children and Gaza is suffering from a generation of lost youth, traumatised beyond reason by the scale of disaster and war that they have witnessed.
Dr Muhammad Abdul Bari
Secretary General, MCB

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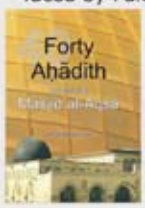
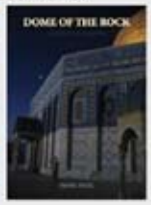
FoA Publications and Work

Publications

Aqsa Journal
This is a bi-annual journal which draws contributions from an array of writers including MPs, academics and journalists. This publication ensures that policy makers at the highest echelons are aware of the Palestinian side of the story.

Aqsa News
A quarterly newspaper with a readership of 75,000, giving an update on Palestine to raise awareness about the continuing crisis faced by Palestinians.

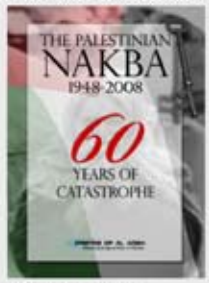




Books
Various books have been published on issues relating to Masjid Al-Aqsa and Palestine

Publications

Reports
Fully referenced Reports have been produced on issues such as the Nakba and the Gaza Conflict in order to ensure that details of the history are not forgotten and that redress for war crimes can be pursued.



Public Awareness
Friends of Al-Aqsa have printed and distributed over 3 million free information leaflets detailing aspects of Palestinian life under occupation. This is an essential front in the public awareness campaign.

Lobbying Parliament

Friends of Al-Aqsa has created links with a number of key MPs and policy makers and continues to draw attention to new research and opinion on the conflict.

UN Affiliation
Friends of Al-Aqsa is an affiliate of the United Nations Civil Society Network on the Question of Palestine.

Website

www.aqsa.org.uk is a valuable resource providing up to date news and commentary relating to Palestine. A wide array of our publications are available online to facilitate access by supporters and campaigners globally.

To keep people up to date, we have an ever expanding email list, and also utilise Facebook and Twitter.

Lectures and Conferences

Friends of Al-Aqsa continues to contribute to conferences nationally and globally, including in Indonesia, South Africa, Lebanon, Brussels, Geneva, Malaysia, Sri Lanka, and New York, seeking to find a just and viable political solution to ending the occupation of Palestinian lands.

The fruits of this work are beginning to be seen with global public opinion now more pro-Palestinians. We cannot continue this work alone and need your support.
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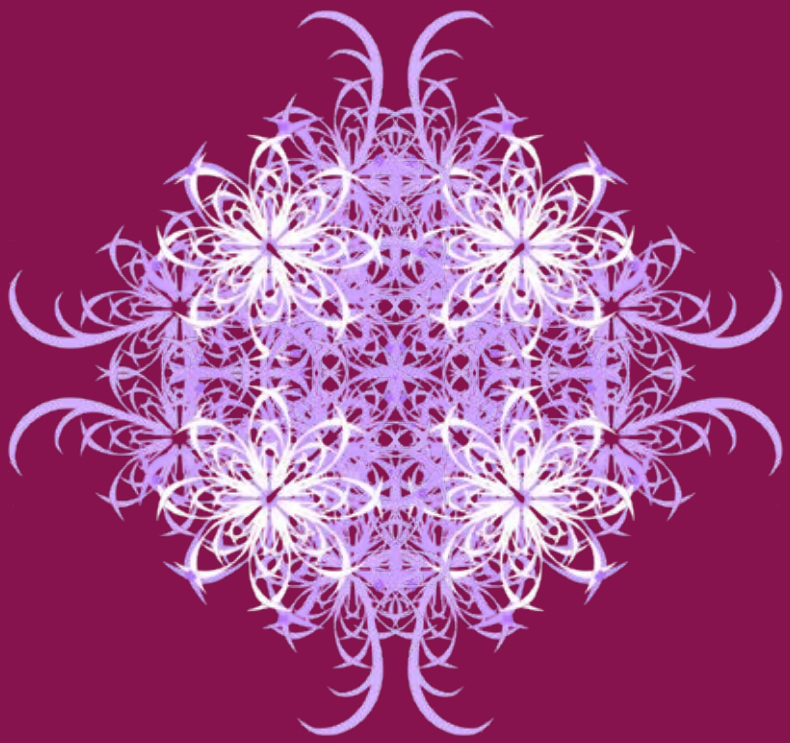

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